Policy Brief: Domestic Violence and the Violence Against Women Act

Domestic Violence can be defined as violent or aggressive behavior within the domestic context, typically involving the violent abuse of a spouse or partner. Such abuse may take many forms, from physical to verbal, sexual, or emotional abuse. Incidents of domestic violence have declined by more than 50% over the past two decades, according to U.S. Department of Justice crime surveys. Some attribute this directly to policy changes enacted by the Violence Against Women Act (VAWA); however, some researchers and advocates still feel the Justice Department could and should do more on this issue.\(^1\) Even two decades after the passage of VAWA, statistics suggest that 1 in 5 women will be raped during their lifetime.\(^2\) According to a 2010 Centers for Disease Control and Prevention survey, more than 12 million adults suffer physical violence, rape or stalking every year.\(^3\) These statistics suggest there is room for improvement in the U.S. approach to curbing domestic violence.

**HISTORY OF THE VIOLENCE AGAINST WOMAN ACT (VAWA)**

The Violence Against Women Act was first introduced in 1990 by Senator Joe Biden who, along with his staff, spent three years investigating the causes and effects of violence against women. Upon completion of this research, and as VAWA was being debated, Biden stated, “Through this process, I have become convinced that violence against women reflect as much a failure of our nation’s collective moral imagination as it does the failure of our nation’s laws and regulations. We are helpless to change the course of this violence unless, and until, we achieve a national consensus that it deserves our profound public outrage.”\(^4\) The legislation passed with bipartisan support on a final vote of 235-195 in the House and 61-38 in the Senate, and was signed into law in 1994 by President Bill Clinton after the World Conference on Human Rights and the Declaration of the Elimination of Violence Against Women.

**MAJOR COMPONENTS OF VAWA**

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\(^3\) Mantel, 2013.

VAWA contains a number of policy elements that are intended to serve two major goals. The first is to strengthen federal investigations and prosecutions of crimes involving violence against women (and domestic violence as a whole). The second is to provide assistance to governments, institutions, groups, and individuals that will enhance society’s ability to understand and address violence against women. In pursuit of these goals, VAWA comprises several provisions, including the following:

**The Federal Rape Shield law.** The Federal Rape Shield law serves to prevent or limit the introduction of evidence of a victim’s sexual history to undermine the truth to his or her claims.6

**Enhanced legal and financial support.** VAWA also establishes a series of provisions to assist victims in paying for medical attention or obtaining protection orders that are enforceable across state borders. This legal support is meant to strengthen conviction rates and penalties, ensure police response, and better inform judges as to the hardships and struggles that are a consequence of domestic violence and sexual crimes.7 Additionally, VAWA establishes grant programs to better resource state and local governments (including tribal governments) to conduct domestic violence investigations and prosecute such crimes.

**Community Violence Prevention programs.** VAWA also created new grant programs to increase funding for community efforts to educate citizens on domestic violence: how to recognize it, how to intervene, and how to understand its consequences for society. This funding supports a wide variety of community organizations, including shelters, social service organizations, and training programs. Some grants can be made directly to local governments for purposes such as improving safety in public places (e.g., parks, public transportation).

**THE IMPACT OF VAWA: STRENGTHS, WEAKNESSES, AND FUTURE IMPROVEMENTS**

VAWA has seen extremely positive effects in the years since its passage. By 2010, the proportion of women killed by their partner had fallen to 30%, and the annual rate of domestic violence had fallen by 60%.8 Since the passage of the Act, 51% more victims are reporting domestic and sexual violence

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6 It is interesting to note that the Federal Rape Shield law does not extend to the U.S. military; thus military proceedings may include past evidence of a victim’s alleged promiscuous behavior.


crimes to the authorities. One of VAWA’s provisions created the National Domestic Violence Hotline, which receives an average of 22,000 calls a month; 92% of victims say the hotline is their first attempt to get help. Another notable difference can be seen in the states, with 35 of them reforming laws to take this issue more seriously. VAWA can also be credited with saving taxpayers money. In its first six years the Act saved taxpayers at least $12.6 billion in net averted social costs; some of these costs are averted because more easily obtainable orders of protection prevent crimes and eliminate costs of investigation, trial, and incarceration.

While VAWA had immediate positive effects, it has been amended multiple times, most recently during its 2013 renewal. The 2013 renewal, which had provisions intended to fill some gaps left in the original legislation, was somewhat controversial. Many Republicans, particularly in the U.S. House, initially opposed the 2013 reauthorization due to the extension of VAWA’s provisions to same-sex couples, Native American tribal members and governments, and undocumented immigrants. VAWA’s original legislative champion, Vice President Joe Biden, also argued for the reauthorization by claiming the way America handles violence against women will have a ripple effect throughout the world, with other countries looking to the U.S. for guidance on the issue. The VAWA renewal also addressed colleges and universities, reflecting a concern about the growing problem of sexual violence on campuses. Specifically, the 2013 amendments added additional protection for student victims, requiring schools to record and report incidents as well as create plans to prevent further violence from occurring. The amendments also expanded safe housing programs for victims and improved VAWA grant programs.

While the statistics suggest there have been gains in the effort to reduce domestic violence, there has also been some argument that VAWA is “bad” for women. Some suggest that the Act places women at a greater risk for violence; with harsher punishments for their attackers the fear is that women are far less likely to request police assistance, for fear of sending a spouse or intimate partner to prison. Others argue that the law goes too far, creating potential for abuse of power. Because VAWA makes it somewhat easier to obtain a restraining order, a few studies suggest that almost 60% of restraining orders issued nationwide are issued without even the threat of physical abuse. However, VAWA can

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10 NNDEV, 2013.
11 NNDEV, 2013.
12 NNDEV, 2013.
also make it more difficult for victims to get the help that they need. While arrest rates have gone up, it still remains the case that 20% of American women will experience domestic or sexual violence in their lives.\textsuperscript{15}

Perhaps the biggest criticism of VAWA is that it places more of its focus on punishment rather than the actual prevention and elimination of violence against women. Additionally, the VAWA has largely shied away from highlighting enforcement against abusive women, despite the fact that women are also perpetrators of domestic violence; many male victims are turned away and scoffed at when claiming to be the victim of domestic violence.\textsuperscript{16} While it is widely advertised that one in four women have experienced severe physical pain at the hands of a partner, most public service campaigns fail to mention that one in seven males have also experienced such abuse.\textsuperscript{17} Thus VAWA, while a successful policy that should be permanently reauthorized, certainly has room for improvement. Policymakers should use the evolution of the Act as a guide for future expansion to keep its provisions current with the state of American society.

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\textsuperscript{15} NNDEV, 2013.
\textsuperscript{16} Mantel, 2013.
\textsuperscript{17} Mantel, 2013.