



GET THE FACTS: On the Violence Against Women Act

The Violence Against Women Act (VAWA) was signed into law by President Clinton as part of the Violent Crime Control and Law Enforcement Act of 1994. It was reauthorized and expanded in 2000 and 2005, and Congress is now considering the third reauthorization.

Why was VAWA instituted?

Under the U.S. Constitution, states and localities have primary authority over policing and responding to criminal acts of violence. VAWA initiated a federal response to domestic and sexual violence based on the belief that violence against women is perpetuated by sexism. Proponents argued that federal intervention would be necessary to change attitudes and approaches towards violence and to redistribute legal and financial resources to female victims.

How has VAWA's ideological foundation affected its design?

Because of VAWA's narrow focus on gender-based violence, the law has left many victims – including men and homosexuals – without access to services. Additionally, very little of VAWA funds have been used to address proven causes of violence, including substance abuse, psychological disorders, and marital instability, because they do not fit with the presumption that sexism is the root cause of domestic violence.

Has VAWA been effective in reducing the effects or occurrence of domestic and sexual violence?

- Proponents of VAWA cite a significant decline in rates of intimate partner violence as evidence that VAWA has achieved its objective; however, there is no evidence that this decline is attributable to VAWA. Fatal partner crimes began to fall prior to the passage of VAWA, and violent crime generally began to decline before the passage of VAWA.
- The Government Accountability Office (GAO) has reported that all attempts to evaluate VAWA programs have been problematic.¹
- VAWA does not include adequate safeguards against misuse of funds. Both the U.S. Department of Justice Office of Inspector General and the GAO have exposed blatant instances of waste and fraud in the use of VAWA grant funds.
- The criminal justice approaches funded by VAWA may be harming the very victims they were intended to protect. For example, although millions of dollars in VAWA funds go to support mandatory arrest and no-drop prosecution policies, a recent Harvard study found that such policies may lead to more intense levels of violence.²

Why are new additions to VAWA problematic?

Rather than fixing VAWA's existing flaws, the proposed reauthorization expands the law in problematic ways:

- The latest version of VAWA would grant an unprecedented amount of legal authority to tribal governments to prosecute non-Native Americans. Congress gave very little consideration to the ability of tribal governments to implement this provision or to how it might affect the constitutional rights of the accused. VAWA proponents and the media have ignored alternative proposals to address the high rates of violence against Indian women.
- The latest proposal includes language singling out lesbian, gays, bisexual, and transgender (LGBT) individuals for protection. The law should be rewritten to prevent discrimination against any victim group in the application of the law or in the distribution of grants.

Protecting women from domestic and sexual violence is an important and worthy goal, but VAWA's foundations are flawed, and the law needs to be reformed. VAWA should be amended to protect all victims of abuse more effectively and efficiently.

For More information, visit www.iwf.org

Sources

1. <http://www.gao.gov/assets/240/233527.pdf>
2. <http://www.nber.org/papers/w13186>