Violence against women is one of the most frequent, yet least recognized, human rights violation in the Caribbean region. Violence against women, which includes physical violence, sexual assault, threats of violence, rape, incest and mental cruelty continues to present the region with the challenge of finding new strategies and actions to address this social problem.

Gender and the Law – Strategies to Combat Violence Against Women

In recognition of this fact, the Ministry of Community Development, Culture and Gender Affairs, Trinidad and Tobago, hosted a lecture on Gender and the Law – Strategies to Combat Violence Against Women, on 26 September 2005, at the Queens Hall in Port of Spain. The lecture was delivered by the Honourable Madame Justice Desiree P. Bernard. C.C.H., O.R.

Excerpts from the lecture are highlighted in this issue of Gender Dialogue.

In every corner of the earth, in developed, developing and under-developed countries women are the victims of violence in domestic situations, at places of work or in the streets of cities and villages where they live or dwell. In most cases these acts of violence are largely unreported and undetected for a variety of reasons – embarrassment, protection of the family name, threat of financial deprivation, frustration, feelings of resignation, lack of choices, and in some cases the conviction that marital vows or conjugal duties include occasional corporal punishment from their spouses or mates. The violence encompasses not only physical abuse, but also mental anguish with the resulting psychological scars. Women who are the victims of such abuse are usually maimed for life, and very few ever have the desire or the financial means to seek therapy or sever ties with their abusers; they are trapped with no way out.

INCIDENCE OF VIOLENCE

The problem is widespread and its incidence not readily susceptible to precise assessment because of its inherent private nature. For this reason it is very often not reported to law-enforcement authorities, and is seldom the subject of criminal prosecution. An allied reason is, of course, that victims perceive it as a private matter, and are deterred by the consequential embarrassment and social ostra-
cism. This attitude is probably more prevalent among the affluent than among low-income families who tend to be more open and less sensitive about publicity. However, even in this group there is reluctance to take action against the offender out of a sense of blind loyalty and feelings of guilt and betrayal.

Researchers have advanced the theory that low and moderate income families housed in cramped and over-crowded conditions are more prone to violent behaviour than families living in more spacious and well appointed accommodation the reason being that economic hardship and financial deprivation impose strains on the conjugal relationship. Release from these pressures is achieved by striking out at those closest and on whom one acts out all of the frustrations of daily living. However, this theory does not explain the reason for violent behaviour in families with high incomes and the absence of violence within some poor families.

Extra-marital relationships, financial neglect or extravagance, habitual drunkenness, inordinate sexual demands all take their toll on the emotions of partners in a relationship. This type of abuse is very often more serious than physical abuse as it is constant and unrelenting, the only relief in some cases being a cessation of the relationship. Unlike physical abuse, which is directed invariably at women and children, all family members are prime targets for mental and emotional abuse the scars of which remain throughout their lives. Children are particularly vulnerable to this form of violence being in some instances regular spectators of scuffles and quarrels between parents or between parents and older siblings.

CAUSES
Hopelessness and despair, being the constant bedfellows of the poor and needy, many find comfort and temporary respite from their problems in alcoholism. Research has shown that there is a close relationship between domestic violence and alcoholism. Invariably women and children are victims of all forms of abuse (including sexual assaults) committed while the offender is heavily intoxicated; the use of habit-forming drugs has had similar effects. Although alcohol and drugs separately or collectively may be the spark which ignites the flame of violence, they are not always the sole reason for it. Incidents of violence occur in families where neither alcohol nor drugs are used, and there are households where drug users and alcoholics are not violent.

EFFECTS
The trauma of physical abuse particularly if it is frequent and severe can destroy the victim’s self-esteem, self-confidence and faith in humanity itself. The victim is convinced that somehow he or she is to be blamed for the violent reactions of the perpetrator. This is particularly so in the case of female victims or children because they are conditioned to accept their role in the family as being subservient to the head of the household. The battered spouse or abused child feels that he or she must deserve that beating for some wrong committed. They cannot conceive that the offender would inflict corporal punishment on someone he or she loves unless that person had transgressed in some serious way. Self-confidence and self-esteem are replaced by self-pity, guilt and recrimination. In the case of a child or young person this burden of guilt and loss of self-worth is his/her constant companion throughout life, and stays on even when he/she becomes a spouse or parent.

In a strange way which only psychologists and psycho-analysts can explain a male victim seeks to recapture his self-confidence by asserting authority over those in his immediate household in the only way he knows and has been taught. He strikes out physically and abuses those around him giving credence to the theory held by some that the abused child whether male or female becomes the abusive parent or spouse. Violence becomes so entrenched in the psyche that it is regarded as normal behaviour. Another dimension to the effect of prolonged violence inflicted on female children, is that they carry into marriage or into any relationship the conviction that they are destined to be abused, and accept it as an inevitable part of their existence in the same way that their mothers before them did.

INTERNATIONAL STRATEGIES
The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the General Assembly in 1979 did not specifically address the problem of violence as it affects women. However, the CEDAW Committee was concerned about the pervasive scourge of violence as expressed in the various State reports and at its eighth session in 1989 adopted General Recomm
The committee also recommended that states parties ensure that laws against family violence and abuse, rape and other sexual assaults give adequate protection to all women, and respect their integrity and dignity. The recommendation further urges states parties in their reports to identify the nature and extent of attitudes, customs and practices that perpetuate violence against women, and measures taken to overcome these attitudes and practices.

NATIONAL STRATEGIES
LEGAL APPROACHES

As strange as it may seem, some legal systems did and still do, give husbands the right to chastise their wives; forced and excessive sexual acts were and are still not always regarded as rape; in fact the thinking that informs this right is that upon marriage a wife impliedly gives her consent to any form of deviant sexual behaviour.

The sum total of all of this was the inferior position women held in these societies, and the proprietary rights which men enjoyed over them. Sad to say these attitudes still persist in many societies today. Violence within the confines of the home is generally regarded as a family matter to be settled privately, and not to be aired publicly in courts of law. Law enforcement officials intervene with undisguised reluctance when an abused wife makes a report against her husband at local police stations, and she is very often dissuaded from instituting proceedings. However, the justification for this reluctance is always reinforced when a frightened and enslaved wife with few options pleads with the court not to imprison her husband or is too terrified to testify against him which results in the charges being dropped.

With this in mind one wonders whether acts of violence against women particularly in the home should be classified as criminal offences in the legal systems of those countries which so classify them. Those who seek to decriminalise such violence suggest mediation and conciliation as a means of dispute resolution with therapeutic treatment and counselling for both abuser and abused.

On the other side of the coin are those who advocate a retention of criminal justice for abuse against women, and posit that this is the only effective means of combating its escalation. What is defective is the process by which the system is set in motion and its ultimate conclusion. Criminal justice is condemnatory of violence of all forms on all persons regardless of gender, but differences sometimes arise in the punishment meted out to the perpetrator depending on gender. Advocates insist that criminal justice for violence from arrest through prosecution to conviction and severe sentencing is the most effective mechanism for deterring further acts of violence. The choice of one system over another must have regard to the historical, cultural and economic conditions of the society. A system found to be effective in one society may have disastrous consequences if applied in another with different mores and traditions.

LAW ENFORCEMENT

The role of the police in enforcing criminal justice for violence perpetrated against women cannot be ever overstated. However, though effective in some instances in temporarily halting violent spousal
attacks, many women display little confidence in police intervention. They sometimes feel pressured into pursuing cases when all they desire is a stern warning for their abusers, and when such cases do reach the courts they are badgered and humiliated by defending counsel or judicial functionaries which give rise to feelings of guilt and remorse at having initiated the charges, not to mention in some societies ostracism by relatives and friends for having aired “dirty linen” in public.

The humiliation often begins at the investigative stage by insensitive police officers who sometimes hold the view that the abused woman probably provoked the violent reaction of the abuser in some way or that there are insufficient grounds for intervention. The police need to be sensitised to the plight of abused women. They need to be educated to regard any form of violence against women particularly in a domestic situation as a crime like any form of violent assault committed by a man against another man, and not as a purely private and personal matter. The police in most countries are the only recourse which abused women have when battered and assaulted. They need to understand that the reluctance of abused women to press charges against their male abusers or to testify against them after charges are laid may be inspired by fear of recrimination, family pressure, inability to cope psychologically or financially, low self-esteem or just fear of the criminal justice system with its awe-inspiring court officials. They need to reorient their deep-seated thinking nurtured in traditional male dominance that men are entitled to inflict beatings on their womenfolk now and then to keep them in line and assert their authority.

Young inductees into the police force in most countries do not receive any training whatsoever in handling and investigating reports of violence committed against women whether in the home or as the result of sexual molestation, and are therefore ill-equipped to render assistance when confronted with the problem. Consequently they tend to take the least difficult course by trivialising the reports, by not pursuing investigations or persuading the abused woman to return home and mend fences with her male abuser, or in the case of sexual assaults insinuate that she in some way encouraged the attack.

POWERS OF ARREST

It has been advocated that the police be given wider powers of arrest in cases of domestic conflict based on the fact that arrest is the most effective remedy against a persistent pattern of abuse. It provides the woman with immediate relief from further assaults and brings home forcefully to the abuser the seriousness of his actions and that it will not be treated lightly. Of course, there is always the danger of misuse of this power, and a close watch must be kept to ensure that it is used responsibly.

TRAINING

The police in most countries are ill-equipped to handle cases involving violence against women. It is therefore imperative that all law-enforcement officials be given special training in investigating gender-specific violence from report to prosecution. There is need for training in relation to attitudes displayed towards victims who invariably are in a state of trauma, shock or hysteria after an attack. Sympathy and understanding should underpin investigations particularly in the initial stages. The surroundings where reports and statements are taken should be relaxing and such as to inspire confidence. Some countries have established special police stations staffed by female officers to receive reports from abused women; while this is commendable it is an example of segregation, and can be regarded as an indictment against male police officers who may sometimes be equally if not in some instances more sympathetic to the plight of battered women than female police officers.
Training of all police officers in handling reports of gender-specific violence should be made mandatory by statute and for all who are recruited into the police organisation regardless of gender. Accurate record keeping and data collection should also form part of the training process, as well as satisfactory evidence collection and detailed recording of statements from victims.

COURT SYSTEM

The courts are the final rung of the criminal justice system in securing a conviction of a person charged with violence against another; for female victims this can be the most intimidating. They face gruelling and often embarrassing cross-examination by defence attorneys in austere and awe-inspiring surroundings before judges and magistrates dressed in funeral garb and who see themselves dispensing justice in strict accordance with the law.

Most women who are called upon to testify in court find this a traumatic experience, and leave with a strong impression that they were on trial instead of the offender, and in some way was responsible for their plight. They also face the humiliation of recounting the sordid details of the attack in cases of rape or the terror experienced at the hands of their abuser in other cases of assault before a courtroom of curious onlookers savouring the unfolding of a salacious soap opera.

Some countries have enacted legislation permitting hearings of rape and other sexual offences in camera with only those directly involved being present, and where the victims are children, provision for having their testimony given by video in order to avoid the trauma of face to face contact with their abusers. This in some measure tends to make the court less intimidating and helps the victim feel a bit more relaxed.

Commendably here in Trinidad and Tobago a family court has been established which is user-friendly, and well-equipped to handle delicate family issues. I take this opportunity to commend most heartily those responsible for this court. I hope that similar courts will be established in other areas of the state in the near future. It is indeed an example which should be followed in the rest of the Caribbean, where these facilities will become the norm in every court, financial resources permitting.

The effectiveness of remedies however depends on the officials who enforce them, e.g. the police or the judiciary. Law enforcement and judicial officials must be sensitive to the plight of abused women, and regard the violence perpetrated against them as being serious and not trivial.

REFUGES AND SHELTERS

Another strategy in combating violence against women is the provision of refuges and shelters. To a very large extent these refuges have been established solely for battered women and children. Although not a problem of great magnitude domestic violence is also directed at men. It is true that male victims caught in such situations have options often not available to female victims. They are invariably in a stronger financial position and better able to cope. Nevertheless there may be instances where a male victim could require help and support in a moment of crisis. Similarly, the elderly who are always at the mercy of those on whom they depend both financially and emotionally should have access to shelters and hot-line numbers when needed.

EDUCATION

An important tool in the ongoing struggle to eradicate violence in the family is inculcating in both victim and offender mutual respect for each other, self-esteem, gender equality, peaceful conflict resolution and tolerance. These values should be incorporated in the educational curricula at all levels in the formal school system as well as in informal educational programmes. In this regard the media can be of immense assistance in emphasising the criminality of family violence and its long-term effects on the victim and minimising its triviality and privateness. Victims should be encouraged to speak openly about traumatic experiences and report any incident of violence which may occur.
RESEARCH

There is urgent need for research to be undertaken into the incidence and pattern of violent behaviour. Comparative studies of domestic violence in developed and developing countries should be undertaken, and there should be continuous monitoring of legislative and judicial responses to the problem. It is also important that statistical data be kept to ascertain the extent and effect of family violence. In most countries statistical evidence is either inadequate or non-existent; only when the depth of the problem is known and verified can adequate remedies be taken to exorcise and destroy this problem.

CONCLUSION

Countries must take action to remove the scourge of violence against women in their communities. Although legislation itself will not solve this multi-faceted problem, it will provide a platform from which women can launch a comprehensive attack on this monster in our midst. Countries should be encouraged to enact legislation protecting all categories of women against all forms of violence outside of the regular laws governing assaults. They should also strive to ensure that the laws are enforced and are effective from investigation to sentence and from initiation of civil suits to compliance with court orders.

However, legal remedies alone are insufficient, but require a change in attitudes to gender-specific violence. In this regard governments and non-governmental organisations must undertake training programmes in the formal and non-formal education system, and with law-enforcement agencies to sensitise the young and the old, particularly males, that regardless of past attitudes and traditions women are not chattels or property capable of ownership, but human beings with needs and emotions who must be respected and treated as equal partners in this complex world of ours.

2005 World Summit Recommendations on Gender Equality and the Empowerment of Women

The outcome document of the 2005 World Summit has been heralded as a significant milestone in the promotion of women’s rights. Governments pledged their commitment to the achievement of Millennium Development Goal 3, the promotion of gender equality and the empowerment of women. This information is outlined in Paragraph 58 & 59 of the outcome document, which state:

58. We remain convinced that progress for women is progress for all. We affirm that the full and effective implementation of the goals and objectives of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly is an essential contribution to achieving the internationally agreed development goals, including those contained in the Millennium Declaration, and we resolve to promote gender equality and eliminate pervasive gender discrimination by:

Eliminating gender inequalities in primary and secondary education by the earliest possible date and at all educational levels by 2015;

Guaranteeing the free and equal right of women to own and inherit property and ensuring secure tenure of property and housing by women;
Ensuring equal access to reproductive health;
Promoting women’s equal access to labour markets, sustainable employment and adequate labour protection;
Ensuring equal access of women to productive assets and resources, including land, credit and technology;

Eliminating all forms of discrimination and violence against women and the girl child, including by ending impunity and by ensuring the protection of civilians, in particular women and the girl child, during and after armed conflicts in accordance with the obligations of States under international humanitarian law and international human rights law;

Promoting increased representation of women in Government decision-making bodies, including through ensuring their equal opportunity to participate fully in the political process.

59. We recognize the importance of gender mainstreaming as a tool for achieving gender equality. To that end, we undertake to actively promote the mainstreaming of a greater perspective in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres, and further undertake to strengthen the capabilities of the United Nations system in the area of gender. A full copy of the Outcome document can be found at www.un.org/millenniumgoals

**Secretary-General’s Study on Violence Against Women**

The General Assembly of the United Nations by (Resolution 58/175) 2003 requested the Secretary-General to conduct an in-depth study on all forms of violence against women. The study is expected to provide:

A statistical overview on all forms of violence against women;
The causes of violence against women;
The medium and long-term consequences of violence against women;
The health, social and economic costs of violence against women; and
Best practice examples for combating and eliminating violence against women.

The United Nations Division for the Advancement of Women is preparing this study. A number of activities have taken place including the hosting of an Expert Group Meeting on “Good practices in combating and eliminating Violence against women” on 17-20 May 2005 in Vienna in collaboration with the UN Office on Drugs and Crime. In addition a consultation on “Galvanizing action to combat violence against women”, was held on 6-7 September 2005, at the United Nations Headquarters in New York. The consultation focused on violence against women and the achievement of the eight Millennium Development Goals (MDGs); and the identification of key issues to be addressed in the Secretary-General’s study.

Key issues identified included the ongoing difficulties that prevent the effective implementation of existing international standards and national laws on violence against women; the challenge of ensuring that law enforcers, the Judiciary and others are held accountable for taking action against violence against women; the responsibility of State and non-State actors; and areas where further research is necessary to strengthen the effectiveness of policy responses.

The Sixtieth session of the General Assembly, received a status report on preparations of the study. The report highlighted the context, goals and scope of the study and provides an overview of on-going and planned preparatory activities. A full copy of this report A/60/211 can be found at www.un.org/womenwatch/daw/documents/ga60.htm
The 2005 State of World Population report stresses that gender equality and reproductive health are indispensable to the realization of this goal. The report, *The Promise of Equality: Gender Equity, Reproductive Health and the Millennium Development Goals*, explores the degree to which the global community has fulfilled pledges made to the world’s most impoverished and marginalized peoples. It tracks progress, exposes shortfalls and examines the links between poverty, gender equality, human rights, reproductive health, conflict and violence against women and girls.

The following are excerpts from the report which speaks to gender-based violence:

The report also analyses the global prevalence of gender-based violence, its causes, consequences, and the steps being undertaken to combat this global epidemic. Full Contents of this Report can be found at: http://www.unfpa.org/swp/2005/english/ch1/index.htm

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**Gender-based Violence: A Price Too High**

Gender-based violence knows no boundaries—economic, social or geographic. Overwhelmingly perpetrated by men against women, gender-based violence both reflects and reinforces gender inequity. The toll it extorts on the dignity, autonomy and health of women is shocking: Worldwide, one in three women are beaten, coerced into unwanted sexual relations, or abused—often by a family member or acquaintance. At the start of the 21st century, violence kills and harms as many women and girls between the ages of 15 and 44 as cancer. The costs to countries—in increased health care expenditures, demands on courts, police and schools and losses in educational achievement and productivity—are enormous. In the United States, the figure adds up to some $12.6 billion each year.

Gender-based violence takes many forms, from the domestic confrontations that leave millions of women living in fear to sexual abuse and rape, to harmful practices ranging from female genital mutilation/cutting to “honour killings” and dowry-related violence. In Asia, at least 60 million girls are “missing” due to prenatal sex selection, infanticide or neglect. Each year, up to 800,000 people are trafficked across borders—as many as 80 per cent of them women and girls, mostly exploited in the commercial sex trade. Within borders, the numbers are even higher.
**RESOURCES**

**Not a Minute More: Ending Violence Against Women** is a recent report by UNIFEM that reveals the paradox of ongoing violence against women despite considerable progress over the last decade in efforts to eliminate it. The report highlights many of the achievements of the past and present, and indicates what must be done to build on them. It provides examples of good practices as well as of efforts that did not meet the goals set out for them — and explores why not. It looks at the challenges ahead, and asks what the most fruitful next steps might be.

**Profile On An Eminent Caribbean Woman**

The Honourable Madame Justice Desiree Bernard was in July 2005, awarded the Caribbean Community (CARICOM) eighth Triennial Award for Women.

Justice Bernard was selected for her outstanding contribution to the development of law in Guyana and the region, and for her leading role in advocating for women’s development.

Justice Bernard is a former Chief Justice and Chancellor of the Judiciary of Guyana and has the distinction of being the first female judge of the recently inaugurated Caribbean Court of Justice, based in Trinidad and Tobago.

Madame Justice Bernard provided yeoman service to the promotion of women’s rights at the international level through her role on the Committee of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), where she served as Chairperson for two terms from 1982 to 1998.

Among the many decorations for her work, Justice Bernard received the prestigious Cacique Crown of honour award in 1985, and was awarded Guyana’s second highest honour, the Order of Roraima in 2002.

In her acceptance speech for the Triennial Award, which took place at the twenty sixth meeting of the CARICOM Heads of Government Conference in July 2005, Justice Bernard commended Governments for taking issues pertaining to women more seriously than in the past, but pointed to several important issues affecting women which needed to be tackled. Among those identified was the ever-present problem of family violence, which as she stated “results in women being the main victims, with the numbers rising in alarming proportions in every state within our Region…. We have to face the fact that violence has become the main medium for resolving disputes, and strong measures have to be adopted to stem the flood before we are swept away in a tidal wave of death and destruction”.

In this issue of Gender Dialogue we feature a lecture presented by Madame Justice Bernard on Employing Strategies to Combat Violence Against Women.
UPCOMING EVENTS

November 25 is commemorated as the United Nations International Day to End Violence Against Women. This year the United Nations invites participation of its key agencies, Governments, women’s Organizations and NGOs in the hosting of activities in the Call for Action – 16 Days of Activism Against Violence Against Women, November 25 to December 10, 2005.

16 DAYS of activism against gender violence, NOVEMBER 25 - DECEMBER 10, 2005

For the Health of Women, For the Health of the World: NO MORE VIOLENCE

Pledge: For the physical, reproductive, economic and social health of women both in public and private environment; for the health of all the people, for the protection of human rights, for the promotion of sustainable development and for the peace in the world: NO MORE VIOLENCE!

2005 Campaign: This year the aim is to highlight the linkage between violence against women and the HIV/AIDS pandemic. Violence and discrimination against women decrease the possibility for women to protect themselves from the infection and limit the access to health services. The violence represents violation of women’s human rights throughout the world.

16 Days of Activism:

November 25: International Day Against Violence Against Women
December 1: World AIDS Day
December 6: Anniversary of the Montreal Massacre
December 10: International Human Rights Day

Participation of Latin America and the Caribbean: Thousands of activists throughout the world participate in the campaign every year. This year, in Latin America and the Caribbean, women’s organizations and networks, governments, parliamentarians, communication media etc. are working together to achieve better impact. It is important to highlight the UN interagency collaboration: United Nations Development Fund for Women (UNIFEM), United Nations Population Fund (UNFPA), United Nations Development Programme (UNDP), The Pan-American Health Organization (PAHO), United Nations Children’s Fund (UNICEF), United Nations International Research and Training Institute for the Advancement of Women (INSTRAW); and participation of other organizations: Inter-American Parliamentary Group on Population and Development (IAPG), Inter-American Commission of Women (CIM), Latin American Alliance against Gender Violence, and ISIS International.

Suggested Actions: 16 Ideas for 16 Days

1. Educate the community about HIV/AIDS
2. Connect across issues
3. Attend an event
4. Join a listserv
5. Connect across campaigns
6. Research
7. Advocate for women’s human rights
8. Commemorate World AIDS Day
9. Integrate services
10. Use the media
11. Organize a tribunal
12. Work within the community
13. Support international work
14. Celebrate progress
15. Celebrate grassroots activists
16. Commemorate international dates
The Statistics and Social Development Unit of the ECLAC Subregional Headquarters for the Caribbean has as its focus the conduct of research and analysis on the areas of women and development; population and development, (migration and teenage fertility), poverty, and other social development issues such as the conditions of vulnerable groups in the society, social reform and social policy formulation. In this regard, the ECLAC/CDCC Secretariat is responsible for assisting member States with the implementation of programmes of action coming out of international conferences such as the World Summit for Social Development (WSSD); the International Conference on Population and Development (ICPD), and the Fourth World Conference on Women (Beijing Conference).

GENDER DIALOGUE was created in response to calls from participants at the Third Caribbean Ministerial Meeting on Women, held in Trinidad and Tobago in October 1999, for a more systematic sharing of information and dialogue around policies and programmes for women. In addition to this call we, too, at the ECLAC/CDCC Secretariat, have felt the need for a medium through which we could routinely share our work.

The newsletter is available both in print form and at the ECLAC website. We are exploring as well, the creation of a chat room to expand the possibilities for dynamic dialogue.

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