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**ELIMINATING GENDER-BASED VIOLENCE,
ENSURING EQUALITY**

***ECLAC/UNIFEM REGIONAL ASSESSMENT OF ACTIONS
TO END VIOLENCE AGAINST WOMEN IN THE CARIBBEAN***

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INTRODUCTION

For the better part of the 1990s, Caribbean women's organizations, national machineries for women, the courts and the police have been engaged in dialogue and action to ensure protection and justice for victims of gender-based violence. Through public education, advocacy, the extension of services and law reform, change to cultural attitudes has occurred. Freedom from violence is now understood as a human right to which women are entitled and for which the State has an obligation to guarantee.

However, in spite of the progress made, there is a widespread perception that violence against women is on the increase. An increasing number of women are being killed by their partners, though this rate varies considerably across the region. Some studies have also suggested an increase in rapes and sexual offences. Against this backdrop of intense resource allocation (particularly by women's organizations) and the perception of an increase in all forms of violence, the question of assessing the efficacy of approaches and actions taken arises.

This study represents a collaborative effort by the Economic Commission for Latin America and the Caribbean (ECLAC) Subregional Headquarters for the Caribbean and the United Nations Development Fund for Women (UNIFEM) to assess these actions with the aim of informing the future work of these agencies around gender-based violence.

An important dimension of the mandate of the ECLAC Subregional Headquarters for the Caribbean is the provision of strategic thinking and information to governments for policy formulation. This is accomplished through technical assistance and through research activities. At the Third Economic Commission for Latin America and the Caribbean/Caribbean Development and Cooperation Committee (ECLAC/CDCC) Ministerial Conference on Women held in October 1999, violence against women was identified as a barrier to achieving gender equality. The recommendations spoke not only of the need to extend services to victims, but also to take actions based on an understanding of the root causes of violence. This study forms one component in a scope of work in which the ECLAC Subregional Headquarters for the Caribbean has been engaged since 1999.

For UNIFEM, this Caribbean assessment on Ending Violence Against Women (VAW) is an integral component of UNIFEM's global evaluation of its work on gender-based violence, where the focus is on generating information to strengthen its programmes and priorities. The assessment realizes two of the identified objectives of the broader global overview, namely, (a) to scan the regions in which UNIFEM works and (b) to engage in an in-depth assessment of selected countries in each region.

The study has two main components – a broad overview of actions that have been taken towards ending all forms of violence against women in the Caribbean subregion between 1992 to the present and an in-depth assessment of same.

Regional review

The regional scan was an essential component of the study and provided the broader context from which many of the issues, themes and ultimate recommendations were extrapolated. The primary goal of the scan is to provide an overview of the wide range of end-VAW initiatives over the last 10 years. This was facilitated by the following:

(a) A literature review, drawing primarily on country reports prepared for the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Beijing Platform;

(b) A legal review which highlighted legislative developments in the law relating to domestic violence, sexual offences and sexual harassment; and

(c) An analysis of questionnaire responses from non-governmental organizations (NGOs) about country initiatives, their perspective on the outcomes of the initiatives and their identification of priorities for future action, with recommendations for strengthened policy and programmatic approaches to end violence against women.

This component of the study also explored the specific objectives identified for the in-depth country assessment. This approach allowed for the broader application of the research findings gathered through the more country-specific research.

In-depth country assessment

The in depth country assessment was conducted in Jamaica, Suriname and Dominica. The selection of countries was informed by several factors, including but not limited to, the vibrancy and history of state and NGO

activism around VAW; regional representation; ethnic diversity and socio-economic conditions.

The two major objectives of the country assessment were as follows:

- (a) To identify the institutional changes across key institutions, with particular emphasis on the administration of justice; and
- (b) To identify strategies, focuses and alliances that have contributed to progress in the area of VAW and which could guide the future work of UNIFEM and other key actors.

The research methodology for this component of the overall assessment relied heavily on loosely structured interviews and focus group discussions with key persons and agencies. A review of the legal developments, especially in the area of domestic violence was also a critical feature of the research exercise.

In paving the way towards the development of a comprehensive and integrated multi-sectoral approach to violence against women, the assessment focused on interventions within the respective countries, which drew on a varied selection of sectoral responses. These interventions, whether legal, social service oriented or advocacy based were all examined with a view to promoting a systemic response to violence against women.

Violence against children and the resulting care and protection issues were recognized as inextricably linked to the broader issue of domestic violence. Given the significant importance of child welfare to the larger anti-violence struggle, the study sought to include violence against children in both the regional overview and the in depth country assessment.

REGIONAL REVIEW

Attention to gender-based violence in the Caribbean started in the mid-1980s through the efforts of women's organizations concerned with fundamental inadequacies of the legal system to deal with, in the main, sexual violence against women. Responding to a study done on legal services for women¹, in January 1991, the Caribbean Association of Feminist Research and Action (CAFRA) brought together police, social service practitioners, lawyers and women's organizations in a conference, the first of its kind in the Caribbean, on "Women, Violence and the Law". The meeting's primary focus was on sexual and domestic violence. At the time, programmatic responses

¹ CAFRA/ILSA: Women and

were fledgling. There were crisis centers in five Caribbean countries and a special police unit in Jamaica. The emphasis of the conference, however, like the crisis centre at the time, was on rape and sexual offences. Domestic violence legislation had been enacted only in Puerto Rico and research on the phenomenon of domestic violence was practically non-existent.

The conference attempted to situate violence against women within unequal power relations between men and women. The recommendations emanating from the conference would challenge not only gender inequality as a cause of all forms of domestic violence but also take account of the differences of women's experiences and needs because of race, class and culture. In its recommendations the conference called for²:

- (a) The development of supporting mechanisms to encourage women to speak out publicly about the incidence of violence;
- (b) A more systematic approach to the collection and compilation of statistical records;
- (c) Women's organizations to develop strategies to sensitise policy makers and to lobby for effective legislative reform; and
- (d) The provision of practical support such as shelters, crisis lines, counselling and special units at police stations for victims of abuse.

Since this meeting, much has changed in the region. The 1990s was marked by an almost exclusive attention to gender-based violence by both State machineries for women and women's organizations. This attention was very focused on domestic violence and, to a lesser extent, on sexual violence.

The question of prevalence and causation

The quality of data on violence against women in the Caribbean is generally acknowledged to be inadequate. The nature of the phenomenon makes it difficult for measurement at any level of exactitude or even as definitively as other kinds of criminal offences. Many women do not report incidents of violence because of shame, humiliation or an expectation that agencies would be less than effective or responsive in treating with their complaints. That combined with inefficiencies at a technical level in capturing and recording reports of violations essentially means that the data that exist are not reliable indicators of prevalence.

² CAFRA: Report on the Regional Meeting on Women, Violence and the Law 28-30 January 1991. Holiday Inn, Trinidad and Tobago

In relation to domestic violence and sexual offences, beyond police, among whom there is at least a formal understanding of the need to collect and compile statistics on domestic violence, there are few protocols for recording suspected cases of domestic abuse by social workers, health care workers or the courts. In addition, NGOs, such as shelters, hotlines and women's advocacy groups, while appreciating the need to keep records, are crippled by inadequate technical and financial resources. There is also the problem of harmonising data sources because of the different methodologies being used by the various agencies and the absence of coordination needed to avoid record duplication.

As a result of these data inadequacies, it is very difficult to maintain with any certainty that violence against women has increased. Certainly there are more reports made to agencies such as police and child welfare bodies. Whether this growth reflects increased reporting as a consequence of a developing culture on the right to protection and redress as opposed to an increased incidence is unknown and perhaps unknowable. It would be reasonable to expect an increase in the number of reports made of abuse in the context of widespread consciousness raising, improved policing and social service delivery.

Still, although it is difficult to make definitive statements on the level of violence over time, an examination of murder statistics suggests that in some countries this form of violence is increasing. For the Bahamas, domestic homicides, the killing of women by their partners, accounted for 42% of all persons killed in 2000 and 53% of all persons killed in 2002³. A similar upward trend is also discernable in Trinidad and Tobago. (See Box)

| Murders in Trinidad & Tobago resulting from domestic violence | | | | |
|--|-----------|----------|-----------------------------------|---------------------|
| Year | # victims | % female | % females killed who were spouses | % perpetrators male |
| 1996 | 16 | 75 | 50 | 87.5 |
| 1997 | 12 | 83.3 | 50 | 83.3 |
| 1998 | 23 | 60.8 | 39.1 | 82.6 |

Source: ECLAC/CDCC⁴

Given the deficits associated with official record keeping, social research has been employed to get a sense of prevalence of violence and, in particular, domestic violence. The research on prevalence has been undertaken, not, in the main, by research institutions within or outside of government. Rather the research has been accomplished on small budgets mostly by women's

³ Reported at an ECLAC/CIDA Regional Conference on Gender-based Violence and the Administration of Justice. 3-5 February, 2003

⁴ ECLAC/CDCC: The Caribbean Subregional Appraisal and Review of the Beijing Platform for Action. LC/CAR G.583

organizations wishing to get a handle on the incidence of and attitudes towards violence as one component in their advocacy strategy to increase State services devoted to domestic violence.

These sociological studies undertaken in a number of countries suggest that at least one in three women in unions have experienced some form of abuse in the domestic setting. Research for Barbados and Antigua and Barbuda suggest that 30% of adult women experience physical abuse in intimate relationships.⁵ In Guyana research suggests that one in four women in a union experienced physical abuse⁶. A sample survey of approximately 6% of women in the British Virgin Islands between the ages 15-44 found that over one quarter (28.5%) of women in the study were physically abused⁷. Out of line with the other countries, research from Suriname suggests that 69% of Surinamese women had experienced violence in a conjugal relationship. Legally married women seemed to have a lesser risk of domestic violence than those in common-law marriages, but otherwise the incidence of domestic violence was consistent regardless of ethnicity, geography (urban/rural) and employment status.

The great disparity in the level of abuse found in these studies, ranging from 25% in Guyana to 6% in Suriname raises methodological questions and tends to colour the credibility of the studies as a barometer of the prevalence of gender-based violence in Caribbean societies. These disparities support the need for a coordinated approach to research on prevalence in selected countries across the region.

In the first study of its kind on violence in conjugal relationships, Danns and Parsad⁸ found that in the Guyanese context domestic violence was experienced across class, race, ethnicity and age differentials. But that study also pointed to differential experiences that were important for policy and programmatic interventions. The first was that socio-economic status did affect the experience of abuse as well as its corollary, the use of violent behaviour. That survey found that the greater the dependency of the woman, the poorer the circumstances of the household, the more violent was the nature of the abuse. The possibility that poverty and its related variables catalysed or made women more vulnerable to domestic violence was supported by a survey conducted in Trinidad and Tobago in 1996⁹. In that survey it was found that about 30% of the women in the sample had experienced domestic violence. While women of all educational levels were represented among those abused,

⁵ Lori I. Heise with Jacqueline Pitaguy and Adrienne Germain, *Violence against Women: The Hidden Health Burden*, World Bank Discussion Papers #255, Washington, D.C., 1994.

⁶ Red Thread: Women Researching Women: Selected Findings from a Survey on Domestic Violence in Guyana. April 2000.

⁷ Haniff, Nesha: *A Study of Domestic Violence in the British Virgin Islands*. January 26, 1998.

⁸ Danns, Georges and Basmat Shiw Parsad: *Domestic Violence and Marital relationships in the Caribbean: A Case Study*. University of Guyana, Women's Study Unit, 1988.

⁹ CAFRA: *A Pilot Survey on the Incidence of Violence and Responses to such Violence among 200 Randomly Selected Women in Trinidad* (1998)

the survey provided evidence of abuse being more concentrated among those with only primary school education. In addition, 76% of those abused were either homemakers or were unemployed, in other words, were in relationships of economic dependency.

In an examination of conflict, gender relations and health of women in two low income areas in Jamaica, the researchers found that women were more likely to be the recipients of physical abuse and that this abuse found its genesis, in part, in the struggles of status-deprived males to cope with poverty and inner-city conditions. That research supports the contention that wherever there is evidence of gender inequality and male alienation, violence against women will increase and the health of women is likely to be negatively affected.¹⁰

Research into gender socialisation in children has also produced some understanding on the connections between gender identity and violence. Research on girls and boys between the ages of 8-20 in Dominica, Jamaica and Barbados¹¹ suggests an uncompromising gender ideology of "a boy is boy and girl is girl" and that the socialization of boys reproduces at a very early age an identification of maleness with strength and aggressive behaviour. Boys were combative in their expectations of the course of inter-personal relationships and had expectations that the course of male/female relationships would be fraught with difficulty. Female interviewees in a complementary manner felt that the use of physical violence by men against their partners, while regrettable, was inevitable.

This level of expectation and even acceptance of interpersonal abuse was also found in a 2001 survey conducted in Dominica¹². That research showed that male insecurity was one motivator of violent behaviour in men. This insecurity arose out of difficulties in fulfilling prescribed gender roles. Money had a practical importance in the establishment of "maleness" and the male gender role. In this context the researchers posited that males resorted to violence to maintain their position by way of "compensatory" violence: violence was perpetrated by males who were or felt financially insecure and thus felt their masculinity challenged.

Secondly, the researchers identified male violence as being motivated by the belief that gender identity was defined by physical power and that certain challenges to the male power (such as disrespect or nagging) ought to be met

¹⁰ Conflict, Gender Relations And The Health Of Women In Two Low Income Communities In Jamaica: Aldrie Henry-Lee, Wilma Bailey Clement Branche Online [Http:// Www.Cicred.Ined.Fr](http://www.cicred.ined.fr)

¹¹ Bailey, W., Le Franc, E. and Branche, C.: Partnering and Violence in Caribbean Dialogue Vol.5 No. 2 April/June, 1998

¹² Women's Bureau: Preliminary Report on Domestic Violence Research in Dominica. September 2002 (Unpublished)

by violence. Partners were to be ruled, punished for disobedience or for nagging. A third reason for the perpetration of male violence was related to concerns of female infidelity and the male need to control females as necessary for male self-esteem. This study suggested the emotional catalysts for male violence, but was silent on the other catalysts of violence such as socio-economic status and childhood experiences of violence.

The studies that have been undertaken employ a range of different methodologies reducing the comparability of the results. Still, there are some threads that have emerged. While domestic violence as one form of gender-based violence expresses asymmetrical power relations between women and men, there are other factors that catalyse domestic violence - cultures of violence, including substance abuse, high levels of acceptance of corporal punishment as a form of discipline of children and experience of violence as a child.

The policy context

By the end of the decade practically all Caribbean countries had signed and ratified the Inter-American Convention on the Protection, Prevention and Eradication of all Form of Violence against Women. A multiplicity of actions was taken particularly on domestic violence. Law reform was undertaken and the adequate implementation and enforcement of laws was strengthened through programmes of police training and judicial sensitization. Women's organizations with some governmental assistance, either through subventions or allocation of space, established safe houses, crisis centres and hotlines. These actions were largely focused on victim support.

These considerable efforts were generally not the result of a coordinated and integrated national planning process. The national machineries for women carried the State sector response. It was within these departments that public education efforts were located as were initiatives aimed at deepening the understanding of gender-based violence on the part of other State actors, most particularly, police, the judiciary and health workers.

The critiques of the role of the national machineries in attaining broad gender equality goals were equally relevant to their work around gender-based violence. While these divisions, within the gender and development framework, were to act as policy creating and monitoring mechanisms, many remained engaged in the delivery of social services and small scale projects. In relation to gender-based violence, many machineries functioned as drop-in counselling and referral centres. Very few had been able to engage in data collection, research and analysis so necessary for policy formulation. Except for Belize, there were generally no established and ongoing mechanisms for surveillance of violence against women and as a result policy makers relied on multiple data

systems (police, courts shelters etc.) to obtain minimal incidence and prevalence information.

The reliance on these multiple data systems was inadequate for the task of establishing incidence and prevalence estimates of VAW. These data sources were created and maintained for purposes other than monitoring the scope of the problem. Police collected information about violence against women for the purpose of apprehending and bringing charges against the perpetrator(s) of the violence, and therefore recorded few details about the victim. Hospitals, on the other hand, collected information primarily for providing optimal patient care and recorded little, if any, details about the perpetrator of the violence. Courts collected statistics for purpose of showing how cases were disposed of.

The result of this was that in most countries the responsibility for the fostering of zero tolerance values for gender-based violence remained primarily that of the women's departments which had few institutional linkages across the range of sectors whose involvement would be pivotal to social service delivery as well as to preventative approaches.

The police response

The police are at the core of the efforts to foster a zero tolerance to all forms of gender-based violence. Given the historical inadequacies of police response, both institutionally and culturally, a great deal of effort has gone into building partnerships between police and women's organizations. Sporadic police training initiatives spearheaded by women across the Caribbean were significantly strengthened by a multi-agency collaboration between CAFRA, the Association of Caribbean Commissioners of Police (ACCP) and donor agencies. This collaboration led to the training of over 4000 police across the region between 2000-2002. In some countries over 50% of all police have received training designed to increase their understanding of the dynamics of domestic violence and, to a lesser extent, to address policing deficiencies in dealing with sexual offences.

In addition to the training, some efforts were made to establish dedicated units for domestic violence and/or sexual offences. These units are staffed by specially trained officers and in the case of sexual offences by female officers on the premise that this would facilitate a more sensitive handling of victims of gender-based crimes. The support to these units varies from country to country and in some there is a marked under-resourcing that makes the assertion of the existence of a special unit more notional than real.¹³

¹³ In Antigua, for example, one person staffs the Domestic Violence Unit.

Despite police training, throughout the Caribbean police have remained resistant to the idea of law enforcement as applied to the domestic context. The purpose of the domestic violence legislation was to increase the options of abused women and it has been acknowledged that the Acts have given women a degree of autonomy and control as opposed to the police driven criminal justice system¹⁴. But the legislation was never meant to supplant the criminal justice system – the former focuses on protection and the latter on punishment. Yet, very few persons were arrested or charged with conduct that amounted to domestic violence even where there was substantial physical injury. It could be argued that the police, in prioritizing referrals of victims to the courts, were using the domestic violence act as a proxy to the criminal justice system.

On the one hand, women's organizations challenged police practice as reproducing societal complacency and complicity in ignoring abuse against women and children. They accused police of being unable to extricate themselves from the webs of kinship and friendship that, in small societies, could inhibit police acting as police. They challenged that notwithstanding training, police continued to trivialise domestic violence, did not treat it as a crime but rather as a private matter to be solved within the family. For their part, police spoke of their frustration with women who were not resolute in supporting a prosecutorial approach whether on their own behalf or on behalf of children. They said in their defense, that over time, this frustration hardened into inaction.

There is no doubt that the low levels of victim reporting complicated policing domestic violence. In a study done in Jamaica of persons who attended the women's crisis centre, it was found that some 71% of women who had received injuries as a result of assaults did not report these assaults to the police¹⁵. This statistic mirrored earlier findings from Guyana, which showed that women went to the police in very limited cases, preferring to go to the clergy, community leaders, friends and family for assistance.

The police training developed and implemented by CAFRA in collaboration with ACCP seems to have taken the objective of increasing police sensitivity as its main objective on the assumption that more supportive policing over time would increase victim confidence in the police. Some gains have been made in this direction and the emphasis on community policing and social service support within the police services is noticeable. However, the need to reconsider the content of policing to emphasise law enforcement has been iterated. So too, increasingly there are calls for the development of a

¹⁴ Tracy Robinson: Law as Ideology: Conceptions of Domestic Violence Legislation in the Caribbean (undated)

¹⁵ Arscott-Mills, Sharon: Intimate Partner Violence in Jamaica: A Descriptive Study of women who Access Services of the Women's Crisis Centre in Kingston.

mandatory arrest policy which would have the advantage of reducing individual police discretion and ensure a consistent zero tolerance policy to domestic violence.

Less work and reflection has been done on the treatment of sexual offences, even when there are clear indications that the incidence of rape has increased across the region. Little law reform has been undertaken in this area and evidentiary requirements that impede and frustrate victim support to the justice system continue to exist in the law in many countries.

Services for victims and perpetrators

The social services developed have focused on victim support. The services extended are typically shelters, hotlines, psychological and legal counseling and education. Still, the level of services is woefully out of proportion to the need for services. Apart from Trinidad and Tobago, shelter services are very limited. In several countries there is no shelter and this deficiency is most stark for Jamaica where there is only a 12-bed facility for victims of domestic violence.

The shelters typically are for short stays and are run by the NGO sector. In no country has the ministerial sector which deals with housing been drawn into the development of an integrated support network for victims, despite the existence of public housing programmes throughout the region.

The national machineries for women across the region have also developed support programmes for victims, many of their staff acting as counselors or as victim advocates in court. This response is most developed in Trinidad and Tobago where a Domestic Violence Unit has been established within the Division of Gender Affairs of the Ministry of Community Development and Gender Affairs. This Unit operates a hotline service and has started initiatives targeted at strengthening data collection for domestic violence.

Social service or family service departments also provide support to the court process, particularly where parties are referred for counseling.

Services for perpetrators

In relation to domestic violence, throughout the Caribbean, the courts have the power to order counseling. However, psychological support services targeted at abusers are in short supply. In only a few countries (e.g. The Bahamas, Jamaica) have special programmes aimed at batterers been developed. In the case of Trinidad and Tobago there is a men's organization that focuses on violence –Men against Violence against Women. In addition, within the Division of Gender Affairs in Trinidad and Tobago there is a men's programme through which skills in conflict resolution are promoted.

The need for such programmes was underscored at a meeting convened by ECLAC, in collaboration with the Canadian International Development Agency (CIDA) in 2003. That meeting recommended the articulation of a clear philosophical approach to batterer intervention programmes which would be based on victim protection and perpetration accountability. In relation to such programmes there was a concern that work with violent males should aim at an examination of gender stereotypes underlying the male systems of beliefs that legitimized violence toward women.

Health sector

The health system occupies a strategic position in identifying victims of violence and referring them to other institutions for help. The health sector however has not been at the centre of developing responses to gender-based violence. The health sector's response to domestic violence focuses almost exclusively on immediate care for injuries. There is however a thrust towards the development of greater collaboration with health workers. In Belize, through the efforts of the Pan American Health Organization (PAHO) in collaboration with the Women's Desk and the Ministry of Health a coordinated surveillance system for domestic violence has been established.

In Dominica and St. Kitts and Nevis, for example, there have been efforts to formulate protocols of collaboration between the health sector and social services in the case of child abuse. Mandatory reporting by health workers applies in Trinidad and Tobago only in relation to child abuse.

Prevention

For the most part, both State and non-State actions have targeted service delivery. With regard to prevention, the principal tools used to date have been media campaigns and popular education through the production of booklets, brochures and short films. These educational programmes have advised on how to recognize and avoid gender-based violence and on the provision of information on legal rights. These materials have raised awareness of the problem and no doubt of increased reports of all forms of gender-based

violence. They have also fuelled demands for increased services to both victims and perpetrators. However, there are few evaluations to measure their impact on changes in power relations between men and women.

Recognizing this, at the third ECLAC/CDCC Ministerial Conference on Women, a call was made for an increased understanding of gender socialization patterns and how these impacted on the promotion of peace. This work on gender socialization would allow for a better understanding not only of the causes of violence but also of the strategies necessary to change culture.

In this regard, there has been some work on gender socialization within the education system that has produced important insights into the construction of gendered identities. These studies on gender socialisation are concerned with violence even when the researchers do not specifically raise the issue. So, for example, studies on gender socialisation have shown that by age 10, boys begin to recognize the importance of masculine traits, and in this context, physical dominance is seen as an important aspect of masculinity.

This work on gender socialisation provides the base from which more targeted work is to be implemented by a number of agencies, including the Centre for Gender and Development Studies and the ECLAC Subregional Headquarters for the Caribbean.

NGO analysis of actions taken to address violence against women

To inform the regional scan, a questionnaire was widely distributed across the region. The questionnaire targeted the NGO community and was designed to elicit NGO assessments of both State and non-State initiatives in respective countries. It was also intended to solicit recommendations for strengthened policy and programmatic approaches to end violence against women.

Unfortunately, the analysis of the research findings was compromised by the poor response rate to the questionnaire. Despite the wide distribution of the questionnaire, only nine organizations responded.

Research findings

There was striking commonality in the questionnaire responses. Common themes emerged which clearly suggested that the perceived strengths and weaknesses of the struggle to eradicate violence against women were widely held across the region. Although there were some distinctions, the shared experiences among Caribbean States made a thematic analysis of the similarities almost inevitable. The emerging themes are as follows:

The continued prevalence of domestic violence and sexual assault

All of the respondents identified these two forms of violence as receiving the most attention in their respective countries because these were the areas that were most reported. Public awareness initiatives, advocacy, social service responses and research all centered around these two forms of violence.

Sexual assault was viewed as the more challenging form of violence and this was largely due to the lower reporting rates; the shame and embarrassment still experienced by most victims and the lack of confidence in the legal outcome of sexual assault cases. Incest was viewed by most respondents as deserving of special attention. It was viewed as a growing social problem, resistant to intervention given the taboo nature of this abuse.

Several countries made note of marital rape as an area which had been marginalized in the advocacy approaches. It was seen as a particularly difficult issue to address because of prevailing social attitudes about marriage and weak legal responses.

Inadequate attention given to sexual harassment

Every country identified sexual harassment as an area deserving of more attention. Many felt that sexual harassment did not get as much attention because it was accepted as the norm and very rarely viewed as abusive conduct. One organization reported:

“Sexual harassment is still socially acceptable and as such treated lightly. Policy makers themselves (inclusive of females) have not yet begun to analyze or place themselves in a position to understand the physiology of sexual harassment. (GRENCODA, Grenada)

Legislative responses to sexual harassment were perceived as weak or non-existent. Even in the Bahamas where sexual harassment was covered by law, it was reported as “superficial” coverage. Public education and awareness was also viewed as weak in this area.

A lack of commitment from the State

The NGO community across the region held the view that governments had not given any priority to violence against women and had demonstrated a general lack of commitment to addressing abuse of women and children. NGOs complained of carrying a very disproportionate share of the responsibility for meeting the needs of victims and were often doing so with very limited budgets. One of the major drawbacks to this approach was identified as the

incapacity of NGOs to solve systemic challenges such as poor economic conditions; insufficient housing and unemployment. Commenting on the limitations of NGOs, one respondent stated:

“Only Government has the capacity to influence education and other reforms. We need more political will and effective action.”

Given the hands-on approach of NGOs in the area of violence against women, it was widely felt that funding of their work was deserving of more attention and resources. International organizations came under some criticism for failing to deal more directly with NGOs as opposed to forging close ties mainly at the Government level.

Insufficient collaboration

Collaboration between NGOs and government was described by most organizations as weak. The lack of collaboration was cited as the major contributing factor to the current disjointed, non-integrated approach to gender violence. The non-collaboration goes beyond the NGO/government relationship and was viewed as a shortcoming within the NGO community itself. Organizations reported duplication of projects and services among themselves, despite the fact that there were notable gaps still existing in some crucial areas of service delivery. NGOs offered limited resources as the primary reason for a lack of collaboration.

One organization wrote:

“The reason for little collaboration is mostly lack of adequate and sufficient resources..... Organizations use their few resources to deal with and focus on their own problems.”

All of the organizations recognized the importance of a comprehensive, systemic response to violence against women and were fully aware of the need for better collaboration, if such an approach was to be implemented. Nevertheless, important sectors like education and health were frequently identified as working very much at a distance and therefore not facilitating the multi-sectoral, integrated approach recognized by most as critical to the anti-violence struggle.

The need to address child abuse

Several organizations made special note of the lack of attention given to child abuse or violence against children. Sexual abuse of young girls, in particular, was highlighted as an area deserving of greater State attention.

Child protection services were viewed as sadly lacking, with places of safety for child abuse victims being a very scarce commodity. The legal responses to child abuse were seen as lagging behind the little advancement that had been made on behalf of women, especially through the creation of Domestic Violence Acts.

The need for gender mainstreaming

The research results demonstrated an appreciation for several of the broader, more deeply rooted challenges to the campaign against gendered violence. Mention was made of disadvantageous cultural practices, traditional gender ideology and a global culture of violence. It was generally felt, that in the face of these pervasive challenges, there was the need for gender mainstreaming which would put women's issues on the agenda in every sector.

The non-prioritization of violence against women was seen as a by-product of a larger problem which had more to do with the general marginalization of women's issues.

Regional initiatives: The work of the agencies

Responding to the demand of the international and regional women's rights movement, towards the end of the 1990s, UNIFEM in partnership with CAFRA coordinated and implemented a United Nations campaign on Women's Human Rights. The campaign which lasted a year between November 1997 and November 1998 took as its theme "A Life Free of Violence: It's Our Right". Twenty-one countries participated and emphasis was given to activities to promote police education and public education. The public education and advocacy activities were both national and regional in scope. A Regional Tribunal was held to bring to the public arena women's testimonies of violations of their rights.

One of the intended outcomes of the campaign was the development of a protocol of cooperation between crisis centres and police in the treatment of victims of domestic and sexual violence. The campaign was intended to foster and strengthen institutional links between the police, crisis centres and national women's machineries. Since the end of the campaign UNIFEM has continued its focus on rights and gender-based violence and in 2000 held a training seminar for magistrates on women's rights.

In an evaluation of the campaign¹⁶, the major weakness identified was the absence of monitoring and follow-up activity because of resource restraints.

¹⁶ Leith Dunn, UN Inter-Agency Campaign on Women's Human Rights: "A Life Free of Violence: It's Our Right". Evaluation report on the Caribbean Subregional Campaign 1997-1998. UNIFEM 1999

Importantly, the report concluded that collaboration with most United Nations agencies was not at the level anticipated.

One of the key United Nations collaborators however was the United Nations Development Programme (UNDP). It participated in the campaign through the preparation of national reports on the situation of gender violence against women in Jamaica and Trinidad and Tobago. These reports outlined in great detail the activities to end violence against women and made recommendations for national level initiatives to strengthen programmes to deal with gender-based violence.¹⁷

Apart from the preparation of these national reports, UNDP, Jamaica implemented campaign activities in Jamaica. The agency took the lead in raising donor agency commitment to the campaign and participated in an inter-agency coordinating committee in which the Association of Women's Organizations in Jamaica (AWOJA) was the executing agency for the campaign. Other partners included the United Nations Children's Fund (UNICEF), UNIFEM, the United Nations Population Fund (UNFPA), CIDA, the United Nations Volunteers (UNV) Programme and the Royal Netherlands Embassy.

Since the end of the campaign, however, the UNDP work on gender-based violence has not been sustained. Apart from UNDP, UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO) also participated in the campaign¹⁸.

Since the end of the campaign United Nations agencies have contributed to end violence against women programmes in various ways, with a focus on research, technical assistance and advocacy.

At the Third ECLAC/CDCC Ministerial meeting on Women convened in October 1999 in preparation for Beijing + Five, a number of recommendations were made on violence against women. The Port of Spain Consensus documents the region's ongoing concern for the widespread nature of violence against women and urges the conduct of research on the root causes of violence against women. An emphasis on data collection was also advocated for a better understanding of the nature of violence against women. The meeting called for policy and programmatic interventions based on an understanding of the nature and types of violence against women and of how this violence in all its manifestations was constructed perpetuated and reproduced.

Highlighting the connection between gender-based violence and the culture of violence, generally, the Port of Spain Consensus called for a review of policies concerning corporal punishment in schools and other institutions for

¹⁷ These reports are accessible online at www.undp.org/rblac/gender/natreport.htm

¹⁸ See Dunn report for an outline of activities.

children, recognizing that corporal punishment as a dominant means of discipline in schools and at home was often abusive and might be one of the roots of violence against women.

The meeting also recommended that gender training be given to care givers of children, and particularly to teachers, to enhance an appreciation of their role in the socialisation of boys and girls, given that certain socialisation practices contributed to the perpetuation of gender violence. It called for studies on the construction of undesirable forms of masculinity and the ways in which violence against men and boys in, for example, educational and penal institutions contributed to such construction.

Beyond prevention programmes, the Port of Spain Consensus addressed the need to strengthen the justice system, through appropriate training, advocacy and awareness programmes for judicial, legal, medical, social sector, educational, media and police personnel to sensitize them to the nature of gender-based acts and threats of violence.

Arising out of these recommendations, the ECLAC/CDCC secretariat has undertaken a number of activities. Drawing on the work of PAHO in Central America, it has developed a Model Data Collection Protocol for Domestic Violence. The Division of Gender affairs with CIDA support is currently implementing this ECLAC model in Trinidad and Tobago.¹⁹

The ECLAC/CDCC secretariat has also provided technical assistance to the Eastern Caribbean Supreme Court/Organisation of Eastern Caribbean States (ECSC/OECS) on the Family Law and Domestic Violence Legislative Reform Project. ECLAC undertook an evaluative study of the implementation of domestic violence law as well as a review of the law in Turks and Caicos. These reports are to be used to inform the legislative agenda in the OECS and Turks and Caicos. This project is also supported by UNICEF and the NCH Action for Children.

The findings of the work in support of the ECSC/OECS project informed the content of a Regional Conference on the Administration of Justice and Gender-based Violence convened by ECLAC and CIDA in February 2003. At this meeting both police training and the social service support to the justice system were considered.²⁰ It was at this meeting that for the first time attention was paid to the social and psychological programmes being implemented or

¹⁹ In December 2002, the Division in collaboration with ECLAC and CIDA's Gender Equality Programme, hosted a one day workshop at which the ECLAC model was presented to a range of stakeholders from the police, court system, Central Statistical Office, social services and the non-governmental sector. The model was critiqued and a recommendation was made at the meeting that further discussions to be held to tailor the model protocol so that it could be implemented in Trinidad and Tobago.

²⁰ See Report:

that were needed to assist victims and to facilitate batterers to take responsibility for their abusive conduct.

Increasingly there is a focus on causes of gender-based violence and in particular on socialisation practices in the family, schools and communities and their impact on the construction of notions of femininity and masculinity. This approach is being fuelled not only by the need to develop more effective programmes to root out gender-based violence, but also by a parallel concern for the use of violence by young men throughout the region. The Centre for Gender and Development Studies, Mona Campus, University of the West Indies (UWI), has developed a project aimed at gathering and analysing data on the root causes of gender-based violence in Jamaica. Through this project, research activities will attempt to ascertain conceptions of gender violence and factors that have shaped these perceptions, including gender socialisation and the ways in which discipline is exercised in both the home and the school.

This work is being undertaken within a broad collaborative framework with ECLAC.²¹ ECLAC will be looking at the socialization practices and treatment of boys and girls within juvenile detention facilities. This research is expected to take place in 2004.

The Caribbean Community (CARICOM) Secretariat

Violence against women has not been a priority area for policy and programmatic actions within the Caribbean Community (CARICOM) secretariat in the last five years. At the follow-up meeting to Beijing + Five held in Jamaica in December 2000, CARICOM made a proposal for its Gender and Development Desk to focus on three areas, namely, health, with an emphasis on HIV/AIDS, education and poverty and the economy. At that meeting, representatives of the national women's machineries expressed concern that this agenda did not capture their work on violence against women. Still, violence has remained outside of the mainstream of CARICOM's work because it was advanced that this area is already the focus of the work of UNIFEM and ECLAC.

Despite the attention of agencies such as CIDA's Gender Equality Programme, ECLAC, UNIFEM and UNICEF on the issue of gender-based violence, it would be fair to say that these agencies do not work as collaboratively and therefore as strategically as they might.

²¹ See Report Of The Ad Hoc Expert Group Meeting On Gender Socialization And Domestic Violence: Developing A Research Agenda Port of Spain, Trinidad and Tobago 9-10 December, 2002. LC/CAR/G.722

LEGAL REVIEW: DEVELOPMENTS IN THE LAW SINCE 1992

Early analyses of the law showed that throughout the region it was largely unresponsive to the forms of harm women experienced, in particular to violence in the 'private sphere' and sexual violence. Legislative reform therefore came to be prioritised in the region as one concrete measure to ensure the equal protection of the law by women. In support of this, the CARICOM Secretariat drafted model legislation on domestic violence, sexual offences and sexual harassment. To varying degrees, these models have been used as the basis for law reform in the Caribbean region.²²

Domestic violence

Since 1991, all the countries in the Caribbean have enacted legislation meant to ensure protection for persons who are abused in the domestic setting²³. The legislation is based on a model developed by CARICOM. Prior to the enactment of this specialised law, women who were abused within interpersonal relationships were forced to rely on police and the criminal justice system for protection. The virtual non-existence of police prosecutions of domestic violence however strongly suggested that police were generally indifferent to this type of crime, sharing the dominant societal values around the private nature of interaction between persons in intimate relations and the lack of autonomy of women over their lives. On the other hand, women themselves were often reluctant to invoke the criminal process for a variety of interconnecting reasons, including fear, shame, intimidation (both by the abuser as well as by the criminal process), economic dependency on the abuser and reluctance to criminalise their partner or father of their children.

²² This project is an outstanding example of inter-agency collaboration around mapping relevant policy approaches to gender equality. The project had its genesis in a 1980 meeting of technical officials of Women's Bureaux. At that Meeting, ECLAC highlighted the need for an investigation into the legal status of women and suggested that CARICOM undertake the exercise given the existence of a legal division.

²³ See the Antigua and Barbuda Domestic Violence (Summary Proceedings) Act 1999; Bahamas Sexual Offence and Domestic Violence Act 1991; Barbados Domestic Violence (Protection Orders) Act 1992, Cap 130A; Belize Domestic Violence Act 1992; Bermuda Domestic Violence (Protection Orders) Act 1997; British Virgin Islands Domestic Violence (Summary Proceedings) Act 1992; Cayman Islands Summary Jurisdiction (Domestic Violence) Law 1992; Dominica Protection Against Domestic Violence Act 2001; Grenada Domestic Violence Act 2001; Guyana Domestic Violence Act 1996; Jamaica Domestic Violence Act 1995; Montserrat Family (Protection Against Domestic Violence) Act 1998; St. Christopher-Nevis Domestic Violence Act 2000; St. Lucia Domestic Violence (Summary Proceedings) Act 1995; St. Vincent and the Grenadines Domestic Violence (Summary Proceedings) Act 1995; Trinidad and Tobago Domestic Violence Act 1999 (repealing the Domestic Violence Act 1991).

The CARICOM model legislation was drafted with the intention of increasing women's legal options to ensure protection from further abuse. The draft model did not create criminal offences except where an order of the court was breached. It was meant to be complementary to the existing criminal justice system, as all forms of physical abuse and threats of physical abuse, whether against a partner or a stranger constituted crimes in the Caribbean. The model presented a useful draft for consideration by Caribbean States that have all generally followed the thrust of the model. Over time and with assessments of the workings of earlier acts, inevitably changes have been made and new directions taken to strengthen the protection of victims of domestic abuse.

Substantively, the legislation gives to a class of persons who are abused within the household or family context the right to apply to the magistrates' court for non-molestation, exclusion, and occupation and tenancy orders. The law is part of the civil as opposed to the criminal process and the person applying for protection need only prove her case on the civil standard of proof, that is, on the balance of probabilities.

In all the countries efforts have been made to ensure anonymity and confidentiality in domestic violence matters before the courts. The applications are meant to be heard in closed court and the press is debarred from publishing the names of the parties before the courts.

The CARICOM model provides protection for a limited class of persons. These are: spouse of the respondent, a parent or a child or dependant of that person, de facto spouse and former de facto spouse. Child is given a large definition to include:

- (a) A child of both parties to a marriage;
- (b) A child (whether or not a child of either party to a marriage) who is or has been living in the household residence as a member of the family;
- (c) A child of a man and a woman who, although not married to each other are or have lived together in the same household; and
- (d) A child (whether or not a child of the man and woman referred to in paragraph (c) or either of them) who is or has been a member of their household; or who resides in that household on a regular basis; or of whom either the man or woman is a guardian.

Noticeably absent from this list of protected persons are those in visiting or former visiting relationships or otherwise in close interpersonal relationships. Also omitted from the scope of the legislation are family members such as siblings. This is the model that has been adopted in most of the

territories with the exception of Trinidad and Tobago, Dominica, Belize and Guyana.

A significant proportion of the adult female population in many Caribbean countries does not enter residential unions, despite maintaining long-term relationships with their partners. Confining eligibility for protection orders to residential unions therefore omits a large class of persons from protection. In more recent legislation in Trinidad and Tobago, whose 1991 Act was repealed and replaced by the Domestic Violence Act, the range of protected persons was increased to encompass persons in visiting relationships and persons who have a child in common even though the parties have not cohabited. Similarly, in Dominica, following the Trinidad and Tobago model, persons in visiting unions are allowed to make an application, though the duration of the visiting union must exceed 12 months at the date of the application. Parents and siblings may also make applications whether or not they are members of the household of the respondent.

Recognizing that many persons in abusive situations are unable or unwilling to make applications for their own protection, the approach in the Caribbean has been to give the power to certain classes of persons to initiate applications for protection orders. In relation to an abused adult, not only can that person apply on their own behalf, but so too can police officers or parents of abused persons in most cases. In the case of children the legislation also tends to give police officers and approved social workers the power to make applications on behalf of children. In the case of Saint Vincent and the Grenadines, this power has been extended to include the Solicitor General.

Despite these broad powers to act on behalf of children and abused adults, it is a rarely exercised power. In relation to children, it has been advanced that the Child Protection Legislation which allows the child to be removed from a situation of danger and placed in the custody of court-appointed guardian is a more responsive regime and one which is more familiar to child welfare officers. With regard to adults, the lack of exercise of police powers has been attributed to an under-appreciation of the parameters of police powers and duties.

The CARICOM model provided general guidelines on the nature of the conduct that would be sufficient to ground an application for a protection order. The main ground specified was that the respondent had used or threatened to use, violence against, or caused physical or mental injury and was likely to do so again. More broadly an order could also be obtained where having regard to all the circumstances, the order was necessary for the protection of a prescribed person.²⁴ Many, though not all, of the countries which enacted legislation went on to highlight the types of behaviour that

²⁴ This broad definition is used in Jamaica.

would cause mental injury. The 1991 legislation enacted in Trinidad and Tobago and Belize speak of “conduct of an offensive or harassing nature”. In Guyana and Belize, an analogous list is referred to as ‘intimidation’, ‘persecution’ and ‘psychological abuse’.

Under the 1999 Domestic Violence Act (Trinidad and Tobago) which was followed in Dominica and Grenada, domestic violence was redefined to include “physical, sexual, emotional or psychological or financial abuse”. In the case of emotional or psychological abuse, this is defined in Trinidad and Tobago as follows:²⁵

A pattern of behaviour of any kind, the purpose of which is to undermine the emotional and mental well being of a person including:

- (a) Persistent intimidation by the use of abusive or threatening language;
- (b) Persistent following of the person from place to place;
- (c) Depriving that person of use of property;
- (d) Watching and besetting of the place where the person resides, works, carries on business or happens to be;
- (e) Interfering with or damaging the property of the person;
- (f) Forced confinement;
- (g) Persistent telephoning; and
- (h) Making unwelcome and repeated or intimidatory contact with a child or elderly relative of the person.

Financial abuse in those three countries is defined as a pattern of behaviour of a kind, the purpose of which is to exercise coercive control over, or exploit or limit a person’s access to financial resources so as to ensure financial dependence.

The usual types of orders which the Court is empowered to make are non-molestation or restraining orders, exclusion orders, occupation and tenancy orders. These orders can be made *ex parte*, that is, in the absence of notice of the respondent, if there is sufficient urgency to justify this route. Under its jurisdiction to make non-molestation orders, the court may restrain the respondent from engaging in a range of conduct that is harassing or

²⁵ Domestic Violence Act 1999

intimidatory – from following or stalking the applicant to making persistent telephone calls or using abusive language.

In making exclusion orders, the court is empowered to exclude an abuser from the home of the applicant, as well as limit his movement in places where the applicant habitually frequents, such as workplace, educational institutions and households of family members.

Apart from such orders that aim at protecting the victim, the acts also provide for counseling for both applicants and respondents. The content or purpose of the counseling, however, is not detailed and neither is it linked to the final disposition of the case. There is no obligation for an account and assessment of the counseling to be presented to the court.

In more recent legislation (Trinidad and Tobago, Grenada and Dominica) the court can order the respondent to pay certain costs and fees, such as rent or mortgage payments, child support payments, medical expenses, expenses for shelter, court costs, and attorneys' fees. The court also has the power to make orders for reimbursement for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other expenses for injuries sustained and damage to property.

This development has been advantageous. The ECLAC study on the implementation of the domestic violence acts has highlighted most clearly that one of limitations of the legislative scheme is the absence of power of the magistrate to grant custody and maintenance orders. The broadening of the powers of the court to deal with maintenance means that the judicial officer will have the power to consider all relevant matters that arise in a family dispute and make integrated orders that meet the needs of the parties. Such a consolidation obviates the need for the litigant to be moving between a multiplicity of courts to obtain effective relief.

In all cases, breach of a protection order amounts to a criminal offence punishable by imprisonment or a fine. For Belize, the court may, in lieu of a punitive sentence, require the convicted person to undergo probation in a re-education or rehabilitation programme. Such a 'rehabilitation order' however can only be made where the convicted person is a first time offender.

In a few of the Acts, the court is given the power to accept an undertaking on the part of perpetrators that they will not engage in any further acts of domestic violence. This undertaking was meant to facilitate, where appropriate, the resolution of the issue by the parties and to obviate the need for the giving of evidence and therefore for the reliving of the trauma by the victim. The first provisions for the undertaking came in the 1991 legislation from Trinidad and Tobago. It was much contested, with battered women's advocates asserting that it would have the effect of giving abusers a 'second

chance'. The undertaking however has the effect of an order with the same consequences for a breach. In Belize and Guyana undertakings cannot be given where there has been physical abuse or where there has been a previous protection order or undertaking²⁶.

Police powers

Many of the actions that may be sufficient to found an application for protection orders do not amount to criminal conduct or to criminal conduct of such a serious nature to allow for the police to exercise their powers of arrest in the absence of a warrant. Similarly many types of breaches of protection orders would also not constitute criminal offences. Warrantless arrest is usually confined to acts of relatively severe physical abuse, either already perpetrated, in the course of perpetration or being threatened.

Many of the acts attempt to plug this gap to ensure strict enforcement and therefore respect for the protection orders made²⁷. This is done by the attachment of powers of arrest to the orders at the time that they are made. As such, in those countries, wherever there is a breach of an order, of whatever nature, police are empowered to arrest the respondent.

Apart from their powers to make a warrantless arrest in cases of domestic violence that amount to criminal conduct and breach of protection orders, some countries, upon the receipt of a complaint of domestic violence, have tried to strengthen police response by stipulating in the law what the obligations are.

Police officers are obligated to give assistance to victims in order to prevent further abuse. Such assistance includes obtaining medical attention, getting to a place of safety or accompanying the victim when she removes her personal belongings from a place where the abuser may reside. The police officers are also called on to give advice to victims on the importance of preserving evidence and of her rights and services available.²⁸

Police accountability is also strengthened in Belize, Dominica, Grenada and St. Kitts and Nevis and Trinidad and Tobago where the duties of the police as law enforcers is set out. Police are mandated to respond to every complaint or report alleging domestic violence whether or not the complainant is the

²⁶ Belize s.4(3), Guyana s.5 (4) The 1999 Act in Trinidad appears to have removed such restrictions to the acceptance of undertakings.

²⁷ St. Lucia (s.4(2) , Trinidad and Tobago (s.24), Antigua and Barbuda s. 4(2) , St. Kitts s.7(3), St. Vincent s.4 (2) Dominica s.4(2), Grenada s.4(2) Guyana s.34, Belize s.33, Jamaica s.5(2)

²⁸ Guyana s.42, St. Kitts and Nevis s.35, Belize s. 40 Dominica s. 30 and Trinidad and Tobago s. 23A speak generally of the police duty to give assistance to the person who has suffered injury, to ensure the safety of children and other vulnerable persons and to prevent further breaches of the law.

victim. They are called upon to complete a domestic violence report which forms part of a national domestic violence register.²⁹

Victim reluctance to go to the police because of shame, humiliation and fear of loss of privacy is also addressed in Guyana and Belize where police are required to interview persons involved in domestic violence cases in a private area of the police station and to ensure that confidentiality is maintained with regard to the identity of persons.³⁰

In the most recent Acts (Grenada and Dominica) provisions have been made which seek to meet the challenges of ensuring evidence in matters before the court. Grenada allows for videotaped evidence. Dominica, on the other hand, makes admissible into evidence statements under oath given by complainants to police where the complainant refuses to give evidence or gives inconsistent evidence.

Other State obligations

In a few of the countries, (Belize, Guyana and St. Kitts and Nevis) the legislation sets out, perhaps out of an abundance of caution, the role of social services in mapping out national policies to prevent domestic violence and to extend services to victims of domestic violence. In all three countries, the relevant ministry has the mandate to develop strategies to encourage changes in the policies and procedures in government agencies in order to improve their response to the needs of victims.

Use of the legislation

There have been only a few studies on the implementation of the domestic violence legislation. The studies suggest that the court process may be invoked only reluctantly. So, for example, in 1997, of the 1,036 reported cases of domestic violence in Barbados, only 450 were brought to court.³¹ The Directorate of Gender Affairs in Antigua and Barbuda which has a court support programme for victims of domestic violence estimates that only 40% of the persons who seek their services make applications to the court.³² Similarly, in Saint Lucia the court process is used only as the last resort and usually after long periods of previous abuse.³³ In the case of Jamaica, the limited use of the Act is particularly striking. In 2002 there were only 335 applications made

²⁹ Dominica s. 27, Guyana s. 43, St. Kitts and Nevis s.36, Belize s.41, Trinidad and Tobago s.21

³⁰ Guyana s. 43(3), Belize s.41 (3) , St. Kitts and Nevis s. 36(3)

³¹ <http://www.un.org/av/special/womspser.htm>

³² ECLAC/CDCC: An Evaluative study on the Implementation of Domestic Violence Legislation: Antigua and Barbuda, St. Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines. LC/CAR/G.659. ECLAC subregional Headquarters for the Caribbean. November 2001

³³ ECLAC Study

in the Kingston Family Court which serves Kingston and St. Catherine, with an estimated population of over one million people.

Table 1
Number of applications made for protection orders
1999-2000

| YEAR | No. of Applications Made for Protection Orders | | | | |
|------|--|----------------------------------|---------|-------------|---------------------|
| | Antigua and Barbuda | Saint Vincent and the Grenadines | Jamaica | Saint Lucia | Trinidad and Tobago |
| 1996 | - | 134 | | | |
| 1997 | - | 204 | | 106 | |
| 1998 | - | 182 | | 310 | |
| 1999 | - | 225 | | 447 | 5042 |
| 2000 | 67* | 152 | 275 | 472 | 6554 |
| 2001 | 11 | 42 | 370 | | |
| 2002 | | | 335 | | |

Source: Court records

The ECLAC study suggests that the limited use of the legislation in comparison with the incidence of domestic violence is to be attributed partly to the prevailing “culture of discouragement”. There is a stigma attached to taking one’s spouse to court. This acts as a deterrent to many women as do webs of emotional and financial ties/dependencies on the batterer. Fear of batterer anger and retaliation (physical, financial or emotional) also impede the use of the court process. The limited use of the Acts has also been blamed on insufficient knowledge of the legislation.

On the other hand, in Trinidad and Tobago where the domestic violence legislation has been most used, its passage was preceded by years of heated national dialogue on whether there should be any immunity for men who raped their wives. The Domestic Violence Act of 1991 was also attended by heightened women’s rights activism. By the mid-1990s a total of 8,297 applications for protection orders were filed.³⁴ And between 1999 and 2001 over 8,000 applications were made in that country. The Act is also well used in Belize, where, too, there has been sustained attention to the issue by both State and non-State agencies. Since the inception of the Domestic Violence Act in 1993 up to April 1999, over 2,000 applications for protection orders were filed in the Family Court.³⁵

Apart from the use of the court process, the statistics on the number of orders made pursuant to applications require closer attention. The Creque

³⁴ This figure is for the period August 1991 June 1994. See Merri Creque: A Study of the Incidence of Domestic Violence in Trinidad and Tobago from 1991-1993. Trinidad and Tobago Coalition against Domestic Violence. (Undated)

³⁵ Belize Country Report on the Implementation of the Beijing Platform for Action. 1999

study of Trinidad shows that in the period 1991-1994 only 39% of applications resulted in protection orders³⁶. This low ratio of awards in relation to applications was also observed in Saint Vincent and the Grenadines as well as in Saint Lucia. Between 1996 and April 2001, 940 applications were made for protection orders in Saint Vincent and the Grenadines. Of this number, 39% resulted in the granting of an order. The ECLAC study found that on average, over half of all applications were either dismissed because of non-appearance of the applicants or withdrawn by the applicants. Court records for Jamaica suggest that only 32% of the applications made between 2000 and 2003 resulted in the making of a protection order. Similarly in Belize approximately 50% of the applications made between 1993 and 1999 were dismissed or withdrawn³⁷.

These withdrawals, it has been advanced, are the result of a number of factors, including reconciliation of the parties and withdrawal because of fear and intimidation of the abuser and frustration with the court process.

Table 2
Outcome of applications for protection orders – St. Vincent and the Grenadines³⁸

| Outcome of applications | 1995 | | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | | 2001 | |
|--|------|----|------|----|---------|----|------|----|------|----|------|----|------|----|
| | No | % | No | % | No | % | No | % | No | % | No | % | No | % |
| Withdrawn/ Dismissed/ Struck off for non- appearance | 1 | 8 | 35 | 26 | 11 1 | 54 | 92 | 51 | 124 | 55 | 99 | 65 | 27 | 64 |
| Order | 1 | 8 | 22 | 16 | 60 | 29 | 79 | 43 | 104 | 46 | 48 | 32 | 14 | 33 |
| Unknown | 10 | 84 | 77 | 57 | 33 | 16 | 11 | 6 | 1 | 4 | 5 | 3 | 1 | 3 |
| TOTAL | 12 | 10 | 13 | 10 | 20 | 10 | 18 | 10 | 225 | 10 | 15 | 10 | 42 | 10 |
| | | 0 | 4 | 0 | 4 | 0 | 2 | 0 | | 0 | 2 | 0 | | 0 |

Source: ECLAC

³⁶ Creque, M: A Study of the Incidence of Domestic Violence in Trinidad and Tobago from 1991-1993. Shelter for Battered Women/ Trinidad and Tobago Coalition Against Domestic Violence, Trinidad and Tobago, 1995

³⁷ Belize Country Report on the Implementation of the Beijing Platform for Action. 1999

³⁸ ECLAC/CDCC: An Evaluative study on the Implementation of Domestic Violence Legislation: Antigua and Barbuda, St. Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines. LC/CAR/G.659. ECLAC subregional Headquarters for the Caribbean. November 2001

Table 3
Outcome of Applications for Protection Orders – St. Lucia³⁹

| Year | Cases Lodged No. | Interim & Permanent Orders Granted | | | | | |
|-------|---------------------|------------------------------------|-----|------------|----|---------|-----|
| | | Occupation | | Protection | | Tenancy | |
| | | No. | % | No. | % | No. | % |
| 1997 | 106 | 9 | 8 | 66 | 62 | 2 | 2 |
| 1998 | 310 | 10 | 3 | 150 | 48 | 0 | 0 |
| 1999 | 447 | 16 | 3.5 | 225 | 50 | 0 | 0 |
| 2000 | 472 | 31 | 7 | 293 | 62 | 1 | 0.2 |
| TOTAL | 1335 | 66 | 5 | 734 | 55 | 3 | 0.2 |

Source: ECLAC

Despite the power given to the police to make applications, rarely do they initiate applications for protection orders. In the only study of its kind, Oral Reid⁴⁰, notes for Barbados that during the period January-December 1995, a total of 136 protection orders were recorded by the police, four being initiated by the police. For the corresponding period in 1996, 142 orders were recorded, of which seven were initiated by the police. Reid suggests that police powers are underutilized because of lack of knowledge on their part.

While the evidence suggests some unevenness in the implementation of the domestic violence legislation, there is no doubt that progress has been made in the Caribbean in building confidence in the judicial system around domestic violence. Firstly, the use of the Act by women is highest in countries where there has been sustained education around the cycle of domestic violence and the availability of the legal system as a tool of justice. The use is also greater where there are non-governmental and governmental agencies committed to supporting women in asserting their rights to protection.

The court experience can be most effective where the court signals unambiguously the seriousness with which the application for protection would be treated. In Antigua and Barbuda, for example, the practice has developed for a very speedy *ex parte* hearing with the granting of an interim protection order where appropriate. An *inter partes* hearing quickly follows with both parties before the court. The legal process also worked best where flexibility is adopted in relation to court procedures, the guiding principles being the guarantee of due process for both applicant and respondent.⁴¹

³⁹ ECLAC/CDCC: An Evaluative study on the Implementation of Domestic Violence Legislation: Antigua and Barbuda, St. Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines. LC/CAR/G.659. ECLAC subregional Headquarters for the Caribbean. November 2001

⁴⁰ Reid, P.O. "Domestic Violence: A need for a Change in Police Response. Undated.

⁴¹ ECLAC/CDCC: An Evaluative study on the Implementation of Domestic Violence Legislation: Antigua and Barbuda, St. Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines. LC/CAR/G.659. ECLAC subregional Headquarters for the Caribbean. November 2001

In the countries reviewed, there was a sustained effort to ensure victim-friendly proceedings without compromising the impartiality of the court, a necessary component of due process. Still, in this regard, a study by an anthropologist, Mindy Lazarus Black, showed that there was a trend to give a 'second chance' to offenders.⁴²

In some Caribbean jurisdictions there is judicial hesitancy to grant exclusion orders and police reluctance to assist in the enforcement of such exclusion orders. Despite the fact that the legislation is clear that exclusion orders do not affect legal or equitable interest in property, there is a recurring concern for property rights and secondly a concern for family preservation. In both cases, the prioritization of victim protection can be undermined. Because these are values that do not reflect zero tolerance for domestic abuse, they may reproduce tolerance for violence as a mechanism for control over women and children. It is response to these cultural attitudes on the part of the judiciary that have fuelled calls for more sustained training.

Sexual harassment

Relatively few countries have developed regimes to combat sexual harassment despite the availability of the CARICOM model. Presumably, however, if there is a physical assault or a threat of an assault, the victim of such assault can bring an action in tort and get an injunction to further restrain such behaviour. Of course the heart of sexual harassment is that tolerance of it is a prerequisite for the maintenance of the employment relationship. As such, access to the routine civil remedies would not protect a woman from termination from employment.

Belize⁴³, The Bahamas, Guyana⁴⁴, Sint Lucia⁴⁵ and Trinidad and Tobago all have laws which address sexual harassment.

Under the Sexual Offences and Domestic Violence Act of the Bahamas, sexual harassment is a criminal offence punishable by a fine of \$5,000 and/or imprisonment for a maximum of two years. This legislation is applicable when a prospective employer, employer or co-worker solicits sexual favours by the promise or the threat of the grant or imposition of any favour, benefit, advantage or disadvantage and when advantages are sought by the promise of sexual favours. However, no prosecution can be commenced for the offence of sexual harassment without the consent of the Attorney General. While sexual harassment is criminalized in The Bahamas, no remedies such as

⁴² Mindy Lazarus Black: (Research in Trinidad)

⁴³ The Protection from Sexual Harassment Act (1996)

⁴⁴ the Prevention of Discrimination Act enacted in 1997

⁴⁵ Equality of Opportunity and Treatment in Employment and Occupation Act 2000

reinstatement are provided to a woman dismissed as a result of resistance to sexual harassment.

Although the Trinidad legislation does not speak directly to sexual harassment, the Equal Opportunity Act prohibits sex discrimination. In other jurisdictions sexual harassment has been found to constitute sex discrimination. The law does not create a criminal offence of discriminatory acts. Rather the major focus of the Trinidad and Tobago legislation is to provide a framework for defining discrimination and providing avenues for redress to discrimination. To achieve this, an Equal Opportunity Commission and a specialised tribunal, an Equal Opportunity Tribunal, are to be established. The tribunal is supposed to hear and determine complaints within a civil as opposed to criminal jurisdiction.⁴⁶

An important feature of the law in Guyana and Saint Lucia is the explicit prohibition of sexual harassment committed by an employer, managerial employee or co-employee as constituting unlawful discrimination⁴⁷ Sexual harassment is defined as

“Unwanted conduct of a sexual nature in the workplace or in connection with the performance of work which is threatened or imposed as a condition of employment on the employee or which creates a hostile working environment for the employee.”

The definition captures both quid pro quo harassment (imposed as a condition of employment) as well as the hostile or offensive environment. By definition the first can only be perpetrated by someone in a position of power over another. The law does not require proof of actual detriment as the mere threat is sufficient to the imposition of liability. An example of the second is the presence of pornographic material in the work place. This form of sexual harassment can be perpetrated by co-workers or third parties, not just by employers or supervisors.

Whether what constitutes "unwanted sexual conduct" is to be determined by the subjective test, that is, acts which are unwelcome by the complainant as opposed to acts which could reasonably be regarded as being sexually or otherwise offensive, (the objective test), is unclear. It is arguable that the use of the subjective criterion in determining sexual conduct of an unwanted nature leaves less room for the introduction of prejudicial or stereotypical views on sexual conduct which is offensive.

⁴⁶ ECLAC/CDCC: Advancing Gender Equality in the Caribbean: Legislative approaches to Sex Discrimination. LC/CAR/G.670

⁴⁷ Guyana s. 8; Saint Lucia s.8

Belize is the only country which has enacted legislation that deals exclusively with sexual harassment. Guyana, Saint Lucia and Trinidad and Tobago address sexual harassment as a feature of sex discrimination while The Bahamas does so within the context of sexual offences.

The Belize Act prohibits sexual harassment in the workplace, and within educational institutions, prisons, places of custody of minors and the elderly and medical and mental institutions. The acceptance of unwelcome sexual advances or conduct as a precondition for the attaining of accommodation is also defined as an act of sexual harassment for which the Act gives relief.

Both employers as well as employees have an obligation to desist from behaviour that amounts to sexual harassment. An employer also has an obligation to take immediate and appropriate action to correct any act of harassment where the employer knows or is informed of such conduct.

Sexual harassment is defined as an unwelcome sexual advance or an unwelcome request for sexual favours or other unwelcome sexual conduct as a result of which the harassed person suffers any form of disadvantage in connection with employment or working conditions or which has the effect of interfering unreasonably with the person's work performance or which creates an intimidating, hostile or offensive working environment.

Allegations of sexual harassment are heard at the Magistrate Court which has broad powers to undertake an investigation and/or to effect a settlement by way of conciliation. The court may make a range of orders, including an injunctive type order requiring that the respondent should not repeat or continue such conduct. The court may also order damages by way of compensation for any loss or damage suffered; action to ensure the discontinuance of harassment by a co-worker; the performance of any reasonable act or course of conduct to redress any loss or damage.

Sexual offences

Despite the obvious scope for further improvement, there have been some positive developments in the law as it relates to sexual offences. The law with respect to rape and incest has undergone some reform, as reflected in recent amendments to sexual offences legislation in several countries across the region. Countries, such as Antigua, Barbados, Bahamas, Belize, Dominica, and Trinidad and Tobago have made changes not only to the substantive law, but have made necessary modifications to the procedural law, making court proceedings, in relation to sexual offences more sensitized to the needs and interests of both adult and child victims. Jamaica awaits many of these same types of changes as is embodied in their Offences against the Person Amendment Bill which has been drafted and awaiting passage for several years.

Although rape and incest are particularly noteworthy, criminal sanctions for sexual offences against women include a wide range of offences. Offences such as indecent assault, sexual intercourse with a female under 14 years, procurement and abduction of females are all criminal offences. In fact, amendments since 1992 have added new categories of sexual offences such as grievous sexual assault⁴⁸ and unlawful sexual connection.⁴⁹

Some of the amendments, particularly as it relates to the Trinidad and Tobago legislation have gone beyond the developments contemplated by the CARICOM Secretariat, in its model legislation on sexual offences. However, most of the islands in which changes have occurred since 1992 have followed the CARICOM model and have now made changes that comply with the recommended provisions on the criminalisation of rape within marriage; the evidentiary requirements, including the law in relation to recent complaint; the introduction of evidence as to the sexual history of the complainant; corroboration and reform of court procedures.

In those jurisdictions which follow the common law, the law on rape arguably has been significantly affected by the House of Lords decision in *RV.R* (1991 2 ALL. E.R 257), which is now a landmark case on the marital exemption to rape. This case challenged the long accepted common-law notion that a husband cannot be guilty of raping his wife and if applied, will have a profound and far reaching effect on the development of case law in the region.

Incest

Across the Commonwealth Caribbean, it is unlawful for a man to have sexual intercourse with a woman whom he knows to be his granddaughter, daughter, sister or mother. Suriname stands out in this regard, as it does not recognize incest as an offence, although it does prohibit sexual relations with minors. Accordingly, consensual sexual intercourse between adult family members in Suriname is not unlawful. In those countries, which have now adopted the CARICOM model or some variation on it, the provisions are gender neutral and define the offence of incest as sexual intercourse between parent and child; brother and sister, uncle and niece or grandparent and grandchild. It is immaterial that the sexual intercourse occurred with the consent of the other party but it is a defense to a person charged that the offence was committed by reason only that the person charged was under restraint, duress or fear of the person with whom the person charged had sexual intercourse.

⁴⁸ S.3 Trinidad and Tobago Sexual Offences Amendment Act, 2000)

⁴⁹ Dominica, Sexual Offences Act, 1998 S.4 (1)

Legislation in the Bahamas, Barbados, Grenada, Trinidad and Tobago, make it a criminal offence for an adult to have sexual intercourse with a minor when the minor is the adult's adopted child, stepchild, ward or dependant.

Some legislative schemes, such as those of Belize and Jamaica, have incorporated a specific provision which states that where there is the conviction of any male for the offence of incest against any female under 18 years of age, the court has the power to remove all authority that the offender may have over the young victim, including guardianship rights and to vest that authority in an appointed guardian. The Bahamian legislation, although embodying a similar provision, has ensured gender neutrality and applies to male and female victims under the age of 16.

The Trinidad and Tobago Sexual Offences Amendment Act (2000) has recently added a mandatory reporting provision which will be extremely useful in cases of incest and other sexual offences. It requires a parent and others in authority to report the commission of a sexual offence on a minor with sanctions of a \$15,000 fine and/or seven years imprisonment for failure to do. There has been compelling anecdotal evidence of mothers failing to report cases of incest involving biological or stepfathers who are sexually abusing their daughters. This provision responds to this and in those circumstances, mothers who turn a blind eye to the sexual violation of their young daughters will be held legally accountable. The provision was utilized for the first time in an incest case reported in the Guardian Newspaper in Trinidad and Tobago where a mother was charged under the new provision for failing to report that her 14-year-old daughter was being sexually exploited by the child's stepfather. In this case, the child was pregnant and the mother readily confessed to the police that she was well aware of the sexual relationship but did nothing to prevent it. This mandatory reporting requirement is also present in the St. Kitts Child and Welfare Board Act (1994)

The sentencing range for incest is wide and varied – legislative schemes differentiate between incest with a young person as opposed to an incestuous relationship with an older person. In Grenada, for example, the Criminal Code (S.183) punishes incest with a female under 13 with imprisonment for 15 years, as compared to five years for a female over 13 years of age. In the Bahamas incest is generally punishable with 10 years of imprisonment, but if committed on a dependent child is possibly punishable by a life sentence. In Belize, repeat offenders of sexual offences, including incest, are now punishable by life imprisonment under Belize's new mandatory life sentence provisions of their revised criminal code. The new Trinidad Act has significantly increased the sentence for incest with a person over 14 years of age from 10 years to life imprisonment. The sentence for incest in Jamaica's dated Incest Punishment Act (1948) is still comparatively low with a maximum custodial term of five years increasing to 10 years only if the female is under 12 years of age.

Court proceedings and procedure in incest cases and other sexual offence matters play an integral role in establishing the complainant's comfort level with the legal process. In cases of incest, Anguilla, Barbados, Belize, Dominica, Grenada, Guyana, St. Kitts and Nevis, Saint Lucia and Trinidad and Tobago all provide for in camera proceedings. Trinidad's new Sexual Offences Act allows admission of a minor's written statement where the court is satisfied that the minor is being prevented from giving evidence, thereby allowing a case to proceed in the absence of *vive voce* evidence by the minor. Under Domestic Violence Legislation, which may also be triggered in incest cases, there are special measures, which the court can take in cases involving vulnerable witnesses. The Grenada Domestic Violence Act (2001) specifically states that the recording of evidence by video camera and the cross-examination of witnesses by video unit or use of screens are permissible. Of course, the legal provision for these measures is rendered almost meaningless in the absence of the necessary technological support.

Recent legislation aimed specifically at protecting and preventing abuse of children will play a vital role in cases of incest. This kind of legislative initiative has occurred in Grenada⁵⁰, St. Kitts and Nevis⁵¹; Belize⁵², and Trinidad and Tobago⁵³.

In all of these legislative schemes, the objective is the protection of the child victim, as opposed to criminal sanctions of the perpetrator. The protection of children from physical, emotional and sexual abuse is achieved through protection orders which permit the abused child to be apprehended from their home environment and placed in a place of safety, whether that is a relative's home, a foster home or a child care home.

These more recent legislative schemes, unlike pre-existing legislation, recognize the importance of therapeutic interventions for victims of sexual and other forms of abuse and expressly provide for counseling of victims and their families. This is a positive development, which demonstrates some recognition to the multidisciplinary approach that ought to be taken in cases involving violence against women and children.

Rape

Rape, under the common law, is generally defined as sexual intercourse by a male with a female who is not his wife without her consent. Even in those jurisdictions where rape is more loosely defined as the carnal knowledge of any female without her consent, this intercourse must be shown to be unlawful.

⁵⁰ Child Protection Act 1998

⁵¹ The Probation and Child Welfare Act

⁵² The Belize Families and Children's Act; No. 17 of 1998

⁵³ (The Children Amendment Act

Within the Commonwealth Caribbean, this has traditionally excluded intercourse within the context of marriage, thereby providing immunity to husbands.

The legal justification for this spousal immunity is based on a statement made by the well-known legal commentator, Sir Matthew Hale, over centuries ago, where he stated that:

“The husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their matrimonial consent and contract the wife has given up herself to this kind unto her husband which she cannot retract.”

Marital exemption

One of the major strides that has been made with respect to the offense of rape, has been the modification of the marital exemption rule that has traditionally plagued the laws in this region.

Several islands, within the past 10 years have been guided by S.4 of the CARICOM Model legislation which provides that a husband can be deemed to have committed the offence of unlawful sexual connection with his wife where there is in existence in relation to them the following:

- (a) A decree nisi or divorce;
- (b) A decree of judicial separation;
- (c) A separation agreement; or
- (d) An order for the husband not to molest his wife or have sexual intercourse with her.

Antigua and Barbuda, Belize, Barbados, the Bahamas, and Dominica have all brought their sexual offence legislation in conformity with the CARICOM model and have modified the marital exemption principle accordingly.

Trinidad and Tobago is leading the way on this issue and the marital rape exemption has been repealed under the new Sexual Offences Act. The new law does not distinguish rape committed by a husband from that committed by any other person. This effectively removed any qualifications on marital rape that previously existed under the 1986 Sexual Offences Act. In fact, the law in Trinidad and Tobago has expressly included within the definition of wife or husband, a cohabitant with the meaning of the

Cohabitation Relationships Act 1998 and will therefore extend to cohabiting unions other than marriage.

Belize is also worthy of special mention because although it has followed the CARICOM Model, it expressly creates the offence of “marital rape” thereby distinguishing it from rape, although both punishable on the same terms. In contrast, The Bahamas has differentiated in the sentencing for rape by a spouse, and has imposed a 15 year maximum as compared to a maximum of life imprisonment for rape outside the context of marriage.

In those islands, where the law of rape has not been codified and the interpretation of the law is therefore informed by developments in the common law, the question of the exemption to rape has also evolved. The 1991 landmark case of *R.V.R* (1991 2All ER 257), has arguably transformed the common law and if boldly applied in the Caribbean will drastically change the traditional view on marital exemption. In that case, the English Court of Appeal found that

“Since the rule that a husband could not be guilty of raping his wife if he forced her to have sexual intercourse against her will was an anachronistic and offensive common law which no longer represented the position of a wife in present-day society it should no longer be applied.”

The court was of the view that the principle to be applied was that “a rapist remained a rapist subject to the criminal law irrespective of his relationship with the victim”.

This ruling and subsequent case law is further acknowledgement of the direction in which the law on rape in the Caribbean should be encouraged to follow.

Expansion of the definition of rape and the creation of alternative sexual offences

The actus reus of rape has normally been legally defined as sexual penetration of the vagina. Hence, forcible buggery, oral sex and other invasive sexual acts were not considered rape.

Recent amendments in a few countries have addressed this narrow interpretation of rape and have either broadened the definition of rape itself or have created an alternative offence, which recognizes the gravity of other offensive sexual acts.

In Barbados, the Sexual Offence Act, 1992, defines rape to include not only the “introduction of the penis of a person into the vagina of another” but also the introduction of the “penis or a person into the anus or mouth of another person” or “an object not being part of the human body, manipulated by a person into the vagina or anus of another.”

Bahamas has also expanded the definition of rape and Section 4 of the Sexual Offences and Domestic Violence Act states that sexual intercourse for the offence of rape includes:

(a) Sexual connection occasioned by any degree of penetration of the vagina of any person or anus of any person, or by the stimulation of the vulva of any person or anus of any person, by or with

- i. any part of the body of another person
- ii. any object used by another person,

except where the penetration, or stimulation is carried out for proper medical purposes; and

(b) Sexual connection occasioned by the introduction of any part of the penis of :

- i. any person into the mouth of another person.

A similar approach is also contemplated for Jamaica once their Sexual Offences Bill is enacted.

Trinidad and Tobago has opted to create the offence of Grievous Sexual Assault under their Sexual Offences Amendment Act, several acts, which include penetration of the vagina or anus by a body part or object other than the penis, as well as the act of oral sex. Similarly, Dominica’s legislation has created the offence of unlawful sexual connection, which speaks to the same types of sexual acts.

Modified court proceedings and rules of evidence

Rape trials, like all other sexual assault cases, can be extremely traumatic for victims. Unless court practice and procedures are sensitized to the needs of a rape victim, the trial process can result in a revictimization of the complainant.

Under the common law, there are rules of evidence which can exacerbate the trauma already experienced by a rape victim. The three major challenges confronting the victim in this regard are: (i) the corroboration warning; (ii) the

recent complaint requirement and; (iii) the admissibility of the complainant's sexual history.

The corroboration warning was designed to ensure the truthfulness of the victim's allegation. The action of rape, on its own, without corroborating evidence was viewed as sufficiently dangerous so that the judge was required to warn the jury of its potential unreliability. Barbados has expressly removed the need for a corroboration warning. Despite Trinidad and Tobago's major strides with its recent amendment of their 1986 legislation, the revised Act is silent on this issue.

The CARICOM model legislation clearly states that no evidence shall be addressed concerning the sexual activity of the complainant (S.23). Similarly, the model legislation (S.24) abolished the common law rules relating to recent complaint. Nevertheless, several islands have still not addressed either of these issues. A passive reliance on these old common-law principles sends the damaging message that someone with a sexually active history is more likely to have consented to intercourse and that delay in reporting sexual assaults implies fabrication of the complaints. Bahamas, Trinidad and Tobago and Barbados and now, more recently, Antigua and Barbuda and Dominica are leading the way on positive amendments to these rules of evidence and have set the stage for change across the region.

In the area of legal procedure, one of the remaining obstacles for sexual assault victims is the need for the victim to give evidence twice. Presently, a Preliminary Inquiry at the Magistrate's Court level is required before the matter is sent to the High Court for trial. Even where accused persons have expressed a desire to plead guilty, the preliminary inquiry is still conducted because magistrates have not been given the jurisdiction to accept guilty pleas on indictable or serious matters. The net result of this system is that victims must give their evidence and experience the pain and trauma of doing so, at both the preliminary inquiry and the trial, even in those circumstances where the perpetrator has readily accepted responsibility for his unlawful conduct. Despite the obvious hardship that this can cause to victims, little has been done to address this concern.

The need for in camera proceedings for sexual offences, including rape, has gained widespread recognition across the region. In addition to those countries, such as Trinidad and Tobago, St. Kitts and Nevis, Anguilla, Belize, Dominica and Guyana which have legislated in camera proceedings of sexual offences, there are the growing number of child-centered legislative schemes that have contemplated in camera proceedings. The Belize Families and Children Act of 1998 is progressive in this respect and dedicates an entire part of the Act to procedural matters in child abuse cases. This Act expressly provides, among other measures, that: "the court may decide to sit in private for the whole or part of any proceedings – with respect to any child".

Other innovative developments in the law

Apart from the areas previously outlined, there have been other developments in the law that are worthy of particular mention. Most of these developments have arisen within the Trinidadian context because of the implementation of that country's progressive Sexual Offences (Amendment) Act, 2000. These developments include:

- (a) Increased penalties, including penalties for rape committed in aggravated circumstances;
- (b) Removal of the common-law presumption that a boy under the age of 14 is incapable of committing rape;
- (c) The authorization of a police officer, without a warrant, to take into custody a person who has committed a sexual offence;
- (d) The criminalization of the obstruction of minors from giving evidence in sexual offence areas;
- (e) Special provision for the admissibility of minors' statements;
- (f) The fulfilment of notification requirements of convicted sex offenders at police stations in the district in which they reside;
- (g) The use of screens for minors so as to be barred from the view of the accused;
- (h) Mandatory medical examination of the accused. Should the accused be found to be suffering from the H.I.V. that information is to be promptly given to the complainant; and
- (i) Compensation for victims who contract H.I.V. or other communicable disease as a result of a sexual offence.

Other interesting developments, particularly as they relate to the sentencing of sexual offenders, have taken place in Belize. Belize's amended criminal code has special provision for mandatory life imprisonment of repeat sexual offenders and the provision for treatment and reporting of sexual offenders. The treatment in this case can include mandatory counseling, medical and/or psychiatric intervention.

The Bahamas has also captured a therapeutic objective in its legislation, where it expressly permits the court to impose, in lieu of, or in addition to, any other penalty, a "psychiatric assistance order" requiring the offender to attend a psychiatrist.

Acknowledgement of the gravity of Acquired Immuno-deficiency Syndrome (AIDS) has also been reflected in some of the modern legislative schemes. In The Bahamas, for example, sexual offence legislation makes it a criminal offence for an infected person to knowingly have sexual intercourse with any other person without disclosing the fact of the infection. The offence is punishable by a period of detention of up to five years.

Summary

Law reform has proceeded unevenly within the region. While there was relatively rapid action to enact domestic violence legislation, in other areas the achievements are more modest. In relation to domestic violence, the law has developed somewhat and by the end of the decade Trinidad and Tobago was in a position to enact a revised law based on an intensive consultative process.

For the other countries, such a review is recommended. In this review, the range of persons to be covered by the law should be revisited to ensure inclusion of all persons in a close and intimate relationship with the abuser. The protection should also be generally extended to all household members. The law should also speak more directly to the duties of the police and consider the institution of a mandatory arrest policy which, in its implementation, would transform the culture around policing of domestic violence.

More generally, countries need to be supported in ongoing monitoring of the implementation of legislation. Such monitoring would include strengthening court records and the compilation of annual reports. More qualitatively, the use of the legislation and the courts should be evaluated on an ongoing basis by the users of the court as well as social service providers to the court system.

Less consistent reform has taken place in relation to sexual offences. Where progress has been made, the courtroom is a more sensitive place for victims and their families. Also of note are the new provisions for mandatory reporting of child abuse. Like domestic violence, countries also need to keep records on the disposition of sexual offences cases, such as how many reports are made and the rate of attrition from reporting to conviction. This monitoring exercise will provide guidance not only for law reform but also for the components of support needed by victims, including legal assistance.

There is a notion that sexual harassment is not a serious obstacle for women and that Caribbean women have their own ways of dealing with harassers in the workplace. It is perhaps this sense that has allowed for sexual harassment to remain on the backburner of the legislative agenda. However this notion does not take account of the experience of many women who are in very unequal power relations with their male employers because of an interplay

of gender subordination and economic need. Policy makers, trade unions and women's organizations need to engage in more sustained dialogue on the prevalence and forms of sexual harassment and enact legislation that makes it clear that this form of exploitation will not be tolerated.

The CARICOM model legislation programme has allowed for a relatively harmonized approach to law reform in the Caribbean in the areas that are covered. It provides a template for discussion and for change. Consideration should be given to the development of a follow-up to this programme that would include a review of implementation as well as a plan for assisting governments to monitor and evaluate the legislation on an ongoing basis.

IN-DEPTH COUNTRY ASSESSMENTS OF ACTIONS TO END VIOLENCE AGAINST WOMEN

The problem of violence against women is complex and requires coordinated responses that move beyond the justice system. Such a coordinated response should weave together a number of sectors, including law enforcement, health, judicial, education, social services, housing and community advocacy.

While early coordination efforts mainly focused on criminal justice agencies, a "second generation" of responses is developing to encompass health care providers, child welfare agencies, substance abuse services, clergy and business. Some responses have also involved the community as a whole, responding to domestic violence through prevention and education efforts aimed at raising awareness and reshaping attitudes about domestic violence⁵⁴.

In developing and/or strengthening a comprehensive and integrated multisectoral approach to domestic violence within the Caribbean, it is important to identify and assess the independent responses that must ultimately be integrated to achieve optimum results. Three main interventions, which draw on a varied selection of sectoral responses, were identified for review in the in-depth country assessments. These interventions are as follows:

- (a) Legal Interventions;
- (b) Social service interventions; and

⁵⁴ Coordinated Community Responses to Domestic Violence in Six Communities: Beyond the Justice System: Urban Institute for the Office of the Assistant Secretary of Planning and Evaluation

- (c) Public awareness and advocacy.

DOMINICA

Dominica is a relatively small country with a population of approximately 71,000 persons. It is a country characterised by declining birth rates and sustained levels of migration. This combination has resulted in very little population growth and in fact significant decline since the 1981 census when the population was 73,795. The crude birth rate declined from 25.5 per 1,000 population in 1992 (1,835 live births) to 20.1 in 1995 (1,501 live births), with a rate of 22.8 for the four-year period.⁵⁵ Fertility rates appear to be declining. In 1991, the total fertility rate was reported at 3.0 children per woman, decreasing from 4.2 in 1981. PAHO projections put the corresponding figure for 1995 at 2.9. The group aged 25–29 years old is the most highly reproductive, with an age-specific fertility rate of 141.4 per 1,000 women, followed by the age group 20–24 years old (129.7) and the age group under 20 years old (114.6). The mean age at childbearing is 26.8 years.⁵⁶ The population is a young one with approximately 38% of the population being under 19 years old.

The decline in the banana industry, the mainstay of the Dominican economy, has exacerbated the economic crisis facing the country, resulting in governmental cutbacks in employment as well as in public sector wages and services. The unemployment rate is very high particularly among young people. Among those 15-24, 46.3% of the women are unemployed. The corresponding figure for young men is less but still very high at 36.4%. A 1995 poverty assessment survey for Dominica showed that 27% of households live in poverty and are unable to adequately meet their basic needs, including their nutritional needs.

The incidence of violence against women

Given the extent of underreporting, very little can be concluded from police records on the prevalence of all forms of violence against women. The data from the police is generally not disaggregated or analysed in such a way as to capture the extent of inter-personal violence in the family or household setting. Police records will generally only reflect the nature of the offence as opposed to the relationship between perpetrator and victim. However over time

⁵⁵ Country Health Profile.Data updated for 2001 Health Situation Analysis and Trends Summary <http://www.paho.org/english/SHA/prfldo>

⁵⁶ Country Health Profile.Data updated for 2001 Health Situation Analysis and Trends Summary <http://www.paho.org/english/SHA/prfldo>

there has been an increase in reports but there are strong indications that this is an achievement based on increased advocacy and support for victims.

So, for example, because of the growing proactive approach towards child sexual abuse, there has been a dramatic increase in reports of child abuse from five cases in 1985 to 416 in 1994. In addition, there is a widespread perception, which is difficult to verify, that child sexual abuse is on the rise and that now young boys are also victims of such assaults.

Table 4
Child Abuse by type of abuse - Dominica

| Year | Sexual No. | Physical No. | other No. | Neglect No. | Total No. |
|--------------|-----------------------|-------------------------|----------------------|------------------------|----------------------|
| 1989 | 15 | 17 | 32 | 7 | 71 |
| 1990 | 11 | 23 | 73 | 20 | 127 |
| 1991 | 35 | 25 | 41 | 66 | 167 |
| 1992 | 70 | 42 | 39 | 55 | 206 |
| 1993 | 123 | 31 | 59 | 42 | 255 |
| 1994 | 135 | 34 | 188 | 58 | 415 |
| 1995 | 82 | 38 | 74 | 66 | 260 |
| 1996 | 95 | 21 | 69 | 54 | 239 |
| 1997 | | | | | 267 ⁵⁷ |
| 1998 | | | | | 303 |
| Total | 566 | 231 | 575 | 368 | 1740 |

Source: Child Abuse Prevention Unit – Social Welfare Unit, Dominica

Qualitative studies have been used to fill in the knowledge gaps on prevalence of domestic violence in Dominica. The most recent study was undertaken in 2001. This study found that that 32% of those interviewed had experienced abuse in a spousal or intimate relationship. Two thirds of that group were female and while the men reported experiencing verbal abuse, the vast majority of women had been physically abused. In many cases, this abuse was inter-generational as a significant number of abused women (36%) had also witnessed the abuse of their own mother.

The persons so abused offered a variety of reasons to explain why they stayed in abusive relationships including, for the sake of children, financial need, fear of losing property and contrition of the abuser. Abusers were seen as being largely unapologetic and unreflective, unable to communicate, having low self-esteem and having substance abuse problems.

⁵⁷ The data for 1997 and 1998 was taken from Dr Griffin Benjamin, Dr George Mahy, Dr Sharon Harvey, Dr Liris Benjamin: Risk Factors for Child Abuse in Dominica.
<http://www.uwichill.edu.bb/bnccde/dominica/conference/papers/Benjamin.html>

This survey was not the first study of its kind in Dominica and two previous surveys obtained similar results. It is with an appreciation of the magnitude of the issue, that much of what exists by way of a programme to address domestic violence was formulated.

Responses to violence against women

Programming for violence against women within the State sector has been and remains the responsibility of the Women's Bureau. This bureau however works closely with the NGO sector and in particular with the Dominica National Council of Women. With these agencies as the catalysts, laws have been reformed, services strengthened and advocacy and education undertaken.

Legislation

A number of significant changes have occurred in this area. The law on sexual offences was updated and important amendments were made to reflect the seriousness with which the society viewed that class of offences. Dominica was also the last country in the English-speaking Caribbean to enact the Domestic Violence Legislation, Protection against Domestic Violence Act 2001. The structure and content of the Act loosely follows the CARICOM model and incorporates some of the developments from the Trinidad 1999 Act. Among all the countries, Dominica is the only one where an application for a protection order can be made either to the High Court or the Magistrates Court, The legislation also confers jurisdiction on a family Court in anticipation of the establishment of such a mechanism.

Domestic violence

The protection against Domestic Violence Act allows applications to be made by spouses and former spouses, whether married or common-law, as it does a person who has a child in common with the respondent. The Act allows persons in visiting unions to make an application, though the duration of the visiting union must exceed 12 months at the date of the application. Parents and siblings may also make applications whether or not they are members of the household of the respondent.

The Act specifies in great detail the types of applications and therefore types of orders that can be made by the Court. The orders include non-molestation, exclusion, occupation and tenancy orders. It is an advance on the CARICOM model in that it allows the court to grant a range of financial relief, including interim maintenance awards for the benefit of the applicant or any child. The respondent may also be ordered to pay rent or mortgage for premises

occupied by the applicant or to pay compensation for monetary loss as a result of domestic violence (e.g. medical bills, loss of wages, repair to property, etc).

The court may order counseling for both applicant or respondent and the Act specifies a reporting back obligation on the part of the counselor in relation to attendance at counseling sessions as well as a report on the progress of the counseling.

The Act spells out in some detail the powers and responsibilities of police officers and mandates that there shall be a police response to every complaint of domestic violence, whether or not the complainant is the victim. The Act establishes a Domestic Violence register to be kept by the Commissioner of Police.

The power to effect a warrantless arrest obtains in circumstances where there is reasonable cause for believing that a person is engaging or attempting to engage in conduct which amounts to physical violence. Police powers of entry are limited to circumstances where police officers need to enter onto premises to intervene and protect a person from physical violence.

Unlike the other legislation, the Dominica Act gives the court the power to require the respondent to enter into a bond of good behaviour for a period not exceeding six months. This however can only be done with the consent of the applicant or complainant.

Finally, the Act contemplates the possibility of non-cooperation on the part of victims in the prosecution of breaches of the order or in the making of the application. It makes admissible into evidence the written statements given or made by a victim to the police once it is contained in the form of a statutory declaration. Such a statement may only be admitted where a complainant refuses to be sworn in as a witness or where the complainant gives evidence that is contradictory to the statement given to the police.

Sexual offences

The Sexual Offences Act was passed in 1998 and addresses not only substantive law but also evidential and procedural matters. It is noteworthy that despite the newness of the legislation, the immunity from prosecution by husband for rape within marriage has not been abolished completely. Under the 1998 Act, a husband loses his immunity only if there has been a judicial process leading to the separation of the parties, either in the form of a decree nisi, decree of judicial separation, separation agreement or a non-molestation order.

In relation to incest, sexual intercourse is prohibited between people in a relationship of consanguinity. The Act however also goes on to create an

offence of sexual intercourse with an adopted minor, child in foster care or with a child who is living with the adult as a member of his family or is under the adult's care or protection. This provision is a significant advance given the social structure and family forms present in Dominica where many women live with or have visiting relationships with men who are not the biological fathers of their children.

The law has also addressed a number of evidentiary and procedural burdens that acted as a deterrent to the reporting and prosecution of sexual offences. Firstly, all trials of sexual offences are to be held in closed court except at the sentencing stage which is to take place in public. Anonymity of both complainant and accused is assured during and after the trial, though in the case of the accused, this is lost upon conviction. Secondly, the need for a corroboration warning has been abolished as has the admissibility of the sexual reputation or history of the complainant other than with the accused except where a special application is made for such evidence to be admitted in the interest of a fair trial.

The Act also allows for the admissibility of video recorded evidence on the part of minors. Such evidence may be given not only by a victim but also by a minor witness to a sexual assault.

Law enforcement

Police responses

It is reported that very few applications have been made under the Domestic Violence Act. Reasons given for this include the newness of the legislation, the lack of knowledge by women of the Act and the reluctance generally to invoke the legal process to resolve what is seen as a family matter. Despite the power given to police to make applications on behalf of children and to respond to complaints of abuse, there is still reluctance on the part of police to intervene. This reluctance has been attributed to a number of factors, the main being cultural attitudes around the sanctity of the spousal union. Additionally, Dominica is a very small society and the networks of kinship and friendship act as a lever by abusive men in their relationships with police officers. This problem is even more magnified where the perpetrator is another police officer. In the words of one lawyer: "Friendship is the biggest impediment to justice in Dominica".

With regard to the criminal process, Dominican police, like police in other small Caribbean countries, are seen as authority figures within communities. They are called upon to be other than only law enforcement officers. They are expected to be problem solvers and arbiters. This expectation holds true especially for 'family disputes' and has been advanced as one of the primary reasons why police do not arrest or charge perpetrators of domestic

violence. There have not been many arrests because traditionally Police officers in Dominica do more mediation in these situations than prosecution, except when very serious injury arises.

The invocation of the community culture around the use of police in relation to domestic violence is one which is questioned and deprecated among women's organizations and those who provide services to victims. Police are judged as not understanding or as executing their law enforcement role selectively. In the words of one interviewee, "There is a kind of casualness by police officers particularly about spousal abuse".

This view is supported by survey findings from research undertaken in 2001 by the Women's Bureau on family violence. About half of the respondents who had sought help from the police expressed dissatisfaction with the results because of little follow-up and improper evidence gathering by the police.

Given the centrality of policing to eradicating gender-based violence, some attention has been paid to police training. The current police force is in the vicinity of 450 officers. Of these some 250 police officers participated in the two-day CAFRA training over a five-week period between January and February 2001. The ranks trained ranged from sergeants to constables. CAFRA has not been able to follow up or monitor police action as this was not part of the project design and the resources are not available to do this.

While it is widely acknowledged that police response to domestic violence has improved markedly in Dominica since the training, this is an area in which further work is needed. There is a consensus that the police training needs to be ongoing and routinised within the police training curriculum. This is now being done at the Police Training Facility where domestic violence has been added to the core curriculum.

In regard to counseling, there were also widespread calls for training of police in counseling and in the determination of the context within which it would be acceptable for police to give preliminary counseling to whom and with what objective in mind.

Prosecutorial and judicial responses

Very few applications for protection orders under the Protection against Violence Act have been made. In relation to those cases, most concern allegations of mental abuse as opposed to physical abuse. Given the limited number of applications, no trends can be discerned. However in the case of counseling, there are varying practices between courts. Consideration should be given to the development of guidelines on the situations in which counseling

is indicated and on the purpose of the counseling within the context of the determination of the application for a protection order.

In sexual offence trials, the new law goes quite a far way in combating the cultural stereotypes about women's sexuality as well as the stereotypes about the propensity of women to fabricate allegations of rape. They also alleviate many of the fears of women about public humiliation and loss of privacy which can be a paramount concern in small societies such as Dominica. Notwithstanding the law reform, the research revealed that trials involving sexual offences are heard in open court except where minors are involved or where the details of the offence are 'horrific'. This seems to be in clear breach of the terms of the Act.

The CAFRA/ACCP training did not address sexual offences as a major topic. However, this is an area that police have great difficulty in addressing. Throughout the region the level of reporting is low and the level of detection and successful prosecution even lower. One of the main impediments to detection cited in Dominica was the absence of a forensic facility or easy access to such a facility within the Caribbean region. This has meant that in some cases even when the police have a suspect, their inability to do forensic analysis on bodily fluids in a timely fashion has resulted in the non-prosecution of cases.

Legal aid

As part of the OECS Judicial Reform Project, Dominica is about to implement a legal aid scheme within the Ministry of Legal affairs. The target beneficiaries are young persons in need of care and protection, young offenders, domestic violence victims and the disabled. The work of the legal aid will be largely criminal though matters in relation to land, family and will probate will also be eligible for legal assistance. It is anticipated that eventually the post of duty counsel will be established.

Social service intervention

Social service intervention in Dominica concentrates on public education, advocacy, professional and peer counseling and, to a very limited extent, crisis housing.

The Women's Bureau is the central point within the public sector with responsibility for gender-based violence. This however appears to be the outcome not of a coordinated policy decision but rather the assumption of responsibility for an area affecting women which no other sector has prioritized.

The Women's Bureau is located within the Ministry of Community Development and Gender Affairs. It is responsible for advancing gender mainstreaming and is both a site of policy oversight around gender equality goals and well as a project implementer. The Women's Bureau sits on a number of Advisory Committees and participated in the Committee which drafted the Domestic Violence law.

The Bureau in turn is also advised by an Advisory Committee comprised of a number of ministerial representatives (education, health, finance, planning) as well as the NGO sector, in particular the Dominica National Council for Women (DNCW) and church organizations.

The Bureau offers a number of services such as counseling, education and outreach. It sees its role as being primarily an advocacy one, a role that was key in propelling law reform in the area of violence against women. The Bureau organizes activities, for example, around International Women's Day and the Day against Violence against Women.

While the Bureau has not been able to assess its work formally, there are a number of indications that the role that it plays is one which is understood as necessary by the public. The Bureau receives a great many requests to address schools, community-based organizations and NGOs. The majority of these advocacy and education engagements are around the theme of domestic violence.

There is both an institutional as well as an informal connection between the Women's Bureau and women's organizations, perhaps inevitable because of the small size of the country. However, the Women's Bureau was not part of the planning or executing body on the CAFRA Police Training Project.

The social service delivery around gender-based violence is located in the Social Welfare Division, which, like the Women's Bureau, forms part of the Ministry of Community Development and Gender Affairs. The Division has seven professional staff, that is, persons with social work duties: the Chief Welfare Officer, Deputy Chief Welfare Officer, Coordinator of the Child abuse Prevention Unit and four welfare officers.

The Unit, despite its staff and resource limitations, has a heavy portfolio. It is responsible for:

(a) Administering (including monitoring) public financial assistance to indigent persons;

(b) Child care, including foster care (assessment, placement, monitoring of foster care arrangements);

- (c) Child abuse;
- (d) Adoptions; and
- (e) Probation services, including preparation of inquiry reports to support the court processes.

The Division works mainly with child victims, those sexually and physically assaulted. The Child Abuse Prevention Unit has a staff of one social worker who is responsible for public education programmes on the issue as well as counseling child victims of abuse. All cases of sexual abuse are referred to the police and the development of the Child Abuse Guidelines has allowed for the ongoing development of closer inter-agency collaboration in the interest of the protection of children and the punishment of perpetrators. The need for greater coordination and collaboration between the health sector, police and social services was well acknowledged. In March 2003, the Social Welfare Division conducted a two-day workshop with police officers to examine and strengthen the respective roles of the agencies. From the point of view of the Division, the police have the tendency to focus on arrest and prosecution sometimes to the detriment of the mental or emotional stability of the child victim.

The Division is guided not only by the Protection against Domestic Violence Act but by the Children and Young Persons Act which also gives social welfare officers the power to remove children from situations of abuse and to bring them before the court for care and protection orders. Indeed, the Protection against Domestic Violence Act has not been used by the Division. The Children and Young Persons Act is perceived as a more responsive legislative scheme because it allows the Court to place children in long-term and therefore, more stable care arrangements.

There are increasing demands on the Division to supply inquiry reports to court in applications for protection orders. The Division is expected to provide counseling for both victims and perpetrators of domestic violence. These expectations place further burden on the Division given the limitations of the size of the staff. In addition, the Division does not have staff trained in counseling or psychological interventions with perpetrators or victims of domestic abuse.

Like everywhere else in the Caribbean, there is great concern for child sexual abuse and incest. Sexual abuse was the most prevalent form of child abuse in Dominica in 1998, comprising 41.6% of cases registered in the Child Abuse Register.⁵⁸ The concern is heightened by a pervading sense of the

⁵⁸ Dr Griffin Benjamin, Dr George Mahy, Dr Sharon Harvey, Dr Liris Benjamin: Risk Factors for Child Abuse in Dominica. <http://www.uwichill.edu.bb/bnccde/dominica/conference/papers/Benjamin.html>.

inability of the social services and police service to adequately protect children and to ensure the apprehension and punishment of perpetrators.

The inability to intercede effectively in all cases to protect children is blamed on the resource deficiencies but more so on the complicity or lack of vigilance on the part of primary care takers in relation to abused children. Although there are only a few cases of reports of child sexual abuse, there is a sense that such abuse is of significant proportions in Dominica.

While reporting of suspected cases of child abuse are not mandatory, in 2002 guidelines on child abuse were developed by the Social Welfare Division. The guidelines are meant to inform the work of the Social Welfare Division, health sector workers and teachers. It outlines signs of abuse that should trigger the making of a report to the Social Welfare Division and the Police. The Guidelines also include direction to medical workers on the treatment of suspected victims in order to take in and preserve important evidence.

A Child Abuse Register has also been agreed upon and should be implemented in the near future.

There is general agreement by the Social Welfare Department as well as by the Women's Bureau that the establishment of a Family Court would advance an integrated system response, in which the social service delivery systems could be harmonized and more effective use made of the limited capacity of the respective agencies.

Crisis Centre and counseling

There are reported to be nine professionally trained counselors in Dominica and four psychiatrists. However, persons who may be referred to as 'para professionals' also operate from the NGO sector, within the police service and within social departments such as youth affairs.⁵⁹ Generally the extent of counseling for sexual offences and domestic violence does not meet the demand. In a consultation on justice issues in Dominica, it was agreed that there was inadequate trained personnel and that counseling interventions among agencies lacked coordination. However, counseling is seen as a priority, particularly counseling for victims of domestic violence and family therapy in general.⁶⁰

The Dominica National Council for Women has been at the forefront of counseling and advocacy on behalf abused women for the last 15 years. It is

⁵⁹ OECS Judicial Reform Project: Report of Dominica National Consultation http://www.oecs-jlr.org/Nat_Con_-_Dominica.pdf

⁶⁰ See note 61

this agency which first collaborated with ECLAC on the strengthening of data collection around both domestic violence and rape in 1989. In the early 1990s, DNCW conducted research in the incidence of domestic violence and was a central collaborator in CAFRA's Women and the Law Project.

The DNCW is run by volunteers and has one person working with it on a part-time basis. At present, the DNCW runs a counseling service and is a major reference point for police seeking guidance on the treatment of victims of domestic violence.

Table 5
Reports made to DNCW March 2000-August 2002

| Type of violence | Female | Male | Youth | Total |
|-------------------------|---------------|-------------|--------------|--------------|
| Physical | 24 | | | 24 |
| Emotional/psychological | 40 | 12 | 3 | 55 |
| Sexual | 9 | | 2 | 11 |
| Other | 12 | | 1 | 13 |
| Total | 85 | 12 | 6 | 103 |

The DNCW also runs a small shelter where persons can stay for no more than five days. The shelter has only three beds. It does not receive a subvention from government though its services are frequently used by the Women's Bureau or by the police seeking refuge for a woman and her family away from domestic violence.

The DNCW also works closely with both governmental departments (Women's Bureau and the Police) as it does with the Roman Catholic Church.

Apart from the DNCW, the other major non-governmental actors around this issue are CAFRA and the Catholic Church. The Dominica branch of CAFRA is made up of some 15 persons. Not unsurprisingly a number of those persons are also members of DNCW.

Public education and consciousness-raising

Dominica is a country with a history of a vibrant developmental NGO movement in which women's rights advocacy has had a central place. Agencies such as the Small Projects Assistance Team, Movement for Cultural Change and the Dominica Chapter for CAFRA all have histories of advocacy around violence against women. This is also partly due to the inevitable networking flowing from overlapping membership in the various organizations.

The Dominica National Council for Women, which is widely perceived as the agency with a primary mandate to deal with the issue, has taken the lead role. The collective work of individuals and agencies in Dominica, along with the close-knit nature of that country has resulted in the issue being addressed as a central concern by the Catholic Church in that country. Domestic violence has been adopted by the Church as a pressing social issue on which it is committed to working. Given the institutional strength and influence wielded by the church, this is a significant development

Health

There is one general hospital, seven health centers and 44 clinics located throughout the island. Within the Ministry of Health, there is a Health Education Unit

Health policy development around violence against women is in its early phases. The Ministry of Health is a collaborator in the reporting protocol developed by the Social Welfare Department in relation to child abuse. Apart from that, there are plans to start a community mental health programme to address family dysfunctionality at the community level. The proposed programme does not address domestic violence directly, nor at this stage has it been informed explicitly by gender analysis. Still, the proposed programme offers opportunities for collaboration with the Women's Bureau, Police and the Social Welfare Department.

Like the Social Welfare Department, the focus of the health sector initiative seems to be on children in the context of families. This may be so given that a study on child abuse undertaken by a team of doctors in 2001 found that a number of psycho-social factors predisposed children to abuse. These included the loss of one or both parents, not living with both parents or not sharing social activities with their parents. That study also reported that substance abuse (alcohol or drugs) increased the risk of abuse of children. It made a number of recommendations, including that health and social workers should be sensitized to the heterogeneous risk factors associated with child abuse in Dominica; and that intervention strategies aimed at decreasing the risk of childhood abuse should focus on the social integration of the families at risk.⁶¹

Summary

Tangible achievements have occurred on the issue of violence against women in Dominica. It is also worth noting, however repetitively, that these

⁶¹ Dr Griffin Benjamin, Dr George Mahy, Dr Sharon Harvey, Dr Liris Benjamin: Risk Factors for Child Abuse in Dominica. <http://www.uwichill.edu.bb/bnccde/dominica/conference/papers/Benjamin.html>

gains are the outcome of sustained activism, networking and lobbying on the part of a few committed persons. The law reform, police training, reporting protocols are the direct outcome of increased awareness on the magnitude of the problem and perhaps more importantly, an express rejection of the complicity that silence signifies. The Catholic Church involvement ushers in a new era of a wider engagement with the issue beyond women's organizations.

Still, what is needed is the articulation of an integrated approach to gender-based violence, in which all the agencies that have a defined and complementary role to play in both policy formulation and service delivery. In this regard, there is need for the development of a National Plan of Action which maps out not only the objectives but which considers an efficient re-deployment of the resources (both human, financial, administrative) system-wide. This coordination is even more imperative now given the severe resource constraints being felt both in the public and private sectors in Dominica.

Given the small size of Dominica, much of the networking exists at an informal level, based on personal connections between persons involved in the work. This is advantageous from the point of view of creating effective collaborating on an ad hoc basis. However where these networks are not institutionalized, they break down when a person leaves or is re-assigned to another position.

The development of the Child Abuse Guidelines is meant as a mechanism to ensure continuity and consistency in inter-agency collaboration. It should be treated as a model to be elaborated on and extended for all forms of violence against women.

JAMAICA

Jamaica is the largest of the anglophone Caribbean territories. It has a population of approximately 2,600,000 people. Like other parts of the Caribbean, the population is a young one with the median age being 26. Some 18% of the population is between 15-24. Life expectancy for men in 1995 was 72 and for women, 77. It is a country with a relatively low birth rate of 2.2.

Since the 1970s Jamaica has undergone a sustained economic crisis. Its engagement with structural adjustment policies led to a precipitous decline in the value of its currency, an increase in the cost of living (given the import orientation of the economy), an increase in unemployment and heightened poverty levels. There are also clear gender differentials in the workings of the economy. In 1999, the adult economic activity rate (14 years and more) was 55% for women and 73% for men. This combined with the significant levels of female headed households in Jamaica, practically means that women and their children are amongst the poorest of the poor.

In addition to gender disparities, there has also substantial income disparities. It has been claimed that Jamaica has very unequal income distribution. One third lives beneath the national poverty line (UNDP, 1999). The lowest 30% enjoys 9.95% of national income, whereas the highest 30% enjoys 72.8% of the income.⁶²

Accompanying the economic crisis has been political and social crises. One manifestation of these crises that is difficult to ignore is crime and violence. The homicide rate in Jamaica is among the highest in the world.⁶³

There seems to be a general consensus, though it is practically impossible to substantiate, that all forms of violence against women have increased. This violence is linked to unequal power relations between women and men, and factors such as poverty, substance abuse, the rise of gangs and community breakdown have increased the vulnerability of girls and women.

Incidence and causation of violence against women

It is quite clear that violence is a major problem in Jamaica and that gender-based violence is experienced by a significant number of girls and women in Jamaica. In 1997, 21% of all murders were domestic related. This number increased to 33% in 2000 and 28.7% in 2001. Indeed after homicides committed as reprisals, domestic-related murders account for the highest rate of murders in Jamaica. In 1998, for example, it is reported that some 100 women were murdered in Jamaica and that most of the deaths occurred as a result of domestic violence⁶⁴.

Like elsewhere in the Caribbean, the data collection systems for violence against women and, in particular, domestic violence is under-developed. Reporting is hampered not only by victim reluctance to go to the police or other agency for assistance, it is also impeded by a reporting system that is not harmonized among agencies. The data sources on violence against women in Jamaica are to be found among the police reports, the Women's Crisis Centre and the Family Court and health centres. Police reports are still not routinely disaggregated according to the relationship between perpetrator and abused. The statistics that are published speak to the types of crime – wounding, assaults, etc. It is still therefore practically impossible to state with any authority the incidence or prevalence of domestic violence across time using police records.

⁶² http://www.cforl.org/jamaica_country.htm

⁶³ A study carried out by A. Harriott shows that the homicide rate in Jamaica is four times higher than the world rate, with the city of Kingston having the highest rate in the world at 109/100,000, followed by Washington D.C., at 67/100,000.. Quoted from <http://www.undp.org/rblac/gender/documents.htm>.

⁶⁴ Women Still at Risk, Peter Richards, IPS, 6 December 1999 <http://www.hartford-hwp.com/archives/43/117.html>

In relation to domestic violence, the Women's Inc/Crisis Centre has experienced a steady rise in the reports of domestic violence since 1985. In that year there were no reports of domestic violence. By 1999 reports had risen to 1151. But from one agency to the other, the number of reports that suggest domestic violence fluctuate wildly. So, for example, the Crisis Centre figures are in sharp contrast to the data on applications made to the Family Court for protection orders by victims of domestic violence. Only 275 applications for protection orders were made in 2000 and this increased to 335 in 2001. Again, a UNDP study on gender-based violence in Jamaica provides data provided by the Emergency Unit of the Kingston Public Hospital which indicates that everyday approximately 20 women are treated on an outpatient basis for wounds requiring stitches, and that 90% of these situations are the result of domestic violence.⁶⁵ The figures available therefore tell less of incidence or prevalence than they do perhaps of women's perceptions of the utility of effectiveness of social and legal services.

In relation to rape, a longitudinal study on crime in the Caribbean conducted by Albuquerque and McElroy shows that the incidence of reported cases of rape increased significantly in Jamaica between the 1980s and 1990s. This may represent an actual increase in the number of rapes or the number of reports or a combination of the two factors. Their study shows that the incidence of rape rose from 35.0 per 100,000 in 1980 to 71.4 per 100,000 in 1996.

Police statistics on rape discloses that a significant number of reports go unresolved. In 1993, 773 rapes were reported of which 57% were not solved. In 1997, 73% of all reported rapes went unresolved. The reports rose slightly in 2001 to 776 and 767 in 2002.

Table 5
Reports of sexual offences

| Year | 1993 | 1995 | 2001 | 2002 |
|-----------------------------|-------------|-------------|-------------|-------------|
| Reported/cleared up | | | | |
| Rape | 773 332 | 843 268 | 776 239 | 767 226 |
| Carnal abuse | 583 255 | 761 281 | 451 199 | 424 203 |
| Incest | 0 | 40 | 40 21 | 62 32 |
| Indecent assault | 131 45 | 174 54 | 276 128 | 243 118 |
| Buggery | | | 39 17 | 45 17 |
| Attempted rape | | | 14 3 | 14 6 |
| Assault with intent to rape | | | 49 27 | 57 33 |

⁶⁵ <http://www.undp.org/rblac/gender/jamaica.htm>

Reports of carnal abuse, (sexual intercourse with a minor female child) have also increased over the 1990s, going from 583 in 1993 to 745 in 1997. Throughout the research process, concern was reiterated over the phenomenon of carnal knowledge. This phrase masks a number of different types of situations, from rape of minor girls, to transactional sex between older males and young girls, to consensual sex between young persons of relatively equal age. Generally, the police report that consensual sexual relations between young people of relatively similar ages are rarely if ever proceeded with. The more typical carnal abuse is that of rape of a minor or sexual relations between a very young girl and an appreciably older man.

More indirect data also points to the problem of child sexual abuse. In 1996, Marjorie Taylor, then a Member of Parliament reported to Parliament that in the area of sexually transmitted diseases, children were major casualties, with seven boys and 17 girls being infected with syphilis in 1993. There were 327 cases of gonorrhoea in children 0-14 years old during 1993. That figure fell to 204 in 1994 and rose again to 245 in 1995.

Violence against children in Jamaica is a growing concern, and yet the concern could not be adequately substantiated by empirical data because reliable statistics are simply unavailable. Individuals and agencies involved in the care and protection of children cited poor record keeping as one of the major gaps in the struggle to eradicate child abuse.

While the incidence and forms of child prostitution are under-researched, an International Labour Organisation (ILO) rapid assessment suggests that this form of abuse is not insignificant in Jamaica. Children are exploited as street prostitutes, seasonal sex workers, go-go dancers, massage parlour workers, sugar daddy girls and porn production workers. The majority of children interviewed or studied in this work were girls though there were groups of boys who were also exploited. The study found that some of the children were as young as six, most were from poor backgrounds and were out of school. The main clients of the boys were adult homosexual males. The study offers a number of causes for child prostitution including economic poverty, low levels of literacy on the part of the children, inadequate parental supervision and fear of reprisals from community dons that made some women tolerate situations that affected the rights of their children. However the study also points to inadequate enforcement of the law relating to sexual offences.⁶⁶

As indicated before, a few studies have been done which suggest a number of causes for violence against women in that country. The phenomenon has been explained as an outcome of male impotence and frustration at the lack of opportunities for economic well-being and status. The

⁶⁶ Leith Dunn: Child Prostitution in Jamaica. ILO Rapid assessment. November 2000

culture has also been described as one which reproduces an ‘uncompromising gender ideology’ in which masculinity is associated most readily with being in control and aggression.⁶⁷

Women’s vulnerability to abuse has been linked with economic dependency. Bailey reports that men are seen as gatekeepers to resources and that women may be forced because of this relationship of transaction and dependency into a subservient role. It has also been asserted that Jamaican society gives tacit and legal approval to the use of violence which carries over into the domestic sphere. Child beating as a form of discipline is sanctioned both within the home and within schools. Violence is an integral component of the penal system and is glorified in the media and popular culture.⁶⁸

Responses to gender-based violence

The UNDP Civic Dialogue Workshop on Violent Crime⁶⁹ held in 2002, had among its objectives: to discuss the current situation and develop a shared understanding leading to consensus on the critical issues and challenges facing violent crime; to develop strategies and lines of actions on how to implement some of the recommendations of the Report of the National Committee on Crime and Violence.

What is striking both of the UNDP Civic Dialogue as well as the Report of the National Committee on Crime and Violence is the complete absence of any gender analysis on the root causes of crime and violence in the Jamaican context. Not only is there the sociological fact that the perpetrators are largely men and go unmarked, but there also exists the high level of gender-based violence against women. There is little reflection in the fact that some 30% of all homicides are domestic related.

In the report of the Civic Dialogue, crime and violence are found to be caused by destabilised family structure (poor parenting), by a decline in attitudes and values, by urban drift, by economic instability, illiteracy, political tribalism, etc. There is no analysis of how the hegemonic or dominant values around masculinity make men more likely to use or resort to violence as a method of resolving situations which are conflictual, whether in the home or in the community.

⁶⁷ See Aldrie Henry-Lee at *note 8* and Bailey et al at *note 9*.

⁶⁸ Inter-Agency Campaign on Violence Against Women and Girls (UNIFEM - UNPD - UNICEF - UNFPA - ECLAC - UNHCR - UNAIDS - UNHCHR) United Nations Development Programme, UNDP Regional Project RLA/97/014 National Reports on the Situation of Gender Violence Against Women, National Report, Jamaica, March, 1999.

⁶⁹ UNDP Civic Dialogue Workshop on Violent Crime

This is so despite the research undertaken in Jamaica which has elicited that by age 10, boys began to recognize the importance of masculine traits; the importance of masculine traits, and in this context, physical dominance was seen as an important aspect of masculinity. By age 14, this recognition became very clear in the minds of the boys being studied.

The linkages between gender socialisation and violence remain unexplored at an influential policy level within Jamaica. There is an absence of acknowledgement that violence, whatever else may be its other causes, is fundamentally gendered in two distinct ways. Firstly, a significant proportion of violence experienced in that country is an expression of unequal power relations between men and women and, secondly, violence as an expression of aggression is seen as central to the experience of masculinity.

The recommendations which flow from the Civic Dialogue and the Report of the National Committee exclude any work on the area of gender socialisation, the empowerment of women and the understanding of masculinity. The closest the Report comes to looking at socialisation practices and inter-personal relationships is in its Recommendation No. 2 which urges an inculcation of proper values and attitudes in the youth of Jamaica and the strengthening of parenting skills.

There is therefore little cross-sectoral responsibility for the eradication of gender-based violence. The work around ending violence against women has been located very much within the Women's Bureau. Apart from the enactment of the domestic violence law which was a product of the office of the Attorney-General working closely with the Women's Bureau, it is not too evident that other sectors of the public service have placed violence against women as a policy and programmatic priority.

Legislation

Domestic violence

The Domestic Violence Act was passed in 1995. Within the judicial system, applications for protection orders can be made only at the magisterial level. The Family Court (the first in the Caribbean region) has a lower court jurisdiction. There are two divisions of the Family Court, one in Kingston and the other in Montego Bay.

The legislation is patterned on the CARICOM model legislation and has several gaps that have been plugged in later legislation in other parts of the region. Chiefly, these include:

Limited range of protected persons

Protection orders can only be made in favour of a spouse, parent, child or dependant of the respondent (person who has perpetrated the abuse). Spouse, as defined, does not include former common-law spouses, nor does it include persons who were in a close and intimate relationship but who had never lived together (i.e. those in a visiting relationship). This is a significant omission given the notable proportion of Jamaicans who are in visiting relationships and who have children for persons with whom they have never resided.

The Act also does not extend to other family and household members who fall outside the stipulated categories.

The Act only sketches in very limited terms the nature of the conduct that would be sufficient to ground an application for a protection order. The Court may make an order where the respondent has used or threatened to use violence or caused physical or mental injury and is likely to do so again. The Court is also given the more general power to make an order where this is necessary for the protection of the prescribed person.

While the definition of the conduct seems wide enough, it might be preferable to be more explicit on the kind of conduct that is prohibited, especially since the Act is meant to be used by persons without the requirement of legal representation. As pointed out in the ECLAC study⁷⁰, this approach is less a legal advantage and more a method of assisting possible applicants in deciding whether their own experiences amount to domestic violence. In that sense a more expansive definition has an educative and re-socializing function.

So, for example, under the 1999 Domestic Violence Act (Trinidad and Tobago), domestic violence includes “physical, sexual, emotional or psychological or financial abuse”. The inclusion of financial abuse is based on the understanding that many batterers use the withholding of money or the taking away of money as a method of control over the victim.

The Act gives the Court the power to make non-molestation, exclusion and occupation orders. One of limitations of the legislative scheme is the absence of power of the magistrate to grant custody and maintenance orders on the hearing of an application for a protection order. A separate application has to be made to bring such matters before the court. The court can also order counseling though it is silent on the role of the counseling to the eventual disposition of the case.

⁷⁰ ECLAC/CDCC: An Evaluation of the Implementation of the Domestic Violence Legislation in Antigua and Barbuda, St. Lucia, St. Kitts and Nevis and Saint Vincent and the Grenadines.

These gaps are currently the focus of a Bill, which has been developed to amend the Domestic Violence act.

Sexual offences

The Offences against the Person Act makes provision for the offences of rape, indecent assault, defilement, procurement and abduction of females. Rape is not defined in that statute but under the common law prior to 1991, it was defined as sexual intercourse by a male with a female who is not his wife without her consent, or with consent if it is extorted by threats of bodily harm, is obtained by impersonating her husband or by false representations of the nature and quality of the act.

From the definition of rape given above, a husband was not generally legally capable of committing rape. A man's immunity for the rape of his spouse would only be lost under the common law if there were a separation agreement between the parties; a decree nisi or a non-molestation order. However, in 1991, the House of Lords decision in *R v R*⁷¹ finally abolished what remained of the marital rape exemption in England and Wales, confirming the Court of Appeal's conclusion that "the time has now arrived when the law should declare that a rapist remains a rapist subject to the criminal law, irrespective of his relationship with his victim"⁷². This ruling would be applicable to Jamaica and therefore the immunity from prosecution in relation to husbands has been removed.

In addition, specific provisions are also made for carnal knowledge of female children. The age of consent is 16 years and the Act provides that carnal knowledge of any girl under 16 constitutes an offence whether or not there is consent. There are no provisions made for exceptions where there is consent and sexual intimacy occurs between two minors of relatively equal age.

The law on incest is to be found in the Incest (Punishment) Act No. 13 of 1948. A male person who has carnal knowledge of a female person who is his granddaughter, daughter, sister or mother commits the crime of incest. Such conduct amounts to a misdemeanor punishable by a term of imprisonment not exceeding five years, or 10 years if the victim is under the age of 12. An attempt to have carnal knowledge of someone related by consanguinity is also punishable by a term of imprisonment not exceeding two years.

The law as it stands does not bring into the definition of incest, sexual relations with minors with whom the adult male has an adoptive or guardianship relationship.

⁷¹ [1991] 1 WLR, 767

⁷² [1991] 2 All ER, 257, per Lord Lane CJ, 266

The legal responses to violence against children were viewed as particularly weak. Organizations, like the Coalition of the Rights of the Child, have vigorously advocated for the implementation of the Child Care and Protection Act which is reportedly still in its draft form. That legislation once enacted, is expected to go a long way in providing the legal protection, which is currently so lacking, for children in need of protection. Similar to several other specially-created Child Protection Acts in the region, the legislation will allow for the removal of perpetrators from the home; provide for mandatory reporting of child abuse; create a child abuse register; alleviate burdensome evidentiary rules and mandate therapeutic interventions whenever necessary. The Government Children Services Division is also anxiously awaiting passage of the new legislation and is already undergoing a restructuring in anticipation of the Act.

Similar to other Caribbean countries, the Domestic Violence Act extends to young victims who can have a protection or occupancy order sought on their behalf. Nevertheless, this legislation has proven ineffective for abused children and is still perceived as legislation designed to assist only adult women in abusive relationships. This is indeed unfortunate, given the obvious advantage of domestic violence court orders that can protect a victim in his or her own home environment verses the traditional apprehension orders granted under Juvenile Acts which permit the removal of the children from the family home.

Sexual harassment

There is no law in Jamaica that addresses sexual harassment specifically though it is reported that this subject is under consideration by the Ministry of Legal Affairs. As such an abused employee must seek redress in the criminal law if there has been physical abuse. Otherwise, an employee can seek injunctive relief in the High Court. These are however only theoretical possibilities because there is nothing to prevent an employer from dismissing a worker who asserts her rights to protection. The possibility of retaliation combined with the cost of legal services would act as a complete deterrent to most, if not, all employees so abused.

Law enforcement

Police responses

The Jamaica Constabulary Force participated in the CAFRA Police Training Project. Over 100 persons including 33 police officers from the Jamaica Constabulary Force were trained as trainers in July 2001. Since then two-day modules have been conducted in a number of the policing districts in Jamaica. This was implemented with collaboration from the NGO, Women Incorporated. Domestic Violence Intervention has also been a topic added to

the training syllabus of the Jamaica Police Academy Basic Training and Probationer Training. It is estimated that approximately 900 or 10% of the police force have been trained.

As a result of the training, spin-off programmes have been initiated in some police districts. In the St. Catherine South Police Division (Portmore) a Domestic Violence Desk has been instituted which is staffed by trained officers and is dedicated to responding to all complaints of domestic violence. From an institutional standpoint, it is worth noting too, that another offshoot of the training has been the creation of additional police units to deal with sexual offences established at all rural divisional heads.

In speaking of the impact of the work, it has been reported that there is heightened awareness on the part of police of the need to respond effectively to all complaints of domestic violence. Still, the level of arrests and prosecutions has not increased measurably and it would appear that the training has taken police officers towards the direction of mediation and counseling as opposed to law enforcement. So, for example, in the Portmore Division, where it is reported that there are on average approximately 250 reports of a domestic violence nature monthly, less than 15% of alleged perpetrators are arrested or charged.

A study undertaken in 1999 of women who sought help from the Women's Crisis Centre⁷³ sheds some light on the impediments to police reporting. In that study of 187 women, only 24% had reported the incident to the police. The majority of abused women went elsewhere for help. Eight per cent indicated that they did not want to get the offender in trouble. Another 10% said that they feared for their safety if they reported the incident. Eighty-nine per cent of the victims had been physically injured and still only 26% of that number went to the police.

Police attribute the low level of arrest and prosecution largely to victim reluctance to report and/or cooperate with police, particularly after a significant lapse of time. The police also reports that the sheer volume of work inhibits them from pursuing non-cooperative victims. This is a serious challenge to ensuring victim safety in the future as a woman who has not cooperated with police will be reluctant to make a subsequent report because of shame, embarrassment and an anticipation of police hostility.

Within the Jamaica Constabulary there has been established since 1989 a special unit for the treatment of sexual offences – the Centre for Investigation into Sexual Offences (CISO). The Department was set up in response to advocacy around the need for more police sensitivity to victims of sexual

⁷³ Sharon Arscott-Mills: *Intimate Partner Violence in Jamaica: A Descriptive Study of Women who access the services of the women's crisis Centre in Kingston. Violence against Women; Thousand Oaks. November 2001*

assault and for improved confidentiality and privacy in the taking of reports from victims. The unit is staffed by women police officers and all reports of sexual offences are received by female police officers throughout the police districts and divisions.

The department is made up of seven units which are located across Jamaica – Montego Bay, St. Catherine North, St. Catherine South, Morents Bay, St. Ann's and May Pen. All police officers who work within these units have received specialised training and members of the CISO staff are also responsible for training in the investigation of sexual offences at the Jamaica Police Academy.

To ensure consistency in the interviewing of victims and in investigative procedures, the CISO has developed a manual which addresses the law on sexual offences, ethics, stress management, gender relations, forensic science and interviewing techniques.

Besides taking statements and pursuing investigations and prosecutions, the Centre provides a basic crisis counseling service to victims in the immediate period after reporting. The Centre has one trained social worker on staff. However the Centre works closely with the Victim Support Unit within the Ministry of Social Welfare and with the Child Guidance Clinic to whom victims are referred for longer term and more extensive counseling.

The Centre reports that at most only 50% of the reports of rape result in prosecutions. Many of those reports which are not cleared up are perpetrated by persons unknown and unidentifiable by the victim. There are many deterrents to persons pursuing prosecutions including frustration with the delays within the judicial process. The Centre has tried to develop support approaches to victims where the trial is drawn out, including keeping in regular contact and doing follow-up. Fear of reprisals and retaliation also act as a deterrent to persons pursuing sexual offence cases. In this regard, the Witness Protection Programme can insulate victims from reprisals. However, entering such a programme is hugely disruptive of the victim's life and that of her family. (See Box)

Box

In August 2002 a 34-year old man known to Michele raped Michele's six-year old granddaughter. The child was brought to the Rape Unit for examination by Michele when she was observed to be limping. The granddaughter was examined by a doctor who confirmed that she had been raped. The granddaughter was also able to describe in sufficient detail what had happened to her and who had done it.

The perpetrator was well known in the neighbourhood and the Sergeant in the Police station was related to him. Over time, to deter the prosecution, members of the perpetrator's family beat Michele and her daughter. Michele was chopped on her upper arm with a cutlass for which she required hospitalisation. She was hit in the head with a big stone. Her house was shot up in January 2002. She sought relief from many sources and eventually was directed to the Witness Protection Programme.

Michele now lives in a house outside of her community which is provided by the government. The relocation has meant that she no longer can access her land for farming from which she earned income. Her husband has been forced to give up his job because the perpetrator knows where he works.

The persons who chopped her up were convicted and sentenced to six months or \$25,000.00.

Michele is still in the Witness Protection Programme while she awaits the trial of the rape charge.

It is widely understood that detection and prosecution of sexual offences is at a level significantly below the incidence of this type of abuse. For their part, the police cite a number of factors that impede or limit effective policing. Firstly, the cooperation of victims cannot be assured because of fear, particularly when the perpetrator is known to the victim, either as a family member or as someone within the community. While social service support can offset or mediate such fear and other emotions of pain, humiliation and shame, to facilitate the cooperation of victims, there is an inadequate coverage of such services in Jamaica and the services that do exist tend to be centralized in Kingston. There is no doubt that victims of sexual abuse risk further injury to themselves and to their families when they pursue prosecution of allegations of rape. Even with victim support provided through the witness protection programme and through counseling a victim and her family cannot completely be insulated from retaliation or from severe psychological and economic dislocations. (See Box)

Within the police service a number of recommendations have already been made to strengthen the police response. These include:

- (a) Police training;
- (b) The establishment of rape investigative centres at divisional headquarters across the island;
- (c) Additional facilities to provide a safe and secure environment for victims at stations of first contact;
- (d) More community support for victims, including community education programmes; and
- (e) Improvement of witness protection programmes for victims and their families.

Other special police services

Apart from the CISO and the Domestic Violence Desks, a Police Mediation Unit was created as a response to the problem of domestic violence. The unit's purpose is two-fold: to mediate disputes before they escalate to severe violence and to train other police officers in conflict resolution. It is now a part of the Community Relations Programme. Police officers assigned to the Unit are trained as mediators, and it is reported that within the first four months of its establishment 300 were dealt with. The goal of the Unit is to train each police officer in conflict resolution techniques. Mediation training will be mandatory for officers completing the two-year training in general policing.

Along with its mediation duties, the Unit also participates in community educational activities through lectures and seminars to schools, training institutions, churches, neighborhood watch groups, police youth clubs and other police departments.

Use of the Domestic Violence Act: - The Family Court Experience

There are two divisions of the Family Court – one in Kingston and the other in Montego Bay. Two judicial officers who have a magisterial jurisdiction staff the Family Court in Kingston. The Court is also staffed by intake counselors and probation officers and hears the range of family matters as well as issues of child protection. The emphasis of the court is on resolution and often matters are referred for mediation.

In relation to domestic violence on average approximately one third of the applications made annually result in an order being made. Others are referred for counseling, are withdrawn or dismissed. On the question of counseling, here as elsewhere in the Caribbean, there are no legislative guidelines on the circumstances under which counseling is to be ordered. As such, it is reported that the court would not send just one party to counseling, but rather the couple. This ambiguity around the function of counseling within the context of an application for a protection order is one prevalent throughout the region.

It has been attributed to a notion of familism, or an emphasis on the maintenance of family structures. The ECLAC review of the law found that the circumstances under which counseling will be ordered and the purpose of the counseling is ambiguous. In some cases, counseling is ordered when the magistrate deems that the marriage or union is retrievable rather than for the primary purpose of holding the perpetrator accountable and changing behaviour.⁷⁴

As indicated, relatively few applications are made to the Family Court in Kingston. This Court hears all domestic violence applications for Kingston and S. Andrew. Relative to the population of this area, and bearing in mind the reports made to women's organizations such as the crisis centre, the number of applications made to the Court are very few – 275 in 2000 to 335 in 2002. This is for example in sharp contrast to statistics from Trinidad and Tobago. In the 12-month period from August 1999 to July 2000, some 6836 applications for protection orders were made. The under-utilisation of the Act is attributed to women's lack of awareness and also because of persistent feelings of shame and humiliation on the part of victims. The physical structure of the court and its location may also act as a deterrent to use.

Throughout the research the need for continuous judicial training and dialogue on violence against women was reiterated. While there is a Judicial Education Institute, to date it has not developed any training programmes on gender-based violence. However it does have a mandate to improve the work of actors within the justice system. In this regard, the Institute has run courses for police officers and probation officers on juvenile justice issues.

Prosecution of sexual offences

Trials for charges of rape, carnal knowledge and incest are held in camera pursuant to the Criminal Justice Administration Act. Additionally other jurisprudential developments have made rape trials somewhat less harrowing. So for example, there is no longer the need to give a corroboration warning.

⁷⁴ ECLAC/CDCC. See note

Still there is some delay in the hearing of rape cases that is not true for other types of cases within the justice system.

Although the CISO reports a fairly high rate of convictions for sexual offences, others find that cultural stereotypes around women's sexuality continue to impede conviction rates for rape. It is reported that on average, conviction rates for sexual offences are much lower than for other violent crimes. Relatedly, in relation to carnal knowledge or rape of young girls, conviction is less likely where the girl is not too young or where the man charged is not much older because of the cultural view that a man should not be imprisoned for his sexuality.

Incest and other sexual offences against children are also underreported. The Centre for Investigation of Sexual Offences, in the absence of any formal record-keeping, estimates that approximately 80% of their child abuse cases are of a sexual nature with the other 20% being cases of physical abuse and neglect. Unfortunately, the Centre estimates that less than half of the sexual offence cases are actually prosecuted. Fear, embarrassment, inordinate delay and burdensome evidentiary rules have all reportedly contributed to young abused victims avoiding the legal process.

Still, collaboration between health workers and CISO has developed and child sexual assault victims are taken to the Bustamante Hospital. Children are examined promptly and doctors have come to understand the need to do a comprehensive examination and treatment of child victims and the health workers have received no specific training.

Victim Support Programme – Ministry of National Security

Established in 1998, the Victim Support Programme provides support to victims of crime, particularly as they traverse the criminal justice system. The programme assists in the preparation for court; accompanies victims to court and makes referrals to other agencies as required. The programme is offered in all 14 parishes. With the exception of St. Catherine and Kingston and St. Andrew, which have larger offices, each parish has on staff a parish coordinator and a social worker. The programme also relies heavily of a cadre of about 4000 volunteers for counseling and court support. Apart from individual counseling and support, within the programme there is group counseling for persons sexually traumatised and for parents of child sexual abuse victims.

Legal aid

Access to the court through legal representation is critical to the exercise of rights. Many in the Caribbean are unable to meet the expenses of legal

representation and it is here that the provision of legal aid has become critical. In Jamaica, there is both a State-run as well as an NGO-run legal aid service in Jamaica. The NGO-operated clinic, the Kingston Legal Aid, was established in 1971 by a group of attorneys concerned to increase access to legal services by persons unable to pay for a lawyer. There are three full-time lawyers and one part-time lawyer on staff. The Clinic provides assistance in criminal matters as well as family, certain civil matters and probate. Its clientele is from Kingston and the majority are women seeking assistance for divorce, declaration of paternity or maintenance matters.

A great preponderance of women come to the clinic for assistance with domestic violence matters. It is reported that at least half of all family matters directly concern applications for protection orders or more indirectly in the case of divorce are based on domestic violence. The Family Court was considered to be very responsive to applications for protection orders and invariably it was the experience that women got the orders that they sought. Given that legal representation is not required at the Family Court, most persons who come to the Clinic for assistance in relation to domestic violence are advised of their rights and remedies and referred on to the Family Court. Women will also be referred to the Family Life Ministries or to church groups for counseling.

The Norman Manley Law School also runs a legal aid clinic as an adjunct to its training programme for law students. The Clinic is staffed by three attorneys whose primary role is to facilitate the studies of final year students. The Clinic deals with civil matters such as torts, estates, and family matters. However its workload contains only a small proportion of domestic violence applications. Based on the experience of the Clinic, the problem associated with the legal response is one of enforcement of orders. Police do not exercise their powers of arrest but prefer instead to engage in mediation. Where there are prosecutions, women are under tremendous pressure to drop the case and notwithstanding that understanding, police units have not developed strategies for victim-less prosecutions.

Forms of social service intervention

The Women's Bureau has become the de facto lead agency within the State for programmes to eradicate violence against women. Its efforts are concentrated in public advocacy, inter-ministerial lobbying for legislative change and counseling and support to victims.

The UNIFEM Inter-Agency Campaign fed into the work of the Bureau as that campaign had as its major theme, building awareness and sensitization around the issue of domestic violence. In its role of advocate, the Bureau has concentrated its efforts on awareness building within the health and judicial

sectors. It has run workshops on domestic violence for judicial officers within the magistracy (the family court and the resident magistrates) as well as with persons working within the health sector. The focus of these workshops was on increasing sensitivity and awareness to the complexities of domestic violence in order to strengthen the State response. The training therefore was service-oriented as opposed to a policy orientation. In pursuing its advocacy role, the Bureau has produced two educational videos, "Starting Over" and "Hope Deferred". The second, which addresses incest, has been used not only within Jamaica but also throughout the Caribbean region.

In its own analysis of the impact of the training sessions, Bureau staff report that the early programmes elicited among the sectors a wide-ranging critique of service delivery around violence against women. Throughout these sessions, special emphasis was given to the police who were widely viewed as being insufficiently aware of the contents of the Domestic Violence Act and therefore not understanding the parameters of their duties and powers under the Act.

The Bureau has a powerful public profile because of its work around gender-based violence. While it has not attempted to develop indicators to measure impact, that its work is seen as useful can be drawn out from the sustained level of requests that it receives for outreach and education. The Bureau responds to requests from schools, communities, women's organizations and church groups. Indeed, members of the Bureau have been approached by an employer to assist in the developing a manual on sexual harassment.

For all its work on this issue, the Bureau staff considers that the social service deficits limit the impact of its work. Beyond the 12-bed shelter run by Woman Inc, there are no safe houses in Jamaica for victims of domestic violence or sexual assault. The Bureau is also now involved in developing a proposal for the establishment of a shelter.

In addition, in its own assessment, the issue of child sexual abuse is one that remains in the closet in that country. The Bureau considers there to be community complicity and silence around child pornography, child labour, child prostitution and child exploitation. The incidence of these forms of harm are unknown but there is a strong perception that many children are vulnerable to sexual abuse and are situated, because of class, colour and geography, in places where social services and the law have not been able to intervene.

Despite the fact that the Bureau sits on a number of Committees, it acknowledges that there is an insufficient level of institutional linkages between the Bureau and other actors within social service delivery and the justice systems. But this absence of effective networking is apparent not only

with programme delivery but also in the formulation of policy approaches to gender-based violence.

It is in this context that women's organizations, while acknowledging its important work, call for a more strategic direction for the Women's Bureau. The Women's Bureau is understood to be at the heart of policy-making and policy evaluation for all issues that are related to gender equality. In this light, it is argued that for gender-based violence to receive the attention that correlates to the magnitude of the problem, the Women's Bureau must implement a mainstreaming strategy. Such a mainstreaming strategy would be based on a sound empirical knowledge of the forms of gender-based harm prevalent in Jamaica; on the implications of this information for sector responses and in the formulation of plans of action that are multisectoral, multidisciplinary and coordinated. The Women's Bureau is also seen as pivotal to the opening up of a societal discussion about the connections between gender and violence. What is seen as lacking in the public sector response is an analysis from causation to prevention. Such an analysis is essential to the formulation of different levels of strategies, from the preventive to the ameliorative.

Like the Women's Bureau, women's organizations within Jamaica have been at the heart of important developments in building a violence against women movement in the Caribbean. It is in Jamaica that strategic thinking around the role of the media has most developed. Here, too, was one of the first crisis centres and hotline services for women. The SISTREN Theatre Collective found new ways of breaking women's silence and bringing their individual and collective experiences of harm to the public domain. More recently, Jamaica has pioneered the development of a batterer intervention programme. The following presents information about a host of social service interventions and the organizations that undertake the work.

In the course of the research, a focus group interview was undertaken with Woman Inc., SISTREN, Women's Media Watch, Coalition on the Rights of the Child, Youth Opportunities Unlimited and Jamaica Houseworkers Association.

Shelters/Crisis Centres

Institutional crisis housing is practically non-existent in Jamaica. Woman Inc. is the primary service provider to victims of domestic violence. It operates out of Kingston and Montego Bay. The Kingston chapter runs a crisis centre, a shelter as well as a hotline. Woman Inc. receives an annual subvention from government that amounts to approximately a quarter of its annual budget.

The shelter established in 1988 is the only one in Jamaica. It offers very limited services as it has only 12 beds. All the persons who stay there are

referred from the Crisis Centre. The Crisis Centre operates a 24-hour hotline that is staffed by a team of volunteers, 38 of whom are women and two of whom are men. Woman Inc., Montego Bay, operates a crisis centre that provides walk-in and telephone counseling. It has produced, with funding from UNIFEM, a video on domestic violence and rape.

Like other NGOs that act as service providers with limited governmental support, Woman Inc. has faced severe funding difficulties, to the extent that it was forced to close for several months in 1997.

There are a number of children's homes in Jamaica that are used to house children with behavioural problems as well as children with difficult familial situations or experiences of abuse. But these places of safety for abused children are viewed as yet another challenge. The Children's Services Division of the Ministry of Health is responsible for providing services to children from birth to 18 years, who are in difficult circumstances. The six areas of support offered by the division included:

- (a) Counseling;
- (b) Court work for children who are removed from the family pursuant to the Juvenile Act;
- (c) Foster care;
- (d) Home supervision;
- (e) Placement and supervision in children's homes; and
- (f) Involvement requested by foreign child welfare agencies.

There are 13 children's homes run by the State and the Director was fully aware of the allegations of abuse that were being made with respect to the treatment of children placed in some homes. He was very critical of the fact that children in need of protection continue to be accommodated in the same facilities in which young offenders are placed. 'Mixed populations', like the Glen Hope facility, have become necessary because of the general lack of suitable placements for children, especially adolescent girls.

Insufficient placement opportunities for children in need of care and protection is representative of a broader lack of general services for vulnerable children.

Counseling

There are a host of agencies that extend counseling services to victims of violence in Jamaica. Like elsewhere in the Caribbean, many of these persons are not professionally trained as social workers or psychologists. Rather, the demands placed on them because of their institutional location, force many to engage with their clientele as counselors. So, for instance, more and more police report that they undertake counseling as do women's organizations. The counseling given is largely directed at resolving crises and aiding in immediate problem solving.

The Woman Centre Foundation of Jamaica focuses on the continuing education of teenage mothers who are forced to withdraw from school. The work of the Foundation is aimed largely at youth and it has been involved for some time in working with adolescents identified as being at risk. Its programmes are aimed at remedial education and sensitization around positive lifestyles. The Foundation also works with parents of incest victims.

There are limited counseling opportunities for young victims and specialized training of police and other professionals in the handling of young victims is noticeably absent. Even the Centre for Investigation of Sexual Offences and Children Abuse (formerly known as the Rape Unit) does not have a special protocol for child victims. The Centre refers all child victims to the Bustamante Hospital, which is generally regarded as efficient, thorough and sensitive in its treatment of young patients. The Child Guidance Clinic is a referral point for counseling, but is reportedly experiencing a reduction in referrals because of its inner-city location.

Recent initiatives, like the Victim Development Centre, run out of the University of the West Indies are providing valuable therapeutic intervention for chronic cases of child abuse. Through the use of art and play therapy, puppetry and other interactive treatments, the Centre has assisted 30 young sexual abuse victims during the six-month period September 2002 to March 2003. The Centre remarked on the shortage of social workers in the system, which was perplexing given the presence of the strong social work department at the Mona Campus, University of the West Indies, which graduates approximately 45 social workers every year. The shortage of social workers was attributed to the lack of priority that the State has given to the Social Service Sector and the vital role it must play in the eradication of violence against women and children.

Counseling for perpetrators

A programme of FAMPLAN, 'Brothers for Change', was formulated as a response to the need for a socio-psychological intervention with batterers within the context of the justice system. While, the Domestic Violence Act

makes provision for counseling of victims and abusers in Jamaica, such services are not extensive. The object of the programme which was implemented in collaboration with the Probation Department and with FAMPLAB, to encourage men to take responsibility for their own violence and to promote an understanding among men participating in the programme of the dynamics and ideologies of domestic violence as well as its consequences of women and children.

Building on the model of two batterer intervention programmes, FAMPLAN teamed up with the Department of Correctional Services and Probation Office in St. Ann's Bay to create the Brothers for Change Initiative. Men brought to court on domestic violence charges were referred to group counseling sessions as part of their probation. The programme involved attendance at one meeting a week over a 40-week period.

In its assessment of the programme⁷⁵, FAMPLAN found that the behavioral changes did not come easily. They found, among the participants, dominant stereotypes of acceptable male behavior; that men were supposed to be powerful, strong, and aggressive, and that violence was a male instinct that could not be controlled. In this context, violence against women could be construed as "natural" and as a way for a man to prove his masculinity. Many of the men who referred to Brothers for Change did not initially see anything wrong in what they had done and there was a significant absenteeism from the sessions.

The level of referrals from the court system was also low and in the first year of its operation the courts referred only 25 men to FAMPLAN for the programme. Given the limitations of the counseling, FAMPLAN also undertook a community education drive to increase the awareness of gender-based violence among men and adolescent boys in five communities. It is estimated that this programme reached more than 3000 men and adolescent boys.

The programme ran for two years before the responsibility for the programme was transferred entirely to the Probation Department. Since 2001, however, the programme has not been continued.

Fathers Incorporated is a very small organization of no more than 15 members which was established in 1991. The organization which saw its most vibrant period in the mid-1990s is now part of the outreach of the Faculty of Humanities of UWI. This organization has as its ideological mission the reclaiming of men's self-esteem, seen to have been eroded by a confluence of factors, but most particularly by economic deprivation. This agency sees men as victims of economic circumstances and lays blame on the economic

⁷⁵ Brothers for Change: Working with Male Perpetrators of Violence in Jamaica. http://www.ippfwhr.org/publications/serial_issue_e.asp?PubID=4&SerialIssuesID=17

structure for men's inability to contribute to the financial and emotional care of their children.

It has developed training programmes for men around the topics of sexuality and fathering. In 1996, the organization launched a Model Father of the Year Award and has since tried to establish a counseling service with only limited success.

The Group is not especially interested in working on the issue of child abuse or in domestic violence even though its focus is on men in the context of the family.

Alternative dispute resolution

The Ministry of Education does not have any programme that directly addresses the question of gender-based violence. However given the extent of violence within the school system, the Ministry of Education developed the programme Peace and Love in Schools, with the engaging acronym - PALS. Through this programme, the Ministry aims to teach non-violent conflict resolution in schools and to incorporate peace education in the curriculum. PALS trains teachers in negotiation, communication, anger management, and the delivery of peace education courses. Also, students in both primary and secondary schools are trained as peer mediators.

The question of socialization practices within the school system is not part of this programme and there is no deliberate effort to allow the students to address the gender issues behind the use of violence as a mechanism for conflict resolution.

Like PALS, 'Change from Within' is a Ministry of Education programme. The aim is to allow young people to deepen their self-understanding. This is done through the encouragement of participation in sports, music and the performing arts. The programme also involves leadership training and conflict resolution.

Like PALS, the programme does not appear to have a specific focus on the understanding of gender roles and how such roles can contribute to or end cycles of violence. Both programmes have reported some success as measured in decreased violence within the schools and importantly, in increased parental participation in schooling.

Established in 1994, the Alternative Resolution Foundation is a private voluntary foundation set up to improve conflict resolution climate. It offers mediation training to community members, police, teachers, lay magistrates, and youth. It has created Peace and Justice Centres in communities to provide

a safe place for the discussion and resolution of conflicts in the community. The Peace and Justice Centres accept referrals from the resident magistracy and the Family Court, local churches, and walk-in clients from the local communities. In that sense the Alternative Dispute Foundation stands out as offering within the context of its limited resources an island-wide network of services.

Approximately one third of all the matters that the Foundation intervenes in are family-related. In the context of domestic violence, the Foundation views the security of the participants and the victim in particular as its central concern.

The Foundation views family violence as a major issue as well as violence against young girls. The Foundation aims to do more work with young men to assist them to move out of cycles of violence. Already the Foundation is working in two communities and has found that young men lack the level of dialogue necessary to allow introspection. Within the inner city, the Foundation has observed that the young men act in very gender stereotypical ways in regard to communication, parenting and the division of labour. The caring father is not a role model to which many young men aspire. On the other hand, the women, because of the national and global women's movement, have shifted their expectations of themselves and of their men folk in some areas. Women therefore have high expectations of men, in ways traditional (as economic providers) and non-traditional (as caring and communicative partners and fathers). These clashing expectations lead, in the view of the Foundation, to men and women talking at each other with the resulting rapid declines into hostility.

While the Foundation works closely with the Ministry of Justice and National security, it sees the need to build partnerships and alliances all carrying one central message through a range of programmes.

Public awareness, education and advocacy

There are a number of very vibrant NGOs that have been engaged in advocacy using traditional and non-traditional methodologies. Generally, the women's organizations that work on this issue make very explicit connections to systemic gender inequality and work on a multiplicity of issues with great commitment and little resources.

SISTREN Theatre Collective uses popular education techniques such as drama to build awareness around women's rights issues. It works at the community level and was a participant in the Inter-Agency Campaign. Currently, SISTREN is part of a team targeted to work in nine communities on crime and violence. This is an initiative spearheaded by the Ministry of National

Security – Citizen Security and Justice Project. As part of the project, SISTREN's role is to work with communities on violence against women. The project however has yet to commence.

One of the first popular education pamphlets produced on gender-based violence was a SISTREN publication, "No, to sexual Violence". This booklet has been re-printed at least three times.

Women's Media Watch has developed a reputation not only nationally, but regionally and internationally, as a pioneer in the monitoring and analysis of the use of the media in advancing gender equality goals. Within the Jamaican context, Women's Media Watch has monitored the media's presentation of gender issues and has argued that it has played a role in normalizing violence. The organization lobbies media workers and does advocacy. Through its research work, Women's Media Watch attempts to make the media explicitly consider the content of material published from a research and gender perspective.

This organization also attempts to work strategically on influencing media policy. It has attained credibility as a monitor of the media to the extent that it was invited to collaborate with the Broadcast Commission on a Code for Children's Programming. The organization also teaches a module of gender awareness in the media for the Caribbean Institute of Media and Communications (CARIMAC).

In response to levels of violence against women, the Women's Manifesto Committee was formed in 2002 during the lead up to the General Elections. The Committee put together a manifesto which was presented to the political parties. The manifesto stated that sexual violence was commonplace in Jamaica and occurred in every setting. It made the linkages between sexual violence, gender inequality and the HIV/AIDS epidemic and called upon the political parties to take a number of steps including national campaigns, reallocation of budgets to fund programmes to end gender-based violence.

The Household Workers Association works on improving the conditions of work for women employed within the domestic setting. This class of workers is historically among the most exploited and least paid workers in the economy. The organization, though small and with very limited resources, tries to act as a facilitator or supporter of workers who bring complaints against employers to the Ministry of Labour. While it has no doubt that sexual harassment is experienced by domestic workers, the association has been unable to undertake research in this area.

Coalition for Rights of the Child

Jamaica Coalition on the Rights of the Child works to monitor and implement the Convention on the Rights of the Child nationally in Jamaica. That organization, established in 1990, in addition to its monitoring mandate works closely with both the government and non-governmental sectors in ensuring the human rights of children. It has worked on the Child Care and Protection Bill which has not yet been enacted. The organization also engages in community outreach and through its young advocates programme works with children in difficult circumstances, that is, children in places of safety, in prisons and in children's homes. The coalition has produced booklets on child rights for use within the school system and for parents.

Youth Opportunities Unlimited works exclusively with persons between 10-18 years. Its programmes are designed to help the students to complete their post-primary education, and move on to higher education, employment or skills training. It receives support from both government and international donors. Through its outreach work and its programmes, this agency attempts to build self-esteem among teenagers and increase their capacity for making choices that lead to self-empowerment. The organization, though it does not have a specific focus on gender-based violence, works collaboratively with women's organizations on public education campaigns.

Research

Centre for Gender and Development Studies

The Centre is a part of the University of the West Indies, Mona Campus. With its three campus components as well as its regional coordinating unit, the Centre's mandate is in teaching, research and outreach. The Centre has not done extensive work directly on gender-based violence, though it was responsible for the preparation of the UNDP country report as part of the Inter-Agency Campaign spearheaded by UNIFEM.

The Mona Unit has worked with the Jamaica Family Planning Association in which it trained that agency's staff on issues of violence and reproductive health. As part of that programme training sessions were also conducted with police, probation officers and the personnel at the juvenile detention centre. The Mona Unit has also worked with another campus agency on the development of a programme for batterers entitled 'Brothers for Change'.

A recurring sentiment throughout the region is the need to involve men in the work on violence. These calls are made largely by women, who implicitly blame other women and women's organizations for somehow being unable to harness the interest and energies of men's and men's organizations around this

question. In Jamaica, two programmes developed in the 1990s focused on men as gendered subjects.

Summary

The research elicited a pervasive concern that gender-based violence was on the increase in Jamaica as were all types of violent crime. Within the former category, domestic violence against adult partners has received the most attention. This attention focuses on awareness raising and improving services for victims of domestic violence, whether they be policing, the court processes, shelter provision.

The existence of any programme on gender-based violence is attributable to the vision and efforts of a handful of committed women, within and outside of the State. The State, through the Women's Bureau, has run an extensive range of advocacy and education programmes. Other State agencies have developed services focused on victim support particularly in the context of the administration of justice. Chief among these is the CISO, the Victim Support Unit, the Witness Protection Programme and Police Domestic Violence Units. Social service support is stretched thin and the NGO sector continues to carry the load of advocacy, lobbying and counseling of victims of gender-based violence.

What is striking is that despite over 15 years of advocacy around this issue in Jamaica, very few men or male dominated organizations seem to consider that gender-based violence is centrally about the conduct of men. If it were otherwise, one would reasonably expect to see more men in the forefront of developing programmes aimed at changing the behavior of their men folk. This is just not the case, either in Jamaica or throughout the region. This deficit is the singular or determinant factor in the failure of this movement to make a dent in lowering the incidence of violence against women. In the Jamaican context, the one organization that could reasonably have been expected to partner with women's organizations on the issue, has avoided it altogether in its pursuit of inculcating the image and value of the responsible father.

What is also apparent is that among the organizations that run outreach programmes on violence against women, there is very little institutional collaboration in mapping out an outreach programme that reaches specified interest groups and geographic locations. As a result, the outreach programmes are reaching only limited numbers of people and are very heavily concentrated in Kingston and other urban centres.

Services are NGO driven and suffer from the funding deficiencies that typically challenge such organizations. Even with the emphasis on service

delivery to victims, it is noteworthy that Jamaica has but one very small shelter located in Kingston.

Unlike domestic violence against adults, child sexual abuse remains under-addressed. Child sexual abuse runs a range of forms, from incest, rape of young persons, to transactional sex (prostitution) between minor females and much older men. There are no studies to document the prevalence of these forms of abuse and regard to official police records mask rather than illuminate the extent of these forms of abuse.

Children are in the greatest need of protection, yet the irony is that they are the most vulnerable to abuse that goes undetected and unpunished. There are a number of factors that contribute to this. At the level of the family, the gender ideology that makes the female body the property of men means that despite societal taboos, men, fathers, stepfathers, relatives are able to prey on young girls for sexual satisfaction. A large number of anecdotes suggest that adult females will fail to acknowledge or actively ignore such abuse because of fear, shame, humiliation and economic dependency on the man. Even when such abuse comes under police investigation family support for prosecution cannot be ensured.

The complicity around child sexual abuse is also seen in the failure of caretakers, teachers, health workers, etc., to report suspected cases of sexual abuse. Jamaica has no guidelines or laws on mandatory reporting of child sexual abuse. Despite the perceived growing incidence of child abuse, particularly of a sexual nature, interviewees lamented the absence of clearly defined procedures and/or protocol, which could be used to guide the child protection process. Police officers, nurses, doctors, teachers and other professionals who have regular contact with abused children presently operate without the benefit of any established, written protocol which clearly defies the course of action which should be followed in instances of abuse or suspected child abuse.

Many within Jamaica recognize the need for the development of a more coordinated multisectoral approach to gender-based violence. It is an approach that would deepen the understanding of the causes and prevalence of all forms of such abuse, as it would be able to outline goals and elaborate strategies for eradicating gender-based violence.

The need for an integrated approach was also highlighted by CEDAW to Jamaica's combined second, third and fourth periodic report on the implementation of the Women's Convention. Report. In its concluding comments, there was an expressed concern for the lack of a holistic government strategy to identify and eradicate the problem. It urged the government to place a high priority on measures to address violence against women in the family and in society and recommended the government to

strengthen its activities and programmes to focus on sexual violence, sexual crimes, incest, and prostitution, especially prostitution associated with tourism.

There is clear need for a national approach to gender-based violence, one which locates such violence within the context of societal crime and violence and elucidates the intersection between the two. In a sense gender-based violence must be mainstreamed and all ministries need to review to what extent their policies and programmes can be tailored to make a contribution towards the goal of cultural change and the empowerment of women and children.

SURINAME

Suriname is within the continent of South America and is bordered by Cayenne, Brazil and Guyana. The country is divided into 110 districts. The capital is Paramaribo and the District of Paramaribo accounts for 53% of the total population.

Suriname has a multi-ethnic population consisting of indigenous people or Amerindians (about 2%), Maroons (about 10%), Creoles (about 35%), Hindustani (about 3%), Javanese (about 10%), Chinese (about 2%) and Lebanese and descendants of Europeans (about 0.5%). At least 15 languages are spoken, but Dutch is the official language.

In 1998, life expectancy at birth was 68 years for men and 70 years for women. The infant mortality rate (children younger than seven years) was 16.4 per 1000 live births in 1992. In 1991, the total fertility rate was 2.2 children per woman and the total population as of December 1997 was 441,892.

The incidence of violence against women

Perceptions and statistical profiles

Data collection was consistently identified as one of the major gaps in the struggle to end violence against women. All major institutions, whether government or NGO, experienced dissatisfaction with the poor, unreliable and often non-existent empirical data on domestic violence. Some measures have already been put in place to address this major shortcoming, including a CIDA initiative which is geared to developing a country-wide data monitoring system at all the police stations. The creation of standard intake forms and ongoing training will hopefully create the conditions for better data collection procedures. Government ministries, hospitals, shelters, child protection

agencies and counseling agencies all conceded that despite the recognized importance of data collection, they had very little, if any, empirical evidence of violence against women or children.

Most agencies spoke of a perceived increased incidence of violence, including sexual offences and were able to speak of the growing numbers of women who were seeking assistance. Most interviewees identified domestic violence as a prevalent social problem but were not confident that the increased reporting rates were attributed to a higher incidence of violence as opposed to growing social awareness.

The indisputable indicator of the prevalence of violence against women and young girls was borne out in the increased demand for services. The most renowned service provider for victims of gender-based violence in Suriname is Foundation Stop Violence Against Women (STOP). It provides counseling and intermediary services to battered women. This agency, like most that offer similar services, reported a significant increase in demand for their services. In 1997, the foundation registered a total of 150 clients; in 2000, they registered 117 new clients and in 2002, the list of new clients grew by over 300. These figures are representative of the client base attending their city office in Paramaribo.

The client register of the Foundation Stop Violence Against Women for 1997 showed that most clients were between 25-45 years old and were women with minimal education and low incomes. Fifty per cent had no, or only primary school education and 93% earned an income below the poverty line⁷⁶.

Quantitative studies

The first and probably most probing quantitative study of violence against women in Suriname was conducted in 1993 (Pro Health Report 1993). It studied data taken from emergency wards and police stations. The study confirmed that violence against women was a social problem.

The first aid or emergency ward findings showed quite clearly that whereas men were more likely than women to be victims of physical violence, most sexual violence victims were women (95%) and most were under 20, with as many as 20% being under the age of 10.

The police records selected covered 2,156 cases of violent and sexual offences. The records confirmed that women and young girls were the primary targets of sexual offences with girls and women accounting for 88% of sexual offences for the year 1990. Females represented 54% of the total number of

⁷⁶ Situational Analysis of Women in Suriname, October 2001

reported cases of violence for the period 1990-1997. The victims ranged between 15-40 years old and about half had been abused by a current or former male partner⁷⁷.

In a 1998 study⁷⁸, 69% of the women interviewed were found to have been victims of domestic violence. The police study showed that domestic violence was 17.3% (703 cases) of all violent offences registered in 1997. Of the 703 reported cases for 1997, 539 (76.7%) were women.

Qualitative studies

The ugly face of violence against women in Suriname has been appearing in several recent studies. These studies demonstrate in a very powerful way, the experiences of victims, and in one study, offenders.

One study commissioned by Moiwana Human Rights Organization was completed in December 2002. ("Trauma", Maureen Silos, December 2002). The research involved a qualitative investigation through in-depth interviews over a five-month period. The expected number of 50 respondents was not met, with only 20 women responding to the request to be interviewed. Women reported emotional, sexual, physical and economic violence. Fear, loneliness and shame were the most widespread emotions of women who were being abused by their partners.

Respondents reported staying in abusive relationships for financial reasons; fear of revenge; love; best interest of the children; pressure from the family; shame and lack of places from which to get help.

Perpetrators of violence against women have also been the subject of recent study in Suriname. An ongoing study, sponsored by Foundation Stop Violence Against Women called "*De Man in the House*", is being conducted by two university students. A draft report was submitted in November 2002, but a final report is still awaited. An interview with the authors of the report revealed that all of the perpetrators felt that their wife or girlfriend had tried to assert herself too much. They complained of feeling "inferior" and lamented the fact that their women had more education than they did. One of the seven perpetrators felt very strongly about his inability to "get help" and guidance, especially from agencies where he could go and "speak as a man".

Most of the perpetrators were regretful of their actions and experienced a great sense of shame that their children were aware of the violence. This shame was apparently rooted in the fact that most of the perpetrators had

⁷⁷ Pro Health 1993 and Malmberg Study 1998.

⁷⁸ Commissioned by CAFRA SURINAME (H. Malmberg_Guchteut, , June 1998

themselves, as children, witnessed their mothers being abused and admitted to not wanting their children exposed to such an experience.

Research gaps were identified by the 1993 Pro Health Report and therefore provide an informed direction for the cause of subsequent research projects. Some of the follow-up research needs were as follows:

- (a) The progress of cases reported to the police in order to know how many reports result in conviction and with what types of sentence;
- (b) A study among the various sub-populations of political, historical, social, economic, cultural and religious aspects in order to consider violence statistics against a particular background;
- (c) A study of police records in rural areas, particularly in the Nickenie District; and
- (d) Periodic counts of reports of violent and sexual offences so as to monitor subsequent developments or trends.

Lastly, the report identified sound qualitative research as an essential supplementary contribution. Qualitative research was viewed as the most effective means to probe the nature and causes of gender based violence. It was suggested that the combination of statistics with qualitative information was the only formula for identifying effective interventions and preventative measures.

Legal interventions

The legal responses to violence against women flow from legislative enactments and law enforcement including the judicial processing of cases.

General feedback across the range of stakeholders clearly suggested that the legal response to domestic violence was viewed as perhaps the weakest link in the system. Domestic violence in Suriname has reportedly been put on the agenda only within the last 10 years and whereas advocacy and public awareness was used to spearhead the process, legal interventions have lagged behind. Legal interventions also fall more squarely within the direct control of the State, as opposed to the NGO community which has traditionally been very active in lobbying for and effecting positive change in the area of domestic violence. Nevertheless, the advocacy and lobbying on the part of key organizations within the non-State sector has exerted considerable pressure on the policy makers and some interesting developments in the area have taken place within the last 10 years.

Legislation

Suriname has no legislation specifically dealing with domestic violence and is therefore the only country within the Caribbean Community that does not have a Domestic Violence Act.

The Law Commission on Domestic Violence formed in July 2001 came into being for the specific purpose of drafting domestic violence legislations. The commission is a branch of the Women's Rights Centre, and although it is a NGO initiative, the government is actively represented on the commission and has contributed the services of a public prosecutor and a legal draftsman. The seven-person commission reported that they are still in the consultation stage but anticipate actual drafting to start within the next few months. They have studied other Caribbean models of domestic violence legislation and are being guided by existing legislative frameworks, although recognizing that modifications will be necessary given the unique nature of Suriname's legal systems. The commission anticipates that the new Act will combine criminal and civil jurisdiction, with criminal jurisdiction limited to those situations where there is a breach of an order. Quite interestingly, a senior representative of government reported that a government installed committee on gender legislation has also been looking at the issue of stalking and domestic violence. Although he was aware of the NGO Commission, he advised that government, with the input of the NGO forum, was vested with the responsibility of pursuing domestic violence legislation and had in fact made considerable progress in that regard.

The nature and status of the government's initiative on domestic violence legislation is unclear but further reports seem to suggest that some amendments will be made to the existing criminal code, as opposed to the creation of distinct legislation specifically designed to address domestic violence.

Consequently, the present law addressing domestic violence or any other forms of violence against women is limited to the criminal law. The Surinamese Criminal Code, (which does not have an English version) creates different categories of offences which must be relied upon for seeking legal redress in cases involving violence against women.

Frequently relied upon provisions in the Criminal Code are assault, aggravated assault, assault causing death; threat of harm; indecent assault; rape; sex with a minor under 14 and destruction of property.

Notably, incest between consenting adults is not an offence. In fact, there is no specific provision on incest but there is a specific provision which prohibits sexual relations between a person in authority and a minor.

The age of consent is notably low at age 14, although the Asian Marriage Law sets lower ages of 13 for capacity to marry.

The Suriname CEDAW report (reporting period 1993-1998) noted in its response to Article 12 that some government initiatives had been started with regard to violence. At that time, for example, the Ministry of Home Affairs had publicized its intention to install a National Commission “Legislation on Violence Against Women” with the task of making an inventory of and organizing national legislation with regard to this issue, and to examine it for compatibility with stipulations of free ties to which Suriname is party. An undertaking of this kind, once successfully completed, will hopefully not only lead to the implementation of a Domestic Violence Act, but also general legislative reform for the protection of women against violence.

There is no specific legislation addressing sexual harassment and legal precedents are almost non-existent. This void exists despite the findings of a recent study in Suriname which suggested that half of the female employees interviewed felt there was sexual harassment at work and one third of them had experienced sexual harassment⁷⁹. One of Suriname’s most active unions, Employers Union C-47 reported the particular vulnerability of casino and hotel workers who are not unionized and are subjected to repeated harassment on the workplace.

Law enforcement

Police responses

The general perception of police responses to violence against women was one that acknowledged the considerable improvement in police sensitivity but recognized the many shortcomings that still existed in the way that police officers handled domestic violence cases. Generally, most agencies involved in gender-based violence still described police intervention as weak, with police officers not attributing enough seriousness to domestic violence cases. Interviewees suggested that complaints were not well documented by the police. In fact, one researcher doing a study on legal enforcement responses to domestic violence entitled “From the Kitchen Sink to the Court” was dismayed by the sketchiness of the complaints written up by police officers, which she discovered were often no more than one or two line entries. Investigation of complaints were another problem area; it was felt that police were very slow to investigate domestic violence complaints and when investigations were made, they were not done with a view to holding the abuser accountable for his actions, but more so to facilitate reconciliation and harmony within the aggrieved household. There was also the perception that a large number of reported cases were not sent forward by the police for prosecution. The study on law enforcement responses mentioned above, confirmed that at one police

⁷⁹ Sexual Harassment at Work, 1998

station where 145 complaints were filed, only 20 of them were sent forward to the prosecutor's office. The research was not able to identify the factors that led to the sifting out of cases prior to being sent to the Prosecutor's office.

Interviews with senior police officers strongly suggest that police embrace the view that a high percentage of women who report abuse do not wish to proceed with prosecution, but instead are seeking police intervention to diffuse the situation. The police noted a trend amongst first and second time victims of seeking police intervention for the sole purpose of issuing warnings or resolving disputes.

Police officers were of the view that most victims did not want charges laid until after they had exhausted other types of interventions. Statistics compiled by the Newhaven Police Station in Paramaribo confirmed that a large number of the reported cases of assault under S.360 of the Criminal Code were disposed of by way of mediation or conflict resolution. It also confirmed that close to 50% of the assault charges were still to be investigated. (See following chart):

Table 6
New Haven Police Statistics for Domestic Violence (2002)

| Criminal Code Offence | Complaints Filed | Detained | Released | Mediated | Alleged Abuser Still To Be Contacted | Reluctant Victim | Still Being Investigated |
|-------------------------------------|------------------|----------|----------|----------|--------------------------------------|------------------|--------------------------|
| Assault S.360 | 218 | 25 | 24 | 59 | 9 | 3 | 98 |
| Assault causing Bodily Harm S.362 | 7 | 3 | 2 | 1 | | 1 | |
| Threatening to assault S. 345 | 60 | 1 | 10 | 9 | 8 | 5 | 27 |
| Rape S.295 | 8 | 4 | 2 | | | 1 | 1 |
| Sex with a minor under age 14 S.298 | 1 | 1 | | | | | |
| Destruction of Property S.414 | 7 | 2 | 2 | | | | 3 |
| TOTAL | | | | | | | |

*This table is a translated version. It does not reflect the complete table as provided in its original Dutch version.

Despite the obvious deficiencies in police responses to domestic violence, there was overwhelming consensus on the improvements that have been made by the police over the last 10 years.

The CAFRA police-training project, which exposed over 500 officials to awareness training, was deemed successful. Police officials viewed the pilot project as the impetus for the prioritization that domestic violence has received on the policing agenda. Several noteworthy initiatives evolved from the awareness training, including the establishment of domestic violence rooms at police stations and the implementation of data monitoring systems for the collection of reliable statistics on violence against women. The newly-installed “domestic violence rooms” in police stations were specifically cited by many stakeholders as a measurable indicator of progress in this area. There are three domestic violence rooms, two in Paramaribo and one in Nicherie. The rooms are specially created spaces for victims of domestic violence and are

staffed by seven appropriately trained police officers. Police officials and others were reluctant to have this initiative viewed as the creation of domestic violence units because of the small scale of the exercise. Nevertheless, there was positive feedback on the effectiveness of the domestic violence rooms and definite support for wider-scaled implementation of this concept.

Police officials welcomed more training programmes and felt that it was important for them to receive the required technical training that would give meaningful effect to their enforcement of a Domestic Violence Act, once it came into being. Police officials are hopeful that a Domestic Violence Act would help structure their policing efforts in domestic violence, which they conceded was presently lacking in structure and was approached on a case-by-case basis. Police officials also identified the need for special training to deal with young victims and they felt that this was a gap in their service delivery. Most importantly, however, police officials felt that the greatest challenge in their work was a cultural tradition that did not perceive violence against women as a grave social ill deserving of vigilant law enforcement. Public education and awareness was therefore viewed as crucial in paving the way for police officers to be more effective in their role.

Prosecutorial and judicial responses

Whereas there has been general improvement in the policing of domestic violence against women in Suriname, the prosecutorial and judicial responses continue to lag behind and have contributed to the overall inefficiency of the system.

Suriname's legal system is unique and, in that respect, does not share several of the features present in the Caribbean common law jurisdictions. One major divergence is the lack of a jury system, which means that all matters are heard by judges alone. Judges are therefore vested with the sole power to hear evidence, issue convictions and determine sentences. Despite the undeniable importance of a strong judiciary, it is reported that there are presently seven judicial officers to service the entire country. Of the seven judges, there is one female. The incredibly small pool of judges has seriously compromised the efficiency of the system and has had a disproportionately negative impact on domestic violence cases. Stakeholders, both within State and non-State organizations have commented on the selection of cases that will be prosecuted because of the tremendous pressure on an overburdened judicial system. There are simply too many cases to be heard before very few judges. The net result is the inevitable prioritization of the more "serious" offences and the sifting out of the less serious offences. Unfortunately, domestic assaults, especially those involving threats of violence or minimal use of force, are often not prosecuted because, comparatively, they do not rank as serious offences. In an earlier mentioned study, which followed 145 complaints

of domestic violence made at one police station, of the 20 cases that were sent to the Prosecutions Office, only one was sent to trial. Six of these cases were not prosecuted and in 13 cases, the prosecutor was still “undecided” about how they were going to proceed.

The prosecution department conceded that given the large number of detained people awaiting trial, they have been forced to let go of domestic violence cases which are not viewed as high-priority cases. Prison cells which were designed to accommodate 15 inmates are currently housing as many as 60 and this human rights concern has forced of the prosecutors office to be very selective in what cases they can prosecute. This is compounded by the limited panel of judges. The desperate need for more judges is widely recognized and it has already been determined that 21 judges is the minimum number required to effectively service the legal system. The 21-personnel Prosecutors Office has a better representation of women but is hampered by the overwhelming volume of cases.

The Prosecutors Department is presently pursuing special victim’s rooms similar to the three domestic violence rooms available at three police stations. Prosecutors will receive training this year from prosecutors in the Netherlands. This initiative, along with “seminars” for judges has been organized by the Women’s Rights Centre.

Social service intervention

The NGO community in Suriname, similar to most Caribbean countries, continues to provide the bulk of the support services offered to victims of violence. The one existing shelter in Suriname is run by an NGO with no funding assistance from the State. Those services, which by their very nature require State involvement, such as medical services, legal aid services and housing services are reportedly ill equipped to respond to the specific vulnerabilities of abused women and children.

NGO efforts in Suriname to ensure service provision and advocacy have been seriously compromised by limited budgets and frontline work has not reached the programmatic levels necessary to adequately service the growing demands of violence against women and children. The linkage between existing social services and the legal system is also weak. Current legislation, legal procedures and court structure do not facilitate the interplay of legal process with social services. For example, there is no equivalent in Suriname of a family Court as exists in Jamaica, which offers a range of relevant services. In the absence of a Domestic Violence Act, there are no legislative provisions that address counseling and batterer intervention programmes are non-existent. Nevertheless, especially as a result of the conscientious and determined efforts of many non-governmental organizations, service delivery to

victims in Suriname is playing its role in the overall scheme of measures available to female victims of violence.

Counseling

Counseling is presently available to adult women but the demand for this service is growing and it is widely felt that more counseling services are needed.

The police departments are playing a crisis intervention role and report using conflict resolution techniques in many cases. Senior police officials stated that this type of intervention, by officers, whether appropriate or not, was heavily demanded because many victims wanted police officers to simply diffuse the situation and/or warn the offender to stop his abusive conduct. The specially trained officers assigned to the three domestic violence rooms are resource persons in cases requiring crisis intervention but will not offer full-blown counseling services. Where it is assessed that more specialized counseling would be appropriate, police officials stated that they relied on Foundation Stop Violence Against Women, the primary agency in Suriname which offers individual care, guidance and counseling of female victims of violence.

Foundation Stop Violence Against Women was founded in September 1992 and is the only professional organization involved in the counseling of female victims of violence. The agency has a Director; four full-time social workers, one part-time worker and one student. They offer individual and family counseling and operate out of a main office in Paramibo and a new satellite office in the rural area of Nickerie. The State has agreed to pay for three staff members for the Nickerie office.

Staff at Foundation Stop Violence Against Women spoke of their growing case loads and welcomed the involvement of other agencies to assist with the growing demand for counseling services. STOP also identified the dire need for services in the rural areas. STICRIS (Shelter for Women In Crisis Situations) which is the only temporary shelter for abused women offers very limited counseling because of their dire shortage of staff and must also rely on Foundation Stop Violence Against Women as a referral agency for many of their residents.

Some counseling is offered through the churches but it was generally felt that this counseling was primarily geared at reconciliation and would not be appropriate in many cases of domestic violence.

There are currently no counseling or batter intervention services for abusers. Foundation Stop Violence Against Women has a discussion group of men, but no counseling is attempted in that gathering. The agency of Man meet Man, which has a Christian philosophy, is regarded as having the

strongest outreach programme for male audiences. The director of that programme confirmed the need for programmes that could work extensively with male batterers and regretted the fact that there was nothing presently available for men who were committed to changing their attitudes and behavior. That agency presently offered limited counseling and did not presently have the capacity to do anything more because of funding constraints.

Counseling for young victims is reportedly very difficult to access. The Director of the Bureau of Family Affairs, which is the agency charged with the care and protection of children under age 21 was very critical of the lack of programming offered at the Children's homes in Suriname. She explained that the homes operate strictly as shelters and do not offer necessary services like assessments or counseling. Foundation for Children, the only Children's home for abused children, offers some counseling as does the Foundation for Youth Development. The Bureau itself has 12 field workers but does not offer counseling services. There are no formal mediation services in Suriname.

Shelters/Crisis centres

Suriname has only one shelter for women who are in crisis. The lack of sufficient emergency shelter, as well as longer-term housing, was viewed as a serious deficiency in the social service network. Police, social workers, lawyers and advocates were all of the firmly held opinion that women often remained in abusive relationships because they had nowhere to go. In a study conducted by Moiwana, the leading human rights organization in Suriname, female victims expressly stated that a lack of alternative accommodation was a major factor in their decision to remain in their abusive household.

In the absence of a Domestic Violence Act which offers the possibility of an occupancy or tenancy order, victims in Suriname must seek refuge outside the family home. This is extremely problematic, not only as a result of the shortage of emergency shelters, but also because of the more widespread social phenomenon of limited housing in Suriname.

These factors, along with a growing social awareness of domestic violence has placed a heavy burden on the one crisis center in Suriname, STICRIS.

STICRIS, founded in 1982, is located in Paramaribo. It houses women who are presented with any crisis situation, including those who have experienced fires, eviction and extreme poverty. The facility has recently expanded and now has 15 rooms with three beds to every room. The Shelter is financially strapped and receives no support from the government. It is extremely short-staffed, relying on the services of one resident staff and the volunteer services of their Board Members. The facility is unable to offer any programming for the residents and tries to limit the length of stay to three

months. Staff reports that many women leave their facility to return to their abusive partners because of lack of longer-term housing and general economic dependency. STICRIS has a few foreign funding services, but relies primarily on their own fund raising ability including investments. STICRIS has explored the possibility of starting an independent living housing programme but simply cannot afford to carry this beyond the stage of exploration.

The Crisis Centre is in high demand and reported being at full capacity throughout most of the year. The staff were not shocked by the demand for their service because it was their perception that violence against women was prevalent and shared compelling anecdotes of women who had experienced brutality almost to the point of losing their lives.

Secure settings for children in need of protection are also sadly lacking in Suriname. Although there are a number of children's homes, there is only one home for children who have suffered abuse, whether of a physical or sexual nature. Children who have been neglected, abandoned or orphaned are sent to other children's homes. None of the children's homes are government owned or operated and there are no regulations governing the maximum standards of these facilities. Agencies involved in children's rights, such as the National Network on Violence Against Children as well as the Government Bureau of Family Judicial Affairs openly acknowledge several reports of abuse in the children's homes.

Police officers reported having the greatest difficulty placing children between ages 14 and 18 years old because whereas some placement opportunities existed for younger children, there was little to nothing available for children who fell within this age range.

Legal aid

Legal aid is offered by two entities in Suriname. The Bureau of Legal Advice for Women is an NGO, which had its origin in the National Women's Movement. The other entity is a State-funded legal aid service which is reportedly barely functional and is not viewed as having the capacity to offer meaningful assistance to women in difficult situations and does not encourage public confidence.

The Bureau of Legal Advice for Women does not offer legal representation and only has one in-house lawyer who can provide legal advice and make appropriate referrals. At a charge of Sur\$15,000, which can be reduced or waived, women can receive preliminary legal advice at the Bureau but will then be referred to a private lawyer, should she require further legal services. The Bureau recognized the limitation of this service, but did not have the capacity to offer legal representation. The Bureau has been able to draw from a small pool of lawyers who offer lower rates and are sensitized to the legal issues

encountered by vulnerable women. Divorces ordinarily cost as much as Sur\$600,000 and the harsh reality is that most women cannot afford those kinds of fees. Clients of the Bureau are therefore very disappointed in the fact that it is not a one-stop legal aid service which is equipped to take their legal matters to court. The Bureau also assessed that approximately 80% of the women who visit their agency wish to pursue legal action and less than half of them will not be able to pursue any form of legal redress. Statistics from the Bureau collected over the year 2002 revealed that women sought advice on a variety of legal issues, but many were family law related.

Table 7
Legal Advice for Women (NGO) client intake list for
January to March 2002

January 2002

| No | Date | Area of Law | Case |
|-----------|-------------|--------------------|--------------------------------|
| 1 | 15/01/02 | Social Case | ----- |
| 2 | 15/01/02 | Family Law | Common law union |
| 3 | 15/01/02 | Civil Law | Landlord/tenant |
| 4 | 15/01/02 | Civil Law | Landlord/tenant |
| 5 | 15/01/02 | Family Law | Common law union |
| 6 | 15/01/02 | Labour Law | Sexual harassment on workplace |
| 7 | 17/01/02 | Family Law | Divorce |
| 8 | 17/01/02 | Family Law | Divorce |
| 9 | 17/01/02 | Family Law | Divorce |
| 10 | 22/01/02 | Family Law | Common law union |
| 11 | 22/01/02 | Family Law | Divorce |
| 12 | 24/01/02 | Civil Law | Landlord/tenant |
| 13 | 24/01/02 | Immigration Law | Nationality issues |
| 14 | 24/01/02 | Civil Law | Landlord/tenant |
| 15 | 29/01/02 | Social Case | Homelessness |
| 16 | 29/01/02 | Family Law | Common law union |
| 17 | 29/01/02 | Civil Law | Landlord/tenant |
| 18 | 31/01/02 | Social case | Social case |
| 19 | 29/01/02 | Civil Law | Landlord/tenant |

Total Cases 19

February 2002

| No | Date | Area of Law | Case |
|-----------|-------------|--------------------|------------------------|
| 20 | 5/02/02 | Tort | Neighbour relations |
| 21 | 7/02/02 | Criminal Law | Rape |
| 22 | 7/02/02 | Criminal Law | Sexual Molestation |
| 23 | 12/02/02 | Family Law | Divorce |
| 24 | 12/02/02 | Tort | Property Dispute |
| 25 | 14/02/02 | Family Law | Custody |
| 26 | 19/02/02 | Zakenrecht | Domekin (eng. unknown) |
| 27 | 19/02/02 | Family Law | Divorce |
| 28 | 21/02/02 | Succession Law | Will |
| 29 | 26/02/02 | Social Case | Real Estate |
| 30 | 26/02/02 | Zakenrecht | Domekin (eng. unknown) |
| 31 | 28/02/02 | Civil Law | Landlord/tenant |

Total cases: 12**March 2002**

| No | Date | Area of Law | Case |
|-----------|-------------|--------------------|---------------------------------------|
| 32 | 4/03/02 | Family Law | Divorce |
| 33 | 5/03/02 | Family Law | Common law union |
| 34 | 7/03/02 | Family Law | Divorce |
| 35 | 21/03/02 | Family Law | Pre-nuptial agreement |
| 36 | 21/03/02 | Succession Law | Land dispute |
| 37 | 21/03/02 | Social Case | Grondaanvraag |
| 38 | 21/03/02 | Family Law | Child support |
| 39 | 26/03/02 | Family Law | Common law union |
| 40 | 26/03/02 | Family Law | Divorce |
| 41 | 26/03/02 | Zakenrecht | Property dispute |
| 42 | 28/03/02 | Criminal Law | Assault |
| 43 | 28/03/02 | Zakentecht | Domeingrond (translation unavailable) |
| 44 | 28/03/02 | Civil Law | Landlord/tenant |

Total cases: 13

Health services

The health care system is another important source of services for battered women. Traditionally, health services have not played an active role in identifying or intervening in domestic violence, but is slowly changing in many countries where coordinated community responses to domestic violence have increasingly acknowledged the significant role that health services must play in domestic violence. Domestic violence protocols, specialized training and closer linkages with other agencies in the domestic violence service network are all features of health systems in many countries that have become more aware and have developed policies to screen for domestic violence and to intervene in these cases.

The American Medical Association, as a result of an increased sense of awareness, has implemented policies geared at ensuring better detection and intervention in domestic violence cases. Research from the Association indicates that more than one fifth and perhaps as many as one third of all women receiving care in hospital emergency departments show signs of domestic violence.⁸⁰ Many of these women are not connected to other services for domestic violence and so the health care system serves as an especially important intervention for battered women who are not being serviced by other systems.

Suriname has one emergency ward, commonly referred to as the First Aid Department. It is located in the Government hospital in Paramaribo.

PRO Health, a community health institute which focuses on health development in Suriname, was very critical of inadequate health responses to domestic violence. The Director of that agency reported the total absence of a domestic violence protocol at the hospital and did not believe that domestic violence was perceived as a public health issue.

As authors of the 1994 report on “Violence Against Women In Suriname”, PRO Health researched the health records at the First Aid Department at the Paramaribo Government Hospital and found that a breakdown by gender was not even reflected in the hospital statistics. Accordingly, reports which are prepared according to the nature of the injury reflected overall statistics on the incidence of treatment for victims of violence, but did not provide any gender analysis that could inform an assessment of domestic violence. PRO Health’s research was seriously compromised by the deficiency in record keeping at the hospital. Nevertheless, PRO health’s manual review of files did reveal that women reported twice as often as men, injuries sustained by punching. They also found that the First Aid Department registered one and a half times as

⁸⁰ . Council on Scientific Affairs, AMA, 1992

many reports of violence as the police. This reinforced the widely held view that violent crimes were underreported to the police.

PRO Health has already recommended the establishment of special units at the hospital for female victims. Unfortunately, this kind of service is slow in coming and female victims of violence, both adults and children, are reportedly forced to wait for lengthy periods in very public settings before being seen by a doctor.

Public awareness, education and advocacy

Initiatives geared at consciousness-raising and advocacy have played a pivotal role in advancing the anti-domestic violence agenda in Suriname. Whereas legal and social service responses were described by most stakeholders as weak, there was a more positive assessment of the public education and advocacy strategies implemented both at the State and non-state levels. Given the obvious importance of mobilizing community and institutional responses to domestic violence through education and outreach efforts, Suriname should be encouraged to sustain and enhance its present attempts at ensuring that domestic violence is made a public issue.

Public awareness and advocacy is largely NGO-driven. In fact, it appeared almost indisputable that the bulk of the work geared at publicly exposing and discussing violence against women was carried by NGOs. Admittedly, there was a general feeling that the government was beginning to gain momentum on these issues and had facilitated an increased awareness even within their own ministries, through implementation of gender focal points. Both government and NGO representatives recommended a closer working relationship between themselves and expressed hope in the success of the newly formed National Network on Violence Against Women, which has both government and NGO representation. One report also speaks of other government initiatives to facilitate a broad network of governmental and non-governmental organizations through its Bureau for Gender Policy.⁸¹ One such initiative was triggered by the Canada Caribbean Gender Equity Fund in 1998, and was further supported by the UNIFEM Country Programme on Women and Sustainable Development. Further support to this network initiative was given by the Suriname CAFRA project entitled "Fighting Domestic Violence". The project was carried out in 1998 and included a wide array of activities, including:

(a) A survey of government- and non-government organizations involved with issues of violence (April 1998);

⁸¹ Situational Analysis of Women in Suriname, October 2001.

- (b) A regional conference on building a culture of human and women's rights (June 1998);
- (c) A congress on "Fighting Domestic Violence" (October 1998);
- (d) Training of the police force and 100 social workers (December 1998); and
- (e) A "Train-the-Trainers Course for Assistance of Victims of Domestic Violence".

The Women's Rights Centre has reported that there are over 42 organizations which assist women. Despite this relatively large number, it is widely recognized that a limited number of these organizations operate in any meaningful way and even fewer have direct involvement with issues related to violence against women. Nevertheless, those organizations that have made violence against women a part of their mandate, have done so with vigour despite limited budgets. Education and advocacy have been a primary objective of several agencies working with women, despite the harsh realization that the legal and social service structures often cannot support their awareness campaigns. In fact, one agency reported having to purposely curtail their education and public awareness initiatives after an overwhelming public response which was too large for the limited available services. This clearly demonstrated that public awareness and education must be supported by an adequate legal and social service infrastructure. Failure to implement this could easily result in women who had received empowering through awareness campaigns and strong advocacy work, turning to an ill-equipped system for support.

In the face of overwhelming constraints, several organizations in Suriname have relentlessly advanced the public awareness agenda on violence against women.

The following list, although a mere sample, details the activities in that regard:

Foundation Stop Violence Against Women

The Foundation Stop Violence Against Women is one of the few organizations professionally involved in individual care, guidance, counseling and training of female victims.

Foundation Stop Violence Against Women is also highly regarded for its strong public education and advocacy work.

The foundation has advanced public education on the issue of violence against women in schools, youth organizations, churches and community organizations. In doing so, they have generated volumes of written public education material. Television programming has been utilized to develop public awareness. Two shows are currently sponsored by the Foundation entitled “Life Stories” and “Don’t Hit but Talk”. Public feedback on these shows has been very positive.

Exerting political pressure is an integral feature of the work of the Foundation Stop Violence Against Women and it has forged crucial linkages with other organizations in an attempt to strengthen their advocacy objectives.

Ongoing training and research is another important feature of the Foundation’s services. The foundation has trained telephone counselors with a wide range of agencies; religious leaders and health workers. Together with the Police, the Foundation produced a brochure designed to guide police officers in the appropriate handling of domestic violence cases. It has also produced a similar pamphlet for victims.

National Women’s Bureau

The Bureau is an NGO which operates mainly as an intermediary agency designed to strengthen the efficiency of other women’s organizations. Their internal programmes focus on economic development; capacity strengthening of women’s groups and women’s housing and living conditions.

The wide array of programming offered by the Bureau does include public education and advocacy on the issues of violence against women. Recent initiatives have included a Women’s Rights Workshop and a Healthy Partners Relations initiative offered through community groups.

The Bureau is very concerned with the plight of women living in the interior and has ensured that its programming is accessible and sensitized to their needs.

Women’s Rights Centre

The Women’s Rights Centre is an NGO, established in 1997 to generally address the area of women’s rights. Lobbying, advocacy, training and research are the key components to the programming offered by the center.

Training of police officers, social workers, relief workers and hospital workers has been conducted using the CAFRA gender sensitization-training model. They are presently preparing for the training of judges, prosecutors and lawyers scheduled for later this year. The Women’s Rights Centre was very

involved in the “Life Free of Violence” campaign and has forged successful working relationships with other regional women’s agencies, such as CAFRA.

The Law Commission on Domestic Violence which is currently drafting a Domestic Violence Act is supported by the Women’s Rights Centre and conducted the needs assessment for the Commission.

Two weekly newspaper articles on women’s rights and support for the set-up of 3 domestic violence rooms in the three police stations are two of the many other significant projects that the center has recently undertaken.

National Network on Violence Against Women

The National Network on Violence against Women is an independent network, established in 2000, which comprises of both government and NGO representatives. The Network comprises 28 organizations and 17 individuals.

Although the Network has gone through a difficult period, it is consciously striving to meet its identified objectives of professionalizing organizations; improving efficiency and collaboration and implementing domestic violence policy.

There are five working groups which include training and research; media watch, judicial support and relief work.

The establishment of a victim’s crisis line is one of the Network’s priority projects.

Moiwana Human Rights Organization

Moiwana is a non-governmental human rights organization which focuses on both civil and political law. Its human right’s mandate encompasses children’s rights and Indigenous People’s rights.

The women’s rights sector of the organization was recently started and on International Women’s Day 2002, they conducted a public awareness programme for young girls and boys. Consciousness raising continues to be a very important aspect of Moiwana’s work and there is an ongoing awareness campaign involving especially young girls and women in the rural areas.

National Network on Violence Against Children

The National Network on Violence against Children was founded in 2000 and is an independent network made up of NGO and government representatives. Although the Network is in its early stages of structuring, the following five primary objectives have been identified:

- (a) To guide the State on child abuse policy and responses;
- (b) To monitor the work of participating agencies;
- (c) To ensure social services for children;
- (d) To conduct research and improve skills by training; and
- (e) To increase awareness through public education.

The State and gender policy planning

The Suriname Government has drafted and adopted an integral gender action plan which is overseen by the National Gender Bureau. The Bureau reports that 12 of the 16 government ministries have appointed gender focal points. These focal points are geared at ensuring, amongst other things, gender mainstreaming. Feedback suggests that it is still too early to assess the effectiveness of the focal points who are presently compromised by a lack of infrastructural support. The two main activities planned for the focal points this year are gender training on planning and policy as well as the reporting for CEDAW.

REGIONAL ANALYSIS: ALLIANCES AND INSTITUTIONAL CHANGES

The work on ending violence against women falls squarely within the project for eliminating all forms of discrimination against women. The connections between the two have been well recognized within international human rights instruments. At regional and national levels, the fact that violence against women expresses unequal power relations is advocated by the national machineries for women and women's organizations, many of which have worked most extensively on the issue.

Generally, policy and programmatic actions on violence against women have not been mainstreamed with little cross-sectoral commitment both by governmental and non-governmental agencies to work on the issue. Belize has developed a national plan of action. But this is not the norm. What, too, is also striking is the fragmentation of analysis and policy responses to violence against women on the one hand and societal violence generally. Missing as a result of the way in which violence against women is perceived is the advocacy and commitment of men and traditional male-dominated civil society and developmental organizations.

The terminology used to express the parameters of issue, that of "violence against women", has in very direct ways defined the approaches, ways of working and responsible agents for transformation. The primary emphasis is on women as victims of violence in need of protection and services. As a result, all around the world the issue has been approached through law reform and through the establishment of shelters, hotlines, legal aid and through advocacy and consciousness raising.

There is no denying the gains made for women because of this focus. Some 15 years of sustained attention to the issue has led to tangible results in the administration of justice and in service delivery. Increased awareness has challenged complacency and complicity. Still, there does not appear to be abatement and many perceive an increase in the incidence. This in part is related to increased social dislocation and growing socio-economic disparities. The growth of the narco-economy has meant heightened peril and vulnerability for, in particular, poor communities. But the central deficit in the work around violence against women has been the inability of the movement to catalyse a sense of responsibility on the part of men to work on this issue, either individually or within institutions under their authority and control, whether State or civil society.

At a meeting held by the Inter-American Commission of Women (CIM) in 2002, the participants, including representatives of organizations working on violence against women and governmental representatives had an opportunity to analyse the effect of the actions that had been taken around the issue. The

meeting found that systemic inequality between women and men was at the forefront in limiting the impact of its work on violence. The meeting pointed to socio-cultural practices that reinforce values about male power and control and female subordination and expressed concern for the misconception that all gender equality/equity goals have been met leading to resistance against further programming for gender

At that CIM meeting, the participants agreed that State commitment to eradicating VAW was impeded by the absence of comprehensive and integrated policy approaches for gender-based violence with clear cross-sectoral responsibilities. Only inadequate budgetary allocations had been made which negatively affected the sustainability of programmes. Lack of systematic data collection and analysis by governmental agencies were also cited as limiting the ability to monitor and evaluate interventions geared towards the elimination of violence against women.

Child welfare is inextricably linked to the broader issue of domestic violence and must play a pivotal role in the integrated approach that has been identified as crucial to the anti-violence campaign. Increasingly, coordinated responses to domestic violence have included child protective services, where protocols for interagency case management require child welfare services and health care providers to be part of a comprehensive, integrated system.

Alliances

The alliances on the issue are generally limited to the national machineries, women's organizations, police services and the judiciary. These alliances have produced significant momentum in the appreciation of the meaning and magnitude of violence against women on the part of police and the courts. It has also impacted on standard setting around the treatment of domestic violence. Institutional change has been the result. And this institutional change is apparent in legislative reform, in administrative changes and in attitudinal changes, that is, to changes at the cultural level.

It is very significant that at the beginning of the 1990s CAFRA's regional conference on Women, Violence and the Law made recommendations for police training and judiciary sensitization. By the end of the decade, CAFRA had entered into a far-reaching partnership with the ACCP which would result in the adoption and institution of police training that reached over 4,000 police in every country in the Caribbean region.

At a national level, women's activism around the centrality of an effective police response to violence against women would have been a vital precursor to ensuring the receptivity of the ACCP to an input from a regional feminist organization in the training of police. This perhaps is an excellent

exemplification of the effects of working at community, national and regional levels and the ways in which effective work at each level contributes to institutional and cultural change.

In this project on police training, which was supported significantly by the Inter-American Development Bank (IDB), networking between organizations dealing with violence against women and the police was strengthened. The training programmes have made an impact on how police treat with victims of abuse. However, it has been acknowledged that training needs to be reinforced through the routine insertion of modules on domestic violence in the training of recruits and refresher courses. The training has also been critiqued by police for not paying sufficient attention to the technical aspects of policing, which are sufficient to guide them in the exercise of their discretion when arresting and charging perpetrators of domestic violence⁸².

In an evaluation of the training, it is generally agreed by both police and women's organizations and service providers that the time has come for police services to take ownership of the training programmes, both in their conceptualization and implementation. This however should be guided by and implemented in collaboration with those who work closest with victims of domestic violence.

Recommendations for an institutionalization of mandatory arrest policies within the police force are being made with increasing frequency. These mandatory arrest policies with regard to domestic violence offer the advantages of ensuring a consistent policy to the treatment of offenders and are argued to be best representative of a zero tolerance approach to domestic violence that over time should result in cultural change both at a societal level and within the police forces.

Still, the region needs to consider very carefully mandatory arrest policies. Studies from other countries show that such policies are correlated to a reduction in domestic homicide rates. Yet other studies on mandatory arrests suggest that such formal sanctions work best when reinforced by informal social controls⁸³. In other words the deterrent effect of arrest is greater where high social costs are perceived. There are powerful reasons in small societies to remove the discretion from the police officer and from the victim. The society has a vested interest in sending a very clear message on the inappropriateness of domestic violence and of the costs, not only to individuals but also to communities. Mandatory arrest policies also have to be distinguished from a mandatory prosecution policy. The challenge is to devise a justice response

⁸² ECLAC/CDCC: Report on the ECLAC/CIDA Regional Conference on the administration of Justice and gender-based Violence

⁸³ Fagan, J.: *The Criminalisation of Domestic Violence: Promises and Limits*. NIJ Research Report. 1996.

that increases the options of the courts to treat with perpetrators beyond incarceration. Recommendations have been made to pilot the mandatory arrest policy in one country.

Institutional changes are also apparent within some of the police forces where specialized units have been established or are planned. These specialized units appear to work closely with service providers in ensuring that victims of violence receive not only effective police response but that they also receive support through the trauma of the incident and the subsequent judicial processes.

Judiciary

Within the court system, significant progress is observable in the treatment of violence against women and in particular domestic violence. A number of training and sensitisation programmes have taken place, which though not coordinated like the police training, has reached many judicial officers. In Trinidad and Tobago, for example, the judiciary held a seminar on gender and the law, which though not targeted at violence, would have addressed the existence of unequal power relations between women and men and the way in which this affected women's enjoyment and access to their rights.

UNIFEM held a conference for magistrates in 2000 which looked very specifically at human rights. At the national level there have also been ad hoc seminars and training sessions. Perhaps, however, the most significant progress has been made. Within the OECS, an extraordinary initiative was piloted by the Eastern Caribbean Supreme Court to consider the compliance of family law and domestic violence law with the Women's Convention and Belem do Para. The project allowed for an evaluation of the implementation of the Domestic Violence Acts in five countries and was used by Dominica as an input into the drafting of its legislation. The study documents the progress made, the continued challenges of dealing with domestic violence and makes recommendations.

This project within its aim at law reform has tremendous potential to expand the terrain of discussion around human rights, the family and women's rights.

Throughout the judiciaries in the region, there is a focus on reform. This reform has looked at improving access to justice. Within the OECS, for example, the judicial reform project funded by CIDA has come up with a number of actions including improving access to legal aid and strengthening mediation at the magisterial level. This, while not targeted at violence against

women, will also impact on women, given that any improvement to the magistrate's court will impact on women's access to their rights. Another component of the programmes to strengthen the judiciary has been the establishment of judicial education institutes. While, it does not appear that these institutes have addressed gender-based violence as yet, they are avenues through which training for judicial officers on the issue can be strengthened.

Social services

Across the region, State responses to violence against women, have fallen squarely within the confines of traditional notions of a justice system. Those traditional notions do not go beyond law enforcement, prosecution and sentencing and are, therefore, limited to the services offered by police officers, lawyers (prosecutors), magistrates and judges. But law reform and other legal interventions have not been able to eradicate violence against women because effective responses to violence against women demands a multi-disciplinary approach which will, amongst other things, incorporate a strong social service system. Social service delivery must not exist only as a support system outside of the justice process on which vulnerable women and children rely for protection and redress, but must also exist within the justice process as an integral feature of the legal system. In so doing, there is a blending of the legal process with social services which enhances the overall system.

Social service delivery to victims of gender-based violence continues to be weak. Many of the programmes offered in the region focus on services to victims: shelters, legal aid, counseling and hotlines. Increasingly there is also a focus on programmes for perpetrators: conflict resolution training, mediation and rehabilitative counseling. However these programmes still are NGO based. While governments give subventions, the level of subventions are nowhere sufficient particularly since governments, through police services, social workers, etc., rely so heavily on these NGOs for the support of victims.

Despite the obvious importance of social services, this area has not received its due attention and is only recently being recognized as a vital component in the overall scheme to redress violence against women.

A recent study commissioned by the Eastern Caribbean Supreme Court entitled "Family Law Reform and Domestic Violence - Legal and Judicial Reform in the OECS" (2001) addressed, amongst other things, the social service implications of family law reform and identified a number of social service supports necessary to give meaningful effect to the law. Services identified included:

- (a) Counseling;

- (b) Mediation;
- (c) Psychological and/or psychiatric assessments;
- (d) Social work reports;
- (e) Alcohol and drug abuse intervention;
- (f) Specialized medical intervention for female (adult and child) victims of abuse;
- (g) Specialized police intervention;
- (h) Adequate shelters/crisis centers;
- (i) Advocacy services; and
- (j) Legal aid services.

All of these services are critical interventions which should form part of the systemic response to violence against women, but which are so sadly lacking. An appreciation of the need for State support, however, is growing. In Saint Lucia, the government has provided a facility to be run by the Saint Lucia Crisis Centre as a halfway house. Similar support is also contemplated in Jamaica where the Women's Bureau is in the final stages of acquiring a property from which an emergency shelter can be offered to victims and their families. In the Bahamas, for a great many years the crisis centre has functioned on hospital premises.

Education and awareness building

It is in this area that perhaps the most sustained action has taken place. Women's organizations have produced brochures, pamphlets, posters, videos and popular theatre productions, which expose the causes and consequences of gender-based violence and increase the knowledge of victims of legal services and their rights. Women's Media Watch, in particular, has gone one step further to monitor how violence against women is portrayed in the media and has worked collaboratively with broadcast houses on media policies.

Still, like most other actions, education and awareness building initiatives remain largely driven by women's NGOs. The great majority of actions taken as within the UNIFEM campaign were geared at education and advocacy. And most, if not all of the campaigns focused on domestic violence.

In Dominica, the Catholic Church is notable in adopting this issue as one its priorities for community education. In that country, the majority of the population is catholic and therefore this initiative, if sustained, should result in a change of culture and an increased commitment to protect, prevent and punish violence against women.

CONCLUSION AND RECOMMENDATIONS

Developing an integrated response

An analysis of national programmes on violence against women in 10 Caribbean countries undertaken by the Inter-American Commission of Women/Organization of American States (CIM/OAS) underscores that there are strong cultural, social and economic obstacles blocking the attainment by women of their rights to a life without violence⁸⁴. National responses therefore must meet head on with these obstacles.

An integrated response must address law enforcement, health, judicial, education, housing and community advocacy. The approaches to be taken should explicitly address protection and the provision of services; justice; and prevention. The time has come for the development of an integrated multifaceted approach to all forms of violence against women and not just domestic violence. Violence programming, like gender equality, must be mainstreamed in the sense that the responsibility for its eradication should lie with all relevant governmental agencies and not just with the national machineries for women and the police. Programming should address root causes, catalytic causes and all its consequences for affected women, children and communities. Violence against women must therefore be pitched consciously and consistently as central to the attainment of women's rights and gender equality.

All countries should develop national plans of action that can take as their starting point the obligations set out in the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. These obligations include:

(a) Due diligence in preventing, investigating and punishing violence against women and children, including consideration of mandatory arrest and/or prosecution of allegations of physical abuse;

(b) Particular attention to investigation and prosecution of child sexual abuse;

⁸⁴ Chin, Vivienne and Dandurand, Yvon: National Programs to Prevent, Punish and eradicate Violence Against women in Ten Caribbean Countries. CIM/OAS 2001

- (c) Adoption of measures to modify legal and cultural practices tolerating or allowing the persistence of domestic violence;
- (d) Access to justice for victims including programmes to promote the education and training of those involved in the administration of justice;
- (e) Programmes to promote awareness and respect of the right of women to be free from violence;
- (f) Programmes to modify social and cultural practices and patterns of behaviour;
- (g) Programmes to provide appropriate specialized services for victims of violence against women, including counseling, crisis housing, legal aid and social services;
- (h) Programmes to provide services for perpetrators including consideration of appropriate options to incarceration. Batterer intervention programmes should be informed by principles of accountability and victim protection; and
- (i) Research and statistical programmes on the causes, consequences and prevalence of domestic violence.

Like the gender mainstreaming mandate, mainstreaming cross-sectoral responsibility for the eradication of violence against women will require the articulation of sectoral goals, benchmarks, identification and allocation of necessary resources and performance indicators.

The non-governmental sector, which has been central in service provision and advocacy, must be partners in the development and execution of national action plans. These organizations have been in the frontline of agencies responding to women and their families in crisis. They have done so on severely limited budgets. An approach which builds this partnership should also result in increased resource flows to the NGO sector particularly if it is to continue to provide such services as counseling and shelter.

There is much work to be done on sexual violence and on sexual violence against children. This is an under-researched area and the lack of knowledge about incidence and vulnerability factors has meant that policy development has been woefully absent. The World Health Organization (WHO) has developed a Sexual Violence Research Initiative. Its objective is to effectively respond to the problem of sexual violence through a better appreciation of the magnitude and nature of the problem, its health impacts, and its risk factors. The initiative is also meant to analyse existing interventions and their effectiveness.

A plethora of recommendations exist within the region on the issue of gender-based violence. At the recent CIM meeting, both national and regional level strategies were identified. (See Annex 1) These strategies include:

- (a) Addressing systemic gender inequality;
- (b) Increasing State commitment to eradicating violence against women;
- (c) Developing concrete partnerships and productive networks across sectors to maximise resource efficiencies;
- (d) Strengthening data collection, research and evaluation;
- (e) Ensuring equal and fair access to the administration of justice;
- (f) Developing response protocols for police, health workers and social workers;
- (g) Education, training and advocacy; and
- (h) Support for civil society partnerships with the State sector.

At a regional level, the meeting agreed that the agencies were best placed to strengthen the capacity of Caribbean States and NGOs to address violence against women through a number of strategic actions:

- (a) Increase networking among national machineries for women to share issues and best practices around violence against women;
- (b) Build the awareness of/provide training for policy makers on the causes, consequences and costs of violence against women;
- (c) Strengthen national machineries for women and NGOs: In particular increase support for NGOs working on violence against women; and
- (d) Strengthen capacity for data collection, research and evaluation

Despite the tremendous achievements accomplished in making visible violence against women and in defining State obligations to act with due diligence, there is no getting away from the fact that like all types of violence, violence against women and children appears to be on the rise or at least not abating in any way proportionate to the levels of action expended by women's organizations.

Changing socio-economic and cultural context

To effectively address violence against women requires a sustained political will to change culture. What is needed is an acceptance that women are vulnerable to abuse because of a construction of maleness and femaleness which continues to legitimize aspirations for a degree of male control and domination over women. To be sure, much has changed as women claim their individual and social rights to citizenship. But the challenge of changing behaviour and transforming stereotypes remains as relevant as ever.

The economic dislocations which Caribbean States are experiencing complicate and intensify this challenge. At the level of the State, many countries are finding themselves hard-pressed to devote resources to the area of violence against women, continuing to rely on the NGO sector to provide services. This inability to devote the level of resources needed is rooted in several factors. Absence of political will at the highest levels is one such factor. Another is the failure to appreciate the connections between gender-based violence and cycles of violence in general. The fact that the majority of persons who end up in the criminal justice system are men is a remarkably under-appreciated sociological fact. While countries indicate alarm at the growing crime rates, this is not usually linked to gender socialization patterns.

Neither has there been sufficient attention paid to the socialization of young girls and the absence of avenues for independent economic empowerment. Throughout the research, the theme of female economic dependency has recurred. This dependence makes women vulnerable to physical abuse and can act as a barrier to them acting in the best interests of their children, and in particular those who are being sexually abused.

The theme, too, of sexual politics and women's expectations of men acting as the breadwinner is also one that needs attention from the point of view of research and policy interventions. Economic deprivations and stereotyped gender expectations in the Caribbean may sustain a subterranean dynamic of conflict, distrust and even hostility between women and men.

These socio-economic and psychological arguments about the intersection of gender and class suggest that approaches to gender-based violence must move beyond service provision to victims, though of course these must be reinforced. They suggest the need for a reframing of the problem of gender-based violence. Reframing holds out the promise of building new coalitions and alliances among groups or social movements.

The need to reframe: Moving from violence against women to gender-based violence

The attention given to violence against women has obscured the fact that violence by men is the behaviour for which change is sought. While “violence against women” channels attention most directly to the many forms of abuse which women experience as a result of unequal gender power relations, it has also allowed for a limited focus on women in need of services. There is a move towards reframing the issue as gender-based violence. This phrase change has a number of important implications for approaches and strategies aimed at ensuring women’s exercise of their rights to personal autonomy and security.

Approaching the issue through the lens of “gender-based violence” should allow for the development of a broader array of interventions. The phrase also allows for a focus on the gendered nature of violent behaviour as well as on violence as an expression of gendered power relations. Examining the ways in which violence can be constitutive of the gendered experience of life should sharpen the understanding of the root causes and consequences of all forms of violence.

The phrase ‘gender-based violence’ is used here in two senses. Firstly, gender-based violence is that violence which is motivated and finds its genesis in unequal power relations between men and women. Violence in this context is an expression of male domination and female subordination. More latterly, the term gender-based violence has focused attention on the question ‘why do men more so than women act violently?’ The phrase ‘gender-based violence’ provides a window through which the connections between gendered behaviour and the use and experience of violence can be made. It guides to a recognition that violent or aggressive behaviour can be and is perceived as both constitutive and representative of gendered identity, specifically, masculine identity. In the Caribbean, like in most cultures globally, aggression is regarded as a positive feature of masculinity. The socialisation of boys in families, schools and communities reinforces the traits of aggression and dominance, just as it does, the complementary trait of passivity in girls and women. While this rigidity in gender roles has changed somewhat, a cursory examination of popular culture would reveal that more than ever an aggressiveness which borders on violence is portrayed as an integral dimension of masculinity.

A focus on gender-based violence will call attention most directly to the need for cultural change and the pivotal nature of the education sector. Such a reframing can be seen as a conscious strategic effort to fashion a shared understanding of the issue that would legitimate and motivate collective action

by women and more importantly by men and the organizations that they control.⁸⁵

Resource limitations and alternatives

Beyond an acceptance of broader societal responsibility to end gender-based violence, there is also the imperative of deploying State resources in the most effective manner given resource limitations. Throughout the Caribbean, chronic economic crises severely limit the resources of the countries. The challenge therefore is to channel the existing network of public services more effectively to address gender-based violence. In this regard, the education sector is well placed as a site to challenge and change culture. An education policy should address human rights education or civic education programmes from the primary school level. In such a programme, issues of gender equality, respect and rights can be addressed. The implementation of such programmes would be less capital intensive, though training would be required as well as the development of an age-appropriate curriculum.

Like the education sector, the size of the police services is significant especially when contrasted with the number of persons engaged in social work activities. States need to carefully consider whether the law and order response, in the absence of an equivalent level of attention to social services, will bring about the social and cultural changes sought. In this regard, States may wish to consider undertaking an audit of the civil service with a view to identifying the possibilities for a reallocation or reassignment of existing personnel to social service delivery units.

In this regard, there may be possibilities for the establishment within police services of a social service unit that works with youth and with communities in partnership for problem solving. Such an approach, however, would need to be clearly worked through so as to avoid what is apparent throughout the region, that is, the reluctance of police to act as law enforcers in domestic violence situations.

Despite the resource limitations facing Caribbean States, there already is in existence a public sector through which a mainstreaming approach can be implemented. What is required is a mapping of resources and identification of channels through which gender-based violence programming can be strengthened.

⁸⁵ Margaret E. Keck and Kathryn Sikkink: *Activist beyond Borders: Advocacy Networks in International Politics*. Cornell University Press 1998

Inter-agency collaboration

The most significant regional initiative on violence against women has been in relation to police training. The regional approach to training resulted in increased sensitisation of over 4,000 police officers over a two-year period. It is an experience that holds many sound lessons that ought to be replicated. The police training brought to bear a range of expertise across a variety of agencies to focus on one issue. The training was relatively harmonised from country to country. This is an approach that should be explored for judicial education and socio-psychological programming, such as victim counseling and batterer intervention programmes.

United Nations agencies have a mandate within their specialist areas to further the understanding of the United Nations human rights framework. Agencies such as UNIFEM also have a strategic role in assisting women's organizations in advocacy. ECLAC, as an inter-governmental commission, is primarily engaged in providing evidence-based technical assistance to governments. Over the last four years, for example, ECLAC has engaged in a number of research activities to support governments in their work on gender-based violence. This is a role that ECLAC should continue to play.

Regional and subregional intergovernmental bodies such as CARICOM, the OECS secretariat and the ECLAC/CDCC secretariat work closely with governments both at a political and technical level. They are charged with responding to the priorities set by the region's governments. The CIDA Gender Equality Programme is a programme which has explicitly sought partnerships with a broad range of agencies working on women's rights, such as the CARICOM secretariat, ECLAC, UNIFEM, UNICEF and the OECS Secretariat.

CARICOM should consider how it might strengthen its support to focus the attention of regional policy makers on gender-based violence. Within the CARICOM Secretariat, there is a programme that supports governmental work on crime and security. While this programme does not currently focus on gender-based violence, initiatives should be undertaken to draw attention to the ways in which a focus on gender-based violence could strengthen policy and programmes on crime and security. Similarly, CARICOM along with UNICEF has been considering for some time curriculum development for Health and Family Life Education. This programme can also be a strategic entry point for gender-based violence initiatives.

What the in-depth country assessments elicited was a relatively low level of awareness or knowledge of the work of the United Nations agencies in the region. While UNIFEM attained some profile as a result of the inter-agency campaign, this is a presence which must be maintained through advocacy at a regional policy-making level as well as through support of organizations that work on violence. UNIFEM could assume the role more explicitly of a

coordinating agency throughout the region on the issue of gender-based violence. For this, UNIFEM would need to devote resources and do so for a sustained period. Within such a collaborative framework, an agenda for research, policy formulation, advocacy, technical and financial assistance should be formulated.

Given the interlocking nature of the mandates of the agencies, as well as the limitations of the resources available to gender programming, there is much to be gained from a much more strategic level of coordination between the agencies. This coordination should encompass the periodic identification of priorities for action and the development of a tapestry of policies and programmes that build on actions already taken and extend the scope and depth of policies.

Annex I

Recommendations made at Inter-American Commission on Women meeting on Violence in the Americas: A regional analysis, including a review of the implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. Meeting of Experts of the Caribbean subregion, Georgetown, Guyana, June 20 and 21, 2002

1. Systemic Inequality

(a) Because violence against women is a manifestation of unequal gender relations between women and men, the elimination of all forms of discrimination remains a priority in the Caribbean region;

(b) Convention on the Prevention, Punishment and Eradication of Violence Against Women must be fully complied with, with special attention paid to particularly vulnerable groups: victims of incest and rape, girls and women who are trafficked, street children, undocumented migrants, disabled women, sex workers, and the aged;

(c) Action to address causation, including an examination of gender socialization practices in the home, community, and other education systems:

(i) Teacher training

(ii) Parent education

(i) Media awareness

(d) Agencies such as UNICEF, UNESCO, UNIFEM, ECLAC and CIDA should be encouraged to undertake such examinations and support the development of appropriate training programmes for teachers, parents, etc.;

(e) Macroeconomic policies and outcomes can exacerbate socio-economic inequalities both within and between countries and contribute to increased levels of violence against women. Opportunities for relocating issues of gender-based violence within the general policy framework of Caribbean countries need to be explored: HIV/AIDS, trade and governance, for example, provide entry points for gender-based violence to be addressed.

(d) Promotion of women's economic empowerment through community outreach and microenterprise support should be expanded and increased.

2. Commitment of the States to eradicating violence against women

(a) Reaffirmation to gender equity/equality goals within the public sector. This would specifically include institutional strengthening of the national machineries for women (level of authority to increase clout and influence, resource allocation to counter the marginalisation of their status and roles) and the support for gender mainstreaming;

(b) Definition of policy context to make connections between violence against women and the culture of violence;

(c) Elaboration of economic costs of gender discrimination and violence against women;

(d) Gender analysis of budgets to be advocated and implemented in order to ground demands for a more equitable/responsive reallocation of resources;

(e) Development of a coordinated approach to all forms of violence against women, drawing on collaboration between governmental and non-governmental organizations, which would include:

(i) National coordinating mechanisms;

(ii) Comprehensive and multifaceted action plans (components to include advocacy and public education, attitudinal and cultural change, services for victims and perpetrators, justice system reform, training for judicial officers, police, etc; data collection and monitoring and evaluation); and

(iii) Connect VAW with national development (or the lack thereof) in order to strengthen gender-sensitive policy-making.

(f) Target members of parliament/political leaders and the public service for awareness building and training in the areas of gender and violence against women.

3. Resource strengthening

(a) Increase efforts to develop or strengthen corporate social responsibility and establish concrete partnerships and productive networks across sectors to maximise resources, including financial, human and political resources (private sector, entertainment industry, and religious institutions);

(b) Recognizing the central role played by NGOs and civil society in work around violence against women/gender-based violence, there should be

increased support by the public sector and donor agencies, including support for operational expenses; and

(c) Promote opportunities to rejuvenate activists and other actors working on the issue of VAW.

4. Data collection, research and evaluation

(a) Increase technical help with which to improve national data collection mechanisms, particularly with a view to including gender-related data;

(b) Standardize the data collected, ensuring gender relevance;

(c) Seek to maximise gender benefits from CARICOM's own initiatives in the sphere of data collection;

(d) Improve monitoring and evaluation of interventions seeking to address VAW; and

(e) Research on the causes, consequences and costs of violence should be undertaken and the findings of such research applied to policy-making and programmatic approaches.

5. Access to justice

(a) The legal system needs to be sensitive to unequal power relations between women and men and the potential use of the legal system as a weapon to deny or impede justice under the domestic violence laws;

(b) Evaluation of the justice system is required in order to redress the systemic inequalities, which the system perpetuates, with particular attention to gender, class, ethnicity, and race considerations;

(c) Implementation of the domestic violence laws should be assessed to ensure:

(i) Full implementation of legislation, including enforcement of orders; and

(ii) Review and reform, where appropriate, domestic violence legislation to make it more responsive to the economic needs of victims of violence.

(d) Improve legal aid and advisory services.

6. Care and protection

(a) Develop protocols for health care services and delivery including components on data collection, treatment of victims of violence and, in particular, victims of sexual violence;

(b) Intervention with perpetrators should be informed by an approach that prioritises the safety of the victim and the community. Treatment should not necessarily take the place of punishment;

(c) States should consider mandatory intervention programmes for perpetrators. Such programmes should encourage perpetrators to be accountable; and

(d) Special attention should be paid to adolescent sex offenders so that early intervention can be applied and rehabilitation achieved.

7. Education, training and advocacy

(a) Implement awareness-building campaigns, building on best practices from across the region (e.g. Green Ribbon campaign – Bahamas, treatment of perpetrators – Bahamas; Videos for popular education – “Hope Deferred” on incest; and “Starting Over” - Jamaica);

(b) Establish programmes focused on children, youth and young adults to build awareness and educate through schools, families, etc;

(c) Implement programmes to encourage healthy relationships and improve parenting skills;

(d) Market the problem and possible solutions via media, websites, etc;

(e) Increase programmes focused on the grassroots/community level, seeking to increase reach, particularly amongst disinterested males;

(f) Improve teacher training to increase their competence and offerings in the area of social support, recognising the surrogate-parenting role that teachers play;

(g) Mainstream gender issues in other education and training programmes, e.g. adult education;

(h) Services for perpetrators should be developed and implemented with organizations or agencies that can command the attention of men;

(i) Address needs of media as contributors to VAW and as potential allies in the struggle against VAW, by developing interventions that recognise the important role played by advertisers; and

(j) Development of a strategy of outreach to media houses.

8. Civil society

(a) Include NGO representation on formal delegations, consultations and processes in order to strengthen partnerships and collaborative efforts between state and civil society actors in addressing and eradicating VAW;

(b) Promote and popularize the Belem do Para Convention within civil society constituencies so as to support its implementation as well as monitor its compliance by respective governments;

(c) Encourage all sectors within civil society to adopt the approach that VAW is of concern to everyone and negatively affects development through continuous outreach and dissemination of information; and

(d) Coordinate with other agencies to develop strategies, mobilize resources and engage in collective effort to reduce gender-based violence in our societies.

Annex II**Matrix on implementation of strategies on violence against women**

| Country | Successful Policy | Obstacles | New Initiatives |
|-------------------|---|--|--|
| Anguilla | Domestic Violence law reform 1996 Workshop for team players on domestic violence | Increasing levels of violence against and no shelter for battered women | Legislature review |
| Antigua & Barbuda | Domestic Violence legislation Police training Support services Training and education Legal Reform | Absence of data on causes and consequences of Domestic Violence Cultural/Attitudinal problems Lack of public involvement | Safe Houses Court Advocacy Service |
| The Bahamas | Implemented mandatory training in domestic violence for all police recruits. Formed an "Action Team" comprised of 2 NGOs, the Crisis Centre, Women's Bureau and the Police to carry out public education on this area. Information shared includes successful options to rehabilitate the batterer. Crisis Center provides support to victims of sexual and domestic violence, including 24 hour hotline. Campaign on 'A Life Free of Violence' Development of working relationship between | Not sufficient shelters for battered women. Men are generally not participating in large numbers in the public forums. | One of the two government approved safe houses is under construction and should open by the end of 2003. Review of Sexual Offences and Domestic Violence Act. |

| Country | Successful Policy | Obstacles | New Initiatives |
|------------------------|--|---|--|
| Barbados ⁸⁶ | <p>Belem do Para Convention ratified in 1994.</p> <p>Public education programmes established to increase awareness of domestic violence (govt. + NGOs).</p> <p>Domestic violence telephone hotline for counseling and referral.</p> <p>Domestic violence telephone hotline for counseling and referral established by Barbados Professional Women's Club.</p> <p>Government providing support to establish a shelter for battered women and women in crisis.</p> | <p>Implementing plans for the shelter.</p> <p>Funding for NGO programmes.</p> <p>Reducing levels of violence.</p> | <p>Maintain data collection procedures being implemented by relevant agencies. Support NGO initiatives on Domestic Violence.</p> <p>Support shelters and safe houses for victims of domestic violence.</p> <p>Support legal reform to ensure that adolescent mothers can return to school. Support skill-training programmes of NGOs targeted at poor women.</p> <p>Strengthen programmes of Barbados Family Planning Board and PAREDOS aimed at improving male involvement in the family.</p> |
| BVI | <p>Domestic Violence Act 1995; Survey of domestic violence; Development of protocol on domestic violence; For all responding agencies</p> | <p>Act under-utilized because of lack of knowledge; Lack of police cooperation</p> | <p>Legal education programmes</p> |
| Cuba | <p>Establishment of Working Group for prevention and attention to Domestic Violence</p> | <p>Economic blockade, stereotypes of gender roles</p> | <p>Evaluation of intra-family violence; National policy against intra-family violence</p> |

⁸⁶ Taken from UNICEF website: www.unicef-cao.org/publications/reports

| Country | Successful Policy | Obstacles | New Initiatives |
|----------------|--|--|--|
| Dominica | Community education on women and the law ; Popular education; Campaign on violence against women (Nov 1997- Nov 1998) Enactment of domestic violence legislation 2001 Police Training in domestic violence response Survey on Domestic Violence DNCW Manual “we are a family” Catholic Church outreach on domestic violence | No access to counselling services | Employment of a full time trained counselor |
| Grenada | Establishment of a hotline for abused women and children Planning for a counselling hotline Enactment of Domestic Violence Act (2001) Police Training in domestic violence response | Insufficient institutional and Structural support for families in crisis Insufficient budgetary allocation and trained staff to address crisis situations | Establishment of shelter, domestic violence legislation National policy statement Increased collaboration with NGOs for efficient implementation of programmes |
| Guyana | Legislative reform 1996 Public education programmes Training of counsellors and police officers; Production and distribution of household guide to domestic violence | Absences of mechanism for reporting Insensitive judiciary Cultural attitudes of police and public authorities | Shelters; legal aid, unified data collection; Training of judiciary and police; family court Support services for victims |
| Jamaica | Domestic Violence Act 1996 Training of judiciary and magistracy Training of police and social workers Disaggregated data collection | Legislative limitations Long delays in the arrest and trials of perpetrators of violence against women Insufficient shelter for battered women | Judicial training Legislature reform |

| Country | Successful Policy | Obstacles | New Initiatives |
|-------------------------|---|---|--|
| Netherlands Antilles | Appointment of Ombudsman to deal with instances of sexual harassment Investigation into the occurrence of sexual harassment in the public service Establishment of a shelter Survey in St. Maarten on incidence of violence against women Proposed legislative reform to increase penalties for sexual offenders | Lack of human and financial resources | Revision of penal code to include harsher sentences for sex offenders Criminalisation of marital rape Integrated support services for victims of gender violence |
| St Kitts/Nevis | Domestic violence legislation Establishment of National Committee for the eradication of violence against women and children Police training and counselling services Gender-based violence and human rights included in police curricula Establishment of a support group for victims of domestic abuse First reading Sexual Harassment, Equal Pay for Work of Equal Value and Equality in Employment Bills | Financial and human resource limitation Lack of standardization of data collection pertaining to violence against women and children | Legal Aid Establishment of a National Registry for Child Abuse Evaluation of programmes review/need for Family Court /need for Family Court |
| Saint Lucia | Mass media campaigns Preparation of training for police Establishment of family court Development of standard forms for data collection Police Training School curriculum reform to include training on domestic violence for all recruits | Cultural attitudes (victims, police) Financial difficulties and no legal aid | Shelter for victims Training of police, judges and lawyers Public awareness programmes Legal aid Data collection |

| Country | Successful Policy | Obstacles | New Initiatives |
|-----------------------------|--|---|--|
| St Vincent & the Grenadines | Encourage data collection Data collection, research and Research and production of law Production of educational materials on violence Legal literacy Production of popular education materials Police Training in domestic violence response | Limited funding for data collection Greater need for educational materials | Data collection Specialized gender training for police officers Increasing court capacity |
| Suriname | Research on violence against women Training of police on dealing with victims of domestic violence | Lack of data; impossible to track trends Lack of expertise No policy on violence against women Absence of effective all encompassing legislation | Training of judiciary, lawyers and police |
| Trinidad & Tobago | Establishment of Hot-line Standardization of data collection Establishment of Domestic Violence Unit in the Division of Gender affairs Development of central registry (ongoing) Revised Domestic Violence Act Policy Roundtable on data collection National task force established to centralize data Police Training in domestic violence response Establishment of a Domestic Violence Unit Training of support services workers as well as community leaders | Limited financial and human resources Absence of Family Court | Standardization of data collection on domestic violence Central Registry for collection of data on domestic violence Institutional strengthening of NGOs |
| Turks & Caicos | Ratification of Convention of Rights of the Child and CEDAW Police Training in domestic violence response | Police attitudes, lack of training Rape cases heard in open court | Legal reform Formulation of a women's centre Establishment of a Family Court |

Annex III

Matrix on Selected Services for Gender-Based Violence

| Country | Shelters | Police Domestic Violence unit | Police Sexual Assault Unit | Hotlines | Batterer Intervention Programmes |
|----------------------------------|---|-------------------------------|----------------------------|----------|----------------------------------|
| Anguilla | | | | | |
| Antigua and Barbuda | | Yes | | Yes | |
| Aruba | | | | | |
| The Bahamas | The Crisis Centre | Yes | | Yes | Yes |
| Barbados | | | | Yes | No |
| Belize | | | | Yes | |
| British Virgin Islands | | | | | |
| Dominica | 3 bed facility | No | No | | |
| Grenada | | | | Yes | No |
| Guyana | Help and Shelter | | | | |
| Jamaica | Woman Inc. 12 bed facility | Yes | Yes | Yes | |
| Montserrat | | | | | |
| St. Kitts and Nevis | No | No | No | | |
| Saint Lucia | Saint Lucia Crisis Centre | Yes | No | Yes | |
| Saint Vincent and the Grenadines | No | | | | |
| Suriname | Foundation Crisis Shelter for Women in Emergency Situations (STICRIS) | | | | |
| Trinidad and Tobago | The Samaan Shelter Mizpeh House Hope Centre Limited TOWERS (Tobago) Hope shelter for battered Women | | | Yes | No |

Annex IV

Evaluation of Police training on Domestic Violence⁸⁷

| Country | Duration of the Training and No. of persons trained | How the Training has impacted the work of the Police | Key Recommendations |
|-------------------------------|---|--|---|
| Antigua & Barbuda | Weekly basis for 4 half days. 293 persons trained. | <ul style="list-style-type: none"> -Officers have a better working knowledge of the issue which affords them a better mediating role. -More sensitive to the dynamics of domestic violence. -Closer relationship with other agencies. | <ul style="list-style-type: none"> -Continuous and advanced training. -Design of specific forms to collect data related to D.V. -Networking with other agencies for quick response. |
| British Virgin Islands | 2 weeks. 186 registered. 100 attended. | <ul style="list-style-type: none"> -Increase in the arrest of perpetrators of Domestic Violence - from 16.7% in 2001 to 37.4% in 2002. -Increase in the number of persons being prosecuted. Mediation being done by some officers; -Not all Police Officers are sensitive to the issue of D. Violence. | <ul style="list-style-type: none"> -Continuous training. -Separate unit to deal with victims. -Coordinated approach to be developed and implemented. -Continuous public education needed. |
| Barbados | 2-day module for new entrants. 215 persons trained. | <ul style="list-style-type: none"> -Better understanding of gender based violence. -Closer collaboration with other agencies. | <ul style="list-style-type: none"> -Need for continuous training. -Need for review of the legislation. -Public education needed. |

⁸⁷ Taken from ECLAC/CDCC Report on the ECLAC/CIDA Regional Conference on the Administration of Justice and Gender-based Violence. LC/CAR/G.744. ECLAC Subregional headquarters for the Caribbean. May 2003.

| Country | Duration of the Training and No. of persons trained | How the Training has impacted the work of the Police | Key Recommendations |
|-----------------|--|--|---|
| Belize | 2 day workshop. 350 persons trained | <ul style="list-style-type: none"> -Increase in the number of cases referred by the Police. -Police do mediation. -Clear understanding of violence. -Strengthening of the multi-sectoral approach. -Improved networking | <ul style="list-style-type: none"> -Officers should examine their own value systems. -Officers should be trained in presentation skills. -Need to market the project. -Officers trained should remain in the Unit. -Need for training on how to deal with the Perpetrator. |
| Dominica | Five 2 day weekend. 250 persons trained. | Too early to say. | <ul style="list-style-type: none"> -Police should be trained in counselling. -D.V. Unit should be established in the Force. -Support system must be established - shelters. -Financial support needed. -Sensitisation of the schools. |
| Grenada | Over 200 persons trained. | <ul style="list-style-type: none"> -More complaints are being made to the Police and they are being dealt with better. -Police has instituted a system for the record of D.V. | <ul style="list-style-type: none"> -Need for awareness programmes for the media and schools. -Advanced training for trainers. -Longer training. -Protocol system needed for persons who are part of the system. Training in counseling. -Country to country network and linkages. -Data collection from all units. |

| Country | Duration of the Training and No. of persons trained | How the Training has impacted the work of the Police | Key Recommendations |
|----------------|--|---|--|
| Guyana | 2 day programme. 980 persons trained. | <ul style="list-style-type: none"> -Greater awareness and sensitisation among members of the Police Force. -Better appreciation for victims of D.V. -Increase in number of arrests and prosecutions of abusers. | <ul style="list-style-type: none"> -Special unit should be set up in the Police College to co-ordinate training programmes on D.V. Interventions in all branches. -Funding should be made available for the development of the Unit and the institution of systematic training. -Training sessions should be three days. -Participation of Senior Officers to heighten their awareness of the issue. -Examination of self must be an essential part of the programme. |
| Jamaica | Over 500 persons. | <ul style="list-style-type: none"> -Heightened awareness of gender--based violence among police officers. -Increase in the arrest of perpetrators. -Increase in mediation. -Decrease in homicide as a result of D.V. -Increase co-operation with NGOs. | |

| Country | Duration of the Training and No. of persons trained | How the Training has impacted the work of the Police | Key Recommendations |
|---|--|--|--|
| St. Kitts and Nevis | 2 day programme. 365 persons trained. | -Police officers now respond in a timely manner. -Increase in cases of assault reaching the Magistrate Court. | -Availability of more training. |
| Saint Lucia | 148 persons trained. | | -Ongoing training needed. -Training in mediation and counselling. |
| Saint Vincent and the Grenadines | 2 days duration. 123 persons trained. | -More confidence displayed by Police Officers in arresting perpetrators. -Increase in arrests. -Greater awareness and sensitivity to the issue of D.V. | -D.V. Training should be placed on the syllabus of the Police Training Institutions. -All Police Officers be exposed to the training. -Establishment of institutions to temporarily house victims. |
| Suriname | 460 persons trained. | -More sensitised police officers. -Improved administration and processing of cases of D.V. -Better co-operation with other agencies. | |
| Trinidad & Tobago | 670 persons trained. 3 day programme. | -Improved knowledge of crimes related to D.V. -Improved relationship with persons reporting crime. -Increased networking with other agencies. | -Continuous training. -Educate more officers on D.V. -Increase human resources. -Better accommodation needed to interview victims. |

Annex V

Policing Sexual Offences: Initiatives and Challenges⁸⁸

| Country | Factors that may Limit the Effectiveness of the Police Response to Sexual Abuse | Initiatives taken to Strengthen Police Response to Sexual Abuse | Recommendation to Strengthen Police Response |
|-------------------------------|--|--|---|
| Antigua & Barbuda | <ul style="list-style-type: none"> -Lack of cooperation from the immigrant community. -Shortage of resources. -Language barrier. -Fear and embarrassment by victim. | <ul style="list-style-type: none"> -Use of Spanish speaking person to assist in the immigrant community. -Interviewing family members and educating them on the need to report incidents. -Work in partnership with other agencies. | <ul style="list-style-type: none"> -Establishment of a 24 hour dept to deal with D.V. -Safe houses or foster homes for victims. -Strengthening of the legislation with regard to Sexual Offences and D.V. -Victim to give evidence by video link. |
| British Virgin Islands | <ul style="list-style-type: none"> -Limited human resources -Family intervention -Victim reluctance -Courts -Church | <ul style="list-style-type: none"> -Strengthening of the Criminal Investigation Dept. with human resources and vehicles. | <ul style="list-style-type: none"> -Continuous education about domestic violence through use of the media, social groups, church. -Repeal and revise the laws when necessary. |
| Barbados | <ul style="list-style-type: none"> -Lack of communication between social agencies. -Lack of Privacy. -Parental and family disbelief. -Victim tardiness in reporting. -Fear of the court system, -Perpetrator being the sole breadwinner. | <ul style="list-style-type: none"> -Two updates on protocols - Protection Order and Guidelines as to how officers should behave. -Evaluation of responses in an attempt to narrow the complaint. | <ul style="list-style-type: none"> -Wider scope of legislation needed to remove offenders even before the hearing. -Continue relationship between the agencies. -All ranks of the Police Service must be sensitised. |
| Belize | | | |

⁸⁸ Taken from ECLAC/CDCC Report on the ECLAC/CIDA Regional Conference on the Administration of Justice and Gender-based Violence. LC/CAR/G.744. ECLAC Subregional headquarters for the Caribbean. May 2003.

| Country | Factors that may Limit the Effectiveness of the Police Response to Sexual Abuse | Initiatives taken to Strengthen Police Response to Sexual Abuse | Recommendation to Strengthen Police Response |
|-----------------|---|---|--|
| Dominica | | -Establishment of a core of female officers to deal with sexual offences matters. | -Institution of a Family Court for speed and privacy. -Training of Police Officers to be more effective. -Availability of forensic facility. -Mandatory for parents to report offences. |
| Grenada | -Lack of structures as to how victims can report. -Limited co-operation and support from the Social Services. -Inadequate resources, -Long hours at hospital for care for victims. -Lack of co-operation from victim. -Parental condoning of the abuse. -Prosecutors not adequately trained to handle abuse. | | -Transportation needs must be addressed. -Professional and ongoing training. -Protocol system for all persons involved. -Proper support systems for victims. -Sensitisation within the Justice System. |
| Guyana | -Reluctance of victims and family members to press charges - abuser may be the sole breadwinner. -Unwillingness of victims to report matter promptly. -Non-attendance of victims and witnesses at Court to testify. -Lack of improved forensic capabilities, e.g., DNA testing. -Poor handling of exhibits. -Traumatisation of child witnesses. -No shelter for children. | -Special office established in Police Stations to interview victims. -Distribution of flyers and information on the rights of victims and steps to be taken in reporting cases of abuse. | -Specialised training for more officers to deal efficiently with sexual offences. -Better networking between the Police and NGOs. |

| Country | Factors that may Limit the Effectiveness of the Police Response to Sexual Abuse | Initiatives taken to Strengthen Police Response to Sexual Abuse | Recommendation to Strengthen Police Response |
|---|---|---|---|
| Jamaica | | | <ul style="list-style-type: none"> -Regional Police Conference on D.V. -More community support for victims. -Additional funding. -Improved witness protection programme. |
| St. Kitts and Nevis | <ul style="list-style-type: none"> -Refusal of child victims to talk as they may be scared. -Protection of abusers by mothers. -Maternal consent for minor daughters to be in relationships. | <ul style="list-style-type: none"> -Trained female officers are now at all stations. -Investigate and take to court reports of sexual offences and D.V. | <ul style="list-style-type: none"> -Revision of law needed. -Establishment of a D.V. and Sexual Offences Unit. -Ongoing training of Police Officers and Civil Society. |
| Saint Lucia | <ul style="list-style-type: none"> -Settlement of matters outside the court system. -Lack of mandatory reporting of sexual offences. | | <ul style="list-style-type: none"> -More training in interviewing skills and techniques. -Closer ties with medical authority. |
| Saint Vincent and the Grenadines | <ul style="list-style-type: none"> -Insufficient evidence from victims due to fear. -Delay in medical procedure. | <ul style="list-style-type: none"> -Attachment of a female police officer to all police stations. | <ul style="list-style-type: none"> -Continuous training in D.V. -Review of the impact of the training. -Establishment of a D.V Unit with trained counsellors. -Establishment of a temporary shelter for victims. -Legislation to deal with persons who obstruct the course of justice, e.g., makes up cases. |
| Suriname | <ul style="list-style-type: none"> -The Legal Framework e.g. different legal definitions of 'child'; no clear definition of sexual molestation; no legal provision for rape within marriage. -Report by victims of instances of abuse to other agencies than to the police. | | <ul style="list-style-type: none"> -Continued sensitisation training at all levels. -Incorporation of D.V. in police training curriculum. -Expanded cooperation with NGOs and Government agencies. |

| Country | Factors that may Limit the Effectiveness of the Police Response to Sexual Abuse | Initiatives taken to Strengthen Police Response to Sexual Abuse | Recommendation to Strengthen Police Response |
|------------------------------|--|--|---|
| Trinidad & Tobago | | | <ul style="list-style-type: none"> -More comprehensive course structure. -D.V. training in schools. -Change laws on D.V. -All police officers should be exposed to this training. |

Annex VI

List of Interviewees

DOMINICA

Ms. Rosie Brown, Women's Affairs Bureau
Ms. Vanya David, Dominica National Council of women

Office of the Attorney General

Ms. Irma Stevens
Ms. Gloria Augustus

Welfare Department

Martin Anthony, Deputy Chief Welfare Officer

Police

Superintendent Yvonne Alexander
Constable Pelham Jean-Baptiste

Mr. Reginald Winston, Registrar, Supreme Court
Justice Cenac, Eastern Caribbean Supreme court

CAFRA

Ms Anita Joseph
Ms Martha Joseph

Attorneys at Law

Mr. Alix Boyd Knight
Ms Joan Prevost
Ms Singualla Blomquist

Ministry of Health

Nurse John

Magistrates

Ossie Lewis

Community Meeting: Dublanc Community

JAMAICA

Women's Bureau

Dr. Glenda Simms
Ms Faith Webster

Family Court

Ms Andrea English, Clerk of the Court
Mrs. Steele, Probation Officer
Mr. Carlo Mason, Clerk to the Court
Ms Rosemary Irving, Judge
Mr. Christopher Cheddar, Judge
Ms Michelle White, Social worker

Ms. Ononaiwu, Office of the Attorney General
Director of Public Prosecution

Mr. Jose Griffith, Legal Reform Unit

Ms Jean Barnes, Kingston Legal Aid

Centre for Gender and Development Studies

Dr. Barbara Bailey
Ms Michele Davis
Ms Shakira Maxwell

Dr. Hermione McKenzie, Faculty of Humanities

Dr. Barry Chevannes, Faculty of Humanities

Victim Prevention Clinic, UWI

Dr. Claudetta Crawford-Browne
Ms Emeline Ebanks
Ms Rosemarie Broomfield
Mr. Douglas Lawton

Ms Zara Brown, Legal Aid Clinic, Norman Manley Law School

Alternative Dispute Resolution

Ms Donna parchment
Mr. Paul Hinds

Mr. Noel Neal Irving, Justice training Institute

Victim Support United Nations

Mr. Nesta Haye

Ms Annette Richards

Police

Corporal Jacqueline Brown

Constable Rose Mitchell

Sargeant Albert Simpson

Superintendent Newman Willer (CISO)

Sargeant Veronica Johnston

Family Life Ministries

Mr. Ivret Williams

Ms Maureen Fairclough

Ms Yvonne Foster

Children Services Division

Mr. Bowen, Director

Ms Joyce Hewitt, Women's Inc

Ms Elaine Thomas, Women's Inc.

Ms Cherill Morris, Women Centre Jamaica Foundation

Ms Lana Finikin, SISTREN

Ms Joan Browne, Women's Political Caucus

Ms Hilary Nicholson, Women's Media Watch

Ms Evelyn Scott, Jamaica Housesworkers Association

Mr. George Cooke, Youth Opportunities Unlimited

Ms Margarette MacCaulay, Coalition on the Rights of the Child

Focus Group Discussion with members of the Windward Court Community

SURINAME

New Haven Police Station

Assistant Commissioner Vieira

Assistant Commissioner Lucretia Redan

National Women's Movement

Ms. S. Staphorst (Director)

Florence Lenna

Renata Wodden

National Network in Violence Against Children

Ms. V. Choennie

Ms. S. Soakhoa

Foundation Stop Violence Against Women

Ms Tienieke Sumter (Director)

Ms Siska Vanderverd (Coordinator of Social Services)

Ms Grace Boschman (Coordinator of Training, education and research)

Foundation For Women In Crisis

Ms Elina Hawitt (Founder and Board Member)

Law Commission on Domestic Violence

Ms Carla Bakboord

Ms Sharita Seetal

Ms Maykie Kuldip Singh

Ms Nancy Tai Apin

Ms Marisha Mushiet

Ms Henna Malmberg-Guicherit

Bureau of Family Affairs

Ms. R. Day (Director)

Moiwana Human Rights Organization

Ms. D Kort

Ms Justina Edwards

Ms Versanna Mokiem

Ms Marisha Mushiet

PRO HEALTH

Dr. J. Terborg (Director)

Legal Aid Advise Bureau

Researchers

Ms. H. Vieden – “From the Kitchen Sink to the Court”

Ms. L Beek & Ms. T. Sno – “De Man in the House”

National Bureau of Gender Affairs

Mr. Djoemanbhams (Director)

Women’s Rights Centre

Ms Carla Bakboord

National Network on Violence Against Women

Ms Marisha Mushiet

Ms Carla Bakboord

Employer's Union C47

Mr. Roy Adama (Chairman)

Ms. Etnel

Man Meet Man

Mr. Carl Breeveld (President)