

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
(Convention of Belém do Pará)

National Programs to Prevent, Punish, and Eradicate Violence Against Women in Ten Caribbean Countries

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INTRODUCTION

The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, the Convention of Belém do Pará, reaffirms every woman's "right to be free from violence in both the public and private spheres" (Article 3). It defines violence against women as "any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere" (Article 1). That includes physical, sexual, and psychological violence:

- a. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse;
- b. that occurs in the community and is perpetrated by any person, including among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and
- c. that is perpetrated or condoned by the state or its agents regardless of where it occurs. (Article 2)

The Inter-American Commission of Women (CIM) drafted the Convention. Following a consultation process carried out by the CIM with the governments of the region, the Convention was adopted in June 1994 at the twenty-fourth regular session of the General Assembly of the OAS, held in Belém do Pará, Brazil. It was immediately adopted by the governments of the member states and entered into force on March 5, 1995.

The coming into force of the Convention marked an important moment in the continued efforts to affirm and protect women's human rights and to denounce violence against women as a human rights violation. Other initiatives to prevent, punish, and eradicate violence against women had preceded the adoption of the Convention. However, the latter was unique in clearly delineating states' obligation to protect women's right to a life without violence. To date, the Convention remains the only legally binding international instrument that specifically addresses the issue of violence against women.

Also in 1995, at the Fourth World Conference on Women, in Beijing, the world acquired a comprehensive action plan to promote women's rights, enhance women's social and economic empowerment, improve women's health, advance women's education and training, and end violence against women. The Beijing Declaration and Platform for Action contained the main elements of a global strategy to abolish violence against women.

It may be many more years before the full impact of the ratification of the Convention and the adoption of the Platform for Action can be fully appreciated. However, in countries where they were taken seriously, these two events marked the beginning of a crucial but difficult process of change.

Those who advocated the adoption of the Convention and the Platform for Action recognized that it would take more than formal affirmations of the right of women to a life without violence to eradicate the problem. However, they also wanted to ensure that recognition of the fact that change cannot occur overnight does not become an excuse for procrastination and complacency.

Under the terms of the Convention, States Parties are required to report to the CIM on the measures they have adopted, the progress they have achieved, and the obstacles they have encountered as part of their efforts to abolish violence against women. In addition, in compliance with resolution AG/RES. 1456 (XXVII-O/97), the Permanent Secretariat of the CIM is required to report every other year to the OAS General Assembly on the progress achieved in the implementation of the Convention and on the impact of the measures adopted by member states to eliminate violence against women. The Commission presented its first biennial report in November 1998.

In addition to the process described above, in 1994, the Special Rapporteur on Women's Rights and Member of the Inter-American Commission on Human Rights (IACHR), Dr. Claudio Grossman, was given a mandate to study and report on the extent to which OAS member states' legislation and practices that affect the rights of women comply with the obligations established in the existing regional human rights instruments, including the Convention of Belém do Pará. The Special Rapporteur's report, based on a questionnaire developed by a group of experts and sent to member states and nongovernmental organizations, was approved by the IACHR in March 1998 and transmitted to the OAS General Assembly.¹ Among other things, the report revealed how much more remained to be achieved in order to fully implement the Convention. It pointed at persistent discriminatory legislation against women and at the need for States Parties to adopt suitable legislation and to develop more effective measures and programs to denounce, investigate, and punish the many and still very prevalent forms of violence against women.

As the year 2000 approached, it became clear that the profound changes envisioned by the Convention could not simply be assumed to be taking place. The time had come to scrutinize what was being accomplished and to determine how successful current strategies were proving to be in eradicating violence against women.

For its part, the UN General Assembly launched and completed a review of the progress achieved in pursuing the objectives and implementing the strategies contained in the Beijing Declaration and Platform for Action. As a result, the General Assembly, at its Twenty-third special session, held in June 2000 and entitled "Women 2000: Gender, Equality, Development and Peace for the Twenty-first Century," identified further actions and initiatives that must be taken to implement the Declaration and Platform for Action.

In preparation for that special session of the UN General Assembly, the Eighth Session of the Regional Conference on Women in Latin America and the Caribbean, held in Lima, Peru, in February 2000, adopted the Lima Consensus. The Consensus

1. Inter-American Commission on Human Rights, Organization of American States, *Report of the Inter-American Commission on Human Rights on the Status of Women in the Americas* (Washington, D.C.: Organization of American States, 1998).

reiterated the need to take more decisive and sustained action to prevent all forms of violence against women. It recognized that “in spite of the apparent and real advances made by women and girls in Latin America and the Caribbean, the fundamental structure of gender relations remains disadvantageous to the majority of girls and women.”² The member states represented at that regional meeting undertook, among other things, to promote the effective implementation of the Convention of Belém do Pará and to “guarantee the protection of women’s human rights, including sexual and reproductive rights, and address violations of these rights with particular attention to all forms of gender-based violence and its root causes, including the reproduction of a culture of violence.”

At the same time as the Beijing +5 review process was taking place, a distinct process was developed to review the implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women. The CIM sought and received financial assistance from USAID to review national programs to prevent, punish, and eradicate violence against women in the Americas. To conduct the review, the Commission enlisted the collaboration of the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) in Vancouver, Canada, and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) in San José, Costa Rica. These two international institutes are members of the UN Crime Prevention and Criminal Justice Programme Network and have been involved extensively in that area of research.

The review aimed to offer a greater understanding of the progress accomplished to date in implementing the Convention, the obstacles encountered, and the work that remains to be done. The analysis therefore focused, as much as possible, on:

1. the nature and perceived efficiency of implementation mechanisms and programs adopted by various countries of the Americas;
2. the specific measures adopted in these countries and their perceived or known impact; and
3. the difficulties and obstacles encountered in implementing these measures.

The present document reports the main findings of the review as it relates to ten Caribbean countries: Antigua and Barbuda, The Bahamas, Barbados, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago.³

2. Commission on the Status of Women, United Nations Economic and Social Council, *Lima Consensus and resolutions adopted at the Eighth Session of the Regional Conference on Women in Latin America and the Caribbean* (E/CN.6/2000/PC/6/Add.5) (New York: United Nations, 2000).

3. Two other subregional reports are also available: Ana Elena Obando y Yvon Dandurand, *Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en la Región Centroamericana* and Ana Elena Obando y Yvon Dandurand, *Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en la Región Suramericana*.

Focus of the review

As a legally binding instrument, the Convention is unique in that it clearly delineates the state's obligations to protect women's right to a life without violence. Article 5 of the Convention states that:

Every woman is entitled to the free and full exercise of her civil, political, economic, social and cultural rights, and may rely on the full protection of those rights as embodied in regional and international instruments on human rights. The States Parties recognize that violence against women prevents and nullifies the exercise of these rights.

Article 7 of the Convention articulates the obligations of States Parties with respect to their role in the protection of women's right to a life without violence. Specific obligations are listed that flow from the States Parties' formal undertakings to refrain from committing acts of violence against women; demonstrate due diligence in preventing, investigating, and punishing violence against women; reform existing laws, policies, and administrative practices contributing to violence against women; and ensure that women victims have access to restitution, reparations, and other forms of just and effective remedies. Article 8 of the Convention also specifies that a number of other programs and measures must be adopted to promote public education and awareness, to mobilize communities in the fight against violence against women, and to offer specialized services and assistance to women victims.

The current review focuses on the implementation of the measures and dispositions described in articles 7 and 8 of the Convention. It also considers the efforts that are being deployed, as required by Article 9 of the Convention, to take special account of the vulnerability of women to violence by reason of their age, race, ethnic background, status as immigrants, socioeconomic position, or disabilities, among other factors.

Information collected

First, the review was based in part on an analysis of the replies received from member states to a questionnaire sent to them by the CIM in April 2000. The questionnaire is appended to this report (Appendix 1). Member states were asked to respond to the questionnaire by the beginning of June 2000. Some member states found it difficult to reply to the questionnaire within the period of time suggested. Five Caribbean countries—Guyana, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, and Suriname—replied to the CIM's request for information.⁴

Second, the review is also based on personal consultations and interviews, conducted in selected countries of the Americas, with representatives from national agencies, government and non-governmental organizations, as well as from academia. The time frame within which the current review was conducted, as well as the limited

4. Suriname is included in the subregional report on South America.

resources at its disposal, precluded the conduct of detailed field studies in every country of the region. In the Caribbean, the field study conducted during the early part of 2000 included Antigua and Barbuda, The Bahamas, Barbados, Grenada, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago.

Table 1: Caribbean OAS Member States Covered in this Review

Member State	Convention Signed	Convention Ratified	Included in Field Visit	Replied to Questionnaire
ANTIGUA AND BARBUDA		19 Nov 1998	•	
BAHAMAS	16 May 1995	16 May 1995	•	
BARBADOS	16 May 1995	16 May 1995	•	
GRENADA	29 Nov 2000	15 Feb 2001	•	
GUYANA	10 Jan 1995	28 Feb 1996		•
JAMAICA			•	•
SAINT KITTS AND NEVIS	9 June 1994	12 June 1995	•	
SAINT LUCIA	11 Nov 1994	4 April 1995	•	•
SAINT VINCENT AND THE GRENADINES	5 March 1996	31 May 1996	•	•
TRINIDAD AND TOBAGO	3 Nov 1995	8 May 1996	•	
TOTAL	8	9	9	4

It was always anticipated that the review would only be as comprehensive as would be permitted by the quantity and quality of the information available in each country. Collection of new data from primary sources could not be contemplated as part of the present project. It was evident from the start that a major obstacle not only to the implementation of the Convention but also to the conduct of the present study was and continues to be the lack of reliable and systematically collected information. Reliable information was scarce on both the prevalence of violence against women and the nature and impact of current social and institutional responses to the problem.

That lack of reliable and systematically gathered information is particularly alarming in Caribbean countries. There is a general lack of the most basic information required to implement the Convention and to monitor progress in doing so. It is hoped that this report will help fill some information gaps and encourage member states, relevant organizations and agencies, community leaders, and concerned individuals to build on the lessons learned over the last several years while attempting to bring to life

the important principles upheld by the Convention. It is also hoped that these findings will prompt a renewed commitment to eradicate violence against women in all its forms.

CHAPTER 1

REAFFIRMING THE RIGHT OF WOMEN TO A LIFE WITHOUT VIOLENCE

In the Caribbean, the right of women to a life without violence has been reaffirmed mainly through legal reform, institutional development, and various awareness-raising initiatives. Like their counterparts in other subregions of the Americas, most Caribbean countries have ratified the Convention of Belém do Pará. Nine of the ten countries included in the present review have ratified the Convention (See Table 1 in the Introduction; Jamaica is the only exception). In most instances, national machineries have been set in place to address women's rights issues. Independent nongovernmental women's organizations exist in all countries in one form or another and have all played a role, in spite of their very limited resources, in mobilizing government institutions and demanding concrete action to eliminate violence against women.

However, there still remain large gaps in what should be a multifaceted and comprehensive continuum of services and initiatives to reaffirm the right of women to a life without violence. Throughout the subregion, as is also the case in many other countries in the Hemisphere, strong cultural, social, and economic obstacles block the accomplishment of that important objective.⁵ Steeped in the culture are biases and taboos that are difficult to change. The required shifts in commonly held values and understanding of gender roles, as well as other necessary attitudinal readjustments, are occurring, but very slowly. Access to information, services, and other kinds of assistance for women is lacking and requires the infusion of additional public funds, which are very often simply not available. Macroeconomic problems faced by many of countries of the subregion and the resulting poverty, unemployment, and lack of developmental infrastructure exacerbate women's economic dependence and their vulnerability to gender-based violence. Economic hardship is in itself often cited as one of the root causes of several forms of gender-based violence. In Jamaica, for instance, economic hardship is believed to be a major contributing cause of domestic violence, which accounted for a quarter of all murders in 1999.⁶

The existence of the Convention and its expeditious ratification by most countries of the region have contributed to a renewed awareness of the seriousness of the problem of violence against women. They have visibly emphasized the need to take concrete measures to prevent and eliminate violence against women. Progress has clearly been achieved in every one of the Caribbean countries reviewed. In particular, there is a far greater understanding of the fact that gender-based violence, whether

5. M. Buvinic, A. Morrison, and M. Schifter, *Violence in Latin America and the Caribbean: A Framework for Action* (Washington D.C.: Inter-American Development Bank, 1999). See also University of the West Indies Centre for Gender and Development Studies, *National Report on the Situation of Violence Against Women and Girls in Jamaica: A Report Prepared for the United Nations Development Programme* (Kingston, Jamaica: March 1999).

6. XXX Assembly of Delegates, Inter-American Commission of Women (CIM), *National Report of Jamaica* (October 2000).

occurring in private or in public, is a violation of a woman's basic human rights. There still, however, is a lot of covert resistance to the idea that such violence must be eliminated.

Mechanisms for the implementation of the Convention

None of the countries reviewed have established specific mechanisms for the implementation of the Convention. In many instances, the existing national machinery for the advancement of women was the main if not the only source of leadership actively promoting the implementation of the Convention. Only a few of the countries reviewed had developed a comprehensive plan of action that defined realistic goals aimed at eliminating violence against women.

Antigua and Barbuda

Antigua and Barbuda ratified the Convention in November 1998. It signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1989. In 1984, the Government adopted a National Policy for Women. In 1995, a revised and updated document entitled "Plan of Action for Gender and Development" was presented to Cabinet to implement the CEDAW, the Convention on the Rights of the Child, and other international agreements and declarations related to the rights of women and the issue of violence against women.

The Gender Affairs Division of the Government of Antigua and Barbuda, together with the Coordinating Council of Women's Affairs, the umbrella organization of nongovernmental organizations, coordinates efforts to ensure, among other things, the protection of women against violence through the implementation of a National Plan of Action. The review suggested that there is room for closer cooperation and greater coordination between the Government and the Coordinating Council. Stronger leadership must emerge in order to squarely place women's rights issues on the government's policy agenda. The lack of sufficient resources to support both the governmental mechanism and its nongovernmental counterpart was cited as one of the main reasons behind the current difficulties encountered in promoting the full implementation of the Convention.

Barbados

Barbados signed and ratified the Convention in May 1995. Since then, the country's efforts to implement that instrument have focused mainly on the preparation of legislation with respect to sexual harassment within the workplace, the provision of a safe shelter for battered women, and supporting the advocacy efforts of nongovernmental agencies. This last aspect includes support for the UNIFEM campaign against violence against women.

The Bureau of Women's Affairs, currently located within the Ministry of Labour, Community Affairs, and Sports, was established in 1976 to ensure the implementation of government gender equality policy and the integration of women in all aspects of national development. The National Advisory Council on Women's Affairs (NACW) was

set up within the Ministry of Health to review and monitor the status of women in Barbados and to recommend appropriate action to facilitate the full integration of women in the development of Barbados. The National Organization of Women (NOW) is the third part of the national machinery that attends to women's issues.

Grenada

Grenada ratified the Convention in February 2001. The Division of Women's Affairs, situated within the Ministry of Housing, Social Security, and Women's Affairs, is responsible for the advancement of women. It works toward enhancing women's participation in society on equal terms with men for the benefit of the national development process. Among its main activities, the Division is working closely with the Inter-ministerial Commission on a National Policy Statement on Women, as well as on the design, monitoring, and evaluation of gender equality projects. With respect to the problem of violence against women, one project involved the establishment of shelters for women and children victims of domestic violence. At the time the interviews were conducted, the Division of Women's Affairs was planning to create a Domestic Violence Task Force that would be "responsible for providing support for victims and their families." The current priorities of the Division are:

- a. developing and implementing public awareness/sensitivity programs;
- b. training domestic workers;
- c. establishing domestic violence training for certain groups of public officials;
and
- d. creating gender equality education programs for communities.

The Grenada National Organization of Women (GNOW) was formed in April 1995 in response to recommendations made by the Women's Steering Committee, which itself was formed out of the need for a body to address the issues affecting women in Grenada. GNOW's programs and workshops include several initiatives to address violence against women and girls. The organization:

- a. provides information on women and gender issues;
- b. acts as a common voice for women's concerns;
- c. accesses training, funding, technical assistance, and advisory services for the benefit of its members; and
- d. establishes regional and international linkages for joint programs and cooperative activities.

GNOW receives funding and support from the Division of Women's Affairs.

Guyana

In Guyana, the Women's Affairs Bureau (WAB) is the state body designated to deal with women's issues. In the last decade or so, a number of law reform initiatives have been undertaken by the Government to deal with violence against women, particularly in the domestic context. The resources at the disposal of the WAB are still very limited. The Women's Progressive Organization (WPO) and the National Congress of Women (NCW) have also been active in helping individual women seeking help, but local NGOs are the primary agencies to organize campaigns to raise awareness of the issue and to demand concrete action. In 2000, the Minister for Human Resources and Social Security established a National Steering Committee for the Eradication of Violence Against Women and Girls. The committee's first task was to develop a three-year program of action.

Jamaica

Jamaica has not yet ratified the Convention, but its Attorney General's Department is presently examining it to determine what measures will be required to fully implement its provisions as a basis for proceeding to its ratification. In 1984, Jamaica ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In 1987, Cabinet approved the National Policy Statement on Women, which recognized "that evidence of physical and sexual abuse within families and societies is increasing" and announced Government's intention to "pursue means of providing adequate protection and means of redress to women and children who are victims of family violence, incest, rape, and sexual harassment." Since then, the country has been engaged in a number of significant law reform initiatives, including the Domestic Violence Act (1995), the Offences Against the Person Act (1988), the Matrimonial Causes Act (1989), and the Family Property (Right of Spouses) Act (1999), as well as several other initiatives to address the problem of violence against women.

Saint Kitts and Nevis

Saint Kitts and Nevis ratified the Convention in June 1995. The Director of Gender Affairs heads a department within the Ministry of Health and Women's Affairs. The Gender Affairs Division has apparently been able to develop a strong working relationship with the Police Force and is able to work closely with law enforcement officials. The Division frequently follows up on individual cases of violence against women to ensure that their investigation and prosecution are pursued vigorously. The Government can also rely on the input of the National Council of Women, which regularly provides advice on issues of concern to women. In addition, there is an active Inter-Ministerial Committee on Gender and Development comprised of personnel from all relevant departments at the level of parliamentary secretaries and chief technical officers. That committee assumes direct responsibility for the implementation and monitoring of the mainstreaming of gender and development policies throughout government. It promotes greater coordination among government agencies to ensure the integration of a gender perspective in all policy-making processes.

Saint Lucia

Saint Lucia ratified the Convention in April 1995. There is no specific mechanism to implement the Convention, but the Government has taken measures to review its criminal law and other legislation relating to sexual offences and violence against women. In 1999, the Government commissioned a number of studies that yielded concrete recommendations on how to address the problem of domestic violence. The broad lines of a program were then developed to:

- a. establish a temporary safe shelter for victims and child witnesses of domestic violence;
- b. establish a National Committee on the Prevention of Gender-Based Violence;
- c. implement a public education and sensitization initiative; and
- d. establish a group of trained persons to respond effectively to gender-based violence at the national and community levels.

Saint Vincent and the Grenadines

Saint Vincent and the Grenadines ratified the Convention in May 1996. The Department of Women's Affairs is strategically placed in and well integrated into the Ministry of Women's Affairs, Education, and Culture and plays an important part in the implementation of a carefully focused strategy. A Committee of Cooperation was created at the national level and "focal points" for the implementation of the strategy have been established at the local level. A National Action Plan to Eliminate Violence Against Women appears to have been reasonably well communicated throughout the Government.

Trinidad and Tobago

Trinidad and Tobago also ratified the Convention in 1996. Since then, a number of governmental initiatives have been undertaken to implement it. They include:

- a. strengthening the National Domestic Violence Unit, the hotline programs, and the community drop-in centers;
- b. supporting efforts to provide crisis intervention, counseling, referral, and information services for victims and perpetrators of domestic violence;
- c. enacting a new Domestic Violence Act in 1999;
- d. reviewing the Legal Aid Act to assist victims of domestic violence in bringing cases to court;
- e. introducing the Sexual Offences Bill (1999);
- f. drafting sexual harassment legislation;

- g. creating a central registry on domestic violence data; and
- h. offering training workshops for police officers, community workers, and the staff of safe houses, shelters, and crisis lines.

In Trinidad and Tobago, three separate bodies form the national machinery for gender mainstreaming. The Gender Affairs Division is the lead government agency responsible for facilitating and implementing activities related to the promotion of gender equity. The Division's responsibilities also include the promotion and implementation of the Convention. An inter-ministerial committee was also established to assist the Division in structuring activities and projects in all government ministries and agencies. The National Council of Women, comprised of representatives of nongovernmental organizations and the private sector, assists the Gender Affairs Division and can help ensure that the promotion of gender equity is considered in all community projects.

Generally speaking, countries that have approached the implementation of the Convention systematically have been relatively more effective in meeting some of the objectives proposed by the Convention. It appears that countries with a comprehensive plan of action were able to achieve greater mobilization of public and nongovernmental sectors, to produce a more sustained effort to promote change, and to accomplish more obvious results. Well developed and publicized plans of action have provided a clear impetus and sense of direction for action both within and outside of government. Due to the relatively small size of their operations, the governments of some countries have been able to achieve a fairly high level of interdepartmental cooperation. For many of the countries of the Caribbean, however, a significant management problem persists due to the absence of effective monitoring mechanisms to measure the true impact of programs that have been created and the reforms that have been attempted.

It is clear that change cannot simply be assumed to be taking place. The lack of effective monitoring mechanisms to ensure that the proposed reforms are in fact carried out and produce the anticipated results is a major issue in most countries. A few countries were able to rely on special studies, but these are typically costly, incomplete, and generally a poor substitute for ongoing data gathering and other monitoring mechanisms.

Public awareness of women's right to be free from violence

ARTICLE 8: *The States Parties agree to undertake progressively specific measures, including programs:*

a. to promote awareness and observance of the right of women to be free from violence, and the right of women to have their human rights respected and protected; ...

e. to promote and support governmental and private sector education designed to raise the awareness of the public with respect to the problems of and remedies for violence against women;

In 1998, the United Nations Inter-Agency Campaign on Violence Against Women and Girls in Latin America and the Caribbean was launched throughout the Caribbean. The campaign prompted the creation of national initiatives and related activities, as well as a number of specific projects in some countries. In most instances, these efforts came to a standstill after a year; since then, similar activities have not taken place on a comparable scale due to a chronic lack of funding and coordination.

Most Caribbean countries have focused on deploying public awareness measures to convey the message that violence is wrong and that it should neither be tolerated within society nor within the family. Few countries have conducted public workshops or events that focus on actual remedies, although the issue of remedies has been raised within governments and between government and NGOs.

Antigua and Barbuda

The Government of Antigua and Barbuda has organized workshops and television and radio programs to cultivate awareness among women of their own rights. Other projects to promote the rights of women are being considered which would be directed at the population in general.

Barbados

With the assistance of the Caribbean Office of the United Nations Development Fund for Women (UNIFEM), the Women's Human Rights Campaign - A Life Free of Violence was launched in Barbados in December 1997 for one year. The objective of the campaign was to raise public awareness of the problem of domestic violence and foster a culture of nonviolence. It also aimed to advocate for changes in policies and legislation to prevent and punish violence against women. The campaign included a television panel discussion and call-in program entitled "Men and Women: Working to Break the Cycle of Violence." In November 1998, during a "Tribunal on Violence against Women," over 300 participants heard testimonies of survivors of domestic violence and child abuse. This program was later broadcast throughout the Caribbean.

Grenada

Collaborative efforts between the Division of Women's Affairs of Grenada and the Grenada National Organization of Women (GNOW) have resulted in many programs aimed at sensitizing the public, especially women, about different aspects of domestic violence, other forms of abuse, and other gender-related issues. GNOW also organized marches to protest violence against women, educate women on their right to be free of gender-based violence, and advocate for legal reform pertaining to violence against women. In addition, the Division of Women's Affairs, in conjunction with the Association of Caribbean Women Writers and Scholars (ACWWS), conducted a forum on violence against women. Personal experiences were shared and discussions focused on strategies to combat violence against women.

Jamaica

In 1998, the Government of Jamaica and women's nongovernmental organizations embarked on a program to raise awareness of and increase sensitivity to violence against women and girls in Jamaica and its deleterious effect on society. The program was conducted under the auspices of the United Nations Inter-Agency Campaign on Violence Against Women and Girls in Latin America and the Caribbean with international funding support. The aim was to promote an environment in which women and girls have alternatives and can choose a life without violence. There has also been an attempt to use dramatic presentations to convey the message that violence against women is wrong and should not be tolerated. In addition, the Association of Women's Organizations in Jamaica (AWOJA) has set up public education workshops using video programs and drama to help the audience recognize and identify abusive relationships.

The awareness campaign in Jamaica included workshops to sensitize justice system personnel to a gender perspective and involved judges, police, clerks of the court, lawyers, probation officers, and social workers. It also offered awareness raising workshops for the police, training for men and women in the health sector, as well as public education events for selected inner city and rural communities. Such workshops highlighted obstacles to women's access to justice and the need for changes within the criminal justice system and other sectors. As part of a wider government policy to address the high levels of unemployment and poverty that worsen the situation of women, the Government of Jamaica is pursuing gender mainstreaming as an essential means of achieving gender equity. The Government addresses gender-specific problems as a part of the National Poverty Eradication Program. The Legal Committee of the Association of Women's Organizations in Jamaica (AWOJA) designed the content and format of drama workshops in such a way as to enlighten the audience about legal reforms that offer women more protection.

Saint Lucia

In Saint Lucia, a one-year public education and sensitization project called "Combating Gender-Based Violence" addressed the negative impact of gender-based violence on individuals as well as on national development.

Saint Vincent and the Grenadines

In Saint Vincent and the Grenadines, school and community discussions, radio and television programs, information pamphlets, and leaflets have been used to promote public awareness of the problem of violence against women. During the field visit conducted for the present review, a public rally against violence was broadcast live via radio to several Caribbean countries. Radio is a particularly well used and effective medium in the region for communicating information and promoting public education on all kinds of public issues, including gender issues. The Department of Women's Affairs has a weekly radio program on women's issues, including violence against women. Every week, Department officials visit rural communities as part of a project on the theme "Gender Equity and Parenting." From these two activities, the Department produces a newsletter for public distribution. In March of 2000, an event for males only

was held, using the theme of fatherhood to raise awareness about reproductive rights and parenting responsibilities.

The Department has published several documents aimed at denouncing the injustice of family violence and increasing public understanding of the law and of individual women's right to assistance, protection, and compensation.

Several respondents consulted during the review tied the issue of gender-based violence in their country to the broader issue of the persistence of a culture of violence that pervades social relationships inside and outside the family.

Trinidad and Tobago

One of the main priorities of the Division of Gender Affairs of Trinidad and Tobago is to develop a plan of action that will focus on gender relations and gender-based violence through the media and will involve community leaders, private sector representatives, and policy makers. The Government, through its Division of Gender Affairs, is currently pursuing a policy of gender mainstreaming in all its areas of responsibility. It is implementing policies and supporting programs to sensitize the public to the detrimental effects of negative stereotypes, intolerance, and prejudice. The Division also supports other government organizations, especially the Ministry of Social and Community Development, in their efforts to combat domestic violence. It has instated a Male Support Committee and a Male Awareness Program within its Domestic Violence Unit.

The Domestic Violence Unit of the Division of Gender Affairs has commissioned the Creative Arts Centre of the University of the West Indies to put on plays focusing on the issue of domestic violence. These plays have been performed at several community centers throughout Trinidad and Tobago. In 1997 and 1998, Workingwoman, an organization launched in 1985 to address violence against women by understanding men's roles and responsibilities, used lectures, videos, community workshops, and media releases under the theme "Building a Non-violent Society" to focus on nonviolent child rearing.

The Rape Crisis Centre in Trinidad and Tobago developed a program of "community caravans" using popular theater as well as games and video presentations to increase public education in areas ranging from human sexuality to basic support skills and legal resources. These caravans served primarily rural communities where other forms of communication with the public are still relatively lacking.

Several respondents in many of the countries reviewed deplored the fact that much remained to be done to introduce early intervention and education in schools, including counseling for at-risk groups for whom violence at home is a normal occurrence. Too often, it was observed, many young mothers lack basic parenting skills. They become sexually active before acquiring the emotional maturity needed to raise children. Many of them are themselves still of school age and once they become pregnant, they are often not accepted back into school.

Contribution of the communications media

ARTICLE 8: *The States Parties agree to undertake progressively specific measures, including programs: ...*

g. to encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms, and to enhance respect for the dignity of women;

There have been very few programs in the Caribbean, if any, to encourage the communications media to contribute to the eradication of violence against women in the Caribbean. In most cases, the media have continued to broadcast programs that stereotype women and girls. Much of the media content is directly imported from abroad and does not reflect local culture. The review identified several phone-in radio programs and talk shows that encouraged the public to express their views, personal experiences, and concerns about domestic violence. These programs have done much to raise the public's awareness of women's rights and of the issues associated with gender-based violence. They have had little impact, it would seem, on other aspects of the regular programming of these information and entertainment media. In order to have an impact on the communications media and their programming, governments of the region will need to work more closely together to approach the media and to encourage them to develop more gender-sensitive programs.

Nongovernmental initiatives have also been started in several countries, with limited success, to lobby the media and involve them in the prevention of violence against women. In Jamaica, for example, Women's Media Watch (WMW) brings together many women's groups concerned about the escalating problem of sexual violence. Its aim is to raise public awareness of sexual and domestic violence through a variety of means. It monitors the media and lobbies them to change the sexist images of women and men and other harmful stereotypes that they often portray.

The Convention also calls upon States Parties to encourage the communications media to develop appropriate guidelines to enhance respect for the dignity of women and reduce violence against women. There was no evidence that the governments of the Caribbean countries reviewed had taken any such action.

CHAPTER 2

PREVENTION OF INSTITUTIONAL VIOLENCE AGAINST WOMEN

ARTICLE 7: *The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:*

a. refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation;

Under the Convention, one of the primary responsibilities of States Parties with respect to violence against women is to refrain from engaging in any act of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with that obligation.

The review did not identify any particular programs or initiatives that specifically prevent or address institutional violence against women. In the case of offences committed by police officers, there seemed to be no independent investigation mechanisms to which victims of institutional violence could complain. There is a general perception that, in most countries, cases in which officials alleged to have committed acts of violence against women are not taken very seriously. Investigations into these incidents are conducted internally, and the officers involved are rarely held accountable in a manner that reflects the seriousness of their crime. It is apparently not uncommon for the officers concerned to be simply reprimanded, warned, “taken off the street,” or reassigned to different duties.

Holding officials accountable for acts of violence against women

There are very few effective mechanisms in place in the Caribbean countries reviewed to ensure that officials are held accountable for the acts of violence they commit against women. It seems that comparatively little political pressure has been exerted on governments to take concrete steps to eradicate all forms of institutional violence against women. Women’s rights organizations and other organizations concerned with gender-based violence have tended to primarily focus their attention on the problems of domestic violence, spousal abuse, and sexual offences. Although the existence of institutional violence is usually not denied, it has apparently been relegated to a much lower level of priority.

An ombudsman’s office exists in six of the ten Caribbean countries reviewed. Generally speaking, investigators from the ombudsman’s office can visit correctional facilities to hear complaints by inmates. Cases of gender-based institutional violence

against women, however, are typically not brought to the attention of the ombudsman's office. In fact, it appears that investigating such cases often does not fall within the legal functions of the office of the ombudsman. The investigation of incidents in which an aggrieved person has or had remedy by way of proceedings in a criminal or other court is often excluded by law from the powers of the ombudsman.⁷

In Jamaica, the Office of the Ombudsman/Public Defender was recently established by legislation to cover a variety of institutional issues, including human rights and constitutional matters and violence against women. A report published in 1999, however, indicated that the Office had never dealt with a single case of violence against women or even one that involved a gender issue.⁸

The Commissioner of the Office of Professional Responsibility in Jamaica handles complaints relating to incidents of violence against women by state officials. That office has heard cases such as the rape of a female inmate by a prison guard and the rape of a female victim by a police officer in a police station while the victim was waiting to report a previous rape.

There are plans in Saint Kitts and Nevis to review the procedures and policies that govern complaints against police officers. One of the goals is to include in the new procedures and policies a specific reference to the prevention of violence against women in detention and to the manner in which police officers are expected to respond to domestic violence.

Preventing violence against women in detention

Many of the countries reviewed reported a general increase in the numbers of women being incarcerated or detained. Many of these women are foreign nationals, a fact sometimes explained in part by the reality that women are more frequently becoming involved in drug trafficking. Many of the women prisoners from foreign countries do not speak the local language and find themselves at a greater disadvantage than others. They are often particularly vulnerable to various forms of abuse and violence while in detention. There is also an apparent increase, in many of the countries of the region, in the number of delinquent girls who are being incarcerated.

At the same time as more women are being incarcerated, prison facilities have not been built and modernized. Prison overcrowding is the rule, and women and girls are often detained under appalling conditions that are very conducive to various forms of abuse of power, gender discrimination, and gender-based violence. Most countries have not shown concrete signs of determination to address these issues. A few countries, like Antigua and Barbuda, have acknowledged the need to construct facilities to accommodate female offenders, in particular young female offenders. A systematic study of the conditions of women in prison should be conducted in all countries of the region.

7. See, for example, Antigua and Barbuda's *Ombudsman Act, 1994*, Section 5 (3)(b).

8. Centre for Gender and Development Studies, *Violence Against Women and Girls in Jamaica*, p. 53.

The potential for abuse of power and institutional violence against women increases significantly during prison disturbances. Only Jamaica has an all-female riot squad to deal with such disturbances and other security issues involving mainly women.

Legal representation of inmates and accused individuals who face detention is rarely available to those who cannot afford it. Some limited progress is being observed in terms of facilitating these individuals' access to legal counsel. In Jamaica, for example, a panel of duty counsel lawyers is on call to represent the interests and fundamental human rights of citizens who are taken into custody by police.

In most countries reviewed, the public has been made aware of numerous cases of women who have been raped, sexually abused, or otherwise exploited while in prison or in police custody. It seems that somehow public opinion is much less concerned about protecting the rights of incarcerated women than those of other groups of women. This is possibly because the former have already been stigmatized as offenders and criminals and are perceived as less worthy of assistance. The review also noted that, with the exception of the work of Prison Reform International in some countries, there are few effective advocacy groups for the rights of women in prison and even less for the rights of foreign women who find themselves in such circumstances.

The review revealed that violence against women in detention has hardly received any attention in the countries under review, even though there were many publicly documented cases of rape and sexual harassment of female inmates. It is probably fair to say that there are insufficient provisions throughout the region to prevent violence against women who are detained and virtually no access to assistance or redress for women who are victims of violence while in detention.

CHAPTER 3

CONFRONTING LEGAL AND CUSTOMARY PRACTICES THAT CONTRIBUTE TO TOLERANCE OF VIOLENCE AGAINST WOMEN

ARTICLE 7: The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to: ...

e. take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women;

Legal practices and procedural rules

States Parties have agreed to take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal and customary practices that perpetuate the tolerance of violence against women. Nearly every country reviewed could point to various initiatives they had undertaken to purge their respective legal systems of specific laws or customary practices that were detrimental to women's rights. None of them, however, had engaged in a comprehensive review of all aspects of the law and the legal system to systematically identify the reforms that were required.

Eliminating sexist legal and customary practices that contribute to violence against women has proven to be a difficult challenge for all countries of the region. Some of these biases have deep roots in cultural attitudes and beliefs and cannot be changed overnight. Many of the necessary reforms cannot take place within the system without the active support of the population. It is perhaps partly for that reason that government initiatives in the Caribbean have focused on raising the level of public awareness of major issues relating to gender equity, women's access to economic and other opportunities, and domestic violence. Many governments, but not all, have invested in school-based education initiatives that are expected to produce medium- and long-term results.

In the absence of systematic research, it is very difficult to ascertain exactly whether and to what extent certain cultural values and attitudes in the Caribbean that can be detrimental to the rights of women have changed. However, few of the Caribbean countries reviewed had identified, as an urgent matter of public policy, the need for a comprehensive review of their laws to rid them of all gender biases. Governments seem to have found it politically expedient to proceed very slowly with the necessary legal

reforms and to do so on a piecemeal basis. Pervasive cultural attitudes and the lack of resources were the two most frequently quoted reasons for governments' relative lack of determination to act to eradicate all sexist biases from the law. In many countries, proposed legal reforms had been on the parliamentary agenda for surprising long periods of time, without any apparent political consequences for the government's lack of commitment to enacting them promptly.

In most cases, nongovernmental women's organizations have played a crucial role in mobilizing their respective communities, local leaders, and national institutions toward action. Some of these organizations were better supported by their governments than others. A few of them were able to benefit from international financial assistance. Many of them have had to learn to be very creative in their efforts to generate public attention to the issue of violence against women and to obtain the cooperation of communications media and the active support of politicians. Public education workshops, radio and television programs, public rallies, and other community events have been used, with some success, to foster open discussion on the topic of women's rights and gender-based violence.

The women involved in these initiatives are understandably very proud of their achievements and can often point to concrete changes in the legal system as recent evidence of the success of their efforts to mobilize the community. Many of them also admitted that their enthusiasm had been somewhat dampened over the years by their realization that the inertia, apathy, and disguised resistance that they had encountered in many segments of the population could only be confronted over a prolonged period of time. As a result, several national organizations are placing their hopes in the eventual success of their renewed efforts to educate the younger generations of boys and girls now going through the school system.

Programs to modify social and cultural behavior patterns

ARTICLE 8: *The States Parties agree to undertake progressively specific measures, including programs: ...*

b. to modify social and cultural patterns of conduct of men and women, including the development of formal and informal educational programs appropriate to every level of the educational process, to counteract prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on the stereotyped roles for men and women which legitimize or exacerbate violence against women;

Social and cultural values and beliefs about women and their place in the family and in society continue to play against the unequivocal affirmation of women's right to a life without violence. Attitudes, beliefs, and sexist stereotypes persist and are still widely held by both women and men and impede efforts to translate women's rights into a reality for all women. Attitudes and norms that are still prevalent in countries of the

region often devalue women's work and their contribution to the social and economic life of the community. They discourage women's participation in political life and the affirmation of their social, political and economic rights. They do not support the participation of fathers in family life and child care and the equal sharing of family responsibility. Many of these values and cultural stereotypes continue to provide a culturally accepted basis for sexual and reproductive irresponsibility.

In many countries, prevailing norms and attitudes tolerate or encourage exploitative polygamous arrangements, such as multiple families and concubines, as well as sexually irresponsible practices that undermine women's rights, freedom, and reproductive health. In many cases, these norms and beliefs provide a basis for various forms of discrimination that are prejudicial to women and provide direct or indirect justification for gender-based violence. The same attitudes are also responsible for the frequent stigmatization and isolation of women who assert their right to a life without violence and even affect their ability to leave abusive relationships.

All Caribbean countries have been affected by the pervasive effects of a prevailing culture of violence that tends to trivialize all forms of violence, including violence against women. Spokeswomen for women's organizations in the region often mention the need for public awareness strategies to address the obvious links between gender-based violence and the broader culture of violence to which all are exposed. Many note the desensitizing effect of the violent images constantly conveyed by the entertainment industry and the communications media. Others also note how illegal drug production and trafficking activities, as well as efforts to interdict these activities, have produced an escalation of violence in their countries and a certain level of public resignation to the presence of widespread violence.

The impact of violence on children was also identified as a factor that perpetuates a culture of violence. Some of the people interviewed during the review expressed concern that some disciplinary practices and the use of corporal punishment at home and at school also contributed to a general acceptance of violence in everyday relationships.

In Grenada, a group called the Coalition for the Rights of the Child began to formulate a national policy on children's rights, to review laws relating to children, and to promote a standardized legal definition of a child and the establishment of shelters for child victims of violence. In several of the Caribbean countries examined, people were concerned that children who were abused during their childhood at home or at school would be likely to develop violent tendencies and reproduce the cycle of violence.

In Jamaica, the Child Guidance Unit of the Ministry of Education developed two violence prevention programs. The first project, "Peace and Love in Schools," promotes conflict resolution techniques, while the second project, "Change From Within," emphasizes the development of self-esteem in students and in school personnel in order to promote healthy relations within the school community.

Community empowerment workshops and seminars have been held in order to help women develop their self-reliance and achieve their potential. These initiatives are often part of the government's broader poverty eradication and human economic

development programs. Other initiatives include the teaching of basic marketable skills and discussions on self-esteem, family planning, HIV/AIDS, parenting, and violence against women. In recent years, many of the education programs that were initially aimed exclusively at women have been enhanced by some activities targeting male audiences.

In several Caribbean countries, collaboration between rural organizations and national women's bureaus has begun to focus more directly on the specific problems experienced by women living in rural areas. For example, in Jamaica, the Bureau of Women's Affairs and the Rural Agricultural Development Agency (RADA) have cooperated on joint projects and activities that benefit poor women in rural and inner city communities. Another Jamaican organization, Woman Inc., conducted a series of workshops and public education campaigns in partnership with two men's organizations in order to address men's attitudes and stereotypes that contribute to gender-based violence. Their aim was to strengthen men's and women's intolerance of all forms of gender-based violence.

CHAPTER 4

LEGISLATIVE AND ADMINISTRATIVE MEASURES TO PREVENT, PUNISH, AND ERADICATE VIOLENCE AGAINST WOMEN

ARTICLE 7: *The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to: ...*

c. include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate administrative measures where necessary; ...

h. adopt such legislative or other measures as may be necessary to give effect to this Convention.

States Parties to the Convention committed themselves to proceed expeditiously with the legal reforms required to prevent, punish, and eradicate violence against women. It is fair to say, as was suggested by Roberta Clarke,⁹ that the governmental response to violence against women in the Caribbean has tended to concentrate on legal reform. That is not to say, however, that these law reform efforts have always been comprehensive, thorough, or even systematic. None of the people interviewed during the present review wanted to play down the practical and symbolic significance of the progress achieved thus far in changing certain aspects of the law. However, many of them noted that law reform is easier and cheaper to achieve than the actual development of programs, services, and other effective means for victims to gain access to justice. Furthermore, one sometimes got the distinct impression that some governments operated under the illusion that programs and services could be “legislated” into existence without any real commitment to action or real investment.

The law reform initiatives in Caribbean countries of the common law tradition have often been guided by model legislation developed by the Women’s Desk of the CARICOM Secretariat and by other tools developed by the Commonwealth Secretariat. The CARICOM Secretariat has developed three relevant models: the Model Legislation on Domestic Violence, the Model Legislation on Sexual Offences, and the Model Legislation on Sexual Harassment. The Caribbean countries reviewed here have referred to and relied heavily on the model legislation with respect to domestic violence and, in a few cases, on the model legislation with respect to sexual assaults and sexual

9. Roberta Clarke, *Violence Against Women in the Caribbean: State and Non-State Responses* (New York: United Nations Development Fund for Women (UNIFEM) and Inter-American Commission of Women (CIM) 1998), p. 17.

harassment. Table 2 summarizes some of the main legal reforms undertaken in the countries under review.

Table 2: Legal Reform in the Caribbean OAS Member States Covered in this Review

Member State	Domestic Violence	Sexual Assault	Sexual Harassment Provisions	Trafficking	Criminal Law Amendment
ANTIGUA AND BARBUDA	Domestic Violence Act, 1991, 1999	Sexual Offences Act, 1995	no		
BAHAMAS	Sexual Offences and Domestic Violence Act, 1991		yes		
BARBADOS	Domestic Violence Act, 1995	Sexual Offences Act, 1992	no		
GRENADA	Family (Protection against Domestic Violence) Act, 2000				
GUYANA	Domestic Violence Act, 1996		no		yes
JAMAICA	Domestic Violence Act, 1989, 1996		no		yes
SAINT KITTS AND NEVIS			no		yes
SAINT LUCIA	Domestic Violence Act, 1995		no		
SAINT VINCENT AND THE GRENADINES	Domestic Violence and Matrimonial Proceedings Act, 1984; Domestic Violence Act, 1994		no		
TRINIDAD AND TOBAGO	Domestic Violence Act, 1991, 2000	Sexual Offences Amendment Act, 1986, 2000	no		

Criminal law and criminal procedure

All countries of the region criminalize a number of sexual offences. Many of the countries reviewed still rely on common law definitions, punishment, and defenses concerning rape. Countries that have codified their criminal law, such as Grenada and Saint Lucia, have nevertheless retained the common law elements of the offence.¹⁰ This is why, for instance, it is still legally not possible in these countries for a man to rape or sexually abuse his wife. On the one hand, divorce laws allow for the dissolution of a marriage on the grounds of cruelty, yet a woman who is sexually abused by her common law partner or husband may not be legally considered a victim of such an offence. A man's immunity from being prosecuted for the rape or sexual assault of his spouse will be lost only if there is a separation agreement between the parties, a decree nisi, or a nonmolestation order.¹¹ In the majority of the 10 countries reviewed, the victim's past sexual history is still considered relevant in determining the question of consent. Exceptions are noted in Barbados, The Bahamas, and Trinidad and Tobago. In most countries, the law still requires the victim to make a "fresh complaint" and generally considers that the victim's delay in complaining about a sexual offence affects the credibility of her testimony. Trinidad and Tobago and Barbados have both abolished that requirement of the law. In the latter case, the judge is even required to explain to the jury that there may be good reasons why a victim may hesitate before making a complaint about the crime.

The CARICOM model legislation addresses some of the many issues that have been identified over the years with regard to criminal law related to sexual offences. It provides new, more encompassing, legal definitions of the offences, although these definitions continue to be gender-based. It suggests the criminalization of rape within marriage. It provides guidance on delicate questions relating to evidentiary requirements, the corroboration of the testimony of the victims, and the sexual history of the complainants.

Few Caribbean countries have actually proceeded with the reform of their criminal law concerning sexual offences. Trinidad and Tobago has had a Sexual Offences Act since 1986 and, at the time of the review, a bill before Parliament proposed an entirely revised Sexual Offences Act that would increase the penalties for rape, indecent assault, and serious indecency. For the first time, it would criminalize forced sexual intercourse within marriage.¹² Barbados and Antigua and Barbuda have enacted new sexual offences legislation in 1991 and in 1995 respectively.

More general criminal reform initiatives have included changes to the law that have somewhat facilitated the prosecution of certain sexual offences. For example, recent amendments to the law in Guyana and Saint Kitts and Nevis have provided for in

10. Ibid. See also P. K. Menon, "The Law of Rape and Criminal Law Administration with Special Reference to the Commonwealth Caribbean," *International and Comparative Law Quarterly*, Vol. 32, p. 832.

11. Clarke, *Violence Against Women*, p. 19.

12. Under the current law of Trinidad and Tobago, a husband loses his immunity from criminal prosecution for forced sexual intercourse within marriage when he has been notified that a petition for divorce, separation, or nullification of marriage has been filed or where the spouses are living apart in separate households.

camera hearing in cases of sexual offences, particularly incest. Even when in camera hearings take place, there remains a lack of privacy and there is no guarantee of anonymity for victims. Other amendments in some countries have enabled the admission of evidence based on DNA tests. This has had some effect in sexual offence and paternity dispute cases. Unfortunately, in most instances, the lack of adequate forensic facilities makes it impossible for blood tests and other such evidence to be used as evidence.

Several procedural and evidentiary rules and traditions continue to create significant obstacles to victims' access to the full protection of the criminal law. Rules and various informal practices continue to play against full and equal access by women involved in gender-based violence to the protection of criminal law. In most countries, the vast majority of complaints regarding acts of violence against women do not reach the courts. National criminal laws and criminal justice systems continue to face important challenges that have not yet been systematically addressed by law reform.

One challenge to the workability of domestic violence or sexual assault legislation is the use of the jury system. Hung juries are apparently quite common in rape and sexual assault cases, especially as some jury members may feel some undeserved sympathy towards the accused. In many cases, it seems that jury decisions have more to do with prevailing values and cultural stereotypes that create negative attitudes and bias against the victims than with the facts of the case. In several Caribbean countries, the prosecution has now acquired a right to appeal to the Court of Appeal in cases involving sexual offences. This right to appeal was specifically created to address circumstances in which the jury acquits an accused person because it was substantially misdirected on the law and/or the facts of the case by the trial judge in the course of his or her summation. Some Caribbean countries are apparently considering bringing jurors from other countries in order to overcome the problem that many small societies experience when the accused is well known or in some way associated with members of the jury.

Another challenge comes from the fact that, in some countries, the identity of the accused and sometimes that of the convicted offender is protected by the criminal justice system through in camera hearings and/or publication bans in cases involving sexual offences. Such practices may at times defeat criminal justice intervention efforts to achieve one of its main purposes, the denunciation of the crime. It can also play against the achievement of another objectives of the criminal law, the protection of society and prevention of further crimes.

Sentencing is another area of emerging concern regarding gender-based violence and gender equality before and under the law. Although sentencing information and data are rarely available in countries of the region, there is a perception in several countries that prosecutors and courts have tended to treat women offenders more harshly in cases of death resulting from domestic violence. It is observed that, in such cases, women have tended to be charged with murder and sentenced accordingly, whereas men found in similar circumstances have tended to be charged with the lesser offence of manslaughter.

Civil, family, and administrative law

In addition to the criminal remedies that are formally available, whether they are always readily and fairly accessible, the legal system of each of the countries reviewed also provides civil remedies in cases of violent offences, including cases of domestic violence. They include actions in tort and various forms of matrimonial relief in accordance with the laws regulating separations and divorces.

The relief theoretically available to victims under these legal provisions varies from country to country. Marriage and divorce laws have not always received the attention of law reformers. These laws often contain provisions that reinforce women's position of dependency and make the dissolution of marriage complicated and even risky in cases in which one of the spouses resorts to violence to resolve conflict. A few countries, such as Antigua and Barbuda, have proceeded with comprehensive reforms to their divorce law. In many countries, however, legislators have not yet seriously tackled that task.

Current laws and practices surrounding land ownership and transfer are a frequent source of insecurity and inequity for many women of the region. Although some women own land, men usually own the houses. This creates a situation in which women are dependent on men for shelter and are often afraid of reporting any acts of violence suffered at the hands of their spouses to the authority for fear that they and their children may end up with no place to live.

Women's economic dependency is sometimes exacerbated by the difficulty they experience in obtaining child support after a separation. In many cases, magistrates have been willing to accept the amount of maintenance and child support suggested by the husband without ascertaining their earning capacity or ability to pay. The nonenforcement of child support orders is a problem everywhere. Maintenance payments are rarely enforced, and there is a constant lineup in court of fathers who have reneged on family support and maintenance orders.

In addition to the traditional civil remedies available to victims of violence, several countries have enacted special legislation to offer protection to victims of domestic violence. Model legislation developed by the CARICOM Secretariat has served as a basis for much of the national legislation in the region. It addresses the perceived need to provide remedies intended to mitigate the effects of domestic violence. The scope of the remedies typically provided in these new laws covers the granting of an injunction, nonmolestation orders, occupation orders or tenancy orders. In some cases, the courts are also empowered to suggest counseling, when the service is available, to one or all of the parties involved. The laws usually also include provision for ex parte orders that can be granted without notice to the other party in circumstances in which a delay might entail a risk of serious injury, undue hardship or a threat to the personal safety of the applicant. Table 2 lists the countries that have adopted such legislation.

The idea behind these laws is therefore one of facilitating victim's speedy access to a magistrate court and authorizing the court to issue injunctions and protection orders. The idea of developing family courts with wider authority to intervene in domestic violence cases and a greater power to do so is gaining support among several countries

of the region. In Antigua and Barbuda, the Attorney General's Office is preparing a report at the request of the Prime Minister on the feasibility of family courts. Jamaica has demonstrated renewed vigor in implementing and extending civil and family law measures to protect victims of domestic violence. Since 1998, two more family courts have been added to the two that have existed since 1975. More than ever, family courts are dealing with matters relating to counseling, adjudication of complaints and issues, as well as mediation and conciliation. Saint Vincent and the Grenadines, Guyana, and Saint Lucia also have family courts empowered to deal with domestic violence cases.

The Domestic Violence Act (1996) of Guyana is designed to promote speedy access of victims to injunction orders at the magistrate court level. The law places priority on the protection of the victim rather than the punishment of the offender. It appears that the law is unequally implemented.¹³ According to a national report submitted to CIM, the implementation of the law has been hampered by negative attitudes and a perception that the law interfered with well-established cultural practices and beliefs.¹⁴

In Trinidad and Tobago, the Domestic Violence Act (1991) has been replaced by a new Domestic Violence Act that was adopted in October 2000 following an extensive two-year consultation process involving NGOs, community police officers, family law practitioners, social workers, probation officers, and members of the public. Public meetings were held throughout the country. The result is a law that recognizes such family arrangements as "visiting relationships" and "cohabitation relationships." The latter was subject in 1999 to a law providing for property rights in the case of intestacy upon death. It reflects, as well, informal family relationships in which a child becomes part of a household without any blood ties or legal adoption.

The Domestic Violence Act (2000) provides for 15 different kinds of protection orders that a magistrate can impose following a simplified procedure. It also provides interim financial relief for the victims, counseling for perpetrators and victims, followed by compulsory reporting if deemed necessary by the court. The intent of the law is to preserve the family wherever possible while providing immediate relief when there is danger to members of the family. The definition of "domestic abuse" has been widened to include psychological, emotional, and financial abuse as well as physical and sexual abuse. "Financial abuse" is defined as a situation in which one person limits the other person's access to money as a means of controlling them. The powers of the police to take the perpetrators of violence into custody have been widened. The actual arrest of perpetrators, however, is limited to physical and sexual assault and other criminal acts and to breaches of protection orders.

It is very difficult to assess the extent to which the new domestic violence laws have been successfully implemented and even harder to assess their impact. It is clear that women increasingly use the remedies provided by the legislation, but in the absence of a systematic evaluation, it is hard to know whether the regime offers effective

13. Red Thread Women's Development Programme in conjunction with Dr. Linda Peake, *Study on Issues of Reproductive and Sexual Health, and of Domestic Violence Against Women in Guyana: A Project of the Inter-American Development Bank* (Georgetown, Guyana: April 2000).

14. XXX Assembly of Delegates, Inter-American Commission of Women (CIM), *National Report of Guyana* (November 2000).

protection to women victims. There is a growing awareness among the population that these new remedies exist and that court orders may be obtained. This, however, is often accompanied by a somewhat cynical view about the usefulness of court orders that often must be enforced by the victims themselves.

The lack of effective mechanisms to enforce court orders issued under these new laws, particularly outside of urban areas, continues to fuel negative perceptions of the real effectiveness of these laws. There also is a perception in countries that have enacted such legislation that the provision of protection orders to victims of gender-based violence has encouraged the population to use these civil types of mechanisms as a substitute for criminal proceedings. There is also some evidence that the presence of such legislation can be used by certain law enforcement agencies to justify their unwillingness to resort to criminal law. All of this unfortunately seems to contribute, directly or indirectly, to the false perception that gender-based violence within the family is a private matter between the parties, rather than a serious crime and a denial of the victims' basic human rights.

Administrative measures

Delays and inefficiencies within the court system are frequently quoted throughout the region as one of the main obstacles to victims' access to justice. Very few countries have taken initiatives to address these issues. In Jamaica, the Social Conflict and Legal Reform (SCLR) Project has established committees and working groups that create activities that address crime and violence and target inner city communities. This five-year project is designed to identify development activities in the court system and selected pilot communities that can improve the court system's ability to more expeditiously dispose of cases brought before it. The project also aims to encourage the citizens of the selected pilot communities to amicably settle their disputes within the framework of the rule of law.

Most Commonwealth Caribbean countries have an office of the ombudsman that receives and investigates complaints from members of the public against governments. This is the case in Antigua and Barbuda, Barbados, Guyana, Jamaica, and Trinidad and Tobago. Occasionally, these complaints include cases in which the police do not adequately enforce court-ordered child support and other court orders. The office can make recommendations to the government department concerned and is empowered to write directly to ministers, the prime minister, and parliament. The office is accountable to parliament. Some of the individuals consulted during the review suggested that there is room for the office of the ombudsman to play a much more proactive role in preventing gender-based violence and discrimination against women and in ensuring that local governments demonstrate due diligence in implementing existing laws and policies to prevent and punish violence against women. In March 1998, at the Commonwealth Regional Workshop entitled "Strengthening National Ombudsman and Human Rights

Institutions in the Caribbean,” a decision was made to create a Caribbean Ombudsman Association.¹⁵

The enforcement of maintenance orders across jurisdictions is usually an issue. A few jurisdictions of the region have begun to conclude reciprocal arrangements with each other to ensure the enforcement of these orders. On the basis of the Reciprocal Maintenance Order Act, Jamaica was able to enter into reciprocal arrangements with a number of countries and with states in the United States. These arrangements allow for the enforcement of maintenance orders against delinquent men who have moved to those countries or states.

Other legislation

Sexual harassment and stalking are not defined as crimes in any of the countries reviewed. In The Bahamas, it is defined as an offence that falls under the heading of labor relations and is punishable by a fine of \$5,000 and/or imprisonment for up to two years. The consent of the Attorney General is required before commencing criminal prosecutions. In Saint Lucia, sexual harassment is addressed under the Equality of Opportunity and Treatment in Employment and Occupation Act.

Offensive and intimidating behavior of a sexual nature is very frequent in the workplace, but it is not limited to that particular context. Whether the behavior is defined as a crime, it is certainly an extreme form of discrimination. It is particularly insidious and debilitating when accompanied by implicit threats of dismissal, lack of promotion, or removal of duties.

No systematic study has been conducted in Caribbean countries of the prevalence of sexual harassment incidents in the workplace or elsewhere. In 1991, the CARICOM Secretariat produced Model Legislation on Sexual Harassment, which focused on sexual harassment in the work place. It addressed the issue solely as a labor relations matter and aimed to offer civil remedies for workers harassed in the workplace or in an educational setting. So far, the model legislation does not seem to have been emulated by any of the Caribbean countries, even though many women’s organizations in most countries have actively advocated the adoption of new sexual harassment legislation to apply to labor relations matters. The definition of sexual harassment in a Caribbean context is apparently a sensitive matter in many of the countries reviewed. The population is far from unanimous in its willingness to condemn the behavior.

Legislative reform should be contemplated in several other areas, including immigration and citizenship laws, labor and occupational safety laws, adoption laws, and contract law.

15. Victor Ayeni, Linda Reif, and Hayden Thomas (eds), *Strengthening Ombudsman and Human Rights Institutions in Commonwealth Small and Island States: The Caribbean Experience* (Projected publication date: May 2001).

In Trinidad and Tobago, a number of other legal reforms have been enacted or proposed over the last few years. They include the Equal Opportunities Bill, the Evidence Act, the Counting Unremunerated Work Act, the Occupational Safety and Health Bill, and laws relating to maternity leave provisions and the status of common-law wives. Furthermore, the Division of Women's Affairs has established its own Legal Reform Committee to review existing laws and articulate the need for legal reforms.

In Jamaica, a legal team commissioned by the Bureau of Women's Affairs is reviewing a number of laws. They include the Jamaican Constitution, the Education Act, the Matrimonial Causes Act, the Employment (Equal Pay for Men and Women) Act, and the Civil Servants Act. According to the Bureau, the purpose of the review is to redress imbalances and inequalities in the law that affect women, to bring laws in line with contemporary thinking on the role of women in society, and to harmonize local laws that affect women with international norms and standards created by international treaties and conventions.

A movement in Saint Vincent and the Grenadines, spearheaded by the Child Rights Committee, favors adopting a new Child Care Act to bring together and codify all laws relating to children.

CHAPTER 5

DUE DILIGENCE IN PREVENTING, INVESTIGATING, AND PUNISHING VIOLENCE AGAINST WOMEN

ARTICLE 7: *The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to: ...*

b. apply due diligence to prevent, investigate, and impose penalties for violence against women;

The Convention aims to create a regime, both nationally and internationally, that goes well beyond the formal affirmation of the right of women to a life without violence. The formal affirmation of that right is meant to give rise to specific obligations on the part of member states to exercise due diligence in protecting women against all forms of gender-based violence. States Parties have undertaken to ensure that women have access to simple and prompt recourse to a competent court for protection against acts that violate their rights, including their right to a life free from gender violence.

As was observed by the Special Rapporteur on Women's Rights, implementing and enforcing the right of women to be free from violence requires determining when gender violence triggers state responsibility.¹⁶ In the case of the Convention of Belém do Pará, the concept of "due diligence" is the criterion against which States Parties have explicitly agreed that their efforts to prevent, investigate, and impose penalties for violence against women should be judged (Article 7.b).

To find an operational criterion of "due diligence" for the purpose of the review, the researchers had to look for other agreed-upon definitions of the exact nature of the measures to be taken by "diligent" States Parties to prevent and eradicate violence against women. In addition to the text of the Convention, the Beijing Platform for Action provided some guidance.

However, the most useful and direct statement on the specific measures to be taken or at least considered as part of the duty of States Parties to apply "due diligence" was found in UN General Assembly resolution 52/86 of December 12, 1997. The resolution contains an annex entitled "Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice." These model strategies flow from the Beijing Platform for Action, and their main focus is to ensure that justice systems and prevention efforts provide a "fair treatment" response to all incidents of violence against women. They aim to provide de facto as well as de jure protection of women and their right to a life without violence. They are relevant to all aspects of the justice system, from community-based prevention efforts to law enforcement, courts, sentencing, and corrections. They are also relevant to several

16. Inter-American Commission on Human Rights, *Status of Women in the Americas*.

other strategic objectives relating to the education, public awareness, and mobilization of communities and the media to fully participate in efforts to eradicate violence against women.

The present review of the implementation of the Convention was facilitated by the use of the model strategies as they related to each of the main dispositions of articles 7, 8, and 9 of the Convention. Appendix 2 of this report contains a table of concordance showing how the various practical measures contained in the model strategies relate to the main dispositions of the Convention.

Law enforcement and prosecutorial procedures and practices

There are obviously many reasons why victims of violence against women may choose not to report their victimization to the police. One reason has to do with the anticipated quality and effectiveness of the response of police to incidents. The police are the first contact in many cases of violence against women, and their response is crucial in terms of enabling women to obtain the protection they need. Improved legislation in itself is often insufficient. It must be accompanied by changes in the ways in which law enforcement agencies respond to incidents of violence against women.

Law enforcement agencies in the Caribbean countries reviewed are, in general, just beginning to make the necessary changes in their procedures and practices to ensure that they address cases of violence against women seriously. They are also slowly implementing gender-sensitive approaches to respond to and investigate these crimes. Some countries have developed specialized squads to deal with gender-based crimes against women. In addition to sexual offences squads, as is the case in Jamaica, some jurisdictions, such as Antigua and Barbuda, are experimenting with the establishment of specialized domestic violence police units throughout the country.

In several countries, police forces are beginning to rely more on specialized female police officers to deal with the often very sensitive situations involving violence against women. In Jamaica, an all-female riot squad has been established to deal specifically with disturbances and other security issues involving mainly women. It was set up after an incident in 1998 during which male police officers were accused of mistreating a woman protestor while restraining her. Normally, however, incidents of violence against women tend to be dealt with by regular police officers who may or may not have received special training in appropriately and effectively dealing with these difficult situations.

In spite of the many criticisms they receive, it appears that most of the law enforcement agencies have played a key role in addressing the issue of violence against women in their countries. They have often displayed a genuine institutional willingness to work to improve existing practices and cooperate with other concerned agencies. Several law enforcement agencies have created strong ties with women's organizations and have accepted the challenge of improving the manner in which they respond to various forms of violence against women. After investing in training, some of the police forces of the region can now rely on a small cadre of officers within their own ranks who have acquired the relevant experience and expertise. The latter are often involved in

promoting changes in attitudes, policies, and practices within their police force in order to ensure that the problem of violence against women is confronted with diligence and efficiency. The present review also revealed an encouraging degree of international cooperation between law enforcement agencies of the region. For example, one particular officer of the Barbados Police Force has frequently been involved in the training of officers of police forces in other Caribbean countries.

In most of the jurisdictions reviewed, there seemed to be a lack of clear law enforcement policies concerning investigation, collection of evidence, arrest, and measures to increase the safety of the victims. The people interviewed during the review often suggested that more attention should be given by law enforcement agencies to the establishment and enforcement of clear procedures and guidelines concerning the role of law enforcement officials in cases involving violence against women. Greater consistency is required in the nature and efficiency of the responses given by law enforcement officers to incidents of violence against women.

It has also been suggested that most police forces had not really anticipated the impact of women's increased willingness to report their victimization to the police. These police agencies were often poorly prepared to deal with the major increases in the number of cases that came to their attention or in which they were expected to intervene. It was also mentioned that police recruitment practices were such that it was still very difficult for women to join these organizations. There is generally an insufficient number of recruits from minority groups or who have the language skills required to deal with offenders and victims who belong to these groups or who speak a language other than the official language of the country.

Throughout the Caribbean, the burden of initiating action in cases involving gender-based violence against women continues to lie primarily with the victims. If the victims (or their parents) have been successfully paid off, intimidated, or otherwise pressured not to press charges by their own family or by the offender, the case against the accused is not pursued. Cases of violence against women that are initiated by the prosecution are relatively rare and usually involve extreme cases of violence or the death of the victim. None of the countries covered in this review had established formal guidelines for the prosecution of offenders of violence against women. The insufficient protection offered to victims against intimidation by the offender or his friends or relatives places victims in a very difficult and dangerous situation.

It seems still quite common for victims of rape and other kinds of sexual abuse and violence to experience various forms of hardship and re-victimization during the many stages of the criminal justice process. At the interview stage, for example, police and prosecutors often still use insensitive and sometimes traumatic interviewing techniques and practices. These insensitive practices contribute to the victims' frequent feelings of fear, shame, and embarrassment. Better training should be promoted with respect to a number of problematic evidence-gathering practices, especially interviewing methods and practices that should be sensitive to the needs of victims and the special circumstances of child victims and witnesses.

Education and training of law enforcement and justice officials

In almost all the Caribbean countries reviewed, police, prosecutorial, and prison officials had received some kind of gender-based violence awareness training and/or basic conflict resolution training. The training is primarily focused on methods of handling domestic disputes, how to assist victims of gender violence, understanding the trauma of rape victims, and understanding human rights, particularly the right not to be subject to such violence. Most people consulted during the present review agreed that the degree of sensitization of the police in general to the issue of gender-based violence is insufficient and uneven. Much more consistent programs should be instituted. The training in question must also be better integrated into basic training for new police recruits.

Some training workshops on violence against women have taken place in almost all the Caribbean countries included in this review. The training has focused mostly on raising awareness of the issue among police officers, prosecutors, and judges. The training has also introduced universally accepted terms, definitions, and standards that are relevant to the issue of violence against women.

In some cases, local constabularies or police forces have established specialized units, such as the Sexual Offences Investigative Unit and the Mediation Unit in Jamaica, and have focused their training efforts on the members of these units. In a few instances, these special units have also been called upon to train others within the police force.

In Jamaica, the available law enforcement training has included, in some instances, basic training in counseling and alternative dispute resolution techniques. In Saint Lucia, law enforcement training has also included basic training on conflict resolution techniques that can be applied in domestic violence situations. In Trinidad and Tobago, there has been some training on anger management techniques and basic behavioral modification to assist law enforcement officers in dealing with a person's anger, especially in domestic violence cases. Some of these programs were also aimed at helping to prevent the officers' own possible involvement in domestic violence incidents at home.

In Trinidad and Tobago, 102 police officers participated in domestic violence training programs between 1996 and 1998, along with staff of safe houses/shelters and crisis lines, volunteers, members of nongovernmental agencies, staff of the Community Development Division, and leaders of various communities throughout the country.

In Saint Lucia, the "Combating Gender-based Violence Project," which lasted a year, sensitized police, the judiciary, media, educators, and health workers to the many facets of the problem of gender-based violence. As a result of this project, community response teams that have been trained to intervene in cases of gender violence were established, and a Gender Violence Unit has been set up within the police force to respond more effectively to gender violence.

Specific gender sensitivity training activities for judicial personnel were offered in Trinidad and Tobago, Jamaica, Saint Lucia, and The Bahamas.

There is also widespread recognition in the region that doctors and nurses need more awareness training to recognize abuse in cases that come before them. Collaboration protocols between health care professionals and law enforcement officials are needed.

Protection of victims and witnesses against intimidation

ARTICLE 7: *The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to: ...*

d. adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property;

No specific victim and witness protection programs exist in most Caribbean countries. In The Bahamas, a project called Court Watch, modeled on an American program, is aimed at preparing children to give evidence in court.

Most of the Caribbean countries are faced with the difficulty of funding such programs. Many of the islands are also very small, and it is difficult to hide someone's whereabouts for long. Small island communities face specific problems that need attention and further research in order to provide victims of violence with an adequate level of protection.

Victims of domestic violence, sexual assault, and other offences generally have to face their perpetrators in court during trial. In a few Caribbean countries however, rape trials are now held in camera, allowing only essential people in the court.

Despite various programs aimed at changing social attitudes towards violence against women, dismissive attitudes are still frequently encountered within the criminal justice system and continue in many instances to hinder the success of the system's efforts to protect victims.

In many cases, victims will be "paid off" outside the courts in order that the charges be dropped or a witness's testimony be changed.

Victims of violence frequently feel intimidated by the accused during trial, and this often results in their withdrawal of the charges. Women and child victims of rape and sexual abuse are forced to face the offenders in court, and this often results in the reliving of their traumatic experiences. In one example, on seeing her rapist, a child screamed incessantly in court and was not able to testify. As a result, the judge dismissed the case. In very few jurisdictions, a child victim support program is being implemented to address this problem and to prepare child victims for what to expect in court.

Other preventive measures

One of the obvious ways to prevent further acts of violence against women is to provide effective interventions to alter the behavior of the offenders involved. Very few jurisdictions have treatment programs for men who batter and virtually no effective intervention program for sexual offenders. The review could only identify a handful of programs that offer effective professional intervention to men who batter their partners.

Another effective prevention method offers mediation and other professional assistance services to couples and families going through difficult conflict situations. Beside informal support networks and support offered by their religious communities, most families and couples facing conflicts are left to their own means. Mediation and counseling services are rarely available, unless the individuals involved can afford to pay for them.

A few initiatives that attempt to remedy this situation have been identified. In Jamaica, for example, the Dispute Resolution Foundation has decentralized its services to address domestic violence at its embryonic stage. The organization also provides training for the police and other professionals. The Jamaica Constabulary Force has also established a Mediation Unit that provides counseling in alternative dispute resolution methods. A group of specially trained police personnel works with other members of the force, schools, colleges, youth clubs, and churches to sensitize them to mediation techniques. The Unit aims to reduce the incidence of violence arising out of domestic disputes.

CHAPTER 6

EFFECTIVE ACCESS TO JUSTICE FOR VICTIMS

ARTICLE 7: *The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to: ...*

f. establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing and effective access to such procedures;

g. establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies;

Improving access

Effective access to the justice system is essential to prevent women victims of violence from being revictimized. In the countries reviewed, most victims of violence against women cannot readily and easily obtain the protection of the justice system or access means of legal redress.

According to a recent review of the situation in Guyana, the obsolescence of the sexual offences legislation, the ineffectiveness of existing legal statutes, grossly inadequate sentences, lack of support systems and programs, and inefficient administration impede the access of women victims of gender-based violence to justice. "It is compounded by an ignorance of the law both by victims and the legal community."¹⁷ That description would probably apply to most of the other countries reviewed here.

Access to justice can be promoted by a number of means, including providing timely information to victims about available recourses, facilitating and simplifying the process of reporting incidents of violence, and removing unnecessary administrative and procedural obstacles encountered by victims.

Women's groups in several Caribbean countries are putting pressure on their governments to establish family courts "with teeth." By this they mean courts that can adequately address issues of child support, housing, fair sharing of family assets, and more equitable property distribution. At present, the uncertainty of the outcome of a separation or divorce prevents many women from making changes to their otherwise unacceptable circumstances. Furthermore, most divorces are not contested but settled,

17. Red Thread and Peake, *Reproductive and Sexual Health*.

leaving the court with the power to ensure an equitable settlement and what is deemed fair to the children.

Information leaflets on domestic violence and women's rights in most Caribbean countries are available and easy to understand. In some cases, handbooks explaining the law in simple terms have been produced and widely disseminated. Information about existing services, however, is often less readily available, although this is due in part to the poor availability of services in the first place.

For the majority of women in the region, the justice system remains intimidating, complex, and inaccessible. Obtaining legal advice in a timely manner is often crucial in determining women's access to the justice system. However, unless they can afford to retain their own counsel, women victims of violence have little access to legal advice or representation. Access to services such as legal aid is mostly nonexistent in the region. For the poorer classes and those who are not well educated, obtaining access to the protection of the justice system is complicated by a lack of knowledge of how to seek that assistance. Where legal aid services are available, they tend to be primarily available to the accused rather than the victim.

In a few countries, the legal profession offers pro bono legal advice sessions on the weekend. Legal clinics that offer general legal information exist in some of the countries reviewed, but can only reach a limited number of potential users. Access to justice is frequently associated with access to affordable legal representation and free legal assistance (education, information, and advice) for women in need. The availability of legal services is extremely limited in most countries.

In Antigua and Barbuda, the Gender Affairs Division has recommended the establishment of a legal aid service, possibly in cooperation with the local Bar Association, to assist women who are subjected to violence. In Trinidad and Tobago, the Legal Aid Act was reviewed in 1999 to help victims of domestic violence gain access to the courts. In Saint Kitts and Nevis, a committee of the Law Reform Commission has recommended that the Bar Association take over the management of the legal aid program. A new Legal Aid Act is being discussed in Jamaica, but it is not proposed that legal representation be made available in civil matters. In The Bahamas, victims of violence can, through the Crisis Centre, seek legal advice from one of the four lawyers informally attached to the Centre. These lawyers can only offer legal advice, as opposed to legal representation. The Bar Association of The Bahamas is attempting to resurrect the legal aid system for victims of crime. Overall there is a real need to establish an improved system to ensure that women in general and women victims of violence in particular have access to legal information and advice.

Access to restitution and to prompt and fair redress

Effective access to restitution or redress for the harm suffered by victims of gender-based violence is a rarity throughout the Caribbean countries. Most countries are struggling to implement their domestic and sexual violence laws, to educate the public, and to offer more effective protection for victims. Little progress has been achieved in providing restitution or otherwise helping victims gain prompt and effective access to

redress. In The Bahamas, recommendations relating to the establishment of a victim compensation fund are apparently under active consideration, but no further details on the progress of that initiative are currently available.

A few countries, Jamaica in particular, are looking at alternative dispute resolution and restorative justice methods to deal with domestic disputes and facilitate victims' access to redress and restitution. The provision of conflict resolution and other mediation services in such cases remains fairly controversial. The effectiveness of these more informal mechanisms in promoting victims' prompt access to a fair, albeit negotiated, redress has not been systematically evaluated anywhere in the region.

CHAPTER 7

SPECIALIZED SERVICES FOR VICTIMS

ARTICLE 8: *The States Parties agree to undertake progressively specific measures, including programs: ...*

d. to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counseling services for all family members where appropriate, and care and custody of the affected children;

In the Caribbean countries reviewed, services for victims of violence against women are mostly limited to telephone hotlines, safe shelters, drop-in and other community centers that offer psychological support, information, advice, counseling, and referrals. These services are mostly operated by local nongovernmental agencies, with or without direct funding and support from the government. Mention of the inadequacy of the services currently offered should not in any way be interpreted as a criticism of the efforts of the nongovernmental organizations and women's groups, who have worked hard to offer whatever limited services are currently available. Funding is cited as the main reason for the lack of specialized services for victims. A whole range of services should be developed, including emergency accommodation and safe shelters; emergency medical help; information on the law, on available protection, and on the range of crisis and support services; emergency financial relief; and confidential crisis/support services.

In most countries, emergency services are limited to telephone hotline services, and 24-hour hotlines offer immediate assistance and advice to victims. Many of the hotlines are operated by volunteers from women's groups, as well as volunteer lawyers who act as advocates for women's rights. These hotline services have not been evaluated, so it is not known to what extent they are meeting the current needs of victims. Many women in rural areas do not have a telephone, so they have no immediate source of assistance, except from neighbors or from the closest police station. Women living in rural areas are at a definite disadvantage when it comes to accessing any of the few services available.

The review revealed a general lack of coordination among the service agencies offering support and assistance to women victims of violence. In addition, community support for these services was often weak. However, in practically every country reviewed, the most important obstacle to supplying victims with minimum access to the basic services they need is governments' lack of or weak commitment to providing them with a comprehensive crisis response.

Availability of specialized services for victims

The study revealed that everywhere in the region, women's shelters and other crisis services are generally scarce, under-resourced, and completely insufficient to meet the needs of victims. In some countries, shelters do not exist. When they do, they are often run by religious organizations or volunteers and are dependent on charitable donations. Most are run on a shoestring budget and are desperate for funding. Their physical location is often a problem for victims, whose safety cannot be ensured. Incidents of retaliation against victims have occurred while they were in shelters, and both mothers and their children have felt threatened and frightened. In a few jurisdictions, the police have started to play a more active role in ensuring the safety of such shelters and their occupants.

A sustained effort by Caribbean governments to fund and establish adequate safe houses for victims of domestic violence and other acts of violence against women is badly needed. Victims need to be provided with physical safety and protection from further violent acts and threats, but they also require emotional help and counseling, as well as job and skills training, in order to recover from their victimization and to rebuild their lives. Helping women become financially self-reliant and ending their economic dependence on their abusive spouses must also be treated as a priority.

In Antigua and Barbuda, victim assistance services are by and large poorly organized and rely almost completely on the volunteer sector. The Gender Affairs Division is currently soliciting funds to build a help and crisis center for abused persons. There is also a great need for a shelter for victims of violence who currently rely on an informal network of friends of the Coordinating Council of Women in crisis situations. The church is also a common source of assistance for victims of violence, but coordination between the few available services is somewhat lacking. Volunteers, including a small group of lawyers offering pro bono services and paying for the cost of telephone calls, are providing a hotline service. There is a great need for government resources to develop walk-in clinics for victims who require emergency assistance, emotional counseling, and other follow-up services.

In The Bahamas, the Women's Crisis Clinic offers limited assistance to women victims of violence. The Ministry of Housing is apparently planning to establish four shelters for women and children that will require screening for visitors and will be fenced for increased security.

In Grenada, the Shelter for Battered Women and Children was opened in 1999. This shelter provides temporary protection for battered women and their children. Women are taught self-sustaining skills to assist them with their self-esteem, confidence, and economic independence. Women volunteers also run a rape crisis hotline.

In Guyana, local women's groups undertake numerous small-scale activities at the community level to provide concrete assistance to women victims of violence. At the national level, Help and Shelter is the main women's nongovernmental organization providing counseling and help for women in violent relationships. The Women's Affairs Bureau (WAB), the state body designated to deal with women's issues, has insufficient resources and personnel to do much more than refer women victims to the police and

the legal system. In addition to services offered by the WAB, Help and Shelter, and Red Thread, abused women can receive help and temporary safe shelter at two residential centers along the coastal strip, Genesis on the West Coast Demerara and Kamal International in Bernice. These centers, however, have inadequate funding and are unable to provide services to help women move on to a new life.¹⁸

In Jamaica, only one shelter facility serves the entire island and there are only two crisis centers, one in Kingston and one in Montego Bay. The crisis centers also offer a hotline service to victims.

The Catholic Church operates two shelters for victims of violence and abuse in Saint Vincent and the Grenadines. The Archbishop recently announced the opening of a third shelter, but the facilities are in need of repairs before they can be opened to victims.

Given the relatively low level of development of these services, survivors of violence against women persistently experience serious difficulties in obtaining access to the essential support and services they need. Therefore, it remains imperative that governments throughout the region strengthen their support to community-based and other nongovernmental initiatives that deliver assistance and support to women victims of violence, in particular safe, secure, and affordable housing for women and children escaping violence.

18. Ibid.

CHAPTER 8

MEASURES FOR PARTICULARLY VULNERABLE WOMEN AND CHILDREN

ARTICLE 9: *With respect to the adoption of the measures in this Chapter, the States Parties shall take special account of the vulnerability of women to violence by reason of, among others, their race or ethnic background or their status as migrants, refugees or displaced persons. Similar consideration shall be given to women subjected to violence while pregnant or who are disabled, of minor age, elderly, socio-economically disadvantaged, affected by armed conflict or deprived of their freedom.*

Women belonging to minority groups, indigenous women, refugee women, migrant women, and women living in rural and remote communities are particularly vulnerable to gender-based violence and face special obstacles in accessing whatever limited services are available. The same is obviously true of these special groups of women living in Caribbean countries.

The needs of these women who are particularly vulnerable have generally received little attention in the countries reviewed. For example, there is little help available to address the special situations of immigrant female workers from neighboring islands or elsewhere who often do not speak English, have no real connection with the local community, and cannot count on their support of their family and friends. Some of these workers are living and working illegally and fear being caught by the authorities and repatriated. As a result, they cannot access the protection that the justice system and other institutions can offer. Some church-based organizations can sometimes offer some limited assistance to these individuals, including information, interpretation, and accompaniment throughout the legal procedures involved. In short, very few services are available to victims who belong to this group.

In Jamaica, for example, the Household Workers Association has held two needs assessment workshops on how to improve the skills and working conditions of household workers. It is unclear, however, whether the needs of foreign workers who may fall victim to various forms of exploitation and violence have, even in that context, received much attention.

A large proportion of women in detention facilities are not nationals of the country in which they are being detained and are seldom viewed as a priority group by service delivery organizations.

The girl-child

The review did not gather much information on the situation and needs of girl-children and adolescents. The lack of data disaggregated by sex and by age made it difficult to produce a clear picture of the full impact of gender-based violence on girl-children and young women.

In most countries, the legal system is clearly failing to protect girls against violence. In many instances, their experience with the justice system can be a horrific and traumatic experience. With insufficient provision for the protection of the privacy and identity of the victims, the experience can ironically result in greater public ostracism of the victim than the accused.

Access to justice remains a big issue for children and young people. They are often excluded from the court system and its legal guarantees. Child advocates and child protection agencies, when they exist, have insufficient resources to ensure that children and adolescents in need are provided access to the justice system and its related agencies and are allowed to benefit from the protection they can provide.

In addition to the lack of adequate financial and human resources to meet the needs of abused children, there appears to be, in most of the countries reviewed, a general lack of awareness and understanding within law enforcement agencies and the criminal justice system as a whole of the many issues relating to child abuse. Enforcement of the laws that exist to protect children against abuse and exploitation is often inconsistent and only rarely treated as a law enforcement priority. The absence of clear policies and guidelines concerning effective law enforcement and prosecutorial practices in cases involving children as victims or witnesses of crime is still an issue in every one of the jurisdictions reviewed. Professional training in effective procedures and techniques to ensure the successful prosecution of criminal acts against children is still mostly lacking in every jurisdiction.

The few programs and services that currently exist in most parts of the region have not sufficiently recognized the special vulnerability of child victims and have therefore failed to a large extent to provide adequate specialized support services. Many of the existing programs have been developed to fit the needs and circumstances of adults. These services have rarely been reviewed and adapted to enable them to address the children's special needs.

There are few examples of services offering direct assistance to children and adolescent victims of gender-based violence. In Guyana, a Children's Development Centre in Linden provides counseling and skills training for children in difficult circumstances, and there is a drop-in center in Georgetown for street children. These agencies cannot, however, provide accommodation to children and adolescent victims of violence. Teenage girls below the age of 17 have a particularly difficult time being placed, given the shortage of spaces in orphanages and the unwillingness of relatives to take them.¹⁹

19. Ibid.

In Jamaica, a few organizations lobby for improved services to children and youth in need and a few others, such as the Child Guidance Clinic, offer limited direct help and parenting education. Jamaica's comprehensive Child Care and Protection Act is scheduled to come into effect shortly. It will replace many existing laws affecting the welfare of children and will seek to protect children and minimize the incidence of child abuse and neglect.

CHAPTER 9

TRAFFICKING AND OTHER TRANSNATIONAL FORMS OF VIOLENCE AGAINST WOMEN

In most of the jurisdictions reviewed, women do not currently receive the level of protection they are entitled to expect from the criminal justice system against the many forms of exploitation and violence they can suffer at the hands of transnational criminal organizations. Until recently, the issue of transnational forms of violence against women and children appears to have been largely neglected. In Caribbean countries in particular, it seems that the importance of the issue is rarely acknowledged by the governments in spite of the numerous publicly known incidents of women being smuggled into or out of the country to work as involuntary sex workers or to be otherwise exploited by well-organized criminal groups.

Many women are forced to become prostitutes or to suffer other forms of exploitation in order to survive. Many of them become the victims of traffickers and smugglers. How many women become the victims of such practices in the Caribbean countries reviewed cannot even be estimated at present. By and large, Caribbean representatives interviewed during the review seemed not to view the issue of transnational violence against women as one requiring special attention. Local communities did not often perceive trafficking in women and children as an issue. However, one would hear about women who were brought in from other jurisdictions, for example the Dominican Republic, to work as voluntary or involuntary sex trade workers and were often kept in conditions amounting to slavery by organized crime gangs.

Preventive mechanisms are lacking and few jurisdictions in the Caribbean, if any, have the financial means and the institutional capacity to confront the national and international criminal organizations engaged in procurement or trafficking. They often lack the inter-institutional and international cooperation mechanisms required to ensure that the agencies involved in the countries concerned take concerted action to prevent and punish trafficking in women and children. The criminals are therefore able to operate with relative impunity.

In most jurisdictions of the region, it seems that victims of trafficking and forced prostitution are too often left to their own means to protect themselves against deception, intimidation, and violence at the hands of criminal organizations. Trafficking offences are rarely prosecuted with success due to the poor protection offered to victims and potential witnesses. In too many cases, effective law enforcement is severely undermined because of the victims' unwillingness or inability to testify against traffickers. Immigration laws, policies, and procedures clearly require urgent attention to ensure that the victimization of trafficked persons is not compounded by the interventions of the destination, transit, or source states. In many cases, it is clear that strict immigration laws and procedures relating to the deportation of illegal migrants and workers function at cross-purposes with efforts to prosecute trafficking crimes and to protect the human

rights of victims. There is a blatant need to ensure better protection of the victims of such criminal practices.

CHAPTER 10

RESEARCH AND EVALUATION

ARTICLE 8: *The States Parties agree to undertake progressively specific measures, including programs: ...*

h. to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate violence against women and to formulate and implement the necessary changes;

Reliable statistical data on the prevalence, nature, and consequences of acts of violence against women are simply not available in any of the Caribbean countries reviewed. The research and evaluation needs of the region are great and the means very limited. Victimization surveys on the nature and extent of incidents of violence against women are only available on an extremely limited scale which, of course, prevents the generalization of their findings to the whole of the population. Official crime statistics are not collected in a manner that allows the extraction of information of incidents of violence against women. There is a need for systematic collection of data on the incidence of violent crime that is disaggregated by gender and by age. Virtually no data exists on the relationship between the victim and the offender or on the consequences of the victimization for the victim.

The cooperation of the health care sector must also be enlisted so that data on the mortality and morbidity associated with all acts of gender-based violence are systematically collected. Fatal and nonfatal injury surveillance systems, with possibly one exception, do not exist. Throughout the Caribbean, hospital data on the incidence of domestic violence and child abuse is either completely lacking or of very poor quality. In some jurisdictions, it was reported that private hospitals and clinics were disinclined to report the incidents that came to their attention and unlikely to keep good data on injuries related to acts of domestic or sexual violence. Few Caribbean jurisdictions have policies or laws calling for the mandatory reporting of all cases involving the possible abuse of a child. Where such policies do exist, they tend to be weakly enforced and insufficiently implemented and monitored. In at least one jurisdiction, the policy only applies to public hospitals.

In Barbados, the Barbados Police Force, the Barbados Child Care Board, and the Welfare Department are collecting some data on the official incidence of domestic violence and sexual offences cases. However, in spite of the efforts of the Bureau of Women's Affairs, there currently is no centralized capacity to systematically collate, analyze, and publish that information.

In Grenada, the Government has identified the lack of reliable demographic and other statistical data and is apparently addressing the matter as a priority. The Government has set up a Social Development Management Information System to be operated by the Central Statistical Office in cooperation with other designated agencies with data collection responsibilities. The new system, based on social development indicators, will hopefully assist the Government to formulate social policy and programming. In addition, it is hoped that the National Census to take place in May 2001 will include issues of interest to women. This data will, if included in the census, provide a baseline for other surveys.

In Guyana, Red Thread Women's Development Programme and Dr. Linda Peake surveyed approximately 360 women from the greater Georgetown area, as well as representatives of organizations and groups.²⁰

In Jamaica, the most recent and comprehensive research concerning violence against women was conducted in March 1998 and was prepared for the United Nations Development Fund for Women (UNIFEM) by the Centre for Gender and Development Studies of the University of the West Indies.²¹ The Economic and Social Survey of Jamaica, compiled by the Planning Institute of Jamaica, did not until recently allow reporting on a gender-disaggregated basis. Steps are being taken to remedy this situation. In addition, the Woman Inc. Crisis Centre collects annual statistics on cases that come to its attention. The Bureau of Women's Affairs and other groups have recommended that a central data-collection unit for gender statistics on violence be established. The Centre for Gender and Development Studies has suggested that data be collected and categorized to include, as a minimum, the following elements: gender, age, socioeconomic indicators, location, and circumstances of the attack.

In Saint Kitts and Nevis, there exists a plan to conduct a survey on violence against women and children, although no further details about this plan were available.

In Saint Lucia, both the Crisis Centre and the Family Court collect data on reported cases of gender-based violence; however, there is some doubt as to the accuracy and reliability of the data thus collected. A recent analysis of the national situation with respect to gender-based violence in Saint Lucia has emphasized the need for a national reporting system on gender-based violence. The Division of Gender Relations keeps a record of the limited data on gender-based violence being collected by various services and law enforcement agencies. The Division is planning to establish a national reporting system in which standardized recording of data of individual cases would eventually generate national data. Some preliminary work is being conducted on the design of the data collection instruments and procedures.

In 1997, the Gender Affairs Division of Trinidad and Tobago hosted a working meeting of statisticians and stakeholders on the subject "Towards the Development of Relevant and Country-Specific Gender-Sensitive Statistics and Indicators." In 1999, the Government of Trinidad and Tobago agreed to form a task force to create a National

20. Ibid.

21. Centre for Gender and Development Studies, *Violence Against Women and Girls in Jamaica*, p. 53.

Domestic Violence Policy and to develop a national standardized system of data collection on domestic violence. The Gender Affairs Division is developing a database on a gender-disaggregated basis, and Cabinet recently appointed a committee to work with the University of the West Indies and the Institute of Social and Economic Research (ISER) to compile and coordinate the collection of statistical data on domestic violence. The establishment of community policing units has also improved data collection.

CHAPTER 11

INTERNATIONAL COOPERATION

ARTICLE 8: *The States Parties agree to undertake progressively specific measures, including programs: ...*

i. to foster international cooperation for the exchange of ideas and experiences and the execution of programs aimed at protecting women who are subjected to violence.

Most of the Caribbean countries covered in this review have, on several occasions, received limited technical and financial assistance from donor countries or from international agencies in support of local or national initiatives to prevent violence against women. The agencies have included the Inter-American Commission of Women (CIM), the Canadian International Development Agency (CIDA), the United States Agency for International Development (USAID), the United Nations Development Fund for Women (UNIFEM), the United Nations Children's Fund (UNICEF), the Pan American Health Organization (PAHO), the Economic Commission for Latin America and the Caribbean (ECLAC), the Commonwealth Secretariat, and the CARICOM Secretariat. In most cases, the assistance focused on the development and adoption of model legislation and of national campaigns to raise public awareness of the issue of violence against women and of the right of women to a life without violence. Limited support was also offered for research, police training, the development of information for victims, and the development and implementation of pilot projects.

In most instances reviewed, however, it appeared that the assistance received, however welcomed by the jurisdiction, was never such that it allowed that jurisdiction to develop and implement a comprehensive and sustainable strategy to address violence against women. There are extremely few cases in which the limited assistance provided had much long-term impact on the situation of women and their vulnerability to gender-based violence.

CHAPTER 12

CONCLUSIONS

The implementation of the Convention of Belém do Pará has progressed very slowly in all of the Caribbean countries reviewed. Efforts to prevent, punish, and eradicate violence against women have concentrated on piecemeal legal reform, initiatives to raise public awareness of the issue, and initiatives to sensitize and train local officials. The provision of emergency services to victims of violence, such as a hotline or some form of crisis intervention, and the establishment of shelters for women threatened by domestic violence were responsibilities largely left to the private and volunteer sectors. In the countries reviewed, governments have focused on improving the general social and economic conditions of women within the broader context of economic and social development. Some emphasis has been placed on offering training and education to the officials and professionals on whom victims of gender-based violence must rely for protection, help, information, financial assistance, and redress. These initiatives, unfortunately, were rarely sustained.

In most instances, some noticeable improvements were observed in terms of women's general access to opportunities, poverty alleviation, unemployment reduction, increased education, improved health services, and more affordable housing. Most jurisdictions have established some form of government infrastructure to deal with women's issues and promote women's full involvement in the development of their countries. It is probably fair to say, however, that the full implementation of the provisions of the Convention has not been treated as a serious priority by the governments of any of the countries of the region.

A minimalist approach to law reform has often been adopted. Programs specifically designed to ensure that the jurisdiction met its obligations under the Convention were generally lacking. This poor implementation of the Convention can certainly be blamed, as it often is, on the general shortage of financial and human resources available to complete the task, but several other difficulties that have been encountered are rarely systematically addressed. For instance, although the topic of violence against women raises issues that normally cut across many government departments, there often is a generalized lack of coordination among the departments involved and an inability, if not an unwillingness, to collaborate with each other.

Social attitudes and cultural practices have also created powerful obstacles that have tended to be ignored at least as often as they were confronted. Governments have relied very heavily on nongovernmental organizations and women's groups to offer the most basic level of support and assistance to women victims of violence. However, they have done so in ways that often ignore the fact that these organizations are themselves relying totally on their limited ability to raise their own funding and to recruit volunteers.

The eradication of violence against women requires a coordinated, multifaceted approach in order to deal with its causes and consequences. In the Caribbean, much

like elsewhere, comprehensive approaches that include prevention and education, law enforcement, provision of support services for victims, and rehabilitation for offenders are required.

The responsibility of government agencies and institutions to prevent, punish, and otherwise respond to violence against women has been clearly articulated by the Convention and other international instruments. The question that remains, however, is: How are these agencies and institutions going to be effectively mobilized to fulfill their obligations? National mechanisms will need to be strengthened and provided with the authority as well as the practical means to more effectively lead the institutions and agencies involved and monitor the progress accomplished.

APPENDIX 1

QUESTIONNAIRE

1. What are the specific mechanisms set in place in your country to implement the Convention of Belém do Pará? *(Please describe the mechanisms or provide a copy of an existing description.)*

2. Has your country adopted a national action plan or a comprehensive strategy to eliminate violence against women? *(Include, if possible, a copy of relevant documents.)*

3. What measures are being taken in your country to gather data/information in a gender-disaggregated manner, to measure the prevalence of violence against women, to monitor official crime statistic, or to evaluate various approaches to eliminate violence against women?

4. What data currently exist in your country on the prevalence and nature of violence against women and on the factors contributing to it? *(Please provide, if available, official statistics, victimization study reports, etc.)*

5. Please describe the programs and initiatives undertaken in your country to raise public awareness of the problem of violence against women, eliminate sexist and discriminatory practices contributing to it, and promote the right of women to a life free from violence.

6. What measures have been taken in your country to prevent, investigate, and punish institutional violence against women and to ensure that authorities, officials, government personnel, agents, and institutions refrain from engaging in any act or practice of violence against women?

7. What legislative or administrative measures have been taken under national law (criminal/penal, civil, administrative) to prevent and respond to violence against women? *(Please provide a copy of relevant legislation, bills, etc.)*

8. What practical measures and strategies in the field of crime prevention and criminal justice have been implemented in your country to eliminate violence against women (including training initiatives, and programs and policies adopted to protect women against intimidation, retaliation, threats, and harassment)?

9. Please describe the kind of legal information, specialized assistance and support services, and access to prompt and fair redress that are available in your country to women victims of violence.

10. What are the measures being taken in your country to combat transnational forms of violence against women, including trafficking in women and children and forced prostitution?

11. Do programs and services exist in your country to protect and support women who are especially vulnerable to violence by reason of age, physical/mental

handicap, race, ethnic background, or by their status as refugees, migrants, prisoners, or displaced persons? (*Please describe.*)

12. Have studies been conducted or is there ongoing research in your country concerning violence against women, its causes and consequences, as well as on the best means to prevent and eradicate it? (*Please provide references and, if possible, a copy of available reports.*)

APPENDIX 2

Measures to Abolish Violence Against Women: Convention of Belém do Pará and United Nations Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice

Action	Convention of Belém do Pará	UN Model Strategies
<p>Preventing institutional violence and acts of violence by officials</p>	<p>7. The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:</p> <p>a. refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation;</p>	<p>8. Member States are urged, within the framework of their national legal systems:</p> <p>(e) To ensure that the exercise of police powers is undertaken according to the rule of law and codes of conduct and that the police may be held accountable for any infringement thereof;</p> <p>9. Member states are urged, as appropriate:</p> <p>(f) To ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason;</p>
<p>Due diligence in preventing, investigating, and punishing violence against women</p>	<p>7. The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:</p> <p>b. apply due diligence to prevent, investigate and impose penalties for violence against women;</p>	<p>8. Member States are urged, within the framework of their national legal systems:</p> <p>(a) To ensure that the applicable provisions of laws, codes and procedures related to violence against women are consistently enforced in such a way that all criminal acts of violence against women are recognized and responded to accordingly by the criminal justice system;</p> <p>(b) To develop investigative techniques that do not degrade women subjected to violence and minimize intrusion, while maintaining standards for the collection of the best evidence;</p> <p>(c) To ensure that police procedures, including decisions on the arrest, detention and terms of any form of release of the perpetrator, take into account the need for the safety of the victim and others related through family, socially or otherwise</p>

		<p>and that these procedures also prevent further acts of violence; (d) To empower the police to respond promptly to incidents of violence against women;</p> <p>13. Member States are urged, as appropriate: (d) To evaluate the efficiency and effectiveness of the criminal justice system in fulfilling the needs of women subjected to violence.</p> <p>14. Member States and the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate: (b) To develop multidisciplinary and gender-sensitive approaches within public and private entities that participate in the elimination of violence against women, especially through partnerships between law enforcement officials and the services that are specialized in the protection of women victims of violence; (c) To set up outreach programmes for offenders or persons identified as potential offenders in order to promote the peaceful resolution of conflicts, the management and control of anger and attitude modification about gender roles and relations;</p>
<p><i>Enactment of legislation and adoption of administrative measures to prevent, punish, and eradicate violence against women</i></p>	<p>7. The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to: c. include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate administrative measures where necessary;</p>	<p>6. Member States are urged: (a) To periodically review, evaluate and revise their laws, codes and procedures, especially their criminal laws, to ensure their value and effectiveness in eliminating violence against women and remove provisions that allow for or condone violence against women; (b) To review, evaluate and revise their criminal and civil laws, within the framework of their national legal systems, in order to ensure that all acts of violence against women are prohibited and, if not, to adopt measures to do so;</p>

		<p>(c) To review, evaluate and revise their criminal laws in order to ensure that:</p> <ul style="list-style-type: none">(i) Persons who are brought before the courts on judicial matters in respect of violent crimes or who are convicted of such crimes can be restricted in their possession and use of firearms and other regulated weapons, within the framework of their national legal systems; <p>7. Member States are urged to review, evaluate and revise their criminal procedure, as appropriate, to ensure that:</p> <ul style="list-style-type: none">(a) The police have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against women, including confiscation of weapons;(b) The primary responsibility for initiating prosecutions lies with prosecution authorities and does not rest with women subject to violence;(e) Perpetrators who commit acts of violence against women while voluntarily under the influence of alcohol or drugs are not absolved of all criminal or other responsibility;(g) The courts, subject to the national constitution of their State, have the authority to issue protection and restraining orders in cases of violence against women, including removal of the perpetrator from the domicile, prohibiting further contact with the victim and other affected parties, inside and outside the domicile, and to impose penalties for breaches of these orders;(i) Safety risks are taken into account in decisions concerning non-custodial or quasi-custodial sentences, the granting of bail, conditional release, parole or probation. <p>9. Member States are urged, as appropriate:</p> <ul style="list-style-type: none">(a) To review, evaluate and revise sentencing policies and procedures in order to ensure that they meet the goals of:<ul style="list-style-type: none">(i) Holding offenders accountable for their acts related to violence against women;
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		<p>(ii) Stopping violent behaviour;</p> <p>(iii) Taking into account the impact on victims and their family members of sentences imposed on perpetrators who are members of their families;</p> <p>(iv) Promoting sanctions that are comparable to those for other violent crimes;</p> <p>(b) To ensure that a woman subjected to violence is notified of any release of the offender from detention or imprisonment where the safety of the victim in such disclosure outweighs invasion of the offender's privacy;</p> <p>(c) To take into account in the sentencing process the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements where such practices are permitted by law;</p> <p>(d) To make available to the courts through legislation a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence;</p> <p>(e) To ensure that the sentencing judge is encouraged to recommend treatment of the offender at the time of sentencing;</p> <p>(f) To ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason;</p> <p>(g) To develop and evaluate offender treatment programmes for different types of offenders and offender profiles;</p> <p>12. Member States, in cooperation with non-governmental organizations, including organizations seeking women's equality, and in collaboration with relevant professional associations, are urged, as appropriate:</p> <p>(c) To encourage professional associations to develop enforceable standards of practice and behaviour for practitioners involved in the criminal justice system, which promote justice and equality for women.</p>
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<p><i>Adoption of legal measures to prevent harassment, intimidation, and threats</i></p>	<p>7. The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:</p> <p>d. adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property;</p>	<p>6. Member States are urged:</p> <p>(c) To review, evaluate and revise their criminal laws in order to ensure that:</p> <p>(ii) Individuals can be prohibited or restrained, within the framework of their national legal systems, from harassing, intimidating or threatening women.</p> <p>7. Member States are urged to review, evaluate and revise their criminal procedure, as appropriate, in order to ensure that:</p> <p>(f) Evidence of prior acts of violence, abuse, stalking and exploitation by the perpetrator is considered during court proceedings, in accordance with the principles of national criminal law;</p> <p>(h) Measures can be taken when necessary to ensure the safety of victims and their families and to protect them from intimidation and retaliation;</p> <p>9. Member States are urged, as appropriate:</p> <p>(h) To protect the safety of victims and witnesses before, during and after criminal proceedings.</p> <p>10. Member States are urged, as appropriate:</p> <p>(e) To establish a registration system for judicial protection and restraining orders, where such orders are permitted by national law, so that police or criminal justice officials can quickly determine whether such an order is in force.</p>
<p><i>Adoption of measures to modify legal and customary practices tolerating or allowing the persistence of violence against women</i></p>	<p>7. The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:</p> <p>e. take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women;</p>	<p>7. Member States are urged to review, evaluate and revise their criminal procedure, as appropriate, in order to ensure that:</p> <p>(d) Rules and principles of defence do not discriminate against women, and such defences as honour or provocation do not allow perpetrators of violence against women to escape all criminal responsibility;</p>

<p><i>Access to justice for women victims of violence</i></p>	<p>7. The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:</p> <p>f. establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing and effective access to such procedures;</p>	<p>7. Member States are urged to review, evaluate and revise their criminal procedure, as appropriate, in order to ensure that:</p> <p>(c) Women subjected to violence have an opportunity to testify in court proceedings equal to that of other witnesses and that measures are available to facilitate such testimony and to protect their privacy;</p> <p>9. Member States are urged, as appropriate:</p> <p>(b) To ensure that a woman subjected to violence is notified of any release of the offender from detention or imprisonment where the safety of the victim in such disclosure outweighs invasion of the offender's privacy;</p> <p>10. Member States are urged, as appropriate:</p> <p>(b) To encourage and assist women subjected to violence in lodging and following through on formal complaints;</p> <p>(d) To provide for court mechanisms and procedures that are accessible and sensitive to the needs of women subjected to violence and that ensure the fair processing of cases;</p>
<p><i>Access to just remedies, restitution, and compensation for women victims of violence</i></p>	<p>7. The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:</p> <p>g. establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies;</p>	<p>9. Member States are urged, as appropriate:</p> <p>(c) To take into account in the sentencing process the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements where such practices are permitted by law;</p> <p>10. Member States are urged, as appropriate:</p> <p>(c) To ensure that women subjected to violence receive, through formal and informal procedures, prompt and fair redress for the harm that they have suffered, including the right to seek restitution or compensation from the offenders or the State;</p>

<p><i>Legislative and other measures to give effect to Convention</i></p>	<p>7. The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:</p> <p>h. adopt such legislative or other measures as may be necessary to give effect to this Convention.</p>	<p>8. Member States are urged, within the framework of their national legal systems:</p> <p>(f) To encourage women to join police forces, including at the operational level.</p>
<p><i>Programs to promote awareness and respect of the right of women to be free from violence</i></p>	<p>8. The States Parties agree to undertake progressively specific measures, including programs:</p> <p>a. to promote awareness and observance of the right of women to be free from violence, and the right of women to have their human rights respected and protected;</p>	
<p><i>Programs to modify social and cultural patterns of behaviour and to abolish sexism</i></p>	<p>8. The States Parties agree to undertake progressively specific measures, including programs:</p> <p>b. to modify social and cultural patterns of conduct of men and women, including the development of formal and informal educational programs appropriate to every level of the educational process, to counteract prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on the stereotyped roles for men and women which legitimize or exacerbate violence against women;</p>	<p>14. Member States and the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:</p> <p>(a) To develop and implement relevant and effective public awareness, public education and school programmes that prevent violence against women by promoting equality, cooperation, mutual respect and shared responsibilities between women and men;</p>
<p><i>Programs to promote the education and training of all those involved in the administration of</i></p>	<p>8. The States Parties agree to undertake progressively specific measures, including programs:</p> <p>c. to promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well</p>	<p>11. Member States, in cooperation with the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:</p>

<p><i>justice</i></p>	<p>as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women;</p>	<p>(d) To establish better linkages between medical services, both private and emergency, and criminal justice agencies for purposes of reporting, recording and responding to acts of violence against women; (e) To develop model procedures to help participants in the criminal justice system to deal with women subjected to violence;</p> <p>12. Member States, in cooperation with non-governmental organizations, including organizations seeking women's equality, and in collaboration with relevant professional associations, are urged, as appropriate:</p> <p>(a) To provide for or encourage mandatory cross-cultural and gender-sensitivity training modules for police, criminal justice officials, practitioners and professionals involved in the criminal justice system that deal with the unacceptability of violence against women, its impact and consequences and that promote an adequate response to the issue of violence against women; (b) To ensure adequate training, sensitivity and education of police, criminal justice officials, practitioners and professionals involved in the criminal justice system regarding all relevant human rights instruments;</p>
<p><i>Programs to provide appropriate specialized services for victims of violence against women</i></p>	<p>8. The States Parties agree to undertake progressively specific measures, including programs: d. to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counseling services for all family members where appropriate, and care and custody of the affected children;</p>	<p>10. Member States are urged, as appropriate: (a) To make available to women who have been subjected to violence information on rights and remedies and on how to obtain them, in addition to information about participating in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings; (b) To encourage and assist women subjected to violence in lodging and following through on formal complaints;</p> <p>11. Member States, in cooperation with the private sector, relevant professional associations, foundations, non-governmental and community organizations, including</p>

		<p>organizations seeking women's equality, and research institutes are urged, as appropriate:</p> <p>(a) To establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation for women and their children who are at risk of becoming or who have been victims of violence;</p> <p>(b) To establish, fund and coordinate services such as toll-free information lines, professional multi-disciplinary counselling and crisis intervention services and support groups in order to benefit women who are victims of violence and their children;</p> <p>(f) To establish, where possible, specialized units with persons from relevant disciplines especially trained to deal with the complexities and victim sensitivities involved in cases of violence against women.</p>
<p><i>Public and private sector education programs to raise public awareness of the problems of and remedies for violence against women</i></p>	<p>8. The States Parties agree to undertake progressively specific measures, including programs:</p> <p>e. to promote and support governmental and private sector education designed to raise the awareness of the public with respect to the problems of and remedies for violence against women;</p>	<p>11. Member States, in cooperation with the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:</p> <p>(c) To design and sponsor programmes to caution against and prevent alcohol and substance abuse, given the frequent presence of alcohol and substance abuse in incidents of violence against women;</p> <p>14. Member States and the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:</p> <p>(d) To set up outreach programmes and offer information to women, including victims of violence, about gender roles, the human rights of women and the social, health, legal and economic aspects of violence against women, in order to empower women to protect themselves against all forms of violence;</p>

		<p>(e) To develop and disseminate information on the different forms of violence against women and the availability of programmes to deal with that problem, including programmes concerning the peaceful resolution of conflicts, in a manner appropriate to the audience concerned, including in educational institutions at all levels;</p> <p>(f) To support initiatives of organizations seeking women's equality and non-governmental organizations to raise public awareness of the issue of violence against women and to contribute to its elimination;</p>
<i>Rehabilitation programs for women victims of violence</i>	<p>8. The States Parties agree to undertake progressively specific measures, including programs:</p> <p>f. to provide women who are subjected to violence access to effective readjustment and training programs to enable them to fully participate in public, private and social life;</p>	
<i>Programs to encourage communication media to contribute to the eradication of violence against women</i>	<p>8. The States Parties agree to undertake progressively specific measures, including programs:</p> <p>g. to encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms, and to enhance respect for the dignity of women;</p>	<p>15. Member States and the media, media associations, media self-regulatory bodies, schools and other relevant partners, while respecting the freedom of the media, are urged, as appropriate, to develop public awareness campaigns and appropriate measures and mechanisms, such as codes of ethics and self-regulatory measures on media violence, aimed at enhancing respect for the rights of women and discouraging both discrimination against women and stereotyping of women.</p>
<i>Research and statistics programs on the causes, consequences and frequency of violence against women</i>	<p>8. The States Parties agree to undertake progressively specific measures, including programs:</p> <p>h. to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate violence against women and to formulate</p>	<p>13. Member States and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme Network, relevant entities of the United Nations system, other relevant international organizations, research institutes, non-governmental organizations, including organizations seeking women's equality, are urged, as appropriate:</p> <p>(a) To develop crime surveys on the nature and extent of violence against women;</p>

	<p>and implement the necessary changes;</p>	<p>(b) To gather data and information on a gender-disaggregated basis for analysis and use, together with existing data, in needs assessment, decision-making and policy-making in the field of crime prevention and criminal justice, in particular concerning:</p> <ul style="list-style-type: none"> (i) The different forms of violence against women, its causes and consequences; (ii) The extent to which economic deprivation and exploitation are linked to violence against women; (iii) The relationship between the victim and the offender; (iv) The rehabilitative or anti-recidivistic effect of various types of intervention on the individual offender and on the reduction of violence against women; (v) The use of firearms, drugs and alcohol, particularly in cases of violence against women in situations of domestic violence; (vi) The relationship between victimization or exposure to violence and subsequent violent activity; <p>(c) To monitor and issue annual reports on the incidence of violence against women, arrest and clearance rates, prosecution and case disposition of the offenders;</p>
<p><i>Programs to foster international cooperation</i></p>	<p>8. The States Parties agree to undertake progressively specific measures, including programs:</p> <ul style="list-style-type: none"> i. to foster international cooperation for the exchange of ideas and experiences and the execution of programs aimed at protecting women who are subjected to violence. 	<p>16. Member States and United Nations bodies and institutes are urged, as appropriate:</p> <ul style="list-style-type: none"> (a) To exchange information concerning successful intervention models and preventive programmes in eliminating violence against women and to compile a directory of those models; (b) To cooperate and collaborate at the regional and international levels with relevant entities to prevent violence against women and to promote measures to effectively bring perpetrators to justice, through mechanisms of international cooperation and assistance in accordance with national law; (c) To contribute to and support the United Nations Development Fund for Women in its activities to eliminate violence against women.

		<p>17. Member States are urged:</p> <p>(a) To limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women to those that are formulated as precisely and as narrowly as possible and that are not incompatible with the object and purpose of the Convention;</p> <p>(b) To condemn all violations of the human rights of women in situations of armed conflict, to recognize them as being violations of international human rights and humanitarian law and to call for a particularly effective response to violations of that kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;</p> <p>(c) To work actively towards ratification of or accession to the Convention on the Elimination of All Forms of Discrimination against Women, for the States that are still not parties to it, so that universal ratification can be achieved by the year 2000;</p> <p>(d) To give full consideration to integrating a gender perspective in the drafting of the statute of the international criminal court, particularly in respect of women who are victims of violence;</p> <p>(e) To cooperate with and assist the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences in the performance of his or her mandated tasks and duties, to supply all information requested and to respond to the Special Rapporteur's visits and communications.</p>
<p><i>Measures to account for the special vulnerability of women from certain race or ethnic groups, migrants, or refugees</i></p>	<p>9. ...the States Parties shall take special account of the vulnerability of women to violence by reason of, among others, their race or ethnic background or their status as migrants, refugees or displaced persons.</p>	

<i>Measures to account for the special vulnerability of pregnant, disabled, minor, elderly, or socio-economically disadvantaged women</i>	9. ...the States Parties shall take special account of the vulnerability of...women subjected to violence while pregnant or who are disabled, of minor age, elderly, socio-economically disadvantaged, affected by armed conflict or deprived of their freedom.	
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