

1. Introduction

“Domestic violence damages the prospects for economic and social development of every country, not just the lives of the victims” (CAFRA).

Studies in both developing and developed countries indicate that between 20 and 67 percent of women globally experience violence in relationships.¹ Domestic violence, and particularly the abuse of women by their male partners, is among the most common and dangerous forms of gender-based violence. Women become targets by virtue of their relationship to the male abuser and the violence is inflicted on them usually, but not exclusively, within the home. Domestic violence is also inflicted upon children, whether they are witnesses to the abusive behaviour or themselves victims of it. There are also cases of domestic violence being perpetrated against men, but women are overwhelmingly the victims.²

The pervasiveness of domestic violence suggests that it is neither random nor isolated, nor can it be explained by abnormal characteristics of the abuser or the victim. Rather, domestic violence has been described as “systemic and structural, a mechanism of patriarchal control of women that is built on male superiority and female inferiority, sex-stereotyped roles and expectations, and economic, social, and political predominance of men and dependency of women.”³ While many theories have been advanced to explain this violence, there is widespread consensus that gender inequality is at its root:

There is no simple explanation for violence against women in the home. Certainly, any explanation must go beyond the individual characteristics of the man, the woman and the family and look to the structure of relationships and the role of society in underpinning that structure. In the end analysis, it is perhaps best to conclude that violence against wives is a function of the belief, fostered in all cultures, that men are superior and that the women they live with are their possessions or chattels that they can treat as they wish and as they consider appropriate.⁴

When men initiate violence against their female partners, it is sometimes possible to identify issues and circumstances that trigger—or are used to justify—the violence. These triggers vary between individuals and cultures, and can include anything that may be perceived as rebellion or as calling attention to a woman’s capability: pregnancy, mothering, beauty, competence at work outside the home or in social relations, and household management. In Guyana, jealousy is a common theme in domestic violence scenarios, with women often portrayed as devious and sexually promiscuous. In addition,

there is a high correlation between drugs and/or alcohol abuse and violence against women. Other common situations in which violence takes place are where the man is under financial pressure or other stress, where the woman is educated and/or in paid employment and where the woman has no family support because, for example, all her family have emigrated or they disapproved of her marriage.⁵

¹ www.un-instraw.org

² Copelon, Rhonda. “Understanding Domestic Violence as Torture.” *Human Rights of Women: National and International Perspectives*. Ed. Rebecca J Cook. Philadelphia: University of Pennsylvania Press, 1994.

³ *Ibid.*

⁴ *Ibid.*

Although reliable national statistics are not readily available, it is well accepted that Guyanese women continue to be subject to widespread violence that prevents them from enjoying other constitutionally-ensured rights. Guyana's Second Periodic Report to CEDAW concludes that "[v]iolence against women is widespread in Guyana," and cites a 1998 survey of 360 women in Greater Georgetown as evidence.⁶ The survey found that:

Out of more than 60 percent of women who were involved in a relationship or union, 27.7 percent reported physical abuse, 26.3 percent had experienced verbal abuse and 12.7 percent experienced sexual violence. Approximately half of the surveyed women responded that one of the likely causes of partner's abuse was jealousy (55.4 percent) or "hot temper".

Nearly four of every five respondents perceived violence in the family to be very common in Guyana (76.8 percent). More than one in three knew someone who was currently experiencing domestic violence (35.5 percent).⁷

The landscape has not changed much since then. This does not mean that significant work is not on-going at the national and community levels, or that the efforts of dedicated activists and social workers are not making a difference in the lives of many women. The reality of the situation is, however, that we are still struggling to address the fundamental question of how to effect the kind of societal change needed to eliminate domestic violence in Guyana. This type of change can only occur through collaboration across sectors, government, civic and donor organizations, and with the sustained political will necessary to implement a long-term and coherent plan of action.

The purpose of this report is to review existing documents and reports in order to provide a basis for the development of a national strategy on domestic violence for Guyana. The process of developing a national strategy could be an effective vehicle for promoting dialogue and consensus on an approach for moving forward that makes the most efficient use of limited resources and addresses critical gaps in the current response. To this end, the report attempts to identify areas where progress has been made in responding to domestic violence in Guyana, where the situation remains the same, and where there is need for action. There are three sections to the report. The first outlines the international obligations which provide framework for the national response; the second considers the main aspects of the national level response, with a view to identifying gaps and making recommendations for addressing these; and the third looks at international best practice to identify basic components of a national strategy.

International, regional and national documents are reviewed to provide an overview of the response at each of these levels to domestic violence by both state and non-state actors. In addition to the literature review, a limited number of interviews were conducted with key local resource persons whose experience and perspective help to

⁵ Whitehead, Josephine. *Violence Against Women in Guyana*. Unpublished. 1996, p. 3

⁶ Guyana. *Second Periodic Report to CEDAW*. 20 September 1999, <http://iwraw.igc.org/publications/countries/guyana.htm>

⁷ Red Thread Women's Development Programme. *Women Researching Women: Study on Issues of Reproductive and Sexual Health, and of Domestic Violence Against Women in Guyana*. April 2000.

pinpoint critical areas to be addressed, and to identify best practices that can be built on.

2. The Government's Obligations Under International Law

In the international arena, domestic violence has been at the center of a debate over state responsibility for gender-based violence by non-state actors for a long time. The impetus to safeguard the family coupled with privacy rights, has historically discouraged direct state intervention in domestic issues. At the same time, it is widely acknowledged that the family is often the site of the most egregious acts of violence against women, including psychological abuse, battery, murder, and rape of women by their partners. These are acts of violence which, perpetrated against strangers, would incur the severest criminal sanctions. However, because domestic violence involves crimes against women by actors who are private rather than public, perpetrators often escape the criminal justice system entirely.

Decades of women's activism to change the perception of domestic violence have resulted in it being recognized as a human rights concern: violence of all forms, including domestic violence, violates the human rights of women by infringing the right to life, liberty, and security of the person and the right not to be subjected to discrimination on the basis of sex. When states fail to prosecute acts of violence against women, their inaction constitutes a lack of access to justice, and is also a violation of the right to equality. There now exist an array of international treaties and agreements addressing that violence, representing international consensus that domestic violence is a global problem often encouraged by cultural norms and tolerated by state authorities, and which reinforces the imbalance in power between men and women. Governments are committed to responding to violence against women even when it is perpetrated by private actors.

Legislation concerning domestic violence has a relatively short history. The earliest of these, the *1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* is essentially an international bill of rights for women. Its 30 articles define what constitutes discrimination against women and provide a framework for national action to end this discrimination. It does not specifically prohibit gender-based violence nor does it explicitly commit states parties to take action to reduce this. Importantly, however, CEDAW does explicitly require states to take measures to ensure that non-state actors comply with international obligations. CEDAW became a legally binding agreement in 1981.

Following the adoption of CEDAW, growing concern and focus on violence inflicted on women by both state and non-state actors, resulted in the development of at least six major international declarations and platforms for action that specifically addressed the issue:

- *1993 World Conference on Human Rights (Vienna Declaration and Platform for Action)*

- *1993 Declaration on the Elimination of Violence against Women*
- *1994 International Conference on Population and Development (Cairo Programme of Action)*
- *1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Pará)*
- *1995-2001 Regional Action Programme for Latin American and Caribbean Women*
- *1995 Fourth World Conference on Women (Beijing Declaration and Platform for Action)*

The 1993 Declaration on the Elimination of Violence against Women and the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Pará) were developed to explicitly guarantee women's right to live free from violence.

The most recent and clearest directive from the United Nations on state responsibility with respect to domestic violence is the October 2006 Report issued by the Office of the UN Secretary General.⁸ The Report explicitly classifies abuse against women, in the home or elsewhere, as a human rights violation. This is significant because it means that states are obligated by international human rights standards to hold perpetrators accountable for the abuse, whether they are state or non-state actors. Consequently, "a government that does not develop, fund and implement all necessary laws and programs to prevent and to punish this violence violates international human rights law."⁹

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Adopted in 1979, CEDAW defines what constitutes discrimination against women and sets up an agenda for national action to end it. Specifically, it addresses:

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.¹⁰

States parties commit themselves to undertake a series of measures to end discrimination against women in all forms. This includes agreeing to:

- incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and

⁸ <http://www.un.org/womenwatch/daw/vaw>

⁹ Jefferson, LaShawn R.. Human Rights Watch's Women's Rights Division. <http://www.hrw.org/english/docs/2006>

¹⁰ <http://www.un.org/womenwatch/daw/cedaw/index.html>

- ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

The Convention provides the basis for ensuring equal opportunities for women in political and public life as well as in education, health and employment. It is the only human rights treaty which affirms the reproductive rights of women and which identifies culture and tradition as influential forces in shaping gender roles and family relations. However, gender-based violence is not specifically prohibited by the Convention nor are states parties explicitly committed to take action to address it. Rather, gender-based violence is identified as a form of discrimination. It is precisely for this reason that CEDAW remains relevant to efforts to ensure an effective government response to domestic violence: by placing gender-based violence within the context of structural inequality, the distinction between public and private life becomes superfluous.

CEDAW establishes a framework within which domestic violence must be addressed if the economic, civil, political, social and cultural rights of women are to be realized. At the societal level, for example, economic discrimination against women within the labour force, coupled with development policies that limit women's access to resources, can contribute to women's vulnerability to violence. Within the family, women and girls may face inferior nutrition, medical care and education, placing them at greater risk of violence. In order to eliminate domestic violence, it is therefore necessary to confront the structural inequality and discrimination within societies that reinforces gender-based violence.

In 1992, CEDAW *General Recommendation 19* was developed to clarify how the Convention covers violence against women and what governments should do to stop such violence. The general prohibition of gender discrimination was elaborated to include:

gender-based violence – that is, violence which is directed against a woman because she is a woman or which affects women disproportionately. It includes acts which inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion or other deprivations or liberty.¹¹

The General Recommendation confirms that violence against women constitutes a violation of human rights even when perpetrators are private individuals, noting that:

states may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and to provide compensation.¹²

Where states do not prohibit domestic violence or routinely fail to respond to the abuse of women by their partners, they fail to take the minimum steps necessary to protect female citizens' rights to physical integrity and, ultimately, to life. To the extent that this represents discrimination on the basis of gender, it also constitutes a violation of the state's international obligation to guarantee equal protection of the law.

¹¹ Committee on the Elimination of All Forms of Violence Against Women. "Violence Against Women," General Recommendation No. 19 (eleventh session, 1992), UN Document CEDAW/A/1992/L.1/Add.15.

¹² Ibid.

In order to fulfill their obligations under CEDAW, states must take all measures necessary to provide effective protection to women, including:

- a) Effective legal measures, including penal sanctions, civil remedies and compensatory provisions to protect women against all kinds of violence, including *inter alia* violence and abuse in the family, sexual assault and sexual harassment in the workplace;
- b) Preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women;
- c) Protective measures, including refuges, counseling, rehabilitation and support services for women who are the victims of violence or who are at risk of violence.¹³

The recommendations of CEDAW suggest that forms of special treatment may be necessary to ameliorate domestic violence. Institutions such as shelters and special police units to handle domestic violence complaints are needed to mitigate the vulnerability of abused women, especially those who have decided to leave an abusive relationship. For women unable to sever their ties to their abuser, a minimal level of safety may be achieved through perpetrator rehabilitation programmes. Such rehabilitation measures are proposed in General Recommendation 19.

Implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women and at least every four years, the states parties are expected to submit a national report indicating the measures they have taken to give effect to the provisions. During its annual session, Committee members discuss these reports with government representatives and recommend areas for further action. However, it was not until 1989 that CEDAW that states were specifically asked to include information on the measures they had taken to eradicate domestic violence.

Guyana has submitted three reports to CEDAW (its third, fourth, fifth and sixth reports are combined into one document). The reports comprehensively describe efforts to give effect to the provisions of the Convention, providing information about the work of both state agencies and NGOs. The Second Report is particularly useful for understanding the government mechanisms that have been mandated to address issues related to domestic violence. The reports also pinpoint areas where further resources and attention are needed.¹⁴

The World Conference on Human Rights (The Vienna Declaration and Programme of Action)

The 1993 Vienna Declaration and Programme of Action aims to further the implementation of international instruments through a common plan for strengthening human rights work around the world. The final document of the conference represents an undertaking by an unprecedented number of government delegates and the international human rights community, including civil society, the academic community and grassroots organizations.

¹³ Ibid.

¹⁴ <http://iwraw.igc.org/publications/countries/guyana.htm>

The World Conference on Human Rights laid extensive groundwork for international action aimed at eliminating violence against women, with governments agreeing that the United Nations system and Member States should work towards achieving this goal in both public and private life. The Vienna Declaration explicitly links domestic violence to sexual harassment, exploitation and trafficking in women; gender bias in the administration of justice; and the harmful effects of traditional or customary practices, cultural prejudices and religious extremism.

The document calls for states parties to ensure "a particularly effective response" to violence against women, including legal measures, and national action and international cooperation to promote economic and social development, access to education, health care and social services. The Conference took an historic step to promote and protect the rights of women by calling for the appointment of a Special Rapporteur on Violence against Women. In addition to this, it made concrete recommendations for strengthening and harmonizing the monitoring capacity of the United Nations system, through the establishment of a High Commissioner for Human Rights, among other measures.

Another significant document for Latin America and the Caribbean resulted from the governmental and non-governmental forums held around the world to prepare for the World Conference. The San José Declaration on Human Rights underscores the call for States to recognise the rights of women and to eradicate any form of discrimination against women, especially the elimination of gender violence.

Special Rapporteur on Violence Against Women

In 1994, the United Nations Commission on Human Rights appointed the first Special Rapporteur on Violence against Women. Tasked to work on the causes and consequences of violence against women, and to recommend ways of eliminating such violence, the Special Rapporteur produced a report laying out the international legal framework condemning domestic violence as well as actions being pursued by governments to reduce the incidence of domestic abuse. With regard to state responsibility, the Rapporteur wrote:

In the context of norms recently established by the international community, a State that does not act against crimes of violence against women is as guilty as the perpetrators. States are under a positive duty to prevent, investigate and punish crimes associated with violence against women.¹⁵

The report also admonished against using tradition or custom as an excuse for governments failing in their responsibilities to prevent violence against women.

According to the Special Rapporteur's report, many governments now recognize the importance of protecting victims of domestic abuse and of taking action to punish perpetrators. In this regard, the establishment of structures allowing officials to deal with cases of domestic violence and its consequences is a significant step. The report highlights the importance of adopting legislation that provides for prosecution of the offender. It also stresses the importance of specialized training for law enforcement

¹⁵ Preliminary Report Submitted by the Special Rapporteur on Violence Against Women, its Causes and Consequences, UN Document E/CN.4/1995/42, November 22, 1994, p.18

authorities as well as medical and legal professionals, and of the establishment of community support services for victims, including access to information and shelters.

The UN Declaration on the Elimination of Violence against Women

In contrast to CEDAW, the Declaration on Violence against Women emphasized gender-based violence as “a violation of human rights” rather than as a form of discrimination. The Declaration calls on states to:

pursue by all appropriate means and without delay a policy of eliminating violence against women and, amongst other things, to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

The Declaration underscores the connection between gender-based violence and women’s subordination in public and private life. Violence against women is defined as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” This definition was stated “to encompass but not be limited to:

- a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”¹⁶

The first international instrument to express political consensus that states have an obligation to prevent gender-based violence and to redress the harm caused, the Declaration aims to provide “a clear and comprehensive definition of violence against women, a clear statement of the rights to be applied to ensure the elimination of violence against women in all its forms.” Strategies that governments should adopt are specified and framed as policy initiatives, including such specific measures as counseling; health and social services; and other preventive, punitive and remedial measures.

The International Conference on Population and Development (The Cairo Programme of Action)

The Cairo Declaration is effectively a 20-year Programme of Action to advance women’s rights, particularly with regard to gender equality, violence against women and women's ability to control their own fertility. The Programme of Action recognizes the linkages between poverty, population issues, patterns of consumption and production, and the environment. Ratifying countries agree to pursue concrete goals including:

¹⁶ www.unhcr.org/search

- sustained economic growth in the context of sustainable development;
- education, especially for girls;
- gender equity and equality;
- infant, child and maternal mortality reduction; and
- the provision of universal access to reproductive health services, including family planning and sexual health.

Of particular relevance to domestic violence is Principle 4 of the Programme of Action which refers to the importance of “the elimination of all kinds of violence against women, and ensuring women's ability to control their own fertility [as] cornerstones of population and development- related programmes.” This requires both preventive actions and support and care for victims. Countries should prohibit practices such as trafficking in women and children and prostitution, and pay special attention to protecting victims of these crimes and those in especially vulnerable situations, such as migrant women and domestic workers.

The Programme of Action is particularly important for two reasons:

- it suggests that there are costs, including economic, associated with domestic violence
- it places violence against women within the context of women’s reproductive rights, recognizing that it is a major obstacle to reproductive choice.

Governments need to consider these important intersections in order to develop effective and proactive national strategies.

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women

In Latin America and the Caribbean, efforts towards the elimination of violence against women have resulted in the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women or the Convention of Belém do Pará. In 1990, the Inter-American Commission of Women of the Organisation of American States (OAS), held the first Inter-American Consultation on Women and Violence (CIM) and in 1994, the Convention of Belem do Para, was approved. At least 26 countries in the Caribbean and Latin America have signed and ratified this convention, including Guyana.

The Convention goes one step further than previous international instruments in clearly delineating states’ obligation to protect women’s right to a life without violence. In addition, it is the only legally binding international instrument that specifically addresses the issue of violence against women. The Convention recognizes that women have the right to a life “free from violence in both the public and private spheres” (Article 3), and outlines the obligations of states parties with respect to their role in protecting this right. States must adopt policies and programmes to prevent, punish and eradicate violence against women, defined

broadly 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. Domestic violence is specifically addressed, and in particular, rape, battery and sexual abuse by a partner.

A listing of specific obligations relates to states parties’ commitment 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.

Also specified are programmes and measures 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. States parties are required to report on measures adopted, progress achieved, and obstacles encountered in their efforts to eradicate violence against women. The Convention allows individual countries to present petitions on individual complaints to the Inter-American Commission on Human Rights as well as being able to request advisory opinions of the Inter-American Court of Human Rights.

Guyana has submitted a report which was incorporated into the 2001 report: Violence in the Americas A Regional Analysis.¹⁷ More recently, the Ministry of Labour, Human Services and Social Security submitted a response to the CIM Secretariat to a questionnaire on actions towards the realization of the Convention. The response notes that the Constitution of Guyana provides for the establishment of a Women and Gender Equality Commission to oversee the implementation of the Convention, but that this has not yet been established. In the absence of this Commission, the Women’s Affairs Bureau is the lead agency that monitors and oversees the implementation of the Convention. The questionnaire addresses Guyana’s progress in the areas of:

- laws, regulations and national plans
- access to justice
- the national budget, and information and statistics.

The 1995-2001 Regional Action Programme for Latin American and Caribbean Women.

In 1991, the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean recommended that a programme of action be elaborated to complement existing international instruments by taking into account the political, social and economic changes in the region. A primary goal was to underscore the need to accelerate the processes under way. The

¹⁷ Inter-American Commission of Women (CIM), Organization of American States (OAS). Violence in the Americas: A Regional Analysis. Final Report. July 2001

Regional Programme also served as an input to the Fourth World Conference on Women, to reflect the priorities of the Latin American and Caribbean member countries for the next five years. It is intended to update the regional context, particularly with regard to progress in ensuring equality of opportunity for women, and by prioritizing activities to be implemented within the five-year period.

The Regional Action Programme seeks to consolidate the full respect of women's human rights in Latin America and the Caribbean, within a framework that gives priority to the elimination of gender-based violence. Strategic actions are elaborated for eight priority areas, including gender equity; economic and social development with a gender perspective; women's equitable participation in decision-making and in the exercise of power in public and private life; human rights, peace and violence; and shared family responsibilities.

The document puts forward a minimum set of measures on which consensus has been reached by participating states. The strategies outlined in the document complement each other, and are meant to be implemented in a coordinated way to ensure maximum effectiveness. Three strategic objectives within the area of human rights, peace and violence, specifically address domestic violence:

- To consolidate full respect for the human rights of women in the region, within a context where priority is given to the elimination of gender-based violence and discrimination and to the rights of poor and uprooted women, taking ethnic and racial differences into account.
- To promote action to make visible and eliminate all types and forms of violence against women.
- To sensitize the mass media to the impact of the pervasive culture of violence, with the aim of eradicating the image of women in the media, which is the product of discrimination.

In order to achieve these, states agree to address a number of obstacles, including:

- Structural violence directed against women and lack of recognition that it is a public problem;
- Failure to comply with international conventions aimed at eliminating inequality between women and men and discrimination against women;
- Persistence of gender-based discriminatory legislation which reinforces women's unequal status in society and the family;
- Obsolete penal law;
- shortcomings in the administration of justice and difficult access for women to judicial proceedings;
- Insufficient support services for female victims of violence;
- Persistence of conditions permitting impunity for those who commit crimes against women;
- Inadequacy of systems for rehabilitating perpetrators of acts of violence against women through training in non-violent ways of settling disputes.

The Economic Commission for Latin America and the Caribbean (ECLAC) is mandated to monitor the implementation of the Programme of Action and evaluate its effectiveness.

The Fourth World Conference on Women: The Beijing Declaration and Platform for Action

The 1995 Fourth World Conference on Women resulted in a comprehensive action plan the objectives of promoting women's rights; enhancing women's social and economic empowerment; improving women's health, advancing women's education and training; and ending violence against women.

The Beijing Declaration and Platform for Action contains the main elements of a global strategy to abolish violence against women, and lays out actions to be taken by governments within the context of the following three strategic objectives:

- To take integrated measures to prevent and eliminate violence against women
- To study the causes and consequences of violence against women and the effectiveness of preventive measures
- To eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.

The Declaration defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life” (Section D). Specific reference is made to “physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non- spousal violence and violence related to exploitation” and “physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”

A comprehensive list of recommended actions seeks to address, among other things:

- the fear and insecurity which acts or threats of violence, whether occurring within the home or in the community, or perpetrated or condoned by the State, instill in women's lives and which are obstacles to the achievement of equality and for development and peace;
- limitations on women's access to resources as a result of the fear of violence;
- the high social, health and economic costs to the individual and society associated with violence against women;
- social pressures which may exacerbate violence against women, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence.

States are urged to develop “a holistic and multidisciplinary approach to the challenging task of promoting families, communities and States that are free of violence against women.” For this to be achieved, “[e]quality, partnership between women and men and respect for human dignity must permeate all stages of the socialization process. Educational systems should promote self-respect, mutual respect, and cooperation between women and men.”

2.1 Monitoring State Obligations

A special committee or treaty body has been established to monitor the performance of state parties for each international human rights instrument. There are generally two main procedures:

- (1) The state reporting procedure which requires state parties to regularly report on their progress in implementing treaty rights.
- (2) The complaints procedure permits individuals to bring complaints of human rights violations to the treaty monitoring body.

The functions of treaty bodies are established by the respective human rights instrument and the committees are generally composed of international experts elected by the state parties in their personal capacity as experts rather than representatives of their governments. For example, the Committee on the Elimination of Discrimination Against Women (CEDAW), is composed of twenty-three experts who monitor the implementation of the Women's Convention based on state parties' reports. States are required to report on the legislative, judicial, administrative or other measures that have been adopted pursuant to its obligations under the Convention. The *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women* provides the complaints procedure whereby individuals can file claims relating to violations of women's rights at the UN level if they fail to achieve a successful remedy through their domestic courts. CEDAW hears from the complainant and the state party before issuing a decision in each matter. In addition, an individual communications procedure allow petitions to be submitted by or on behalf of individuals or groups who claim that their rights under the Convention have been violated; and CEDAW may enquire into grave or systematic violations of those rights by a state party.

The state reporting procedure used by CEDAW is as follows:

- Individual state parties submit a written report and representatives are given the opportunity to orally introduce the report to the Committee.
- The Committee makes General Observations on the report.
- The Committee members ask questions relating to specific Articles of the Convention with a view to understanding the actual position of women in society and the extent of the problem of discrimination. The Committee may request specific statistical information on the position of women in society, not only from the state party, but also from NGOs and independent agencies.
- The state party may decide to answer some questions immediately and to provide other answers a day or two later. At this point, the Committee may ask

additional questions, or may request that further information be sent the next report is due.

- The Committee prepares Concluding Observations on the reports of the individual state parties and these are reflected in a report. These observations can serve as important mechanisms for developing guidelines for state accountability in observing their human rights obligations.

The Committees do not have much power except to ask for additional information from states. It is also possible for the Committees to search for and review information from non-official sources about states' fulfillment of Convention obligation, which may contradict or question the state party's report. In doing so, the Committees may more effectively ensure state parties' compliance with the Convention. From a legal perspective, the Concluding Observations are not binding in international law but they carry significant moral weight, and states are expected to act on suggestions and address these in subsequent reports. Pressure may also be applied by the Committees through written comments on apparent violations, by advising states of changes they need to adopt, and by reporting on whether states follow that advice. It is expected that national reports to the Committees and the relevant Concluding Observations should be widely disseminated nationally.

The importance of the international instruments in the domestic context does not only rest on reporting requirements. They set out a common international standard that states should follow, and provide a framework for developing a comprehensive national response to domestic violence. They are useful tools for determining the national and local level agencies that need to be involved, for allocating appropriate responsibilities and resources, and for promoting greater accountability at all levels. For civil society, the international conventions should be used as a basis for developing an agenda for advocacy, and for engaging the government in a national dialogue. Systematic monitoring of government actions within the context of the international framework can help to identify gaps and areas which may be best addressed by non-governmental agencies.

Despite this framework, the UN Secretary-General has characterized the global response to domestic violence as “inadequate” in comparison to the magnitude of the problem.¹⁸ Indeed, many activists argue that the issue of domestic violence “remains on the margin: it is still considered different, less severe and less deserving of international condemnation and sanction than officially inflicted violence.”¹⁹ They have called for governments to focus more concerted on the implementation of these principles in order for “[t]he shifts in consciousness that led to the establishment of laws, conventions and declarations on violence against women [sic] to be translated into shifts in behaviour.”²⁰

Beyond ratifying the conventions, the Government of Guyana has participated in international conferences dealing with violence against women; it has undertaken law

¹⁸ www.un-instraw.org

¹⁹ Copelon, Rhonda. “Understanding Domestic Violence as Torture.” *Human Rights of Women: National and International Perspectives*. Ed. Rebecca J Cook. Philadelphia: University of Pennsylvania Press, 1994.

²⁰ *Ibid.*

reform in line with international recommendations, has put in place mechanisms to provide support services to victims of domestic violence, and has submitted reports on these and other actions. In order to fully achieve the goal of changing behaviours, however, government agencies, including the Cabinet, along with NGOs and community groups must do much more to integrate international documents and processes into their work. To this end, the Guyana Human Rights Association has conducted seminars to increase public awareness and understanding of CEDAW and the Declaration on the Elimination of Violence against Women, and to help women to become familiar with women's rights and how these relate to the Beijing Platform of Action and to local laws and policies. Reader-friendly versions of the conventions which explain what the government is required to do should be widely disseminated from a central government agency such as the Ministry of Foreign Affairs, and these could form the basis of public information and education campaigns. The responsible agency should also provide regular updates on related activities at both the international and national level, and coordinate the production and submission of national reports.

3. Domestic Violence: The Guyana Context

“Violence against women, including domestic violence, is widespread, and NGOs reported that domestic violence crossed racial and socio-economic lines.”²¹

The impact of international agreements is contingent on state action at the national level and rests on the question of enforceability in the courts of states parties. Countries can honour their international obligations by incorporating them into domestic law or by enacting the necessary legislation to ensure enforceability.²² In the English-speaking Caribbean, ratified international treaties are not automatically incorporated into domestic law. Guyana became the exception in 2003, with the Constitution (Amendment) (No. 2) Act providing that “every person, as contemplated by the respective international treaties to which Guyana has ratified or acceded to, is entitled to the human rights enshrined in those treaties, and such rights shall be respected and upheld by the executive, legislative, judiciary, and all organs and agencies of Government.” This, in effect, “amounts to automatic incorporation of the provisions of ratified international treaties, and eliminates the need for separate legislative enactments.”²³

In spite of the established legal framework, in Guyana, domestic violence continues to be seen as personal, private or a family matter. Its purpose and consequences are often hidden, and domestic violence is frequently portrayed as justified punishment or discipline. Over the past five years in particular, high levels of violence throughout Guyanese society have overshadowed the problem of violence against women in the home. While an issue of concern to Guyanese women regardless of race, socioeconomic status or political affiliation, domestic violence has not received the kind of high level political attention that is accorded drug and gang-related violence.

²¹ CEDAW. Concluding Observations of the Human Rights Committee: Guyana. 25 April 2000. (<http://iwraw.igc.org/publications/countries/guyana.htm>)

²²²⁴ Bernard, Desiree. “The Promotion and Enforcement of Women’s Human Rights Within the Judicial Systems of the Caribbean.” University of the West Indies Cave Hill, Barbados. 18 Nov. 2005.

²³ Ibid.

At the same time, anecdotal evidence suggests that domestic violence remains pervasive, even with an increased level of brutality.²⁴

The response of the state to domestic violence has so far lacked the necessary commitment and sustained attention to reduce its incidence in Guyana. Efforts in the areas addressed by international instruments--education and training, support services, perpetrator programmes, research, data and statistics, and institutional strengthening--remain insufficient. There is no national strategy for addressing domestic violence and no coordinated national effort to build the capacity to do so within the criminal justice, law enforcement, social services and health systems. Some progress has been made, however, towards achieving the kind of legal reform and providing the support services advocated by the international conventions. The most notable step forward has been the passage of the Domestic Violence Act in 1996, which opened a channel of relief for women victims, even if it is not uniformly applied. In 2005, the Combating of Trafficking in Persons Act was also adopted.

By ratifying international and regional conventions, the Government of Guyana has committed itself to fulfilling certain obligations with regard to domestic violence. These can be grouped into five main areas which provide a framework for considering the national response:

- Legal reform
- Support services for women victims
- Education and training
- Resources and institutional strengthening
- Research, data and statistics.

3.1 Legal Reform

“Laws, in particular criminal laws and administrative laws, cannot solve the whole range of problems of violence in the family. Legal provisions however cannot be seen separately from social situations and attitudes...” (Council of Europe Doc. No. CDPS-VF (87) Revised a 2 (1987).

In Guyana, as in the rest of the Caribbean, the response to domestic violence has centered on legislative reform. Most English-speaking Caribbean countries now have in place a Domestic Violence Act which make “it easier for women to apply for protection and set apart rules of evidence that would make it easier to prosecute offenders [*sic*] and communicate a moral message that violence against women is unacceptable and that the society will legally punish those who commit such crimes.”²⁵

Guyana’s Domestic Violence Act (DVA) was passed in 1996. Activists involved in the National Women’s Rights Campaign drafted legislation to address domestic violence, and in what has been described as a period of “intensive advocacy and solidarity of

²⁴ Help & Shelter Counselors. Personal interview. 21 June 2006. The Counselors have suggested that this is linked to an increase in the prevalence of substance abuse.

²⁵ Haniff, Nesha. *Male Violence Against Men and Women in the Caribbean: The Case of Jamaica*, 29 *Journal of Comparative Family Studies* 2: 1998, p.363

the women's movement," NGOs mobilized to sensitize the public about the need for legislation and to lobby for its enactment.²⁶ Activities included four workshops organized by the Guyana Human Rights Association to provide an opportunity for women in different regions to review the draft DVA and to formulate recommendations to strengthen it. These were submitted to the Government and resulted in substantial improvements to the Act, as recognized by Parliament on its approval.²⁷

The DVA is generally acclaimed as progressive and comprehensive, and "adequately provides for all areas relevant to such a sensitive issue including the rights of all parties directly or indirectly involved or affected."²⁸ Its scope is broad, and domestic violence is defined in the widest sense to include verbal, physical, sexual and psychological abuse between members of the household. The DVA is designed to be "consumer friendly" and "there is provision [*sic*] for the procedure to be swift and definite."²⁹ Victims of domestic violence, male or female, have the right to seek protection, occupation or tenancy orders. The law stipulates that "a person can apply for a protection or an occupation or tenancy order (or interim order) against another person with whom he/she have been married, co-habiting, had sexual relations, lived together in the same household, or agreed to marry."

While these remedies provide important options for victims who may not want to initiate criminal proceedings, critics contend that the focus on civil remedies sends the message that domestic violence will not be punished as stringently as violence committed against a stranger. For example, Human Rights Watch argues that:

the message sent by treatment of domestic violence as a serious crime is very important. The criminal process indicates that the victim is entitled to the state's protection as much as any other victim of violence, and that the perpetrator is personally responsible for his actions. Treating domestic violence as a crime has an important symbolic role, demonstrates that society does not tolerate abuse of women (or men) by their partners. Studies [*sic*] have shown that the intimidating procedures or arrest can help to reduce the risk of reoffending by the perpetrator, who in most cases does not otherwise regard himself as a criminal.³⁰

The Declaration on the Elimination of Violence Against Women, the Beijing Declaration, the Convention of Belem do Para and the Regional Programme of Action all explicitly call for states to enact and implement penal sanctions to punish acts of violence against women.

For some women, the DVA has made a positive difference in ending domestic abuse.³¹ The protection order sets limits which are immediately enforceable and backed up by criminal penalties.³² It cannot, however, always shield victims from partners determined to commit violence. The granting of the protection order, which

²⁶ Das, M. National Report on the Situation of Violence against Women and Girls. March 1999, p.16.

²⁷ GHRA press release 1995/6

²⁸³⁰ Guyana Association of Women Lawyers. Report on the Legal Status of Women. Ed. Roxanne George. March 1998,191

²⁹ Ibid.

³⁰ www.hrw.org/reports/2003, pg 64

³¹ Help & Shelter Counselors. Personal interview. 21 June 2006

³² In theory, perpetrators can be charged with assault under criminal law which existed prior to the DVA.

takes effect for one year, is discretionary and takes into account hardship caused to the abuser as well as the victim. Not only is it often impossible to locate abusers to serve the orders but there are many accounts of incidents where police refuse to serve the orders, sometimes because the perpetrator has a friendly relationship with members of the Police Force.

Reviews of the impact of the DVA by international and local organizations, however, have been mixed. In 2000, the International Human Rights Committee noted that the DVA “been applied in very few cases” and expressed concern “at the lack of information relating to its impact in reducing the level of violence against women.”³³ A subsequent newspaper article published by members of the board of Help & Shelter in 2005, concluded that, based on the number of applications being filed, the DVA is being used with some success, and that the Act has “made domestic violence a public issue, [with] legal recognition to its unacceptability.”³⁴ At the same time, CEDAW, in its Concluding Comments issued in July 2005 in response to Guyana’s national report, “expresses concern about the insufficient measures to ensure its effective implementation; lack of an effective monitoring mechanism; and insufficient support measures for victims of domestic violence, such as shelters and legal, medical and psychological support. The Committee is also concerned that victims are reluctant to report cases of abuse for fear of being stigmatized.”³⁵

The limitations of the DVA in Guyana are primarily related to its inconsistent implementation which “undermines its impact on the prevention of all the forms of physical, mental and emotional abuse [sic] covered by the Act and to afford effective protection to victims.”³⁶ Deficiencies in implementation of the DVA can be traced to a number of factors, not the least of which are a lack of human and financial resources and insufficient investment in developing the mechanisms which would allow victims of domestic violence to easily and effectively access its remedies: “the passage of the Act has not been followed up with the dissemination of information, creation of institutional infrastructure, and rules and regulations which would have made the Act a tool for the prevention of domestic violence against women and girls.”³⁷

3.1.2. The Courts

Many of the issues which undermine the impact of the DVA characterize the legal system as a whole, and particularly affect women and girls who are often unable to access the remedies and protection provided for them:

the legal system is still failing women and girls. Access to justice is impeded by the obsolescence of the Sexual Offences legislation, the ineffectiveness of existing penal statutes, grossly inadequate sentences, and inefficient administration, in addition to a lack of support systems.³⁸

³³ CEDAW. Concluding Observations of the Human Rights Committee: Guyana. 25 April 2000. (<http://iuraw.igc.org/publications/countries/guyana.htm>)

³⁴ Ibid.

³⁵ Ibid.

³⁶ Radzik, Danuta, Josephine Whitehead and Lisa Thompson. “The Domestic Violence Act: Does It Work?” Stabroek News. Sunday, 17 July 2005

³⁷ Das, M. National Report on the Situation of Violence against Women and Girls. March 1999, p.14

The Guyana Human Rights Association has also suggested that women are “repelled by the legal process” for reasons which include: the possibility that the police, witnesses and court officials will be bribed, that witnesses will be intimidated and the victim.³⁹ By most accounts, Guyanese women victims of violence continue to face a judicial and police system which is often unsympathetic and hostile. Women who attempt to use the system complain of mistreatment at the hands of police officers who take their statements, and the magistrates and court clerks who process their applications.⁴⁰

This occurs in spite of the fact that the DVA was drafted specifically to guarantee victims of domestic violence a simple, quick and cheap means of obtaining protection:

[t]he Domestic Violence Act exists primarily to protect and provides a reasonable means of availing oneself of the court’s protection without having to seek an injunction or initiate criminal action.”⁴¹

Victims do not have to report the case to the police but can make the petition in person at the court or in writing soon after the incident. Importantly, women may complete the forms themselves, or may have parents, guardians, gazetted social workers or police officers applications on their behalf. The processing of the application can also be expedited if necessary.

These provisions, however, are routinely ignored by the courts, which have been requiring, since 1999, that victims have a lawyer file the application. Applicants who cannot afford a lawyer are referred to the Georgetown Legal Aid Clinic.⁴² This requirement contributes to the widespread impression that the court system is unsympathetic and even hostile, and may deter women from following through with domestic violence cases. Red Thread has pointed out that “[r]evising the law does not transform commonly held misconceptions about violence and many women remain ignorant of the legal advances that have been made, while others are reluctant to bring forward cases because the inefficient operation of the legal system makes it unlikely that a conviction will result.”⁴³

A lack of understanding of the DVA and of the dynamics of domestic violence continues to be prevalent, including among legal personnel. The Guyana Association of Women Lawyers has written that it is “[n]ot at all convinced the judicial officers have a comprehensive appreciation of the legislation and its intent, and what is required of them.”⁴⁴ While there is need to increase understanding of the provisions of the DVA throughout the judicial system in general, many persons interviewed point specifically to the need to improve the response of the Magistracy. The role of Magistrates is critical for reversing this impression and for ensuring the effective

³⁸ Red Thread Women’s Development Programme. Women Researching Women: Study on Issues of Reproductive and Sexual Health, and of Domestic Violence Against Women in Guyana. April 2000.

³⁹ Guyana Human Rights Association. Campaign Against Sexual Violence Leaflet #1.

⁴⁰ Help & Shelter Counselors. Personal interview. 21 June 2006

⁴¹ Ibid., 190

⁴² Whitehead, Josephine. Personal interview. 17 July 2006

⁴³ Red Thread Women’s Development Programme. Women Researching Women: Study on Issues of Reproductive and Sexual Health, and of Domestic Violence Against Women in Guyana. April 2000.

⁴⁴ Guyana Association of Women Lawyers. Report on the Legal Status of Women. Ed. Roxanne George. March 1998,191.

implementation of the DVA. Magistrates are empowered to issue either interim or permanent protection orders based on their evaluation of applications. Needless to say, this process can be stalled by Magistrates who are unfamiliar with the provisions of the Act or unsympathetic to the women who attempt to access it.

To mitigate against this, sensitization workshops have been conducted for members of the Magistracy, but these have been compromised by poor attendance and an apparent lack of interest.⁴⁵ In the interim, other approaches have been taken to alleviate slow and inconsistent implementation of the DVA. These include requesting that certain Magistrates to be relieved of the responsibility for hearing domestic violence cases.⁴⁶ Help & Shelter counselors have also been granted the right to be present with clients during in camera hearings and to sit at the bar table if desired, to provide moral support as well as guidance throughout the process. Another possible solution which has long been discussed is the establishment of a family court. However, this may not be “as practical as envisaged [sic] since such a court must be established in each magisterial district as many family issues can be dealt with in the magistrates court,” and there is no guarantee that it will improve the legal prospects of victims of domestic violence.⁴⁷

3.1.3 The Guyana Police Force

The Guyana Police Force began increasing the awareness of domestic violence among police ranks, in 1992. Members of the Force participated in the Women’s Rights Campaign spearheaded by the Guyana Chapter of the Caribbean Association for Feminist Research and Action (CAFRA). A one-day workshop on domestic violence was organized on November 25 of that year with facilitators provided by CAFRA, and this was followed by additional one and two-day workshops to orient ranks to the nature and dynamics of domestic violence. The timeliness and importance of this initiative was underscored with the passage of the Domestic Violence Act (DVA).

The DVA confers important responsibilities on the police, envisaging them playing a supportive and proactive role. It assigns to police the tasks of accepting and filing reports of domestic violence, laying charges against perpetrators, assisting victims in obtaining protection orders and enforcing these.

Responsibilities of Police Officers under the Domestic Violence Act
33. (1) A police officer may without warrant enter any premises for the purpose of giving assistance to any one present thereon- (a) if he has reasonable grounds to suspect that a protection order is being violated; or (b) if upon the invitation of a person resident at the premises he has reasonable grounds to suspect that a person therein has suffered, or is in imminent danger of suffering, physical injury at the hands of some other person therein
(2) A police officer referred to in subsection (1) may without warrant enter premises for the

⁴⁵ Whitehead, Josephine. Personal interview. 17 July 2006

⁴⁶Ibid. Help and Shelter has made a successful representation to the then Chancellor Kennard for a magistrate to be relieved of the responsibility for hearing DVA matters.

⁴⁷ Guyana Association of Women Lawyers. Report on the Legal Status of Women. Ed. Roxanne George. March 1998, 4

purpose of giving assistance to a person on those premises whom that officer has reasonable grounds to suspect is in imminent danger of suffering physical injury or has suffered physical injury at the hands of another person.

34. Where a police officer believes on reasonable grounds that a person has committed or is committing an offence under section 32, he shall make an arrest without a warrant.

36. (2) Where a police officer believes on reasonable grounds that a person who has been admitted to bail subject to one or more of the conditions set out in section (1) has failed to comply with a condition of the recognizance, the police officer may apprehend the person without a warrant.

42. Whenever a police officer intervenes in a case of domestic violence the police officer shall as soon as possible take all reasonable measures within his power to prevent the victim of domestic violence from being abused again and shall also take the following steps –

- (a) where a victim indicates that he has suffered injuries which require medical assistance the police officer shall assist the victim to obtain medical treatment as soon as possible;
- (b) where a victim of domestic violence expresses concern for his safety, the police officer shall assist the victim in getting to a place of safety;
- (c) where a victim of domestic violence requests it, a police officer shall protect a victim by accompanying the victim when he takes his personal belongings from a place where the respondent may reside.

43. (1) Where a police officer intervenes in an incident of domestic violence, he shall prepare a written report which shall contain the allegations of the persons involved, the witnesses, the type of investigation conducted and how the incident was resolved.

(2) The police officer in charge of every police station in Guyana shall ensure that all records of domestic violence cases are properly compiled so as to facilitate easy reference to date.

(3) The police officer in charge of every police station in Guyana shall ensure that confidentiality is maintained with respect to the identity of persons involved in all cases of domestic violence and that interviews are carried out in an area of the police station which provides utmost privacy.

It should be noted that the DVA was developed and introduced without consultation with the Guyana Police Force. The Administration raised concerns early on about the capacity of the organization to meet its obligations under the DVA, and acting in accordance with the law has presented a major challenge to the Guyana Police Force. For example, while the DVA indicates that the police should assist in obtaining Protection Orders, this has not been the practice. This discrepancy has arisen due to the recommendation of the Office of the Director of Public Prosecutions that police refrain from this practice. The argument offered is that the police are not trained to handle civil matters. The Administration, however, continues to state that they would like to act in accordance with the law in this respect. In fact, at least one junior rank has succeeded in applying for and having a Protection Order granted by the court.

Despite participation in sensitization workshops, police ranks often treat complaints of domestic violence less seriously than other reports of assault. Some women who have been assaulted by their partners and turn to the Police Force for protection and assistance, report unsympathetic or hostile treatment.⁴⁸ A common experience is that police either fail to respond to calls for help, merely warn abusers or refer them to agencies for counseling so that the couple can “work it out.”⁴⁹ In some cases, this may be attributable to a lack of understanding of the DVA but in others, police who are

⁴⁸ Help & Shelter Counselors. Personal interview. 21 June 2006

⁴⁹ Ibid.

aware of the law choose to treat domestic violence reports as unimportant. Many of these may consider domestic violence a private matter and therefore outside the purview of the Guyana Police Force. In Guyana, as in other countries, victims who have made a report of domestic violence sometimes return to request that no action be taken. Police ranks may be reluctant to offer protection to a woman who repeatedly returns to an abusive partner or who wants to withdraw charges that have been laid, reflecting a lack of understanding of the complex dynamics of domestic violence.⁵⁰ The fact that some of the ranks are themselves victims, survivors and/or perpetrators of domestic violence also influences the quality of performance in this regard.

These discriminatory attitudes have the effect of limiting abused women's access to legal remedies. They colour victims' interactions with the law enforcement and legal system, and have been noted in a number of reports. For example, Red Thread notes that "[t]he vast majority of complaints to the police do not reach to the courts."⁵¹ The United Nations Human Rights Committee, during a 2000 review, requested that the Government of Guyana step up its efforts to train police and other law enforcement staff to ensure that equal protection is provided to women victims of abuse.⁵² A subsequent submission to the Disciplined Services Commission by Red Thread and Help & Shelter also highlighted problems with police response to complaints of domestic violence and made recommendations to correct these.⁵³

In order to strengthen its capacity to act in accordance with the law, the Guyana Police Force embarked on a Training of Trainers' course in 1999, with support from the Canada-Caribbean Gender Equity Fund. Using a manual adapted from that of the Ontario Police College by representatives of NGOs, 18 police officers were trained as trainers. They were exposed to material on self analysis which asked police officers to confront and deal with their own personal experiences, feelings and attitudes towards domestic violence--a novel and challenging approach which has led to greater understanding of the dynamics of domestic violence and willingness to confront its realities through training.⁵⁴ In 2000, the capacity of the organization was increased when 14 police ranks, 9 of whom had completed the previous course, were trained as trainers under a regional training of trainers' initiative, along with other frontline workers. They were equipped to deliver sensitization workshops using specially designed manuals.

The review meeting of the regional project led to an appreciation that the training offered provided sensitization of the police to the dynamics of domestic violence but failed to address the policing aspect of the issue. As a consequence, the new project funded by the Canada-Caribbean Gender Equality Programme in 2004 has resulted in the articulation of police policies on domestic violence and child abuse. Procedures for responding to reports have been put in place, an updated training manual for trainers and a manual for trainees have been prepared, and the system of record-keeping of domestic violence cases has been improved. An additional 14 trainers, 10

⁵⁰ Whitehead, Josephine. Personal Interview. 17 July 2006

⁵¹ Red Thread Women's Development Programme. Women Researching Women: Study on Issues of Reproductive and Sexual Health, and of Domestic Violence Against Women in Guyana. April 2000.

⁵² www.state.gov/g/drl/rls/hrrpt/2002

⁵³ www.sdn.org.gy/hands. The Submission also refers to child abuse and rape and sexual assault.

⁵⁴ Jackson, Janice M. Personal interview. 17 July 2006

of whom are women, have been exposed to the material.⁵⁵ It has also led to the revision of the poster detailing response to reports of domestic violence, the production of case studies written by police ranks and which is distributed to participants in the course, and a commitment to articulate a policy on sexual harassment.

An improvement in the way police have been dealing with domestic violence cases is evident at some stations, particularly with regard to collaboration with NGOs and other agencies.⁵⁶ In 2005, an informal survey of 20 police stations by Help & Shelter found 12 with at least one police officer trained in domestic violence issues, 7 with places where persons reporting domestic violence could be interviewed privately, and that others understood the need for privacy and would make an effort to accommodate this.⁵⁷

Indeed, many activists point to the work being done to improve the police response to domestic violence as an area in which progress is evident. It is not only that the results are encouraging, but that the process which has been developed is innovative and based on sound principles. These efforts underscore the importance of developing a sustained and long-term approach that recognizes the complexity of domestic violence issues. Effective behavioural change requires working to model and reinforce the correct behaviours, and changes will only be sustained if an effort is made to understand and address the attitudes and personal experiences that underlie how people react to domestic violence. This cannot be accomplished in one-off training but requires persistence and trust building.

A key element for encouraging sustainability and buy-in at all levels of the Guyana Police Force is the focus on building capacity to implement the domestic violence course without excessive reliance on NGOs.⁵⁸ The approach has been to train trainers, and to identify individuals to coordinate the programmes in the various Divisions of the Force, at Headquarters and in the Police College. Domestic violence training is now part of the curriculum of the College. Training manuals have been developed to encourage ownership of the material and to encourage buy-in, and training is held in every division so that the message is reinforced throughout the organization. This has yielded faster results and has proven effective for addressing the entrenched attitudes that may exist at the highest levels of the hierarchy. From January to July 2006, 272 ranks have been trained using the new manuals.

There are still areas that require urgent attention to consolidate the changes that have been made and to ensure that these initiatives translate to improved protection and recourse for victims of domestic violence. In particular, “[g]reater sensitivity for complainants’ privacy and comfort is an aspect of police responsibility under the Act that needs to be improved and may call for better infrastructure facilities.”⁵⁹ One

⁵⁵ Ibid.

⁵⁶ Help & Shelter Counselors. Personal interview. 21 June 2006

⁵⁷ Radzik, Danuta, Josephine Whitehead and Lisa Thompson. “The Domestic Violence Act: Does It Work?” *Stabroek News*. Sunday, 17 July 2005

⁵⁸ Jackson, Janice M. Personal interview. 17 July 2006

⁵⁹ “Police in moves to improve response to domestic violence- 13 more officers trained” *Stabroek News*. 6 June 2006

Deputy Commissioner of Police has spoken of the need to develop respect for “processes of confidentiality and people’s rights to privacy and their feelings,” and has recognized that “the Force has to change its culture so that people will feel encouraged to visit police stations to give reports.”⁶⁰ Practical changes need to occur in “how women are treated when they visit the station, how much time they spend waiting for attention or a response and what are the facilities at the stations that make it conducive to a victim giving a statement.”⁶¹ It is also envisioned that the Police will take a more proactive approach to working to prevent violence at the community level, for example, by conducting public awareness programmes in schools. The Guyana Police Force has held a preliminary meeting with NGOs with a view to establishing a supportive network as it continues to work to improve its response.

Recommendations:

In July 2005, in response to Guyana’s reporting on the DVA, CEDAW expressed concern about:

insufficient measures to ensure its effective implementation; lack of an effective monitoring mechanism; and insufficient support measures for victims of domestic violence, such as shelters and legal, medical and psychological support. The Committee is also concerned that victims are reluctant to report cases of abuse for fear of being stigmatized (6).

Failures of the legal and law enforcement systems can be a matter of life or death for women trying to escape an abusive relationship. In a small society like Guyana, finding a safe place that is out of an abuser’s reach is usually not realistic, especially for women with limited resources or who have children, and women who will only be safe if their abuser is incarcerated. If the DVA is to have a more positive impact in ensuring the safety of survivors of domestic violence, in bringing perpetrators to justice and in acting as a deterrent, there are a number of issues must be addressed.

- The implementation problems described above and the fact that the DVA is ten years old, have led to a call for the legislation to be amended to reflect the current international and national context. For example, to date there has been no attempt by a victim of violence within a same-sex relationship, to utilize the Act.⁶² Further investigation into the experiences of victims of violence by partners of the same sex may be warranted in order to consider how the Act might serve their needs. In addition, the DVA could be amended to address procedural issues, including mandating hospitals and other health facilities to report on the incidence of domestic violence and to follow established protocols.
- The Minister within the Ministry of Labour, Human Services and Social Security is authorized by the DVA to “make regulations for carrying out the provisions of this Act and for prescribing anything that needs to be prescribed.” This should take place as soon as possible.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Kissoon, Vidya. Telephone interview. 11 July 2006

- Other acts which impact the implementation of the DVA also need to be revised. Of particular concern is the Sexual Offences Act, and the Guyana Human Rights Association has produced a comprehensive review of this Act with recommendations for reform.⁶³ Red Thread has also identified a number of problems with the legal framework for addressing rape cases, and with the law and procedure for divorce separation and related matters. These reviews underscore the call from the Guyanese Association of Women Lawyers that “[a] permanent law commission be established which would address all issues that need reform and set an agenda for their consideration, and the enactment of legislation.”⁶⁴
- A more concerted and long-term approach is required for developing programmes which will enable the judiciary to become an effective mechanism for addressing domestic violence. One recommended approach is that:
 - collaboration with the Judiciary and Magistracy should be initiated by the WAB in an effort to sensitize members of both legal departments as to the provisions of legislation affecting women and gender sensitivity and to engage in discussions about interpretation of the legislation so that there would be some uniformity in adjudication by the courts.⁶⁵

This collaboration should reinforce respective responsibilities in ensuring the proper implementation of the DVA, particularly with regard to facilitating the filing of applications for protection orders by persons authorized to do so under the DVA, and of the importance of hearing domestic violence cases in camera. In addition, the judiciary and lawyers should be required to be familiar with the international conventions that Guyana has ratified.
- The Guyana Police Force should identify obstacles to the effective implementation of the civil remedies, especially protection orders, of the DVA. This analysis, in addition to a review of international best practice, should be used as the basis for developing more effective processes and for determining the resources necessary for implementing these.
- There is need to consolidate the gains that have been made as a result of the training and sensitization initiatives that are on-going within the Police Force. One way to approach this might be to develop and embed throughout the Police Force, mechanisms for monitoring the response of ranks at police stations. The creation of special units in police stations to guarantee the privacy of victims of domestic violence would send the message to both police ranks and to victims that domestic violence is viewed as a serious matter and will be treated as such.

⁶³ Guyana Human Rights Association (GHRA). Justice for Rape Victims: Reform of Laws and Procedures in Guyana. June 2006

⁶⁴ Guyana Association of Women Lawyers. Report on the Legal Status of Women. Ed. Roxanne George. March 1998,6

⁶⁵ *Ibid.*,191.

- State resources must also be directed towards increasing access to the remedies provided by the Act, particularly for victims with limited resources and those living in rural areas.
- An independent monitoring mechanism is needed so that victims can report problems encountered in the legal system. Persons attempting to access legal recourse should be able to register their complaints regarding difficulties they might encounter. Help and Shelter has called for developing an easy methodology for monitoring the performance of magistrates and for the Ministry of Legal Affairs to work to develop a way to capture statistics on this.⁶⁶

3.2 Support Services

International instruments require that states provide a range of services for women victims of violence. A survey of national programmes to address domestic violence in the Caribbean and internationally, suggests that services should address victims' needs in both the short term--such as counseling, legal services and temporary housing--and in the long term with financial assistance, skills training, job placement. Most of the agencies working to address domestic violence in Guyana simply do not have the resources to implement such comprehensive programmes. They focus instead on providing services such as counseling and court support which require relatively little resources and provide a lifeline for women in crisis situations.⁶⁷ These services are not sufficient, however, to meet the needs of women who require more support, particularly those who want to leave abusive relationships but who may be financially dependent on their partners or have no accommodation other than the shared home.

It is not farfetched to conclude that the unavailability of adequate and consistent support services in Guyana further exacerbates the effects of violence on women victims. Women, who often have to overcome fear of retaliation, shame and self-blame, are likely to be reluctant to seek help if they are not confident that the legal and social service systems can provide the resources and support they need. State services, in particular, are fragmented and difficult to access, especially for women living outside of Georgetown, and those with young children and limited economic resources.⁶⁸ The situation is particularly dire for women living in hinterland and remote rural areas where support services are non-existent including, in many instances, healthcare facilities, law enforcement and legal mechanisms.

⁶⁶ Radzik, Danuta, Josephine Whitehead and Lisa Thompson. "The Domestic Violence Act: Does It Work?" *Stabroek News*. Sunday, 17 July 2005

⁶⁷ An illustration of the limitations that a lack of financial resources places on these agencies is the Help & Shelter shelter which was closed temporarily. It has also been suggested that the terms under which the shelter operates (allowing a maximum stay of three months) is insufficient for women who have to rebuild their lives.

⁶⁸ Help and Shelter counselors. Personal interview. 21 June 2006.

3.2.1 State Agencies

The Department of Probation and Welfare (DPW) provides counseling to individuals and families who request help or who are mandated by the court to receive counseling. The DPW is currently staffed by 35 social workers who are required to have a diploma in social work from the University of Guyana or a trained teacher's certificate, and who receive additional in-service training.⁶⁹ The social workers advise clients on their rights and options, including possible legal remedies. Financial assistance is facilitated for some women through the Difficult Circumstances Unit (DCU) or the Public Assistance Programme of the MLHSSS. If a client wants to report the matter to the police, the DPW will facilitate this; guide them through the process of applying for a protection order; and/or refer them to Help & Shelter for court support services or to the Georgetown Legal Aid Clinic for legal representation. While state-appointed probation officers and counselors with the DPW may be authorized to file applications for protection orders on behalf of clients, to date, no significant work has been done to prepare social workers to fulfill this role. A list of social workers has been prepared for publishing in the gazette, but no further action has been taken for reasons which are unclear.⁷⁰

Because the DPW does not work exclusively with cases of domestic violence (their primary focus is children's issues), there is limited capacity to follow-up with clients who do not return for scheduled appointments. The complaint heard most often from other organizations who refer clients to the DPW is that too many people are allowed to slip through the system. While addressing this may not fall within the mandate of the DPW, this complaint reflects the need for an agency with the capacity and authority to conduct home visits. The DPW staff perform home visits only when mandated to do so by the court. In other instances, home visits and partner counseling must be requested by clients.

Although the DPW is meant to have national reach, there are regions where there is no resident officer and which are served by officers who visit only on a monthly basis. Although the department relies heavily on the Police Force in outlying districts,⁷¹ the urgent need for a resident Probation and Welfare officer in remote regions has been expressed by participants in trainings conducted by the Women's Affairs Bureau.⁷²

The Social Work Department (SWD) of the Georgetown Public Hospital also provides counseling for patients seeking treatment for physical manifestations of domestic violence. These include bruises, broken bones and lacerations, and manifestations of neglect such as dehydration and attempted suicides. Social workers are alerted by doctors or nurses in the Accident and Emergency Unit who suspect that injuries may have resulted from violence, or on the wards where victims may be reluctant to go home or when there is a noticeable absence of visitors. The SWD is

⁶⁹ The Ministry anticipate that 30 additional persons will come on board shortly.

⁷⁰ Gray, Patricia. Personal Interview. September 2006.

⁷¹ Ibid.

⁷² Women's Affairs Bureau and Unicef, Training and Awareness Workshop, Eradicating Violence against Women and Girls and Enhancing their Sexual and Reproductive Health, 15-16 June 2006

currently staffed by four full-time social workers (all four are present Monday to Friday during regular working hours), two of whom deal with cases of domestic violence. Staff turnover is high, and while the social workers interviewed are graduates of a University of Guyana programme, they receive no additional on-the-job training. There is no official hospital policy or guidelines for dealing with domestic violence cases. Decisions about how to handle these reflect individual social worker's experience or initiative in approaching other agencies for support. There are no records to reflect the number of domestic violence victims or on the physical injuries resulting from domestic violence.

The SWD is able to provide intensive counseling to hospitalized patients, and this can entail several sessions a day. An effort is made to counsel both the victim and the perpetrator, who is contacted by the social worker by phone or in person. Ultimately, however, counseling is voluntary, although social workers sometimes coerce the perpetrator into attending the counseling session by threatening to involve the police. The SDW sometimes request that hospital authorities delay patients' discharge, particularly where minors are involved, so that the Police or Ministry of Human Services can investigate and possibly place the child in a different home. While the SWD is not legally obligated to report cases of domestic violence to the Police,⁷³ the social workers encourage victims of domestic violence to do so, and will facilitate this. The SDW reports that the response from the Police Force varies dramatically from station to station, but they are hopeful that this will improve with the recent installation of a police outpost inside the hospital compound.

The SWD refers discharged patients to other agencies, including Help & Shelter, the Guyana Human Rights Association, the Department of Probation and Welfare, and community-based organizations in rural areas. Cases involving the abuse of children are routinely referred to the Ministry of Labour, Human Services and Social Security. There is no official referral protocol and it is done on a case by case basis, depending on the SWD's capacity at the time.

3.2.2 Non-governmental organizations

Help & Shelter, the first NGO established specifically to deal with domestic violence, maintains a crisis centre which offers walk-in service and a telephone hotline for victims and perpetrators of domestic violence. Help & Shelter is a national-level organization and its counselors work with men, women and children who come from Georgetown and from rural areas. Help & Shelter also maintains a shelter for women who require safe, temporary housing because they are abused or are victims of Trafficking in Persons (TIPs). The rate of occupancy of the shelter has typically reflected "a deep-seated cultural resistance to leaving abusive situations"⁷⁴ but following its reopening in March 2006, there has been an increase in the number of women utilizing the facility, and particularly in the number of teenage girls referred to the shelter by the courts. The level of staffing of the crisis centre at any given time depends on the available funding, and at the time of writing of the report, there were two fulltime and two part-time counselors.

⁷³ The hospital is, however, legally bound to report attempted suicides.

⁷⁴ Whitehead, Josephine. Personal interview. 10 July, 2006.

The organization's counseling policy is to help clients understand and explore their options, and to support them in whatever decision is taken. Clients who attend counseling sessions may choose to take no further action and so as not to jeopardize their safety or confidentiality, Help & Shelter does not actively follow-up with them. Counselors also provide court support for victims attempting to access legal redress, and some of them have been granted the right to be present with clients during in camera hearings and to sit at the bar table if desired. Through funding from USAID/GHARP, counseling and referral services are also offered to clients vulnerable to HIV/AIDS infection as a result of being abused. Clients with additional needs are referred to other agencies, including the Georgetown Legal Aid Clinic, the Guyana Police Force, the Probation and Welfare Department, and the Guyana Relief Council.

Help & Shelter maintains a solid reputation and continues to receive support from the government, donor agencies and the general public. The Government has provided in-kind support in the form of rent-free accommodation for the crisis centre and the shelter, in addition to grants and subventions.⁷⁵ International donors such as CIDA and USAID have also provided grants, although these are usually tied to specific activities and cannot be used for recurrent expenses. Public support is evident in the number of volunteers at the crisis centre, and through donations and support for fund-raising activities. In spite of this, Help & Shelter, like all NGOs operating in Guyana, finds it challenging to sustain its activities to the point that the shelter was temporarily closed because of financial constraints. Many of the issues are human resource-related: finding money to pay salaries, attracting committed people to fill positions at the salary levels, and retaining the volunteers that the organization has trained. Other constraints identified by counselors include: inefficient response at some police stations where women report violence; the slow and ineffective implementation of protection orders; and inconsistent provision of services by some agencies to which Help & Shelter refers its clients.⁷⁶

The **Red Thread Women's Development Programme** conducts advocacy, public education and community-level training on domestic violence, and provides direct support to clients who either drop-in to the office in Georgetown or approach community women's groups for help. Red Thread helps clients to negotiate the law enforcement and judicial systems as well as the Ministry of Labour, Human Services and Social Security, and works to ensure that action is taken to meet their needs. This approach is more than a referral system, as it also entails coordination and monitoring in order "to make sure the various agencies do their work."⁷⁷ Where this is not likely to yield results, particularly in areas where government services are not available, Red Thread will work with women on a longer-term basis to help them find some relief or resolution.

Red Thread has also undertaken a survey of domestic violence and produced a report based on this research.⁷⁸ It has worked with the Police, both at the level of individual

⁷⁵ Ibid.

⁷⁶ Help and Shelter Counselors. Personal interview. 21 June 2006.

⁷⁷ de Souza, Karen. Personal Interview, 10 September, 2006.

⁷⁸ Red Thread Women's Development Programme. Women Researching Women: Study on Issues of Reproductive and Sexual Health, and of Domestic Violence Against Women in Guyana. April 2000.

police stations and at the national level, to improve their response to domestic violence complaints. Red Thread considers that it has “developed a certain kind of access with the police,” most of whom they find competent and helpful, as is the case with the Department of Probation and Welfare. While this informal referral system is effective in the short-term, it depends almost entirely on personal contact on a case-by-case basis and there is no guarantee that women will be treated with the same level of efficiency, without the assistance of Red Thread.

The **Georgetown Legal Aid Clinic** offers free or subsidized legal advice and representation to people who cannot afford a lawyer or who are referred to them by the courts. In 2004, Legal Aid reported that they filed and represented clients in 62 DVA applications. The fact that “these cases accounted for about half of all clients seen in relation to domestic violence during that year” gives a good indication of the socio-economic status of the women bringing these cases before the courts.⁷⁹ The 2005 article on domestic violence compiled by directors of Help & Shelter reports that “[a]ll of the applications filed by the clinic to date have been successful. There is, however, a problem with the serving of protection orders on those respondents who have opted to go into hiding. The Legal Aid Clinic has also reported that the majority of respondents who have been served with orders made under the DVA have complied with them.”⁸⁰ The **Guyana Association of Women Lawyers** also provides free legal services in civil cases.⁸¹

Counseling services for victims and perpetrators are available from a number of other agencies. The **Guyana Association of Professional Social Workers** has done a lot of work in the area of domestic violence, counseling victims and perpetrators, and conducting research and advocacy in support of women and girls. The **Guyana Responsible Parenthood Association (GRPA)** focuses its efforts on adolescents and also targets men in their public education efforts. The **Guidance and Counseling Department of the University of Guyana** provides support to victims of domestic violence who are members of staff or students of the University. Clients who need additional help are referred to specialist agencies.

There are also many churches and other community organizations which provide counseling. There is need to better understand what this entails, and to strengthen the capacity of these groups with training designed to build counseling skills and to impart more specialized knowledge about domestic violence issues, particularly with regard to promoting a preventative approach and awareness of the Domestic Violence Act.

Recommendations:

In order for it to meet its international obligations in this regard, there is urgent need for the government to guarantee the resources to provide the range of services that are needed to really improve the situation of women victims of domestic violence.

⁷⁹ Radzik, Danuta, Josephine Whitehead and Lisa Thompson. “The Domestic Violence Act: Does It Work?” Stabroek News. Sunday, 17 July 2005

⁸⁰ Ibid.

⁸¹ <http://iwraw.igc.org/publications/countries/Guyana.htm>

- While there are a number of agencies which offer counseling to victims and perpetrators of domestic violence, a major gap is the provision of long-term support services, including re-training, and assistance with job placement and housing. A mechanism could be established whereby survivors of domestic violence are able to access government-provided low cost housing quickly and with a minimum of bureaucracy. The Government should request support from donor partners to develop initiatives which provide these services, and partnerships with the private sector could also address job placement and re-training.
- Steps must be taken to augment the provision of existing counseling services through the development of a common protocol for counselors and social workers, and by providing standardized training across both state and non-state agencies. The process for identifying and training social workers to represent victims of domestic violence in court should be streamlined. The staff capacity at the GPHC should be increased so that social workers can be present to meet patients' needs beyond standard working hours.
- Concrete steps must be taken to mitigate the situation of women in hinterland and remote rural areas. At least one resident Probation and Welfare Officer should be stationed in remote regions and some provision must be made to offer, at a minimum, medical care and counseling to victims of domestic violence, and to develop enforceable mechanisms for removing perpetrators from the household or from the communities. Alternatively, the development of safe spaces for survivors either within their communities or at another location could provide some protection.
- Given resource limitations, the Government should look to increase its strategic collaboration with NGOs and community groups. This already exists in some instances outlined above---for example, through the provision of subventions for the Help & Shelter shelter. The CIDA Gender Equity Fund supports programmes in Amerindian communities--the Macushi Research Unit in the North Rupununi and an initiative to develop women's leadership in Essequibo--which illustrate how innovative approaches can be developed with limited resources. For example, the Macushi Research Unit translates information on issues related to domestic violence into the Macushi language and has taken these into 16 villages. They also work with families to diffuse situations that could potentially trigger violence. Their work is self-directed and grounded in their own culture but utilizes strategies that can be replicated and scaled-up.⁸² It may be more effective, both in terms of impact and cost, for the Government to work with communities to develop initiatives of this nature to provide support and protection to victims of domestic violence

3.3 Resources and Institutional Strengthening

⁸² Radzik, Vanda. Personal interview. June 2006

States are charged with creating the necessary conditions and providing sufficient resources for women affected by violence, and to put in place national efforts to prevent and eliminate domestic violence. This is typically accomplished through the allocation of adequate resources within the government budget for activities related to the elimination of violence against women. This is not the case in Guyana where:

There is no specific provision in the national budget for the financing of anti-violence measures at present. Government is working towards such a system.⁸³

On a positive note, there are institutional mechanisms which have been established to implement various aspects of the national response to domestic violence.

3.3.1 State Agencies

The Director of Social Services in the Ministry of Labour, Human Services and Social Security is mandated by the Domestic Violence Act to coordinate support services for victims of domestic violence. Specific responsibilities include:

- promoting and developing education programmes for the prevention of domestic violence;
- studying, investigating and publishing reports on the domestic violence problem in Guyana, its manifestations and scope; the consequences and the options for confronting and eradicating it in conjunction with the Police Force and other agencies;
- identifying groups and sectors in society in which domestic abuse is manifested and educating these groups and sectors making them aware of the skills required to combat domestic violence;
- creating an awareness among society with regard to the needs of victims of domestic violence and their families;
- developing strategies to encourage changes in the policies and procedures in government agencies in order to improve their response to the needs of the victims of domestic violence;
- establishing and encouraging the establishment of programmes on information, support and counseling services for victims of domestic violence;
- encouraging programmes of services for boys and girls who come from homes where there is abuse and violence;
- providing training and orientation services for police officers and persons who assist in the treatment and counseling of victims of domestic violence and abuse; and
- analyzing and carrying out studies on the need for education and retraining for persons who engage in conduct that constitutes domestic violence and abuse and for their rehabilitation.⁸⁴

The DSS is meant to oversee and coordinate the work of the Department of Probation and Welfare and other agencies mandated to address aspects of the government response, including the Women's Affairs Bureau. In practice, the Office of the DSS is

⁸³ Guyana. Response to Questionnaire for Evaluating Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women. July 2006

⁸⁴ Guyana. The Domestic Violence Act. 1996

equipped neither with the resources nor the authority to fulfill this mandate, and in the absence of a ministry-wide strategy, contact between these agencies occurs on an ad hoc basis.⁸⁵ The agencies collaborate on their own initiative with other organizations, but there is no formal linkage, via the DSS, to other key state and non-state organizations. The inability to provide direction to and coordinate the work of these agencies constitutes a significant gap in the national response.

The Women's Affairs Bureau (WAB) within the Ministry of Labour, Human Services and Social Security, is the government's focal point for developing and implementing policies for women and gender issues. Specifically, the WAB is meant to provide technical assistance to other state agencies; to provide counseling and refer women in need to other specialist agencies; and to research and gather data on the situation of women in Guyana.⁸⁶ As part of the Government's public awareness activities, the WAB works with other agencies to organize observances for the International Day on Violence Against Women. The WAB enjoys a good relationship with NGOs and effectively collaborates with civil society to strengthen its work, its remains constrained by a lack of staff, resources and skills. There is also a move to institute Regional Women's Affairs Officers which could be instrumental in linking isolated areas with government initiatives, law enforcement agencies and the legal system. Since the WAB has been identified as the agency which would be charged with overseeing the national strategy and plan of action, there is urgent need to strengthen its functioning.

In 1996, **the National Commission on Women** was established as the national oversight body for implementation of CEDAW and to act in an advisory role with respect to women's issues. The membership of the Commission includes representatives from state agencies and civil society, and a total of "sixty-five NGOs have been involved in the activities of the machinery on all levels from planning to implementation of programmes."⁸⁷ The Commission reports to the Minister of Human Services and has also worked with a committee made up of senior officers from relevant ministries. However, the Commission has not had much success in securing more aggressive action to make good on the government's commitments.

Acting on recommendations from a wide-cross section of NGOs and government agencies, the Women's Affairs Bureau has appointed a **Task Force on Domestic Violence** which brings together representatives from civil society and the state to focus on the formulation of policy and its effective implementation. Some members of the Task Force contend that its role remains unclear, even in relation to its involvement in the process of developing a national policy on domestic violence, and that critical decisions in this regard must be made in order to move forward with the goal of accelerating the national response to domestic violence. It may be that the Task Force is well-positioned to coordinate and give direction to the work of government agencies, and could also be effective as a mechanism for holding state agencies accountable, this would entail both a monitoring and evaluation function and

⁸⁵ Doodnauth, Shyam. Personal Interview. 26 July 2006.

⁸⁶ CEDAW. Concluding Observations of the Human Rights Committee: Guyana. 25 April 2000. (<http://iwraw.igc.org/publications/countries/guyana.htm>)

⁸⁷ Guyana. Response to the Questionnaire for Evaluating the Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women. July 2006

acting as a reporting mechanism for women who have a difficult time accessing government assistance or the remedies of the DVA.

3.3.2 Non-state actors

Non-governmental organizations which work to provide services to individuals or families experiencing domestic violence face similar resource constraints, as they struggle to attract and retain qualified and skilled staff at low salary levels, and to generate the finances necessary to maintain their services. While some of these have been successful in securing financial support from the government and from international donor agencies, most rely on volunteers and small-scale fund raising efforts. This approach is taxing and becoming more difficult as there is a limited number of activists and volunteers to provide undertake fund raising: “the same persons tend to do a number of different jobs. This reduces the effectiveness of the interventions.”⁸⁸ Clearly, NGOs would be able to do more with their limited human resources if they could be guaranteed a degree of financial stability without having to spend time raising funds to cover core costs.

Recommendations:

As recently as 2005, CEDAW recommended that the Government of Guyana “strengthen its national machinery for the advancement of women, clearly define the mandate and responsibilities of its different components, and enhance coordination among them” and “provide the national machinery with adequate decision-making power and human and financial resources to work effectively.”⁸⁹ In addition to strengthening the budgets and staff capacity of these agencies, there are steps that can be taken to underscore the Government’s commitment to addressing domestic violence.

- A minimum level of funding must be allocated to strengthening the functioning of existing agencies and to establish new mechanisms to address critical gaps in the current response. Funding needs to be sustained and available for use for recurrent expenses.
- The development of a national strategy and the establishment of a coordinating mechanism to oversee its implementation, and to ensure collaboration, consistency and maximum impact from existing mechanisms and resources.
- The authority and capacity of the WAB could be increased by elevating the position of head of the WAB to the status of Permanent Secretary or by situating the WAB within the Ministry of Finance or the Ministry of Home Affairs.⁹⁰

⁸⁸ Das, M. *National Report on the Situation of Violence against Women and Girls*. March 1999, 16.

⁸⁹ CEDAW. *Concluding Observations of the Human Rights Committee: Guyana*. 25 April 2000. (<http://iwraw.igc.org/publications/countries/guyana.htm>)

⁹⁰ Whitehead, Josephine. Personal interview. 17 July 2006

- The role of the National Commission on Women could be enhanced by elevating its membership to the ministerial level and by appointing individuals on the basis on their experience, status and authority. This would circumvent the need for Commission members to secure approval from the groups they represent before they are able to act.⁹¹
- The responsibilities and capacity of the DSS should be reviewed to ensure that the authority and resources necessary to fulfill the position’s mandate are in place. In the short-term, the DSS could be provided with a special assistant dedicated to working on domestic violence issues. In many countries, a high-level inter-ministerial body has been established to facilitate coordination of the state response and to provide leadership. This is supported by a well-staffed secretariat to facilitate coordination and programme implementation. Such an approach promotes the notion of domestic violence as an issue with implications for the entire society, and one which requires the attention of authorities in the health and education sectors, the justice system, etc.
- The Government should consider providing a sustained level of funding to those NGOs which have developed expertise in particular areas, to enable them to scale-up their work. This may be more cost-effective than trying to replicate these services within government agencies.

3.4 Education and Training

International obligations in this regard cover a wide range of areas, including training programmes for judicial, legal, medical, educational and police personnel; community-based education and training campaigns to raise awareness about domestic violence as a violation of women’s human rights; disseminating information to mobilize local communities; sensitizing the media; and developing a gender-sensitive approach to formal education. These activities reflect the recognition that there is need to address entrenched societal beliefs and attitudes which may contribute to the perpetuation of violence against women.

A 2005 survey conducted by Help & Shelter found “growing public knowledge about the dynamics of domestic violence and child abuse, but still limited knowledge of the Domestic Violence Act (DVA) and its implementation.”⁹² This growing public awareness may also be linked to the considerable media coverage of incidents of domestic violence, which although sensationalistic, contributes to bringing the issues to the attention of the public.⁹³ There have also been a number of public awareness campaigns and training programmes implemented by both state and non-state agencies. For example, the Women’s Affairs Bureau has coordinated national consultations on gender equity and violence against women, and facilitates training seminars on violence against women for grassroots groups and individual women, including in hinterland communities. These sensitization workshops provide information on the effects of domestic violence and its impact on sexual and

⁹¹ Ibid.

⁹² www.sdn.org.gy/hands

⁹³ For an indication of this, see www.stabroeknews.org/search/domesticviolence

reproductive health and vulnerability to HIV infections. Workshops on child abuse and domestic violence have also been held for the Probation and Welfare Department, teachers and the police, to strengthen capacity for early detection and to promote understanding of the procedures to be followed to help victims.

NGOs and community groups are also working to build public awareness of women's rights and the remedies that are available through the legal system. For example, the Guyana Human Rights Association has published and disseminated a number of leaflets, and has organized workshops throughout Guyana for this purpose. In addition to counseling, Help & Shelter conducts community outreach and public awareness activities which also incorporates issues related to HIV/AIDS and Trafficking in Persons. Counselors report that these have been very well received and that the organization sometimes finds itself overwhelmed by the demand for them, particularly when there is a lot of domestic violence coverage in the news. It is also critical that public knowledge of the provisions of the Domestic Violence Act be improved if it is to have an impact on the prevention of domestic violence. To this end, Red Thread has produced "The Domestic Violence Household Guide," which has been widely disseminated, including through funding provided for Help & Shelter to distribute copies to its clients. The guide recognizes the importance of providing practical training or "how to" advice for victims and those who are working to assist them.

Both Help & Shelter and Red Thread conduct training for members of agencies, ranging from the Guyana Police Force to community groups, to develop counseling skills and to increase their understanding of the nature, dynamics and consequences of domestic violence. At the community level, Red Thread also works to build public awareness of women's rights and the remedies that are available through the legal system, and to build community capacity to address domestic violence in those areas which are not served by state agencies. This is accomplished by providing support to women's groups to function to recognize domestic violence situations, to offer support to women and children, and to negotiate with abusive partners.

The **Guyana Association of Professional Social Workers** also provides training from professionals and para professionals in the social services field. In 2005, with funding from the Canadian International Development Association (CIDA) Gender Equity Fund, a series of workshops was organized in five regions. One hundred and thirty-seven participants from rural areas were exposed to training in counseling and in intervention skills for working with children, adolescents and families, with particular attention paid to gender-based violence. The workshops were developed "in response to the need to address the growing incidence of child abuse and family violence as well as to ensure that as many persons working in this field were exposed to some degree of professional training."⁹⁴ Participants at the workshops raised a concern about limited access to professional material, particularly in rural areas, and requested follow-up seminars and opportunities to network with organizations to share information and to strengthen the informal referral system.

⁹⁴ Guyana Association of Professional Social Workers. Report on Seminar for Social Service Professionals. June 21-July 5, 2005.

The work being done to improve the response of the Guyana Police Force, described in an earlier section, provides a good model of a sustainable and effective approach to training that recognizes the complexity of domestic violence, and which may be able to affect changes in attitudes and behaviour. The process is innovative and based on the principle that effective behavioural change requires modeling and reinforcing the correct behaviours, and that real change will only occur if the attitudes and personal experiences underlying people's reaction to domestic violence, are unmasked and addressed. Much effort has gone into building institutional capacity by training trainers. Domestic violence training is now part of the curriculum of the Police College, training manuals have been developed to encourage ownership of the material and to encourage buy-in, and training sessions are held in every division to reinforce the message at all levels.

Recommendations:

- Civil society must organize to conduct and sustain public education and advocacy initiatives geared at building and maintaining political will/commitment and addressing societal apathy towards domestic violence.
- Resources are needed to scale-up existing efforts and to increase coordination for more impact and to reach a range of demographic groups.⁹⁵ Public education materials could be developed to help people to recognize potential “triggers”, risk factors and behaviours which might suggest that a woman is being abused.
- Funding should be sought for a comprehensive and long-term national-level Information, Education and Communication campaign to be developed and implemented by a local advertising agency.
- There is need to provide on-going and in-depth training to frontline workers such as counselors, healthcare personnel, etc. to enable them to effectively respond to incidents of domestic violence. Standardized training should be provided for counselors, in state agencies, NGOs and at the community level, so that the response across agencies is coherent. The agencies which could be involved in this initiative include the University of Guyana, the Women's Affairs Bureau and the Guyana Association of Professional Social Workers.
- There have recently been a number of HIV-related behavioural change initiatives conducted in Guyana which could serve as models or provide lessons learned or best practices for a similar approach on domestic violence. There is need to undertake research in this regard.

3.5 Research, Data and Statistics

⁹⁵ 50 copies over 15 months

The international instruments require that states promote research on violence against women, including the use of non-traditional statistics, and that information be recorded by public entities that deal with situations of violence, such as police departments, legal offices and health services. The importance of accurate and up-to-date statistics is noted in the Beijing Declaration:

Lack of or inadequate documentation and research on domestic violence, sexual harassment and violence against women and girls in private and in public, including the workplace, impede efforts to design specific intervention strategies.

This kind of information is important for several reasons:

- To develop and effectively target the right kinds of interventions;
- To generate public support for anti-violence measures;
- To increase funding for domestic violence programmes; and
- To be able to evaluate the impact of programmes and to monitor change.

The process of compiling this report has highlighted the dearth of research and statistics to describe the nature and magnitude of the domestic violence problem in Guyana. The capacity, in general, to gather, analyze and disseminate social statistics is extremely poor.⁹⁶ This limitation exists throughout government agencies, including the Police Force, the Ministry of Labour, Human Services and Social Security, and within the legal and public health systems. For example, while the Department of Probation and Welfare files intake forms for all their clients, there is no analysis or statistical reporting to identify cases of domestic violence. Similarly, there are no records which domestic violence to injuries treated at the Georgetown Public Hospital. It is therefore impossible to get a real sense of the scale on which domestic violence occurs in the country.

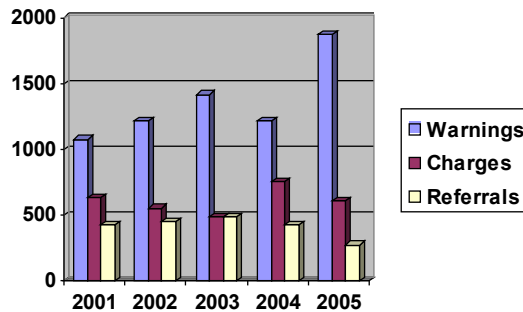
The difficulty in determining the extent of the domestic violence problem is compounded by the fact that many women abused by their partners do not seek help outside of an informal network of family and friends. Social stigma and fear of reprisal continues to deter women from coming forward, as victims may be ostracized by their families and communities if they report what has happened to them. Traditional values prevailing in all sections of Guyanese society reinforce the attitude that “wife beating” is a private affair, and to complain to the police is therefore to exhibit disloyalty. It is also possible that victims of domestic violence, wanting the abuse to end but not the relationship, may be reluctant to engage official channels of redress which increase the likelihood of estrangement.⁹⁷ Reluctance to report abuse to the police and to seek assistance from legal and social services may also stem from a variety of other factors, including negative experiences--from indifference to outright hostility--with police and judicial authorities. Instead, many women develop ways to cope and continue to live with violence. This may also be the case in hinterland areas where basic services such as health care, law enforcement mechanisms, etc. are lacking.

In spite of these factors, some agencies have made significant strides in maintaining records of complaints of domestic violence. Initiatives to improve the response of the

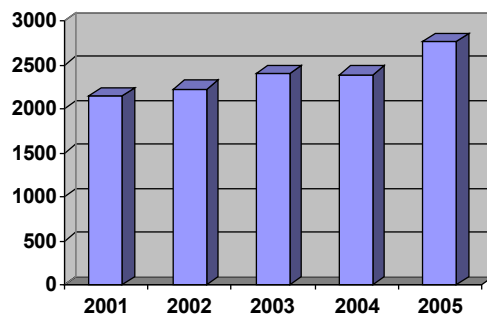
⁹⁶ Guyana. Office of the President. 2005 Poverty Reduction Strategy Progress Report. August 2005.

⁹⁷ Help and Shelter Counselors. Personal interview. 21 June 2006.

Guyana Police Force have included efforts to augment its record-keeping capacity, and Police statistics now distinguish domestic violence cases from other assaults. The survey also found that “the Guyana Police Force has also, in compliance with the section 43 (1) and (2) of the act, been recording all cases of domestic violence reported to police stations.”⁹⁸ Reporting is inconsistent, however, with one Division, E&F, grossly under-reporting the incidents of which they are apprised.



As seen in the table below, the number of reports recorded has increased from 2145 in 2001 to 2769 in 2005.



Help & Shelter maintains up-to-date records of their clients and has received funding for capacity building which includes expanding and improving data analysis and collection.

Table 3. HELP & SHELTER CLIENTS (VICTIMS), February 1998 to May 2006

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
Total # of clients	485	1472	1052	690	489	460	444	414	196	6414
Spousal Abuse										
Physical	278	593	442	283	223	218	163	147	42	2629
Non-physical	86	295	222	132	88	78	85	91	26	1303
Sexual	-	14	5	1	2	8	5	-	1	35
Alcohol/drug related	-	193	162	117	80	63	69	52	58	774

⁹⁸ Radzik, Danuta, Josephine Whitehead and Lisa Thompson. “The Domestic Violence Act: Does It Work?” Stabroek News. Sunday, 17 July 2005

Domestic related										
Suicide	-	6	6	2	-					
Delinquency	5	3	3	5	2					
Alcohol/drug										
Misc. requests for help	21	44	6	9	6					
Not stated	5	2	1	-	-					
Male	41	244	181	105	57	53	76	65	27	937
Female	444	1228	871	585	432	407	356	343	169	5442
Urban	263	804	493	334	219	226	204	194	79	3006
Rural	215	661	552	355	270	231	237	215	112	3337
Not stated	7	7	7	1	-	3	3	5	5	74

Source: Help & Shelter

Table 2. HELP & SHELTER CLIENTS (PERPETRATORS), 1999 to May 2006

Year	1999	2000	2001	2002	2003	2004	2005	2006	Cum
Total # of clients	129 4	105 9	701	505	476	480	408	196	5087
Spousal Abuse									
Physical	505	438	298	229	228	179	139	45	1912
Non-physical	267	218	126	89	76	88	80	28	889
Sexual	13	6	1	2	8	5	-	1	36
Alcohol/drug related	207	174	114	75	66	74	54	56	761
Male	250	215	127	79	62	94	72	26	850
Female*	102 9	836	569	424	412	381	323	154	3781
Urban	672	464	288	217	208	199	174	63	2093
Rural	536	535	382	268	237	248	208	95	2302
Not stated	86	60	31	20	31	33	33	26	285

Source: Help & Shelter

*Includes violence against children in the home.

In 1998, Red Thread conducted an excellent survey to investigate women's attitudes to domestic violence, to gauge the extent and nature of violence experienced by Guyanese women, and to investigate women's attitudes, behaviour and knowledge of reproductive and sexual health.⁹⁹ The research was conducted by eight women members who utilized modified version of a questionnaire on domestic violence developed by CAFRA.

⁹⁹ Red Thread Women's Development Programme. Women Researching Women: Study on Issues of Reproductive and Sexual Health, and of Domestic Violence Against Women in Guyana. April 2000. (www.sdn.org.gy/hands/wom_surv.htm)

Box. 2 Select Findings on Domestic Violence

- Nearly 4 out of 5 respondents perceived violence in the family to be very common in Guyana (76.8%).
- Respondents defined as domestic violence everyday physically violent behaviour such as fighting, beating, or hitting, was recognised by 83 per cent of respondents. Moreover, 50 per cent of the respondents also defined domestic violence as verbally abusive behaviour such as curses, threats, and humiliation.
- Over one in three of the respondents knew someone currently experiencing domestic violence (35.5%).
- Of 237 respondents currently involved in a relationship of some kind, 27.7% (or one in four) had experienced physical abuse; 26.3% (or one in four) had undergone verbal abuse; and 12.7% (one in eight) had suffered sexual violence. The corresponding figures for all women are that 20.7% (or one in five) had undergone physical abuse; 19.1% (or one in five) experienced verbal abuse; and 9.5% (or one in ten) suffered sexual abuse.
- Of the 83 women currently in a relationship who claimed to have experienced abuse, over 50 per cent (53.5%) had experienced psychological symptoms, such as depression and anxiety, and 7 per cent had sustained physical symptoms such as cuts and bruises and broken bones. Twenty of the women in current relationships had required hospital treatment for the abuse they had received.
- The majority of the women said that they either accepted his apology (50.9%) or did nothing and tried to accept the situation (19.1%). Nearly one in five women (19.1%) of the women said that they fought back physically or verbally. Very few women talked to their partners about the situation (4.5%) and even fewer left the relationship as a result (1.8%).
- At some stage in their current relationship, approximately 40 per cent of the women experiencing violence with their partner sought help (37.4%). Of those who did seek help, most went to either the police (39.5%) or a relative (34.2%) rather than to a friend (15.8%), neighbour (5.3%), priest (2.6%) or counsellor (2.6%). For most of these women, the outcome of seeking assistance was that their partner received a warning of some kind (40.0%) or that nothing changed (31.4%), that is, the abusive behaviour continued. For only 20 per cent did the violence actually decrease as an outcome of seeking help.
- Of those women who went to the police (n=13) only seven of their partners received a warning. When asked if they had ever reported their case to the police, most of the women said that they had not done so (78.9%), indicating that only one in five cases of domestic violence are reported.
- More than 50 per cent of all the respondents indicated that they had knowledge of where abused persons could go to seek help (57.7%).
- The majority of women, or more than 65 per cent, had no knowledge of the Domestic Violence Act (67.5%); this was especially the case for Indo-Guyanese women (77.3%). Of the women who did have some knowledge of the Act, only a few (15.3%, or one in eight) knew what the Act provided for.

Source: Women Researching Women: Study on Issues of Reproductive and Sexual Health, and of Domestic Violence Against Women in Guyana.

Recommendations:

- While the efforts detailed above reflect movement in the right direction, they are insufficient to capture the whole picture of what is going on in the country. A systematic nationwide survey would go a long way towards assessing the

extent of domestic violence and better understanding the attitude of the Guyanese public towards it. This information could be used to design an information, education and communication campaign which addresses misconceptions and societal attitudes that result in under-reporting.

- Many of the agencies working to address domestic violence submit reports on the activities they have implemented to donors. They should be encouraged to make these reports available to the public. Government reports to the international treaty bodies should also be widely disseminated.
- The record-keeping capacity of agencies should be improved through training and by providing them with computers and other necessary equipment. The possibility of doing so through existing initiatives such as the Social Statistics project, being implemented by the Office of President, should be explored.
- A simple tool for improving data collection which could be developed is a standard reporting format for documenting cases of domestic violence. This could be distributed to agencies and collected on a monthly basis by a central body.
- Community-based organizations, including religious groups, and community health agencies are important sources of information on domestic violence, since many women turn to these support networks first for help. Community counselors and health workers should therefore be trained to probe for the possibility of abuse, and on how to document relevant information.
- There are many issues related to domestic violence in Guyana about which little documented information exists. For example, victims of abuse may develop negative behaviours, including substance abuse or inflicting physical violence on their children themselves. This link should be explored so that programmes, particularly outreach efforts, may be better designed and more effective in providing options for women. Women victims may need help to identify and address destructive or harmful behaviours that stem from abuse.
- At the global level, the link between poverty and high levels of violence in society is well documented, but research is needed to understand and build awareness of the interplay between these factors locally, so that limited resources can be allocated to meet the needs of those most vulnerable to domestic violence.

4.0 Strengthening the National Response

“Experience in a number of countries shows that women and men can be mobilized to overcome violence in all its forms and that effective public measures can be taken to address both the causes and the consequences of violence” (The Beijing Declaration).

The previous section outlines the work currently being done to address domestic violence and offers recommendations for strengthening its impact. While the efforts described above have undoubtedly improved the lives of many people, they do not constitute a comprehensive national response and ultimately, have not moved Guyana strategically forward towards the goal of eliminating domestic violence. Although it has ratified international conventions, the Government of Guyana has not articulated an overarching strategy on domestic violence. The Domestic Violence Act is not a complete panacea. Beyond legislation, complementary changes in related policies and a coherent approach to advocacy, public awareness, and the provision of support services for survivors of violence all constitute aspects of a coherent national strategy, along with mechanisms, such as common response protocols, to coordinate these elements. Further, a national strategy should aim, in the long term, to prevent domestic violence rather than simply deal with its aftermath. This can be achieved by incorporating proactive measures to prevent domestic violence and actions geared towards maintaining political will and public support for its implementation.

4.1 Building and sustaining political will and public support

The effectiveness of advocacy in bringing about social change has been seen in the success of the National Women's Rights Campaign, which mobilized for the passage of the Domestic Violence Act. Beginning in 1992, representatives from 27 organizations including government agencies, political parties, NGOs and professional associations conducted "public education efforts; drafting and promoting domestic violence legislation; making presentations to the police, ministers, the judiciary, the magistracy; training police; erecting a shelter for abused women; a crisis centre; demonstrations and networking."¹⁰⁰ Achievements of the campaign include:

public acknowledgement that violence against women exists, is unacceptable and that steps should be taken to call attention to the problem; the Domestic Violence Act: police trainings; better reporting of domestic violence incidents by the police; accredited organizations may sit at the bar tables in court; establishment of police/NGO committee to monitor police performance in handling of reports; increased willingness of judges to grant injunctions in domestic violence cases; counseling and other support for victims; some inter-agency cooperation; willingness of police to work to improve their response.¹⁰¹

Since the successful passage of the Act, advocacy efforts have taken a back seat to crisis intervention, as NGOs struggle to respond to the immediate needs of women who are often faced with life or death situations. Ten years later, however, there is still a role for advocacy to promote gender equality; zero tolerance for violence against women; and to lobby for changes to make the judicial system more accessible for victims. If the national strategy is to be successful in contributing to the elimination of domestic violence, on-going advocacy is needed to influence public opinion to recognize domestic violence as a national problem, and to stimulate political will by holding the government accountable for its international commitments.

There are different approaches that can be taken to capture the interest of various target groups and to encourage people to see the relevance of domestic violence to

¹⁰⁰ Whitehead, Josephine. Violence Against Women in Guyana. Unpublished. 1996, p 8

¹⁰¹ Ibid.

society as a whole. For example, effective advocacy and public education campaigns could be created around the community-wide impact of domestic violence, to promote the notion that there are repercussions for the quality of life within the wider community and that there can be far-reaching financial, social, health and psychological consequences. These may include, for example, an increased fear of crime, weakened relationships within the community and reduced participation in family and community activities. Researchers have also documented what have been called “social multiplier effects of violence” referring, for example, to abused women inflicting violence on their children. The notion of “inter-generational transmission of violence” describes evidence documenting the link between witnessing or experiencing abuse as a child and later behaving violently with a partner.¹⁰² Because the long-term consequences of domestic violence are often hidden or unacknowledged, a campaign based on the implications of domestic violence for children and the wider community, could go a long way in stimulating public interest and action to eliminate domestic violence.

Developing a methodology to quantify the economic and social costs of domestic violence is another strategy for changing the way society understands and views domestic violence. This approach has been tried in other countries and by international agencies such as the Inter-American Development Bank (IDB) and UNICEF. According to the IDB, countries in Latin America and the Caribbean invest 2 percent of their gross domestic product (GDP) in addressing the effects of domestic violence.¹⁰³ Costs to society include resources used to prevent violence and provide legal, medical and other social services to victims. Domestic violence can be a significant burden on the legal system, affecting police, courts, and prisons. At the national level, the social impact of domestic violence is also seen in elevated levels of “morbidity, increased mortality through homicide and suicide, abuse of alcohol and drugs, and depressive disorders.”¹⁰⁴

Evidence abounds that the public and private sectors bear the direct economic burden of domestic violence through lost wages, sick leave, absenteeism and non-productivity. At the national level, the implications for economic development include a reduction in human capital, lower rates of participation in the labour market, reduced productivity on the job, increased absenteeism and lower earnings.¹⁰⁵ The value of an economic perspective is that it provides a powerful angle from which to view the consequences of domestic violence and to argue for social policies to improve services and support victims. In addition, putting a dollar figure to the impact of domestic violence may help in more effectively harnessing the resources of the private sector in support of domestic violence prevention and the protection of victims.

4.2 Proactive prevention strategies

¹⁰² www.endabuse.org

¹⁰³ Creel, Liz “Domestic Violence: An Ongoing Threat to Women in Latin America and the Caribbean (<http://www.prb.org>)

¹⁰⁴ www.cafra.org

¹⁰⁵ Ibid.

International experience has shown that legislation and the delivery of services aimed at crisis intervention and at mitigating the harmful effects of domestic violence, are not sufficient to end its perpetration. This is also the case in Guyana, where as has been noted: “progress has been made and is being made towards helping victims of abuse and this is all well and good but we have to stop the abuse.”¹⁰⁶ Prevention measures can reduce risk factors for domestic violence, increase protective factors, and address either situational or social determinants of violence, and can be directed to the whole population or can be targeted to high-risk groups.

Internationally, public-awareness campaigns including public service announcements and advertisements are common approaches to primary prevention of domestic violence. These campaigns typically provide information regarding the warning signs of domestic violence as well as community resources for victims and perpetrators. Advertisements deliver the message that there is no excuse for domestic violence, and provide information about domestic violence services. Locally developed campaigns should also focus on:

- changing men’s attitudes to violence against women;
- promoting widespread acceptance of domestic violence as a public rather than private matter;
- reconciling the strong cultural desire to maintain the family as a unit with the need to give precedence to the safety and welfare of the victims.

Public health campaigns to eliminate health risks such as the spread of HIV/AIDS and to encourage healthy behaviors, can serve as one type of model for domestic violence prevention strategies. Approaches within this model identify and address the underlying causes of the problem and use positive messages about what constitutes healthy behaviour to promote change. Similarly, domestic violence prevention strategies must include some understanding of the underlying causes of domestic violence as well as a vision of what constitutes a healthy, nonviolent relationship. While it may be difficult, if not impossible, to pinpoint “root causes” of domestic violence, it may be possible identify risk factors that can provide a basis for community education and intervention efforts.

Awareness-building efforts can address deep-rooted societal attitudes and beliefs, and provide practical strategies for intervening earlier in the cycle of violence through, for example, teaching young people alternative ways to deal with conflict. It is also important to promote an understanding of the negative effects of domestic violence in programmes which could be organized through community organizations as well as in schools. Well-crafted and targeted media campaigns, including commercial media programming, can help to reinforce civic values, alter prevailing views of acceptable behavior between the sexes, and contribute to the prevention of domestic violence.

Proactive Prevention Strategies by Sector
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Education:

- | |
|--|
| <ul style="list-style-type: none">• educational programmes that teach conflict resolution skills |
|--|

¹⁰⁶ Whitehead, Josephine. *Violence Against Women in Guyana*. Unpublished. 1996, p 14

<ul style="list-style-type: none"> • non-sexist curricula and school texts • cognitive-behavioral interventions (anger management, cognitive self-control, moral reasoning and social perspective taking) • improved school climate (teacher management, school policies and rules, school security, reduce bullying) • increased cooperation with health clinics, police, social service agencies. • peer mediation programmes
<p>Health:</p> <ul style="list-style-type: none"> • increased access to reproductive health services • improved identification of victims in health care settings • improved record keeping of violence victims • home visitation of new mothers • violence prevention information for women who use medical services (especially reproductive health services) • programs to reduce substance abuse • healthy baby/healthy mother programmes • peer mentoring on dangers of a violent lifestyle
<p>Justice:</p> <ul style="list-style-type: none"> • decentralized, alternative centers for dispute resolution • inclusion of violence prevention activities in sectoral judicial reform projects • laws or regulations preventing sale of alcohol during certain hours/days • international and national agreements to control gun availability • reform of justice system to reduce levels of impunity • training of judiciary on issue of domestic violence
<p>Source: <u>Violence in Latin America and the Caribbean: A Framework for Action</u>. Technical Study. Inter-American Development Bank</p>

4.3 Common response protocols

Common response protocols are designed to ensure that women who are victims of violence will experience consistency when seeking assistance from the police, the various elements of the judicial system, service providers, welfare agencies and community organizations. They essentially constitute a common framework that involves all relevant agencies to implement a coordinated effort to reduce the likelihood of violence recurring and to ensure that women are not further victimized in the process of seeking assistance. Generally, the framework offers women who have experienced domestic violence professional counseling, financial and medical support, and assistance with housing and other practical needs. Referrals are made to other services such as mental health and sexual assault services, legal aid and job placement, and assistance is also provided to children of victims by qualified professionals.

Specific protocols can also be developed to standardize the response to domestic violence in key areas. They can be put in place, for example, to help police officers,

counselors, teachers and health workers identify and respond to people who are suspected to be experiencing domestic violence. The protocols should be consistent and based upon the elements of the national response, and the professionals for whom they are developed should receive training in their implementation. As an example, a protocol developed for health workers might include information on:

- identifying physical signs and behaviours exhibited by women and children experiencing domestic violence;
- probing for the possibility of violence in women's lives, with examples of questions to be asked;
- responding appropriately by listening;
- assisting women to assess safety issues;
- documenting critical information; and
- referring the patient to agencies providing services related to domestic violence.¹⁰⁷

Common response protocols also ensure that reports of domestic violence are documented, that there is follow-up and that women do not get lost in the system. In addition to promoting efficiency, they send the message that domestic violence is a serious offence and will be treated as such.

Development and Implementation of the National Strategy

As a developing country, Guyana has limited resources with which to address myriad societal issues. It may therefore be unrealistic to expect that the government implement and sustain the range of programmes necessary to deal with domestic violence in a comprehensive way. This limitation is evident in the current reliance on NGOs to provide some services to victims of domestic violence, and to collaborate with government agencies to enhance the reach and impact of national initiatives. Many of these organizations have developed valuable expertise in their areas of focus, and should consequently play an integral part in the development and implementation of a national strategy. While it is important that a national strategy be multi-sectoral, and bring on board and build on the strengths of all of the organizations working to address domestic violence, the responsibilities of the sectors and organizations must be clearly delineated.

International experience points to the effectiveness of such a multidisciplinary approach to domestic violence. For example, Canada's Family Violence Initiative provides government support and funding to a broad coalition of state and non-state agencies to focus on three critical areas:

- promoting public awareness of the risk factors for domestic violence and the need for public involvement in responding to domestic violence;
- strengthening the ability of the criminal justice, health and housing systems to respond; and

¹⁰⁷ The Family Violence Prevention Fund. www.endabuse.org/search

- supporting data collection, research and evaluation efforts to identify effective interventions.¹⁰⁸

Agencies directly tasked with responding to domestic violence are linked with other government departments, activities and mechanisms which provide services beyond crisis intervention and longer term support. Critical to its success is a management approach which “helps to ensure a shared federal perspective, prevents duplication of effort and offers opportunities for joint action and partnership.”¹⁰⁹ Open dialogue, research and information sharing between agencies and sectors are encouraged as a way of broadening understanding and improving collaboration.

The need for a multi-sectoral approach: domestic violence as a public health issue

Domestic violence directly impacts the health care system through increased usage of health services to treat injuries related to domestic violence, some of which may require hospitalization or multiple forms of care.¹¹⁰ Domestic violence contributes to a number of chronic health problems, including depression, alcohol and substance abuse, and often limits the ability of women to manage other chronic illnesses such as diabetes and hypertension.¹¹¹ In spite of this, domestic violence is one of the least reported health issues and is not an area specifically addressed by the National Health Plan.¹¹² This is a glaring omission, not only because of the range of health problems that domestic violence may directly cause but also because of the well documented links between domestic violence and HIV/AIDS and Family Health. This includes mother to child transmission of HIV/AIDS, reproductive health, adolescent and elderly health, all areas that have all been identified as priorities in Guyana’s National Health Plan.

Because abused women may require emergency care, the hospital or clinic setting can provide a unique opportunity for intervention: “[t]he medical profession has a key role to play in early detection, intervention and provision of specialized treatment for those who suffer the consequences of domestic violence, whether it be physical, sexual or emotional.”¹¹³ Health workers also have a role to play in collecting data and disseminating it to the relevant agencies, and in promoting community education about domestic violence. However, they may not be able to identify incidents of domestic violence if they are not trained to do so. Women may be treated only for the presenting injuries, without the underlying causes being addressed. They then go home to the same unsafe situation that caused their injuries in the first place. This is a cycle that can only be broken if health care providers receive the training and resources to appropriately identify, treat or refer victims of domestic violence.

There are simple steps that can be taken to begin to generate the first elements of a public health response to domestic violence. Health care institutions and practitioners can develop partnerships with, and provide support to, existing domestic violence programmes. Routine inquiry for domestic violence should be a policy in public health settings, as this is recognized in international best practice as the first level of intervention for domestic violence victims. Health workers should be taught to be suspicious and skeptical about women’s injuries and to sensitively discuss the possibility of violence. This training should be integrated into the curriculum of nursing and medical schools, and be provided to counselors dealing with other public health issues such as HIV/AIDS.

¹⁰⁸ <http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/initiative>

¹⁰⁹ Ibid, pp 2-3

¹¹⁰ For example emergency room care, hospital stay, physical therapy, and prescription drug use.

¹¹¹ The Family Violence Prevention Fund. www.endabuse.org/resources/facts/HealthCare

¹¹² Guyana. Ministry of Health. National Health Plan 2003-2007. The Strategic Plan of the Ministry of Health, Guyana. March 2003.

¹¹³ The Australian Medical Association, 1998. www.ama.com.au/web.nsf/doc

Implementation of the national strategy is typically coordinated by a high-level board comprising of representatives of the various sectors, and chaired by a government representative. The coordinating body must be invested with the authority to make decisions regarding the implementation plan, which may include developing proposals for funding programmes, disbursing funds, developing common protocols for responding to domestic violence, and ensuring regular reporting. While there are many models that can be adapted for the local context, the successful implementation of the national strategies reviewed rests heavily on a few key issues:

- sustained political will, evidenced in public statements, the involvement of high-level government functionaries and in national budget priorities;
- accurate and consistent data collection and reporting;
- sustained funding from multiple sources, including the government and donor agencies;
- transparent procedures for disbursing funds;
- accurate assessments of the capacity of all agencies involved;
- clearly delineated responsibilities and mechanisms for accountability;
- and regular monitoring and reporting.

In Guyana, the National Task Force on Domestic Violence has been given the responsibility of working towards the development of a national strategy based on an analysis of the current situation and with input from relevant stakeholders. To this end, in November 2006, a workshop facilitated by the Task Force and the Women's Affairs Bureau, brought together stakeholders to discuss the current situation in Guyana and come to consensus on national priorities, based on the recommendations in this report.¹¹⁴ These priorities will form the basis for a plan of action for moving forward with a coherent national response which involves all levels of actors working on domestic violence and effectively targets gaps and emerging issues. As the process of developing the national strategy progresses, there may be need to further prioritize these or to introduce areas for action that are not considered in this report. It is hoped that the activities which follow will bring the voices of all stakeholders into the process, including representatives from community-based organizations and religious groups, women living in rural areas and particularly vulnerable women. It is critical that they be involved in any process that aims to develop a national strategy for addressing domestic violence. There must also be opportunities to more fully involve the media, the academic community and policy-makers within the health and education sectors as key partners in the national response.

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¹¹⁴ See Appendix 2 for list of priorities.

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Appendix 1: Summary of Recommendations

LEGAL REFORM

- Amend the DVA to reflect the current international and national context, and to address procedural issues, including mandating hospitals and other health facilities to report on the incidence of domestic violence and to follow established protocols.
- Put in place the regulations for carrying out the provisions of the DVA as soon as possible.
- Revise other acts which impact the implementation of the DVA, including the Sexual Offences Act.
- Implement a more concerted and long-term approach for developing programmes which will enable the judiciary to become an effective mechanism for addressing domestic violence.
- The judiciary and lawyers should be required to be familiar with the international conventions ratified by Guyana.
- Identify obstacles to the effective implementation of the civil remedies, especially protection orders, of the DVA. Develop more effective processes and determine the resources necessary for implementing these.
- Develop and embed throughout the Police Force, mechanisms for monitoring the response of ranks at police stations, and create special units in police stations to guarantee the privacy of victims of domestic violence.
- Direct state resources towards increasing access to the remedies provided by the Act for victims living in rural areas.
- Establish an independent monitoring mechanism for victims to report problems encountered in the legal system. Help and Shelter has called for developing an easy methodology for monitoring the performance of magistrates and for the Ministry of Legal Affairs to develop a way to capture statistics on this.

SUPPORT SERVICES

- Develop programmes and institutions to provide long-term support services,

including re-training, and assistance with job placement and housing. Establish a mechanism for survivors of domestic violence to access low cost housing with a minimum of bureaucracy. The Government should request support from donor partners for initiatives to provide these services, and partnerships with the private sector could also address job placement and re-training.

- Create a common protocol for counselors and social workers.
- Provide standardized training for counselors and social workers across both state and non-state agencies.
- Streamline the process for identifying and training social workers to represent victims of domestic violence in court.
- Increase the staff capacity at the GPHC so that social workers can be present to meet patients' needs beyond standard working hours.
- Take concrete steps to address the situation of women in hinterland and remote rural areas. At least one resident Probation and Welfare Officer should be stationed in remote regions and some provision must be made to offer, at a minimum, medical care and counseling to victims of domestic violence, and to develop enforceable mechanisms for removing perpetrators from the household or from the communities. Alternatively, the development of safe spaces for survivors either within their communities or at another location could provide some protection.
- The Government should increase its strategic collaboration with NGOs and community groups and innovative approaches which work with limited resources.

RESOURCES AND INSTITUTIONAL STRENGTHENING

- Allocate funding to strengthen existing agencies and to establish new mechanisms to address critical gaps in the current response. Funding needs to be sustained and available for use for recurrent expenses.
- Develop a national strategy and establish a coordinating mechanism to oversee its implementation and to ensure collaboration, consistency and maximum impact from existing mechanisms and resources.
- Enhance the authority and capacity of the Women's Affairs Bureau by elevating the position of head of the WAB to the status of Permanent Secretary or by situating the WAB within the Ministry of Finance or Home Affairs.
- Enhance the role of the National Commission on Women by elevating its

membership to the ministerial level and by appointing individuals on the basis on their experience, status and authority rather than as representatives of organizations.

- Review the responsibilities and capacity of the DSS to ensure that the necessary authority and resources are in place. Provide the DSS with a special assistant dedicated to working on domestic violence issues.
- Convene a high-level inter-ministerial body to facilitate coordination of the state response and to provide leadership. This should be supported by a well-staffed secretariat to facilitate coordination and programme implementation.
- A sustained level of funding should be provided to those NGOs which have developed expertise in particular areas, to enable them to scale-up their work.

EDUCATION AND TRAINING

- Conduct and sustain public education and advocacy initiatives geared at building and maintaining political will/commitment and addressing societal apathy towards domestic violence.
- Provide resources to scale-up existing efforts and to increase coordination for more impact and to reach a range of demographic groups.
- Develop public education materials to help people to recognize potential “triggers”, risk factors and behaviours which might suggest that a woman is being abused.
- Develop and implement a comprehensive and long-term national-level Information, Education and Communication campaign.
- Provide on-going and in-depth training to frontline workers such as counselors, healthcare personnel, etc. to enable them to effectively respond to incidents of domestic violence.
- Provide standardized training for counselors in state agencies, NGOs and at the community level, so that the response across agencies is coherent. The agencies which could be involved in this initiative include the University of Guyana, the Women’s Affairs Bureau and the Guyana Association of Professional Social Workers.
- Look at HIV-related behavioural change initiatives conducted in Guyana as models or to provide lessons learned or best practices for a similar approach on domestic violence.

RESEARCH, DATA AND STATISTICS

- Conduct a systematic nationwide survey to assess the extent of domestic violence and the attitude of the Guyanese public towards it. The results could be used to design an information, education and communication campaign.
- Agencies which submit reports on the activities they have implemented to donors should be encouraged to make these reports available to the public.
- Widely disseminate government reports to the international treaty bodies.
- Improve the record-keeping capacity of agencies through training and by providing them with computers and other necessary equipment. Explore the possibility of doing so through existing initiatives such as the Social Statistics project, being implemented by the Office of President.
- Develop a standard reporting format for documenting cases of domestic violence that can be distributed to agencies and collected on a monthly basis by a central body.
- Train community counselors and health workers to probe for the possibility of abuse, and on how to document relevant information.
- Conduct research on negative behaviours of victims resulting from abuse (these may include substance abuse or the infliction of physical violence on their children) in order to design more effective in providing options for women initiatives.
- Conduct research on the intersection of poverty and violence, so that limited resources can be allocated to meet the needs of those most vulnerable to domestic violence.

Appendix 2: Priorities listed by participants at November 2006 workshop

- Detail regulations to guide implementation of the DVA, and include corporal punishment.
- Develop a domestic violence policy. This should involve all stakeholders, including people working at the community level, religious bodies, youth, etc.
- Implement a policy of zero tolerance for domestic violence.
- Include allocations for addressing domestic violence within the national budget. Identify this as a percentage of national budget that will be a standard used towards addressing DV. Increase funding for the implementation of anti-DV activities. This should be core funding as well as programmatic. Grantees should have more autonomy to plan and implement their activities.
- Establish a domestic violence secretariat.
- Provide all appropriate services for survivors, including counseling, shelters, financial and skills training.
- Provide services relevant to rural and hinterland communities
 - Education (workshops)
 - Public assistance
 - Shelters or safe houses
 - Communications (language barrier).
- Introduce standardized training for:
 - Counselors, legal personnel, social workers, police, schools, hospitals, etc.
 - Support groups
 - Gazette trained social workers
 - Confidentiality

There should be consultations among civil society and agencies as to what to include, etc. There are models from which best practices can be identified and made relevant to Guyana. The agencies which should be involved include UG, Association of Professional Social Workers, Ministry of Labour, Human Services and Social Security, and NGOs. Training should include how to recognize and deal with issues of abuse and conflict resolution.
- Implement perpetrator programmes, including counseling.
- Improve collaboration, coordination and networking
 - Strengthen inter-agency activities
 - Monitoring and reporting.

- Develop a common response protocol, a document that outlines actions: what to do, where to report, what services are available, referrals. In sum, a guide to follow the same procedures. There may be need to have special protocols for hinterland and rural areas. Training on the protocols should be provided.
- Establish a national monitoring mechanism to report every 6 months or annually. There should be central data collection (where all agencies report) and standardized data collection forms.
- There is need for an independent body to monitor all areas pertaining to DV issues (possibly the Gender Equality Commission), including to investigate and take action against police not taking proper action in DV and other cases.
- Conduct advocacy and education efforts around the Domestic Violence Act, targeting especially sectors which are charged with responding to domestic violence (police, juridical personnel, social workers, health care workers, teachers and the media) and with civil society (private sector, community groups, NGOs, FBOs and influential individuals).
- Conduct a national education campaign aimed at eradicating violence, and addressing anger management, myths/misconceptions/barriers/alternatives.
- Conduct public education and awareness on the following areas:
 - Victims' rights
 - Measures to prevent DV
 Use advertisements (radio, TV and newspaper), booklets, flyers.
 Target schools, clinics, hospitals.
- Address the role of the media in the dissemination of violent and antisocial messages, music, etc. There may be need for censorship.
- Community responsibility and action should be included in all the above recommendations.