

**Caribbean study visit report by Rashida Manjoo (former)  
United Nations Special Rapporteur on violence against women<sup>1</sup>**



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<sup>1</sup> First draft prepared by Gaynel Curry, Gender and Women's Rights Advisor, UN Office of the High Commissioner for Human Rights (New York)

## I. INTRODUCTION

### **Background and rationale for the Caribbean study visit**

The mandate of the United Nations (UN) Special Rapporteur on Violence against Women has over the years increasingly received information on countries in the Caribbean, particularly the Commonwealth Caribbean<sup>2</sup>, regarding guidance on the prevention, prosecution and punishment of violence against women. In addition, the mandate of the Special Rapporteur has received requests for assistance concerning legislative reform matters; particularly as regards the updating of old laws or the review of several pieces of key legislation as well as on the adequate provision of protection and reparations for women victims of violence. Moreover, several reports, including United Nations reports from the Universal Periodic Review process and the Human Rights Treaty Bodies on the situation of the rights of women in Caribbean States have revealed a high prevalence of violence against women and girls and the need to strengthen efforts in addressing marital rape, domestic violence, sexual harassment, violence against LGBT persons and other forms of sexual and gender based violence. A 2007 Joint Report by the United Nations Office on Drugs and Crime and the Latin America and the Caribbean Region of the World Bank revealed that Caribbean countries generally experienced high rates of rape and other forms of violence.<sup>3</sup>

Given this scenario, Ms Rashida Manjoo,<sup>4</sup> the then United Nations Special Rapporteur on Violence against Women, its Causes and Consequences, as well as then Commissioner Tracy Robinson,<sup>5</sup> in her capacity as the then Rapporteur on the Rights of Women of the

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<sup>2</sup> The Commonwealth Caribbean countries are the independent English-speaking countries of the Caribbean region, which once constituted the Caribbean portion of the British Empire or the British West Indies. They include, Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, and Trinidad and Tobago. The region is southeast of the Gulf of Mexico and the North American mainland, east of Central America, and north of South America. Available at: <http://countrystudies.us/caribbean-islands/2.htm>

<sup>3</sup> UNODC's Crime Trends Survey (CTS) reference-Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean. March 2007, p.12. Available at: [http://www.unodc.org/pdf/research/Cr\\_and\\_Vio\\_Car\\_E.pdf](http://www.unodc.org/pdf/research/Cr_and_Vio_Car_E.pdf)

<sup>4</sup> Ms. Rashida Manjoo is a national of South Africa. She was appointed Special Rapporteur on Violence against women, its causes and consequences, in June 2009 by the UN Human Rights Council. As Special Rapporteur, she is independent from any government or organization and serves in her individual capacity. Ms Manjoo concluded her term as Special Rapporteur end of July 2015. She is a Professor in the Department of Public Law of the University of Cape Town.

<sup>5</sup> Ms Tracy Robinson is a citizen of Jamaica. She was elected at the 41st OAS General Assembly in June 2011 for the standard four-year term, which began on January 1, 2012 and ended on December 31, 2015. She was the Rapporteur for the Rights of Women and the Rapporteurship for the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons (LGBTI).

Inter-American Commission on Human Rights, jointly conducted a study visit between 15 and 28 April 2015 to four English-speaking Caribbean countries. The countries visited were Jamaica<sup>6</sup> (15-17 April), Barbados (20-21 April), Dominica (22-24 April), and Trinidad and Tobago (27-28 April). These countries were selected based on several factors, including but not limited to, United Nations in-country presence or lack thereof; the vibrancy and history of state action and NGO activism around VAW; regional representativeness in terms of population size and level of development; ethnic diversity; and socioeconomic conditions.

The study visit was conducted in the broader context of the cooperation and partnership between the international and regional systems of protection of human rights.<sup>7</sup> The Human Rights Council has increasingly encouraged the enhancement of cooperation between the international and the regional human rights systems, as well as the identification of concrete activities through which these systems can advance together in their common goal to protect and promote human rights. In the exercise of her mandate, the Special Rapporteur has endeavoured to strengthen partnerships with the regional human rights mechanisms, including the Inter-American Commission on Human Rights, with a view to building on synergies and efforts to combat violence against women at the international and regional level.

The Rapporteurs were supported on the study visit by Ms Rosa Celorio, Principal, Attorney and Specialist for the Inter-American Commission on Human Rights and Coordinator of the activities of the Rapporteurship on the Rights of Women; and Ms Gaynel Curry, Gender and Women's Rights Advisor, United Nations Office of the High Commissioner for Human Rights in New York. Ms Nathalie Stadelmann coordinated the study visit on behalf of the United Nations Office of the High Commissioner for Human Rights.

### **Expressions of appreciation to key interlocutors**

The mandates of the United Nations Special Rapporteur on Violence against Women, its causes and consequences and the Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights express their gratitude to the Governments of Jamaica, Barbados, Dominica, and Trinidad and Tobago for their openness to this visit and their facilitation of meetings. A special thank you is also extended to the United Nations

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Rapporteur for the Rights of lesbian, bisexual and trans (LBT) women on the Commission. She held the post of Chair of the Commission from March 2014 to March 2015. She is also a senior lecturer at the Faculty of Law, University of the West Indies, Mona Campus.

<sup>6</sup> As a Jamaican national, Commissioner Robinson did not participate in the Jamaica leg of the Study Visit. Ms Rosa Celerio, an attorney, Senior Attorney from the Executive Secretariat of the Inter-American Commission participated in the Jamaica leg of the Study Visit instead.

<sup>7</sup> <https://www.oas.org/es/cidh/docs/pdfs/Declaration-UN-IACHR-Nov2014.pdf>

Country Teams working in the Caribbean, especially UNDP Jamaica, UN Women Regional Office in Barbados and UNDP Trinidad for their support and coordination of the visit. Special thanks goes to Arun Kashyap, the then Resident Coordinator, the United Nations Country Team for Jamaica; Birgit Gerstenberg, Senior Human Rights Advisor; Stephen O'Malley, Resident Coordinator, United Nations Country Team for Barbados and Dominica; Michelle Brathwaite, National Human Rights Officer, United Nations Country Team for Barbados and Dominica; and Richard Blewitt, Resident Coordinator, United Nations Country Team for Trinidad and Tobago.

During the study visit the Rapporteurs met with Parliamentarians, representatives from Government Ministries, law enforcement entities, Family Court magistrates and staff, other magistrates and judges, indigenous community members, rural communities, university students and faculty, school children and teachers, service providers, civil society organizations and relevant United Nations entities in the Caribbean region.

In Jamaica, meetings were held in Kingston and Montego Bay, including civil society organizations, service providers, government entities, Senators, and Family Courts. The delegation also met with professors and investigators from the Institute of Gender and Development Studies at the University of West Indies Faculty of Law (Mona campus), as well as students from the Mary Seacole Hall at the university.

In Barbados meetings were held with various government entities in the social services and law enforcement sectors, civil society organizations and service-providers, as well as the United Nations Country Team. The delegation also met with the Gender Justice Advocate for CARICOM, Rosina Wiltshire, and the MECECVI Expert, Dianne Cummings. The Institute of Gender and Development Studies of the University of West Indies campus, Cave Hill Barbados, also organized an academic event for lecturers, research students and investigators focusing on issues concerning violence against women.

In Dominica, meetings were held with the Kalinago (Carib) Peoples, the Caribbean Male Action Network, and the Domestic National Council on Women. The delegation also had a roundtable meeting with social services providers and government representatives from the Health Information Unit and the Criminal Justice System. Activities were organized in the Callibishie community, including a visit to one of the schools, and a meeting at the Women's Health Centre.

Due to time constraints as well as the limited availability of transportation during this peak travel period, the Rapporteurs were, regrettably, unable to travel to Tobago during their visit. Meetings were held in Trinidad with non-governmental organizations addressing violence against women issues; the UN Country Team; the Ministry of Gender, Youth and Child Development; and attorneys working with the Family Court. Meetings were also

held with Maureen Rajnauth-Lee, a Judge of the regional Caribbean Court of Justice; and with High Court Justice Allyson Ramkerrysingh, and Magistrate Lisa Ramsumair-Hinds both of the Trinidad and Tobago Association of Women Judges. An academic event was also organized by the Institute of Gender and Development Studies of the University of West Indies campus in Trinidad, which included lecturers, students and investigators focusing on issues concerning violence against women.

### **Objectives of the Caribbean study visit**

The main objectives of the study visit were to: (a) allow government officials, civil society actors and relevant stakeholders to discuss constructively the manifestations of violence against women, and debate strategies to reduce and eliminate all forms of violence against women and its causes; (b) create an opportunity to have an initial assessment of the situation of violence against women in the Commonwealth Caribbean, a region where there has never been an official visited by the United Nations Special Rapporteur on Violence against women, notwithstanding the request for a visit sent to The Bahamas in August 2013; (c) identify and share best practices developed in the countries subject of the study visit and also areas in which additional work is needed, through technical cooperation and capacity building; and (d) encourage synergies between relevant United Nations agencies and other regional mechanisms working to eliminate all forms of violence against women and girls in the region.

### **Approach, preparation and conduct of the study**

A desk review of existing reports and publications on violence against women and gender equality in the Caribbean was undertaken prior to the study visit. The review fed into country analyses that were prepared for each of the four countries visited. The study visit was conducted mainly through bilateral meetings, small discussion groups, and larger information sharing forums, including through the organisation of academic events.

The normative framework and standards for the Caribbean study visit are articulated in the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Violence against Women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (“Convention of Belém do Pará”), the American Convention on Human Rights "Pact of San José, Costa Rica", and the American Declaration of the Rights and Duties of Man. These instruments prohibit discrimination on the basis of sex and codify a number of human rights pertinent to the issue of violence against women, such as the rights to life, to personal integrity, and to non-discrimination and equality. States have a duty to respond to all forms of violence against women and girls and to act with due diligence in the

protection, prevention, investigation, prosecution, punishment and provision of effective remedies, including reparations. The duty to respond to and prevent violence applies to the entire state structure and involves a set of measures including legislation, policies, programs, and services, which should be responsive to the needs of the women and girls. The response of the State should consider the varying needs of different groups of women due to intersecting factors such as the history of discrimination and inequality, age, race, ethnic background, disabilities, sexual orientation and gender identity, among others.

### **Previous study visits undertaken by the Special Rapporteur**

The Caribbean study visit was the third such visit conducted by the Special Rapporteur on Violence against Women. The first took place in April 2011, and was hosted by the Ministry of Justice of Norway. The Australian Human Rights Commission hosted the second study visit, which took place in April 2012 and also produced a report subsequent to the visit.<sup>8</sup> These study visits have allowed the Special Rapporteur to engage with Government officials and other relevant stakeholders in constructive discussions relating to violence against women, as well as to provide views and recommendations on a number of measures that could help the Government in accelerating progress towards the eradication of violence against women.

### **Reporting**

Unlike official visits of the Special Rapporteur, reports of her study visits are not submitted to the Human Rights Council for examination. As was the case for the first two study visits, this report on the Caribbean study visit is not an official report and will not be submitted for examination by the United Nations Human Rights Council or the Inter-American Commission on Human Rights. This report by the Special Rapporteur on Violence against Women is intended to be a record of the main issues discussed in the four Caribbean countries visited: Jamaica, Barbados, Dominica and Trinidad and Tobago.

It is hoped that the information contained herein will also be useful to partners working to end all forms of discrimination and violence against women and girls across the region, including Governments, civil society, United Nations entities and other regional and international mechanisms.

## **II. THE ECONOMIC AND POLITICAL CONTEXT AND ITS IMPLICATIONS FOR WOMEN**

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<sup>8</sup> The report is available at: <http://www.humanrights.gov.au/publications/australian-study-tour-report-visit-un-special-rapporteur-violence-against-women>

The Commonwealth Caribbean States are small, predominantly island States with populations ranging from a few hundred thousand to just under three million. As at July 2014, Jamaica's population was estimated at 2.723 million<sup>9</sup>, the largest of all Commonwealth Caribbean States. Among the remaining countries visited during the study visit, the estimated population sizes are: Trinidad and Tobago 2.3 million; Barbados 289,680; and Dominica 73,449. With the exception of Trinidad and Tobago, which has a significant East Indian<sup>10</sup> population, Blacks or People of African descent predominantly populate the Caribbean countries visited.<sup>11</sup> Despite their numerical minority, the White population continues to control the political economy throughout the Caribbean. Covering an area of 10,991 square kilometres (sq. km), Jamaica has the largest land area among the countries visited. Trinidad and Tobago has a land area of 5,128 sq. km; Dominica 750 sq. km and Barbados 430sq. km.

The countries of the Caribbean are all relatively newly independent States with Jamaica and Trinidad and Tobago being the first among them to gain independence in 1962. The other two countries visited for this assessment, Barbados and Dominica, gained independence in 1966 and 1978, respectively. Based on the Westminster model of governance, Caribbean countries have for the most part been stable constitutional parliamentary democracies since their independence. Political succession generally has been handled peacefully and democratically. In addition to their common political structure, the Caribbean States have similar legal traditions with independent judiciaries and governments that generally observe the rule of law.<sup>12</sup> Commonwealth Caribbean countries consider that large military forces could eventually threaten democracy in the region and some countries have avoided establishing armies.

As former British colonies, the Commonwealth Caribbean countries share a common history of colonialism, slavery and plantation economies. Although traditionally agriculturally based, Caribbean economies today tend more toward light industry and services, particularly tourism and banking services. The Trinidadian economy is the exception among these countries with its strong extraction industry, mainly of gas and oil.

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<sup>9</sup> Economic & Social Survey Jamaica 2014

<sup>10</sup> When the British abolished slavery in the Caribbean in the 1830s, Trinidadian planters imported indentured labour from India to work the sugarcane fields, hence the significant numbers of East Indians in that country.

<sup>11</sup> Africans were brought to the Caribbean in the 17th Century as slaves to work the sugar and tobacco plantations.

<sup>12</sup> The Commonwealth Caribbean, accessed at <http://countrystudies.us/caribbean-islands/2.htm>

Jamaica's most important export is from agriculture (coffee, citrus, pimento) and mining (bauxite, alumina)<sup>13</sup>. The country is one of the world's largest suppliers of bauxite, which accounts together with alumina for almost half of its foreign exchange. The tourism sector has the highest rates of growing (in 2014 2.9 per cent) and contributes 5.7 per cent of the GDP<sup>14</sup>. Remittances from Jamaicans working abroad are also a major source of income. The global economic recession has had a significant impact on the Jamaican economy. Employment creation remains a priority as employment levels continued to lag behind the pre-crisis level. The average unemployment rate was 11.4 per cent in 2009 up from 10.6 per cent in 2008, with the male unemployment rate being 8.6 per cent and the female rate being 14.8 per cent.<sup>15</sup> In 2014 the unemployment rate was 13.7, with male unemployment 10.1 per cent and female 18.1 per cent<sup>16</sup>. In 2012, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about the continuing gap in employment opportunities for women in Jamaica despite the high literacy rate of girls and the high rate of entry by them to universities.<sup>17</sup> On the other hand, a recent study showed that Jamaica has one of the highest ratios of female managers in the world<sup>18</sup>. While there have been gains in Jamaica and across the region in terms of education and health services, the legacy of very high levels of income inequality, gender inequality, unemployment, rural and urban poverty and social exclusion remains a concern, particularly for women and girls.<sup>19</sup>

Barbados is the wealthiest and most developed country in the Eastern Caribbean and enjoys one of the highest per capita incomes in Latin America and the Caribbean. It ranks highest of all Caribbean countries in the UN Human Development index. Historically dependent on sugarcane cultivation, the economy has diversified into light industry and tourism; four-fifths of its GDP and exports are attributed to services. With a relatively highly educated workforce, including women, offshore finance and information services are important foreign exchange earners for Barbados. The country has been hard hit since the onset of the global economic crisis in 2008, including high unemployment and mass layoffs by the Government,<sup>20</sup> with tremendous impact on lower and middle income families and single women headed households.

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<sup>13</sup> Economic and Social Survey of Jamaica 2014 - Chapter 6.8, Table 6.3.

<sup>14</sup> Economic and Social Survey, 2014

<sup>15</sup> Jamaica, Economy: <http://www.infoplease.com/encyclopedia/world/jamaica-economy.html#ixzz3SxpjvzJB>, accessed February 19, 2015

<sup>16</sup> Page 21.2 and 3. Economic and Social Survey of Jamaica 2014)

<sup>17</sup> CEDAW/C/JAM/CO/6-7

<sup>18</sup> Women in Business and Management: Gaining momentum, June 2015 see [http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS\\_316450/lang-en/index.htm](http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_316450/lang-en/index.htm)

<sup>19</sup> UNDP Caribbean Human Development Report 2012: Human Development and the shift to better citizen security (Summary), p.3

<sup>20</sup> CIA Factbook: <https://www.cia.gov/library/publications/the-world-factbook/geos/bb.html>



In contrast, Dominica is one of the poorest of the Commonwealth Caribbean States. The economy has been dependent on agriculture – primarily bananas – in years past, but is increasingly driven by tourism, with a particular focus on ecotourism. To promote economic diversity, the country is also attempting to foster an offshore financial industry. In 2003, the Government began a comprehensive restructuring of the economy to address an economic and financial crisis. The visit by the Rapporteurs confirmed signs of an economy that continues to struggle with high unemployment; increased migration and brain drain; low returns from the agriculture sector, particularly bananas; and a comparatively underdeveloped tourism sector.<sup>21</sup> Interlocutors reported the impact has been hardest on women, particularly those belonging to vulnerable minority groups such as the Kalinago (Carib) Population.

Trinidad and Tobago has one of the highest per capita incomes in Latin America and the Caribbean and is the leading Caribbean producer of oil and gas, which accounts for about 40% of the country's GDP and 80% of its exports. The country is a regional financial centre with a well-regulated and stable financial system. Other economic sectors include tourism, agriculture, information and communications technology, and shipping. Crime and bureaucratic hurdles continue to be the biggest deterrents for attracting more foreign direct investment and new business in Trinidad and Tobago.<sup>22</sup>

Caribbean countries have had significant advances in human development as well as human rights since independence, evident for example in their high ranking on the human development index. The gains are also evident in improved health services; high levels of access to education, including for girls; reduced poverty; increased life expectancy; and declines in infant mortality.<sup>23</sup> However, drug trafficking and high levels of crime threatens these socio-economic and human rights gains for many, especially the historically disadvantaged, discriminated and at risk members of society. Since the 1970s, the Caribbean region has become increasingly important as a transit point for the movement of narcotics from Latin America to the United States. This has led to increasing levels of crime in almost all of these countries, including high numbers and use of small arms, gang violence, drug trafficking and addiction, and alleged corruption of officials.<sup>24</sup> The United Nations Development Programme's Caribbean Human Development Report 2012 states that elevated rates of violent crimes in the Caribbean can be seen as evidence of social inequalities that restrict choices for large sections of the vulnerable population. The report further notes that crime and violence in the region limits people's choices, rights and

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<sup>21</sup> CIA Factbook: <https://www.cia.gov/library/publications/the-world-factbook/geos/bb.html>

<sup>22</sup> CIA Factbook: <https://www.cia.gov/library/publications/the-world-factbook/geos/bb.html>

<sup>23</sup> UNDP Caribbean Human Development Report 2012: Human Development and the shift to better citizen security

<sup>24</sup> The Commonwealth Caribbean, accessed at <http://countrystudies.us/caribbean-islands/2.htm>

freedoms; threatens their physical integrity; disrupts their daily lives at home, in the workplace, and in their communities; creates uncertainties and costs that hinders economic developments; and erodes the legitimacy of the democratic system. Similar concerns were expressed to the Rapporteurs during the study visit.

The Caribbean's heavy economic reliance on the service industry, particularly tourism, makes these countries extremely susceptible to certain socio-economic ills that often emerge around tourism, including for example sex tourism, trafficking, commercial sexual exploitation and prostitution, all of which primarily affecting women and girls in the Caribbean.<sup>25</sup> In trying to understand the potential impact, both positive and negative for women and girls, it is important to highlight the high number of tourists travelling in these countries annually; at any one time there may be more tourists than nationals in Caribbean countries. For example, in 2014 Jamaica received approximately 3, 5 million visitors, which is more than the total size of its population<sup>26</sup>.

Another socio-economic concern for Caribbean countries, which has a direct impact on the human rights situation of women and children are natural disasters and climate change.<sup>27</sup> For example, the annual hurricane season often has a devastating impact on families, especially poor families and single female-headed households, which makes up a large number of homes in the region. In 2015, the Committee on the Rights of the Child highlighted the vulnerabilities of and risks for children and families, which may be occasioned or exacerbated by climate change in the Caribbean.<sup>28</sup> In this context, the Committee encouraged Jamaica to develop strategies and strengthen its social safety nets to protect children and families, especially female-headed households, against climate change, natural disasters and other emergencies.

Socio-economic challenges certainly have an impact on development and on the realisation of rights, particularly the rights of women in the Caribbean. The following sections of this report further highlights the extent to which Caribbean women are affected by violence and the need for enhanced measures to promote and ensure their right to a life free from all forms of discrimination and violence.

### **III. PREVALENCE AND MANIFESTATIONS OF VIOLENCE AGAINST WOMEN AND GIRLS**

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<sup>25</sup> CRC/C/15/CRC/JAM/CO/3-4

<sup>26</sup> Social Economic Survey 2014, page 17.5

<sup>27</sup> A/HRC/WG.6/JAM/1, pp. 6-9

<sup>28</sup> CRC/C/15/CRC/C/JAM/CO/3-4

## **Prevalence of violence against women in the Caribbean**

Throughout the world, violence against women is pervasive and widespread, and seriously violates women's enjoyment of their human rights. Rooted in multiple and intersecting forms of discrimination and inequalities, and strongly linked to the social and economic situation of women, violence against women constitutes a continuum of exploitation and abuse, which often ends with the ultimate form of violence, death.

The Caribbean has one of the highest violence rates in the world and violence against women in that region is widespread. It is estimated that one in three women in the Caribbean on average will experience domestic violence.<sup>29</sup> According to data from the Crime Trends Survey (CTS) of the UN Office on Drugs and Crime (UNODC), three of the top ten recorded rape rates in the world occur in the Caribbean, and Caribbean countries for which comparable data are available (Bahamas, St. Vincent and the Grenadines, Jamaica, St. Kitts and Nevis, Dominica, Barbados, and Trinidad and Tobago) experienced a rate of rape above the average of the 102 countries in the CTS.<sup>30</sup>

In spite of the deficiencies in the data collection, it is known that forty-eight per cent of adolescent girls report sexual initiation to be forced or somewhat forced in nine Caribbean countries;<sup>31</sup> and country studies for Antigua and Barbuda, Guyana, and Suriname suggest that between twenty to sixty-nine per cent of women in intimate relationships have been victims of domestic violence.<sup>32</sup>

All four of the countries considered in this Caribbean study visit are listed as having among the world's highest rates of rape. The following section highlights the situation in Jamaica and Trinidad and Tobago. Statistical information in this regard was not available for Dominica and the UNDP Human Development Report 2012 notes that Barbados showed generally lower rates of violent crimes, including rape, during the period 1990 to 2010.

Interlocutors in Jamaica highlighted gender-based violence as a major challenge affecting significant numbers of women and girls. In 1997, 21 per cent of all homicides were domestic related. This number increased to 33 per cent in 2000 and was 28.7 per cent in 2001. Indeed domestic-related murders account for the highest rate of homicides in the country after those committed as reprisals. In 1998, for example, it is reported that some 100 women were murdered and that most of these gender-related killings of women

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<sup>29</sup> UNODC's Crime Trends Survey (CTS) reference-Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean. A Joint Report by the United Nations Office on Drugs and Crime and the Latin America and the Caribbean Region of the World Bank; March 2007, p.12. Available at: [http://www.unodc.org/pdf/research/Cr\\_and\\_Vio\\_Car\\_E.pdf](http://www.unodc.org/pdf/research/Cr_and_Vio_Car_E.pdf)

<sup>30</sup> Ibid.

<sup>31</sup> [http://www.unifemcar.org/ge\\_iss.cfm?SubID=169&link=12](http://www.unifemcar.org/ge_iss.cfm?SubID=169&link=12)

<sup>32</sup> Ibid.

occurred as a result of domestic violence. Domestic-related murders were said to account for the highest rate of homicides in the country after those committed as reprisals.<sup>33</sup> The UNDP Human Development Report 2012 report indicates that Jamaica remains ranked among the more violent countries worldwide.

According to the US State Department 2012 Report on Human Rights, the Jamaican authorities reported 833 rapes and 763 cases of carnal abuse (sexual relations with girls under the age of 16), compared with 738 rapes and 637 cases of carnal abuse in 2011.<sup>34</sup>

In its 2015-2016 report on Jamaica, Amnesty International reiterated a similar concern of violence, including against women in the country. Between January and June 2015, police recorded 1,486 reports of serious and violent crimes, classified as murders, shootings, rapes and aggravated assaults.<sup>35</sup>

While incidents of domestic violence are high, there is a concern with underreporting, reflecting in part a lack of confidence in the system.<sup>36</sup> Interlocutors in Jamaica highlighted this lack of confidence in the system as a serious concern for women seeking justice for violations against them<sup>37</sup>. The US State Department 2012 Report on Human Rights in Jamaica considered that the problem of underreporting was due to fear of stigma, retribution, or further violence but that women also frequently complained that police failed to treat domestic violence as a crime and did not systematically take the necessary reports.<sup>38</sup>

The Universal Periodic Review of Trinidad and Tobago highlighted high levels of crime, especially gender-based violence against women and girls, including rape and other sexual offences.<sup>39</sup> In Trinidad, interlocutors stated that 97 per cent of sexual abuse victims are females. Although reliable national statistics are not available, women's groups estimated that from 20 to 25 per cent of all women in the country have suffered abuse. Again, these statistics are impacted by under-reporting, which makes it difficult to understand the true extent of violence against women and girls in Trinidad and Tobago. Interlocutors stated that women are reluctant to report these crimes due to a lack of confidence in the security and justice systems as well as fears of retaliation and/or stigmatization, particularly in rural

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<sup>33</sup> UNIFEM/ECLAC Regional Assessment, accessed 26 February 2015:

<http://caribbean.unwomen.org/~media/field%20office%20caribbean/attachments/publications/final%20evaw%20assessment%20report%20pdf.ashx> See also ESSJ 2014, p. 24.4

<sup>34</sup> US State Department, 'Jamaica 2012 Human Rights Report, p16;  
<http://www.state.gov/documents/organization/204673.pdf>, accessed May 2016

<sup>35</sup> [www.amnesty.org/en/countries/americas/jamaica/report-jamaica/](http://www.amnesty.org/en/countries/americas/jamaica/report-jamaica/), accessed May 2016

<sup>36</sup> UNIFEM/ECLAC Regional Assessment, accessed February 26, 2015:

<http://caribbean.unwomen.org/~media/field%20office%20caribbean/attachments/publications/final%20evaw%20assessment%20report%20pdf.ashx/>

<sup>37</sup> See also

[http://www.undp.org/content/dam/undp/library/corporate/HDR/Latin%20America%20and%20Caribbean%20HDR/C\\_bean\\_HDR\\_Jan25\\_2012\\_3MB.pdf](http://www.undp.org/content/dam/undp/library/corporate/HDR/Latin%20America%20and%20Caribbean%20HDR/C_bean_HDR_Jan25_2012_3MB.pdf) 2012\_3MB.pdf, page 29 Chart.1.12

<sup>38</sup> US State Department, 'Jamaica 2012 Human Rights Report, p16;  
<http://www.state.gov/documents/organization/204673.pdf>, accessed May 2016

<sup>39</sup> A/HRC/19/7

communities. They further reported that the violence against women and girls in Trinidad and Tobago is perpetuated by deeply rooted traditional and patriarchal attitudes that are reflected in social and cultural arrangements.

### **‘Normalization’ of violence against women**

Due to the high levels of violence against women in the Caribbean, the Rapporteurs noted with concern the apparent ‘normalisation’ of violence against women and girls in the countries visited. Many interlocutors described the violence as normalized, widespread and of pandemic proportions. This often leads to underreporting as well as ridicule and stigmatization of victims and is reflected in noteworthy failures in the response of various state entities to this issue, including the inadequate enforcement of protection orders, and the lack of sanction by the administration of justice.

In Barbados, for example, the problem of violence against women was described as widespread, cultural, normal, and reflecting a general lack of respect for women. Most acts of violence against women go unreported, reflecting a lack of trust in the justice system as well as fear of ridicule and stigmatization. Interlocutors in all four of the countries visited stressed the need to identify strategies to effectively address cultural and stereotypical attitudes that: i) perpetuate violence against women, ii) limit reporting of violations and abuse against women and girls, and iii) directly or indirectly encourage impunity for gender-based crimes that disproportionately affect women and girls.

### **Manifestations of violence against women**

Interlocutors across the countries visited noted that violence against women and girls was evident in the home, community, workplace and state institutions, particularly prisons and other detention facilities. This violence is manifested as psychological, physical, sexual, economic and institutional violence.

The main forms of violence facing women and girls in the Caribbean were said to be domestic violence; marital rape; violence against sex workers; sexual abuse of children; sexual harassment; sex-based discrimination; discrimination and violence based on sexual orientation and gender identity; discrimination and violence based on HIV status; sexual, reproductive health and rights; trafficking in persons; neglect of vulnerable children and the elderly, especially in rural areas; and gender related killings. The rise in the prevalence of gender-related killings, as the ultimate act in a continuum of violence, was highlighted as a serious concern in some contexts, especially in rural areas and in connection with lesbian, bisexual and transgender women.

### **Particular categories of vulnerability**

### *The girl child/ Adolescent girls*

The issues of abuse and sexual violence against girls were raised in all four countries as a widespread concern. For example in Jamaica, the Rapporteur was notified by interlocutors that 97 per cent of all reported cases of child victims of sexual violence were girls. Interviewees stated that in many instances private resolution of these cases was undertaken between the perpetrator and the victim's family.

Mention was also made of the disproportionate use of detention in the case of girls in need of protection, many of whom are victims of violence, for "wandering" or for being "uncontrollable". The Rapporteur also received information from both state officials and civil society that in Jamaica and Barbados girls are incarcerated in adult facilities due to the lack of specific facilities for juveniles, which exposes them to the risk of institutional violence.

In Jamaica the delegation heard of the rising prevalence rates of violence perpetrated against girl-children; a problem with many dimensions. Girl-children are often victims of sexual violence, perpetrated by family members, adults in the community, teachers, and even other children. Many of the individuals and organizations the delegation met also referred to the problem of teenage pregnancy, including cases of incest and other forms of non-negotiated sex, and the inability to negotiate safe sex. Teenage mothers are often forced to abandon their schooling due to the stigma associated with pregnancy, despite a policy directive issued by the Ministry of Education prohibiting this practice. In Jamaica the delegation met with a group of teenage girls who were pregnant. The defeatist tones and attitudes of many of the girls interviewed, was evident in their statements about their future. The delegation also received information regarding the problem of institutional violence perpetrated against children in the care of the State. Several stakeholders, including State's representatives referred to the problem of trafficking as concern for girls.

In Jamaica the delegation also met with a number of students, mainly young women, at the Faculty of Law, University of West Indies, who shared their stories and notions of violence, and fears over their safety on campus and in the wider community. The main concerns raised by these students were in relation to sexual harassment and alleged cases of sexual assault.

In Barbados, the problem of violence against children, especially girls, was consistently mentioned in meetings. This violence was said to be prevalent in the home as well as in schools and mention was made of the criminalization of girls just for "wandering" or for being "uncontrollable." The Rapporteurs were informed that despite issues related to

violence against children generally being taken more seriously than those concerning women, additional efforts were needed in areas of prevention and response to child abuse and exploitation.

The issue of child abuse was raised very prominently in the meetings in Dominica. The delegation received information of child abuse perpetrated in the home, including cases of incest and other forms of violence. Mothers were consistently blamed for the problems affecting daughters and it was alleged that they received ‘hush money’ and other pay-offs for gender-based violations and abuse concerning their children. This was seen as a solution to addressing violations, as opposed to reporting abuse. Several concerns were raised about the adequacy of the juvenile justice system and the extent to which the best interest of the girl child is protected in cases involving their abuse or exploitation. Also, face-to-face confrontation with alleged perpetrators in small communities was viewed as a concern by many interviewees.

The situation of the girl child was also highlighted as a concern in Trinidad and Tobago. Mention was made in several meetings of hotlines created to report acts of domestic violence, seek services, and receive basic information on the legal process. Many of the phone calls placed to these hotlines refer to cases of child abuse. Most perpetrators of child abuse were said to be persons known to the victim. Measures are being taken by various partners, including within the educational system to ensure that children are more aware that sexual abuse is wrong and that they can more easily report. Interlocutors also expressed concern regarding the situation of girls in detention. In particular, the joint housing of girls and adult women in prisons was reported as a priority concern. The adequacy of shelters and support services for child victims of violence was also noted as a concern. The government authority in charge of children’s affairs confirmed that they are supporting the adoption of a legislative package providing for the creation of community residences, rehabilitation and services centres for children victims of violence.

*Elderly women, women with disabilities and women with HIV/AIDS*<sup>40</sup>

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<sup>40</sup> Outside of sub-Saharan Africa, the Caribbean region has the highest HIV prevalence in the world. There are currently an estimated 240,000 people living with HIV/AIDS (PLWHA), and in 2009, AIDS was the leading cause of death among 25 to 44 year olds in the Caribbean. Women account for half of all infections, and adolescent women have markedly higher prevalence than their male counterparts; [http://pdf.usaid.gov/pdf\\_docs/pdacu642.pdf](http://pdf.usaid.gov/pdf_docs/pdacu642.pdf)

In all four countries visited it was noted by a number of interlocutors that older women, women with disabilities, and women living with HIV/AIDS were highly susceptible to violence and therefore needed specific protection and access to services.

In Jamaica, issues concerning the sexual and reproductive health and rights of women were referred to by numerous interviewees. In particular concerns were raised about the restrictive nature of the current abortion laws, the feminization of HIV/AIDS, and the backlash associated with this area of human rights.. Similar concerns were raised in Barbados, including challenges for some women and girls to access information on emergency contraception and HIV/AIDS kits. In this context, interlocutors pointed out that some women and girls were denied access to sexual and reproductive services by some health professionals on the basis of religious grounds. Further, in Barbados women with disabilities were mentioned as a key sector of concern in terms of their vulnerability to violence and underreporting of violations of sexual and reproductive health and rights. The Disabilities Unit of the Ministry of Social Care, highlighted concerns regarding underreporting of violence against women and girls with disabilities and the need for stronger initiatives for prevention and response as well as improved data collection. Interlocutors also raised the matter of basic misunderstanding of the nature of psychological violence experienced by persons with disabilities, and the need for more information on this across the region.

#### *Lesbian, bisexual and transgender women*

Human rights issues affecting lesbian, bisexual and transgender women (LBT) were referred to in a number of meetings in all four countries. The practice described as coercive or corrective violence, including rape, was raised particularly in Jamaica and Trinidad and Tobago. In addition to the matter of corrective rape in Jamaica, concerns were expressed about the use of hate speech in the media, forms of intimate partner violence, and the invisibility of these issues in the government agenda. Information was shared about the need to repeal and reform existing laws to ensure that the rights of LBT communities and individuals are properly respected. Those interviewed referred to a number of legal provisions in Jamaica that only grant rights to “men” and “women” which need to be revised to conform to current international law standards related to discrimination on the basis of sexual orientation and gender identity. These matters were also raised with the Government of Jamaica by several human rights mechanisms, including the Universal Periodic Review process.

#### *Indigenous Kalinago (Carib) populations*



Dominica was the last of the Caribbean islands to be colonized by Europeans due mainly to the resistance of the native Kalinago (Carib) people. Some 3,000 indigenous Kalinago (Carib) people still live on Dominica today and are the only pre-colonial population remaining in the eastern Caribbean. The Rapporteurs learnt of the adverse human rights conditions faced by the Caribs, particularly the lack of services to support women and children, the lack of proper recognition of their territory, and the high incidence of violence and sexual abuse, among others.

### **Root causes of violence against women and girls in the Caribbean**

Violence against women in the Caribbean is seemingly rooted in culture, gender socialization and stereotyping as well as socio-economic realities. In an examination of conflict, gender relations and health of women in two low-income areas in Jamaica, for example, the researchers found that women were more likely to be the victims of physical abuse. Also that this was linked to the struggles of status-deprived males to cope with poverty and inner-city conditions, as well as gender socialization and stereotyping.<sup>41</sup> The researchers contended that wherever there is evidence of gender inequality and male alienation, violence against women will increase and the health of women is likely to be negatively affected.

Further research on girls and boys between the ages of 8-20 in Dominica, Jamaica and Barbados produced some understanding on the connections between gender identity and violence.<sup>42</sup> This research done jointly by the Economic Commission for Latin America and the Caribbean and UNIFEM revealed that the socialization of boys reproduces at a very early age an identification of maleness with strength and aggressive behaviour. Boys were combative in their expectations of the course of inter-personal relationships and had expectations that the course of male/female relationships would be fraught with difficulty. Female interviewees felt that the use of physical violence by men against their partners, while regrettable, was inevitable.<sup>43</sup>

This level of expectation and even acceptance of interpersonal abuse was also found in research done in Dominica, as mentioned by interlocutors. The research showed that male insecurity was one motivator of violent behaviour in men, which was driven by male difficulties in fulfilling prescribed gender roles. Money had a practical importance in the establishment of "maleness" and the male gender role; this meant in essence that violence

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<sup>41</sup> Eliminating Gender-Based Violence, Ensuring Equality, ECLAC/UNIFEM Regional Assessment of actions to end violence against women in the Caribbean, 2003, p7-8

<sup>42</sup> Eliminating Gender-Based Violence, Ensuring Equality, ECLAC/UNIFEM Regional Assessment of actions to end violence against women in the Caribbean, 2003

<sup>43</sup> Eliminating Gender-Based Violence, Ensuring Equality, ECLAC/UNIFEM Regional Assessment of actions to end violence against women in the Caribbean, 2003

was perpetrated by males who were or felt financially insecure and thus felt their masculinity challenged.

Some interlocutors suggested that male violence was motivated by the belief that gender identity was defined by physical power and that certain challenges to the male power (such as disrespect or nagging) ought to be met by violence. As such, female partners were to be ruled and when necessary punished for disobedience or nagging. Female infidelity and a man's perceived need to control a woman to satisfy his own self-esteem were seen as other drivers of male violence in the region. Emotional violence by men, coupled with socioeconomic drivers of violence, as well as childhood or intergenerational experiences of violence, continue to be commonly reflected in the region.

A further source of concern that was repeatedly articulated was that concerns related to the rights of children are often prioritized over the rights of women.

#### **IV. LEGISLATIVE REFORM AND ACCOUNTABILITY**

##### **Issues of justice for victims and accountability of perpetrators**

The Rapporteurs were informed that crimes against women and girls were often met with a lack of accountability and appropriate remedies, and also practices that re-victimize those who make complaints. Interviewees stated that service-providers in positions of authority often minimized sexual violence and described it as “just a little sex”. They were also concerned about the serious problem with the practice of “confrontations” between victims and alleged aggressors during police investigations.

The high rate of other serious crime and challenges within the justice sector were seen as more important than issues of violence against women, which were easily ignored and/or minimized. A recent report by the US Department of State noted that violent crimes remain a serious concern in Jamaica coupled with alleged security force killings, an overburdened and under-resourced judicial system, as well as poor prisons conditions and overcrowding.<sup>44</sup>

Interlocutors in Jamaica stated that most of the violence that takes place is hidden and underreported. Victims often do not trust that the justice system will offer them appropriate remedies for the acts of violence they suffer. Many fear ridicule and re-victimization, even by judges and juries, some of whom minimize incidents of sexual violence against women and girls (and as mentioned above consider it to be “just a little sex”). This ridicule and

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<sup>44</sup> US State Department, Country Reports on Human Rights Practices for 2013.

trivializing of these crimes perpetuates the cycle of victim silence and perpetrator impunity for acts of violence, including psychological, physical and sexual abuse.

With regard to accountability for acts of violence against women in Barbados, little was mentioned regarding redress and reparations when these acts occur. Some parents were said to be accepting “hush money” when these acts occur against their children, as opposed to ensuring the ‘best interest of the child’. The justice system fails to deliver a proper sanction in most of the cases, which promotes the private resolution of these issues. There also seems to be anxiety over judicial functioning in cases of violence against women, with interviewees stating that there is a need for training for the judiciary and law enforcement authorities. Concerns were also raised in connection with the unequal application of the law in relation to powerful perpetrators and subversion of the rule of law in general.

Similarly, access to justice for victims of sexual offences was also noted as unsatisfactory in Trinidad and Tobago. In addition to underreporting by victims, interlocutors suggested that violence against women was generally not seen as priority or as a serious concern, unless the crime was excessively gruesome and/or involved a child victim.<sup>45</sup> According to an Amnesty International report, in 2009 the conviction rate for sexual offences was only 3 per cent; largely due to reluctance on the part of victims to go to court for fear of victimization; delays in the investigation and judicial processes; lack of confidence in the judicial process; and the lack of support services.<sup>46</sup>

In all four countries sexual harassment was identified as an area deserving of more attention. Many felt that sexual harassment did not get as much attention because it was accepted as the norm and very rarely viewed as abusive conduct. One organization reported that sexual harassment is socially acceptable and as such treated lightly. Interlocutors suggested that more is needed to analyse and understand the impact and consequences of sexual harassment. Sexual harassment was reported to be a particular concern for university students who were regularly subject to sexual whistles/calls and remarks of a sexual nature, including about their anatomy. Women in the workplace and wider community are also subject to sexual harassment. The issue of trafficking was also mentioned as an area that needs more attention and research.

### **Legislative and policy framework and reform**

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<sup>45</sup> US State Department, Country Reports on Human Rights Practices for 2013.

<sup>46</sup> A/HRC/WG.6/12/770/3

Despite the legislative and policy initiatives in response to sexual and gender-based violence, additional efforts are needed by State institutions in all four countries visited to address specific forms of violence against women.

The delegation held meetings with the Family Courts in Kingston and Montego Bay. The judges and officials interviewed referred to the public perception of Family Courts as “women’s courts” and the scarcity of human and financial resources that affect their functioning. The Family Court judges interviewed stated that in some cases protection orders do serve as a “deterrent” to domestic violence. However, women beneficiaries are sometimes murdered by their partner even while in possession of protection orders.

The limitations of existing laws, the narrow interpretation and the lack of implementation of laws, policies and protocols were also noted as challenges in protecting the rights of women from violence. Regarding protection orders, in theory they should be speedy, accessible and effective as a remedy, but in practice they were referred to as just ‘pieces of paper’, which did not provide a holistic or effective response based on the needs of the victim. This was mentioned in particular in Jamaica and Barbados. Interlocutors stated that police officers do not properly execute protection orders as often they consider domestic violence as less important than other crimes. In Jamaica for example, it was stated that victims were often in situations where they had to safeguard their own integrity and personal security, in the absence of adequate affirmative protection measures from law enforcement authorities.

Interlocutors also mentioned that protection orders were problematic in Barbados. Many women who have been killed recently were recipients of protection orders. Government officials stated that the calls placed by victims to enforce protection orders are often not taken very seriously. In one of the meetings, it was stated that “if a man wants to kill you, he will find a way to do it”, whether one had a protection order or not.

Government representatives stated that there is zero tolerance for violence against women in Barbados and made reference to on-going legislative and other reform efforts to address domestic violence, including holding a national consultation on this issue. However, interlocutors stated that the process has been slow and the perception is that the Government does not seem very open to technical assistance from the United Nations.

The Rapporteurs received information concerning practices in the Dominican justice system, which is contrary to existing international human rights standards. In particular, they noted the information regarding the practice of “confrontation” – in which the victim is required to confront the aggressor when the reported acts are investigated by the police. There are also no forensic labs and/or family courts in Dominica, which makes it difficult

to effectively ensure accountability for domestic violence crimes, including with regard to children.

Several times during meetings the Trinidad Family Court system was referred to as a model for the Caribbean region. Representatives of the Court however mentioned the challenges to properly implement the law on protection orders, and also the need for protocols to guide the police response when the orders are violated. Existing legal aid schemes are also deficient and scarce, according to interviewees, and this requires urgent attention.

### **Policy Reform/ National Gender Policy**

Most Caribbean countries have adopted national policies for gender equality but are struggling with implementation. According to the report by Dominica to the Universal Periodic Review, a National Gender Policy was completed in the country in 2006 and ratified by the Cabinet in 2007.<sup>47</sup> However, interlocutors working on gender equality and women's right were apparently not aware of this development. In their discussions with the Rapporteurs some NGOs highlighted the importance of reforming and implementing the National Gender Policy and expressed concern about delays in this regard. Interlocutors felt that the adoption of the National Gender Policy would facilitate work on the ground regarding sexual and gender-based violence. In Trinidad, problems were also reported with the approval and implementation of the National Gender Policy. It was noted that the Government of Trinidad and Tobago is also trying to develop a national plan on sexual violence and a women's city program to unify domestic violence services for victims. It was further noted that there are also a number of initiatives related to gender-responsive budgeting currently underway in Trinidad and Tobago. It was hoped that this should improve the allocation of funding to programmes addressing discrimination and violence against women and girls, and also the fuller implementation of the gender equality policy.

It was argued that similar efforts, including financial commitments, are needed across the region to ensure the adoption and implementation of national gender policies and the allocation of funding for data collection, training and programming to end gender-based discrimination and violence and promote the empowerment of women in society. The absence of the collection of statistics was a recurrent theme during the visit, and it was argued that this impacts the monitoring of the effectiveness of existing policies and legislation in the area of violence against women.

## **V. INSTITUTIONAL DEVELOPMENTS**

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<sup>47</sup> A/HRC/WG.6/6/DMA/1, p. 7

## **National machinery for gender equality**

The twelve critical areas of the Beijing Platform for Action address the situation of women in the areas of poverty, education, health, violence, armed conflict, the economy, decision making, human rights, the media, the environment and the girl child. The Platform further outlines the national institutional mechanisms that should be put in place and adequately resourced to ensure the implementation of the eleven areas. While most Caribbean countries have set up Bureaux or Departments for the advancement of women and to address violence against them, these national machineries are generally not sufficiently funded or staffed and are not functioning well.

For example, interlocutors indicated that key government entities in Barbados – such as the Bureau of Gender Affairs and the Taitu in Jamaica – lack the needed human and financial resources to function properly. Similar weaknesses were very evident in Dominica. The Dominican Council of Women (DNCW) and the Bureau of Women’s Affairs, charged with promoting and ensuring the legal rights of women by providing lobbying, research, counselling, training and education services, are both under resourced. Many of the Government Officials interviewed including the Bureau of Gender Affairs were unclear regarding what their roles are in addressing the issue of violence against women. It was apparent to the Special Rapporteurs that given the human rights challenges and situation of violence against women and girls there is an obvious need for a United Nations presence in Dominica, including to assist with technical assistance to strengthen State institutions and mechanisms to more effectively promote prevention and response to violence, among other interventions. The CEDAW Committee has, in its recommendations to Caribbean States, stressed the need to strengthen national machineries to promote the advancement of women and address discrimination and violence against women and girls. For example, the Committee recommended that Trinidad and Tobago restructure the national machinery and allocate the necessary human and financial resources to ensure effective implementation of governmental policies and programmes related to gender equality.<sup>48</sup>

## **Shelters and services for victims of violence**

The issues of insufficient shelters and/or inadequate services for women victims of violence, especially domestic violence were highlighted in the countries visited. Interlocutors in Jamaica expressed concern that there was only one shelter (a 12-bed facility) for domestic violence victims in the country, especially given the population size and prevalence of violence, especially domestic violence.

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<sup>48</sup> CEDAW/C/TTO/1-3

As noted by officials in Barbados, Dominica and Jamaica, the limited number of shelters for victims of domestic violence was due largely to resource constraints. Even where shelters had been established, insufficient resources meant that the length of stay for victims was often limited. Barbados and Dominica noted an additional challenge in successfully introducing shelters, due to the size, familiarity and close-knitted nature of communities in these countries, which made confidentiality and safety a concern. Trinidad and Tobago was said to have sufficient shelters, which are run mainly by non-governmental organizations. However, there was a concern about the adequacy and consistency of the processing policies and management of these shelters. Interlocutors noted the need to harmonize and standardize victim processing in shelters for victims of domestic violence across Trinidad and Tobago. The restrictions limiting boys over the age of 12 years from joining their mothers in shelters for domestic violence was raised as a concern in most of the countries visited. Interlocutors pointed out that this age restriction was an impediment for women, many of whom were not willing to leave their boys behind when they entered a shelter.

### **Statistics and data collection**

Interlocutors consistently noted that in order to effectively respond to violence against women and girls in the Caribbean, there needs to be i) more resources allocated for programming and services for victims; ii) on going monitoring and evaluation of policies and training programmes; iii) proper collection of disaggregated data to inform policy; and iv) implementation of appropriate complaints mechanisms to strengthen accountability.

Enhanced data, disaggregated on the basis of age, race, and other factors, was considered among the top priorities in understanding the magnitude of the problem of violence against women and girls in each of the four countries assessed. In this context, interlocutors stressed the importance of focusing on vulnerable groups of women, such as women with disabilities, women living with HIV/AIDS, and LBT women, with the view to strengthening prevention and ensuring effective responses.

Interlocutors in Jamaica noted that as in other countries in the Caribbean, the data collection systems for violence against women, particularly domestic violence, are under-developed. Reporting is hampered not only by victim reluctance to go to the police or other agencies for assistance but also by a reporting system that is not harmonized among agencies. Data sources include the police, the Crisis Centre, the Family Court and health centres. Jamaican police reports are still not routinely broken down according to the relationship between perpetrator and victim, with published statistics reflecting the types of crime, for example, wounding, assaults or rape. It is therefore practically impossible to state with any authority the incidence or prevalence of domestic violence across time, using police records. Several

of the persons interviewed also referred to the need for indicators to better monitor Government policies and their effectiveness in this area.

Similar concerns were expressed by those interviewed in Barbados. The inadequacy of the information-management systems in Barbados was highlighted, as was the complexity in which they function due to the number of agencies involved and lack of harmonization between them. The need for enhanced monitoring and evaluation efforts was also highlighted. Interlocutors also suggested a tenuous relationship between the research done by United Nations entities, universities, and the Government of Barbados. More efforts are needed to address such concerns and to strengthen data collection and information management regarding the nature and scope of violence in the country and appropriateness of response.

### **Enhanced coordination**

The need for enhanced coordination between agencies was highlighted as a concern in all of the countries visited. The Rapporteurs noted that a holistic and coordinated approach to responding to and preventing violence against women and girls was required to effectively address individual, institutional and structural violence, which disproportionately affects women and girls in the Caribbean region. They consistently reiterated to interlocutors that violence against women is a human rights violation, which precludes the realization of all other human rights and is a barrier to the effective exercise of citizenship rights. Enhancing coordination to promote and protect women's human rights was considered crucial in efforts to address violence against women.

In Jamaica the delegation received information of a number of State actions that have been implemented with support of the United Nations Country Team, including the drafting of the National Strategic Action Plan on Ending Gender-Based Violence, and comments to Parliament towards the amendment of the Sexual Offenses Act, 2009, which will hopefully continue and eventually reflect current international human rights law standards. The delegation also received information on the commitment of the government to establish a National Human Rights Institution in Jamaica. Whilst acknowledging the challenges of establishing such an institution, it was argued that such an institution would strengthen accountability and redress for victims, coordination, information sharing, training and education.

With regard to the government response to violence against women in Barbados, there seems to be a dearth of complaint mechanisms when women suffer violence, and it is unclear as where women can go to seek protection or services. There is an absence of protocols to guide the response of the health sector and police regarding such incidents.



There also seems to be a problem with “over-legalization” in certain areas, such as the age of consent to seek health services. Better coordination, clarification and simplification of these issues and processes would go a long way in assisting victims in getting medical and psychosocial help, as well as justice.

### **Programming shift and focus to men and boys**

Both State and non-State actors voiced concern over the inadequate understanding of a gendered response to violence against women and girls, which in all four countries reflected a focus on men and boys, with violence against women being treated as a secondary issue. Numerous interventions highlighted the struggle of civil society to maintain the focus on violence against women and girls, despite the evidence of its pervasiveness, and the lack of adequate support and partnership in provision of services including safe houses. Programming across the four countries visited was clearly shifting from issues around women’s empowerment and rights toward greater attention to the engagement and role of men and boys in addressing violent social patterns and behaviour. The paragraphs below highlight some views of interviewees.

In a continued effort to address gender inequality, the Women’s Bureau in Jamaica established a Male Desk in April 2009. The Desk was established to extend the Bureau’s reach and provide opportunities to engage men in the gender discourse. It facilitates referral services and also serves as a central point to provide information on men’s health and development, parenting as well as the role of men in the elimination of gender-based violence among other issues.<sup>49</sup>

In Barbados men and boys were referred to as both “perpetrators” and “victims” of violence, and in many of the meetings they were referred to as the “champions” to resolving the issue of violence against women. There seems to be an overall negativity and “male backlash” to discussing the problem of violence against women in the country. A program was mentioned – Partnerships for Peace – which seeks to rehabilitate perpetrators in 16 weeks. However, interlocutors could not corroborate whether this program has been effective. There were also concerns raised in regards to the UN campaign “He for She” as promoting “benevolent patriarchy”. The Rapporteurs considered that additional discussion was needed on the implementation of the ‘He for She’ programme in the region and the extent to which it replaces or complements the work on state accountability as promoted by initiatives of the UN regional offices.

Despite the prevalence of violence against women and girls in Dominica, the question of “what about men” came up in several meetings as a concern requiring more focus. Efforts

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<sup>49</sup> A/HRC/WG.6/9/JAM/1, pp. 9-10

are underway to strengthen support to men and boys as a means of addressing violence in Dominica. In Trinidad and Tobago, the issues of masculinities and the role of men were frequently addressed in meetings, indicating an increased focus on men and boys.

While there may be some value in the shift to men and boys, given that men and boys are the main perpetrators of the violence in the Caribbean, there is clearly a need for discussion around the political support and the allocation of resources to ensure that programming for women's advancement does not suffer as a result of the shift to men and boys. The paragraphs above highlight how this shift has played out in the countries visited and it reinforces the concerns raised by interlocutors about the consequences for the violence against women and girls sector.

### **Technical assistance from UN agencies**

The Rapporteurs were also informed about the technical assistance being provided by UN agencies working in the Region, including in the implementation of awareness-raising campaigns to end violence against women; their support to the governments in processes concerning legal reform, development of protocols and national action plans; and training initiatives, among others.

In the case of Jamaica, it was reported that most women were not aware of their human rights or how to realize them. They do not perceive their social reality as connected to human rights. There is a clear need for more public education and awareness raising programs in the area of human rights. The Universal Declaration of Human Rights was often referred to as an important instrument for education and training initiatives, including among high school and university students. The UN is working closely with partners at the University of the West Indies Mona campus to support awareness of the UDHR and other human rights instruments.

However, much more is needed, especially in the case of Dominica where there is no United Nations presence and the situation of violence against women and girls is a significant concern. It was noted that UN entities based in Barbados periodically travel to Dominica to provide technical assistance in the areas of human rights and the advancement of women. Interlocutors considered that these visits were too sporadic and insufficient given the challenges faced by women and girls and the limited institutional capacity in Dominica. In this context, the CEDAW Committee also strongly encouraged the Government of Dominica to seek technical cooperation and assistance from UN entities, including advisory services from the Office of the High Commissioner for Human Rights and other regional entities operating in the Caribbean. Technical assistance was seen as important given Dominica's limited ratification and reporting under the International

Human Rights Conventions and challenges in addressing gender-based violence and other human rights violations.

## **VI. CONCLUSIONS AND RECOMMENDATIONS**

### **Measures taken and remaining gaps in addressing violence against women**

Reports and recommendations from the UPR process and the Human Rights Treaty Bodies, particularly CEDAW and CRC, indicate that Caribbean Governments have undertaken some efforts to adopt new laws and also reform existing legislation concerning domestic violence and sexual offenses, to develop national gender policies, to create bureaux in charge of gender issues, and to provide a number of programs and services for victims of violence against women. Development of training programs, protocols and new institutions, particularly in the policing sector, were also noted as favourable. However, as interviewees highlighted to Special Rapporteur Manjoo and Commissioner Robinson during the study visit, more needs to be done to address violence against women in these countries, including for example: (a) understanding the root causes; (b) amending or abolishing remaining laws that impede the full realization of the rights of women and girls to a life free from violence; (c) educating the public and raising awareness about gender stereotyping and the need to change the perception that violence against women is normal; (d) improving and making more accessible services for women victims of violence; (e) prosecuting perpetrators of all forms of violence against women with the view to ending impunity for such acts; (f) adopting measures to ensure the better enforcement of protection orders to prevent imminent cases of violence, and (g) addressing the absence of adequate evaluation of existing programmes related to violence against women to assess what is effective.

The Rapporteurs further recommend that Governments with the support of UN entities and in partnership/cooperation with civil society organisations in the four Caribbean countries visited coordinate and strengthen their efforts including:

#### *Law and policy reform*

1. Review existing legislation for gaps and introduce comprehensive national legislation, where it does not already exist, to ensure the principle of equality between women and men with specific provisions prohibiting direct and indirect discrimination against women in public and private life with the view to addressing root causes of violence against women.

2. Include in the Constitution and/or legislation a specific clause on non-discrimination on the grounds of sex and gender, and also the right to a life free of all forms of violence, where it does not already exist. Introduce effective policy and programmatic measures to promote the realisation of all human rights, in a holistic manner.
3. Establish complaints mechanisms that are easily accessible for women and girls to report violations of their rights. These may include independent oversight mechanisms and also mechanisms within the justice sector.
4. Include in law reform efforts, expand the opportunities for effective participation of citizens through the creation of spaces where victims, organizations, and intended beneficiaries can participate and voice their views in the adoption and reform of national legislation concerning violence against women. Also create evaluation systems to monitor and report-back to citizens on the impact of their interventions.
5. Adopt measures to ensure adequate access to information concerning existing laws, policies, services, and complaint mechanisms related to violence against women.

#### *Training for police and health workers/ judicial sensitization*

6. Strengthen specialized rape and sexual offences protocols and units within the police forces and enhance training for police officers and sensitization of the judiciary in adequately dealing with complaints of domestic violence and violations of protection orders. The training should aim to address the barriers to making complaints about gendered violence, including the trivialization of such violence, re-victimization, mistreatment of victims and their families, and other factors which impede reporting and which facilitate impunity for acts of violence. Enhance and prioritize the development of protocols and training programmes for health professionals on standardized procedures for dealing with victims of violence in a gender-sensitive manner.

#### *Shelters and services for victims*

7. Increase the number of shelters for victims of gender-based violence and their children and strengthen the capacities, effectiveness, confidentiality, and regulations of shelters and the services provided therein. Remove the age restrictions limiting boys over the age of 12 years from joining their mothers in domestic violence shelters.

8. Strengthen victim assistance and support programmes by providing women victims of violence with information, legal aid, medical support, mental health services, and rehabilitation services, as appropriate.

#### *Sexual harassment*

9. Adopt a comprehensive approach to preventing and addressing gender discrimination and sexual harassment in all its forms and manifestations in the work place and educational environments.

#### *Institutional development*

10. Strengthen national machinery for gender equality and ensure that bureaux and departments are provided with adequate human, financial and material resources to ensure sustainability, visibility and effectiveness in implementing policies and programmes to promote gender equality and end all forms of discrimination and violence against women.

#### *Statistics and data collection*

11. Collect and compile comprehensive data on violence against women, disaggregated by sex, age and the relationship between the victim and perpetrator. States should also coordinate with civil society organizations and academic entities in their data collection efforts. Conduct in-depth analyses of the data and utilize these to develop comprehensive strategies to combat gender-based violence, including domestic violence, rape, incest and prostitution, and undertake further studies to better understand the extent, causes and nature of such violence. Coordinate protocols and ensure the effective sharing of information between agencies;
12. Comprehensive data should be compiled and used to develop appropriate indicators, policies and programmes to promote equal opportunities for women in education, skills training, employment and access to services, including mental, sexual and reproductive health services. Specific focus should be placed on data for vulnerable groups of women, including the girl child; elderly women, women with disabilities; women with HIV/AIDS; teen mothers; LBT women; indigenous women; women and girls vulnerable to trafficking; and migrant women.

#### *Societal change and awareness raising*

13. Adopt a comprehensive strategy and take sustained measures to address and eliminate the negative stereotypes and adverse traditional beliefs and practices that perpetuate negative gender stereotypes as well as discrimination and violence against women. Such measures should include awareness-raising and public educational campaigns, targeting men and women, political and community leaders, Government officials and practitioners, as well as the media and civil society organisations.
14. To address the normalisation of violence and underreporting concerns, consideration should be given to setting up a programme of public awareness, including for example in schools, to encourage reporting of domestic and sexual violence against women and girls and ensure that all such acts are effectively investigated, victims and witnesses are protected, and perpetrators are prosecuted and sentenced within a reasonable time frame.
15. Violence against women is generally underpinned by a complex interplay of individual, family, community, economic and social factors. As such, efforts must be made through renewed will and actions to strengthen systems and structures to address the root causes and consequences of violence against women including addressing individual-level responsibility. Efforts should include an assessment of the social structural deficiencies, such as ongoing gender discrimination, as well as laws and policies that perpetuate and exacerbate violence against women and girls in these countries. UN entities in the region should consider providing guidance and, as appropriate, technical assistance to that end.

*The girl child/Adolescent girls*

16. Adopt and implement a comprehensive and multi-disciplinary strategy for preventing and combating abuse and violence against children, especially the girl child. Establish an easily accessible mechanism for children and others to report cases of abuse, neglect and other violations, and to monitor, prevent and take action on behalf of children at risk, including establishing mandatory reporting of cases of child sexual abuse and exploitation. Facilitate the physical and psychological rehabilitation of child victims and ensure access for them to health services, including mental health services. Ensure that all professionals and staff working with and for children are adequately trained. Strengthen awareness-raising and education programmes to end child abuse, including programmes for parents, and where appropriate, ensure the involvement of children. Conduct awareness-raising and education programmes to combat the stigmatization of victims of sexual exploitation and abuse, including incest.

17. Strengthen age-appropriate sexual education targeted at adolescents, with special attention to the prevention of teenage pregnancies and sexually transmitted diseases, including HIV/AIDS, and other reproductive health issues. Undertake legal and policy reform to increase the availability of sexual and reproductive health information and services, including confidential and youth-friendly health services throughout the country, and ensure the availability of contraceptive services to adolescents. Introduce programmes and awareness to address stigmatization against pregnant teenagers and teen mothers and strengthen support to them, including through community structures, reintegration programmes and social security networks.

*Elderly women, women with disabilities and women with HIV/AIDS*

18. Raise awareness with a view to combating prejudices and negative stereotypes against women and girls living with HIV/AIDS and ensure their equal access to medical care and treatment. Noting that adolescent girls have a higher prevalence of HIV/AIDS, than their male counterparts in the Caribbean, efforts should be prioritised to understand and address the gender dimensions of HIV/AIDS, including the power differential between women and men, which often prevents women from insisting on safe and responsible sex practices. Raising awareness and educating women and girls on ways of self-protection is crucial.
19. Given the limited information available, introduce systems to collect data on elderly women and also women with disabilities to better understand the nature and extent of violence against them and to develop appropriate policies and programmes to prevent and respond to such violence. Access to services, including mental, sexual and reproductive health services, should be prioritised for women with disabilities, particularly given their vulnerability to abuse. Additional training should be provided for professionals working with women with disabilities and public awareness strengthened to address multiple forms of discrimination and violence against them.

*LBT women*

20. Where it has not yet been done, the Caribbean States visited should decriminalize sexual acts between adults of the same sex and take all necessary actions to protect LBT women and girls from harassment, discrimination and violence, including the so-called practice of corrective rape.

*Kalinago (Carib) women*

21. Strengthen measures to address the adverse human rights violations faced by the indigenous Kalinago (Carib) populations, particularly domestic violence and sexual abuse and the lack of services to support affected women and children. UN entities based in Barbados with responsibility for Dominica must strengthen their support to Dominica's indigenous population. In this context, serious consideration should be given to systematic engagement with this population and more generally with the population of Dominica, including the possibility of establishing an office in that country for enhanced oversight, support services, and capacity building to address violence against women and other human rights violations.

*Treaty Bodies and Special Procedures*

22. Countries visited should consider ratifying the international and regional human rights treaties to which they are not yet party, and adopt steps to ensure they are properly enforced. Adherence to all nine of the major international human rights instruments by all Caribbean Countries would enhance the enjoyment by women and girls of their human rights and fundamental freedoms in all aspects of life. Additionally, countries should extend a standing invitation to the Special Procedures of the United Nations Human Rights Council to further advance respect for human rights, including the rights of women and girls.

**ANNEX**

**Caribbean Study Visit  
Legislation on Violence against Women**

**Barbados**



<b>Domestic Violence</b>
<p><b>Domestic Violence (Protection Orders) Act, 1993</b></p> <p>This Act creates a wide range of speedy and effective remedies which are aimed at reducing the incidences of domestic violence. A magistrate can grant a protection order that:</p> <ul style="list-style-type: none"> <li>• prohibits abuse and molestation</li> <li>• excludes the abusive person from the home or workplace</li> <li>• gives the applicant the right to occupy the home</li> <li>• provides for the use of furniture and household effects, payment of rent, utilities etc.</li> </ul>
<b>Sexual Violence</b>
<p><b>Sexual Offences Act, 1992</b></p> <p>The Act recognizes a wide range of offences and has provisions geared at offering greater protection to children and persons with mental disorders. There are also special provisions governing court proceedings. Some acts amount to offences even if they are consensual (example buggery).</p> <p>Offences recognized under the Sexual Offences Act 1992 include:</p> <ul style="list-style-type: none"> <li>• Rape</li> <li>• Buggery</li> <li>• Indecent assault</li> <li>• Serious indecency</li> <li>• Sex trafficking/procuration</li> <li>• Sexual offences in relation to children</li> <li>• Sexual offences in relation to persons with mental impairment</li> </ul>
<b>Sexual Harassment</b>
<p>Draft legislation under review. The Employment Sexual Harassment Bill was supposed to be introduced to Parliament in 2012 to address the issue of sexual harassment in the workplace.<sup>50</sup></p> <p>The draft Bill</p> <ul style="list-style-type: none"> <li>(i) protect employees in both the public and private sector from sexual harassment;</li> <li>(ii) (ii) provide a framework for the reporting and handling of cases of sexual harassment; and</li> <li>(iii) (iii) establish a tribunal to hear and determine matters related to sexual harassment and provide for related matters.<sup>51</sup></li> </ul> <p>The Public Service Act already contains provisions that prohibit sexual harassment within the public service.<sup>52</sup></p>
<b>Jamaica</b>
<b>Domestic Violence</b>
<b>Domestic Violence Act, 1995</b>

<sup>50</sup> A/HRC/WG.6/15/BRB/1, para. 56

<sup>51</sup> Id., para. 59

<sup>52</sup> Id., para. 61

This Act creates a wide range of speedy and effective remedies aimed at preventing domestic violence. By virtue of the amendment in 2004, the domestic violence legislation now offers greater protection for children, provides for the making of maintenance orders and has widened the range of persons who can seek relief under the legislation by including persons in visiting relationships.

A magistrate can grant:

- a protection order that prohibits abuse and molestation, excludes the abusive person from the home or workplace etc.
- an occupation order which gives a right to remain in the household residence
- Other orders relating to counselling, the use of furniture and household effects, payment of rent, mortgage, utilities etc.

The law criminalizes spousal rape only under the following conditions: when spouses have separated or begun proceedings to dissolve the marriage; when the husband is under a court order not to molest or cohabit with his wife; or when the husband knows he suffers from a sexually transmitted infection.<sup>53</sup>

### Sexual Violence

#### Sexual Offences Act, 2009

This Act repeals the *Incest (Punishment) Act* and certain provisions (sections 44 to 67) of the *Offences against the Person Act*. It has new provisions dealing with rape and other sexual offences. It also provides for the establishment of a Sex Offender Registry. Offences recognized under the *Sexual Offences Act 2009* include:

- Rape
- Grievous sexual assault
- Buggery
- Sex trafficking/procurement
- Sexual offences in relation to children
- Sexual offences in relation to persons with mental impairment
  - Incest
  - Introduction of the Sex Offender Register and Sex Offender Registry

### Sexual Harassment

Draft legislation under review<sup>54</sup>

## Trinidad and Tobago

### Domestic Violence

#### Domestic Violence Act, 1999

This Act provides Protection Orders for victims, as well as penalties, fines and possible imprisonment for breaches of the Protection Order. It was enacted in 1999 to repeal the Domestic Violence Act of 1992 with

<sup>53</sup> U.S. Department of State, Country Reports on Human Rights Practices for 2015, Jamaica, accessed on 15 July 2016 at:

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>54</sup> A/HRC/WG.6/22/JAM/1, para. 30

the aim of ensuring a prompt and equitable remedy for victims of domestic violence. It deals with violence and abuse within marital and familial structures.

**Legal Aid and Advice (Amendment) Act, 1999**

This Act was enacted to amend the existing legal aid scheme to allow, inter alia, more persons to qualify for the grant of legal aid and to increase the fees payable to lawyers in legal aid matters. This amendment has also made provision for legal aid to be granted in respect of applications made under the Domestic Violence Act, 1999. In domestic violence cases, where legal aid is required as a matter of urgency, the Director of the Legal Aid Authority now has the power to issue an Emergency Certificate to enable that person to acquire prompt representation.

**Sexual Violence**

**The Sexual Offences Act, 1986**

The Act was amended in 2000 to increase penalties for sexual offences and to penalize all forms of sexual violence, including rape and sexual assault within marriage.

**The Children Act, 2012**

The Act repealed and replaced the Children Act, 1925. The new legislation is wide ranging in its scope and deals with, inter alia, sexual conduct against children, cruelty, juvenile justice, corporal punishment, compulsory school age, evidence and procedures in relation to children in criminal proceedings, Children's Attorneys and the employment of children.<sup>55</sup>

The Act seeks to ensure increased protection of children against sexual abuse through the introduction of a wider and more comprehensive range of offences pertaining to various forms of child sexual abuse including sexual penetration, sexual touching, sexual grooming, child prostitution (including paying for the sexual services of a child) and child pornography. Other offences include female genital mutilation and cruelty to children.<sup>56</sup>

**Sexual Harassment**

**There is no specific law on sexual harassment but some relevant provisions in the Article 7 of the Equal Opportunities Act (2000) which provides that:**

“A person shall not otherwise than in private, do any act which -

- (a) is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of persons;
- (b) is done because of the gender, race, ethnicity, origin or religion of the other person or of some or all of the persons in the group; and
- (c) which is done with the intention of inciting gender, racial or religious hatred.”

**The Offences Against the Person Act, 1925** was amended by Act No.11 of 2005 to introduce offences relating to harassment and includes actions such as loitering at a person's residence or workplace that causes the person to fear that violence would be used against him.

**Dominica**

<sup>55</sup> A/HRC/WG.6/25/TTO/1, para. 13

<sup>56</sup> Id., para. 74

## Domestic Violence

### **Protection Against Domestic Violence Act No.22, 2001**

The definition of domestic violence is wide in that “financial abuse” is included as a form of violence. The Act aims “to provide protection in cases involving domestic violence and for matters connected therewith, and incidental thereto.” The Act caters for a range of persons to make applications on behalf of victims.<sup>57</sup> The law criminalizes rape but not spousal rape.<sup>58</sup>

The Act affords injunctive relief in the forms of Protection, Occupation and Tenancy Orders from the courts. Perpetrators of domestic violence and abuse can be prevented from entering or remaining on premises of the victim, and the police are given powers to enter premises without warrants where violence is suspected<sup>59</sup>. A range of persons other than the victims can make applications for such Orders under the Act. Although the term is broad, it is limited to the domestic sphere. There are, however a number of pieces of legislation that make offences like battery and assault crimes against persons, and redress is afforded under criminal law<sup>60</sup>.

### **Offences Against the Person Act, 2003**

The Act provides for the punishment of crimes involving the taking and harming of life, the endangerment of and threat to human life and divers crimes against the safety, liberty and well-being of the human person<sup>61</sup>.

## Sexual Violence

### **Sexual Offences Act, 1998**

The Act sets out to revise and reform the law relating to sexual offences. The Act defines rape as sexual intercourse without consent of the other person or without believing that the other person consents to such intercourse. A husband is guilty of offence of rape when he has sexual intercourse with his wife without her consent by force, fear, or the use of a drug or other such thing with intent to stupefy or empower when there is in existence: (i) a decree nisi of divorce; (ii) a decree of judicial separation; (iii) a separation agreement; (iv) or an order for the husband not to molest his wife or have sexual intercourse with her. The same applies to a woman who commits the act of rape in the above circumstances. No provision is made for a husband who rapes his wife to be prosecuted in the absence of the above circumstances<sup>62</sup>.

<sup>57</sup> See Doc 2, Commonwealth of Dominica’s national review report on the beijing+20 review April 2014, bureau of gender affairs, pages 9 to 10, April 2014, available from:

[http://www.unwomen.org/~media/headquarters/attachments/sections/csw/59/national\\_reviews/dominica\\_review\\_beijing20.ashx](http://www.unwomen.org/~media/headquarters/attachments/sections/csw/59/national_reviews/dominica_review_beijing20.ashx)

<sup>58</sup> U.S. State Department, Country Reports on Human Rights Practices for 2015, Dominica, accessed on 15 July 2016 at:

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>59</sup> Id.

<sup>60</sup> See Doc1, Final report on Dominica 2012, Organisation of American states, mechanism of the follow up 16th April 2011, 26th March 2012, accessed on the 15th April 2015.

<sup>61</sup> See Doc 4, Inter-American commission of women, Organisation of American States, national report : commonwealth of Dominica, bureau of gender affairs, 23 September 2010, page 4, available from:

<http://www.oas.org/en/cim/docs/Dominica2010.pdf>

<sup>62</sup> See Doc 2, Commonwealth of Dominica’s national review report on the beijing+20 review April 2014, bureau of gender affairs, pages 9 to 10, April 2014, available from: [http://www2.unwomen.org/~media/headquarters/attachments/sections/csw/59/national\\_reviews/dominica\\_review\\_beijing20.ashx?v=1&d=20140917T100730](http://www2.unwomen.org/~media/headquarters/attachments/sections/csw/59/national_reviews/dominica_review_beijing20.ashx?v=1&d=20140917T100730)

Under the law, a person under the age of sixteen cannot consent to sexual intercourse. While girls are highlighted for special protection, it affords protection to boys, who are also potential victims of such crimes<sup>63</sup>.

### **Sexual Harassment**

There is a lack of legislative protection in the area of sexual harassment in the work place, in health and education centres or elsewhere, however the Sexual Offences Act provides redress for harassment under the civil law.

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<sup>63</sup> Idem