

XXXII ASSEMBLY OF DELEGATES
27 – 29 October 2004
Washington, D.C.

OEA/Ser.L/II.2.32
CIM/doc.8/04
14 September 2004
Original: English/Spanish

PRIORITY ISSUES

Preventing and Eradicating Violence

(Item 5.a of the Agenda)¹

¹ This document is presented in compliance with Agreement No.4 approved at the Fourth Regular Meeting of the Executive Committee 2002-2004. In order to comply with this mandate, and avoid duplication of expenses and efforts, this document is comprised of two previously elaborated documents. One of these was presented at the meeting “Key Components for Laws and Policies against Violence against Women,”(August 5-7 2003) which was organized by the Gender and Health Unit from WHO/PAHO, in cooperation with the CIM, UNFPA, UNIFEM, CLADEM, IPAS, ISIS International, the Inter-American Parliamentary Group, and the Center for Reproductive Health. The other is the report of the round table “Inter.-Agency Roundtable – Developing Coordinated Approaches to Eradicating Gender-based Violence in the Caribbean” organized by ECLAC and UNIFEM in Barbados on May 11-12, 2004.

**KEY COMPONENTS FOR LAWS AND POLICIES AGAINST VIOLENCE
AGAINST WOMEN
PRISCILLA SOLANO AND MARIJKE VELZEBOER**

Contents

1. Introduction	5
2. Key considerations for legislation and policies regarding violence against women	6
2.1. Legal framework in Latin America	6
2.2. Violence against women: progress and challenges in the past 10 years	7
2.3. Key considerations regarding legislation	8
2.4. Empowering women	8
3. Non-negotiable considerations for legislation regarding violence against women	11
3.1. Definitions	11
3.2. Relations between victims and aggressors in the private sphere	13
3.3. Protective measures for women and children	14
3.4. Specific punishments for aggressors	15
3.5. Protection of property	16
3.6. Comprehensive care for survivors	17
3.7. Legal procedures and submission of evidence	20
4. Recommendations for implementing the proposed components	21
5. References	23

1. Introduction

The aim of this document is to identify and analyze the key components and non-negotiable elements that must be incorporated into all laws and public policies that address physical, sexual, property, and psychological violence against women. Since the Latin American nations and the countries of the Caribbean have different legal foundations, this initiative focuses on those where the legal framework is based on codified laws and not on those that use the common law system, where case law enjoys preferential treatment. The goal is to create an instrument to ensure that women and other victims of these types of violence are covered by an international sphere of protection, irrespective of their country of origin, age, race, social class, or other distinctions. The initiative does not address legislation intended to eliminate sexual exploitation, trafficking in women, sexual tourism, or problems related to women in armed conflicts. Although these manifestations of violence against women are gender-based, their nature, dimensions, and complexities require documents that specifically address them in depth.

This document is intended to serve as a guide for amending laws and public policies dealing with violence against women, particularly in its domestic and sexual manifestations. It is aimed at legislators, advocacy groups, and women's networks. It was reviewed at the meeting of experts held on August 5-7, 2003, which brought together specialists from across the region with experience in the fields of law, training, reform processes, academic work, advocacy, litigation, and reproductive health. This collaborative effort to develop a model framework for policies and legislation has been coordinated by the Pan American Health Organization/World Health Organization, in conjunction with the Inter-American Commission of Women (CIM/OAS), the United Nations Population Fund (UNFPA), UNIFEM, and regional nongovernmental organizations such as CLADEM, IPAS, ISIS International, the International Parliamentary Group, and the Center for Reproductive Health.

Although only scant data are available for Latin America, we know that women are the group most prone to domestic violence. Empirical evidence indicates that between 30% and 60% of women have been abused by their partners. (1) Some of these studies also indicate that the vast majority (between 70% and 90%) of victims of family or domestic violence are women of childbearing age (15 to 49 years), mostly at the hands of current or former partners. The research carried out also shows that physical mistreatment – the most widely recognized and readily detected form of abuse – is often accompanied by psychological abuse and, around half the time, by sexual abuse. The impact on health and wellbeing include repercussions on the victims' reproductive health (unwanted pregnancies; miscarriages induced by beatings or in response to violence; sexually transmitted diseases, including HIV/AIDS, on account of their inability to take precautions) and of that of their children, who tend to be at greater risk of unsafe sexual behavior, violence, and drug and alcohol abuse. (2)

But, most importantly, violence against women continues to be one of the most common and least acknowledged human rights violations perpetrated in all our countries. It remains a "women's problem." Although it affects the wellbeing and health of between a third and a half of the female population and undermines the social fabric of families and communities, the issue has not been given the importance on national agendas that it deserves as a priority social problem.

2. Key considerations for legislation and policies regarding violence against women

For the purposes of this document, the following assumptions are made about violence against women:

- It constitutes a violation of human rights, irrespective of the situation in which it occurs.
- It is the consequence of an imbalance of power created by beliefs, culture, norms, and social institutions that legitimize and hence perpetuate violence against women. Empowering women to combat the violence they suffer and changing social norms and behavior patterns are important tasks.
- It occurs in all countries and is not restricted to given social, sexual, economic, religious, or cultural groups. (1)

2.1. Legal framework in Latin America

Catalyzed by the mobilization of women and by a series of global conferences – such as the World Conference on Human Rights (Vienna, 1993), the Fourth World Conference on Women (Beijing, 1995), and the International Conference on Population and Development (Cairo, 1994) – most countries enacted laws against domestic and/or family violence during the 1990s. The legal framework set first by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and, later, and much more specifically, by the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará, 1994) requires governments to enact laws and policies that punish violence against women and to monitor their implementation. At present, most of the region's countries have ratified the two conventions and have adopted laws on domestic/family violence; most of these, but not all, place the emphasis on violence against women. The countries that have ratified the Convention of Belém do Pará are obliged to implement its provisions.

Belém do Pará: Specific obligations of member states pursuant to their assumed commitments:

Article 7:

- Refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation;
- Apply due diligence to prevent, investigate and impose penalties for violence against women;
- Include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women;
- Adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property;
- Establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing and effective access to such procedures;
- Establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies.

Article 8:

- Adopt other programs and measures to encourage public education and awareness.
- Mobilize communities to combat violence against women and offer specialized services and assistance to victim who fall victim to violence.
- Ensure research and the gathering of statistics and other relevant information relating to the causes, consequences, and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate it. (3)

2.2. Violence against women: progress and challenges in the past 10 years

Over the past decade, its achievements have made the Americas the world's most active region in the combating violence against women. (4) The Report on Violence Against Women in Latin America and the Caribbean 1990-2000, prepared by the United Nations Development Fund for Women (UNIFEM) and ISIS International (5) indicates that many countries have amended their civil and criminal laws to punish the perpetrators of violence against women, to protect the victims, and to prevent its occurrence. In addition, intersectoral networks have been established – for advocacy at the national level, for providing attention within different sectors, and for support within communities; some countries have emergency telephone hotlines, assistance services for urgent cases, shelters, the provision of specialized medical care, and specialized psychological and legal support services. In others, policies were drawn up and amended; and rules and capacity for their implementation have been institutionalized. With respect to the health sector, PAHO and its counterparts have developed and evaluated models for providing integral attention for cases of domestic violence, and these are in operation at the national, local, and community levels in ten of the region's countries.

In spite of the progress made, different evaluation reports on the implementation of laws and policies applicable to violence against women have identified serious problems with information systems and records, access to justice, attention and protection services for victims, and the training given to service personnel. The Inter-American Commission of Women of the Organization of American States has stated the following:

“It is probably fair to say that the full implementation of the Convention has not yet been achieved in any one of the countries reviewed. All that can be said, based on the scant information available, is that it is unlikely that major progress was made over the past five years in terms of revictimization levels or of the number of women affected. If the changes in institutions, attitudes and programs provided for in the Convention have truly been implemented, then in most of the countries they have not yet led to measurable reductions in violence against women.” (5)

A recent report by the Inter-American Commission of Women (CIM/OAS) – “Violence in the Americas: A Regional Analysis, Including a Review of the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women” – confirms these findings and summarizes the obstacles to full compliance with the Convention's goals in the following fashion:

Legislation:

- In the region, marital rape is neither systematically nor uniformly classified as a crime, as neither are violent sexual attacks perpetrated within the home. In many instances, sexual attacks are still considered affronts on morals and not crimes of aggression that violate the victims' personal integrity.
- In many countries, sexual harassment and stalking are not recognized as serious crimes.
- In many countries, violence is not yet considered a criminal offense and is therefore not punished as severely as other human rights violations.
- Many countries have set up family-matter courts to deal with domestic violence cases, but the effectiveness of this approach has not been properly evaluated.
- Even though some nations have amended their laws to impose stricter punishments for rape and sexual attacks, only seldom are the judgments followed up on.

Access to justice:

- In most countries, the specific protection given to women who suffer violence is very limited.
- Problems faced by women in asserting their rights, arising from a lack of understanding and an inadequate supply of proper, free legal support.
- Inadequate provisions for protecting victims and witnesses during criminal proceedings and appearances before the courts.
- Inadequate understanding and awareness on the part of judges, magistrates, and other judicial officers.
- Problems in making due redress for physical, psychological, sexual, and property damages, or in providing fair compensation.
- Existence of arbitration and conciliation in cases involving violence against women.
- Women who live in poverty, in rural or remote communities, the destitute, disabled women, and female prison inmates continue to face obstacles in securing access to the limited services available.

Care and attention:

- In general, only limited rehabilitation programs for women who have suffered violence exist.
- Attention services offering legal advice and psychological counseling are practically nonexistent, limited to telephone hotlines for crisis situations.
- Limited coverage of secure shelters.
- Scarcity of services in rural and marginalized communities.

Information and records

- Absence of statistical records about violence broken down by age and sex.
- Absence of a national system for recording violence against women.
- Absence of mechanisms for following up on, monitoring, and evaluating the policies and programs that address these problems.
- Absence of a baseline for measuring the impact of interventions in different sectors. (5)

2.3. Key considerations regarding legislation

The effectiveness of laws and policies, particularly those that address family and/or domestic violence (FDV), has been extensively discussed at international and national meetings, including Symposium 2001: Gender Violence, Health, and Human Rights in the Americas (Cancún, 2001). Shortcomings with respect to the implementation and monitoring of laws and policies and governmental failures to allocate resources have been central themes in those discussions. However, the focus on family violence (FV) in contrast to a specific focus on domestic violence against women is also a fiercely debated issue. The supporters of the FV approach support a comprehensive treatment of all family members, wherein they all enjoy equal rights; the other faction, in contrast, emphasizes imbalances of power as the main risk factor and submits cases in which legislation has ended up favoring the aggressors, who, under the FV approach, are equally entitled to protection.

An analysis of seven countries carried out as part of an ICRW-coordinated interagency study revealed that the laws of certain countries were not focused on women and did not define physical, psychological, or sexual violence. (6) Of the legal systems studied, Honduras specifically addresses this with its Law for the Prevention, Punishment, and Eradication of Violence Against Women, and the Dominican Republic explicitly addresses the concept of violence against women, stating that

gender relations within society are the basis for violence against women. (7)

2.4. Empowering women

All laws and policies related to violence against women should be directed at empowering them, providing them with the support, resources, information, and processes they need to take better decisions and follow better courses of action so that, in the short term, they can address their violent situations and, in the long term, change the norms that allow imbalances of power, the marginalization of women and, worst of all, violence against them.

The Beijing Platform consolidates the involvement and contributions of women in all social, economic, and developmental spheres through their empowerment. The three key elements that were developed and fully accepted as fundamental axes for the progress of women within society are human rights, sexual and reproductive health, and education. Beijing (1995) reaffirmed the rights of women with respect to reproduction, as was agreed in Cairo the previous year (1994). For the first time it was stated that women's enjoyment of their basic rights included their right to exercise control over matters relating to their sexuality, without being subjected to coercion, discrimination, or violence.

The following are some of the considerations regarding women's empowerment that must be taken on board in laws and policies applicable to violence:

- Obligatory conciliation must not be required. (8) Women are best able to judge their risks, dangers, and opportunities in handling the situations of violence they face. Conciliation can place them at greater risk, since the "agreements" reached are generally not observed by their aggressors and/or fail to address the violence itself. It is important to give women support so they can make the best decision. Analyses have shown that most countries' legislations include conciliation and that even in those where conciliation is not a part of the law, it is encouraged as part of the prevailing culture. The underlying idea is that it is the service providers who should know what is best for women. Moreover, service providers frequently believe that their role is to uphold the institution of the family at all costs. It is important to make clear that conciliation should never be forced.
- Police officers, health personnel, and other service providers should not be required to lodge obligatory complaints. Filing a complaint should be an exclusive right of women victims, except in cases involving minor children. It must be the woman who freely decides whether or not to report her aggressor, since she is more aware than anyone else of the potential consequences and risks of such a step. Research has shown that the moment at which the woman's physical integrity is at greatest risk occurs immediately after making a complaint. Deciding whether to file a complaint is made even more difficult since, in most cases, victims and their children are economically dependent on the aggressors. In addition, within the health sector it has been seen that requiring complaints to be lodged can interfere with the provision of medical care. (8)

It is a cause of concern that even when complaints are not required by law, some service providers feel they are responsible for filing complaints or for forcing women to report their aggressors. Laws and policies must work to change this practice.

- Service access must be free of charge, immediate, nondiscriminatory, and stripped of formalities.

- Services must be free: to ensure access to legal, police and health services, it is important that they do not impose additional costs on survivors.

In Venezuela: “To pursue the actions provided for in this law, neither sealed paper nor stamps shall be used.” (Art. 3 1.) (9)

In Uruguay: “The Supreme Court of Justice shall guarantee obligatory expert assistance for the victim, for which purpose it shall be authorized to enter into agreements with public or private entities specializing in the matter.” (Art. 20.) (10)

- Expand the range of forensic medical evidence: it is important that those countries that only accept forensic medical evidence prepared by a the small number of forensic physicians available pay due attention to other options for ensuring that women from rural and isolated areas have access to such evidence.
- Services must be provided immediately and without formalities: the aim of this principle is to lift obstacles hindering access to justice by ensuring that judgments are immediate and that judges can proceed on an *ex officio* basis.

In Venezuela: “The bodies responsible for receiving complaints and the competent courts shall give preference to hearing the matters set forth in this law.” (Art. 3. 2.) (9)

- Victims must be allowed to represent themselves: without the need for professional counsel or procedural formalities in general.

In Chile: “In these trials, persons may appear on a personal basis, without needing legal representation or counsel, unless otherwise expressly ordered by the judge, which the judge must do in all cases in which one of the parties does have legal counsel. (...) For minor children or the disabled, their representing lawyer or prosecutor shall act as their legal guardian by operation of law.” (Art. 3, k); “The appeal may be lodged verbally, with no formalities whatsoever, may be heard, without awaiting the formal appearance of the parties, and shall enjoy preference for the issuance of rulings.” (Art. 3, c.) (11)

- Any formality the parties wish to conduct before the judge may be done orally. This principle aims to avoid discrimination on the grounds of schooling.

In Venezuela: “All the procedures provided for in this law shall be oral; written records may be left of certain formalities.” (Art. 3. 6.) (9)

- Laws and proceedings must not victimize women anew: it is important that women are treated correctly, respected, listened to, and believed. Although both parties involved in the violence must attend hearings, it is recommendable that they are not placed together during the proceedings; this is to keep the woman from being victimized again in the presence of her aggressor. This measure is essential in cases involving children. Ideally, each party should be able to address the judge freely and on an individual basis.

In Colombia: “Should the aggressor fail to appear at the hearing, without good cause, it shall be understood that he or she accepts the charges made. Should the victim fail to appear, it shall be understood that he or she chooses to withdraw from the proceedings; this

shall not apply if the victim is a minor child or a disabled person, in which the proceedings shall admit no withdrawals.” (Art. 15.) (12)

In Uruguay: “In all instances the guiding principle shall be to prevent secondary victimization; the confrontation or joint appearance of the victim and aggressor shall not be permissible in the case of children and adolescents aged under 18 years. Should an adult victim request such a confrontation and be certified as being in condition so to do, it may take place (...).” (Art. 18.) (10)

In all instances of doubt, the judge must incline toward the victim. The victim must be in direct contact with the judge, so he or she can feel protected, heeded, and cared for by the system.

In Paraguay: “These definitions (of types of violence) are not to be understood restrictively. The interpretation shall always favor the offended person.” (Art. 6.) “The judge may expand, restrict, replace, or modify them, provided that such action is to the benefit of the offended person.” (Art. 3.)

In Uruguay (Art. 18) and Venezuela (Art. 3.3): “The judges who are to issue the ruling must attend the evidentiary phase, on the basis of which they shall make their decision.” (10)

- Victims must be given the information about their rights they need to make a decision. Women must be told about their human, sexual, and reproductive rights and about the procedures and venues available for asserting them, to ensure they are informed during the legal proceedings and are able to make the best decisions regarding their options and personal safety.
- Confidentiality and privacy must be guaranteed in proceedings. The identity of the person and the information gathered, irrespective of the role played in the conflict, must be kept absolutely confidential.

In Venezuela: “The bodies responsible for receiving complaints, officials of Attention and Treatment Units, and the competent courts shall respect the confidentiality of the matters placed before them.” (Art. 3.5.) (9)

In Puerto Rico: “The Commission for Women’s Affairs shall take measures to ensure the confidentiality of the communications and information it receives from its clients during its provision of services to prevent and assist victims of domestic violence.” (Art. 4.2.) (13)

3. NON-NEGOTIABLE COMPONENTS OF LAW

In order to identify the non-negotiable components for inclusion in all legislation and public policies dealing with violence against women, a review was conducted of the international instruments and laws currently in force in Latin America, particularly those that address domestic violence. This study succeeded in identifying priorities and basic elements for improving legal frameworks, laws and regulations in particular. Efforts were made to ensure balance and legal equality among preventing, punishing, and eradicating violence against women, since many

countries only regulate some of those issues. Some laws stress the punishment of the guilty and do not pay due attention to prevention, training for those who intervene in the process, protection or rehabilitation of victims, and rehabilitation of aggressors. Other laws emphasize protecting the victims but fail to provide the necessary support services, such as safe housing and advisory services, specialized psychological treatment, proper rehabilitation, and health, sexual, and reproductive rights. (14)

The following paragraphs offer a proposal for the non-negotiable components that should be included in laws and policies regarding violence against women.

3.1. Definitions of violence against women and gender-based violence

All laws and public policies must contain definitions of all manifestations of violence against women: physical, sexual, psychological, and property. Different international instruments incorporate definitions of violence against women that could be used as a starting point for domestic laws and policies. Most of the nations of Latin America have ratified these instruments and, consequently, those definitions are a part of their domestic laws.

Violence against women, according to the United Nations Declaration on the Elimination of Violence against Women

“Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

Violence against women, according to the Convention of Belém do Pará

“Violence against women shall be understood to include physical, sexual and psychological violence: that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse; that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and that is perpetrated or condoned by the state or its agents regardless of where it occurs.” (3)

Gender-based violence, according to CEDAW Recommendation 19

“The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.” (16)

The Declaration on the Elimination of Violence against Women (Art. 2) defines three spheres in which violence against women generally arises: (a) *Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;* (b) *Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;* and (c) *Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.*

Intimate Partner Violence: *This occurs between spouses, former spouses, informal intimate partners, and former intimate partners, and the definition also includes violence occurring within homosexual couples. This is the definition used in the United States of America. It includes a segment of the population that, while it exists in our countries, is not legislated for; attention must be paid to the fact that those groups are also*

affected by violence of this kind.

Domestic violence: *It is important to consider the possibility of having this term include all members of a family or all persons involved in a partnership or intimate relationship (irrespective of sex and age). In other words: boyfriends/girlfriends, de facto relationships that are not legally recognized but could be, and relations with domestic employees. [Venezuela (Art. 4), Paraguay (Art. 2), Argentina (Art. 1), Chile (Art. 1); Colombia (Art. 22); Costa Rica (Art. 2,a); Dominican Republic (Arts. 1 & 2); Uruguay (Art. 2); Puerto Rico (Art. 1.3-k)]*

The World Health Organization has defined violence in general in the following terms:

General violence, according to the WHO Report on Violence and Health (2002)

The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation. The definition includes both interpersonal violence and suicidal behavior and armed conflicts. It also includes a broad range of acts, going further than physical violence to cover threats and intimidation. In addition to death and injuries, the definition also covers the countless consequences of violent behavior; these are often less noticeable, such as psychological harm, deprivations, or developmental deficiencies that compromise the wellbeing of individuals, families, and communities. Interpersonal violence is divided into two subsidiary categories: Intrafamily or partner violence: in most cases this occurs between family members or intimate partners, and the general, although not exclusive, venue for it is the home. (2)

Laws must incorporate and define these four types of violence against women in order to ensure the victims receive comprehensive protection. The definitions used must complement those contained in the international instruments already ratified by the various countries.²

In reality, countries have their own definitions according to the types of violence that their laws cover. Many of these laws contain interesting and novel elements that could be incorporated into other legal provisions in Latin America, but the essential issue is that their definitions cover the internationally recognized basic concepts that identify the four types of violence against women. The elements to be taken on board in each of the definitions are the following:

- Sexual violence:** any act in which a person, by means of physical force, coercion, or intimidation, obliges another to perform a sexual act against his/her will or to participate in sexual activity that encourages his/her revictimization. Sexual violence occurs in a variety of situations – marital rape, sexual abuse, incest, and sexual harassment. It also includes unwelcome caresses, sexualized emotional relationships, and undesired anal or vaginal penetration. It covers a series of actions, ranging from apparently “insignificant” forms of behavior, such as touching, to different sexual practices and a broad array of humiliating and harmful acts, such as penetration with objects, sadism, etc.

Sexual violence: any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts intended to traffic in or otherwise use a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work, rape by persons unknown, during armed conflicts, sexual harassment, of disabled persons

² Other laws also further the process of eliminating sexual inequalities, and these generally deal with ensuring equal opportunities for women. Costa Rica has a Law Promoting the Social Equality of Women, and Venezuela has a Law of Equal Opportunities. Guatemala has Framework Law for the Comprehensive Dignification and Protection of Women, and Argentina has enacted a supreme decree ordering equal opportunities for both men and women.

or minors, forced marriage, the denial of contraception and protection, forced abortion, forced prostitution, etc. (WHO World Report on Violence and Health.) (2)

Sexual violence: in El Salvador this category includes the obligation of performing sexual acts on other persons and not necessarily on the aggressor (“procurement”). Also, the inability to decide, as a couple, the number of children wanted. [Venezuela (Art. 7), Paraguay (Art. 3,c), Colombia (Art. 25); Costa Rica (Art. 2,d); Dominican Republic (Art. 8); Uruguay (Art. 2).]

- **Psychological violence:** Psychological violence is considered as being any behavior that leads to emotional harm, reduces self-esteem, disturbs or damages the healthy development of women or other family members, such as actions taken to dishonor, discredit, or cast scorn on personal worth or dignity, humiliating and degrading treatment, constant observation, isolation, constant insults, blackmail, humiliation, ridicule, manipulation, exploitation, threatening to take away children or to deny vital economic support, etc.

Psychological violence: should also include the victim’s freedom of movement and freedom to enter and leave the home. [Venezuela (Art. 6), Paraguay (Art. 3,b), Colombia (Art. 24); Costa Rica (Art. 2,b); Dominican Republic (Art. 9); Uruguay (Art. 2); Puerto Rico (Art. 1.3-1).]

- Physical violence:** this occurs when a person inflicts non-accidental harm on another, using physical force or a weapon that may or may not create injuries of an internal, external, or combined nature (non-severe repeated punishment is also considered physical violence).
- Economic or property violence:** those actions or failures to act by the aggressor that affect the survival of the family’s members – implying the loss of the home, failure to cover food needs, loss of real estate, etc.

Property violence: this covers economic limitations, such as handling and controlling wages, exclusion from bank accounts, exclusion from enterprises involving family capital or assets, etc. This is one of the kinds of violence that is not explicitly contained in many laws and must be incorporated therein on a priority basis. [Uruguay (Art. 2).] (10)

In Costa Rica: “Action or omission that implies the damage, loss, transformation, reduction, destruction, withholding, or diversion of objects, personal documents, assets, valuables, rights, or economic resources intended to satisfy the needs of a person who is vulnerable to this kind of violence.” (Art. 2.e.) (17)

It also covers damage inflicted on common property or property belonging to the victim [Venezuela (Art. 5), Paraguay (Art. 3,a), Colombia (Art. 23); Costa Rica (Art. 2,c); Uruguay (Art. 2).]

With respect to the kinds of domestic violence recognized by Latin American legislation, most of the laws cover physical and psychological violence, while several also cover sexual violence: this is the case with Bolivia, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Puerto Rico, and Venezuela. Three countries – Costa Rica, Guatemala, and Honduras – also address property violence.

3.2. Relations between victims and aggressors in the private sphere

Laws and policies must cover the broad range of possible relations that exist between victims and aggressors. It is therefore necessary to take into account the family models and relationship structures that exist. For example, Panamanian law includes people who have not been formally adopted and children of one partner living in the family home. It is also necessary to

remember that all the possible forms of violence arise from power imbalances within a family or household and that they are related to the individuals who live therein, such as: the couple, be they married or not; older adults of either sex; domestic servants; and homosexual partners. (18) Casual and boyfriend/girlfriend relations should also be covered. The aggressor, in this context, can be any person who abuses his/her position within the couple or any other form of relationship or kinship.

In Costa Rica: “Special protection shall be given to mothers, children, people aged sixty or more, and the disabled, in consideration of the specific situations of each.” (Art. 2,f.) (17)

3.3. Protective measures for women and children

Preventive or precautionary measures can be ordered by the judge prior to legal proceedings in order to ensure immediate and effective protection for victims and their children who are in imminent danger. Such measures are issued by the judge in accordance with the allegations made by the victim and the evidence available to the court (victim’s emotional state, physical injuries, risk assessment, etc.). Recommendable measures include the following:

- **Indicating a secure home for the victim:** should be used only in cases when it is not possible for the aggressor to leave the shared home, since this measure can serve to seriously uproot victims and can turn into another form of victimization. [Venezuela (Art. 39. 2); Dominican Republic (Art. 309-6).] (9, 19)
- **Order for the victim’s return:** if the victim has to leave the shared home, he/she must be provided with the means for the promptest possible return. [Venezuela (Art. 39. 4), Paraguay (Art. 6,d); Uruguay (Art. 10,2).]
- **Removal of aggressor from shared home:** this must take place in those cases, according to the victim’s claims, in which there is a risk to his/her integrity and that of the family, irrespective of the type of violence involved. It must be borne in mind that the victim’s security, health, and life are more important than the aggressor’s territorial rights. [Venezuela (Art. 39); Paraguay (Art. 6); Argentina (Art. 3,a), Chile (Art. 3,h); Colombia (Art. 5,a); Dominican Republic (Art. 309-6); Uruguay (Art. 10); Puerto Rico (Art. 2.1-b).]
- **Protection order:** this involves issuing a special alert to the police throughout the country for the constant protection of a person who is facing imminent danger at any time and in any place.
- **Injunction against disturbing or intimidating the victim or any other member of the family group:** this measure should be granted in most cases of violence, in the interests of the victim’s security and stability. It includes restrictions on contacts and communications with the victim and his/her friends and relatives. [Dominican Republic (Art. 309-6); Puerto Rico (Art. 2.1-c) , Paraguay (Art. 6,g), Uruguay (Art. 10, 5); Puerto Rico (Art. 2.1-j); Uruguay (Art. 10, 4).]
- **Bans and seizures of weapons in the home:** in those cases in which the victim refers to the presence of weapons as a means of making threats, the aggressor’s weapons must be confiscated in order to safeguard the victim’s security. [Paraguay (Art. 6, g), Uruguay (Art. 10, 5); Puerto Rico (Art. 2.1-J).]

- **Protection of minor children:**

- Temporarily suspend the aggressor’s custody of the minor children. This should be ordered when there are allegations of aggression against the children – be it physical, psychological, or sexual – endangering their lives, persons, or dignity. [Venezuela (Art. 40. 2); Puerto Rico (Art. 2.1-a).]

- Suspend the right to visit the children in cases involving sexual aggression. Judges are obliged to keep aggressors from contacting the affected minors, to help ensure that they do not suffer further threats and violence.

3.4. Specific punishments for aggressors

Any person who commits a violent act against another should be punished by law. For this purpose there are different kinds of sanctions that can be applied to aggressors, which must be determined in accordance with the judge’s analysis of the evidence: these are, on the one hand, precautionary measures and, on the other, definitive sanctions. Some countries have established the following:

- Emergency arrest:** in cases of immediate danger, the aggressor can be placed under arrest for a limited period of time, during which the police are to contact the judicial authorities. [Venezuela (Art. 39. 3), Paraguay (Art. 6,e); Chile (Art. 3, h).]
- Fines:** a percentage to be paid as compensation is to be established; preferably, a number of days’ worth of the aggressor’s wages is recommended, and not a fixed amount.

In Chile: “Fine, payable to the municipality, equal to between one and ten days of daily income. Daily income shall be calculated by dividing the convict’s monthly pay or income by thirty. The offender shall provide evidence of having paid the fine within the next five days following notification of the final judgment. Failure to comply shall be punishable by one day’s arrest for each day of income at which the fine was set.” (Art. 4, 2.) (11)

In Colombia: “On the first occasion, a fine of between two and ten minimum legal monthly wages, convertible into days of arrest, to be deposited within five days following its imposition” (Art. 7,a). (12)

- Obligation of temporary alimony:** this is considered basic for the victim’s survival and must be ordered immediately. [Uruguay (Art. 10,6), Puerto Rico (Art. 2.1-e).] Attention must be paid to the ability to comply with this obligation and to the methods for it to be carried out.

In Venezuela: “Method for complying with the punishment: according to the nature of the incident, efforts will be made to ensure that people arrested – either on remand or as convicts – for the violent acts set forth in this law shall work and earn an income to enable them to meet their family obligations; in addition, compliance with the punishment may be deferred to the weekend.” (Art. 43.) (9)

- Community service:** this is a form of punishment that has a positive reparatory purpose. It can serve as a means to make good use of human resources, thereby assisting the community. It requires follow-up mechanisms and methods for the allocation of responsibilities. Punishments of this type must be combined with rehabilitation programs for aggressors.

In Chile: The judge, in consideration of the offender and once the judgment is firm, may commute the punishment of No. 2 or No. 3 to the performance of specific jobs of work for the benefit of the community.” (Art. 4, 3.) (11)

- Prison and criminal law:** Criminal law must be seen as the last option. If this means of coercion is to be used, it should preferably be carried out in accordance with the definitions of crimes that already exist in different laws.³ Latin America’s criminal codes also contain articles that protect the physical and emotional integrity of attack victims. This applies in cases involving such crimes as: murder, criminal injuries (serious, light, grievous), criminal damage (destruction of property, arson, etc.), threatening behavior, marital or domestic rape – since, in some jurisdictions, the penis has been ruled to be a weapon; and indecent abuse, including unwanted touching and contact. Some legislations allow offenders to be sent to prison: this is the case in the Dominican Republic (Art. 1, 2, and 3), Puerto Rico (Art. 3.1, 3.2, 3.3, 3.4, and 3.5), Chile (Art. 4,3), and Colombia (Art. 7,b).

3.5. Measures for the protection of property

As part of the regulations applicable to property violence, measures have been introduced to protect property and shared assets:

- Preventive embargo on the suspected aggressor’s property: it is possible to record, in the public registry, the property of the aggressor and the shared (earned) assets, to prevent them from being disposed of.
- Order for an inventory of property and furniture: it must be permissible for the inventory to be a deed drawn up by a notary public or by at least two police officers and recording the victim’s signature of agreement. [Venezuela (Art. 40. 2); Puerto Rico (Art. 2.1-a); Dominican Republic (Art. 309-6).]

In Uruguay: “Order the removal of the aggressor from the common residence and the immediate surrender of personal effects in the presence of the bailiff.” (Art. 10.1.) (10)

- Exclusive grant of the house contents to the victim, and noninterference in the use and enjoyment of equipment used for work: this ensures that a woman victim can continue to work and support her family, although it does not imply the definitive or irrevocable use of the property awarded to her. Its aim is to temporarily protect the family’s property, including

³ In some of the region’s countries, the criminal codes have been amended to punish different manifestations of violence against women. Several examples of this can be offered: in the Dominican Republic, Law 24-97 of 1997 simultaneously modified several codes to establish a criminal-law approach to violence, amending the Criminal Code, the Code de Criminal Procedure, and the Code for the Protection of Children and Adolescents and defining several types of violence; in El Salvador, acts of violence are punishable and, most importantly, punishments are established for those who fail to obey measures ordered under the Law on Violence. Amendments to Guatemala’s criminal legislation made in 1997 criminalize the inflicting of injuries, venereal contagion (a very important issue to take on board, since the health sector wants to introduce obligatory HIV-AIDS tests in cases of domestic and/or gender-based violence), denial of economic assistance and failure to comply with assistance duties, statutory rape, incest, indecent abuse, and rape.

the children's toys and special equipment needed by disabled family members. [(Puerto Rico (Art. 2.1-g and h); Paraguay (Art. 6,c), Dominican Republic (Art. 309-6), Venezuela (Art. 39. 5); Paraguay (Art. 6, b); Argentina (Art. 3, b); Chile (Art. 3, h); Dominican Republic (Art. 309-6 (3)); Uruguay (Art. 10.3); Puerto Rico (Art. 2.1-d).]

- Order of cash compensation for the damage inflicted on the victim: this order can be given when it is shown that the aggressor caused the damage through the act considered violence and the extent of the damage has been quantified. Such compensation can include, but not be limited to, redress for moving expenses, repairs to property, legal expenses, medical, psychiatric, psychological, counseling, and guidance fees, housing, temporary shelter, and other similar expenses. [Colombia (Art. 5,c); Dominican Republic (Art. 309-6); Puerto Rico (Art. 2.1-i).]

In Paraguay: “the sanction for acts that do not constitute punishable acts shall be the payment of expenses incurred within a period of 48 hours.” (Art. 13, d.)

- Order to submit financial records: the judge can request the submission of financial records and accounting reports regarding the management of common property, companies, businesses, or other common lucrative activities. Dominican Republic (Art. 309-6).

In Chile: “issue a ban on the entering into of undertakings or contracts with respect to specific goods of the members thereof.” (Art. 3 h.) (11)

3.6. Comprehensive care for survivors

3.6.1. Service characteristics

The victim is entitled to health, police, justice, and education services, in accordance with the following:

- Free: attention for the victims of violence against women must be free of charge.

Argentina: “The regulations to this law will establish measures aimed at providing the accused and his family with free medical and psychological assistance.” (Art. 6.) (20)

Puerto Rico: “If the person claims to have suffered harm, injuries, or wounds requiring medical attention, even if they are not visible, that person shall be given the necessary first aid, offered arrangements in order for proper medical treatment to be provided, and supplied with transportation to a medical center where care can be given.” (Art. 3.10 (a).) (13)

- Provided by trained and sensitized personnel: health care workers and judicial officials must be sensitized and trained regarding gender relations and types of violence so that they understand the problems faced by women and can provide timely, efficient, and quality care with a human face.

In Puerto Rico: “Sensitize care practitioners regarding the needs of people who have suffered abuse and their families.” (Art. 4.1 d.) (13)

- Provided in accordance with rules and protocols for care: standards serve to guide providers in the provision of care, enable the attention provided to be monitored, and ensure service quality.
- Archives: institutions must have an information system to record the cases of violence against women they attend. The aim of this is to gather evidence of the problem so the authorities can make decisions in accordance with the reality of the situation and analyze the characteristics of the problem. [Puerto Rico (Art. 3.11); Chile (Art. 29).]

In Paraguay: “The magistrates courts, national police, and health agencies that intervene in cases of domestic violence toward women shall keep a special register containing, at the very least, the following information: name, age, address, marital status, number of children, highest level of schooling completed, profession or occupation of the victim, relationship with the aggressor and whether or not the two have children together; name, age, address, marital status, number of children, level of schooling, profession or occupation of the aggressor; type of injuries: physical, psychological, sexual, or property; place where the violence occurred; place to which the victim was directed.” (Art. 16.)

In Colombia: “The Colombian Family Welfare Institute shall keep a database on domestic violence; for this, all the authorities responsible for receiving and processing complaints shall update, on a six-monthly basis, all the information needed for investigations aimed at preventing and eradicating domestic violence.” (Art. 29.) (12)

In Chile: “The judge shall, for the length of time he deems prudent, oversee the compliance and results of the precautionary measures ordered and of the sanctions adopted; and he may delegate these functions to appropriate agencies, such as the National Women’s Service, the Ministry of Education’s Diagnosis Centers, or family mental health community centers, as indicated in his judgment. The agencies referred to shall, at the intervals indicated by the court, submit the corresponding reports.” (Art. 5.) (11)

- Intersectoral participation: since violence is a complex problem with many causes, addressing it must involve different players from the public sector and NGOs, including women’s organizations, to facilitate references and ensure the gathering of information, support, and comprehensive attention.
- Personal care programs for workers who attend to such cases: such programs should cover: (a) professional and social support networks, (b) teamwork, (c) appropriate working conditions and support structures, (d) continuous education, and (e) psychological care and rest cures.

3.6.2. Considerations for sector interventions

Health sector

Domestic violence against women is globally acknowledged to be a problem of public and sexual/reproductive health. Health services can serve as the initial reception points for the different types of violence and as early detection centers, thereby playing a role in prevention. An assessment of the comprehensive way of addressing the issue developed by the PAHO and its counterparts reveals some lessons of importance in ensuring that the health services deal with the problem optimally:

- The role of early violence detection: staff can ask sift-down questions about the four types of violence during their everyday contact with patients in order to detect occurrences and inform the patients that violence is not normal. Early detection also provides an opportunity for survivors to be given information about their rights and to be referred to the appropriate services. Sift-down is recommended for application in hospitals, emergency services, reproductive health and mother-and-baby centers, etc. (21)
- Providing comprehensive interdisciplinary attention: this includes medical and psychological attention and support services, through self-help groups and/or support networks. Providers should also be aware of the other services and resources available in the community for referring survivors to forms of attention not available at the health center or to other services (legal help, economic assistance, protection, advocacy, etc.). (21)

Argentina: “The regulations to this law will establish measures aimed at providing the accused and his family with free medical and psychological assistance.” (Art. 6.) (20)

- Emphasis on prevention: women must be given information about their rights and the venues available for asserting them. It is important for them to have the addresses and telephone numbers of accessible centers that offer help.
- Special measures for addressing sexual violence: the provision of the following services or options must be covered:
 - Emergency contraceptives: facilitate access to emergency contraception within two hours of sexual contact. This can be by means of EC pills or a combination or contraceptive pills.
 - Abortion: the possibility of its being performed, provided that domestic law authorizes it in cases of violence.
 - Testing for HIV-AIDS, hepatitis, and other sexually transmitted diseases (STDs): it is also proposed that such testing be required in rape cases, in order to strengthen case monitoring. When the test results are positive, they should be used as evidence to enable judges to hand down harsher sentences against aggressors.
- All doctors, and not just forensic physicians, must be authorized for medical testing: in addition, all health and psychological workers (doctors and nurses) can issue deeds recording violence against women. Given the scarceness of forensic physicians, particularly in rural areas of some of the region’s countries, this measure would facilitate and streamline the production of evidence of this kind for legal proceedings.

In Venezuela: “In order to prove the existence of any of the punishable acts described in this law, and irrespective of whether or not the competent court may require his or her presence, the victim may submit a medical certificate, issued by a professional who works at any public or private institution.” (Art. 42.) (9)

- Medical and health care services must be free. To promote free treatment, consideration could be given to allowing those independent professionals and public or private agencies that assist the survivors of violence to deduct the corresponding cost from their income taxes.

Panama: “Private agencies and independent professionals that attend to victims of family violence and child abuse who qualify for free procedural sponsorship may deduct the cost of that attention from their income tax returns. For this purpose, the corresponding account must be duly document

and accepted by the presiding judge.” (Art. 20.) (22)

- Attention must be given confidentially: discretion and confidentiality must be maintained in these cases, since clinical records can also be used as an important source of evidence.

In Paraguay: “Instruct and hold responsible the health service staff in the provision of good treatment and comprehensive care for victims of violence, respecting their privacy and dignity and avoiding the repetition of clinical examinations that affect their psychological integrity.” (Art. 4, d.)

Police sector

The police play a key role in enforcing laws, since they implement the decisions of judges; their oversight and monitoring mechanisms must be strengthened. To secure the due compliance of this sector, the following areas, at the very least, should be strengthened:

- Sensitizing the officers who work with such cases and monitoring to ensure that they discharge their duties promptly.
- Drawing up reports on the incident immediately after they take place, in order to preserve evidence. (Colombia, Art. 20.) Raising awareness on the importance of preparing and preserving evidence.
- Anticorruption mechanisms to prevent officers from requesting or accepting gifts to ensure performance (or nonperformance) of their duties.
- Programs to detect and assist police officers with records of domestic violence.

Justice sector

The text of a law is a good tool for combating violence, but success lies in its correct enforcement. To achieve this, close relations must be established with the other sectors involved in enforcing the law. In addition, judicial training and permanent awareness-raising programs for judges and judicial officials involved in this area need to be implemented. Inadequate training of public officials can lead to the improper use of guidelines and measures provided for in law, causing inequalities in how people are treated and in their access to justice.

In Venezuela: “Execution of training plans: The Ministry of Justice and the Judicature Council will take the steps necessary for the execution of training plans for members of the justice administration and for those involved with the acts provided for in this law.” (Art. 10.) (9)

Education sector

To attain a global solution for the problem of domestic violence against women, attention must be paid to the role of the education sector in providing children with information about human rights, about sexual and reproductive health, about the duties of family members, and about the concept of domestic violence. It can also be used as a means to spread information about the support resources that exist and about how to proceed in such cases. It is also important that teachers be trained to identify and direct those children who have suffered abuse and who belong to families with violence problems.

In Venezuela: “The Ministry of Education shall incorporate into the study plans and programs of all levels and modalities curricular content aimed at conveying to pupils the values of mutual tolerance, self-esteem, understanding, peaceful conflict resolution, and preparation for family life, with domestic rights and obligations shared by men and women and, in general, equal opportunities between the genders. The Ministry of Education shall also take the steps necessary to exclude from the study plans, texts, and support materials, all stereotypes, opinions, or values that express any form of discrimination or violence.” (Art. 9.) (9)

In Paraguay: “Include, as a curricular subject at military academies and national police institutes, the problem of violence against women, its prevention, and its control.” (Art. 4, b); “Work for the modification of socio-cultural behavior patterns among women and men, including the design of programs for formal or nonformal education at all levels of the education process.” (Art. 4, h.)

3.7. Legal procedures and submission of evidence

Freedom of evidence and the ability to assess that evidence are basic issues for judicial ruling. The law should therefore inform victims about the importance of evidence within legal proceedings. Irrespective of the age of the evidence, it is important to have as much proof as possible to indicate what happened.

In Venezuela: “Freedom of evidence: The parties may submit all evidence leading to the optimal clarification of the incident.” (Art. 41.) “Advise the victims about the importance of preserving evidence.” (Art 39. 6.) (9)

In Puerto Rico: “Victims of mistreatment shall be advised about the importance of preserving evidence.” (Art 3.10, d.) (13)

There is an array of evidence on which a case may rest and that judges must take into consideration in issuing their judgments. Violence cases involve medical, psychological, economic, family, and social issues that must be taken into consideration while preparing evidence, in order to achieve optimal clarity regarding the facts at hand. These types of evidence include the following:

a. Expert evidence: it is recommended that this type of evidence be prepared by a public- or private-sector physician, with the approval of an expert or the legal sector. It is very common for case appraisals to make reference only to the physical harm to the victim noted during examination, and not to include the detection of sexual and/or emotional violence. Attention should also be paid to the physical and psychological repercussions, so they can subsequently be translated into monetary compensation.

Uruguay: “It shall be prepared on an interdisciplinary basis and shall serve to determine the physical or mental damage suffered by the victim and to assess the danger or risks and the social background.” (Art. 15:9.) (10)

b. Witness testimony: testimonial evidence given by victims and/or their witnesses or acquaintances can be crucial in resolving a case and must be taken into consideration by the presiding judge. In many cases, however, the testimony of minors is ignored, because judges have not been properly trained in carrying out the appropriate interrogations. Judges must not forget that children are an extremely valuable source of information, because they too are victims.

c. Documentary evidence: Judges must evaluate special documents, such as the clinical records of the victim and children; property records referring to property of all kinds, to check preventive embargoes and the status of common or earned assets; bank and credit-card statements to help determine the aggressor’s income and set alimony payment levels.

4. Recommendations for implementing the proposed components

4.1. The law and its regulations must include a budgetary allocation to ensure that they are enforced

In the region, most efforts to devise laws and policies related to violence have focused on the content of legislation and have not paid attention to considerations of implementation, including the necessary financial resources. (23) To enforce laws and policies, governments must increase the resources assigned to this area, in accordance with the needs of each country, and must include violence against women on their priority agendas. For that reason, states must be sure to assume their responsibility in tackling violence from within all sectors.

In Colombia: “The National Government is authorized to make the budgetary allocations necessary for the enforcement of this law.” (Art. 30.) (12)

4.2. Multisectoral coordination is important for enforcing laws

Violence against women is a complex problem that cannot be resolved unilaterally. Tackling it requires multisectoral and interdisciplinary responses on different levels. This alliance should involve at least the following: the judiciary, ministries responsible for women’s affairs, the education and health sectors, public and private shelters, the legislature, and nongovernmental organizations, particularly those active on women’s issues. These multisectoral networks must operate at the following levels:

- At the political level, through national coalitions: The national network is organized to draw up, execute, and enforce prevention and attention policies and programs in different sectors and, ideally, with a National Action Plan. These networks can institutionalize good practices and monitor the national situation through research and information system reports about the problem of violence against women and its manifestations, dimensions, and consequences, and the alternatives available for tackling and eradicating it. [Puerto Rico (Art 4.1 b.)] This monitoring must also include measurements of progress made with enforcing the law, with indicators of compliance and progress agreed upon as part of the National Plan, to be submitted in annual reports to the Government Council and the Legislative Assembly. [Puerto Rico (Art 4.1, j.)]

In Colombia: “The Colombian Welfare Institute will design policies, plans, and programs to prevent and eradicate intrafamily violence.” (Art. 28.) (12)

In Puerto Rico: “Develop strategies to bring about change in policies and procedures within government agencies in order to improve their responses to needs of mistreatment victims.” (Art. 4.1,e.) (13)

- At the sectoral level: to coordinate the design and implementation of sectorial policies, including: rules and protocols for providing attention, training for service providers, and the establishment of information and oversight systems.
- At the community level: creation of networks to detect, support, channel, and attend to women victims of violence, and to coordinate violence prevention campaigns. In some countries, women have set up support and self-help groups, along with discussion groups involving men.

4.3. To monitor law enforcement, the public agencies responsible for women's issues must be strengthened through intersectoral coordination

In most of the region's countries, women's ministries or institutes are responsible for monitoring compliance with the conventions that deal with gender equality. Thus, those agencies should be strengthened so they can serve to guide policies and programs for preventing and addressing violence against women and take charge of the following functions:

- Prepare national reports on compliance and progress with the CEDAW and Belém do Pará Convention.
- Oversee progress with and intersectoral monitoring of international and domestic legislation.
- Coordinate, at the national level, policies and programs for prevention and providing care, and for sensitizing the member sectors of the national coalition.

In Puerto Rico: “Identify groups and sectors in which domestic violence arises, educate them, and sensitize them in skills for combating it.” f: “Establish and encourage the establishment of programs offering information, support, and counseling services for the victims of mistreatment.” (Art. 4.1, c.) (13)

- Coordinate the network of focus points of the different member sectors.
- Coordinate the sectors' information systems and generate regular monitoring reports, to be used for planning and advocacy purposes.
- Coordinate campaigns dealing with women's rights.
- Where they exist and where institutionalized resources are available, coordinate shelters and hostels: creation of shelters and hostels for victims. [Paraguay (Art. 4, g); Venezuela (Art. 15); Puerto Rico (Art. 4.1,g.)]

4.4. To monitor compliance with the law and its impact on the population, information systems must be set up in each sector that attends to women who have suffered violence

These systems must be practical and be coordinated by the national agencies responsible for sectorial statistics. The information systems must comply with the following guidelines:

- Information gathering must be a part of the comprehensive attention model, and personnel must be trained in dealing with women victims in order to prevent revictimization.
- The information gathering instruments must be simple and, at the least, contain the following information: sex, age, type of violence, relationship to the aggressor, age, address.
- Data must be gathered and analyzed on a regular basis, monitoring the situation at the local, regional, and national levels, for planning and advocacy activities at the three levels.
- National reports monitoring the situation should be published and distributed on a regular basis.

In Chile: “The judge shall, for the length of time he deems prudent, oversee the compliance and results of the precautionary measures ordered and of the sanctions adopted; and he may delegate

these functions to appropriate agencies, such as the National Women's Service, the Ministry of Education's Diagnosis Centers, or family mental health community centers, as indicated in his judgment. The agencies referred to shall, at the intervals indicated by the court, submit the corresponding reports." (Art 5.)

REFERENCES

1. Population Report, "Para acabar con la violencia contra la mujer." Center for Health and Gender Equity and Center for Communications Program, The Johns Hopkins University. Series L, No. 11. Maryland, 1999
2. Pan American Health Organization for the World Health Organization. World Report on Violence and Health: Summary. Washington, D.C., 2002.
3. Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Belém do Pará), June 1994.
4. Almeras Diane, Bravo Rosa, *et al.* "Violencia contra la mujer en relación de parejas: América Latina y el Caribe. Una propuesta para meditar su magnitud y evolución." ECLAC. Mujer y Desarrollo series.
5. UNIFEM, ISIS International, "Informe Sobre Violencia contra las Mujeres en América Latina y el Caribe 1990-2000. Balance de una década." United Nations Development Fund for Women, Regional Office for Mexico, Central America, Cuba, and the Dominican Republic; Santiago, Chile, 2002.
6. Inter-American Commission of Women (CIM/OAS). Propuesta de medidas apropiadas para dar seguimiento a la Convención Interamericana para prevenir, sancionar y erradicar la violencia contra la mujer, Belém do Pará. 2003.
7. Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Belém do Pará), June 1994.
8. Ellsberg, Mary PhD, Programa para la Tecnología Apropriada en Salud, PATH, and Clavel Arcas Carme, MD, MPH, División para la Prevención de la Violencia, NCIPC - CDC Informe Final: Sistematización del Proyecto de OPS: Hacia un modelo integral de atención para la violencia intrafamiliar en Centroamérica. December 2001.
8. Convention on the Elimination of All Forms of Discrimination against Women, United Nations. December 1993.
9. Decree No. 132-1997, city of Tegucigalpa, September 11, 1997. Honduras.
10. Luciano Dinys, Esim, Simel, *et al.* ICRW. How to make the law work? Budgetary implications of Domestic Violence Policies in Latin America. July 2003.
11. Law enacted August 19, 1998. Venezuela.
12. Law No. 17,514; Montevideo, June 18, 2002. Uruguay.
13. Law 19,325; Santiago, July 8, 1994. Chile.
14. Law 294 of July 16, 1996; Bogotá, 1996. Colombia.
15. Law 54 of August 15, 1989; Puerto Rico.
16. Guerrero Caviedes Elizabeth: Violencia contra las mujeres en América Latina y el Caribe Español 1990-2000: balance de una década. Isis International/UNIFEM. Santiago, Chile; April 2002.
17. Convention on the Elimination of All Forms of Discrimination against Women, Art. 1. General Recommendation No. 19: Violence against women, CEDAW/C/1992/1.1/Add.15.
18. Law No. 7586, San José, April 10, 1996. Costa Rica.
19. Coomaraswamy Radhika. Report of the Special Rapporteur on violence against women, its causes and consequences. A framework for model legislation on domestic violence. Submitted in accordance with Commission on Human Rights resolution 1995/85.
20. Law 24-97 of January 29, 1997, Dominican Republic.

21. Law 24,417 – Protection Against Family Violence. Argentina.
22. Pan American Health Organization. Violence Against Women: the Health Sector Responds. Washington, D.C. 2003.
23. Law 27 of June 16, 1995. Panama.

UNITED NATIONS DEVELOPMENT FUND FOR WOMEN

INTER-AGENCY ROUND TABLE

ON

DEVELOPING COORDINATED APPROACHES TO ERADICATING GENDER-BASED VIOLENCE IN THE
CARIBBEAN

held on

11 – 12 MAY, 2004

*UN House, Marine Gardens,
Hastings, Christ Church*

31
TABLE OF CONTENTS

1.	Background	33
2.	Regional Assessment of Initiatives to End Violence against Women	33
3.	Emerging Issues & ‘the Great Leap Forward’	
	i. Crime and Insecurity	36
	ii. HIV/AIDS	37
	iii. Shifting Gender Relations (The Issue of Masculinity)	37
	iv. Reframing: Moving from Violence against Women to Gender-based Violence	38
	v. Integrated & Inter-Agency Approaches	38
	vi. Resource Alternatives	39
	vii. ‘The Great Leap Forward’	39
4.	Action Plans from the Working Groups	39
	A. Prevention	39
	B. Justice and Protection	41
	C. Social Services Delivery	42
5.	Implications for a Co-ordinated Response	43
6.	Possible Role for UNIFEM	45
7.	Conclusion	46

ACTION AGENDA FOR COORDINATED APPROACHES TO ERADICATING GENDER-BASED VIOLENCE IN THE CARIBBEAN

1. BACKGROUND

This report represents the conclusions and recommendations developed at the Inter-Agency Round Table on *'Developing Coordinated Approaches to Eradicating Gender-Based Violence in the Caribbean'* held in May 2004. It draws on the findings of UNIFEM/ECLAC's Regional Assessment of Initiatives to End Violence against Women within the Caribbean. It also draws on the debate and sharing of experiences that took place at the Round Table, which comprised representatives of the UN system, the donor community, governments, NGOs and the violence against women movement. The Round Table provided the opportunity for reflection on what has been done and to identify strategic ways of refocusing the work within the region to deepen the impact of eradication policies.

2. REGIONAL ASSESSMENT OF INITIATIVES TO END VIOLENCE AGAINST WOMEN

Over the last two decades, there have been tremendous achievements in making visible the issues of violence against women. Through the efforts of women's and human right's activists, a challenge has been made to the private/public dichotomy of State accountability, thus fostering greater State responsibility for the safety and well-being of women and children, particularly within the domestic sphere. What this sustained advocacy around the issue of violence against women has brought with it is a growing recognition of the problem of underlying unequal power relations, which result in the oppression and abuse of women and children throughout the world.

The most sustained action has been taken within the area of education. Women's organisations in the region have worked rigorously to develop strategies to educate the community, producing brochures, popular theatre productions etc, which aim to highlight the causes of violence and increase the knowledge of victims of their rights and the legal services available to them. Regional and international organisations have also played a vital part in building awareness and agency collaboration around this issue. One example of this is UNIFEM's 1997-98 Inter-Agency Campaign – "A Life Free of Violence, It's our Right".

An important aspect of this education campaign has involved training and sensitisation programmes of the police and judicial officers, with CAFRA being the lead agency during the 1990s. The most significant regional initiative was the police training instituted by CAFRA, with over 4 000 police officers sensitised over a two-year period. There was a relatively high level of inter-agency collaboration in carrying out this project, an approach that should be explored in other initiatives on violence against women. In 2000, UNIFEM held a conference for magistrates which looked at Human Rights. The aim here has been to focus those working within the area of justice on the seriousness of the issue of violence against women, its wider social implications and the need for it to be effectively addressed.

Corresponding to this education campaign has been a process of Legal Reform, which was led by CARICOM and its successful advocacy initiative of model legislation which governments were encouraged to adopt. CARICOM's efforts have resulted in Domestic Violence legislation in most countries and some sexual offences reform in a few, in particular some recognition of rape within a marriage. The issue of incest has also begun to be tackled, introducing mandatory reporting by parents and definitions of who can be prosecuted. At present further research is being done by the OECS on Family Law and Domestic Violence Legislation Reform, which hopes to establish best-case practice for governments to draw on.

One of the key mechanisms for helping to address the issue of violence has been the delivery of social service provisions to victims of abuse by the NGO sector. These include crisis centres, hotlines, counselling and some perpetrator intervention programmes, which strive to promote male accountability for their actions. While most

of the work undertaken in this area of victim support has been carried out by NGOs and CSOs, there have been some government subventions of money to support these programmes. However, social service delivery is generally weak and more governmental commitment is needed. This area is only now being recognised as a vital component in redressing violence against women.

Despite the achievements, there remain several shortfalls to the work being done and many challenges that act as barriers to the eradication of gender-based violence. Firstly, the focus of the work in this area is narrowly restricted to domestic violence. Thus other inextricably linked issues such as child sexual abuse and sexual harassment lack due attention given the fact that they both constitute forms of violence and are representative of unequal gender power relations.

The administration of justice has been limited because of the reluctance of the police to properly use their powers of law enforcement. This is due to the continued trivialisation of issues of domestic abuse and incest. More importantly, it is a product of the persistent acceptance of patriarchal norms about family privacy, which fosters casualness about spousal abuse. Although CAFRA's regional project on police training has resulted in a sharpened focus by the police on the issue of violence against women, ambiguity remains regarding their role, whether it should be law enforcement or conflict resolution. The latter has proven the more popular but unfortunately does not project an image of zero tolerance. It is hoped that the introduction of mandatory arrest policies would address this problem but careful consideration has to be taken before such policies are instituted. The police critiqued the training for not paying sufficient attention to the technical aspects of policing, especially in the area of arresting and charging perpetrators.

Poor administration of justice is further hampered by victims' limited access to justice. Consequently, CIDA has made recommendations, which include improving access to legal aid and strengthening mediation at the magisterial level to enhance women's attainment of their rights.

There is also the need to improve the sensitivity of the courts and make more consistent the standard of service delivery, while devising a justice response that increases the options of the courts to treat with perpetrators beyond incarceration. For these reforms to occur, real monitoring and evaluation are required to ascertain the attitudes of the courts and their legal application. Such analysis would highlight the need for closer links with the social services within the justice system as a means of ensuring the application of the law through counselling which fosters perpetrator accountability and victim support.

The wider issue of the social services relates to the weakness of their infrastructure to offer sufficient services such as legal aid, crisis housing and child protection, due to lack of resources. Limited funding by the government, given the low priority status given to the issue, has further resulted in poor health sector protocols and lack of tools such as sexual abuse kits and virtually no transitional state housing. Where provisions have been made available by both government and NGOs, financial constraints have meant that the social service delivery has been exclusively victim focused. While important, strategies for tackling the problem of violence need to go beyond this focus and take up the task of prevention. To move forward in challenging the causes and healing the symptoms, greater cross-sectoral commitment and clear service roles need to be established to ensure mainstreaming of the issue, ending the general fragmentation of policy response and analysis. In short, a better accountability net needs to be established to encourage responsibility for the eradication of violence against women within all Government Ministries, via a national inter-sectoral policy.

Governments' lack of political will is compounded by deficiencies in data collection which could be used as an effective advocacy tool by NGOs and women's bureaus. Although PAHO and ECLAC have developed protocols for data collection on domestic violence, there still remains an inadequate understanding of the prevalence and incidence of all forms of gender-based violence. This is due to the poor capabilities of governments and associated service sectors to implement proper data recording procedures. The end result is that effective monitoring and evaluation cannot take place, thus making advocacy difficult.

The NGO sector, although the major source of support, does not escape criticism. There is insufficient collaboration within the sector. This has resulted in gaps and duplication in the services provided. The focus of

their work has also suffered from its narrow remit and thus vital issues such as child abuse have not been dealt with. The sector has paid too much attention to women as victims and men have not been encouraged to accept their responsibilities. The inability of the women's movement to catalyse this sense of responsibility by men, both individually and within institutions, to work on the issue is the central deficit of the work around violence.

Despite the numerous achievements, our attention cannot be drawn away from the fact that, like all types of violence, violence against women and children appears to be on the rise or at least is not abating in any way proportionate to the levels of action expended by women's organisations. Women's vulnerability in the face of patriarchal resilience and resistance is a continuing social reality, further hampered by the growing issue of male economic and social marginalisation and the trivialising of the issue of inequality and gender-based violence.

We now need to ask ourselves, where can we go from here to really ensure mainstreamed systematic and transformational progress? What course of action needs to be taken not only to address the symptoms but also to go deeper and tackle the causes of violence?

Early answers to such questions have come through a plethora of recommendations made at the February 2003 ECLAC-CDCC/CIDA Regional Conference on Gender-Based Violence, the 2001 CIM/OAS analysis of national programs on violence against women in 10 Caribbean countries and through UNIFEM/ECLAC's regional assessment itself.

Recommendations from participants based on the Regional Assessment:

- i. The language needs to be changed and the label of 'Gender-Based Violence' (GBV) more widely adopted so to encompass the issue of cultural change as a key preventative measure.
- ii. Violence against Women needs to be better recognized as one aspect of violence within society which is on the increase. Therefore increased research is needed on the connection between violence in society in general and the existence of violence against women.
- iii. There should be gender mainstreaming throughout all government ministries and social/civil services. This will allow the issue of violence against women and masculine aggression to be seen in its wider context and its effects on society as a whole recognised.
- iv. Sexual Harassment and Sexual Offences towards women and children need more visibility and due legislation needs to be adopted.
- v. Regional and National Action Plans should be developed, thus increased State responsibility is required.
- vi. Such action plans must foster greater coordination and collaboration between the different services that come in contact with the issue of domestic violence and sexual abuse. This coordination can be 'Triangular', 'Linear' or 'Circular'.

Further comments made by participants:

- There is a great challenge ahead in actually implementing a 'reframing' of the issue of violence, moving away from VAW to GBV, as this will have to involve tackling male anxieties regarding the increasing equality between the sexes and economic marginalisation/dislocation. Yet reframing is imperative to ensure success.
- The context for reframing should be based on the understanding that men need to be more centrally involved in the process of reducing violence against women as they are the main perpetrators. The reasons for this have to be addressed and certain aspects of culture have to be challenged to foster social transformation.

- This change in focus has emerged from the increasing realisation that although economic dependency is still a cause of vulnerability to abuse, other issues are at play especially as women are doing better materially. Therefore, attention is being drawn to the ideological and cultural disadvantages which women face, regardless of class, and which provide justification for violence against them.
- To kick start this reframing process, there needs to be wider education on what GBV and gender itself actually mean and how it is different from VAW. Such an understanding by all involved in tackling violence is a prerequisite for ensuring fundamental change.
- Care must be taken to ensure that women are not lost in this reframing process and that they continue to be acknowledged as the victims, especially in the context of sexual violence. They will still require services such as housing, legal aid, counselling etc.
- The responsibility of the State still requires improvement, especially regarding the more efficient allocation and deployment of resources to supplement that of NGOs. States need to recognize the wider context of VAW with regard to its connection to the economy and the problem of male economic marginalisation and violent behaviour.
- There needs to be a clear indication of the action that should be taken at the regional level (Inter-Agency) to help re-enforce efforts at the national level and what form this coordination should take on both spheres.
- Greater data collection is required to really ascertain the actual level of incidence. This would encourage more focussed support from governments.
- Challenging culture and the stigma attached to sexual violence claims will help address the problem of the under use of legislation. On the other hand, challenging those who define culture will ensure that issues regarding sexual violence will be legislated in the first place.

3. EMERGING ISSUES AND ‘THE GREAT LEAP FORWARD’

i. Crime and Insecurity

Within the changing economic and social conditions of the Caribbean, women have proven to be more capable of successfully adapting and establishing survival strategies, whereas men have increasingly fallen by the wayside and have become marginalised from the economy. The result of this transformation is that women are breaking out of their old social stereotypes and this is seen as a threat to men, who feel their standing in society is being challenged. One consequence of this is an increase in violence between men and men themselves, but also between men and women. Women have fallen victim to the increasing violent expressions of men because of their masculine identity crisis and anxieties over their purpose within society and the home. What is being experienced are crime and insecurity at the general level spilling over into the domestic sphere. This is compounded by the fact that violence at the general societal level is regarded as acceptable, a ‘natural’ masculine trait. Thus violence against women is seen as an accepted by-product of societal violence.

At the same time, traditional patriarchal cultural values still remain dominant within society and women continue to be valued less than men. Their jobs, their education, their health and nutrition are not regarded as important as those of men within a family. It is the inferior status assigned to women within society and their lack of power within relationships at the domestic and community level which gives rise to the legitimacy of violence against them.

Women’s experience of violence is also on a general level because of race, ethnicity and economic position. Violence has a gendered face, and to address this requires looking at economic development through a gender

perspective to counter the male marginalisation thesis and further legitimise women's productive economic activity. It also requires governments to recognize that crime is gendered and this fuels gendered violence.

ii. HIV/AIDS

Although there is a clear link between GBV and HIV/AIDS and the disease's feminisation, limited research has resulted in poor policy development on this issue. The problem arises because of women's inability to negotiate with men about the use of condoms. They lack the necessary skills to assert their feelings, a product of their disempowerment. There is also a worrying problem about young children who are subject to forced incestuous relationships and are not able to insist on the use of protection; they are therefore susceptible to STDs.

More data is needed to improve advocacy and policy on this issue. Violence needs to be related to HIV/AIDS because it can be a consequence of violence. To ensure that real progress is made in decreasing the incidence of violence and HIV/AIDS, organisations and governments need to enlist men as allies to encourage males to take more responsibility for their actions. Global Youth Partners also need to be utilised to aim HIV awareness at the youth, making it more appropriate to their situation and to make services more accessible to them. In short, HIV advocacy has to be more clinical and focussed on the issue of intimacy if real behavioural change is to occur.

iii. Shifting Gender Relations (The Issue of Masculinity)

The contemporary experience of violence needs to be rooted in its historical legacy and the terror-based systems of slavery and indentureship. Within this we need to understand how gender roles and their related expectations and aspirations have been constructed. Having identified such constructs, it is possible to see that contemporary identity politics is mobilising these old gender identities and deploying them for current use. This, however, has certain gender implications, especially in legitimising violence on the social level and the domestic level. The role of the media cannot be ignored. It draws on traditional ideas of violence and gender, with the use of violence being increasingly seen as the norm.

How does one break this social construct of a society which sees violence as the 'first resort'? To address this issue involves understanding the constructs of maleness and femaleness as they relate to violence and to define its existence as gender-based versus female victimisation.

The shift in gender roles occurring within the Caribbean as a result of economic changes has had particular implications for what men and women identify as feminine and masculine. For instance, constant patterns of male underachievement and increasing female achievement and empowerment have been regarded as a challenge to hegemonic masculinity. This has sparked a recourse to aggressive hyper-masculine identities, which are connected to criminality and the drug culture. The essence of this new identity is rooted in external affirmation, expressed through violence. As the idea of 'maleness' becomes increasingly fragile, assertion of self has to come through increasingly powerful and aggressive means in order to gain the sense of control traditionally associated with maleness.

The shift in female gender roles is two-pronged, both with violence repercussions. For young females, there has been a parallel emergence of aggressive behaviour of a sexual nature, primarily among lower strata African Caribbean women. They place themselves at risk of violence, some because of sexual adventurism and others because of a need for food and money. Their 'not quite consensual' sex with multiple partners at a young age places them in a very vulnerable situation, exposing themselves to STDs, gang rapes and physical abuse.

For older females, their increasing empowerment through growing educational attainment, employment and financial ascendancy, is threatening socially entrenched assumptions regarding the naturalness of female inequality. Male superiority reacts by suppression and violence to 'keep women down'.

An additional consequence of females breaking out of traditional social roles is that they are no longer willing to

take on the task of being overburdened, informal caregivers. With already overstretched governmental resources, the void which women's retraction from this area of work is leaving is not being filled. The result of this is being felt by children, who are growing in numbers on the street and therefore being increasingly exposed to abuse.

The legitimacy of violence in the Caribbean is not only a product of this assertion of hyper-masculine identities, but is also deeply embedded within the culture of socialisation which fuels the acceptance of violent behaviour within society as a whole. This can be seen in the connection between parenting and violence and the belief that violence is integral to childrearing. Such a connection needs to be disbanded and research undertaken to investigate the effectiveness of non-violent childrearing practices.

To move forward, what is required is a re-socialisation agenda to help society locate alternatives to violence as a first resort in response to fear, conflict and anger. There needs to be training, particularly of men, to use language as opposed to violence to deal with frustration, anger and deficiencies. The connection between discipline and violence must also be challenged and more interpersonal relationships promoted as the norm. Ideas of what it means to be male or female need to be removed from aggressive expressions of behaviour. Finally, the ideas of male leisure time being homo-social and of women being peripheral to male social lives need to be addressed.

Such a re-socialisation agenda has been given support by the ACCP, which offered the conference the following Mission Statement:

“We much change the dynamics in the theatre of gender relations so that both men and women can experience relationships which are characterized by mutual respect, understanding and equality; and free of fear, envy, hatred and all forms of violence and abuse.”

iv. Reframing: Moving from Violence against Women to Gender-based Violence

Shifting the focus of the response to violence to incorporate ideas of masculinity and socialisation requires a parallel reframing of the issues of violence from one revolving around violence against women, to one of gender-based violence. The former has concentrated solely on the issue of unequal power relations and women in need of services. Altering the phrase to gender-based violence allows for the development of a broader array of interventions, focusing on the gendered nature of violence and why men more than women act violently and also how violence is an expression of gendered power relations, observing the connections between the two. This will call attention to the need for policies to encourage cultural change and the key role the education sector should play in this regard. It can also help to legitimate and motivate collective action by women, but more importantly by men and the organisations they control.

Alterations to the socio-economic context of the Caribbean need to take place in tandem with a political commitment to cultural change and transformation of social stereotypes. The problem of female economic dependence on men and the link to violence need exploring and addressed through policies that promote independent economic empowerment. The theme of sexual politics and stereotyped gender expectations about who is the breadwinner helps sustain a subterranean dynamic of conflict and dependence. Both women and men have to be encouraged to alter their perceptions and push for more equitable relationships.

v. Integrated and Inter-Agency Approaches

Better coordinated and cross-sectoral integrated responses are needed to successfully tackle the strong cultural, social and economic obstacles to the attainment by women of a life free from violence. This would mean an end to fragmentation and the start of a fully comprehensive strategy, which addresses law enforcement, health, judicial education, housing and community advocacy. Within this, there must be a combination of responses such as protection policies, service provision, justice, prevention and research on the root causes to combat all forms of violence. These must draw on a range of governmental and non-governmental agencies, beyond the confines of women's Ministries, in order to improve the quality of services provided on the ground. At the same

time, there must be recognition of the gendered face of violence and how its elimination is directly linked to the promotion of women's rights and gender equality.

The end result should involve the drawing up of National and Regional Plans of Action through a participatory process involving the NGO sector. These plans should outline clearly the different sector protocols, how they relate to one another and the necessary resource allocations. It is possible to draw on several recommendations established by past conferences and research papers, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women and the CIM/OAS 2001 meeting being of particular relevance. To spearhead such collaboration, a 'lead agency' or commission should be identified in each country to help identify needs, actions (for service delivery and cultural change) and monitoring and evaluation indicators. At the regional level, UNIFEM needs to take the role of supporter and advocator to such an agency.

To help establish integrated and inter-agency approaches, the rationale behind Joint Programming would be useful to draw on, as its aim is to increase efficiency, collaboration and reduce costs, drawing different agencies together under one clear mandate. The Bahamas can also be used as a best practice for how to go about establishing multi-disciplinary group coordination which seeks to develop protocols for different sectors and advocate to politicians the need for a National Task Force on Violence. The latter aspect requires a key player who has influence within the different Ministries and Cabinet to increase political will.

vi. Resource Alternatives

It is imperative to deploy State resources in a more effective manner given resource limitation if there is to be any form of effective change. This does not necessarily need increased resource allocation, but channelling the existing network of public services more effectively to address gender-based violence. This could involve identifying less capital-intensive programmes, such as education policies. An education policy could include, for example, human rights education, addressing issues such as gender equality, respect and rights from the primary school level. It could also involve undertaking audits of the civil service with the view to identifying the possibilities of reallocating and reassigning existing personnel to different social service delivery units, while bringing different units to work together.

vii. 'The Great Leap Forward'

To achieve this 'great leap forward' requires regional organisations, governments and local service providers to take on board all these new emerging issues; from considering the intrinsic link to HIV, to recognizing that gender identities need re-shaping, to developing an integrated multifaceted plan of action. Only then will real steps forward be achieved.

4. ACTION PLANS FROM THE WORKING GROUPS

The groups discussed the following in the areas of Prevention, Justice and Protection and Social Service Delivery:

At the national and regional levels:

- What is to be done and priorities?
- What mechanisms can be identified for ensuring integration?
- What needs/inputs can be identified in order to implement?

A. PREVENTION

Goal

To inculcate the capacity to deal with relational issues without recourse to violence throughout the life cycle – in early childhood; among adolescents especially young males; in adulthood especially regarding partner abuse

Objectives

- i. To demonstrate the connections between family abuse and other forms of violence**
- ii. To create linkages which demonstrate the centrality of this issue to regional well-being**
- iii. To loosen female identification and make salient connections**
- iv. To demonstrate the constructed nature of gender identities**
- v. To identify those identities which are effective and empowering and those which are not**
- vi. To impart strategies for managing relationships based on equality and equity rather than (sexual) conquest**
- vii. To design PROGRAMMES informed by research to support intervention and implementation**
- viii. To bring masculinities to the forefront**

Actions and Priorities

- i. Research to support advocacy
- ii. Clarification of gender ideologies and values
- iii. Building “resilient” traits
 - Inner traits – goal setting; self esteem; communication skills
 - Positive self worth and confidence
- iv. Building support systems
 - Gender
 - Legislation
 - Supportive policy reform e.g. in education, health
- v. Gender construction
 - Identification and redefinition of Caribbean gender constructions
 - Addressing constructions of masculinity to encourage men to adopt roles of caring, non-violent partners – allowing them to free themselves of rigid gender roles
 - Increasing male ownership of measures which ensure gender equity; engage men on the issue – they have to see the benefits of the process to them

Strategies

- i. Locate “champion” of regional influence
- ii. Use formal and informal education channels for:
 - Behaviour change communication
 - Information education communication
- iii. Public education
 - Defining and rewarding of effective partnership and parenting
 - Creating positive role models
 - Development of positive mentoring programmes
- iv. Recruit faith-based organizations
 - Using inter-generational dialogue or exchanges
- v. Media advocacy
 - Policy development and legislation

vi. Reinforcement mechanisms

- Training of all involved in tackling VAW from community leaders to legislators
- Monitoring and evaluation of all activities

vi. Clarification of 'grey' areas

- Develop clear guidelines and models for best practice which the different sectors are committed to and which foster collaboration

Mechanisms for Integration

i. Recruit a range of organizations to commit to programme implementation:

- Media
- Churches – fundamentalist ideology of condemnation of women and sexuality needs to be challenged to allow cooperation.
- Education and ministry to re-enforce cultural re-engineering
- Artistes
- Inter-institutional mechanisms for steering progress, advocacy and monitoring: region wide and country specific, based on knowledge shared from academics and data collected.

B. JUSTICE AND PROTECTION**Action and Priorities**

i. Capacity building:

- Judges, lawyers, the media and police to enhance their understanding of GBV
- Training to improve the handling of victims and perpetrators – must be guided by clear modules with the aim of increasing multi-disciplinary coordination and collaboration

ii. Improving access to justice:

- For victims through the greater provision of legal aid and legal services/advice
- Improved accessibility of those outside of urban areas
- Greater law enforcement by the police through the issue of protection orders and mandatory arrest in emergency cases of violence
- Judges to be on call in the event of an emergency
- Witness Protection Schemes

iii. Law Reform

- Domestic Violence as follows:
 - Widen the definition of those entitled to relief to include 'long-distance relationships'
 - Strengthen Child Protection Laws
 - Enact legislation to establish clear guidelines for Social Services Delivery
 - Ensure greater adoption of Sexual Violence and Sexual Harassment legislation. This will require increased research into the incidence and to establish the vulnerability factors
- Justice Improvement Projects
- Strengthening the monitoring of GBV cases – improvements in the collection of data regarding the application of laws.

Mechanisms for Integration

i. Central database within court system

- Clear protocol needed to help establish such a mechanism for data collection
- Data can be used as a mechanism for monitoring the implementation of laws

- ii. CARICOM leadership to generate political will
 - Re-drafting and monitoring of model legislation needed and recognition that the issues of crime and security are gendered and filter into violence
- iii. Training (regionally) of police and prosecutors to improve gender sensitivity
- iv. Regional institutionalisation of training for judges
 - A clear module needs to be established to ensure consistency, ending the present ad hoc approach
- v. Law and social policy networking
 - Require a group of persons in this area who can lead and advocate in the area of justice improvements – e.g. “Regional Association of Lawyers”
- vi. Increase the use of Ombudsmen

Needs

Regional Commission on GBV, possibly linked to CARICOM, made up of expertise and leadership including Chief Justices, Heads of Police etc.

C. SOCIAL SERVICES DELIVERY

Actions and Priorities

- i. Identifying crucial components of Social Service Delivery:
 - Social Work - within schools, hospitals, prisons, crisis centres and NGOs.
 - Legal Aid – involving access to lawyers and counsellors
 - Counselling – pastoral, family counselling, clinical counselling
 - Health – access to hospital clinics, private doctors and nurses and mental health help
 - Education – teachers and counsellors to build awareness, identify signs of abuse and provide advice
 - Child Welfare – through the establishment of child protection agencies and NGOs.
 - Substance Abuse Intervention – availability of rehab centres and counsellors
- ii. Do a Needs Assessment identifying:
 - What exists already
 - What are the gaps
 - Challenges anticipated/Barriers
 - What will be required
- iii. Capacity Building of NGOs and Agencies
- iv. Law Reform – which recognises and incorporates Social Service Delivery

Mechanisms for Integration

- i. Establish a coordinating body
 - Representing the different social service sectors, with a sub-committee reflecting an inter-sectoral approach
 - Responsible for:
 - a) Policy formulation
 - b) Research

c) Monitoring (data collection, indicators)

- ii. Devise inter-agency protocol
- iii. Ensure cross-sectoral, gender-sensitive information sharing and training
- iv. Integrate gender perspectives into policy formulation

Needs

- i. Attitudinal shifts that embrace integrated approaches
- ii. Need to establish the ability to monitor closely and learn from best practice cases e.g. the Bahamas
- iii. Gender
- iv. Human resources – with a serious commitment to a disproportionate resourcing of the social services sector
- v. Financial resources

At regional level

- Share best practices
- Encourage law schools and academics from other disciplines to share expertise of research and analysis of the social service sector to help establish policy and inform the practice
- Research required to highlight the impact of GBV on the whole nation, its economy etc.
- Commission to encourage greater dialogue of the social service sector and foster commitment and political will of governments
- UN system and donor community to place increasing pressure on states to take seriously the issue of VAW

5. IMPLICATIONS FOR A CO-ORDINATED RESPONSE

Following are some recommendations, gleaned from the day's proceedings and the group reports, that seek to develop mechanisms for an integrated and co-ordinated response nationally and regionally in the areas of Prevention, Justice and Protection and Social Services Delivery.

Formation of National/Regional Associations

- A Regional Commission on Gender-based Violence, possibly linked to CARICOM should be established. The Commission would comprise leaders with the relevant expertise such as Chief Justices, Heads of Police and/or representatives of relevant agencies such as the police, social services sector, legal and educational sector, the media, women's organisations and regional agencies such as CARICOM, OECS, UWI, CAFRA.
- A 'champion' of regional influence with gender consciousness should be appointed, drawn from the regional commission or asked to serve on the commission.
- There should be a Regional Association of Lawyers that would take the lead in advocating for justice improvements.
- A regional coordinating body representing the different social service sectors should be established to work on policy formulation, research and monitoring. It would also encourage greater dialogue among the social service sector and foster the commitment and political will of governments.
- There should be similar associations at national levels which would feed into and re-enforce the regional work and vice versa.

- An inter-agency protocol should be developed at the national and regional levels.

Training

- There should be training of police, prosecutors and judges at the regional level and modules developed to ensure consistency across the region. This should include training to improve the handling of victims and perpetrators, guided by clear modules to increase multi-disciplinary coordination and collaboration.
- There needs to be information sharing and training across sectors and across the region.
- All persons at all levels involved in the area of violence against women should be exposed to training.

Learning from ‘Best Practices’

- Clear guidelines and models for best practice need to be developed – the different sectors should be committed to these and they should encourage collaboration.
- Mechanisms for close monitoring of the best practices should be developed so that learning from them can take place.
- There should be sharing across the region of the best practices – e.g. the Bahamas – how to establish multi-disciplinary group coordination to develop protocols for different sectors and advocate the need for National Task Forces on Violence; CAFRA – police training and interagency collaboration; OECS - Family Law and Domestic Violence Legislation Reform; UNIFEM - Inter-Agency Campaign.

Law Reform

- The CARICOM model legislation needs to be redrafted and monitored. Areas for consideration are the widening of the definition of domestic violence to include visiting relationships; strengthening the Child Protection Laws; legislation to establish clear guidelines for Social Services Delivery; and greater adoption of Sexual Violence and Sexual Harassment legislation.

Research

- There should be a needs assessment done in the social services area to look at what exists, gaps, anticipated challenges and requirements.
- Governments need to be encouraged and helped to develop and implement proper data collection procedures - the PAHO & ECLAC protocols on data collection for domestic violence should be implemented.
- The law schools and the university in general should be encouraged to share their expertise of research and analysis to help establish policy and inform practice. The link between academia and community needs to be narrowed.
- Research is needed to highlight the impact of gender based violence on societies, economies etc.
- The best practices in the region need to be researched, documented and shared.

Gender

- There needs to be a shift from violence to gender based violence so that more effective polices and programmes can be developed and implemented. This must be accompanied by public education on what gender and gender-based violence are and how the latter differs from violence against women.
- Caribbean gender constructions need to be identified and redefined, with special emphasis on men to encourage them to redefine masculinity and to increase male ownership of measures to ensure gender equity.

6. POSSIBLE ROLE FOR UNIFEM

Goal

To facilitate and support coordinated and pro-active approaches to the eradication of gender-based violence in the Caribbean.

Activities

- Identifying 'champion' of regional influence.
- Facilitating and supporting the establishment of the Regional Commission on Gender-based Violence.
- Facilitating and supporting the activities of the other recommended regional associations of lawyers and social services.
- Coordinating the documentation and sharing of best practices in the area of gender-based violence in the region.
- Launching a regional public education campaign to shift focus from violence against women to gender-based violence, what it is, how it differs from violence against women, what is gender etc.
- Together with the rest of the UN system and the donor community, placing pressure on states to take the issue seriously.

7. CONCLUSION

The Round Table reconfirmed the need for a more integrated and coordinated approach at national and regional levels to address the issue of gender-based violence. Such an approach is necessary in the context of limited resources and to ensure that countries learn from each other's experiences and build on them. An integrated approach must include all of the relevant sectors and national and regional plans of action should be developed. There must also be ongoing monitoring and evaluation to ensure that the legislation, policies and programmes developed are responding to the mandate of eradicating gender-based violence.