

BARBADOS RESPONSE TO THE QUESTIONNAIRE – COMMITTEE OF EXPERTS ON VIOLENCE (CEVI)

**LEGISLATION**

- 1 Aspects of the Convention of Belem do Para has already been established in Barbados' Domestic Violence (Protection Orders) Act 1993 which can be applied directly.
- 2 Although violence against women is not defined within the abovementioned Act, the Domestic Violence Act includes a definition under the definition of harassment which states that harassment includes the intimidation of a person by persistent verbal abuse, threats of physical violence, the malicious damage of the property of persons or any other means. It also included the persistent following of a person about from place to place, the hiding of any clothes or other property owned by or used by a person or the depriving of a person of the use thereof or the hindering of a person in the use thereof or the watching or besetting of the house or other place where a person resides, works, carries on business or happens to be, or the approach to the house or other place. The Act is gender neutral and other Statutes cover the concerns raised here.
- 3 The Act stipulates that if the Protection Order is contravened in any respect the respondent is guilty of an offence and is liable on summary conviction to a fine of \$5,000.00 "11. Where
  - A a protection order or an interim protection order is made and the respondent
    - (i) was present at the time the protection order or interim protection order was made, or
    - (ii) was not present at the time the protection order or interim protection order was made and a copy of the protection order or interim protection order has been served personally on the respondent; and
  - B the respondent contravenes the order in any respect,  
The respondent is guilty of an offence and is liable on summary conviction to a fine of \$5,000.00 or to imprisonment for a term of twelve months or both.

Awards to the victims are left to the discretion of the individual judges or magistrates. The Act applies to all persons whether in private or public.
- 4 This legislation does not cater to trafficking in persons. Some aspects of trafficking are covered under the 1993 Sexual Offences Act.
  - 14 A person who
    - (a) by threats or intimidation procures another to have sexual intercourse with any person either in Barbados or elsewhere; or
    - (b) by deception procures another to have sexual intercourse with any person either in Barbados or elsewhere

- © applies, administers to or causes to be taken by any person any drug, matter or thing with intent to stupefy or overpower that person so as thereby to enable any other person to have sexual intercourse with that person, is guilty of an offence and is liable on conviction on indictment to imprisonment for fifteen years.
- 15 (1) A person who detains another against that other's will  
 (a) in or upon any premises with intent that the person detained may have sexual intercourse with any person; or  
 (b) in any brothel,  
 is guilty of an offence and is liable on conviction on indictment to imprisonment for fifteen years
- 19 (1) a person who  
 (a) knowingly lives wholly or in part on the earnings of prostitution; or  
 (b) in any place solicits for immoral purposes,  
 is guilty of an offence and is liable on summary conviction to a fine of \$5,000.00 or to imprisonment for five years or to both.
- 5 This is covered under the 1993 Sexual Offences Act.
- 6 Barbados has developed a draft Bill on Sexual Harassment which falls under the mandate of the Ministry of Labour.
- 7 No.
- 8 No.
- 9 No, but femicide may be considered as aggravating circumstances of homicide.
- 10 There are no measures in national law that addresses this issue.
- 11 In terms of abortion, the Medical Termination of a Pregnancy Act 1983-4 provides for the lawful termination of pregnancies. In accordance with this Act:1.The treatment for the termination of a pregnancy of not more than 12 weeks duration may be administered by a medical practitioner if the practitioner is of the opinion, formed in good faith:
- A that the continuance of the pregnancy would involve risk to the life of the pregnant woman or give injury to her physical or mental health or
- B that there is substantial risk that if the child was born, it would suffer such physical or mental abnormalities as to be seriously handicapped.

The written statement of a pregnant woman that she reasonably believes that her pregnancy was caused by an act of rape or incest is sufficient to constitute the element of grave injury to mental health required by subsection (1) (a) For pregnancies with durations of 12-20 weeks, two practitioners to give the approval and for pregnancies of over 20 weeks, three practitioners are required. Written consent of a parent or guardian must be given for treatment for the termination of pregnancy for a patient under the age

of 16 years, or a person of unsound mind of any age. This particular service is free once it is accessed through the public health system, and satisfies the conditions set out in the legislation. In 1995, Government implemented a policy to administer the drug Zidovudine AZT at the fourteenth (14<sup>th</sup>) week of pregnancy to women who tested positive for HIV/AIDS. For the last two (2) years, the use of AZT for the mother-to-child transmission prevention programme, has been replaced by the administering of Neviparine - another anti-retroviral drug with greater potency. Neviparine is administered to the mother during labour (one dose) and to the child (one dose) within seventy-two (72) hours of birth.

AZT continues to be used in combination with another anti-retroviral drug – 3TC – for post-exposure prophylaxis for all health staff.

- 12 There has been no awareness campaigns to deal specifically with the Convention of Belem do para but aspects of this Convention has been addressed during various public awareness campaigns especially during the sixteen days of activism against gender violence.

#### **National Plans**

- 13 There is no stated national plan/action/strategy that addresses the eradication of violence against women. Government through the Bureau of Gender Affairs has implemented a number of programmes, which aim to combat and eliminate violence against women.

These programmes are being conducted at three levels:

- The elimination of inequalities between men and women;
- The provision of services for victims and offenders and;
- The provision of funding to women groups to engage in education and support services.

The fight against domestic violence has been concentrated on sensitizing persons to the presence of this scourge and the adoption of a harmonized method of collecting data on domestic violence so that information relative to the nature, the extent, the victim and the perpetrator could be gained and analyzed.

- 14 Domestic Violence is addressed in HIV/AIDS national action plan 2008-2013. The plan highlights the fact that gender inequalities and insufficient open dialogue on sexuality between partners are some of the determinants that of HIV in Barbados. It also highlights the fact that children are made vulnerable through sexual abuse and neglect.
- 15 Government is currently developing its strategy to combat domestic violence and training of these sectors will be taken into consideration.
- 16 Government has already involved Civil Society in the formulation of this plan.

The Bureau of Gender Affairs collaborates with the NGO and International arena in developing programmes and initiatives to address the issue of domestic violence. The thrust of the activities around domestic violence is undertaken by the NGO community. The Sixteen Days of Activism against Gender Based Violence which is celebrated from the 25<sup>th</sup> November to the 10<sup>th</sup> December each year has become one of the Bureau's primary activities to highlight the scourge of domestic violence. This activity is held in tandem with its strategic partners and continues to grow with the addition of new activities to the calendar every year.

Since 2005, the fight against domestic violence has been taken to the young people in secondary schools through the National Organisation of Women in collaboration with the Bureau of Gender Affairs. Given the success of that programme it has been expanded to encompass some primary schools.

The Business and Professional Women's Club has also started a Teen Relationship Abuse Prevention Programme (TRAP) which is designed to sensitize hundreds of students at five primary and secondary schools to domestic abuse and sexual assault issues.

More recently, the Services Alliance for Violent Encounters (SAVE) Foundation was launched in April 2009 through technical support of the Bureau of Gender Affairs. This Foundation focuses exclusively on domestic violence and seeks to introduce programmes and services for survivors and perpetrators of domestic violence. To date there has been a rally to increase awareness of this issue and to build support for advocacy efforts. Support groups for survivors of domestic violence are now being established.

The Bureau commissioned the Caribbean Development Research Services (CADRES) a regional research organisation to conduct a survey on domestic violence.

- 17 The Bureau has been able to establish strong linkages with the media. This has allowed the Bureau to obtain media coverage both electronic and print for the majority of its activities. There are however no cooperation agreements.

### **ACCESS TO JUSTICE**

- 18 There has been no increase in the entities taking complaints. Complaints are done through the police.

19 The application for a protection order is free of cost. Cases referred to the welfare Department, which is the agency mandated by government to deal with domestic violence, for maintenance and custody of children is free of cost. These services are open to all women. The Welfare Department has responsibility for the supervision of the counseling mandated by the court under the Domestic Violence (Protection Orders) Act. Once the Protection Order is in place and the Social Workers assist clients in working towards a solution. Some Police Officers have received specific training to intervene in cases of domestic violence and the principle of confidentiality is observed.

- 20 There is a shelter for women who are victims of domestic violence.
- 21 There has been no assessment and studies on how much time it actually takes to provide protection orders after a complaint is reported. However, the Police would have statistics on the issuing of Protection Orders.
- 22 There are no known protocols of care for women.
- 23 There are no known studies
- 24 There are no known studies

### **SPECIALISED SERVICES**

- 25 A shelter for abused women has been established and funded by Government but it is run and administered by the NGO community.

- 26 Domestic violence services have been carried out largely through the NGO community with technical and financial assistance by the Government of Barbados. Government launched a hotline for victims of domestic violence in March 2010
- 27 This hotline is managed by Civil Society and information campaigns are planned.
- 28 There has been no evaluation of these services.

### **Budget**

- 29 An allocation of BDS \$10,000 (US\$5000) was allocated to address gender based violence in 2009 from public funds. Support is also received from international and development agencies.
- 30 Shelter \$350,00.00 BDS from Government. The national hotline is managed by the SAVE Foundation Counselling is provided by the Welfare Department free of cost.

### **Information and Statistics**

- 31 Government sponsored the national survey on the Prevalence and Characteristics of Domestic Violence in Barbados. On February 10, the Bureau organized a Consultation on Domestic Violence at the Lloyd Erskine Sandiford Centre; to discuss the findings of the Report.
- 32 The Bureau of Gender Affairs commissioned CADRES a research institution to undertake the National Study. There was a follow-up discussion with the Sir Arthur Lewis Institute of Social and Economic Studies of the University of the West Indies, Cave Hill.
- 33 The survey on Domestic violence captured part of this but there are no periodic surveys.
- 34 An Official request would have to be made to access these records. The statistics from the police is not disaggregated by sex.
- 35 Information is not categorized according to the areas outlined.
- 36 There is no mechanism or body for coordination between the institutions.

The inability to accurately measure the extent of domestic violence has been one of the greatest challenges for those involved in the fight against this scourge.

Further to the development of the Domestic Violence Data Collection Protocol, a Cabinet Paper on the Protocol has been prepared and has been presented to Cabinet, who in turn approved its recommendation in March, 2008. This has paved the way for a pilot project to be undertaken in August 2008 using the Domestic Violence Data System Form. This

project will involve a number of agencies which are stakeholders in the fight to eradicate domestic violence. Training for those agencies involved in the project has been ongoing.

The statistical data garnered will inform government policy to address this problem holistically.