

# CASE STUDY THE ANGLOPHONE CARIBBEAN: A REGIONAL APPROACH TO A REGIONAL PHENOMENON

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Regional Evaluation on Access Justice  
as a preventive mechanism to end violence against  
women 2011-2015  
UN WOMEN



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## Acronyms

ACCP	Association of Caribbean Commissioners of Police
AtJ	Access to Justice
CCJ	Caribbean Court of Justice
CEDAW	Convention to Eliminate Discrimination against Women
CAJO	Caribbean Association of Judicial Officers
CAWL	Caribbean Association of Women Lawyers
CARICOM	Caribbean Community (and Common Market)
CIWIL	Caribbean Institute of Women in Leadership
CSW	Commission on the Status of Women
DAW	Division for the Advancement of Women
ECE	Economic Commission for Europe
ECLAC	Economic Commission for Latin America the Caribbean
ECSC	Eastern Caribbean Supreme Court
FGE	Fund for Gender Equality
GBV	Gender Based Violence
ILO	International Labour Organisation
INSTRAW	International Research and Training Institute for the Advancement of Women
JCPC	(United Kingdom's) Judicial Committee of the Privy Council
MCO	Multi Country Office
NSAP	National Strategic Action Plans
OAS	Organisation of American States
OECS	Organization for Eastern Caribbean States
OSAGI	Office of the Special Adviser on Gender Issues and Advancement of Women
PAHO	Pan American Health Organisation
RPTC	Regional Police Training Centre (under the ACCP)
UN	United Nations
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNFPA	United Nations Population Fund
UNODC	United Nations Office on Drugs and Crime
UNTF	United Nations Trust Fund
UPR	Universal Periodic Review
WHO	World Health Organisation
WB	World bank
SIDS	Small Island Developing States

## 1. Introduction

This study is one of four case studies within the UN Women<sup>1</sup> Access to Justice to end Violence Against Women and Girls regional evaluation commissioned by the Americas and Caribbean Regional Office of UN Women in Panama. The evaluation will assess the work done in Access to Justice from the period 2011 and 2015.

The objective of the case studies is twofold. They will attempt to provide the answers to the questions raised in the regional evaluation, analysing at the country level programmes and other interventions as well as their contribution to the specific goal of enabling access to justice to women and girls which have been subject to violence. Also, they will identify the programmes, strategies which have proven to yield positive results. This would allow a deeper understanding of their success and to draw lessons learnt and their potential for replicability in other areas or countries, where appropriate.

This exercise would not have been possible without the cooperation of the UN Women Multi Country Office (MCO) in Barbados which facilitated access to the key stakeholders interviewed and also provided the documentation material for the desk review. Most importantly, the contribution of the MCO staff to the findings in this report was essential to understand the reality of working with several island states and territories and the challenge this represents. The information and support from the Evaluation Department at the Regional Office in Panama was crucial to facilitate the evaluation exercise.

The evaluation team also acknowledges the invaluable input from all the stakeholders interviewed for providing us with their time and insightful ideas which provided the material with which this report has been developed. Their contribution has allowed this report to provide a summary description of some of the advances in access to justice for women in the region and the challenges which are to be tackled.

The data collection process for the Caribbean was originally conceived with a field visit to the Barbados to the MCO. This option resulted to be unfeasible given the appropriated budget and the logistics required to carry out an appropriate sample of the several countries covered in the area. Instead, a series of interviews over the phone and internet media were carried out between 14 January and 11 March with a total of 28 people interviewed. This report is a desk study exercise with the limitations in reguroosity and depth which are potentially inherent in such an exercise. Accoding to the ECE and WHO, there is scarce reliable and globally comparable data on prevalence of GBV in general. This is a more acute problem in the Caribbean area. Thus, the statistics and numbers provided cannot be assumed to be comprehensive in this case study.

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<sup>1</sup> In July 2010, the United Nations General Assembly created UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women, replacing UNIFEM and other UN entities.

## 2. Context in the Caribbean on Access to Justice (AtJ) for women who experienced violence.

The Caribbean basin is a very diverse area as its countries and overseas territories comprise varied political structures, economic/social development levels and population sizes. The history and the legislative framework are a legacy of the former colonial powers in the Caribbean: English, Dutch, Spanish, and French.

The MCO covers the English and Dutchspeaking Caribbean, including the overseas territories of the United Kingdom and the Netherlands. Given a number of common challenges as Small Island Developing States (SIDS), combined with the British legacy, various attempts at regionalisation have been made – and a key result are two intergovernmental bodies – CARICOM and the OECS; as well as two intergovernmental Courts – Eastern Caribbean Supreme Court (ECSC), and the Caribbean Court of Justice (CCJ).

In the CARICOM<sup>2</sup>/Caribbean region, some of the largest countries have High Courts but none have their own Supreme Court/Court of final decision. Until the creation of the Caribbean Court of Justice, however, the highest court of appeal in CARICOM countries (excluding Haiti and Suriname) is the United Kingdom's Judicial Committee of the Privy Council (JCPC). For those countries who have not signed on to the CCJ, the Privy Council remains the highest court of final decision for some CARICOM countries. To date, Barbados, Belize, Dominica and Guyana have replaced the JCPC with the CCJ. Another important regional actor is the Organization of Eastern Caribbean States<sup>3</sup>. The West Indies Act of 1967 established common courts giving birth to the West Indies Associated States Supreme Court, today known as the Eastern Caribbean Supreme Court (formerly with headquarters in Grenada but today its headquarters are based in St Lucia), which fused the High Court and Court of Appeal into one Supreme Court, and changed the system to direct all appeals to the Court of Appeal. Due to the multi country mandate the UN Women MCO has, subregional bodies like CARICOM, CCJ and the ECSC play an important role in its subregional strategy.

The Caribbean Region's economic outlook is largely dependent on the fluctuations of the global market. Recent years have seen the Region manage a decline in remittances; an increase in outward migration; downturns in tourism and financial services sectors; and increase in the importation of energy and commodity prices. As unemployment rises<sup>4</sup>, the majority of countries are grappling with unsustainable high debts, devaluations of their currency and for some, externally enforced fiscal policies. These realities contribute to an inequity of growth among Caribbean populations, and in some countries, increased polarization of already marginalized and vulnerable communities. With the exception of a few resource rich countries, the majority of islands have limited resiliency to natural disasters, although measures to build resiliency remain fragmented. Poverty levels in all countries are rising – from the most highly developed – Barbados at 19.3% to the lesser developed middle-

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<sup>2</sup> Established by the Treaty of Chaguaramas which came into force on 1 August 1973. The Revised Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy entered into force on 1 January 2006.

<sup>3</sup> Member states are: Antigua and Barbuda, Anguilla\*, British Virgin Islands\*, Dominica, Grenada, Saint Vincent and the Grenadines, Montserrat\*, Saint Kitts & Nevis, and Saint Lucia. \*British Overseas territories.

<sup>4</sup> Grenada has one of the highest rates of 30% up from 24.9% (2008) to Jamaica whose rate moved from 12.8% (2011). Only Trinidad and Tobago, an energy exporter saw the unemployment rate decrease to 4.90% (2012);

income, such as Grenada at 37.7%. Women remain the predominant heads of households, with assessments showing that female headed households constitute a large percentage of the most vulnerable and deprived households in the region<sup>5</sup>. In spite of the general improvements in women's economic status, the narrowing of the gender gaps in access to health, education<sup>6</sup>, and laws that protect the rights of economic equality for women, many economic opportunities still tend to favour men. Social traditions are still a factor limiting access to work and making it more difficult for women to balance family responsibilities and work outside the family home.

With a few notable exceptions, the Region's governance can be categorised as stable, with democratic processes largely seen as transparent; trusted public administration; free media; and a well developed, free and largely nonpartisan civil society. Women formed a significant part of the Independence movement in the Caribbean, and are often described as the foot soldiers of the political parties, despite low levels of participation in elected politics. In the Caribbean many of the potential barriers to access the political process have already been eliminated. Women have the right to vote and to be part of political parties. However, this participation is more predominant at the local level and not representative of the women's population throughout the area at the national level, which continues to be dominated by men. Indeed, while women participation in the political arena and public service has been long established, there are still a relatively low number of women in higher political posts or government positions. This is contradictory to educational levels where women tend to do perform better than men in elementary and higher education. Thus, academic progress and equal access to education have failed yet to translate into equal political representation<sup>7</sup>.

As a result of post-independence commitment to universal education and primary health services, significant progress has been made in the elimination of direct discrimination and the attainment of equality of socioeconomic opportunities and outcomes. All countries have signed and ratified CEDAW though only Antigua and Barbuda, Belize and St. Kitts and Nevis have signed and ratified the Optional Protocol. The majority of Caribbean countries which have come before the Universal Periodic Review<sup>8</sup> (UPR) in recent years have faced the shared observations on the elimination of capital punishment; elimination of corporal punishment in schools; decriminalizing homosexuality; and protecting sexual and reproductive health rights. The CEDAW Concluding Comments across the region have uniformly focused on the need for comprehensive, resourced gender equality policies and laws; strengthened multisectoral responses to protect, prevent and punish gender-based violence; legal recognition of rape within marriage; tackling increased levels of teenage pregnancy; lack of sexual and reproductive health rights; the need for increased levels of women's participation in parliamentary processes; and effective responses to women's poverty and unemployment.

The region has become more violent, in part because of its proximity and role in the trans-shipment of narcotics and weapons within the Americas; but also because of the increasing economic disparities in society. The 2007 UNODC/World Bank report on crime in the

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<sup>5</sup> Women's Economic Empowerment in Latin America and the Caribbean, 2012, p.14

<sup>6</sup> Girls surpass boys in education enrollment and completion of secondary and tertiary schools in several countries, *Ibid*, p. 15

<sup>7</sup> Barrow-Giles, Cynthia, Political Party Financing and Women's Political Participation in the Caribbean, 1999, p.56

<sup>8</sup> A mechanism of the Human Rights Council (HRC) aimed at improving the human rights situation on the ground of each of the UN Member States.

Caribbean places the region as amongst the most violent in the world, with high per capita rates of murder as well as sexual violence<sup>9</sup>. In those countries with the highest rates of violence, organized crime and gang violence present the greatest challenge. In all countries, the level and rate of gender-based violence is very high with sexual violence, domestic violence and trafficking in persons being the primary manifestations of the violence above all other forms of crime that get more attention.

With relative large coastlines and several territorial areas to control with scarce resources to patrol and law enforcement, these countries are highly porous. While the individual capacity of Judges, Magistrates, Court Officers and lawyers is of global standards, the Justice systems remain overburdened given their small size and the relative demand. In addition to this, the pressure applied to the system due to the number of people visiting as tourists can quickly overwhelm their justice systems which ultimately affects those, living locally, waiting for access to justice.

This report is not focusing on general crime or drug-related crime, but crime in general affects access to justice for women, particularly since violent crime and crime against women and GBV levels are among the highest in the world. As a region, per capita, murder rates are among the highest in the world – with Belize and Jamaica coming in in the fifth and sixth highest rates of homicide in the world, and the top three coming from the Americas.

Violence against women is widespread which have made the role of UN Women highly relevant in the area. In fact, GBV is the most significant and common danger facing women in the Caribbean<sup>10</sup>. Like all regions world wide, capturing, reporting, and prosecuting violence in home is one of the most challenging of work within the Citizen Security agenda. UNFPA calls this “a culture of silence”. Despite women’s dominance in tertiary education in the Caribbean, and a strong level of women’s engagement and leadership in the Civil service, economic dependence and unequal social opportunities have perpetuated and widened the effects of inequality against women in the Caribbean<sup>11</sup>. The effects on the victims undermine their autonomy, their health and dignity. Moreover, victims of violence can and do suffer medium to long term effects as a consequence, such as reproductive effects, sexually transmitted diseases (including HIV rates propelled by violence), abortions, unwanted pregnancies, psychological traumas, economic impacts, social stigmas, and ultimately death<sup>12</sup>.

On the Regional Assessment of Actions to End Violence Against Women by ECLAC/UNIFEM (2003), it is reported that one in four women in Guyana has been physically abused in a relationship while approximately 30%<sup>13</sup> of women in Trinidad & Tobago have experienced domestic violence. In Suriname, 67% of women have experienced violence in a cohabiting relationship while in the Bahamas domestic homicide cases sharply increased from 42% in 2000 to 53% in 2002. It also reports that 30% of adult women in Antigua & Barbuda and

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<sup>9</sup> Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean, UNODC&WB March 2007

<sup>10</sup> Source: Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean. The United Nations Office on Drugs and Crime and the World Bank 2007

<sup>11</sup> Ibid

<sup>12</sup> Source: <http://www.unfpa.org/gender-based-violence>

<sup>13</sup> According to the ECE and WHO (“Violence against women: a statistical overview, challenges and gaps in data collection and methodology and approaches for overcoming them”), there is scarce reliable and globally comparable data on prevalence of GBV in general. This is a more acute problem in the Caribbean area. Thus, the statistics and numbers provided cannot be assumed to be comprehensive.

Barbados have experienced some form of domestic abuse<sup>14</sup>. This can be summarised by the stark finding of the Pan American Health Organisation (PAHO) finding which states that close to 50% of the region's adolescent girls' first sexual experience has been involuntary or coerced<sup>15</sup>. In the Bahamas alone it is reported that it has the highest incidence of reported rapes in the world according to a 2007 United Nations report on crime and trends survey<sup>16</sup>. The number of reported rapes increased 37 percent from 78 in 2010 to 107 in 2011. When data for several years is combined and compared to other countries in the world, the top offenders are mostly in Caribbean countries. The number of unreported rapes would significantly alter these data for the worse. Sex related crimes, including rape, are highly underreported as trust in the judicial system in terms of obtaining a favourable outcome, is low. It is contrasting to note that for an area which suffers from such high gendercrime indexes, there is a higher number of women judges compared to most areas of the world as a percentage of the total. On the table (1) below, there is no data for all the countries in terms of femicides but using the numbers of the ones for which there is information, as a general trend, and compared to the percentage of women judges, it can be appreciated that in spite of the high number of women judges, it has had no effect on the levels of violence against women in the Caribbean. It also points the fact that there are many other factors (culture, attrition, awareness, access to services, etc) which need to be taken into consideration and are part of the MCO's overall strategy.

<b>TABLE 1</b> Source: ECLAC <sup>17</sup>	% Women Judges (2014)	Women's deaths at the hands of their intimate partner or former partner (per 100,000 women)
<b>Anguilla</b>	57.9	NA
<b>Antigua and Barbuda</b>	57.9	NA
<b>Bahamas</b>	42.9	NA
<b>Barbados</b>	50	1.36 (2014)
<b>Belize</b>	22.2	NA
<b>Bermuda</b>	NA	NA
<b>British Virgin Islands</b>	57.9	NA
<b>Dominica</b>	57.9	NA
<b>Grenada</b>	57.9	1.89 (2013)
<b>Guyana</b>	NA	NA
<b>Jamaica</b>	42.9	0.57 (2013)
<b>St Kitts and Nevis</b>	57.9	NA
<b>St Lucia</b>	57.9	NA
<b>St. Vincent and the Grenadines</b>	57.9	1.85 (2013)
<b>Trinidad and Tobago</b>	73.6	0.59 (2013)
<b>Turks and Caicos</b>	NA	NA
<b>Latin America (2011)</b>	29.1	.34 <sup>18</sup>

<sup>14</sup> ECLAC: Eliminating Gender-Based Violence, Ensuring Equality ECLAC/UNIFEM Regional Assessment Of Actions To End Violence Against Women In The Caribbean, 2003. Also cited on Violence Against Women. Feature interview with Dr. Rosina Wiltshire – the CARICOM Advocate for Gender Justice in support of the UNiTE to End Violence against Women Campaign Caribbean Launch, page 1

<sup>15</sup> World Health Organization. World Report on Violence and Health. Geneva: WHO; 2002, in "Reaching Poor Adolescents in Situations of Vulnerability with Sexual and Reproductive Health". p. 38, 2013.

<sup>16</sup> Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean, A Joint Report by the United Nations Office on Drugs and Crime and the Latin America and the Caribbean Region of the World Bank, March 2007

<sup>17</sup> Regional Studies in the Prevalence of Violence Against Women (Taken from UNIFEM/ECLAC Regional Assessment of Actions to End Violence Against Women), 2014.

<sup>18</sup> Gender Equality Observatory, ECLAC, 2011. Colombia, Peru, Chile, Nicaragua, Paraguay, Uruguay, Costa Rica and El Salvador.

Due to the complexity of dealing with numerous countries<sup>19</sup> the regional operational structure of the MCO is a logic response to the geographical and social commonalities the countries in the area share. However, having to engage with several sovereign states – all with slightly or considerably varying Court systems, regardless of their size and number of inhabitants, represents many challenges in terms of promoting access to justice to end violence against women and girls, unlike other representative UN Women offices in the Western hemisphere. This is particularly relevant as it has already been observed that some countries in the area have one of the highest rates of violence against women<sup>20</sup>.

The relative advantage to operate at a sub regional level is that the legal systems of most Caribbean countries with an English heritage are a result of their shared history as former colonies or overseas territories<sup>21</sup> of Great Britain<sup>22</sup>. Additionally, due to migration from other British former colonies, other legal systems such as Indian law, Hindu and Muslim based laws, are also present in some Caribbean countries, to different degrees, but finding their way into formal local legislation. In spite of these variances, this factor has not offset the similarities of the legal systems between the Caribbean states.

MCO Financial Resources around Access to Justice (2010-2011):

According to the MCO, since 2010 until 2015 approximately 40% of the budget for Gender-Based Violence is specific to Access to Justice (for 2010-2011 it was approximately 50% of the budget). Specifically:

- Support to the State Accountability/National Action Plan process which has a strong emphasis on courts and police response, constitutes approximately 25% (annually) of this total budget.
- Additionally, approximately 20% of the budget (Including staff time) since 2012 has been spent on the development of tools and capacity development of Courts, Court Officers and Police;
- Support to CAJO and provision of technical support to Courts and Police over the past five years would constitute approximately 10% of the total budget;

### 3. Strategy UN Women in the Caribbean

The UN reform agenda brought about the creation in 2010 of UN Women alongside the United Nations Entity for Gender Equality and the Empowerment of Women. The UN undertook to increase the changes to empower women and increase gender equality globally. These changes had been a continuation of the efforts of the agencies which ceased to exist as

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<sup>19</sup> The focus of the evaluation and of the case study is on the English Speaking countries of the Caribbean with which the United Nations Women (UNW) MCO works with: Anguilla, Antigua and Barbuda, Bahamas, Barbados, Belize, Bermuda, British Virgin Islands, Dominica, Grenada, Guyana, Jamaica, St Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, Turks and Caicos.

<sup>20</sup> General murder rates by region in the world indicate that the Caribbean is the worst affected area. Specifically regarding women, data from 2007 show that out of the three top ten recorded rape rates in the world are countries in the Caribbean. Bahamas, St. Vincent and the Grenadines, Jamaica, St. Kitts and Nevis, Dominica, Barbados, and Trinidad and Tobago experienced a rate of rape above the unweighted average of the 102 countries in the United Nations Office for Drugs and Crime (UNODC) Crime Trends Survey. Source: Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean, Report No. 37820 (March 2007).

<sup>21</sup> Formerly known as British Dependent Territory and British Crown Colonies.

<sup>22</sup> The exceptions are St Lucia and Guyana as they have a mixed system. Guyana has inherited a combination of Roman and Dutch system while St Lucia inherited French civil law while under the administration of France.

a result of the reforms, such as the United Nations Development Fund for Women (UNIFEM), the Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI), the International Research and Training Institute for the Advancement of Women (INSTRAW), and the Division for the Advancement of Women (DAW).

The UN Women MCO in the Caribbean follows the global strategy of leading and coordinating the UN's global strategy on gender equality including the promotion of accountability through regular monitoring of system wide progress. It also calls for the support of intergovernmental bodies, such as the Commission on the Status of Women (CSW) in terms of policy formulation, implementing global standards and norms. In order to achieve this with local partners, or Member States, UN Women provides upon request technical and financial support with a view to develop responsible partnerships.

The work of the UN Women MCO in Barbados is unique and challenging since it has to cover twenty two countries and territories with similarities but each with their very own social, economic and political circumstances. It is therefore agreed that to develop a strategy for each country, with the current human and economic resources available in this resource-poor region, would be unfeasible and impractical. The MCO has taken a pragmatic approach to the challenge of dealing with several different countries. This has translated into engaging sub regional entities with which the efficiency of resources can be maximised and also by grouping certain countries for certain programmes or punctual activities when necessary. The MCO does engage in bilateral agreements as some of the letters of understanding and certain activities demonstrate, but its strength lies in the niches where regionalism applies.

Unlike other Case Studies in this Regional Evaluation, the MCO and its predecessor (UNIFEM SubRegional Office) primarily programme through a multisector four-year strategy rather than stand alone programmes under various thematic areas. As such, the Access to Justice work was integrated into the Gender Based Violence portfolio primarily (Development Result #3 of the UN Women Global Strategic Plan and MCO 4 year Strategy)) and within UN Women's normative work in the region around the CEDAW (Development Result #6 of the UN Women Global Strategic Plan and MCO 4 year Strategy).

The approach has been to develop tools at a regional level, and convene key rule of law actors at a regional level in longer term analytical work and capacity development; following up in key countries (where political will exists) with longer term interventions with police and courts under the MCO's GBV portfolio up until 2015. As of 2015, and through a longer term Memorandum of Understanding (MOU) with key governments in the region as well as with the Caribbean Court of Justice, the AtJ work under the MCO has expanded beyond GBV.

Since the early 2000s, the MCO (then UNIFEM SubRegional Office for the Caribbean) has an evolving justice portfolio. However, the MCO's strategy throughout this time has remained the same. For the sake of this country case study, the work is looked at under the three areas below:

1. Regional level norms and standard setting of legislation interpreting the CEDAW and its principles for the region through supporting CARICOM and OECS in the development of legislative and research models on protecting against Gender Based

Violence. These legislative and research/data models have been developed through partnerships with CARICOM Secretariat and OECS Secretariat, after extensive consultation with their Member States and key members of civil society and academia;

2. Regional capacities and knowledge exchange, through the development of regional level tools then utilised by regional mechanisms in support of Rule of Law – including the Caribbean Court of Justice; the Caribbean Association of Judicial Officers; the Eastern Caribbean Supreme Court; and the Association of Caribbean Police. The work of these mechanisms is entirely in support of national processes, despite being regional in nature;
3. National level interpretation of the global and regional norms and standards, and capacities therein, utilising the above mentioned regional tools and norms. All national level work of the MCO on Rule of Law/Access to Justice has been carried out based on direct requests from the Member State and its Courts (and has focused in 2011-2015 on Grenada, Barbados, Guyana, The Bahamas and with emerging work in Jamaica).

Most of the work on access to justice has been carried out under the area of Ending Violence Against Women. Part of the approach has been to support some individual countries<sup>23</sup> with their National Strategic Action Plans (NSAP) in addressing GBV alongside a strategy to review domestic violence laws with a view of adopting changes to legislation and adoption of GBV focused protocols (referred to as the State Accountability Project). The work in the region has also centred in supporting regional policing institutions in order to enhance capacities to end impunity and address GBV.

In addition to the development of National Plans of Action on GBV (with the starting point being a Baseline analysis of rule of law related to GBV in country), under the State Accountability project the laws pertaining to domestic violence and the revisions and/or adoption of relevant protocols and legislation regarding gender based violence were revised.

Its support under this programme has included also the regional policing institutions by providing capacities on reducing impunity and increasing focus on GBV.

In addition, UNIFEM and then UN Women supported Partnership for Peace, which was a behaviour change/psychoeducational programme implemented by Courts and Governments in a number of countries in the region. Specifically, this Court-imposed programme is a multi-week behaviour change programme which men convicted of domestic violence are required to undergo. This programme is firmly grounded on the principle of first being accountable for the act of violence, and then understanding the root causes and consequences of this violence (Batterer Intervention Programme imposed by the Courts).

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<sup>23</sup> Antigua and Barbuda, Belize, Grenada, Jamaica and St. Kitts and Nevis

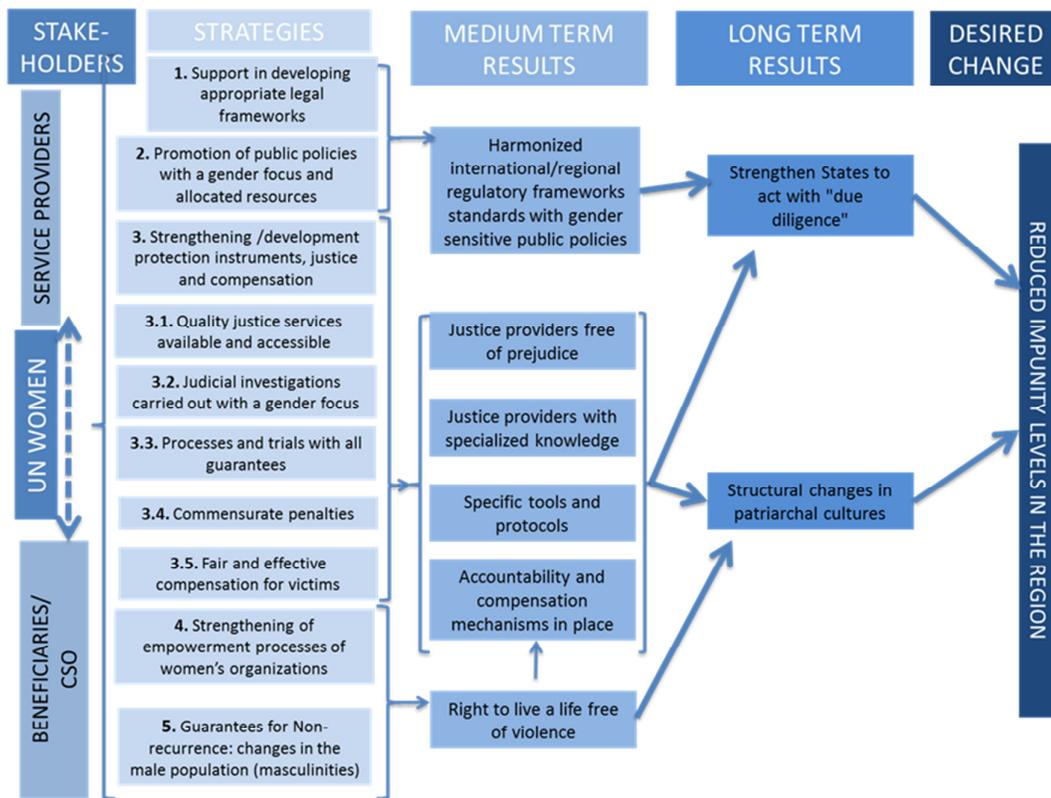
#### 4. Main contributions of UN Women in the Caribbean on Access to Justice (AtJ) for women victims of violence.

Upon reviewing the trajectory and documentation by the MCO, the fight against violence against women is being led in different fronts as they all have an effect on the level of access to justice for women. Access to quality services such as health, justice, police, political participation, economic empowerment, etc, they all play different and essential roles in access to justice. Access to justice is a fragile process as all the factors to make it possible need to be set in place for it to materialise. If one area or one of the steps to access it is missing or flawed, then fair and complete access to justice is not achieved. This has the potential to have a lifelong impact on the life of a woman victim of violence.

As mentioned in the above section, the MCO's strategy reflects this concern. With limited resources, different areas to tackle but also with 22 countries and territories to deal with (and six UN Country Teams within this), they have had to focus and prioritise on realistic endeavours at mostly sub regional levels. Specifically, the MCO has developed tools and analysis at the regional level and where possible has conducted capacity development regionally; and then using these tools and analysis at the country level, has executed a mix of programme and Project based interventions at the country level, where resources and political will allow.

On **Regional level norms and standard setting of legislation**, the key sub regional players in this strategy have been the CARICOM Secretariat, Caribbean Court of Justice, Eastern Caribbean Supreme Court; Caribbean Association of Judicial Officers, Caribbean Association of Women Lawyers, the Regional Police Training Centre (RPTC /ACCP), among others. A pragmatic approach has been to take advantage of the similarity of the different structures in the governments and judicial systems in the Caribbean states. This has enabled the MCO to work with the main actors from different countries under one programme.

The Theory of Change devised by the evaluation team shows the instruments which are required for protection, justice and reparation for all types of violence against women and girls (see graph 1). These are comprised based on the CEDAW's general recommendation 33 in terms of availability and accessibility, good quality, justiciability, provision of remedies and accountability. Based on the studies, programmes, and reported actions carried out or supported by the MCO, it can be observed that these recommendations have been addressed at different stages and depth and are congruent with the UN Women's global strategies of 2011-2013 and 2014-2017.



Graph 1

As a response to the high level of violence experienced and officially reported in the CARICOM countries, particularly in per capita levels, the MCO (then UNIFEM) initiated a regional programme in 2008 (ended in 2012, hence covered in this study) called “*Strengthening State Accountability and Community Action to End Violence against Women*”. The MCO analysis states that data from different sources<sup>24</sup> demonstrates a high level of attrition of sexual related violence incidents which are investigated and prosecuted. One of the main reasons behind this degree of attrition is the lack of trust in the judicial systems throughout the area. The object of the programme aimed to end gender-based violence through strengthened and responsive state and civil society actions. The MCO’s underlying strategy was not to address technical improvements alone, but to also focus on the root causes of Gender based violence. *Therefore the project was aimed at examining not only the substance of the law but also the administration of the law (administrative barriers) and the culture of the law.* Thus, a very relevant component of the programme is focused on the police and the prosecution. One of the specific objectives is the building of technical competencies of the justice and security sectors.

**At a regional level,** the Protocol of Partnership (2011) of the Caribbean Ombudsman Association “Strengthening the Response of the Administration of Justice for Victims of Gender based Violence” (2011) was developed and piloted, with the assistance of UN Women, to strengthen partnerships of agencies associated to the administration of justice and victim

<sup>24</sup> Jamaica, Antigua and Barbuda, St Kitts and Nevis, Grenada, St. Lucia, St. Vincent and the Grenadines, Guyana and Belize, Trinidad and Tobago, Bahamas.

support services; and to develop a set of response protocols connecting victim services, the police and offices of the Ombudsman.

Also originally under the State Accountability Programme, on the **Regional level tools and capacities** baseline reports were initially prepared under the mandate of UNIFEM and continued after UN Women was established. The methodology for this work was developed regionally, initially in partnership with regional organisations such as the Association of Caribbean Commissioners of Police, as were training tools for police and Prosecutors. As mentioned above, the prime idea behind these baseline studies (conducted at the national level) was to serve as a base for the development of the multisectoral National Strategic Action Plans and also to appraise which legislative changes would need to be considered in terms of policing and prosecution. These baselines studies are thorough documents covering the analysis of the roles of the police (practices and procedures), the roles of the prosecutors in the trial process as well as in the stages of police investigations. They also address the format and usefulness of committal hearings and preliminary inquiries in cases of violence and sex crimes. An important factor not often considered in the chain of access to justice is “the socioeconomic vulnerability of women in post disaster situations<sup>25</sup> ...it is generally accepted that are a number of factors which contribute to women’s increased vulnerability, including weak access to wage earning possibilities; slower return to labour market, and lack of involvement in governance mechanisms... An obvious risk ...is [the] susceptibility to sexual abuse and/or exploitation”<sup>26</sup> as some women see the need to provide in any way they can for their families after their households and livelihoods have been affected by a natural disaster. A gap being filled in by the baseline reports has been the aggregation of information. Data from most, if not all, Caribbean countries is incomplete and infrequent/outdated. The reports highlighted some relevant data including the increase of sexual offences against children which in the case of St Lucia had increased from 2008 to 2013 by almost 100%. The reports are written in different formats but almost all coincide in the slowness of the process to deal with cases, the lack of knowledge of police officers on how to deal with victims, lack of sensitivity, common culture of dealing with domestic violence as a lesser priority and lack of infrastructure/equipment to deal with cases in a proper and timely manner. Even though the project officially ended in 2012, there have been countries which have received further help by UN Women and as recent as 2015 the Bahamas developed its own NSAP on gender based violence which was approved in the same year.

As part of the programme two kits were developed by the MCO in collaboration with an expert group set up by the MCO related to the prosecution of sexual offences. The kits were used in the Regional Training of Law Enforcement officers in partnership with the Regional Police Training Centre with participants from all 15 CARICOM countries attending (2012).

With the OECS Secretariat and Eastern Caribbean Supreme Court, UN Women also supported analytical research on the gender biases being exhibited in Family Law throughout the Eastern Caribbean and Barbados. The findings influenced a number of national level dialogues particularly around Custody (which heavily favours women) and maintenance (which men are

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<sup>25</sup> Hurricanes which are a seasonal threat to the Caribbean basin

<sup>26</sup> Review of Policing and Prosecutions of Sexual Offences. Country Report for Grenada, .p. 8, Sealy-Burke, Jacqueline, 2010.

expected to pay but it is not enforced). Following on this, UN Womens supported the Court-led Family Law Committee in doing a national level guide for decision-making on maintenance with a view to standardising the Court's rulings in terms of amounts and regularity. Unfortunately, this work was not completed given the limited institutional capacity of the Committee to implement activities.

The above reality in Barbados is a challenge the early years of the MCO's work on Justice have faced – specifically, that individuals in the Courts or Legal System were spearheading important research and analysis, but they were anchored to Rule of Law institutions which are not well placed to administer projects (i.e. Magistrates courts; High Court Judges and national legal committees, etc)

The MCO has made an effort to augment the role of women in the decision making processes. as amongst other things, it should enhance the access to justice of women in society. However, it recognises that women's leadership and political participation face many challenges and thus it prevents women from being proportionally represented. Social advances with a gender focus have a greater opportunity to be taken up by the political actors if more women are empowered into the legislative process. This is more relevant as women continue to be underrepresented in the legislative processes and in decision making.

Part of the **access to justice** strategy is to transform gender-blind/neutral laws to ones where gender-specific needs are taken into consideration. It is expected that by engendering governance and increasing women participation as agents for change, a more just and gender aware society can develop. For this purpose, UN Women, alongside other development partners, such as the Organisation of American States and the Commonwealth Secretariat, has supported the Caribbean Institute of Women in Leadership (CIWIL) to advance the leadership role of women in society and to increase the participation of women in politics and other decision making positions, under the Transformational Leadership, Justice and Human Rights programme. More specifically, the UN Women Global Fund for Gender Equality (FGE) has partnered with the Jamaican Government (Gender Bureau) and civil society organisations such as the Network of NGOs in Trinidad and Tobago; Women's Media Watch in Jamaica; and the Dispute Resolution Foundation in Jamaica to focus on building young women's capacities including those of economic empowerment of women outside city centres. Stronger women voices should lead to more self awareness on women's rights and laws which can level the field for women in society and before the law.

**3 National level of implementation of regional norms, tools and capacities:** In spite of advances in adopting laws addressing family/domestic violence in the 1990s and the decade after, law enforcement remains a large challenge to provide effective access to justice to victims of sexual crimes. Similarly, due diligence's standards to prevent and protect victims are low. The MCO has identified that one way to help Caribbean countries increase law enforcement is through the (development and) adoption of protocols. In Grenada the National Domestic Violence and Sexual Abuse Protocol, commissioned by the Grenada National Organisation of Women (GNOW) and the Ministry of Social Development was approved by the executive in 2011 where the consideration provided in the UN Women's sponsored

baseline study was used to help pinpoint the gaps that needed to be addressed. With the help of UN Women Belize also developed a protocol on Domestic Violence (Protocol) for Police Officers adopted by the Ministry of Human Development and Social Transformation (2011). These are two examples of a regional programme having an effect on a national level.

An important social factor in access to justice is the efforts made for non recurrence of violent crimes against women. In accordance to the Theory of Change (ToC) above (accountability) this area of justice system has been undertaken by the MCO. A programme which started in 2005 and ended in 2012, Partnership for Peace (PfP or Baterer Project), has continued to be implemented today by 6 countries. During the court-based intervention perpetrators of domestic violence are ordered by the courts to participate in sixteen weeks<sup>27</sup> of psychoeducational sessions designed to take responsibility for their actions. The strategy behind this is to primarily protect the victims by preventing any further violence to them by the perpetrators. One of the most commendable achievements has been the ownership (high sustainability) and subsequent participation of the magistrates and judges which reflects that they are aware of the risks of women subjected to domestic violence. Involvement of men associations has been one of the keys to the success of the programme which on its 11th year is still ongoing (officially ended in 2012, as indicated above) without funding from the UN Women MCO. The MCO is providing the necessary technical support when requested from these countries.

Under the CEDAW portfolio other initiatives have taken place. Letters of Understanding have been signed with the Supreme Courts of Guyana and Belize in 2012. In Guyana the Judicial Sensitisation on Gender and the Law project agreement was concluded involving judicial officers, magistrates and judges on constitutional law, family law, sexual offences, domestic violence and labour standards. Unfortunately no end of project documentation is available. The MCO provided technical and financial support to the Government of St. Vincent and the Grenadines to develop its state report to CEDAW. Similarly, the MCO also gave technical support through a capacity development workshop on the reporting and implementation of CEDAW the Government of Guyana in 2013. In 2012 and alongside UNICEF the MCO supported the UNiTE Campaign where stakeholders from 17 Caribbean countries developed The Bridgetown Declaration and Agenda for Action which aims to prevent sexual abuse of girls and of boys in the Caribbean. During 2014 and 2015 the MCO dedicated resources to advice on the constitutional reform process to the Grenadian government on gender-related amendments to the constitution.

Additionally at the national level, the MCO has supported baseline exercises on legislation in Jamaica, Antigua and Barbuda and Barbados with a view to ratify the International Labour Organization (ILO) Convention 189 on Domestic Workers<sup>28</sup>. Overall the MCO states that it will continue to engage with the Civil Society Organisations (CSO) and governments alike to

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<sup>27</sup> The original programme based in the United States (Family Violence Education Programme (FVEP) developed at the Consultation Center at Yale University School of Medicine, Department of Psychiatry and the Community Consultation Board in New Haven, Connecticut) is a 52 week programme. In spite of this reduction non recurrence is reported to be at over 93% in Grenada (10 of 136 men in the sample of men who successfully completed the cycle). While the non recurrence could be influenced by other factors, the programme can be attributed to have played a role in this positive outcome.

<sup>28</sup> Concerned primarily with the protection of domestic workers (mostly women), including migrant domestic workers, recruited or placed by private employment agencies, against abusive practices.

increase their capacities in promoting the implementation of ILO's decent work standards for domestic workers<sup>29</sup>. Since the largest proportion of domestic workers are women, this is an area where access to justice, by having the appropriate laws, plays a crucial role in the well being of a large sector of women throughout the Caribbean.

From 2014 the MCO's activities in relation to access to justice slowed down due to limited resources and the prioritisation of other activities in the subregion. Nevertheless, the MCO has carried out a series of sporadic interventions in access to justice, ranging from capacity development of magistrates in the Bahamas and Guyana related to gender responsive justice, to support of the strategic planning for the Caribbean Association of Judicial officers (CAJO). In 2015 this organisation also received support in relation to the Femicide Protocol by sponsoring the visit of a Mexican judge on this topic. As a strategic regional partner the MCO supported the launch of the Caribbean Association of Women Judges in 2014. The MCO is also reportedly involved on regular basis in advocacy activities lobbying for legislation/rules changes in favour of widening access to justice.

**United Nations Trust Fund (UNTF):** The MCO also executes other initiatives on behalf of the United Nations Trust Fund to End Violence Against Women which focuses its resources on prevention, accessibility and enforcement of laws – in particular, National Action Plans to End GBV – : for example in Grenada, the UNTF grant<sup>30</sup> aimed at creating an integrated system that would respond to the needs of the victims of violence in a enhanced and coordinated manner, with the idea that more victims would be willing to come forward to seek help and report crimes. It was reported in the final evaluation that the project faced challenges and shortcomings but overall it had succeeded in getting different stakeholders to work together. This grant, along side the one in Belize, ended in 2015. Also under UNTF, the Women's department in Belize as well as the Directorate in Gender Affairs in Antigua and Barbuda received 3 year grants from the UNTF to implement NSAP on GBV. Both of these projects included access to justice in relation to GBV elements.

## 5. Identification of best practices, lessons learnt.

The mostly sub-regional approach taken by the MCO in terms of development of tools, analysis and capacity development for Member States with shared and common needs, in an environment of limited resources and experts, seems to be the correct one. It should be acknowledged that this regional work has had a country-level/national impact in a number of instances where national-level programmes or MOUs were established in follow-up to the regional work; and when it was not the case, the impact level results has taken much longer to realise. At the Regional level, impact level results are: a CARICOM level model of a court-mandated batter intervention programme for men who have committed domestic violence; the CCJ integrating into its region-wide programme a strong focus on Gender-responsive court efficiencies (and with the MCO signing the only UN agreement with the CCJ in 2015, agreeing to be the CCJ's source of Gender expertise in its region-wide court efficiencies

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<sup>29</sup> Only Trinidad and Tobago has legislation on minimum wage for domestic workers and general health care provisions. Source: "Decent work for domestic workers", International Labour Conference, 99th Session, Report IV(1), ILO, Geneva, 2010, p.40, 59

<sup>30</sup> Also supported by UN Women

programme). Thus this approach could be seen as the most efficient method to achieve sustainable results in the long run.

MCO's multidisciplinary approach with a gender lens/focus and how they feed from each other and into access to justice is what provides an (UN Women) added value in respect to other actors. Its overall approach at the regional level and macro level is tied to the necessities of individual states or territories at the micro level, aided by the relative homogeneity of the countries under its jurisdiction. This approach does not prevent it from adjusting approaches and methodologies to the needs of individual countries.

The MCO has learnt to maximise economies of scale due to the relative small size of the countries in the area. While this approach is not always feasible, it is observed that it is taken up whenever possible. MCO's work to successfully unify different countries and to get them to work together, whether training for police officers from different police forces or providing capacity building to magistrates from different countries at once, is not only a necessity for the efficient use of resources but also commendable. Since 2013, UN Women has been working with UNDP in the OECS region on citizen security analysis – particularly, ensuring improved national data on the prevalence of GBV through the adoption of a CARICOM National Prevalence Survey Model on GBV (lead by UN Women and CARICOM, with UNDP OECS/Barbados inputs) along side improved national data on public crime (victimisation surveys, lead by UNDP). While the partnership is still conceptual at this stage, joint resource mobilisation is underway. Additionally, UN Women and UNICEF (OECS/Barbados) are working together in sharing information and holding joint dialogues with Courts in the OECS region who are requesting support on instituting Family Courts (Antigua and Barbuda and Barbados). UN Women has either lead or technically guided the development of three UN Joint Programmes on Gender-Responsive Citizen Security (Jamaica; OECS/Barbados; Trinidad and Tobago), all of which fold in a strong access to justice component (and all are awaiting funding according to information from the MCO).

Besides having a strong link with women's associations and an equally strong involvement of men's associations has been a key to the success of the Partnership for Peace programme. The ownership perceived from the stakeholders, by involving them in the decision making process, can be a reason for the high level of sustainability which the programme has demonstrated to achieve several years after it officially ended. But it is worth noting that it is also important in an organisation which voices gender equality to increase the participation of men in its staff base. Not only would the MCO benefit from different and wider points of view but its credibility with key stakeholders could be enhanced.

The reporting formats and methods are directives that emanate from UN Women headquarters. However, unlike other CO the MCO does not work under Programme Document with set deliverables and donor reporting, etc.

## 6. Points for Further Consideration (recommendations)

### Opportunity. Update Snapshot

An update of the situation in access to justice of the area is overdue. Dealing with several countries makes it even more pressing to have the latest possible data in order to prioritise resources. Data generated by the countries is not produced or easily available. However, instead of designing a resource intensive plan to carry out a major survey of the countries, only an update or snapshot of the situation in access to justice is required. This would provide a mapping of access to justice: This exercise could start with a simple design of a basic template (a table of the countries with some basic data on access to justice) with the most essential information that is required to assess the countries' access to justice status. This information should coincide with data which is known to be easily obtainable. While this will not allow to develop a country strategy, nor is the suggestion being made here, it would help to develop a less ad hoc strategy which can probably increase the efficiency of the use of the MCO's resources.

Some of the information already available at: <http://caribbean.unwomen.org/en/caribbeangenderportal/caribbeangbvlawportal/gbvcountryresources> could help draft the first version of the table. The baseline studies, while carried out a while ago, are reportedly still very useful and the information contained in a narrative format can be of help for this exercise.

### Opportunity. Legal Aid system

Some of the most vulnerable women lack the economic means to access justice. While resource intensive, legal aid systems are one of the most mentioned entry points into access to justice. CSOs common position is that there is a need niche to help the Caribbean nations to plan and eventually develop a basic system that can eliminate another significant obstacle to seek justice. While some countries have well established systems, such as Barbados, most have a poor or non existing arrangements between the courts, lawyers'/bar associations, donors, and civil society. The MCO could explore facilitating a dialogue to commit the different actors to work together to provide access to justice to the most vulnerable women/girls. The adoption of the Access to Justice Flagship for 2016 and the increased profile this area will experience at the MCO can be a good occasion to examine this opportunity.

### Opportunity. Coordination hub

The MCO has the opportunity to serve as a conduit of information between the different countries of the region. While it is assumed that information flows exist between countries and throughout their interaction in regional fora, it is also known that there are many aspects in lessons learnt, studies, solving issues which are common to all and are not shared among themselves only because there is no incentive for international coordination or knowledge that some other entity is in need of a similar solution. Due to their size most countries do not benefit from economies of scale and coordination on best practices in access to justice can be centred on the MCO to help them achieve solutions probably at

lower costs or none at all. This would involve some extra work for the MCO but it would benefit it as it needs to be informed of the latest developments in each country. For example, the sharing of some local/institutional/departmental protocols with minor adjustments can make a difference in the level of access to justice. The potential for this can be considerable as the lack of protocols is one of the reasons laws are not enforced in the area.

The potential to serve also as a knowledge generation centre could also be contemplated serving as centre for technical assistance for statistics/data, drawing international experts on specific topics, etc.

The emerging Multi country Sustainable Development Framework (MSDF), otherwise known as the regional UNDAF for the English and Dutch speaking Caribbean, is to be rolled out in 2017, affording improved opportunity for the UN to coordinate more closely around Rule of Law and Citizen Security.

At the panregional level, the Regional CO in Panama could help to draw closer the work and experience of the MCO and the rest of the COs. There is a lot of expertise on both sides that could be maximised further. Due to the size of the countries in the Caribbean, the area could also be used for piloting programmes from other regions that would be unfeasible to do elsewhere. The work of the Regional CO is vital to be able to exploit the work done in both areas.

#### **Opportunity: Knowledge Management**

During the exercise it was noted that different internal documents were available to different MCO staff. It was also noted that the information on access to justice and success stories of the MCO related to this area is not fully represented in the documentation made available\* to the evaluation team. This not only erodes recognition from all the effort from all the staff working today and in the past, but possibly prevents the MCO from having a fuller picture of the region and can limit its ability to plan its regional strategy in the most efficient way. The MCO could consider setting up a local knowledge management strategy where lessons learnt, statistics, best practices, etc., can easily be accessed (indexed) by relevant staff and future staff members of the MCO.

Increasing the use of the existing RMS (Results Management System) could also assist in documenting all the developments and tilting the reporting towards results and decrease its reliance on activity completion.

\* Webpage: While it is notable that efforts have been made to provide a wide range of topics, including access to justice, it needs to be updated and trimmed to a level that is sustainable in terms of keeping it up to date and as a reliable source of information. Update date marks (e.g. "Last Updated 1 March 2016") should also be used on present and future pages to increase reliability on the information provided.

## ANNEX

### Annex 1. List of Informants

Position	Institution
Representative	UN Women Caribbean
Deputy Representative	UN Women Caribbean
Programme Specialist	UN Women Caribbean
Representative	UN Women Asia
Commissioner	Montserrat Police
Judge	St. Vincent and the Grenadines
Deputy Court Administrator	Eastern Caribbean Supreme Court St Lucia
Judge	High Court Judge Barbados and Caribbean Association of Women Judges
Puisne Judge	Guyana Judicial
Project Manager	Judicial Reform and Institutional Strengthening (JURIST)Project CCJ
Senior Lecturer and Attorney-at-Law	Inter-American Commission on Human Rights Chairman
Project Director	West Indies University, IMPACT Project
Expert	Legal Aid and Counselling Clinic/Partnership for Peace Project
Director	Legal Aid and Counselling Clinic
Consultant	Attorney-at-Law
Expert	Partners for Peace Expert Group
Senior Lecturer	Head Institute for Gender and Development Studies, University of the West Indies

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