



IMPROVED ACCESS
TO JUSTICE IN THE
CARIBBEAN



**VIOLENCE
AGAINST WOMEN AND
GIRLS (VAWG)**

**COVID-19 AND THE JUSTICE
SECTOR RESPONSE**

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PEOPLE FACTORS TO CONSIDER IN DEVELOPING AND IMPLEMENTING COVID-19 VIOLENCE AGAINST WOMEN AND GIRLS RESPONSE PLANS (COURTS, VICTIM SUPPORT AND POLICE)

- Are there special measures for dealing with people with disabilities?
- Are your services accessible to people from lower socio-economic circumstances and those who work in the informal sector?
- Are your personnel sensitive to the social attitudes and prejudices which make LGBTQI uncomfortable with accessing services?
- Do you consider the age of the client when delivering services?
- Are there migrants in your country and do their status make it more difficult for them to access your services?
- Are there factors which impede rural and indigenous women and girls from accessing your services? And do you put in place measures to address these barriers?

1. Violence against Women and Girls and its Impact on them

Violence against women and girls is endemic in the Caribbean

- ❖ Violence is usually perpetrated against women by their intimate partners and girls generally experience violence at the hands of someone they know;
- ❖ 27-40 percent of women in Latin America and the Caribbean have been victims of intimate partner violence. World Health Organisation Country prevalence data on VAWG show the figures to be alarmingly high. For example, in Jamaica and Trinidad and Tobago, 1 in 3 women experienced at least one incident of intimate partner violence in their lifetime, while for Guyana, 1 in 2 women reported experiencing intimate partner violence. This is pre-COVID-19 data but general reports indicate that the situation has worsened during the lockdown imposed by governments as a method of curtailing its spread.

Causes of violence against women are multi-dimensional

- ❖ Gender ideologies which teach that men should have control over women and girls inform and perpetuate violence against women and girls.
- ❖ Outside of gender and sex, there are other factors which will make some women and girls more vulnerable to violence. Women from vulnerable groups such as the elderly, migrants, poor women, rural women, indigenous women, women with disabilities, transgender/lesbian women and those living with HIV, are generally at a higher risk of experiencing violence.



Impact of violence against women and girls

- ❖ Violence against women and girls not only leaves emotional and physical scars, it also kills. It is estimated that among victims of homicide, 82% of women versus 18% of men were the victims of homicide perpetrated by an intimate partner. In 2017, 43 out of 52 women murdered in Trinidad and Tobago were murdered as a result of domestic violence.
- ❖ Violence against women and girls also had negative consequences on their reproductive health, impedes their ability to enjoy their fundamental human rights and presents a significant social and economic cost for society in general. Thus, it increases the risk of unplanned pregnancies, and contracting of sexually transmitted infections. The experience of violence and its impact on their health seriously erodes the ability of women and girls to enjoy their human rights.

2. IMPACT OF COVID-19 ON VIOLENCE AGAINST WOMEN AND GIRLS



Measures Calculated to Deal with COVID-19 -

Increased Risk of Violence against Women and Girls

- ☒ Stay at home orders mean vulnerable women and girls are trapped in close quarters with their abusers and unable to distance themselves from the abuser;
- ☒ the closure of businesses and lack of economic activity place a strain on family relation and might fuel incidents of violence; and
- ☒ the increase in incidents of violence against women and girls in Canada, France, the United Kingdom, the United States and Italy during the lockdowns for COVID-19 illustrate the real risks to the safety of women and girls.



Measures Calculated to Deal with COVID-19:

May limit Access to Service for Survivors of Violence against Women and Girls

- ❖ The measures for dealing with COVID-19 may not only increase risk of violence against the ability of women and girls to access external support services; in Jamaica, for example, calls to domestic violence hotlines and the number of women seeking victim support services such as shelters have decreased significantly. This does not indicate a

reduction in the incidents, but rather the inability of survivors to access the services;

- ❖ during health emergencies, women's care burden for the vulnerable members of their family (children, persons with disabilities and the elderly) increases and they therefore have less time to find support for their physical and mental health.

3: RESPONSE FROM JUSTICE SECTOR TO VIOLENCE AGAINST WOMEN AND GIRLS DURING COVID-19 (POLICE, COURTS, VICTIM SUPPORT)

(A) ASSESSMENT OF IMPACT OF COVID ON COURT SERVICES

Impact of COVID-19 on Court Services

- ✓ Lockdown and physical distancing measures mean that courts will have to either close or scale back services where large groups of persons would have to gather;

Effect on Services for Survivors of *Violence against Women and Girls*

- ✓ The magistrates and family courts where all domestic violence matters are heard will have to scale back activities since these courts usually have large gatherings of people on a daily basis.
- ✓ This will lead to delays in the hearing and resolution of applications for protection orders, occupation orders as well as the hearings for breach of these orders.

Mitigating Negative Consequences for Survivors of *Violence against Women and Girls*

- ✓ Both domestic law and international obligations of countries place a duty on justice sector actors to provide prompt and effective relief to survivors of violence against women and girls.
- ✓ Therefore, courts must put in place a *Violence against Women and Girls Response Plan* including:
 - (1) conducting hearings via video link where possible;
 - (2) putting domestic violence cases on a list of priority cases that must be heard and resolved;
 - (3) advising the public on how to access services during the emergency period;

- (4) seeking to have legislation passed to impose electronic monitoring of repeat offenders;
- (5) raising penalties; and
- (6) providing the police with a list of all protection or occupation orders that are still in effect.

(B) ASSESSMENT OF IMPACT AND PROPOSED RESPONSE FROM THE POLICE

Impact of COVID on police services

- ❖ More police personnel and resources may be deployed to enforce lockdowns and social distancing measures used in the COVID-19 response.

Effect on Services for Survivors of Violence against Women and Girls

- ❖ The diversion of police resources and personnel to COVID-19 response might result in domestic violence not receiving the requisite priority.
- ❖ Consequently, police might not respond promptly to reports and be unavailable to support enforcement of protection and other court orders.
- ❖ Additionally, domestic violence survivors who attempt to leave an abusive situation might be arrested if caught outside during the curfew or lockdown periods and may feel constrained to endure it.

Mitigating Negative Consequences for Survivors of Violence against Women and Girls

- ❖ Both domestic law and the international obligations of countries place a duty on justice sector actors to provide prompt and effective relief to survivors of Violence against Women and Girls.
- ❖ Consequently, the police should have a ***Violence against Women and Girls Response Plan*** that includes:
 - (1) giving priority to domestic violence matters;
 - (2) using community policing strategies to check on applicants with current protection and occupation orders;
 - (3) advising the public on how to access services making exceptions for survivors who have to travel after curfew or lockdown hours; and
 - (4) liaising with courts, victim support and health facilities to have a multi-sectoral response.

(C) ASSESSMENT OF IMPACT AND PROPOSED RESPONSE FROM VICTIM SUPPORT (GOVERNMENTS AND CSOS)

Impact of COVID on Victim Support Services

- ❖ Lockdown and physical distancing measures might result in less personnel being available for handling survivor cases and restrictions on face-to-face client interactions.

Effect on Services for Survivors of Violence against Women and Girls

- ❖ Less personnel and restrictions on their working hours will impact on the promptness and access of services to survivors;
- ❖ additionally, less survivors will seek face to face services due to the restrictions on their movement.

Mitigating Negative Consequences for Survivors of Violence against Women and Girls

- ❖ Both domestic law and international obligation of countries place a duty on state victim support providers to provide prompt and effective relief to survivors of violence against women and girls;
- ❖ These obligations require government–run support services to also have a Violence Against Women and Girls Response Plan during emergencies or crises. CSOs should also as a matter of best practice have one of these plans in place;
- ❖ The Violence Against Women and Girls Response Plan should include:
 - (1) provision for emergency hotlines (toll free or WhatsApp or telegram) including in some supermarkets and gas stations;
 - (2) provision for online chats and texting services for victims and new and creative solutions to support them;
 - (3) multi-sectoral plans of action with other service providers such as courts, health services and police;
 - (4) emergency supplies of toiletries and shelter arrangements for survivors;
 - (5) mobile and easily accessible counselling support services; and
 - (6) other resources to help frontline workers support survivors and their children to quickly leave an abusive situation, including welfare support to survivors who are economically dependent on the abuser.

**Improved Access to Justice in the Caribbean
(IMPACT Justice Project)**

Caribbean Law Institute Centre (CLIC), Faculty of Law,
The University of the West Indies
CARICOM Research Building,
Cave Hill Campus P.O. Box 64,
Bridgetown BB11000, BARBADOS

Tel: 1.246.417.4651/2 Fax: 1.246.421.2177

WWW.CARIBBEANIMPACT.ORG