

National Policy on Domestic Violence

1. Introduction and background

Domestic violence is the most pervasive form of interpersonal violence in Guyana. The Government recognizes the Domestic Violence Act (DVA) as an important mechanism toward the redress, reduction and elimination of domestic violence in our society and commits to ensuring that, notwithstanding the possible need for amendment, the existing provisions in the DVA be followed.

Domestic violence affects both men and women but it is undisputed that women constitute the overwhelming majority of its victims. Domestic violence should not be seen or defined as simply a set of abusive behaviour: at the root of domestic violence is the real or perceived inequality and subordination of women (and children), which extends beyond the individual or family to the wider society. Such ideas of inferiority and bias because of gender must be challenged if we are to tackle one of the chief sources and causes of domestic violence. Domestic violence should be seen and treated as the violation of fundamental individual and collective rights.

This domestic violence policy has at its core the transformation of attitudes that condone or normalize such violence, such as gender stereotyping and discrimination.

Policies and strategies to eradicate domestic violence must be accompanied by other measures to eliminate gender inequality and to ensure the equal and full participation of all stakeholders, and in particular women, in the decision-making and development processes.

Programmes and policies to eliminate domestic violence must recognise that the lack of support services available to victims/survivors of domestic violence leads to further entrapment in the cycle of violence. A concerted effort and commitment must be made to not only increase the quality and quantity of support services but to make them freely available to all countrywide.

The Government of Guyana is unequivocally committed to eradicating all forms violence

against women and has demonstrated this commitment, inter alia, by ratifying the following international instruments where applicable and acceding to recommendations and resolutions emanating from international conferences:-

- *1979 Convention on the Elimination of all forms of Discrimination against Women*
- *1993 World Conference on Human Rights (Vienna Declaration and Platform for Action)*
- *1993 Declaration on the Elimination of Violence against Women*
- *1994 International Conference on Population and Development (Cairo Programme of Action)*
- *1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Pará)*
- *1995-2001 Regional Action Programme for Latin American and Caribbean Women*
- *1995 Fourth World Conference on Women (Beijing Declaration and Platform for Action)*

This Policy has been informed by the recommendations drawn from the following sources:-

- *National Women's Conversation convened by the Ethnic Relations commission in August 2006*
- *The report 'Domestic Violence in Guyana' commissioned by the Women's Affairs Bureau and written by Sarah Insanally (November 2006)*
- *Participants at a forum to discuss Domestic Violence convened by the Ministry of Human Services and Social Security in November 2006.*

2. Purpose

The purpose of this Policy is to inform and guide the Government's future interventions in activities and programmes towards the prevention of domestic violence and the provision of services to victims/survivors. The Government recognizes that there must be a multi-sectoral response to domestic violence that works, inter alia, with community based interventions, and is committed to acquiring and providing the resources necessary to ensure the effective implementation of this Policy.

The implementation of this Policy will result in strengthened prevention mechanisms and increased protection and service provision for those affected by domestic violence. The specific needs of children, persons with disabilities and the elderly will be addressed in the implementation of this policy.

The legislative framework which forms the background of this policy is the Domestic Violence Act, Act #18 of 1996 (Chap 11:09), which sets out the functions of the subject Ministry and the responsibilities of the role of the Director of Social Services in preventing and alleviating domestic violence .

3. Terms used in this Policy

The term **domestic violence** is sometimes used interchangeably with family violence or intimate partner violence. The following broad definition of domestic violence is used for practical purposes:

'Behaviour which causes one partner in a relationship to be afraid of the other. Through the use of the power that this fear gives, the abusive partner controls the behaviour of the other. Domestic violence can take the form of physical, sexual and/or psychological abuse, forced social isolation or economic deprivation.'

The Domestic Violence Act states that a “domestic violence offence” means a prescribed offence committed by a person against a person with whom s/he is associated or a relevant child and a prescribed offence is murder or attempted murder, manslaughter and the use or threatened use of any other violence or physical or emotional injury.

The term **survivor** is used to describe a person who has survived domestic violence and recognises their strength in living through and recovering from abusive events. The term **victim** is used to recognise those who have not (yet) managed to survive abusive events.

4. Guiding Principles

The following principles will inform the effective implementation of this Policy:

- All Guyanese have the right to live free from violence and the threats of violence.
- All forms of domestic violence are unacceptable in any group, regardless of background, culture, religion, gender, age, marital status, area of residence or sexuality.
- The Government has a responsibility to show leadership in preventing and alleviating domestic violence and to ensure coordinated planning, monitoring and evaluation across all areas of government.
- The safety and well being of those who are victims of domestic violence must be the first priority for any response.
- Domestic violence requires a range of responses from different agencies.
- Perpetrators of domestic violence must be held responsible for their behaviour, and acts that constitute a criminal offence must be dealt with accordingly. Counselling programmes should be initiated for all domestic violence offenders and specialised counselling services established at accredited agencies.
- Responses must reflect the cultural and diverse needs of individuals and communities. These responses must always ensure the safety of the victims, and that the perpetrators bear full responsibilities for their actions.
- Services tailored to the level of violence and risk should be available for adult victims leaving, returning to or staying in abusive relationships.
- The special needs and situations of persons with disabilities will be taken into account in the implementation of this policy. The National Commission on Disabilities will be invited to recommend and monitor appropriate interventions.
- The special needs of the elderly will be taken into account in service provision.
- Victims/survivors of domestic violence living in rural and hinterland communities need access to services and legal remedies.
- The establishment of a family court should be priority for the improved implementation of the Domestic Violence Act.
- It is recognised that persons in same-sex abusive relationships are likely to be further stigmatised by homophobia, and service provision will accordingly have clear policies of support for any gay or lesbian person who wishes to leave an abusive relationship.
- The Government will join with civil society to initiate community-based education programmes which prevent alcohol and other substance abuse addictions, in view of the undisputed link between alcohol consumption/substance abuse addictions

and domestic violence.

- The Ministry of Human Services and Social Security will work with the Ministry of Health to identify domestic violence as a major health issue and to recognise that health service providers are very often the first place where domestic violence survivors/victims go to for help.

5. Thematic Areas for the Strategic Framework

The responsibilities of the Director of Social Services will be implemented through the allocation of appropriate human and other resources to that office.

The critical areas are:

Thematic Area One – Monitor and enforce legal sanctions

- i) The Domestic Violence Act will be reviewed and amended as necessary.
- ii) The implementation of the Domestic Violence Act will be reviewed and appropriate measures taken to correct deficiencies, particularly with reference to people with special needs, such as children, the elderly, and persons with disabilities.
- iii) Domestic Violence Act provisions for protection and redress of survivors/victims of domestic violence must be relevant and workable to the particular conditions that exist in indigenous and hinterland communities.
- iv) The Guyana Police Force will be given the resources to implement its domestic violence policy and to establish and maintain the Domestic Violence Units in each division.
- v) Gazetting of competent social workers under the provisions of the Domestic Violence Act will be done on a timely basis and should be extended to social workers at accredited non-governmental agencies.
- vi) Counselling programmes should be initiated for all domestic violence offenders and specialised counselling services established at accredited agencies. Such services must not be a substitute for criminal sanctions or penalties for violent behaviour.

Thematic Area Two: Provide services for survivors

- i) A common service protocol will be implemented which involves the health, education and social services sectors and the Guyana Police Force. This common service protocol shall be drafted and enforced by the Director of Social Services in

collaboration with respective agencies/sectors bodies.

- ii) The Government will ensure reasonable access to temporary refuges for survivors and will facilitate reasonable access to other activities such as training of survivors to engage in income generating activities.
- iii) The Government will ensure that there are appropriate Legal Aid services throughout the country to support survivors who wish to pursue associated legal matters when leaving abusive relationships.
- iv) The Government will ensure that counselling services are reasonably accessible to victims/survivors of domestic violence. Every community should have information about what services are available nationally and how to access said services.
- v) The counselling interventions will focus on the safety and well-being of the survivors.
- vi) The counselling guidelines established by Help & Shelter will be used to form the basis of a voluntary standard for counselling training. The University of Guyana and the Association of Professional Social Workers should produce guidelines as to counselling should incorporate same into training.
- vii) In order to ensure that the Domestic Violence Act is being properly applied and the dynamics of domestic abuse understood, the Government will ensure that there is continuous training of key persons in the justice system, namely members of the Guyana Police Force, Judges, Magistrates, lawyers, and court employees.

Thematic Area Three: Involve the health sector

- i) The Ministry of Health will ensure that all health services – hospitals, health centres, clinics - are resourced to provide the appropriate interventions for survivors of domestic violence who access the services. Appropriate interventions include medical assistance as well as referrals for counselling, shelter and other forms of assistance.
- ii) A standard Curriculum on Domestic Violence Intervention for health workers will be written after consultation with all nursing schools which will provide training on domestic violence issues including recognizing the physical, psychological and sexual signs of domestic abuse, prevention strategies and referrals. This curriculum should form part of the basic training of all health workers in both the public and private sector.
- iii) The nursing schools will be requested to provide and be provided with resources for

mandatory training of nursing staff in domestic violence interventions as described in the standard curriculum.

- iv) The health sector will play a primary role in enabling persons with disabilities to access services.
- v) There will be an inter-agency protocol between health services, counselling services and the Guyana Police Force. The health sector will also be responsible for the collection of data on all cases of domestic violence attended to by said sector. Standardised forms will be used for the collection of such data which will protect health worker/patient confidentiality.

Thematic Area Four - Educate the public about domestic violence

- i) The Ministry of Education will work in collaboration with the Ministry of Human Services and Social Security to design public awareness activities targeting students. Such activities shall be geared towards sensitising students about issues of violence and abuse, including domestic violence, gender and gender discrimination, promoting healthy relationships and non-violent behaviours and values.
- ii) A standardised curriculum on domestic violence will be introduced at teachers training colleges and in the distance education programme for teachers, so that trainees will be trained and equipped to teach and work with and on aforesaid awareness activities. Said teachers' training shall be geared towards, inter alia, teaching the prevention of domestic violence, recognising signs of abuse in children/students and referring such cases appropriately. Further all teachers should be sensitised by the Ministry of Education about what the National Response Protocol is.
- iii) The Government will support and endorse public education campaigns to reduce domestic violence, by allocating free time on the state broadcast media for public service announcements.
- iv) Other stakeholders, such as faith-based organisations, youth clubs and service organisations will be encouraged to participate in an ongoing campaign to educate the public about domestic violence.
- v) Health education at all clinics must be expanded to include sensitisation, awareness of and education on domestic violence to all categories of persons accessing clinic services.

Thematic Area Five: Build capacity of rural and hinterland communities to respond to domestic violence

- i) The Ministries of Amerindian Affairs and Human Services and Social Security, together with indigenous organisations, community groups, Touchaus and village councils will be asked to formulate plans, strategies and activities to best deal with the issue of domestic violence in Hinterland communities, including appropriate support services and mechanisms for implementation.
- ii) Community-based education on domestic violence will be supported and encouraged, and best practices will be shared with other communities.
- iii) The Ministry of Amerindian Affairs will work with the Amerindian communities to recommend the appropriate support services, and to identify mechanisms for implementation.

Thematic Area Six: Make provision for interventions with persons with disabilities

- i) Persons with disabilities are frequently unable to access services due to limited mobility, and/or the inability of service providers to communicate by sign language or other means. The National Commission on the Disabilities and networks such as the Guyana Community Based Rehabilitation will provide direction for other service providers.

Thematic Area Seven: Make provision for interventions with elderly persons

- i) Service providers will recognise that the neglect of caregivers also contributes to the abuse of elderly persons.
- ii) The provisions of the Maintenance Act will be publicised and elderly persons encouraged to apply to the courts for support.
- iii) Service providers will ensure that other necessary support services, such as special medical attention, will be given to elderly persons.

Thematic Area Eight: Monitor and evaluate the implementation of this policy

- i) There will be adequate data-gathering on domestic violence incidents and reports. The sources of data will include:
 - a) Hospitals and health facilities
 - b) The Guyana Police Force

- c) The Courts and the Ministry of Legal Affairs
 - d) Non-governmental organisations
 - e) The Probation and Welfare Department and the Women Affairs Bureau in the Ministry of Human Services and Social Security
- ii) There will be support for continuous assessment of impact of public perceptions and attitudes through continuous research

6. Implementation of this policy

1) Oversight will be vested in a National Domestic Violence Oversight Committee, which will consist of high ranking officials in the Ministries, Agencies and Organisations which have a role to play in reducing domestic violence, and non-affiliated individuals who by virtue of their commitment and experience may be invited to serve on the Committee.

The Committee will be provided with the necessary resources to exercise its functions. The committee will submit an Annual Action Plan, which will be part of the process of budget preparation.

2) The Ministry of Human Services will acquire and provide the necessary human and financial resources to the Director of Human Services for the implementation of this policy.

3) Government will ensure that adequate resources are available or are identified as a priority in and through its negotiations with international financial institutions and other donors and from public funds to address the reduction and alleviation of domestic violence as a key development issue for Guyana.

4) Decentralization of responsibilities for Domestic Violence Act compliance and domestic violence initiatives will be a fundamental strategy. Each of the 10 administrative regions will be encouraged to set up within the regional and local government system domestic violence committees that will be tasked with the responsibility of initiating and monitoring strategies, activities and support services. Budget allocations will be considered for the expansion of such support services. Such domestic violence committees will be mandated to give timely reports on domestic violence issues within their respective regions to the National Domestic Violence Oversight Committee. The regional and local committees should comprise representatives of Guyana Police Force, Non-governmental

organisations, health clinics, Community Based Organisations, Faith Based Organisations, regional and local government officials, probation & welfare officers and any other person/body deemed to be interested in this policy and fit to carry out the directions herein.

7. Policy Review

This Policy will be reviewed annually by the Oversight Committee. The Committee will be responsible for monitoring and evaluation of the implementation of this Policy and will issue an annual report outlining both successes and failures.