



a cross sectional study of the rate of prosecution of perpetrators of domestic  
violence against women at the Georgetown magistrates' court 2013 and 2014.

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# BACKGROUND

- *Domestic Violence is treated as criminal/quasi criminal conduct in Guyana.*
- *Matters are filed using the Domestic Violence Act and the Criminal Law Offences Acts.*
- *Not much is known about the success rate of prosecutions of perpetrators of domestic violence against women at the Georgetown Magistrates' Court for the period 2013 and 2014.*
- *This research may be the first of its kind in Georgetown, Guyana.*

# OBJECTIVE

- *To explore the success rate of prosecutions of perpetrators of domestic violence against women and to investigate factors associated with successful outcomes.*

# INTRODUCTION

- Domestic Violence against women is not a new problem.
- It became prominent on the national agenda over the last two decades.
- The problem of underreporting of incidents is significant.
- Global published figures suggest that women victims far outweigh men victims .
- Over the last two decades domestic violence has been recognized as a criminal act and some studies suggest that the criminal justice systems' response to domestic violence has been encouraging.
- While there is some data on prosecutions for Latin America and the Caribbean the question of the success rates in these regions may also unanswered .

# METHOD

- *A cross-sectional study design*
- *A structured questionnaire.*
- *Registers specifically for domestic violence matters were searched*
- *Criminal case registers which accounted for criminal matters filed with a domestic violence history.*
- *For all case jackets, only if the documented history reflected domestic violence against a female victim then it was included in the study.*

# METHOD CONT'D

- *Descriptive statistics and tables were used to present the findings for complaints and charges, their outcomes and Prosecutors' training.*
- *Cross tabulations and hypothesis tests using the Chi square and odds ratio statistics were used to test the dependency relationships.*
- *Ordinal regression was employed to investigate predictive relationship between the forms of abuse and the outcomes of domestic violence cases.*

# DOMESTIC VIOLENCE IS A PUBLIC HEALTH ISSUE.

- While domestic violence is an important social problem, it is no less an important risk factor for women's ill health, a serious public health issue, and a significant cause of morbidity and mortality of women globally.
- Previously, clinicians saw injury as the only primary health outcome of violence, but this changed as research found that health related illnesses were associated with intimate partner violence and sexual abuse of women.
- These illnesses included chronic pain syndromes, drug and alcohol abuse, complications of pregnancy, unwanted pregnancies, sexually transmitted infections, mental health, emotional health and gynaecological problems
- In particular, across a number of studies in the United States of America, the rate of intimate partner violence and HIV positive women is 55%, which is twice the national rate. Further, studies found that women in relationships with violence are four times at risk for contracting a sexually transmitted infection than women who are not in violent relationships.
- In the State of Ohio, out of 5.8 billion dollars spent on intimate partner violence annually, 4.1 billion is spent on direct medical and mental health services.

# DOMESTIC VIOLENCE AND THE CRIMINAL JUSTICE SYSTEM.

- Historically, domestic violence was viewed as a normal part of marriage, family matters or intimate relations.
- In or about 1970, domestic violence was justifiably classified as a criminal act with intervention of the criminal justice system in many jurisdictions the world over.
- Notwithstanding this shift, studies continue to argue whether criminalization of domestic violence is in the best interest of the victim .
- Some studies showed that women utilize the criminal justice system for their safety and security, while a significant proportion of women do not seek any help from the criminal justice system.



# DOMESTIC VIOLENCE AND THE CRIMINAL JUSTICE SYSTEM.

- Only about 14 % of women affected in Latin America and the Caribbean make reports or seek help.
- Demographic Health Surveys involving thirty countries show striking results: only 6 % of women report incidents to someone in authority; rural women were less likely to seek help than urban women, and only 3 % of women sought help from the police but this number increased with the severity of the injury suffered.
- An alarming 55 % of women handled the issue personally, while 34 % were of the view that the violence was not serious enough to warrant a report.
- Further, it appears from the survey that help is only sought as a last resort even if the violence is severe.

# DIFFICULTIES WITH PROSECUTIONS

- The prosecutions matters are neither simple nor straight forward.
- Victims may not proceed to proving the allegations.
- Victim's failure to appear at the trial may cause a dismissal of the matter and when they do appear it is often only for the purpose of withdrawal of the case
- Some 80 % of domestic violence matters are not tried in court because of the non-appearance of victims.
- The reasons for non-appearance are diverse: include mandatory prosecutions which may not reflect the wishes of the victims for fear of retributions and the desire to remain in the relationship; victim's experience with the police and the legal system is that there is no sympathy or empathy from these organizations.

# DIFFICULTIES WITH PROSECUTIONS CONT'D

- Unsuccessful outcome may also be reflective of a non- responsive system
- The criminal justice system only focuses on the discrete event.
- Victims do not attend Court - fear of the abuser; fear of testifying in court, fear of retaliation
- Some victims felt that if the abuser is prosecuted he would become more violent.
- Research showed that a third of the victims opposed prosecution because they depended upon the abuser for housing.

# RESULTS

- *900 cases filed under the Domestic Violence Act were selected.*
- *Of 786 protection orders applications, 562 (72%) were granted, 5(.6 %) refused, 167 (21.2 %) struck out, and 37 (4.7 %) withdrawn.*
- *Two hundred four were not pursued by victims.*
- *Only physical abuse was associated with relationship (OR: 3.33) while sexual and financial abuse were good predictors of outcomes.*
- *Chi square test showed no dependence between successful outcomes and relationships.*

# RESULTS CONT'D

- *Under the Criminal Law Offences Acts 1717 cases were selected.*
- *Out of 1696 cases 447 (26.3%) were successful*
- *1250 (73.4%) unsuccessful.*
- *Of 1250 unsuccessful outcomes 1188 (95%) were not pursued by victims.*
- *Chi square (p value 0.04) analyses showed dependence between successful outcomes and charge, and successful outcome and severity of punishment (p value 0.01).*
- *Six (83%) Prosecutors received general training.*

# CONCLUSION

➤ This study established that:

- prosecution of applications under the Domestic Violence Act was successful, but less successful for cases filed under the Criminal Law Offences Acts.

- successful prosecution of domestic violence against women is dependent upon factors such as the forms of abuses, the charge, and the severity of punishment.

- successful prosecutions are heavily dependent upon the demeanor of the victim, who controls the process.

# RECOMMENDATIONS

- ❖ focused awareness programs targeting victims cooperating and giving evidence in court.
- ❖ Local data be available to monitor domestic violence against women.
- ❖ Record keeping systems of the Georgetown Magistrates' Court be improved to secure all records of domestic violence against women
- ❖ Collect information on victim and perpetrator (demographics).
- ❖ Develop, implement and monitor programs aimed at primary prevention of intimate partner violence, more specifically, physical violence against women.
- ❖ Include sustained public awareness activities aimed at changing the attitudes, beliefs and values that support and condone partner violence as normal part of relations between intimate partners.

# RECOMMENDATIONS CONT'D

- ❖ Priority ought to be given to combating domestic violence against women in public health programs,
- ❖ Cross sector approach: judiciary, education, and social services.
- ❖ Improve sensitization programs by the legal and justice systems to be able to identify and appropriately treat with the particular needs of women victims of violence.



# RECOMMENDATION CONT'D

- ❖ Greater support by the legal and justice systems for further research and collaboration to find out the real issues and barriers affecting successful prosecutions at the Magistrates' Courts.
- ❖ A comprehensive health sector response is also needed to address the various impacts of violence against women, and to address the barriers and stigma that prevent abused women from seeking help.
- ❖ Improve upon the quantity and quality of free support services to domestic violence victims

# LIMITATIONS (MAJOR)

- ✓ Absence of proper storage of records resulted in damaged files.
- ✓ poor documentation of victim's and perpetrator's demographics, no information on status or outcome of the trial in Registers, or illegible handwriting, missing files.
- ✓ prosecutor who conducts a trial is not in any way identified on the case jacket; this information is absent from the data set and therefore makes it impossible for the researcher to check for any association between successful outcomes and any of the demographics on the individual prosecutor, as well as the association between individual training of a Prosecutor and successful outcomes.



THANK YOU FOR THE OPPORTUNITY  
TO MAKE THIS PRESENTATION  
AND  
YOUR ATTENTION.