FIRST SUBMISSION

THEVIRGIN ISLANDS NATIONAL POLICY FOR GENDER EQUITY AND EQUALITY

Prepared for the Government of the Virgin Islands

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Consultants: Institute for Gender and Development Studies
University of the West Indies, St Augustine, Trinidad and Tobago

Developed by

Professor Patricia Mohammed - Lead Consultant
Deborah Mc Fee - Researcher
Professor Jane Parpart - Professor in Political Science
Gaietry Pargass - Attorney at Law

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EXECUTIVE SUMMARY

The human and social development of the citizens of the Virgin Islands (VI) has long been a central pillar of the VI Government. Much has been achieved in terms of development and the VI is one of the most prosperous and peaceful societies in the Caribbean. Yet problems exist and many are gendered. For example, the VI Social Sector Report and Implementation Plan (2010) and the 2008 evaluation of the Millennium Development Goals have identified on-going issues such as the involvement of many young males in crime (particularly the area of drug trafficking), underachievement in schools, domestic violence and child sexual abuse. These issues, which form important challenges to the advancement of the VI society, are experienced differently by males and females throughout the society. In providing a relevant national governance response that takes on board these and other gendered development challenges, increasingly, there is a need to ensure that consideration of the ways in which males and females and different groups of males and females experience and position themselves within the national development process form a pivotal aspect of governance structures.

The Virgin Islands possesses no articulated policy that addresses the imbalances or areas of discrimination that exist in gender and related areas, although many of its legislative reforms and initiatives through the Office of Gender Affairs have moved the society to a greater recognition and awareness of key gender issues. The present policy has been developed through a rigorous process of consultation and research and reflect the fundamental areas of development that need to take place during the life of this policy and its implementation which is viewed as a period of five years from the date of its acceptance.

This **First National Gender Policy for Equity and Equality for the Virgin Islands** is conceived as a foundation for anchoring a greater gender sensitivity and understanding of the impact of gender on society, at all levels. It establishes the need for sex disaggregated data gathering and analysis to ensure that programmes and actions are rationally determined and executed on the basis of evidence. It proposes additional legislative reform that builds on the existing legal framework pointing to areas such as labour code oversight and the vulnerability of immigrant populations. It points to the need for legal literacy in an increasingly urbanized and sophisticated population. This document outlines a framework for the **Co-ordination and Implementation of the Policy** urging that recognition be given to the value of the work of the Office for Gender Affairs in the development process. The Policy presents a full **Action Plan and Indicator Matrix** outlining actions, expected outcomes and responsible agencies for the deliverables within the time bound period.

Seven main sectors are selected for direct policy intervention. These cover broadly the spectrum of social, political and economic sectors that come under the governance system. These are:

1. Legislation
2. Education
3. Family life, Sexual relations and Gender Based Violence
4. Economic Activity, Employment/Unemployment and Labour Practices
5. Health and Medicine
6. Gender Ideologies: Religion, Media and Culture

7. Gender, Political Participation and Political Decision-Making.

In **thirty two (32) policy recommendations** laying out the infrastructure for gender interventions, planning and management of change now and in the future, several key areas have been signalled for careful attention, among these the education of young males, the impact of teenage pregnancies on the future of young girls, the attention to difference in male and female health needs and health seeking behaviours and the need for 'modern' approaches to changing the discourse and practice of gender equality especially among young people. This work builds on the valuable work already done in the VI on gender based violence and seeks to strengthen and monitor existing protocols, national, regional and international commitments in the area of gender and development.

The policy is guided by the philosophy that gender and human rights are indivisible and have the same goal, but that human rights must itself be gendered. It does not advocate for cosmetic change in this or that Ministry or agency or for a numbers game in gender and leadership, but aims for a deeply embedded transformation of ideas and practices that will infuse itself at all levels of the society over time. The policy recognises that due to the relative smallness of the size of the native VI population, the base of existing gender problems are exacerbated by incoming groups on whom labour depends. It proposes a vision and a plan that anticipates the impacts of the present gender disequilibria. If accepted and implemented with sufficient political will and resources, it will move the VI towards a gender just society that may hold itself up as a model to other nations, globally.

LIST OF ACRONYMS

AIDS	Acquired Immunodeficiency Syndrome
BDPoA	Beijing Declaration and the Platform for Action
VI	Virgin Islands
VIHSA	Virgin Islands Health Services Authority
CARICOM	Caribbean Community
CAREC	Caribbean Epidemiology Centre
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CDB	Caribbean Development Bank
CPA	Country Poverty Assessment
CSME	CARICOM Single Market and Economy
DPU	Development of Planning Unit, VI
FSN	Family Support Network
GDP	Gross Domestic Product
GM	Gender Mainstreaming
HIV	Human Immunodeficiency Virus
IGDS	Institute for Gender and Development Studies
ICT	Information and Communication Technologies
MDG	Millennium Development Goal
MH&SD	Ministry of Health and Social Development,
OECS	Organisation of Eastern Caribbean States
OGA	Office of Gender Affairs
SIDS	Small Island Developing States
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United National Population Fund
UNIFEM	United Nations Development Fund for Women
US	United States (of America)
USVI	United States Virgin Islands
UWI	University of the West Indies

CHAPTER 1: Principles, Visions and Aims

1.1 Guiding Principles

The development of a national policy on gender is in keeping with the strategic objectives of the Government of the Virgin Islands to support and promote the rights and equality of all its citizens regardless of gender. The policy is developed in accordance with The Virgin Islands Constitution Order of 2007 that came into force on 15th June 2007. The Constitution, developed through a consultative process and negotiations with the Foreign Commonwealth Office, focuses on a distinctive identity for the VI and contains commitments to uphold human rights and the rule of law. The 2007 Order establishes for the first time, a chapter on the fundamental rights and freedoms of the individual and provides for the enforcement of these rights and freedoms (Sections 9-34). This covers most of the rights contained in the European Convention on Human Rights and the International Covenant on Civil and Political Rights. The prohibited grounds of discrimination are wide and extend to sex, race, colour, language, religion, political or other opinion, national, ethnic or social origin, association with national minority, property, family relations, economic status, disability, age, birth, sexual orientation, marital or other status. The Constitution further sets out protective provisions detailing the scope of the enshrined rights and freedoms.

(2) The National Gender Policy is required to promote the rights and equality of men, women, boys and girls. The formulation and adaption of a national gender policy is also in keeping with the sentiments and goals established in the preamble to the Constitution which sets out the desire of Virgin Islanders "to become a self-governing people and to exercise the highest degree of control over the affairs of their country at this stage of development". The Constitution 2007 emphasises that the VI should be governed on the basis of "adherence to well established democratic principles and institutions". The National Gender Policy is fundamentally grounded in collaboration between men and women, not on increasing differences or creating antagonisms, or allocating greater power one sex over the other. It establishes a mechanism by which the society consciously organizes sexual differences to ensure that the needs, requirements and rights of both sexes in society – males and females, are taken care of, so that there is no discrimination. The policy is geared to creating greater balance and social equilibrium in the Virgin Islands.

(3) Thus the National Gender Policy is a key document for defining areas of intervention to ensure that the fundamental rights and freedoms outlined in the Constitution are realized in the daily transactions between the Territory and its citizens and between individuals in households, communities, in their workplaces, in the schools and social institutions. The National Gender Policy is also additionally guided by the several international treaties to which the Government of the VI is committed. The constitution is binding on all that is why it is possible for an individual to sue their employee for discrimination

(4) Any policy is time bound and directed by choices that are appropriate to the society for the period in which it is being proposed. Policy choices may also anticipate the impact of current phenomenon that will affect gender imbalances in the future. The gender policy choices in this document are ultimately made by members of the VI themselves. These choices are based on the identification and collective agreement that specific areas of discrimination, inequality, inequity or abuse of gender rights and norms exist in the society in the period in which the policy is being

formulated and need to be addressed. The policy is a partnership between a people and their government and is developed through a process of public participation, a democratic process of engaging people, deciding, planning, and playing an active part in the development and operation of services that affect their lives[1].

The work of integrating gender into development, although a dynamic process, is grounded by established national, regional and international facilitating factors, processes and support mechanisms. A national gender policy provides a culturally and territorially specific structure by which this dynamic process may take place. At the same time, nations are influenced by regional and international processes which have a bearing on the national context. These processes fall into two main categories, Human Rights Instruments and Mandated Course of Actions deliberated and agreed upon by governments. Human Rights Instruments or international conventions, when ratified by governments, commit them to incorporate the articles of these instruments into national law or to ensure the compliance of current laws. Such international or regional instruments or Conventions form part of international law and accession by governments to the Optional Protocols of these various instruments afford nationals the right to seek recourse with the respective oversight committees if these various instruments have been contravened. Mandated Course of Actions, such as the Beijing Plan of Action (1995), are designed to provide comprehensive frameworks and required steps for the process of successfully integrating gender into development. Ongoing reporting by Governments and shadow reporting by NGOs and Civil Society players provide some alternative mechanisms for monitoring and reporting on Conventions, to ensure that the rights of men and women are not being compromised, and to highlight areas that require further attention.

Despite its status as a dependent territory of the United Kingdom, the local legislature and courts in the VI are independent of the United Kingdom. As is the case with most of the Commonwealth Caribbean countries, the legal framework in the VI is a combination of local statutes passed by the House of Assembly (previously the Legislative Council) and the common law of England. The UK's role in law–making in the Territory is minimal by choice, since it essentially leaves the territory to regulate its internal affairs. The House of Assembly has autonomy over local statutes, subject to Royal Assent of the Governor as the Queen's representative in the Territory. The House of Assembly determines the legislative agenda and priorities are assigned. Thus for example, the VI, which is a leading offshore financial centre, has very modern statutes dealing with company law, banking law, insurance and other related issues. Many of the laws passed over the last decade which have a large social impact such as the Labour Code have been fashioned through a consultative process. In the case of the Labour Code the consultative process spanned close to two years. Proposed new domestic violence legislation is being developed through a consultative process. .

Policy issues in gender at the international and regional level have for some time fully incorporated masculinity into discussions of gender and development. Problems associated with masculinity in the region have centred on male underachievement in education, criminal behaviour and gender based violence. These issues are now central to global inquiries by the

[1] DPLG, A handbook for public participation in local governance, 2004

Commonwealth Secretariat[2] as well as the Caribbean Development Bank (CDB)[3] and the Institute for Gender and Development Studies (IGDS) of the University of the West Indies. Interest in gender issues has been increasing as the crucial role of gender in the Caribbean becomes more visible. This is true of the VI as well. Line ministries of government are often required to represent, negotiate and report on gender related international conventions that have been extended to the Territory. These requirements demand increased knowledge about gender at many levels of the VI government. The national gender policy being developed is not only designed to foster gender equality within VI, but also to facilitate VI record keeping and thus ease of reporting on compliance with regional and international conventions and agreements.

The VI policy on gender equity and equality is underpinned by three main perspectives and principles:

1. Human rights perspective – The Universal Declaration of Human Rights, created in 1948 as an international body of laws, was drafted to protect the integrity and dignity of all human beings. Article 2 of the Declaration states "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty". The Declaration was the forerunner to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights both of which espouse the principle of equality between men and women, enshrined in the VI Constitution 2007.

The relationship between human rights, women's equality and gender equality and equity was further examined for its focus on gender and sexual difference as these issues increasingly assumed a place of prominence in the 20th and 21st century debates on globalization, citizenship and international law. These debates, together with the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), have been pivotal in the affirmation and implementation of human rights (Agosin, 2002), including universal human rights norms, to guide the conduct of public and private life, and the ways in which States position themselves within the context of advancing structures of global governance. . A human rights perspective also informs and underpins the Millennium Development Goals (MDGs)[4] which pays close attention to the specific ways in which human rights violations have persisted in specific areas of education, violence against women and sexual and reproductive rights. The human rights protection and promotion of gender equality requires more than numerical equilibrium. It requires conceptual equilibrium, and a committed political will to redress gender inequality, where it persists.

[2] See Eudine Barriteau "Re-examining Issues of 'Male Marginalization' and 'Masculinity' in the Caribbean: The need for a New Policy Approach" Paper presented to the Sixth Meeting of the Commonwealth Ministers Responsible for Women's Affairs, New Delhi, India, 16-19 April, 2000.

[3] The study is entitled *Gender Differentials in Education* was commissioned by the CDB through the IGDS, with studies carried out in Guyana, Trinidad, Jamaica and Belize. The primary researcher and coordinator of the Project is Barbara Bailey.

[4] The United Nations Millennium Development Goals (MDGs)are eight goals which entail measurable targets for UN system wide priority action and to inform the development work of all UN member states and agencies

2. Gender mainstreaming perspective - The Millennium Development Goals Agenda for the VI noted "Despite attempts made in the 1990s, the Territory has no gender policy and there has been no systematic attempt at gender mainstreaming within the public sector. The Women's Desk was upgraded to the Office of Gender Affairs in 2001, but this new status appears not to have been matched with enabling factors such as a policy framework and human resources. The work of the Office of Gender Affairs is currently focussed on programmatic social development interventions, rather than on policy issues. However, plans are in train to begin a policy development process in March 2008." (Nicole Brown, 2008). Gender Mainstreaming (GM) has become the accepted method for encouraging more constructive relations between women and men, enhancing women's empowerment and building gender equality and equity in societies around the world. Gender mainstreaming is

> …the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated (ECOSOC, 1997).

In addition to a philosophical perspective on the need for integrating gender into all areas of governance, gender mainstreaming has produced a series of tools and frameworks for undertaking the challenges of meeting equity and equality goals. At the same time, mainstreaming gender across sectors and throughout any given national development process is often met with serious challenges. Gender offices and experts often operate in hostile organizational cultures, facing both conscious and unconscious resistances. The gender mainstreaming perspective therefore also aims to inculcate a climate of appreciation and acceptance of the possibilities that gender equality goals achieve for a society across diverse sectors and with a multi stakeholder buy-in to the process. When women and men share power and influence in all aspects of community life, there is a movement to a fairer and more democratic society. Gender equality in addition contributes to economic growth by promoting people's skills and the fullness of their creativity.

3. Gender Perspective - Although equal as human beings, the social, economic and political possibilities available have historically differed for each sex. Central to the understanding of *gender* is the recognition of an inequity in existing male-female relations that are characterized by the widespread subordination of women and the devaluation of anything or anyone defined as feminine. At the same time, *traditional* notions of masculinity and manhood can be a problem for men themselves, as well as for women. For example, some men are homemakers and nurturers and are very good partners in childrearing but admitting this to their peers might be construed as being less of a man. Some men may wish to be male nurses but this may be viewed primarily as a woman's job and the opportunities for male nursing itself limited. *Gender* is primarily used to analyze social experiences and lend support to policy interventions by making the different experiences that men and women have in society instrumental in the formulation of developmental goals. The word gender as it is used in this document refers not simply to men and women, but to the power relationship between them. For instance, men and women may not be paid equally although they may be doing similar jobs. Gender analysis therefore, examines the realities of both women's and men's lives.

1.2 Vision Statement and Policy Goals

The development and implementation of the national gender policy aims to promote gender equality, equity and social justice towards improving the quality of life for all citizens of the Territory and to foster the pursuit of sustainable human development. The policy acknowledges the origins of traditional gender roles of all those who were born into and those who at present live and work in the Virgin Islands and promotes the need for changing gender roles and responsibilities, in response to the shifting social and economic conditions of the society over time. The policy aims to improve the relations between the sexes and to redress where possible gender imbalances. This improvement will take place if more optimum use is made of the human resources available. The effect of this will be a contribution to the further development of the Virgin Islands.

The specific goals of the policy are:

- To ensure all policy and planning undertaken by government is informed by a gender perspective.
- To assist government's policy makers in understanding and tracking the gender implications of new and existing policies.
- To provide government with a dynamic framework to address ongoing issues of gender in the Virgin Islands' society.
- To inform Government on strategies in training and education to maximize the country's most important resources, its people, for the benefit of the Territory.
- To establish a system of gender mainstreaming in all sectors in the territory.
- To educate and change attitudes of the public on key concepts such as gender equity, gender equality, social justice, gender roles and responsibilities towards having them accept the importance of a national policy on gender.
- To facilitate legislative change and public awareness of relevant legislation and their implications as they relate to gender-differentials in the society.
- To review existing legislation towards removing measures that places one sex at a
- disadvantage in relation to the other.
- To develop new strategies and approaches towards eradicating domestic and other forms of gender based violence in the VI's society.
- To create a cadre of persons in the VI skilled in the applications of the tools of gender analysis.
- To strengthen the staff of the Office of Gender Affairs so that it can implement and monitor the recommendations of the Policy, and monitor international conventions and agreements which the territory is building on.

The vision of the VI Government's gender policy for equity and equality is on the one hand, to combat and change systems that preserve the gender-based distribution of power and resources at

the societal level, and on the other hand, to create the conditions for women and men to enjoy the same power and opportunities to influence their own lives.

1.3 Definitions

Sex and Gender
In spite of increasing usage confusion still exists over the term 'gender'. In modern times gender is often used as another word for 'sex', but sex and gender are not interchangeable terms. 'Sex' refers to the biological (and physiological) differences between women and men i.e. being male or female. 'Gender' refers to the social organization of sexual difference, which is how a society organizes and makes provisions for its population taking into account their sexual differences and potentialities.

Gender
Gender refers to the social roles, responsibilities, behaviours, attitudes and identities associated with men and women (masculinity and femininity) which are the result of social, cultural and historical factors as opposed to biological differences- acquired from birth. The term 'gender' acknowledges that women's problems in society are not primarily due to their biological differences from men, but rather to socially determined meanings associated with masculinity and femininity. Gender is discussed in terms of the values and practices associated with 'masculinity' and 'femininity' in a particular society or group.

Gender Analysis is the systematic attempt to apply this understanding of sexual differences to social, political, economic, cultural and environmental contexts. This is done by examining the differential impact of any given variable such as access to land or education on men, women, boys or girls. Gender analysis can help us understand why many people feel that men are supposed to dominate, why women are deemed to be the subordinate sex, why masculinity is perceived to be aggressive and femininity passive and why unequal power relations exist between women and men. Gender analysis can suggest ways in which we may create change in gender relations.

Gender Equity (or fairness) and social justice are the long-term goals of gender analysis. It strives for an equitable distribution of social, cultural and economic resources, an improved quality of life, transformations of gender hierarchies, the empowerment of women, shared participation by men and women in decision-making activities in both households and in public life, and a gender-sensitive, people-oriented approach to social and economic policy and infrastructure development.

Gender Equality means that women and men enjoy the same status. Gender equality means that women and men have equal opportunities for realizing their full human rights and potential to contribute to political, economic, social and cultural development, locally, nationally and internationally, and to benefit from the results. Sameness of treatment and opportunity does not necessarily ensure equality because women and men differ in biological and other ways. Gender equality must continue to recognize sexual difference but be consistently mindful of the parameters of equity.

Chapter 2 The Local and International Setting

2.1 Background

The determination to develop a National Gender Policy in the Virgin Islands has been the result of actions at the national, regional and international levels. The United Kingdom's involvement in national and international efforts to improve women's rights and address gender inequality has undoubtedly influenced VI policy makers and citizens. At the same time, the VI government and its citizenry have a longstanding commitment to human and social development. Indeed, in 1988, organizations and individuals in VI concerned with women's advancement and gender equality set up a Women's Focal Point as an umbrella body to pressure the VI government. [By 1992 a Women's Desk, was established as a focal point for the government under the Chief Minister's Office, reflecting a broadened commitment to women as well as gender equality.] In 2001 the Women's Desk was renamed the Office of Gender Affairs (OGA), also under the Chief Minister's Office, and from 2007-2008 under the purview of the Premier's Office, following the change of the VI Constitution in 2007. The OGA has spearheaded numerous activities and projects to enhance gender equality and women's empowerment in VI. A historic national seminar on women identified the main problems affecting women in VI. Among these were inadequate child care services, the abuse of women and children, the lack of representation and the lack of access to justice for women. In response, the Government set up a Women's Desk in 1992, which sponsored the 1994 National Report on the Status of Women in the Virgin Islands, highlighting these same issues and calling for swift action.

With support from the Minister of Health and Social Development (MH&SD) and other key government officials, the OGA has consistently worked to gain support for the development of a national gender policy. An integral tool of the OGA was the coordination of a number of sensitization workshops with policy makers to create awareness of the need for a national policy on gender. One such workshop was facilitated by Professor Eudine Barriteau from the Centre for Gender and Development Studies at Cave Hill, Barbados, a breakfast meeting held in March 2008, set the process of establishing a national gender policy for the VI in motion.

The Hon Dancia Penn, Minister for Health and Social Development and Deputy Premier, together with Permanent Secretary Mrs Petrona Davies, Deputy Secretary Mrs Carolyn Igwe-Stoute and other key female senior officials such as Honourable Irene Penn-O'Neal, Territorial at Large Representative, Deputy Governor Inez Archibald, and Permanent Secretaries of the various Ministries have all been part of the consultation process, with strong support and leadership from the MH&SD.

2.2 The National Environment and the Gender Machinery

The Office of Gender Affairs and Public Sector Initiatives

The OGA has developed policies and programmes to promote gender equality and equity, reviewed laws for gender sensitivity, assisted in the development and implementation of protocols and organized educational outreach programmes, seminars and workshops on gender and related issues. For example, in 2009, the OGA and MH&SD collaborated with UNIFEM and established and developed a sixteen week psycho-educational programme for men, entitled: *Partnership for Peace: A Violence Intervention,* designed to reduce male violence against women and children. The OGA also commissioned and spearheaded a committee which

reviewed and made recommendations to repeal the current Domestic Violence (Summary Proceedings) Act of 1996, and to adopt the OECS Model legislation with minor adjustments. Working in collaboration with the private and public sectors the OGA conducted sensitization workshops on Gender Awareness. Additionally, in 2008 and 2009 various consultations were held to review and re-develop a National Domestic Violence protocol for four key stakeholders under the theme: "*Zero Tolerance on Domestic Violence for Equality*" (Hackett, 2008).

The MH&SD and the OGA have taken a lead role in seeking to establish a national gender policy. This effort has been influenced by regional and international agreements which have provided legitimacy and guidelines for efforts to ensure gender equality and women's empowerment.

2.3 International and Regional Initiatives and Commitments

CEDAW – A Rights Based framework

On December 18, 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly. Crafted by the United Nations Commission on the Status of Women (established in 1946 to monitor the situation of women and to promote women's rights), CEDAW was created as an international instrument to highlight and respond to all the areas in which women are denied equality with men. Moreover, the Convention has played a key role in bringing women's issues into the broader focus of human rights concerns. The Convention addresses, among other issues, civil rights, the legal status of women, human reproduction and the impact of cultural factors on gender relations.

In April 1986, CEDAW was extended to the VI by the UK Government. Ratification of this agreement resulted in ratifying States having to produce reports in an ongoing basis on the work being undertaken nationally in the area of advancing gender equity and equality. VI gender advocates clearly recognized the opportunity presented by such an agreement. Additionally it provided a possible means of pressuring the government to put resources and effort into the struggle for gender equality and women's empowerment. These tools were enhanced by the establishment of the Millennium Development Goals as global development targets by the United Nations. The Millennium Development Goals (MDGs) to which the VI committed to in 2000, further legitimated demands for action around the integration of gender as a cross cutting theme in the development process of all countries who form part of the UN system. Indeed, a VI Task Force on Gender Equality and the MDGs was created in 2003 to respond to these pressures and to document national progress. While some notable successes have been achieved in advancing development within the VI as a multi-sectoral, diverse process, the 2008 VI MDG report noted that the there remains work to be done in deepening the impact of the VI OGA on the wider national development process. Although these challenges persist, the language and reporting structures of CEDAW and the MDGs, with their international legitimacy, have provided important leverage and legitimacy for the OGA to articulate and locate its goals of gender equity and equality within a larger global context.

The Beijing Conference 1995 and the Regional Climate for Gender Policy Formulation

The Beijing Declaration and the Platform for Action (BDPoA) emerged from the Fourth World Conference on Women (1995), the fourth such conference in twenty years. The BDPoA moved beyond a debate on gender inequality to raise issues of women's empowerment and broader gender equality. It reaffirmed the importance of world governments' commitment to equal rights and the dignity of women and men, while best practise calling for action to strengthen women's empowerment. It provided international legitimacy for VI gender initiatives and consequently strengthened national goals for gender equality. Regionally this was translated into the creation of the CARICOM Plan of Action for Gender Equity and Equality which provided a regional framework to guide the process of gender mainstreaming across sectors throughout the region. The need for national multi-sectoral plans throughout the region enhanced the need for regional Governments to establish national policies which were guided by the nuances of the development process within respective regional territories. .

The Commonwealth Plan of Action

The 1995 Commonwealth Plan of Action for Gender and Development is the most recent of a number of initiatives by the Commonwealth to provide a frame of reference for equitable participation in development along gender lines. This document built on a series of efforts to make gender concerns central to development and peace in Commonwealth countries. Begun in 1987, by the 1990s the language had shifted from women to gender, signalling a shift to the use of gender to incorporate gender relations built around concepts and practices of masculinity and femininity as opposed to a primary centreing on woman. This thinking, along with a rights-based approach to gender issues, has influenced VI gender advocates and has played a key role in developing the framework for a national gender policy. The bi-yearly meetings of the Commonwealth provide a spur to reporting progress on gender equality in the VI and comparative knowledge with gender experts from other parts of the Commonwealth.

EU Strategy for Equality between Women and Men 2010-2015

Given the United Kingdom's position within the European Union and the VI's territorial status, the EU Strategy for Equality between Women and Men 2010-2015 has influenced VI thinking and actions towards gender equality and women's empowerment. The current Strategy builds on an earlier Roadmap for Equality between women and men 2006-2010 as well as the European Pact of Gender Equality. Both are deeply influenced by the Beijing Platform of Action and CEDAW. Indeed, the European Union's Charter of Fundamental Rights provides for equality and prohibits sex discrimination. Commitment to gender equality was renewed in March 2010 to mark the 15th anniversary of the Beijing declaration and the 30th anniversary of CEDAW. As with other covenants, the impact on VI gender policies is difficult to assess, but the discourse of gender and human rights does provide legitimacy for the national gender policy.

OAS/CIM Inter /American Commission on Women

The Inter-American Commission of Women (CIM) is a specialized organization within the Organization of American States (OAS). It is the principal forum for generating hemispheric policy to advance women's rights and gender equality. Established in 1928 at the Sixth

International Conference of American States (Havana, Cuba), the CIM was the first official intergovernmental agency in the world created expressly to ensure recognition of the civil and political rights of women. Although as a British Overseas Dependent Territory the VI is not an official member of the OAS and by extension CIM, the work of the organization continues to raise women's issues in the region and provide support and guidance for efforts to establish a national gender policy in the Virgin Islands.

CARICOM Plan of Action to 2005: Framework for Mainstreaming Gender into key CARICOM programmes

The Caribbean Community (CARICOM), established in 1972, developed a Plan of Action in 2005 this provides a regional perspective on priority areas for the integration of gender in development. Focusing on economic, social and political issues, the CARICOM Plan establishes a blueprint for integrating gender in the region. The CARICOM model is part of and influences much of the internationally funded research and action on gender in the region. The Plan calls for building new structures of power sharing at the household, community, national, regional and global levels, where both men and women can participate fully in decision-making, as equal partners in the sustainable development of their societies[5]. These guidelines are often difficult to achieve, but as with other regional and international agreements, provide guidelines for practice and policy in the region, including the VI.

2.4 Interrelationship of the International and Local Contexts

The above sections demonstrate that gender analysis and gender policy interventions have been important in the region and have provided a crucial backdrop to the efforts of the VI and other Caribbean countries determined to develop national gender policies. The important role of the United Nations system, particularly Women (now UN Women), UNDP - The United Nations Development Programme and UNECLAC - the United Nations Economic Commission for Latin American and the Caribbean, must be acknowledged. However, regional agencies such as CARICOM Secretariat, the European Union and the Commonwealth Secretariat (Division of Gender and Youth) have also played a role in the struggles to develop gender sensitive policies in the region. As Table 1 demonstrates, commitments to these international instruments are all important for reaching gender equity and equality.

[5] Caribbean Community Secretariat 2003, pg16

Table 1: International Instruments with gender policy implications, extended to the Virgin Islands

International Instrument	Date of Signature/ Adoption	Date of Ratification	Date of Accession	Entry in Force
Charter of the United Nations	n/a	n/a	n/a	n/a
International Covenant on Economic, Social and Cultural Rights		Ratified by the UK on 20th May 1976 and extended to the VI on the same date.		-
International Covenant on Civil and Political Rights		Ratified by the UK on 20th May 1976 and extended to the VI on the same date.		
Convention on the Elimination of All Forms of Discrimination Against Women		Ratified by the VI on 7th May 1986	-	
The Beijing Platform for Action	n/a	n/a	n/a	n/a
Declaration on the Elimination of Violence Against Women	-	-	-	-
Declaration on the Protection of Women and Children in Emergency and Armed Conflict	-	-	-	-
Convention on the Rights of the Child	-	Ratified by UK on 16th Dec 1991 and extended to the VI on 7th Sept 1994 -	-	-
European Convention on Human Rights and Fundamental Freedoms	-	Ratified by UK on 8th March 1951 and extended to the VI on 23rd October 1953	-	-
	-	-	-	-

Chapter 3 Participation, Consultation and Research in the Formulation of the VI National Gender Policy

3.1 Participation and Consultation

The policy formulation process entailed a combination of consultations, participation of key actors and stakeholders and an intensive process of research and data collection. Each of these components are important to the generation of a policy in order to ensure that the policy choices and strategies outlined in the Policy and Action plan have been informed by those whose lives will be most affected by this document. The development of policy in contemporary governance is inseparable from public participation (DPLG Handbook, 2004). Public participation is designed to promote the values of good governance, acknowledging the right of all persons in a society to participate in the governance system and thus to promote a healthy observance of human rights. It narrows the social distance between the electorate and elected institutions by recognising that if people can participate as individuals, interest groups or communities, they are more invested in and work towards successful outcomes. To ensure public participation the policy process has been guided by principles of inclusivity, diversity and respect for the views and concerns expressed by individuals or interest groups. For example, among other groups and individuals, the VI religious organizations raised serious concerns about policies that challenge the idea of a heterosexual norm. This policy remains silent on such issues, although it is underpinned by principles which speak to the human rights of persons of different sexual orientations.

The consultative process in the development of the VI gender policy comprised a series of workshops, training exercises and consultations for professionals, interest groups, individuals, government officials and members of civil society groupings beginning with the first breakfast consultation in 2008 spearheaded by the Office of Gender Affairs. This momentum picked up from November 2010 with the first site visit of the consultants. A Technical Support Committee comprised of local resource persons was formed during the first site visit with the mandate to conduct a series of consultations. Between November 2010 and July 2011 a number of consultations and meetings were conducted in Tortola and in the three main populated islands of Anegada, Jost Van Dyke and Virgin Gorda. **(Appendix 2).** These consultations and training sessions achieved the following:

a) They demonstrated the integral support of the Public Sector and political will of the Government to drive and implement the policy.
b) They provided Gender Sensitivity Training which includes skills and tools for gender analysis to prepare professionals and resource persons in the society for the implementation of the policy.
c) They allowed the widest consultation with groups, individuals and experts to ensure that the population both understand and are instrumental in guiding policy choices. In this respect the face to face consultations as well as public education and media sensitization play a role in educating and harnessing public opinion on gender equity and equality.

3.2 Research

A policy is also constructed on the basis of quantitative and qualitative data gathered about the society, economy and polity. Some of these are gleaned from interviews with key resource persons, while statistical data and indicators are gathered from the Development Planning Unit of the VI, Ministries of Health and Social Development, Police Services and Legal departments

among others. These documents and the data they provide are examined for details that support the policy choices (**Appendix 3**). Diagrams 1 and 11 present a schematic overview of the consultative and research process leading to a defined selection of policy areas.

3.2.1 Data Collection and the Changing Face of Policy Development

It is worth emphasizing that evidence based policy development hinges largely on the availability of national statistics specific to all areas of development. The process of collecting the data on which to anchor the policy analysis and ultimate recommendations allows for the following:

- It provides a space for a comprehensive review of existing national and alternative data sets
- The level of sex disaggregation of existing development statistics and indicators become apparent.
- It creates an opportunity towards the expansion of traditionally available data sets
- The limits of the existing data help shape thematic areas for alternative and additional data collection methods, thereby expanding the pool of possible policy priority areas and future initiatives.

Diagram 1 - Overlapping levels of Participation and Consultation in the Formulation of the National Gender Policy

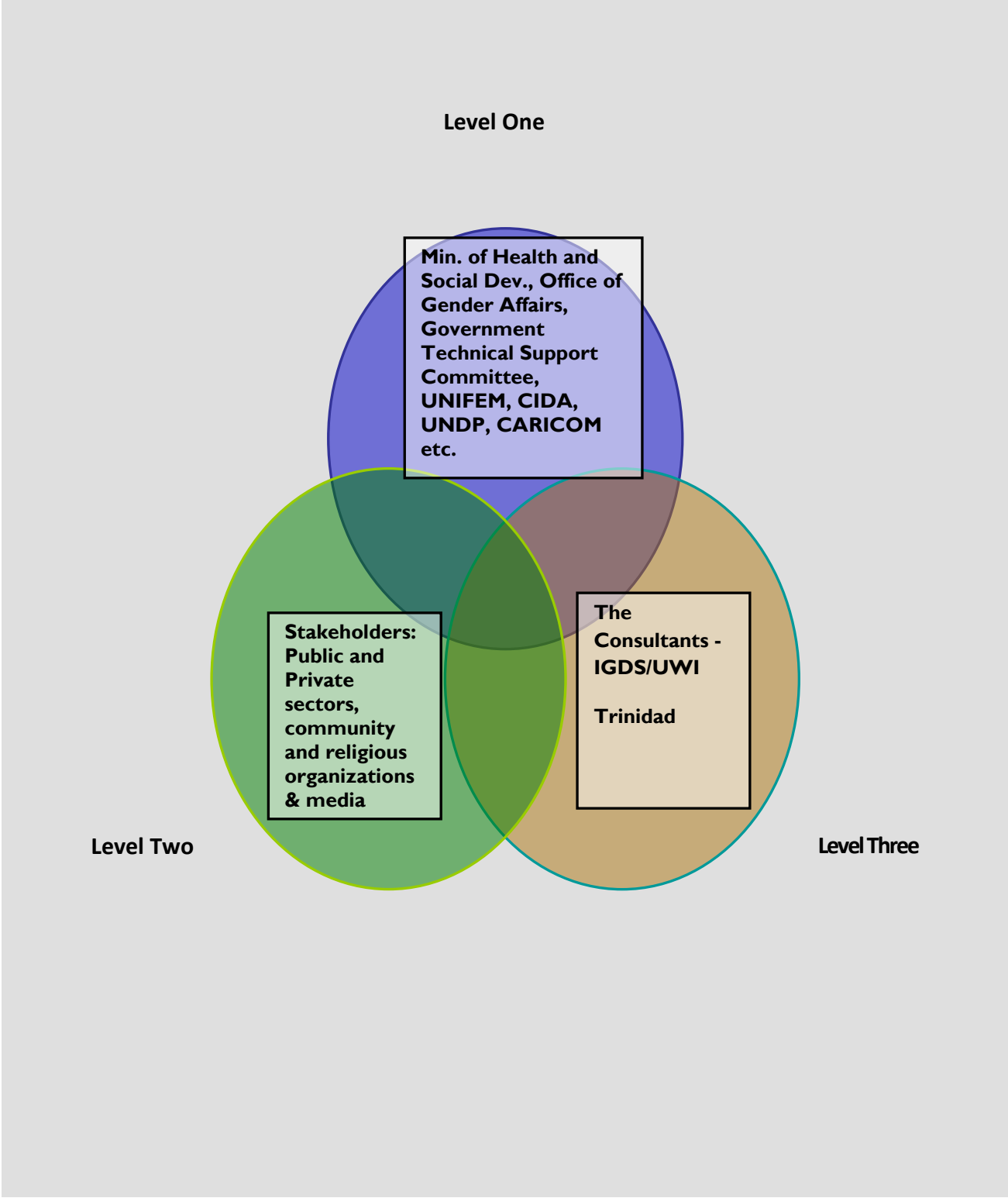
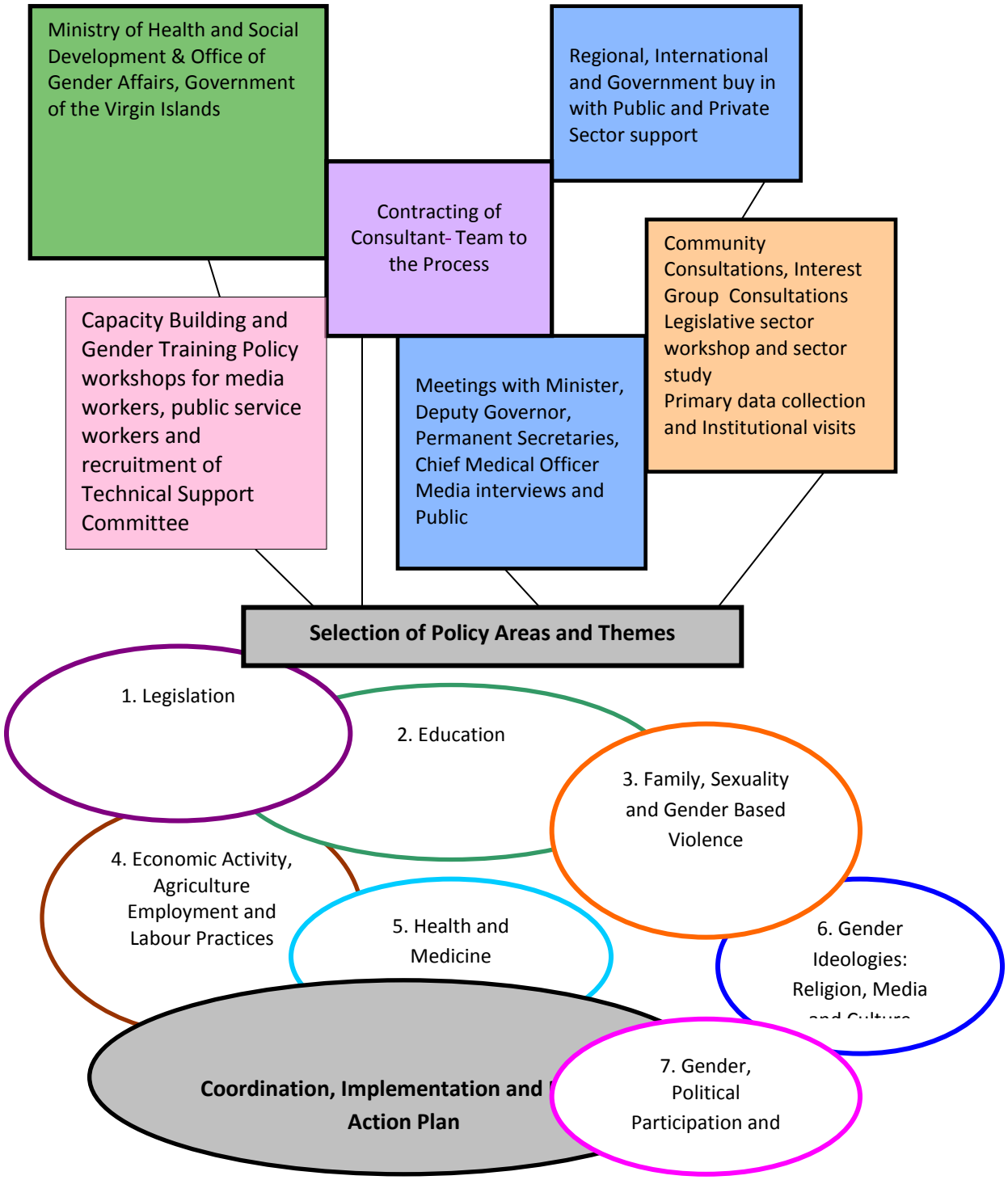


Diagram 11: The Process of Consultation, Formulation and Presentation of Policy



Chapter 4 A Situational Analysis of the Virgin Islands from a Gender Perspective

The Virgin Islands (VI) is an archipelago comprising of approximately sixty (60) islands, rocks and cays. It is located in the North Eastern Caribbean Sea, 60 miles east of Puerto Rico, at the eastern end of the Greater Antilles. The Territory has a total area of 153 sq. km (59 sq. miles). There are four main islands on which the majority of the population resides. Tortola/ Beef Island has a land area of 54 sq. km (22 sq. miles); Anegada with a land area of 38 sq. km (15 sq. miles). Virgin Gorda with a land area of 21 sq. km (8 sq. miles) and Jost Van Dyke with a land area of 10 sq. km (3 sq. miles). Tortola is the commercial, political and cultural centre of the VI and Tortola's main settlement is Road Town, which is the seat of VI government, the location of major services, and is also an active cruise ship port-of-call.

Like most of the Caribbean, during its period of early European settlement the economic value of the Virgin Islands to European nations mainly lay in its capacity to generate income from sugar cane plantation. During this time it was peopled by Africans brought in as slave labour, establishing this population as the largest ethnic group in the Territory. At the beginning of the 20th century, Britain and Denmark maintained colonial control, but Denmark relinquished its holdings to the United States in 1923. This created a geopolitical border between the United States' Virgin Islands and those under British control. The Virgin Islands, despite its different governance, nonetheless continues to have close cultural and historical ties with the US Virgin Islands.

Land resource, settlement patterns, persistent emigration and immigration continue to influence the nature of gendered relations among and between peoples who live in the VI. The terrain is relatively rugged and there is a general scarcity of flat land, apart from the island of Anegada which is primarily flat. The highest concentration of population is located along the coastal low-lying areas with a high percentage of undeveloped land throughout the territory. The geography of islandness, openess and proximity to either Caribbean or US based islands has created its own challenges to the development of an indigenous VI culture of gender and sexuality. Borders do not cut family linkages and cultural ties. Virgin Islands residents claim family linkages between the two territories as many Virgin Islanders work or have worked in the USVI. Many VI residents were born in the USVI or in Puerto Rico where the hospitals are more plentiful and health care is more extensive. VI residents shop in the USVI because items are cheaper and there is more variety. The exchange is more than one of goods and services but a communication of ideas and expectations about gender and domestic life.

While popular discussions on the status of women and the family, on the role of men and the crisis in masculinity in the Virgin Islands are to be found in newsletters, online chatrooms and published occasional lectures, there is no exhaustive or rigorous study on the history and evolution of gender relations and gender dynamics in the society. This chapter provides a brief overview of the components of gender that have been identified through the consultative and research process for policy attention and legislative interventions. These are:

- Education
- Family life, Sexual relations and Gender Based Violence
- Economic Activity, Agriculture, Employment/Unemployment and Labour Practices
- Health and Medicine
- Gender Ideologies: Religion, Media and Culture; and
- Gender, Political Participation and Political Decision-Making.

4.1 Demography

A fundamental issue that must be grasped in any social engineering of gender is that the pattern of gender relations in any society is influenced by its demographic balance, inflows and outflows of peoples and cultures and its proportion of males to females. In 2007, the population of the VI totalled 27,518 inhabitants; of this number 13,699 were males and 13,814 females. Children 18 years and younger accounted for just under a quarter of the population and adults 65 years and older for approximately 5 per cent. The rate of population growth decreased in the 1990's, to an average annual increase of 2%, and the population is expected to double by 2030. Most of the population increase (approximately 65%) since 1980, is attributable to net migration inflow. Average life expectancy at birth according to 2009 VI Government statistics is 80.18 years, with a male life expectancy of 78.56 and a female life expectancy of 82.42, a similar gender related trend in most known societies today. The average crude birth and death rates were 16.32 and 4.83 respectively between 1993 and 2000. The data suggests that the population of the VI cannot be described as aged at present. With time the population will become increasingly so, with the most integral factor in population being immigration.

Immigration and Emigration

The National Report on the Status of Women (1994) observed that "Social issues for women in the VI have the added dimension of "separation" and "alienation" as the immigrant women have often been forced to leave their families behind either because they felt it was easier to fend for themselves and remit their finances to their homeland, or because VI immigration laws prohibited them from bringing their families with them" (MDC, 1994: 7). The gender literature on the Caribbean's transnational family and the problems that emerge for both migrant and those they have left behind are legend. There is no need to repeat the oVIous. What we need to look at is the percentage of people who are affected by the impact of migration. This includes not only the incoming population, but also those whose lives with whom they come in contact. Immigrants accounted for 55.2% of population growth experienced by the VI for the period 1992-1996. In 1996 immigrants accounted for 50.3% of the population. The 1991 census revealed the following data:

- 61.6% of the working labour force was immigrants
- 80.0% of all nuclear family households contained at least one immigrant
- 63.3% of all single household was headed by an immigrant
- 54.5 % of all single households with children were headed by an immigrant.

4.2 The Economy of the Virgin Islands

In the 1980's the timely entry of the Virgin Islands (VI) into the international offshore financial services industry, spearheaded the transformation of a mainly agricultural based economy to a services based economy. The VI has become a middle-income developing country, with one of the highest Gross Domestic Product in the world. It is one of the most stable and prosperous economies in the Caribbean.

The country has been experiencing steady, dynamic economic growth since the 1980s. In 2005, for example, Gross Domestic Product (GDP) increased by more than 11 per cent and per capita income was approximately US$37,000 (Smith, 2006). According to DPU statistics, the 2006 estimated GDP per capita as US$37,461. The international financial services industry, which

largely involves offshore company registration, is the largest earner of foreign exchange. This industry provides important linkages with accounting, legal and banking services, and provides an important service to an international clientele. Substantial national income is derived from the incorporation fees charged to thousands of companies that incorporate in the island.

Tourism is the second largest earner of foreign exchange and the single largest employer in the private sector. In 2005, an estimated 820,000 tourists visited the islands. The economy depends heavily on locally generated revenues with tourism providing almost 50% of the national income. Agriculture, the dominant sector in times past, currently accounts for less than 2.8% of GDP. Tourism and International Business have emerged as the major engines of growth for the VI economy in the current economic climate. The possible impact of the international economic crisis on the two main drivers of the VI economy is not apparent in the current statistics available. It is important to note though, the on-going flight of capital to developed countries and the ways in which the melt down interface with tourism makes the inevitable impact on such an economy.

4.3 Labour Force Participation

Gender differentials

The labour force data in the Virgin Islands shows an almost equitable trend in the sex ratio of the employed population for the years 2001-2008 (Table 2). In most years women have a minimal advantage on average over men in terms of representation among the employed population. It is only in 2001 and 2003 that the number of men in the workforce outnumbered the number of women. This trend is a highly unusual one for the Caribbean, where in most territories, on average, women feature at lower rates in the labour force and higher rates in the unemployment data. While the general unemployment rate for all age groups was 3.1 in 2001, the unemployment rate among the age group 15-24 deserves attention. The female unemployment rate for this group is 5.35 for the same year, lower than that of males at 7.07.

Table 2 - Labour Force Participation by Sex

Sex	2001	2002	2003	2004	2005	2006	2007	2008
Male	7,151	7,143	7,318	7,648	7,978	8,460	8,902	9,384
Female	7,133	7,253	7,461	7,847	8,215	8,460	8,953	9,533
Not Stated	6	44	36	23	39	19	76	181
Total	**14,290**	**14,440**	**14,815**	**15,518**	**16,232**	**16,939**	**17,931**	**19,098**

Source Government of the British Virgin Island Development of Planning Unit
Collected February 2011

Female participation in the labour force

Overall, according to the available data[6], there is a high level of female participation in the labour force in the VI. Although the statistics on the level of participation disaggregated by sex, sector and industry is severely limited, the Labour market is particularly open to women in the service sector. According to the VI Social Sector Report (February 2010), there remains a disparity between men and women's wages; women earn 1.13 times less than their male counterparts. Among women, there is a persistent gap between those in the Agricultural Sector and the non-Agricultural sector (Table 3). Women in Agriculture consistently earn less than those in the non-Agricultural Sector. Additionally, female immigrant workers, most of whom are in the service sector face additional challenges as their immigrant status and sex intersect to position them in greater vulnerability within the labour market. These women are susceptible to abuse, different forms of gender based violence and exploitation and have few channels of recourse. Their situation is of particular importance because they are largely invisible in the official labour market statistics.

Table 3 - Earnings of Women in the Non- agricultural and Agricultural Sectors

	1990	1999	2000	2001	2002	2003	2004	2005	2006
WOMEN IN THE NON-AGRICULTURAL SECTOR	…	50.72	49.86	49.98	50.43	50.52	50.69	50.83	50.08
WOMEN IN THE AGRICULTURAL SECTOR	…	45.00	36.36	36.17	37.74	40.00	38.81	30.77	34.12

Source Government of the British Virgin Island Development of Planning Unit (DPU)
Collected February 2011

Occupation and Industry differentials

A preliminary analysis of the data on the different sectors which make up the labour market in the VI, brings to the fore the predisposition for women, on average, to be more highly represented in the VI labour force than men. This high representation of women needs to be understood within the context of a labour market which is largely made up of service industries. Throughout the region services are more often staffed by women. Notably for the VI, the

[6] NB The data sets available to the VI Policy Team by the DPU and other government departments in the Virgin Islands, although extensive, did not provide a more detailed disaggregation of the labour market statistics by sex and by sector.

Government sector[7] followed by hotels and restaurants are the largest employers. Sectors which are typically male dominated are Electricity, Gas and Water, followed by Fishing, Agriculture, Hunting and Quarrying. This finding is consistent with global and regional trends found in trends in other Caribbean islands. There is a distinctive change demonstrated in the current statistics compared to the ideas recorded about women and work in the VI in 1994. For instance the National Report on the Status of women for this year noted that "Women were severely underrepresented in administrative and managerial positions as well as in the those higher paying occupational sectors like economics, construction, accounting, finance, engineering, and science. They were congregated instead, in the traditional "female" sectors which included nursing, teaching, domestic service and clerical categories" (MDC, 1994: 12). As the economy has become more service oriented, the participation of women has risen, sometimes fueling tensions between the sexes.

Immigrant labour

The current wave of immigrant worker inflow dates back to the 1980s[8] (Government of the VI, 1999a) and over the years this has changed the demographic profile of the Territory: the 2002 *Survey of Living Conditions* identified a 56 per cent to 44 per cent split between VI nationals and non-nationals. The DPU estimates that non-nationals now outnumber V Islanders, accounting for approximately 60 per cent of the total population. DPU employment statistics show foreigners accounting for 60.5 per cent of the employed in 2006, up from 55.9 per cent in 2000. Table 4 gives the nationality ratio in the population as obtained from the existing statistics.

Table 4 – Nationality Ratio

DEMOGRAPHIC PROFILE INDICATOR	2003	2004	2005	2006	2007	2008	2009
NATIONALITY RATIO[i]	65.77	65.77	65.77	65.77	65.77	65.77	65.77

Source: Government of the British Virgin Island Development of Planning Unit

In addition to unreliable data on immigration and citizen statistics by sex there is an absence of sex-disaggregated data about male vs female foreigners in the labour force, including country of origin and occupations in which they are engaged. The demands of the labour market are the driving factor behind the changing demographics of the VI. The pace of economic expansion in the VI economy has been significantly faster than the population growth, prompting the territory to bring in workers to meet labour force needs and sustain economic growth (Brown 2008: 20). According to 2008 data, approximately 1,000 work permits are issued annually (Ibid: 20). This phenomenon has resulted in foreigners consistently and overwhelmingly outnumbering Virgin Islanders in the labour market according to the available statistics (Table 5). There remains

[7] Government as an employer tends to be a more equitable and female friendly space than the private sector. Conventionally, traditional public sector employment tends to be less lucrative than the private sector

[8] Foreign labour has been a feature of the VI landscape from as early as the 1960s.

however, no disaggregation of this data along lines of sex, particularly in regard to types of work undertaken. A gendered analysis of the immigrant movements and the resulting gendered realities of this movement of population remains elusive and outside the realm of available statistical fact.

Table 5 Labour Force Participation and Residence Status

	2001	2002	2003	2004	2005	2006	2007	2008
B V Islanders	3,765	3,818	3,971	4,086	4,252	4,317	4,546	4,601
Foreigners	8,195	8,286	9,252	9,878	10,469	10,264	11,874	12,944
Not Stated	2,330	2,336	1,592	1,554	1,511	2,358	1,511	1,553
Total	14,290	14,440	14,815	15,518	16,232	16,939	17,931	19,098

Source: Government of the British Virgin Island Development of Planning Unit
Collected February 2011

4.4 Education

The area of education falls under the Ministry of Education and Culture, Schooling is compulsory for children ages five to sixteen years. The school population is 4,876. This number includes students at both public and private primary and secondary schools as well as at two special schools. The Government supports the notion of inclusion and through various initiatives is seeking to improve the quality of education offered to all its students. In the VI there are high levels of primary and secondary school enrolment. There are no institutional barriers to education in the Virgin Islands by sex. All children under the age of fourteen are required to go the school.

Primary school enrolment up to 2005 indicates a minimal difference in the levels of enrolment between boys and girls. Between the years 1999 and 2001, enrolment levels among girls were higher than that of boys, with a similar trend in 2005. All other years indicated a higher level of enrolment among boys. Overall the statistics reveal very little difference between male and female enrolment figures up to 2005 at the primary level. However, completion figures from 1999-2005 (Table 6) show a difference in rates favouring boys from 1999 – 2001, while from 2002 – 2005 the difference in completion rates[9] show a higher level of completion among girls. The differences in completion rates between boys and girls are more significant than the participation rates. In the years where the statistics favour the completion of boys the highest is

[9] The education completion rate is an indicator, which monitors the education system coverage and student progression, it is intended to measure human capital formation and school system quality and efficiency. In the main, it is calculated as a percentage of students completing the last year of primary school. It is calculated by taking the total number of students in the last grade of primary school, minus the number of repeaters in that grade, divided by the total number of children of official graduation age

10% in 2000 with the lowest being 6% in 1999. Similarly, in 2002 the highest difference in favour of girls completing at a higher rate than boys is 15% in 2002 and the lowest standing at 3.2% in 2004. For the purposes of understanding policy implications of the national completion rates, the completion rates which are over the 100% need to be analysed to bring a holistic overview of the completion statistics.

Table 6 Primary School completion rates by sex

YEAR	1999	2000	2001	2002	2003	2004	2005
BOTH SEXES	106.0	107.6	105.1	105.8	97.8	104.3	98.9
GIRLS	103.0	102.9	101.1	113.1	99.5	105.9	104.8
BOYS	109.0	112.3	109.0	98.4	96.2	102.7	93.2

Source: UNDP/OECS Towards a Local Agenda for the MDGs in the VI, Brown: 2008

The Gender Parity Index (GPI) assigns a value to the difference in participation rates between male and females within a particular context. A GPI of 1 indicates parity between the sexes; a GPI that varies between 0 and 1 typically means a disparity in favour of males; whereas a GPI greater than 1 indicates a disparity in favour of females. In the VI context the GPI steadily grows in favour of females as the level of education becomes higher. It is only at the primary levels there is a parity measure of 1, which indicates an initial equality in participation between males and females. At the secondary and tertiary levels the parity differences are more obvious.

Post-Secondary Education

The Government of the VI invests heavily in the post-secondary training of its citizens. Available statistics reveal the following: in 2007 119 students were studying abroad in five countries, with most of them in the United States. The data at this level is not disaggregated by sex, however if the parity data trends at the tertiary levels continued along the lines of that measured in the previous section many of the post secondary individuals studying abroad are likely to be female. Gender analysis requires an investigation of how areas of study are coded masculine or feminine in the job market and in the wider society. Faced with the absence of sex disaggregated data on post-secondary training, there is need for greater understanding of the gendered coding of areas of study and how male and female students position themselves for available educational opportunities.

4.5 Health

Health services are delivered by the VI Health Services Authority (VIHSA), a semi-autonomous entity under the MH&SD. The Ministry is responsible for all capital projects related to health as well as for the policies and legislation that govern the VIHSA. VI has one 44-bed public hospital, Peebles Hospital, and one 8-bed private hospital. Public sector primary health care is

delivered through 10 health clinics and 2 health posts. Community mental health services are delivered through 4 clinics located in Tortola (Community Mental Health Center); Virgin Gorda, Anegada and Jost Van Dyke. Catchment populations vary owing to the large numbers of tourists and boat/yacht dwellers who use the public health services.

The VI has both low child and maternal mortality rates. Antenatal health care is provided free of charge in the public health system, as is health care for children. All births in the Territory now take place in a hospital. Immunisation coverage is high, with 100 per cent inoculation for measles, mumps, rubella and tuberculosis in 2004 and 90 per cent and 91 per cent for polio and diphtheria, and pertussis and tetanus respectively. The data collected by the DPU indicate that there was 1 infant death out of 453 children age one in 2005 and no maternal deaths in the territory since 1994. Skilled health personnel attend to all births. No substantive data exists on differences between male and female health issues or chronic diseases although consultations reveal that, common to all societies, men are unwilling to seek medical care for testing and prevention of prostate cancer. There have been targeted efforts by the OGA to treat with the issue of male health care and male health seeking behaviours. More recent, 2009 data on adults 25-64 years of age indicates an overall 74.7% of the population to be overweight, with the females exhibiting higher rates of obesity than males at 76.2% and 73.5% respectively. Conversely males in the same age group had more elevated levels of mean systolic blood pressure at 134.2, while the mean measure among females was 126.2 (Virgin Island (UK) STEPS Survey:2009).

In the VI, reproductive health services form an important component of the health care offered to adults throughout the Territory. These services are offered through the public health system at a minimal charge. Hormonal contraception is offered below cost and condoms are distributed free of charge at public health clinics. Condoms are readily available relatively inexpensively throughout the private sector and intrauterine contraceptive devices (IUCDs) and tubal ligations are subsidised below cost in the public sector. Nonetheless, the smallness of the society and the familiarity of persons to each other in the society means that young women or men are hesitant to seek out such services, making teenage pregnancies is one of the problems being tackled by the health authorities.

HIV/AIDS

The first case of HIV/AIDS was identified in 1985 and by February 2007, a total of 85 people had tested positive for HIV in the territory. Since 2003, the National AIDS Programme has improved surveillance of, and reporting on HIV and AIDS in the VI. There are 57 VI residents living with HIV who are known to the Department of Health (there may be differences in reported cases and actual cases due to a number of residents who seek treatment overseas for confidentiality reasons). According to statistics quoted in the 2008 VI MDG Report, 29 persons have AIDS (16 women and 13 men) and 28 are HIV positive (15 women and 13 men). The low numbers of recorded cases of HIV/AIDS in the VI must be located within the context of the work done on HIV/AIDS in the region by the Caribbean Epidemiology Centre (CAREC).

CAREC estimates that the prevalence rate for HIV infection in the VI is 1.5 per cent. This suggests there could be as many as 375 infected people in the territory.[10]

In the VI, the numbers of HIV positive persons are low overall and the official statistics show no cases among the 15-24 age group. In all Caribbean territories the infection rate among the 15-24 age group, however, is of particular importance. HIV/AIDS infection among this group generally sees women represented in larger numbers than men, owing mainly to the gender norms around age and relationships within the region. The high numbers of women in the 15-24 age group infected by HIV/AIDS in many Caribbean territories are a result of biological and gender norms of relationships. The makeup of the vagina and the softness of the vaginal walls make young women more susceptible to viral infection. Gender norms of older men dating younger women and the power relations of gender within these relationships also create a social vulnerability for young women as they seek to negotiate sex within such relationships. Additionally, the level of infection among the 15-24 age group has implications for the impact of HIV/AIDS on the productive population.

Disabled and Elderly

The Virgin Island Government is committed to ensuring the health and well being of vulnerable populations are met. Of particular importance is the care of the elderly and disabled. The Elderly & Disability Services Division plans, coordinates, administers, monitors and evaluates services for the elderly and disabled population in the Virgin Islands (UK). The Division also exercises guardianship on behalf of people who are under court-order guardianship. The Division works closely with concerned persons with the delivery of services: people who are aged and/or disabled, families, guardians, advocates, service providers, government and non-governmental agencies, to ensure that programs continue to meet the changing needs of people who are elderly and disabled, including their families.

The Division provides an array of services to elderly and disabled persons throughout the territory such as:

- Senior Citizen's Recreational Program
- Meals for Homebound and Indigent
- Homecare Services
- Guidance & Counseling
- Case Work/Case Management
- Early Intervention Program (Birth-8)
- Community Education
- Day Adult Support Services (BVI Services)
- Physical Restoration

The services provided to people with a disability, young or old, are designed to encourage community participation, increase life skills and support families and caretakers.

[10] This figure calculated based on use of 25,000 as the total VI population, thus 25,000 x 1.5%= 375

Table 7: Services Provided or the Disabled and Elderly in the VI

New Cases at a Glance	Male	Female	Total
Early Intervention Services	1	1	**2**
Guidance and Counselling	0	0	**0**
Court Hearing Attendance/Reports	1	1	**2**
Meal Program for Homebound and Indigents	0	1	**1**
BVI Services	1	3	**4**
Homecare Services	13	13	**26**
Homecare Grant	0	6	**6**
Prosthetic Services	4	1	**5**
Case Management/Referrals	6	5	**11**
Residential Placement	0	0	**0**
Social Assistance	3	4	**7**
Job Placement	0	1	**1**
Elderly Abuse	2	2	**4**
Disability Abuse	0	1	**1**
TOTAL	**31**	**39**	**70**

Source - VI Social Development Department Annual Report 2011

4.6 Domestic Violence

Earlier data on Domestic Violence is sourced from research undertaken by Nesha Haniff in 1998 when she conducted a comprehensive research on Domestic Violence in the VI. At that time the incidents of Domestic Violence among the women surveyed were as follows: 28.5% of the women admitted that they had been physically abused (Table 7). It was found that 23.4% of the women were abused once and 48.6% were abused a few times; 3.19% of the women were abused every month, 12.7% abused every two or three months and 7.4% all the time. This research also found that the general citizenry was convinced that the incidence of domestic violence was on the increase. More recent statistics collected from the Royal Virgin Island Police Force (Table 8) indicate a persistent trend of most incidents being reported under the category of common assault, with serious assault being the next most highly reported incidents. The Domestic Violence statistics to June 2011, although not disaggregated by sex, points to a need for ongoing strengthening of the response at the level of policy and community engagement to this development challenge. It must be noted that the official cases represent only those which have been reported to the police, while in most countries many cases of violence remain largely under reported. This is of particular importance in the VI where the immigration status of some victims of Domestic Violence prevents their ability to freely access protection under the laws which exist, for fear of deportation.

Table 8- Domestic Violence in the VI

Women Beaten	Number	%
Yes	94	28.5
No	224	67.9
Not stated	12	3.6
Total	330	100.0

Source: Nesha Z. Haniff (1998) A Study of Domestic Violence in the Virgin Islands

The above table was based on reported cases in 1998 in the VI. No reported cases of male victims of violence were recorded. This does not mean that there were no case of men being beaten but in the late nineties it was not acceptable for men to report they are victims of violence.

Table 9- Domestic Violence in the Virgin Islands: 2007-2011 (collected June 2011)

OFFENCE	2007	2008	2009	2010	Jan-Jun 2011
MURDER	0	1	0	0	0
ATTEMPTED MURDER	0	0	0	1	1
SERIOUS ASSAULT	12	9	9	21	9
INDECENT ASSAULT	2	1	0	1	0
COMMON ASSAULT	40	57	46	57	21
WOUNDING	4	3	6	2	3
CRIMINAL DAMAGE	3	6	6	10	5
THREATENING LANGUAGE	5	4	2	9	0
TOTAL	**66**	**81**	**69**	**101**	**39**

Source: Royal Virgin Island Police Force

Table 10 - Child Abuse Cases by type (Jan – Dec 2010

Type of Abuse	No. of Clients		Total
	Male	Female	
Neglect	9	4	13
Sexual	7	17	24
Physical	14	12	27
Total	**30**	**33**	**63**

Source: Royal Virgin Islands Police Force - collected June 2011

An often overlooked aspect of abuse within households is that perpetrated against children and young persons. This remains a global problem and continues to adversely affect the family and the well being of persons. In the VI the collection of data related to Child Abuse and Sexual Offences by the Police gives some insight into the number of reported cases. Sexual abuse against girls remains the highest number of reported cases of abuse (Table 9). Specific to sexual offences against young persons, the reported cases show a particular vulnerability experienced by girls under 16 and 13 respectively (Table 10). Although these data sets provide some insight into the reported cases of abuse experienced by children and young persons, the gender norms around the established categories and the protocols of reporting must be interrogated in terms of the ways in which abuse experienced by boys and young men is facilitated.

Table 11 Sexual Offences

SEXUAL ASSAULTS	2007	2008	2009	2010	Jan-Jun 2011
ATTEMPTED RAPE	0	0	2	1	0
INDECENT ASSAULT	5	4	7	12	5
INDECENCY WITH CHILD	1	1	0	0	0
INCEST	1	0	0	0	0
RAPE	3	5	0	7	5
UNLAWFUL SEX WITH GIRL UNDER SIXTEEN	3	2	5	3	0
Unlawful Sex With Girl Under Thirteen	1	2	2	5	2
Wrongful Confinement	0	0	0	1	0
Total	**14**	**14**	**16**	**29**	**12**

Source: Royal Virgin Islands Police Force : collected June 2011

Mental Health

The Community Mental Health Centre, the lead agency for the delivery of mental health services in the Territory, functions as the national mental health authority. The Centre is responsible for the delivery of community-based mental health care which is delivered through the Centre and three primary health care facilities. The Centre is the repository for the records of all clients treated through community-based services. In 2007, 320 users accessed outpatient services; 56% were females; and 20% were aged 17 years and younger.

Gender and Leadership in society

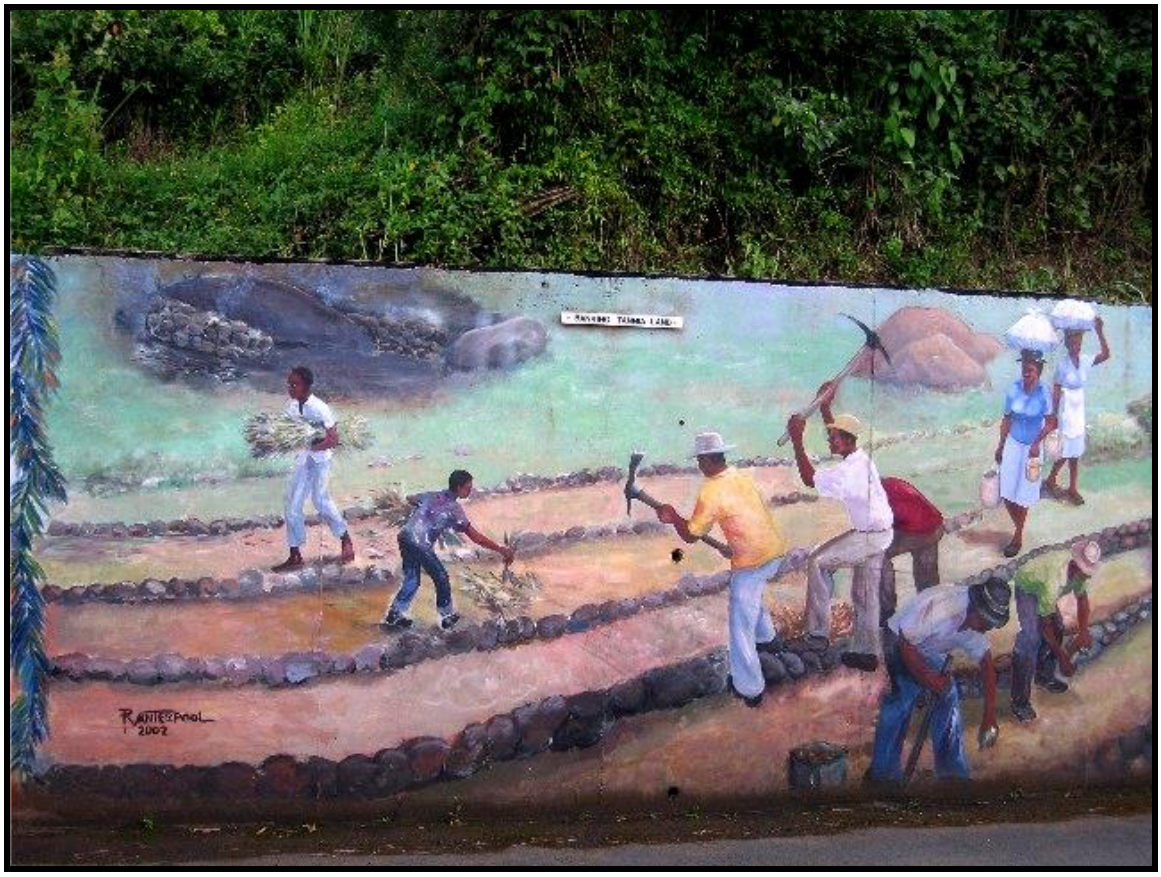
The Beijing Platform for Action states that women hold only 10% of the membership of legislative bodies and a lower percentage of ministerial positions globally (UN, 1996: 110). Women's participation in VI electoral politics lags behind that of men. The restored Legislative Council of the VI was in its forty-fifth year - 1995, before women were elected to it. During the years 1995 to 2006 there was no change in the proportion of seats held by women in the Legislative Council and in the proportion of female ministers. It must be noted though, at the higher levels of the Public Service some change has occurred between 1995 and 2006: in 2006, four, or two-thirds, of the six permanent secretaries were women, up from two or one-third in 1991 (Table 11).

Table 12 Women in Power and Decision Making in Government (Elected and Administrative)

LEGISLATIVE COUNCIL	1991	1995	2000	2001	2002	2003	2004	2005	2006
Total number of seats	9	13	13	13	13	12	13	13	13
Number of seats held by women	0	2	2	2	2	2	2	2	2
Number of seats held by men	9	11	11	11	11	11	11	11	11
Proportion of ministers who are women	0	.15	.15	.15	.15	.15	.15	.15	.15
PERMANENT SECRETARIES									
Total number of Permanent Secretaries	6	6	6	6	6	6	6	6	6
Female Permanent Secretaries	2	…	…	…	…	…	…	4	4
Male Permanent Secretaries	4	…	…	…	…	…	…	2	2
Proportion of Permanent Secretaries who are women	.33	…	…	…	…	…	…	.67	.67

Source: Government of the British Virgin Island Development of Planning Unit

The unicameral structure of the VI's governing mechanism results in the elected representatives forming the majority legislative arm of the government. The long history of male dominance of this legislature is in keeping with the global phenomenon of male dominance of representative politics. Similarly, the emergence of increasing numbers of female leaders at the Administrative Heads of the Government Machinery indicates the importance of the Public Service as a space where women are better able to balance the challenges of home and work. Despite the fact that women are increasingly present at the level of elected politics, there is an ongoing need to interrogate the difference in experience of women in the administrative and the political spaces. As the VI seeks to build a more gender just society the hindrances related to women occupying the political arm of government and their clustering within the Public Service are issues that require ongoing public engagement.



Chapter 5 The National Policy on Gender Equity and Equality

Introduction

"We got to recognize that all is one. Like I'm woman and I'm man."

Male participant in the consultation in Jost Van Dyke, July 26 2011

Not all men agree with this sentiment. Nor do all women. Yet the vision behind a national gender policy for a society is to bring its population to a point of acceptance of their sexual difference, and at the same time to acknowledge that this particular difference does not provide the basis for discrimination or an ideology of inequality of one or the other sex. It was heartening to note that the consultations, meetings and interviews carried out between November 2010 and August 2011 revealed, in general, a 21st century appreciation of gender equality as a more commonly shared ideal, even while there was a consensus that gender equity did not exist in practice. The gender policy choices outlined in this document have been composed from the cumulated sets of responses of the population of the VI interviewed or consulted, upheld by data and measured for pragmatism of what is strategic and potentially achievable as a goal in the life of the policy. It is necessarily selective, focussing on those areas that recurrently have been flagged for immediate attention and those which dovetail with other existing policy interventions in the society. This partnership paves the way for a more successful implementation of the policy.

The sectors selected for policy intervention in this the ***first*** National Gender Policy for Equity and Equality for the Virgin Islands are:

5.1. Legislation
5.2. Education
5.3. Family life, Sexual relations and Gender Based Violence
5.4. Economic Activity, Employment/Unemployment and Labour Practices
5.5 Health and Medicine
5.6 Gender Ideologies: Religion, Media and Culture
5.7. Gender, Political Participation and Political Decision-Making.

Policies pertaining to legislation cross cut all policy sectors. Policy choices pertaining to legislative and judiciary changes are also considered in its own right as a full sector of society. Rather than introducing new structures or initiatives, except where there is need to do so, this policy builds on the strategies presented by other existing policies and codes, referring to those either already in place or at present under consideration in the VI. The enforcement of the Labour Code (2010) will be strengthened by the passage and implementation of the gender policy. The Criminal Code (1997) has been examined for the progress made and the obstacles that remain both in the enactment of legislation and in their implementation. The Domestic Violence (Summary Proceedings) Act, 1995 and subsequent Domestic Violence Protocol are examined for the gap between enactment of the legislation and implementation.

The VI Health Services Authority Act 2004 and provisions for medical practitioners and nursing staff as well as for patient care are implied in this policy. Additionally, although the needs of the disabled and elderly are also examined under these Social Development strategies, there is insufficient data available on the needs of these two populations to support policy recommendations. This is an area that requires attention and gender analysis. Where possible

existing structures of management are maintained and strengthened, as for instance the Office of Gender Affairs, to ensure that the policy attains a life and may be successfully implemented.

5.1 Legislation

This section focuses on the legal framework in the Virgin Islands for fulfilling, respecting and promoting the human rights of women, men and children towards the achievement of gender equality and equity. Over the last two decades, the VI has made very progressive strides in legislation. Various laws pertaining to family life and family law as well as general crime that impedes the achievement of gender justice were piloted through the Legislative Council by the attorney General (The Women's Desk, 1997:11). Between 1992 and 1997 the following were enacted:

- Age of Majority Act 1994
- Domestic Violence Summary Proceedings Act 1996 Repealed 2011
- Matrimonial Proceedings and Property Act 1995
- Criminal Code 1997

Allied with the new Labour Code which came into force in October 2010 and under the existing Constitution Order 2007, the Virgin Islands is already well poised on paper to ensure that its population enjoys the basic human and gender rights promoted by present international conventions and global development thinking. To this end this policy looks at the progress made and the obstacles that remain both in the enactment of legislation and in their implementation in the society. Where the laws or specific offences relate to areas otherwise covered in the policy these are dealt with in the relevant sections 5.2 to 5.7 as above. Section 5.1 identifies broad policies that pertain to legislation, suggests legislative reviews or promotes good practices in judiciary oversight. Although legislation exists, various consultations on legislation, laws, or protocols by which they are administered, was understood primarily by professional or administrative personnel who work in the area of legislative and judiciary services. In general, there is misinformation or ignorance of many of the progressive strides which have been made.

Despite the legislative strides made, several gaps in the substantive law remain. The sexual offences legislation was singled out by stakeholders as needing urgent reform. It was felt that terms and definitions in keeping with modern sexual offences legislation should be introduced. The definition of rape, for example, should be widened to include other forms of penetration. Penalties prescribed for certain offences such as indecent assault were inadequate and some interviewees felt that an offence of grievous sexual assault should be introduced. Although the Criminal Code was amended in 2007, Section 121 of the Criminal Code, 1997 was not amended during this process. A husband can only commit the offence of "sexual assault" if he has sexual intercourse with his wife without her consent. Marital rape is still not an offence.

Policy 1. **Legal Literacy Programmes** - *There is need for programmes of legal literacy as it applies to all aspects of the law and its provisions for gender justice.*

Policy 2 **Drafting of a Sexual Offences Bill -** *The policy advocates a modernizing of the law that is fundamental to the achievement of gender equity and equality. It promotes the enactment of a Sexual Offences Act that brings together all crimes pertaining to sexual offences.* There is need to review the sexual offences provisions in the Criminal Code with a view to strengthening the protection of victims. Sexual crime destroys lives and in particular, the lives of child victims. It is therefore incumbent on the Government to instil confidence in the public that they are being adequately protected from sexual harm. This protection must first and foremost be reflected in the law and bolstered by the investigative and judicial processes. The principle of adequate protection should underline what the law on sexual offences should be.

Policy 3 **Child Support and Maintenance of the Family –** *The policy advocates an urgent review of child support legislation with a view to introducing alternative methods of enforcement of child maintenance orders.*

Stakeholders and key informants identified child support as a major issue in the VI. The law places an obligation on a parent to maintain his or her child and makes provision for financial payments to be made to a parent on behalf of a child by the other parent where he /she has failed to adequately maintain that child. Stakeholders agreed that the vast majority of applicants for child support in the VI were single women with children out of legal marriages. Child support payments made through the Magistrates' Court remain low and are estimated to be an average of $200 per month for each child. This has discouraged women from applying for child support. In instances of separation children have suffered as a result of antagonistic relations between parents. The guiding philosophy of the gender policy is to view both men and women as partners in the care, provision and protection of the family. Rather than the punitive measures that place men in jail for non-payment of child support and maintenance, the policy advocates for different mechanisms to be devised to inculcate a more healthy and balanced attitude to family life. Among these might be considered: Enacting attachment of earnings legislation; the introduction of child benefit for parents of very low means, adopting measures such as that practised in the US Virgin Islands where a variety of options are available including the suspension of drivers' licences and revocation of passports, and supervised community service for non-compliance. The policy urges that in the interest of ensuring a gender balance in the area of child support and maintenance arrangements, mechanisms which address visitation rights of parents who are paying child support should be enhanced.

Policy 4 **Legal aid** – The gender policy advocates the allocation of increased resources to cover domestic violence cases where the qualifying criterion of need is met. This policy builds on the existing scheme which is being reviewed at present, for expansion to include other cases. The Legal Aid Board was started in 2000 as an agreement between the VI Bar Association and the Government of the Virgin Islands. It is a government funded and operated scheme and it is governed under the Memorandum of Understanding between the VI Bar Association and the

Government. Anyone can apply for legal aid. Qualification is based primarily on a Means Test. Persons with assets and sufficient means do not qualify. However due to limitations of funding, priority is given to criminal, matrimonial and family matters but some degree of leniency may be extended to domestic violence cases. There was some degree of leniency extended to Domestic Violence victims for the processing of orders.

Policy 5 **Inheritance rights** – *The gender policy advocates and supports the early introduction of the Status of Children legislation to abolish the distinction between 'legitimacy' and 'illegitimacy' and to equalise the inheritance and other rights of all children.*

The Intestates Estates Act, 1945 and the Legitimacy Act, 1929 combine to maintain an artificial distinction between 'legitimacy' and 'illegitimacy' and to disinherit a child born out of wedlock where that child has not been subsequently legitimated by the marriage of his or her parents. A key informant interview with the Chairman of the Law Reform Commission indicates that the issue is on the agenda of the Commission and will be addressed very soon. Status of Children legislation has been enacted in several jurisdictions such as Jamaica, Barbados, Trinidad and Tobago, St. Kitts and Nevis, St. Vincent and the Grenadines, Antigua and Barbuda, Guyana, Saint Lucia and respects the rights of the child irrespective of "his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability or other status" (Thompson-Ahye, 2004). The Legitimacy Act is also potentially in conflict with section 12 (1) of the VI Constitution which provides that "Everyone is equal before the law and has the right to equal protection and benefit of the law". The VI under its Constitution is committed to protecting all children. Section 30 of the Constitution makes specific provision for the laws to be enacted to promote the well-being and welfare of the children.

5.2 Education

"It is terrible for the children as a lot of them come from single parents home and very few of them have the single parent as the father. At home it is a female, they go to Sunday School it is a female, and in school it is a female. The females try but they cannot teach the males to be a man. They try their best, but if there are no males around to teach our boys to be a man we have failed them".

Consultation comment - Teacher's Union General Meeting on 27 May, 2011

5.2.1 **5.2.1** Within the context of VI development there remain very specific challenges related to providing access to quality education for all persons in the society and the achievement of gender equity and equality in education. The provision of education by the state requires also a focus on those who are physically challenged or have special needs. It is too often assumed that the disabled population are equally mentally challenged. The lack of educational provisions for special needs populations is of special

concern in a gender perspective on development.

The Gender Parity Index (GPI) is steadily growing in favour of females as the level of education becomes higher. It is only at the primary levels there is a parity measure of 1, which indicates equality in participation between males and females at primary level. Statistical analyses indicate that the problem at secondary level lies not in enrolment but completion rates between boys and girls. This is a similar pattern to that obtained in many societies globally. The situational analysis on education reveals a marked lack of data disaggregated by sex to make informed empirical decisions in education. The absence of sex-disaggregated data leads to a deduction that lower performance of boys at secondary levels implies that scholarships provided abroad for tertiary and post-graduate training are more available to females. The absence of sex-disaggregated data does not however imply absence of empirical studies that guide policy interventions in gender, although those that specifically deal with gender differentials are fewer. Contained in the Quamina-Aiyejina annotated bibliography (2005) are studies that have indicated gender differentials in student discipline (Scatliffe, G. 2003), proposed transformation of curricula to meet the specific needs of the current VI classroom, economy and society, (Potter, M. 1996, Lettsome, Q. 1990) and those which have assisted with the allocation of funds to support scholarships for tertiary, technical and vocational training for the VI (CDB, 1982).

In 2011 the VI Government is challenged additionally to ensure that it meets the needs of both the national and non-national population. The 1991 census revealed that an immigrant headed 63.3% of all single households and 54.5 % of all single households with children were headed by an immigrant. Failure to educate all the population impacts on the skills and occupational potential of a future labour force. Given that males are less inclined to education and drawn to more high risk areas such as crime, it is important to ensure that the tenets of universal access to education are observed

Public and teacher union consultations reveal less concern with the broader landscape of educational development than with the specific problems that now beset the education system. One primary set of concerns were around the following:

- Incentives to encourage qualified male teachers into the system. It was felt that female teachers were absorbed more easily into education and that female principals make better leaders than males due to their compliance with top management decisions where male teachers pose difficulties.
- The salaries in teaching were insufficient to attract young males who are main breadwinners in the family, where the assumption was that female teachers were not the sole income earners in their households.
- Incentives were required to encourage qualified males into teaching through more attractive packages, including de-feminizing the profession from its attachment to the idea of the nurturing female and increasing options for career path development.
- The need to address the issues of technical and vocational education that drew teachers in these areas away from their professions where incomes outside of education are more

attractive and ensure that both females and males are involved in teaching and learning in this sector.

Policy 6 **Data Collection in Education –** *The policy advocates the collection and analysis of sex disaggregated data on student and teacher education at primary, secondary and vocational and tertiary levels and national/non national status*.

Policy 7 **Comprehensive reviews of gender, education and development -** *The policy advocates a comprehensive study of the fit between gender, education and development in the VI, to ensure that curricula choices and scholarship allocations are in line with national needs and to outfit education to societal professional and technical needs*

Policy 8 **Equity for male and female teachers -** The *policy urges that the Ministry of Education reviews and proposes specific packages that will attract and hold male teachers in the education system at all levels. Notwithstanding the necessary emphasis that is currently on career path development for male teachers, the policy position is that of the attainment of gender equity in provisions.*

Policy 9 **Technical and vocational education –** *The policy emphasises the need to establish clear pathways and incentives for education and subsequent occupation and employment for both sexes in technical and vocation areas in the society*.

5.2.2 A second area of concern in education pertains to the oversight and regularization of sex education in schools and the social attitudes to teenage pregnancy. It was felt that the society needed to change its attitudes towards sex education to ensure that young girls and boys are sufficiently informed to have healthier attitudes towards sex and to have a good understanding of the risks involved in engaging in early or unsafe sexual activity. Because of the social taboos and stigmatization associated with sex and sexual activity especially of young females, teenage girls are forced to drop out of school due to pregnancy. The levels of teenage pregnancies as a percentage of all live births for the years 2003-2009 vacillated between a high of 9.09 in 2006 and a high of 11.18 in 2008. Teenage pregnancy has been identified as a key reproductive health issue in the Territory, mainly because early pregnancy and motherhood have implications for female health, overall educational outcomes, and vulnerability to poverty. There is no provision in the Education Act of 2004 to allow a girl to re-enter the school system after giving birth. The practice of having young girls leave school on becoming pregnant needs to be harmonized with the *de jure* provision which allows young mothers to return to the school system on giving birth. The societal norms of engaging the issue of teenage pregnancy need to be repositioned; establishing the responsibility of the pregnancy needs to be understood in the context that both the male and the female involved in the process

Policy 10 **Sex Education in schools** - *The policy advocates the examination of school curricula to ensure an articulated programme of content and delivery on sex education to children and adolescents at primary and secondary levels.*

Policy 11 **Teenage Pregnancy and education** – *The policy urges a review of best practices related to the education of school age pregnant girls and adoption of mechanisms to ensure that their education is both continuous and allowed completion.*

5.3 Family life, Sexual relations and Gender Based Violence

The creation of optimum conditions by which a population can achieve happy and secure family lives, free of gender based violence and abuse in their most intimate relations and ensure the protection of young children from all forms of sexual interference, remains a cornerstone of any national gender policy. Domestic violence in the VI has received consistent attention over the years. In 1994 the National Status of Women Report (Banks-Devonish et al: 13) noted that violence against women surfaced as a major problem between the 1970's and 1990's and at this time, there were no existing statutes against domestic violence or indeed against the crime of rape. The Haniff study of Domestic Violence in the VI in 1998 agreed that domestic violence was not a new phenomenon although it was often reported that it was introduced by immigrant populations. She commented that the relegation of blame elsewhere "undermines any attempt to solve the problem" (Haniff, 1998:20). By this time the Domestic Violence Summary Proceedings Act of 1995 had been introduced. In 2008 efforts to develop of the Domestic Violence protocol "Zero Tolerance on Domestic Violence for Equality" which sought partnerships between the police, health and social services and the justice intervention system was a step in the right direction.

The increase in the number of reported cases of violence against women and girls are of grave concern to stakeholders. Police statistics revealed that domestic violence reported cases for 2007 was sixty-six (66), while in 2008, they were eighty-three (83). In 2010, January-October the incidents reported were eighty (80). It must be noted that the official cases represent only those which have been reported to the police, and in most countries many cases of violence remain largely under reported. This is of particular importance in the VI where immigration status of some victims of Domestic Violence influences their ability to freely access protection under the laws which exist for fear of deportation. In addition, the question of how the society acknowledges and is prepared to deal with the abuse suffered by young boys and men must also be put on the agenda.

Domestic violence has been identified as a major issue in the VI, according to the Family Support Network (FSN) - a non-governmental organisation that provides services to victims of domestic violence. Legislation to specifically deal with domestic violence was introduced in 1996. The 1996 statute – the Domestic Violence (Summary Proceedings) Act, 1996 – has been repealed and replaced by the Domestic Violence Act, 2011 which was passed by the House of Assembly on 6 September, 2011 and assented to on 3 October, 2011. The new statute has significantly strengthened the protection afforded to victims.

- Some of the important changes reflected in the 2011 statute include the following: An expanded definition of domestic violence.

- Widening of categories of protected persons to include persons in an engagement, dating or visiting relationship and those who have a child in common to more closely reflect the social reality in the VI.
- Widening of the categories of persons authorised to make applications on behalf of victims.
- Making of an application outside of the ordinary hours or ordinary sittings of the Court.

- Mandating the Court not to refuse an order that a single act or threat has been committed or when viewed in isolation appears to be trivial.

- Emergency and interim monetary relief.
- Increased penalties for breach of a protection order.
- Mandatory reporting of possible abuse or ill-treatment of a child: by an educator, dentist, medical practitioner, nurse or any other health care provider, social worker, or an employee or volunteer of any organisation that deals with or comes into contact with children in the carrying out of his/her profession or duties.

Undoubtedly, the above proposed changes will substantially strengthen the existing law and are also clearly an attempt to grapple with the reality of domestic violence. However, whether victims are encouraged to pursue the remedies under the legislation will depend, to a large extent, on how effectively it is implemented. Owing to the uniqueness of domestic violence - that is, it is often perpetrated by an intimate partner who may be living in the same home as the victim – administrative and institutional measures are needed to support the legislation and to ensure that victims can seek the protection of the court without fear and also have confidence that the justice system will be responsive.

Factors both intrinsic and extrinsic to the administration of the justice system affect whether victims are able to access the remedies. Intrinsic factors include issues of delays in the service of documents to the accused, court adjournments, judicial and police attitudes, attitudes of court personnel such as those responsible for processing the application, victim support services (court-connected or otherwise), availability of legal assistance and configuration of the courts such that confidentiality is ensured.

Research on the implementation of the VI domestic violence legislation has not been conducted. Both stakeholders and key informants noted that there was a gap between enactment of the legislation and implementation. Of concern were issues of limited access to support services (including psychological and counselling support), absence of shelters or other forms of alternative accommodation, an inadequate police response, lack of enforcement of protection orders, the need for legal assistance and a lack of understanding of the complexity of domestic violence by actors within the justice system. Victims stressed that the support services provided to them by the FSN not only enabled them to deal with the trauma caused by the violence but also "empowered" them to pursue court action. The FSN provides a range of services including counselling, alternative accommodation for a limited period, accessing pro bono legal services, accompanying clients to the Magistrate's Court and acting as a conduit between the police and their clients, particularly where the police response may be less than adequate. Personnel of the

organisation highlighted the acute need for these services but noted the human resource and financial challenges they faced in this endeavour (Pargass, VI Consultation July 2011).

The need for shelter or safe houses for victims and their children to enable them to pursue their legal remedies without fear of further violence was stressed by key informants. They noted that this was important for both belongers and non–belongers. In the latter case, the issue may be compounded where the perpetrator is also the sponsor of the victim's work permit as was the case with one of the victims interviewed for this study. The FSN noted that some 65 % of its clients comprised non-belongers. The critical need for shelter for victims of domestic violence in the VI is highlighted in the Virgin Islands seventh Periodic Report on the Convention on the Elimination of all Forms of Discrimination Against Women (2007-2010) submitted to the UK by the OGA in March 2011.

Factors extrinsic to the justice system that affect victims' access to justice; include shame and embarrassment, fear of the perpetrator, reconciliation (coerced or otherwise), economic dependence on the perpetrator, inability to take time off from work and lack of child care. Very little information is available on the extent to which these factors play a part in preventing victims from accessing justice. Key informants have indicated that while these issues can affect both belongers and non-belongers, the latter are in a particularly difficult situation because of the fear of revocation of work permits or deportation.

Stakeholders also expressed concern that male victims were discouraged from accessing the remedies under the domestic violence legislation because of the ridicule that they encountered when attempting to pursue such action. It was suggested that cultural shifts were necessary to bring about an understanding that men are also victims of domestic violence and that the police, in particular, needed to be more responsive to male victims.

Policy 12 **Research and Collection of sex disaggregated data –** *The policy advocates that adequate data collection systems are in place to monitor the implementation of the domestic violence and sexual offences legislation and conduct research to determine the factors that affect victims' access to justice.*
Statistics disaggregated by sex, age and relationship of the victim to the perpetrator and employment status will allow the profiles of those who use the legislation to be developed and enable more effective targeting by policy makers in terms of accessing justice. Sexual assault data collection templates must integrate abuse against males as a category. It is also crucially important to document the outcomes of applications and the reasons for dismissals, to enable a better understanding of whether the remedies are being accessed and to guide research in this area. Such data are also particularly useful for reporting purposes to CEDAW.

Policy 13 **Domestic violence legislation –** *The policy advocates the effective implementation of the Domestic Violence Act 2011 and the Domestic Violence Protocol.* Protection of children, both young girls and young boys, must be part of the institutional and legal provisioning around the issue.

Policy 14 **Mainstreaming of gender in services –** *The policy advises the mainstreaming of gender and the conduct of on-going and systematic gender training for police officers, judicial officers, lawyers, prosecutors, social workers and other actors within the administration of justice system.* The treatment of crimes against the person in the areas of domestic violence in particular requires a new concept of policing that is both preventative as well as protective of the sanctity of family life and the complex nature of intimate gender and sexual relations. Health care institutions need to be strengthened as part of a holistic response to gender based violence within the society. In addition perpetrators need to receive psychological and counselling services.

Policy 15 **Protection for victims of domestic violence –** *The policy supports institutional arrangements which exist outside of the legal protection as an integral and ongoing provisioning for protection against domestic violence including the establishment of a government-funded shelter for victims of domestic violence and their children.*

Policy 16 **Community education** – *The policy advocates consciousness raising form part of the work on the DV Protocols.* Programmes must be undertaken with the protective and legislative arms of government to increase sensitivity to and awareness of the challenges of gender stereotyping when addressing such cases. The rights and protections from domestic violence and the peculiar vulnerability experienced by non-nationals within the VI must also be addressed.

5.4 Economic Activity, Employment/Unemployment and Labour Practices

The Labour Force Data in the VI is collected in the category labour force participation by sex but this is not cross correlated by employment and occupational structure. This limits the gender analysis of the labour force to an average across the entire labour market. Regionally the increasing economic importance of service sector occupations has produced gendered shifts in the labour market. One aspect of this shift is the increasing displacement of brawn based sectors of the labour market; thereby facilitating a shift that sees men who are not highly skilled increasingly excluded from wide cross sections of the labour market. The emerging and developing sectors which tend to be service based require highly skilled persons in very specialist fields and other jobs which may not have as highly skilled but are traditionally coded as being feminine, many times are dominated by to female workers and or requiring highly specialized skill sets. There is an increasing need for these nuances in the labour market to be reflected in the data collected around labour and employment.

Policy 17 **Data collection** – *The policy advocates a more complex system of data collection on economic activity and categories relevant to the labour and economic activity*. Sex disaggregated data on occupational categories should be enhanced to reflect how males and females are located within the labour market in the VI. The

provision of work permits should be used as a correlating data set to provide insight into how and where males and females are represented within the VI labour market.

5.4.1 Workplace discrimination

The VI has substantially strengthened its legal framework to guarantee workplace rights. A new Labour Code which contains very liberal provisions for the elimination of workplace discrimination came into force in October 2010. Part VII of the Code prohibits discrimination on the basis of, *inter alia*, sex, family responsibility, pregnancy, and marital status; makes provision for equal remuneration for work of equal value; prohibits sexual harassment; makes provision for special positive action; and for maternity and paternity benefits. The prohibited grounds mentioned tend to affect female workers disproportionately and thus their ability to access employment and opportunities for training and promotion on an equal basis with male workers. Since women are likely to be perceived as primary child carers and bear the brunt of child-rearing, the after school care of children for employed mothers can limit their capacity to take up opportunities for further training or advancement that encroaches on their child care time. Lower income women, many of whom are non-belongers, are particularly affected. Persons who are disabled also disproportionately suffer discrimination in the workplace.

Remedies under the Code include compensation, re-employment or reinstatement and any other remedy that the Tribunal established under the Code deems fair and just. The Labour Code has provision for one month's paternity leave without pay. Unremunerated leave for men has been deemed discriminatory in the Virgin Islands Periodic Report on the Convention on the Elimination of All Forms of Discrimination Against Women (for the period 2007-2010) and efforts will be made to review this provision so that men could receive remuneration.

The redress process under the Code comprises three tiers. Aggrieved persons are first required to make a complaint to the Commissioner (established under the Act) who endeavours through processes of conciliation and mediation to settle the matter. Where the Commissioner is unable to effect a settlement, the matter is referred to the Minister who is also authorized to effect a settlement. Failure on the part of the Minister to effect settlement triggers a referral to the Tribunal. The Tribunal has not yet been established and all cases thus far are being dealt with at the levels of the Commissioner and the Ministry of Labour. Two complaints of unequal pay have also been filed. Some protocols have been developed by the Ministry of Labour to guide the implementation of the legislation but others are needed, particularly with respect to sexual harassment, equal pay for work of equal value and family responsibility.

Policy 18 **Effective implementation and enforcement of the Labour Code –** *The policy advocates urgent effective enforcement and implementation of the Labour Code for preventing workplace discrimination and for ensuring that employers comply with the provisions regulating conditions of work.* Effective implementation and enforcement require the introduction of an authority that has more power than the present Complaints Commissioner. At present the Complaints Commissioner (CC) has only very limited powers of investigation. The CC can only investigate

actions taken by government departments or public authorities in the exercise of their administrative functions. The CC Act prevents the CC from investigating any action in respect of appointments, removals, pay, discipline, pension or other personnel matters in relation to service or employment in any department of Government or public authority. Section 34 of the Constitution makes provision for a Human Rights Commissioner (HRC) and confers on the HRC much wider powers and functions. A Human Rights Commission Bill, 2010 has been drafted to give effect to Section 34 of the Constitution. The HRC will be able to, among other things, "receive complaints of any act or practice that may be inconsistent with or contrary to human rights and "to inquire generally into any matter, including any enactment or law, practice or procedure, whether governmental or non- governmental, if it appears to involve an infringement of human rights. The enactment of the HRC Bill will be more relevant to effective implementation of the Labour Code as well as other areas of discrimination identified under this policy, and must relate to the wider population of belongers and non-belongers.

. **Policy 19** **Undertake public awareness initiatives** - *The policy advocates a public awareness campaign to ensure that persons residing and working in the VI are fully apprised of the remedies provided by the Labour Code and mechanisms to access justice for violation of protected rights.* Measures are also needed to enable female immigrant workers to access the remedies under the Code. Public education on the rights protected under the legislation was seen as necessary since many workers were unaware of the rights and the remedies afforded if violated.

Policy 20 **Paternity leave** - *There is need for a review of the existing arrangements for paternity leave and to bring these in line with the guidelines under the ILO Conventions 183 and 191(2000).*

Policy 21 **After school care facilities for children** - *The policy advocates the setting up of a model of after school care for children within the public service utilizing best practices from private sector workplaces that now provide these.*

5.4.2 Sexual Harassment Migrant Workers

Sexual harassment in the workplace was identified by the consultations as an issue that required attention in the gender policy. According to the 2010 VI Social Sector Analysis Report and Implementation Plan, cases of domestic violence and sexual harassment are increasing. The report further pointed out the fact that the most vulnerable persons to this form of abuse are migrant female workers (Government of the VI, 2010: 48). Since the enactment of the Labour Code, two cases of sexual harassment have reached the Minister and a settlement was reached in both cases oVIating the need to refer the matter to the Tribunal. While all working women *and men* in the labour force are susceptible to sexual harassment, the working conditions and treatment of female immigrant workers and their ability to access the remedies under the legislation was of concern to some interviewees.

Many migrant workers in the lower paid sectors were overworked and underpaid but generally did not complain because of the fear of revocation of their work permits. According to a key stakeholder, the employer (male) of a female non-belonger refused to apply for a renewal of her work permit following her complaint of sexual harassment against him. Domestic workers, especially live-in immigrant domestic workers, were singled out as being particularly vulnerable to overwork, underpayment and sexual harassment. Victimization is prohibited under the Labour Code but they are still fearful of making complaints. It is estimated that there are some 200 immigrant domestic workers in the VI. The issue of the poor working conditions of immigrant females who were brought in legitimately as barmaids, waitresses and entertainers but who also engaged in sex work was also raised. The duration of their work permits was limited to six months to a year and generally was not renewed by the employer.

Policy 22 **Sexual harassment [in the Labour Code]** - *The gender policy advocates a study of this area to assess data on its prevalence, to define protocols in terms of its reporting and to put the remedies in place for proven incidents of sexual harassment.*

5.4.3 The Sex Industry

The Government of the VI has strengthened the legislative framework to deal more comprehensively with the issue of trafficking in the Criminal Code (Amendment) Act 1997 which provides for the criminalisation of human trafficking for exploitation and smuggling of migrants. Exploitation in relation to a person includes "the exploitation of the person through prostitution, pornography or other forms of sexual exploitation, forced labour for services, slavery or practices similar to slavery, servitude or the removal of organs". "Human trafficking" is defined as the recruitment, transportation, transfer, harbouring or reception of a person for the purpose of the exploitation of the person". Stakeholders were divided as to whether trafficking was a problem for the VI. Some stakeholders expressed the view that it was definitely a problem and that immigrant women were brought in for the purpose of sexual exploitation, more specifically prostitution. Moreover, they felt that trafficking was not effectively policed. Stakeholders also expressed concern about the treatment of illegal immigrants whether or not they were 'trafficked' as defined under the legislation. Their detention in prison prior to repatriation and lack of access to support services, as reported, were deemed to be in violation of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Transnational Organised Crime (2000). Although it is recognized that the sex industry, human smuggling and human trafficking are distinct illegal acts, there are multiple ways in which the victims experience similar human rights violations. Additionally, at times these activities intersect and merge to facilitate a shared legal space among perpetrators and victims. To ensure the humane treatment of illegal immigrants and trafficked persons, stakeholders urged that the Immigration Department adhere to the relevant UN and International Organisation for Migration Protocols.

Policy 23 **Investigation and enforcement of laws on trafficking** – *The policy advocates more effective investigation of trafficking reports and enforcement of the law in order to prosecute and punish traffickers whilst protecting the rights and well-being of trafficked persons. The rights of the illegal immigrant under the UN*

Protocols include that they must be detained under humane conditions and have access to medical, psychological and other services.

5.5 Health and Medicine –

Health and the Status of Males and Females in the Virgin Islands

The Government of the VI has highlighted healthcare as a major pillar in its human resource development strategy. In its draft National Integrated Development Plan of 2003 the Government committed itself to the continued provision of a high quality, accessible, cost-effective and sustainable health services. Towards this end, the Government of the VI continues to channel resources to the strengthening of primary and secondary health care services through improved geographical coverage and quality of services and greater emphasis on health promotion. In addition to this, emphasis was placed on prevention of disease and injury, through the promotion of healthy lifestyles (Government of the VI 2003: 32).

The 2003 Country Poverty Assessment identified the major health problems facing the VI as chronic non-communicable diseases (CNCDs) such as diabetes, hypertension and obesity along with depression and substance abuse (Halcrow Group Ltd., 2003a). In 2004, the top three causes of death were cancers, hypertensive disorders and coronary artery disease.. In the 2009 Virgin Island UK STEPS Survey of adults in the Virgin Islands 25-64 years of age the percentage of females and males in that population with raised levels of cholesterol was at 42.4% and 35.8% for the respective group. The same report placed the percentage of the population experiencing the combined risk factors of daily smoking, low levels of physical activity, less than five fruits and vegetables /day, overweight and raised blood pressure was at 46.4% of the female population and 45.5% in the male population in the 25-64 age group. Although the MDGs focus on selected communicable and infectious diseases, some countries, like Dominica, have used the agenda to address CNCDs, or lifestyle diseases, which now pose a greater threat to population health than infectious diseases.

Though similar cultural beings, there are differences in the diseases and health problems that men and women are prone to. Women and men also have different health seeking behaviours. Women in general have a higher life expectation rate, seek out medical care for themselves and their children and dominate as nurses in this profession. One of the primary areas that a gendered analysis of health provision and care should focus on in a policy is that of accepting that men and women's healthcare requirements may need to be targeted differently. The needs of one group should never be subsumed under the other and equitable provisions should be made for both sexes.

Policy 24 **Health services for men and women** *need to be carefully structured in existing health plans to ensure equitable access throughout the life cycle for appropriate, affordable and quality health care, information and related services.*

Policy 25 **Health information and services and training** *for health workers must be delivered in a gender sensitive manner with regards to interpersonal and communication skills and the right of the user to confidentiality and privacy.*

- Male health care seeking behaviours need especially to be targeted forming an integral part of Family Planning provisioning. In particular attention is to be paid to encouraging men to access facilities for checkups for prostate cancer
- There is need to encourage and provide training and opportunities for male nurses in the health system.
- There is need for supportive programmes to train primary health care workers to recognize and care for girls, boys and women of all ages who experience violence especially domestic violence, sexual abuse or any form of gender-based violence.
- There is need for the society to understand clearly the medical circumstances under which abortion may be carried out through good public education programmes. The policy does not advocate abortions but must be cognisant of the health risks if these are illegally carried out for women who seek termination of pregnancy.
- Existing and future programmes and clinics must be committed to providing services to working men and women in the periods in which they are available to access such services for themselves, their children or those in their care such as the elderly and disabled, as for instance after the normal working hours of 8 am to 4.30 pm on weekdays.
- Work needs to be done with community based organizations and non-governmental organizations to foster the development of decentralized health services that address the needs of women and men throughout their life cycle and also takes into account the specific needs of those who live in the islands of Virgin Gorda, Anegada and Jost Van Dyke. For instance the provision of an easily available helicopter service for emergency cases or extremely ill patients is proposed for outlying districts. These need not be owned by the Health services but may be accessed according to the need from the private sector.

HIV/AIDS

Like many societies, transmission of HIV/AIDS is primarily, although not only, through heterosexual sex. Heterosexual men and women account for approximately 80 per cent of all HIV infected persons. Fifteen per cent is made up of men who have sex with men and also have sex with women. Approximately 5 per cent of people with HIV infection are sexually active homosexual men. The VI introduced a Prevention-of-Mother-To-Child-Transmission (PMTCT) programme in March 2004 and there is now voluntary counselling and testing (VCT) in place. There is some concern that the cost of testing is prohibitive to some pregnant women, and although a local non-profit organisation - the VI HIV/AIDS Foundation - has been instrumental in providing funding for women who cannot afford the cost of screening; it is felt that free testing should be made available to pregnant women. It is evident that gender inequalities and inequities exist in the labour market in respect to HIV/AIDS detection. Consultations revealed that women are subjected to HIV and/or pregnancy tests to support their job applications especially in the private sector where immigrants are being discriminated against in the job market.

All public and private medical services in the VI are based on a fee for service system. However, all known HIV/AIDS patients receive medical care and treatment, including routine dental care

and treatment for opportunistic infection, through financial support provided by the HIV/AIDS Foundation which receives an annual subvention from the Government.

Policy 26 *Labour Laws as they pertain to persons infected and affected by HIV/AIDS require adherence to ILO provisioning for HIV/AIDS in the workplace. As already emphasised in Policy* 18, The Labour Code expressly prohibits discrimination on the grounds of HIV and this includes the requirement to have an applicant for a job or an employee subjected to an HIV test, in keeping with the ILO Code. T*here is dire need for a public information programme of de-stigmatization* of HIV/AIDS as this makes a population more aware of the ways in which people can be subject to discrimination. In addition, children at all levels, from pre-school onwards need to be targeted to understand the dangers of communicable disease so that the disease is itself stemmed over time.

Mental Health

The Territory does not at present have a mental health policy or plan but that a draft policy has been submitted to the Government. The disaster preparedness plan for mental health services was developed in 2000. The Mental Health Ordinance is dated 1986 and its revision is in progress. Approximately 3% of the national health budget is directed to mental health services that are delivered through the Community Mental Health Centre

Policy 27 *The policy advocates that integration of Mental Health into the Primary Health care system or at other appropriate levels.*

5. 6 Gender Ideologies: Religion, Media and Culture

"If I am born you are obligated to take care of me as I cannot take care of myself. Why should the woman get paid to take care of her children as it is her responsibility to care for her children?"
Consultation comment - Anegada Community Library, 25th July, 2011

"Are we being stereotypical in our thinking that only man can rape? Can a woman commit the act of rape? Does the law address that men can be rape?"
Consultation comment – Legislative Review Workshop, 19th July, 2011

"Women are overwhelming members in the church - women are more dedicated than men – give out tasks women will deliver, men need follow up."
Consultation comment – Religion. Tortola 27th July, 2011

It is possible to arrive at some measure of gender equity in a society by ensuring adherence to a set of practices and regulations that provide equal access, resources and treatment to both men and women, boys and girls. The concept of gender equality is the underlying philosophy that guides these practices. It is people in a society who administer benefits and supports and if they are not convinced or unappreciative of their value or the consequences of non-adherence then policies can create only limited change. The day to day gender relations and expectations that both sexes have of and with each other cannot be fully legislated by a government but it is possible to have programmes that may assist the process of consciousness raising and change. It is worth invoking here again Article 2 of the Declaration on Human Rights enshrined in the Constitution of the VI which states "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Culture as a term defies full definition as it refers to all aspects of the lives of people and a nation. For the purposes of this gender policy it is being used as an umbrella term that covers religious beliefs and practices as they pertain to gender, media awareness and treatment of gender and a general understanding in the society about the roles and functions of women and men. While there were two consultations that specifically related to media and religion, the theme of gender ideologies in culture were pervasive in all consultations, and as alluded to in the quotations above, were a recurrent factor in each consultation.

In general, it was felt that women in the VI had a good status in the society, that they were not perceived as unequal to men. While some participants felt that woman had overtaken of men in society in education and employment, others were able to recognise that there were areas of disability and discrimination suffered by both sexes. For instance in religion it was pointed out that:

> Women rarely want to be pastors – most pastors are not generally focussed into full time ministry. Women are taken up with family and jobs so that if they enter into full time ministry they must give up their jobs. Spiritual pressure of a congregation is better borne by male. Women are the spiritual backbone of the church.

It was clear that there is still a firm acceptance that men and women must occupy different roles in society. Women by and large are viewed as nurturers, educators, carers and anchors of the domestic sphere, while men are viewed as the rightful heirs to the public domain. Occupational diversification and the combined role of female breadwinner and protector in the household demanded of both women and men by the 21st century have overtaken if not undermined the assumed "natural roles" of men and women. In general the majority of the society are not critically equipped to see changes in the sexual division of labour as a response to changes caused by new technology and systems of production over time and new forms of employment. Nor have they fully appreciated that the current economic climate globally has demanded the income earning power of both men and women to support households and families. It is not easy to shift or transform attitudes among peoples and much of this might be done by public education through various fora, in shared partnership between public sector and civic society. While it may be difficult to reach an older age group, a gender policy must attempt to influence the younger age groups in society in ways that will make a difference to their choices they make, how from a very young age their practices of gender equality change and how they in turn will bring up their children. A few key areas for intervention are proposed for the life of this policy.

Policy 28 **Full use of media technologies –** *There is need for a policy and set of practices that monitor and promote positive images of gender and gender issues through in the media and communications sector of the Public service*. It is suggested that the current forms of communication such as facebook, twitter and billboards etc are fully utilized to send these messages across a wide range of users. The policy must be committed to promoting active dialogue and engagement between the judicial system and religious, cultural, civil society institutions and communities to discuss gender rights as human rights at all levels. There must be intelligent and informed discussions on why roles have changed and that the roles of childrearing, nurturing, care giving to the elderly and infirmed are not naturally feminine nor is the role of protector, provider and leader naturally masculine.

Policy 29 **Partnership of the Church –** *The policy promotes the use of existing services already provided by the organised churches such as professional counsellors, social workers and so on to serve the needs of gender counselling.* This is particularly important for a migrant population with different cultural practices and fears for whom the church may represent a safer space for assistance.

Policy 30 **Civic Society support –** *The policy promotes the ongoing partnership between the Public sector and Civic society such as Rotary clubs to ensure that tried and tested programmes of character building, education incentives and skills training for the workplace may generate good gender practices as a model in society*.

5. 7. Gender, Political Participation and Political Decision-Making.

The importance of shared power and decision making at all levels of the Public Service and in public representation has been acknowledged in all documents and in all meetings with the senior officials of the Government. That promotion within the Public Service is based on

seniority expresses no gender inequity or discrimination and is constituted as best practice in employment. The Beijing Platform for Action notes that only 10% of members of legislative bodies, and a lower percentage of ministerial positions globally are held by women (UN, 1996: 110). Like many countries regionally, women's participation in electoral politics in the VI lags behind that of men. Between 1995 and 2006 there was no change in the proportion of seats held by women in the Legislative Council and in the proportion of female ministers. The long history of male dominance of this legislature is in keeping with the global phenomenon of male dominance of representative politics. Some change has been noted in the Public service though: in 2006, four, or two-thirds, of the six permanent secretaries were women, up from two or one-third in 1991, signalling a movement of women upwards in this space. Despite the fact that women are increasingly present at the level of elected politics there is an ongoing need to interrogate the difference in experience of women in the administrative and the political spaces. As the VI seeks to build a more gender just society the hindrances related to women occupying the political arm of government and their clustering within the Public Service are issues which require ongoing public engagement. The numbers game is not the answer to addressing the present imbalances that exist, although attention must be drawn to this persistent numerical imbalance. A more organic way to achieve gender equality in political participation and decision-making is to move the society towards a greater acceptance that partnership at this level will lead to better and more accountable governance.

Policy 31 **Equity in political decision making at all levels** – *The VI government should review the differential impact of the electoral system on the political representation of women in electoral bodies and consider where appropriate the adjustment or the reform of those systems.* Political parties should be encouraged to examine their internal structures and procedures to remove all barriers that directly and indirectly discriminate against the participation of women in the political process. Women's activists and civil society groupings need to work on building solidarity and capacity among women to create a critical mass of women who can advocate at all levels to enable women to influence the political process

Policy 32 **Evaluation of progress -** *The policy advocates the monitoring and evaluation of progress in representation of women through regular collection, analysis and dissemination of quantitative and qualitative data on women and men at all levels (including the private sector) in various positions of power and decision making*. The contributions to governance and leadership that women bring compared to men should be a key indicator in the evaluation process over time.

Chapter 6 Co-ordination and Implementation of the Gender Policy

The Virgin Island's government, particularly the Office of Gender Affairs (OGA), recognizes that the successful passage of the National Gender Policy and implementation of the Plan of Action would require an integrated and multi-faceted process. The process must first ensure that the OGA is strategically poised and capable of undertaking this initiative, particularly educating the public and partners about the critical place of gender in any nation's sustainable and holistic development. The OGA under the purview of the Ministry of Health and Social Development, must be able to establish a comprehensive system whereby the requirements of the gender policy can be integrated into the institutions and structures of national development, and can forge networks and collaboration with government, non-governmental and community-based partners who would act as focal points and key personnel in the operationalization of the policy. These focal points will be located in the Ministry of Finance, the Ministry of Natural Resources and Labour, the Ministry of Education and Culture and Ministry of Communication and Works.

Ultimately, it must be noted that at the apex of this structure is the Premier's office which has oversight of Policy Leadership and Coordination on specific matters of National Development and The Deputy Governor's Office which provides policy advice, provides Constitutional and Legislative Management; coordinates the consultations of top management; coordinates policy development and manages the activities of the Public Sector Development Programme. The coordination and implementation of the VI National Gender Policy relies heavily on the building of partnerships and alliances across and within sectors, among political actors, national, community based groups and a multiplicity of interests and other groups. Additionally, it is increasingly important to recognize that the strategic coordination and development of the policy has direct bearing on the success of the implementation of the Plan of Action (**See Chapter 7**).

6.1 Building the necessary Partnerships at the Beginning

The Government of the Virgin Islands (VI) cognizant of the changing face of policy making embarked on a public policy process which was based on participation as its central pillar[11]. Within the context of this evolving face of policy making the basic assumptions underlying public participation include:

- Public participation is designed to promote the values of good governance and human rights;
- Public participation is acknowledges a fundamental right of all people to participate in the governance system;
- Public participation requires recognizing the intrinsic value of all Virgin Islanders, investing in their ability to contribute to governance processes;
- People can participate as individuals, interest groups or communities more generally;

6.2 Gender Training

Gender training and sensitivity awareness training within the public sector, relevant private sector and quasi governmental partners, are central to the policy process. The gender training

[11] In this document public participation is defined as an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making. It is further defined as a democratic process of engaging people, deciding, planning, and playing an active part in the development and operation of services that affect their lives.

conducted as part of the VI policy process, while building capacity in understanding gender, provided for the creation of the National Technical Support Committee. This trained Committee is central to coordination of the policy process.

6.3 The Output Coordinates

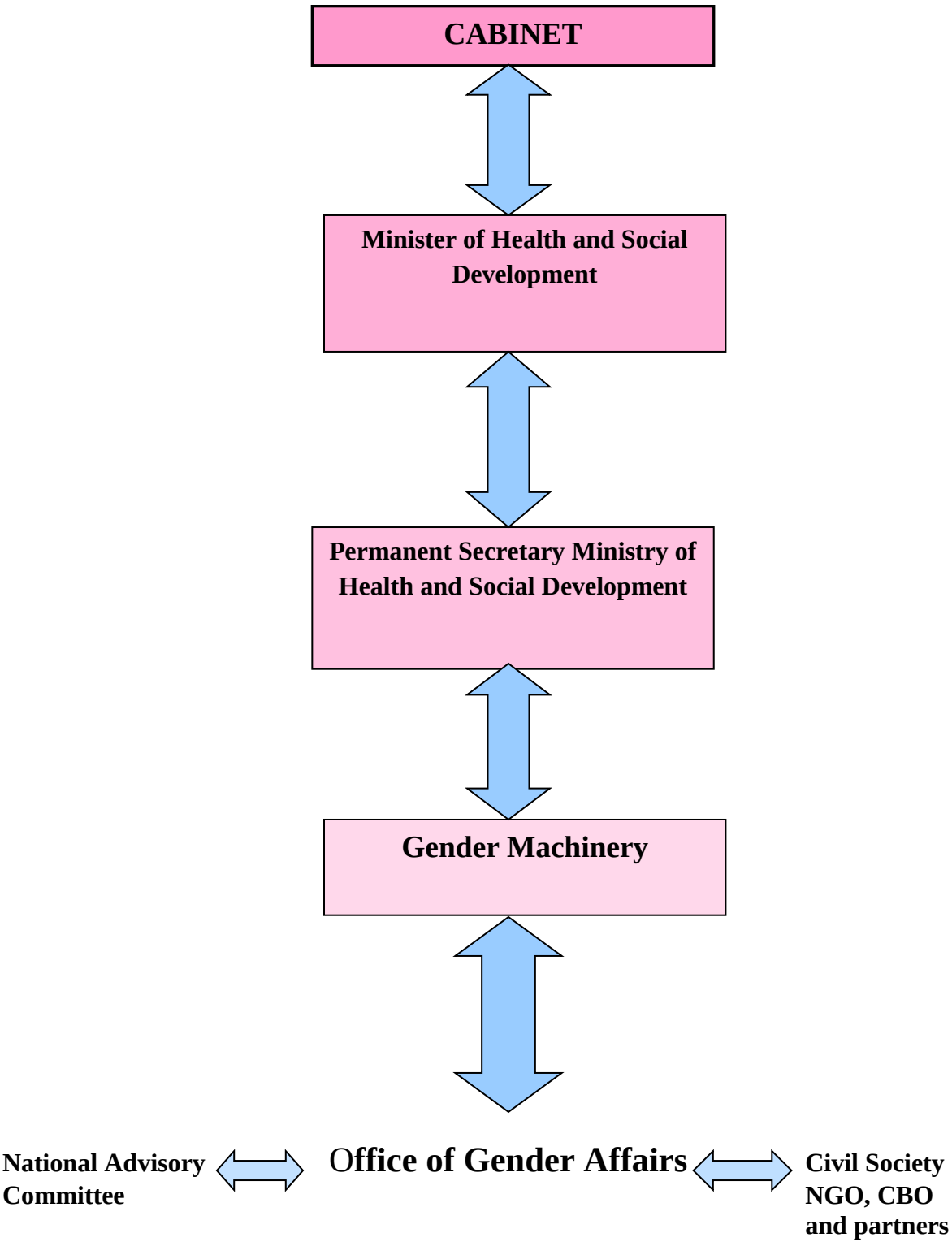
The National Technical Support Committee, envisioned as a driving force throughout the data collection phase which underpins the policy process, is also central to the implementation of the policy plan of action. The existence of a Technical Support Committee effectively allocates ownership of the policy implementation among diverse stakeholders and creates a collegial space for the OGA to consolidate necessary partnerships to advance the policy process.

6.4 Locating ownership of the Policy

The Office of Gender Affairs is the driving force and lead agency in the implementation of the National Gender Policy and Plan of Action. It is through the Ministry of Health and Social Development that the Draft Policy would be laid in the Cabinet and become an official VI Government document. The success of the implementation phase largely depends on the capacity of the OGA to locate itself to renegotiate its leadership role and become a facilitator of a larger national process (See Diagram 3). The multi-sectoral nature of the Policy and Plan of Actions dictates that the ownership for successful implementation must be shared. The first point of interface for the sharing of this ownership is the members of the Technical Support Committee. This shared ownership would facilitate the following:

- Allowing for shared resources to ensure the machinery is strategically poised and capable to undertake this initiative
- Creation of understanding of the work of the OGA across the public and private sector and throughout the national community
- Educating of the public and partners of the critical place of gender in any nation's sustainable and holistic development,
- Establishment of a comprehensive system whereby the requirements of the gender policy could be integrated into the institutions and structures of national development, and
- forging where necessary, new networks and strengthen existing ones to enhance partnership and collaboration with government, non-governmental and community-based partners who would act as focal points and extended personnel in the implementation of the policy
- Understanding the coordination of implementation as a further refining and making the National Gender policy a culturally and institutionally specific to the VI

DIAGRAM 3 - ORGANIZATIONAL FLOW CHART –
THE INSTITUTIONAL FRAMEWORK FOR GENDER MAINSTREAMING



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APPENDICES

Appendix 1 Ministry officials and Technical Support Committee Members
Appendix 2 List of Consultations, Meetings and Interviews
Appendix 3 Selected List of Reports, Documents and References
Appendix 4 Legal Sector Study of the Virgin Islands - (Gaietry Pargass**)**
Appendix 5 Capacity building workshops and tools - Manual (Deborah McFee**)**

APPENDIX 1 - Ministry officials and Technical Support Committee Members

Hon Dancia Penn, Deputy Premier & Minister in the Ministry of Health & Social Development with responsibilities for Gender Affairs

Hon Irene Penn-O'Neal-Territorial-at-Large Representative, Legislator,

Petrona Davies, Permanent Secretary, Ministry of Health & Social Development

Carolyn Stoutt–Igwe, Permanent Secretary, Ministry of Health & Social Development

Patricia Hackett, Gender Affairs Coordinator in the Office of Gender Affairs (2007-June 2011)

Margaux Walters, Secretary/Clerical Officer lll, Office of Gender Affairs

Angela Herbert Administration Officer, Office of Gender Affairs

Alisia Browne-Assistant Secretary/Desk Officer for OGA in Ministry of Health & Social Development

CMO - Chief Medical Officer is Dr .Irad Potter in the MOH&SD,

Nadia James-Lord-Information Officer,Ministry of Health and Social Development

Lorolie Connor – Gender Affairs Co-ordinator, OGA (effective July 2011)

Andrea Hamm - Manager, Sandy Lane Centre, Member of the UN Women Expert Team.

Technical Support Committee

Cecil Hodge

Andrew St. Hilare

Dierdra Wheatly

Desiree Smith

Appendix 2 - List of Consultations, Meetings and Interviews 2008 and 2010-2011

Item Number	Activity and Date	Details
1	March 28, 2008 Breakfast Consultation with Stakeholders for developing a framework for a National Policy on Gender	Organized by the Premier's Office, through the Office of Gender Affairs, facilitated by Violet Eudine Barriteau , PhD, Professor of Gender & Public Policy, Head, Centre for Gender and Development Studies ,UWI, Cave Hill, Barbados
2	November 21-24th, 2010	2010 Consultants 1st Site Visit – Institute of Gender and Development Studies UWI, St Augustine, Trinidad
3	November 21 , 2010	Prof Mohammed and Team held meetings with Gender Affairs Coordinator in the VI prior to the start of capacity building workshop and meetings.
4	November 22-23,2010	2 day workshop on gender analysis tools for Policy Makers and Senior Officers in the public sector, facilitated by Prof Mohammed and Team.
5	November 23, 2010	Technical Support Committee established and round table meeting with members.
6	November 23, 2010	Meetings with Ministry Personnel-debriefing and the way forward
7	January 17-21, 2011	Public Education and Awareness on the gender policy - Radio Almanac. Presenters were TSC members and other staff of the Ministry
8	2011 Consultants 2nd Site Visit February 13 – 17th, 2011	Institute of Gender and Development Studies UWI, St Augustine, Trinidad Prof Mohammed and team
9	February 13, 2011	Meeting with Gender Affairs Coordinator
10	February 14, 2011	Meeting with the Hon Minister Dancia Penn and other senior personnel from the MH&SD
11	February 14, 2011	Meetings with DPU, Director and staff, Hon Penn-O'Neal, TSC, and other staff.
12	February 15, 2011	Prof Patricia Mohammed made a presentation on the Gender Policy to the members of the Rotary Club of Road Town.
13	February 15, 2011	Stakeholders' meeting in Virgin Gorda- TSC members with OGA Co-ordinator, and Team members Deborah McFee and Jane Parpart

14	February 16, 2011	Media workshop on Gender with Media workers of VI
15	February 16, 2011	National consultation and launch of the National Gender Policy by Minister Dancia Penn with joint NGO and Civil society consultation
15	February 17, 2011	Capacity building workshop with Public and private sectors.
16	February 17, 2011	Public Awareness-GIS Radio programme, guests were Prof Mohammed and P. Hackett, GAC.
17	February 17, 2011	Meeting with TSC on the way forward for national consultations.
18	February 17, 2011	Deborah McFee visited the Health Clinics to gather data
19	May 2011	Teachers union consultation led by TSC member Cecil Hodge
20	Site visit of Legal Sector Specialist Gaietry Pargass 18 – 22 July 2011	18 July, met with key informants in legislative sector
21	19 July, 2011	Consultation with key stakeholders on legislative review Workshop
22	20-21st July 2011	Several interviews with key informants Bar Association, Law
23	2011 3rd Site Visit Lead Consultant Patricia Mohammed 24th to 28th July 2011	Institute of Gender and Development Studies UWI, St Augustine, Trinidad
24	25th July, 2011	Anegada visit
25	26th July, 2011	Jost Van Dyke visit and Media interview GIS
26	27th July, 2011	Meeting with Deputy Governor and PS's
27	27th July, 2011	Clinic Visit Tortola and Consultations with Church pastors, Immigrant Societies and Rotaract at the Office of Gender Affairs

Appendix 3 – Selected List of Reports, Documents and References consulted

"Women, Gender, and Human Rights - a global perspective - Women and human Rights" *WIN News / Spring, 2002,* Edited by Marjorie Agosin, Rutgers University Press. http://findarticles.com/p/articles/mi_m2872/is_2_28/ai_86049626/

The Evolving Face of Public Policy and the Need for Public Participation, dplg, A handbook for public participation in local governance, 2004

Patricia Hackett, *Annual Report of the Office of Gender Affairs*, Ministry of Health and Social Development, Office of Gender Affairs, VI, 2008
National Report on the Status of Women in the Virgin Islands, Multifaceted Development Consultants in Consultation with the National Preparatory Committee and the Women's Desk, Tortola, VI, July 1994

"Recognition Dinner in honour of "Women in the Legislative Council", Fort Burt Hotel, Pamphlet, The Women's Desk, Office of the Chief Minister, VI 1997

Report of the Assessment on the Mental Health System in the Virgin Islands using the WHO Assessment Instrument for Mental Health systems, (WHO-AIMS)
Virgin Islands, 2009

Hazel Thompson-Ahye, "The Rights of the Child and the Caribbean: Prospects and challenges for the 21st century", Address on celebration of the 15th anniversary of the Adoption of the United Nations Convention on the Rights of The Child, 2004.
www.unicef.org/barbados/cao_events_lecture.doc

Education and Training in the Virgin Islands: A Partially Annotated Bibliography Compiled by Lynda Quamina-Aiyejina, 2004.
http://eprints.rclis.org/bitstream/10760/9638/1/VIBIBfinal.pdf

UNDP/OECS Strengthening Poverty and Social Sector Development Towards a Local Agenda for the Millennium Development Goals in the Virgin Islands Nicole Brown, Green Park Consultants Ltd. February 2008

The United Nations Economic and Social Council (ECOSOC), The Millennium Development Goals Report 2007, http://wunrn.com/news/2008/08_08/07_08_08/072808_mdg.htm. Posted: Wednesday 20th June 2007

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