

WOMAN SPEAK!

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WOMAN SPEAK!

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Editorial



Numerous recommendations for the improvement of the status of women have been advanced at the international level, but too few of these recommendations are carried out at the national level, the Caribbean being no exception.

While it is true that special governmental machinery has been set up in most CARICOM territories to help speed up the process for improving women's status, there still remain certain areas of the law which bear revision or complete change — areas which particularly affect women such as: income, property, rights and obligations in marriage, inheritance, child support, abortion, and so on.

The inferior legal status of women only hampers women's full contribution to the development of society. Caribbean governments which have not already done so need to review legislation affecting women. Outdated laws must be modernized or changed and firmer measures taken to assure the implementation of all legislation, for the enactment of laws without enforcement is useless.

In turn, women throughout the region must use whatever resources they possess to press their governments to create equality for women before the law, as proclaimed in the Universal Declaration of Human Rights and in the U.N. Declaration Concerning the Elimination of All Forms of Discrimination Against Women.

Unfortunately, many women in the Caribbean are unaware of their legal problems, so it is the responsibility of women's organizations to make their sisters aware of their rights under the law. Men, too, must be included in this process for they occupy the positions of power at all levels of the society, and their views of women's changing status will tell on how effective any legislation will be. After all, old habits, old prejudices, die hard.

It is therefore heartening to note that the main thrust of the projects featured in this issue of **WOMAN SPEAK!** has been to educate women and men about women's legal rights.

Less heartening is the tragedy which has befallen Grenada since our last issue. The now deposed People's Revolutionary Government of Grenada had been outstanding among Caribbean governments for the recognition it accorded Grenadian women through legislation and other supportive action. Because of this, women played a larger role in that society. It is therefore ironic that the disruption of the rule of law led to the PRG's destruction and subsequently to the fall of two dynamic women who occupied positions of power. The execution of Jacqueline Creft, Minister of Education, and the imprisonment and now uncertain future of Phyllis Coard, President of the National Women's Organisation, have robbed Caribbean women of two forceful voices in their cause.

Both women may have had vastly different ideas about the path Grenada should have taken, but it cannot be denied that they played equally crucial roles in the development of Grenadian women and the society as a whole: Jackie, in charge of a Ministry which initiated programmes aimed at improving women's access to education; Phyllis, heading a mass organization which was instrumental in helping women confront the numerous tasks involved in the building of a new society.

In this issue, we have included a tribute to the memory of Jacqueline Creft. We also wish to extend our sympathies to the people of Grenada, in particular the women to whom we say, "Stay up, sisters!"

To Caribbean women everywhere: Let us strive in this new year for peace, but let it not be at the expense of our dignity as human beings or of our national sovereignty.



WOMEN IN DEVELOPMENT





SANDRA MASON

"I play all sorts of roles," says Sandra Mason, Barbadian magistrate, counsellor, YWCA president, and former university lecturer. "Family law is really my first love, anything to do with family law — whether it's teaching, whether it's talking about it, whatever it is.

"I do part-time counselling. This is not part of my job, but you find that men, women, and children call you up and want to come and talk to you. It's an involuntary thing. People know you are a magistrate in the domestic court and they come to you with their problem because they figure you can help them solve it. In some instances they don't really want you to help solve their problem, they just need somebody to listen to them."

Most of Sandra's counselling, as indeed much of her job as a magistrate, centres on family matters. In the domestic court over which she presides, women come before her mainly because of family matters.

"You find them coming in custody proceedings, divorce proceedings, property settlement — anything to do with family law. Occasionally you'd find them coming with threats matters, where a man or woman has threatened to do them physical harm. You'll find them in all areas . . . labour law, traffic, criminal . . . but mainly in the family courts.

PROFILE

She holds a Brief for FAMILY LAW

"Women in Barbados tend to be more law-abiding than males. Even in the juvenile courts, the proportion of men to women is almost 99 per cent to one per cent. In the adult court it's as much as five per cent female to 95 per cent male.

"You'd find women in criminal matters more the victim than the aggressor. It seems to be something in the female make-up, that she tends to be more law-abiding. Even when a woman gets involved in crime it's petty larceny, shop-lifting, stuff like that.

"A woman is not really a taker of life, she's a giver of life in a sense, therefore I suspect that she tends to respect human life more.

"Occasionally she'd come for manslaughter, and it's usually a case where she can't take it any more; she's reached the end of her tether; she has to do something to get rid of the man because to tell him to go, he's not going.

"It might seem as if the courts discriminate against men more than they do against women, why their cases tend to be lesser than the males'. But a woman is hardly ever recidivist. For example, if she goes to court and goes to prison, after she's tasted it once she tends to go on the straight and narrow. Mind you, there are cases where women continue to appear before the court, but this is not the norm."

The law in Barbados does not provide more protection for women than it does for men, but there are a few laws in place which tend to specifically protect women. Sandra, for one, believes the law is equal in its treatment of women and men.

"It starts as far back as our Interpretation Act because it says wherever in Barbados the word "he" or "man" is used, this embraces "she" and "woman", so the law doesn't lay down any one guideline for men to follow and a separate guideline for women. It's pretty fair and equal. Men might say it might be a little more equal on the female side . . . this is an argument that is used all over the world.

"In cases like maternity, a woman is entitled to four months maternity benefit and the man is not entitled to any, so that way they might see it as being more equal for women. As for equal pay for equal work, I think that is more or less followed in Barbados.

"We have a new Family Law Act, passed in 1981, which states that a woman is entitled to maintenance whether she is the man's wife or whether she is his woman of, say, five years. She is entitled to this maintenance whether she is living with him any longer, and unless her conduct — as the Act says — is gross or unconscionable.

"The Act goes a bit further in protecting women in that, previously, a woman who was a wife, a mother, and a home-maker all the days of her life wasn't entitled to a specific amount. It's now written into the law that she has to get something to compensate for her days of not going out to work and making sure that he had clean shirts and a good meal."

While such legislation as the Family Law Act is long overdue and very welcome, one wonders how effective has been its implementation. In response to this Sandra points out, "So long as it's made an order of the court, provided that you do not obey it you're in contempt of court and you're entitled to be even imprisoned for it."

The first woman to be appointed a magistrate in Barbados, Sandra encountered no problems in her dealings with her male colleagues.

"I find the lawyers respect your intelligence; they realize that you've gone through law school, you've had your legal training, you've had your professional training and you are quite capable of doing the work. But, at the same time, they still have that amount of respect for you as a woman, and they behave themselves much more decorously before me than I hear them behaving before their other male counterparts. The other magistrates accept me as another magistrate, but I figure they see the woman in me as well."

Can she in fact disassociate the woman from the magistrate in her job?

"I can and I do in certain instances. For example, in custody or in the day-to-day maintenance matters, I can empathize with the woman where she's coming, not because she wants to squeeze the last drop of blood out of the man, but she needs the money, she needs the actual cash to help. And, I can see where she needs it . . . there are school clothes, everyday food to be bought, things like that.

"But I tend not to see man or woman in instances like that, I tend to be more interested in the child because the law tells me the welfare of the child is of paramount importance.

"In any situation dealing with families I have to look at the child first to see how everything else is

going to react upon that child. I look to see whether the woman is being a bit harsh on the man — because you find sometimes the man may have six or seven other children out there. I have to look at his means, how much money he earns, how much he has to spend, and then decide on certain factors.

"In the case of custody, it's really difficult to get a child from its mother. Even if a woman is a prostitute, there's no reason to say she is an unfit mother, but you have to look at all the circumstances.

"I don't really look at the woman versus the man aspect, I look at the total situation. Although people might find I am biased towards the woman, it turns out like that not because I want it to, but because that's how it all falls into place."

Sandra credits the development of her interest in law to two things: her father's influence and a character in a radio serial.

"When I was going to primary school, I had a very good relationship with my father and he always used to instil in me this desire for independence. He figured that if you have to beg for a favour, you have to give one back, but if you were independent you could stand on your own feet and demand what might be yours.

"About that same time there was this serial on radio, *Portia Faces Life*, and the woman in it was one hell of a lawyer. That's where my interest really came up and I got a chance to follow it."

Sandra's path also led her to the Law School of the University of the West Indies where she has lectured in family law, an occupation that she enjoyed.

"I miss it, I really do, because — I don't know if it is something inherent in me — I like to be the boss of the show. I love being the student, but at the same time being the teacher or being the magistrate, being on the giving end rather than on the receiving end. I feel more comfortable that way, but, apart from that, I like the idea also of teaching something that I love."

In June 1983 Sandra broke into another traditional male preserve when she became president of the Barbados YMCA, an association she had forged ties with since 1981 when she served as a board member and then as first vice-president.

"The 'M' in YMCA is supposed to be 'Men's', but they extended it to include the females . . . that's where I came in. It looks as if that's the story of my life, because I am in law and law is regarded as a traditionally male field."



PUNISHING THE VICTIM

The Woman's Action Forum in Pakistan has urged the authorities to re-examine the case of Safia Bibi, a blind woman who has been sentenced to 15 lashes in public, rigorous imprisonment, and a fine on a charge of committing adultery.

Safia, who was in fact raped, has filed an appeal before the Federal Shariyat Court demanding that her sentence be set aside and her attackers, who were acquitted, punished.

Safia worked as a domestic at a neighbour's house for a week, after which she returned home and told her mother she had been raped by the neighbour's son. Safia maintains she was taken back to the neighbour's house a few days later where this time she was raped by the father.

She became pregnant, and once her own father found out he tried to register a case of rape against her attackers, but failed. Nevertheless, after the child's birth and subsequent death, the father did succeed in registering a case of rape.

In court, however, one man was not even charged and the other acquitted because of "lack of evidence." A case of rape against the two men was converted to a case of adultery — with Safia as the guilty party, penalized because she had borne a child which was seen as the "evidence" of her crime.

As the Woman's Action Forum points out, even though a case of adultery had been found surely the men should have been found guilty too. Women not only suffer, but are actually punished for, the crimes men commit.

In Safia's case, how would she, a blind woman, be able to identify her assailants in court? And how could she further produce four witnesses (as required by Islamic law) to testify to her charge?

Meanwhile, the public has expressed outrage; emergency meetings have been held, and women's organizations, lawyers and individual women have protested wherever they can.

Compiled from Pakistani newspapers by Shaila for Outwrite women's Newspaper, issue 18, Oct. '83.

In Barbados, the Bureau of Women's Affairs has started a project aimed mainly at educating women of their rights under the country's family laws.

The Bureau is being assisted by the Organisation of American States.

The Legal Aid for Women Project evaluates the existing legislation which affects women, in light of the recommendations of the National Commission on the Status of Women in Barbados.

Research for the project began in late 1982. Among the acts researched so far are: Domestic Employees Act; Domicile Reform Act; Employment of Women (Maternity Leave); Income Tax Act; Maintenance Act; Married Persons Act; Succession Act; Property Act.

Other laws are also being analysed. The data collected so far will be used in an educational publication entitled Family Laws for Barbadians. The latter will contain created case-studies on selected family laws and will be designed for use mainly by church, school and community groups.

The material is also being used in short presentations for radio and television. The Barbados Government Information Service is helping arrange the format of these media presentations.

BARBADOS — Learning about the Law

"Legal Matters Affecting Women" was the theme of a one-day workshop sponsored by the Bureau of Women's Affairs, in collaboration with the Women and Development Unit, in December.

The objectives of the workshop were to educate agencies which work closely with women, about relevant laws affecting women; to help those agencies provide adequate advice to their clients concerning the law; and to share ideas about any other laws that needed to be changed.

The workshop was divided into two sessions, the first of which was given over to participants' concerns and questions about specific laws relating to women. In the second session participants examined case-studies related to various laws, then discussed how the law would be applied in each case.

A panel of resource persons discussed the implications of the participants' findings, analysed their assumptions, and helped clarify their issues and concerns.

Resource persons included Lona Brown and Clement Lashley, attorneys-at-law. Course leader was Norma Shorey-Bryan, WAND Programme Officer.

The workshop was made possible through the assistance of the Organization of American States.

WOMEN AT A DISADVANTAGE



Most women and men today live their lives under laws that are derived from one of four great legal traditions. Three of these traditions are of ancient legal origin: the English Common Law, Roman Law, and Islamic Law or *Shari'a*. A fourth set of legal codes, less easily defined than the others because of its relatively recent origin, is found in communist countries.

In addition to these basic four there is a vast array of customary laws, as varied as human society itself. Customary laws, specific to a particular area or cultural group, mingle freely with the more widespread legal traditions, producing a spectrum of national and regional variations.

Under all three of the ancient legal traditions, women suffered marked disadvantages.

Modern legislation has reversed discriminatory provisions in many countries, but vestiges of the past linger on. In all these traditions, women have been defined as subordinate to men — subordinate, most specifically, to their husbands.

The doctrine of coverture (the placing of a married woman under her husband's protection) defined the married woman's status under English Common Law. Since the great majority of women did marry, this doctrine affected almost all of the adult female population.

A much-sited source for coverture was the Biblical instruction that "A man . . . shall cleave unto his wife and they shall be one flesh." (Gen. 2:24) The juridical translation of that notion was that a husband and wife were one person under the law and that, as the English jurist Blackstone put it, "the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated."

Upon marriage, a woman was obligated to surrender control of her property to her husband. Its management was his prerogative and the rent and profit it earned were under his control. A husband, on the other hand, was legally obliged only to provide his wife with life's necessities and

to pay such debts as she incurred independently

The Common Law of England became the law of the British Empire, so that the sun never set on male prerogatives.

Often Common Law replaced still more repressive systems, as it did in India where the Hindu Code of Manu declared that "A woman must never be free of subjugation." In other places — such as Burma, where the traditional "Five Obligations of Wives" were matched and complemented by the "Five Duties of Husbands" in a fairly egalitarian fashion — the introduction of English Common Law was a step backward for women.

Women who lived in countries with legal systems derived from Roman Law suffered even greater legal disabilities than did women in Common Law countries. The former remained under the guardianship of a male relative all their lives. It was not until the mid-19th century that some of the Roman Law countries (led by Scandinavia) made adult, single women legally independent.

Roman Law was standardized, codified, and spread throughout Western Europe under the regime of Napoleon Bonaparte and renamed the Code Napoleon.

Some idea of the status of women under the Napoleonic Code may be gleaned from the attitude of its namesake, who is credited with having said: "Nature intended women to be our slaves . . ." The Code spread from the countries of Europe to their colonial possessions during the 19th century, imposing a legal system that defined women as domestic slaves over customary laws that in some cases had been more egalitarian.

Under the Code Napoleon, married women were classed with children and "persons of unsound mind" as incapable of entering into contracts. A married woman could not independently perform any legally binding transaction without her husband's signature; she could not buy on credit; sell, give, or receive titles; mortgage property; or even open a current bank account. The husband was the legal administrator of her property. To

hold a job or attend a university a woman had first to secure his formal permission.

Obedience to her husband was not simply a social norm, it was a legal obligation for the married woman.

Countries which derive their legal systems from the *Shari'a* adhere to a tradition that originally accorded a woman limited rights with respect to her husband or guardian.

Since long before European women gained comparable property rights, daughters of Muslim families have had inheritance rights, though their prescribed share is only half as large as that of their brothers'. A condition of a valid Muslim marriage is a marriage-portion, which remains the woman's own property even if she is later divorced. During marriage a wife is entitled to support according to her station, regardless of her own wealth. If widowed, she has a right to a portion of her husband's estate.

But, alongside of these economic entitlements are a host of personal disadvantages.

The most notorious aspect of the *Shari'a*, legal polygamy, is in fact practised by only a small number of Muslims. As a cultural ideal, however, polygamy retains an importance which, like virginity at marriage in some Western countries, is not weakened by the rarity of its actual occurrence. So polygamy remains a constant threat hanging over the head of every married woman in the countries where it is still permitted by law.

A much more widespread and immediate problem for most Muslim women is the continuing existence of divorce-by-renunciation, whereby a man may unilaterally divorce his wife without giving cause or going through legal proceedings. For a woman to divorce her husband, on the other hand, often requires a lengthy, difficult, and costly court procedure during which she must prove grave marital misconduct on her spouse's part.

The evolution of women's rights under the three ancient legal traditions is a patchwork of mended and re woven fragments. In most communist countries by contrast, an entirely new legal status for women has been formulated out of whole cloth, often sheared off from the bolts of the past with a single piece of legislation decreeing equality for men and women.

The principle of equal citizenship for men and women was expressed in the first Marxist constitution that was put into effect, that of the Russian Republic in 1918. It was later enshrined in the Soviet constitution of 1937, which states in Article 122 that "women in the USSR are accorded all rights on an equal footing with men in all spheres of economic, government, cultural, political, and other social activity."

One of the first acts of the communist government in China was to proclaim a revolutionary new Marriage Law which stated flatly, "The feudal marriage system which is based on arbitrary and compulsory arrangements and the superiority of man over woman and ignores the children's interests shall be abolished," and further, that "Husband and wife are companions living together and shall enjoy equal status in the home."

One of the reasons that the communist countries emerge as leaders in women's legal rights is that many of these governments constructed new legal systems as they came to power, discarding old codes with one broad sweep. A state with greater continuity in its form of government is unlikely to have had a radical house-cleaning of its laws.

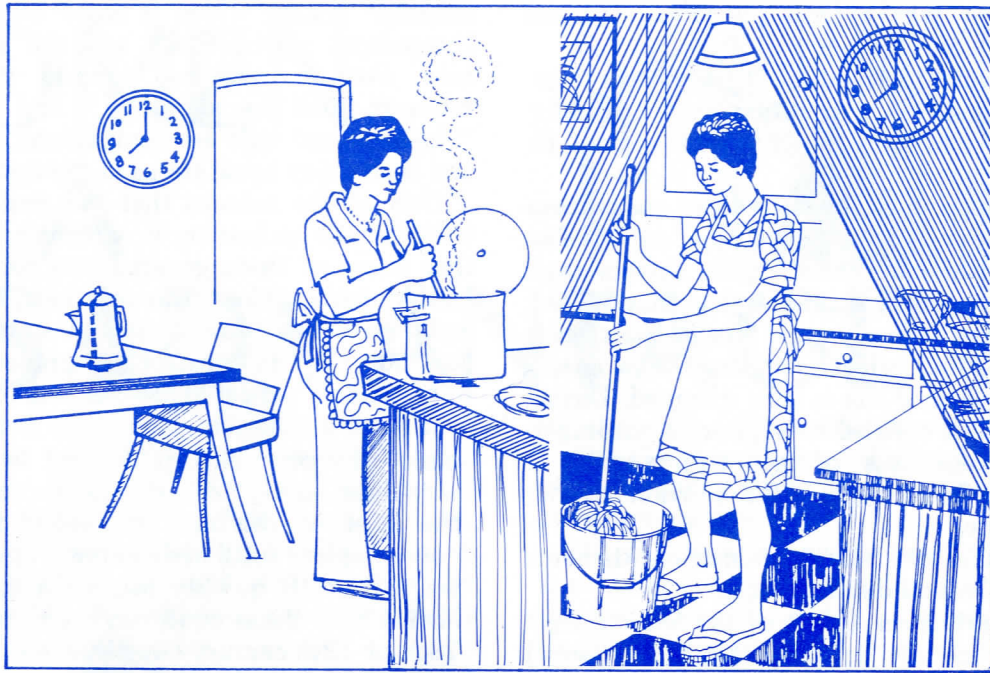
Sexual equality is, after all, a recent addition to basic legal principles. It did not begin making its way into newly-drafted constitutions until after the turn of this century and did not become commonplace until mid-century. Then, in the post-war period, it quickly became a matter of form. Meanwhile, those countries which are stuck with 18th or 19th century constitutions must revise and reform piecemeal — a much slower process than starting from scratch — or travel the uncertain route of a constitutional amendment on sexual equality.

Despite the fact that revising laws is a tedious and often bitterly divisive process, the movement to change women's legal status has been relatively swift and overwhelmingly in one direction — towards equality. In the decades since World War II, dozens of countries have revised all or part of their family codes, marriage laws, or divorce laws, with the process picking up speed in the 1970s.

The challenge for the 1980s is twofold: to maintain this momentum, and to consolidate the improvement in women's legal status with a serious commitment to the enforcement of egalitarian laws.

The above article by Kathleen Newland first appeared in People Vol. 7 No. 3, 1980. Ms. Newland is a Senior Researcher at Worldwatch Institute in Washington DC, U.S.A., and author of The Sisterhood of Man.

DOMESTIC WORKERS RIGHTS



Little legislation exists in the Caribbean to protect the rights of domestic workers. One woman who would like to see more and better laws enacted in the interests of these workers is Clotil Walcott, President of the National Union of Domestic Employees in Trinidad. Ms. Walcott has for years been campaigning not only for domestic workers' rights, but for legal recognition of the work done by housewives. "Housewives in the home or working for an employer are the same," she says, "we are all housewives performing the same duties, which constitutes hard labour, and must be recognized legally."

Here she discusses recent legislation in Trinidad which, she maintains, discriminates between waged and non-waged housework and she provides some insight into the "wages for housework" campaign.

Domestic servants, now referred to as household assistants, are covered under the Minimum Wages Act. The Act is a thinly disguised exploitation of the Master, Mistress and Servant Act to continue the existence of household slave labour and divide the housewives who perform household duties.

For example, the terms and conditions of service of the Minimum Wages Act under an "order" made by the Minister of Labour, Errol Mahabir, stipulates that petrol filling station employees and shop assistants must work a 40 hour week while household assistants are expected to work 44 hours spread over six days. By the same "order", petrol filling station employees and shop assistants are entitled to extended vacation leave for long service,

to maternity leave benefits, and to cost of living allowance. But, household assistants are only entitled to two weeks vacation leave regardless of length of service. If they work for 50 years they get the same two weeks, and they are not entitled to the same benefits as the other workers.

This is the kind of injustice and discrimination against the poor working-class woman, but is this issue getting any support here?

The problem in the Caribbean is that when women are appointed by governments to look into the situation of exploitation and flaws in the social structure that lead to the infringement of women's rights, very often these women achieve social prominence and will be found making speeches, addressing meetings, and taking part in a number of social activities. When, however, these women are invited by distressed women who are, for example, working under intolerable conditions in a factory, they are never available.

There is little doubt that women in the Caribbean are exploited at all levels, and that such exploitation is not limited to the poor and ill-educated.

Another law which does not apply to domestic workers, or their employers for that matter, is the Workman's Compensation Act. Statistics are unavailable as to the number of work-related injuries sustained by domestic workers, but one can assume that they are high. Any medical treatment undertaken by domestics is at their own expense, and any time they may be required to take is time off the job. This is even more serious

for live-in domestics who may be fired should they become medically unfit to work for a period of time.

It may be argued that the reason for not extending workman's compensation to domestics is the amount of bureaucracy that would be involved. Another argument might be that the government fears a high number of claims under the National Insurance Scheme and this is why domestics are not covered by the Act. The question is whether the National Insurance Board makes spot inspections of employers' records and conducts interviews with employers and employees to ensure that the provisions of the law are being adhered to.

The more fundamental reasons for domestic workers' exclusion from protective legislation may well be the unstated ones, at least by the government. The first is that housework has been seen by society in general and government in particular as having no economic value. Secondly, the lack of recognition of the value of housework done by women for their own families is extended in the government's eyes to the housework done by a domestic worker in somebody else's home.

The fact that a domestic worker does work which is considered of low value, requiring little skill, and which could be done by the family members for no pay, means that such workers are often not considered to be "real workers."

Income is derived from the flow of benefits provided by goods and services, whether these benefits happen to be in the form of money payment or not. When a "wife" does housework, her work is an item of the family income. I am not

concerned with evaluating the individual who carries out the housework, but with finding ways to impute a value to this work.

Work is defined as "an activity that produces something of value to others." Any definition of development is incomplete if it fails to comprehend the contribution of women in the home. We are all housewives performing the same duties, which constitutes hard labour, and must be recognized legally.

Several disadvantages result from the exclusion of the economic value of housework from the gross national product (GNP). One is the comparison of the standard of living between different countries. This comparison is of rather doubtful value because of the differences which exist in the home and, as a result, in the number of goods and services produced there. Secondly, the increase in the GNP — owing to the transfer of tasks previously performed in the home to the labour market — represents an artificial increase in the well-being of the population and devalues the work of women who are burdened with the largest share of the housework.

The women of Trinidad and Tobago are subsidizing the economy with millions of dollars of unpaid housework, and continue to subsidize it with low wages in the paid labour force.

Women produce, train and maintain the labour force without which capital could not function, but women have no money to show for this work. "Wages for housework" means not only paying women their due for their work, but also recognizing that if the work they did went undone, the society would not be where it is today.

BAHAMAS — New Law in the Making?

A new bill, designed to remove the inequities under the present Law of Succession, is now before the Bahamas House of Assembly.

Under the present law, if a man dies without leaving a will his widow is entitled to one third of his personal estate and one third dower (widow's share for life) in his real estate. The eldest lawful son is the heir and thereby entitled to the real property, subject to the widow's right to dower; all other children are ignored. Where there are no sons, the daughters inherit equally as co-partners.

The new bill proposes to put a surviving spouse on a better footing and will make the distribution of assets more equitable.

The bill which was introduced by the Prime Minister, has already had its first reading. An interim period is currently being observed to enable interested persons to study the bill and

bring to the government's attention any changes they think necessary.

ANTIGUA — A better deal for married women

Married women entering the Civil Service in Antigua will now be permanently appointed.

The Antigua Government has agreed that General Order No. 39, prohibiting the appointment of married women on the permanent establishment, should be deleted. It has also decided that married women presently employed by the month because of their marital status, should be appointed on a permanent basis, provided they satisfy the competent authority that they merit such appointment.

LAW OF SUCCESSION

The legal problems facing women in the Caribbean stem from the unique social and economic forces that influence and fashion the Caribbean family unit. The inequitable legal status of the woman – in relation to the man – in a family is manifested in what can properly be regarded as unjust pieces of legislation. However, the machinery for effecting change has not remained stagnant and several legislative enactments according women legal rights in certain areas are now in force in some Caribbean countries.

One such area, which is of fundamental importance, is the law as it relates to succession. Attorney-at-law, Lona Brown, looks at the application of this law in Barbados.

The Succession Act, passed in 1975, revolutionized the law of inheritance in Barbados. Prior to this act, partners to a common-law union could only inherit from each other if the surviving partner was named as a beneficiary in the deceased partner's will. If one party to such a union died intestate, that is not having made a will, the other party was not entitled to inherit.

The Succession Act has reformed this situation and protects the rights of inheritance of parties to a common-law union.

The Act's definition of a "spouse" includes a single man and a single woman living together as man and wife for a period of not less than five years immediately preceding the death of either of the parties. Thus, as far as succession rights are concerned, parties to a common-law union are accorded the same legal status as parties to a marriage.

Under the Act, if a spouse dies leaving a will (testate succession) and the surviving spouse is not named as a beneficiary in this will, the latter will still be entitled to a share of the deceased spouse's estate. This right is referred to as the "spouse's legal right" and is given priority over all gifts made in the will.

The share to which the surviving spouse is entitled is as follows:

— a quarter of the estate if the deceased spouse dies and leaves a child who is a minor (under 18 years of age), or a child who suffers from a mental or physical disability and cannot maintain him or her self.

— half of the estate if there is no such child (as mentioned above).

For example, if John and Jane had been living together in a common-law union for six years immediately before John's death, and he dies leaving a will which does not name her as a beneficiary, she would still be entitled to a portion of his property.

The Act further provides that if a gift is made to one spouse by the other spouse in a will, that gift is considered to be in satisfaction of the share entitled to as a legal right. In such a case, the spouse must elect, within six months of the probate of the will, to take either the gift under the will or the share entitled to as a legal right.

The spouse cannot take both the gift and the share as a legal right, unless it is expressly stated in the will that the gift is in addition to the share.

Where a person dies without making a will (intestacy) and leaving a spouse but no children or next of kin, the Succession Act entitles the spouse to all the property (the estate).

If there is next of kin but no children, the spouse will take two-thirds of the estate; where there is no surviving child, the spouse is entitled to two-thirds; and, if there is more than one child, the spouse is entitled to a third — the remainder of the estate going to the children.

Provision is also made under the Act for a "dependant" to benefit where a person dies intestate. A "dependant" is defined in the Act as: "Any woman, other than his spouse, living together with a man as his wife immediately preceding the date of his death and was wholly or mainly maintained by him."

This definition includes the man who was living with a woman as her husband or: "A minor or a child who is incapable of maintaining himself or herself because of a mental or physical disability and who is presumed to be the child of the deceased."

It must be carefully noted that any reference made to children in the Succession Act includes children born out of wedlock. Prior to 1979, a child born out of wedlock was termed "illegitimate" and was not entitled to inherit in the same way as a child born within a marriage.

The Barbados Status of Children Reform Act, 1979, removed the distinction between the two by declaring that all children were of equal status whether born within or outside of marriage. Hence, terms such as "children" or "issue" used in the Succession Act or any other status will be interpreted to mean all children.

Several other countries in the region have passed "status of children" legislation, but only a few (Barbados, for one) have passed legislation protecting the rights of inheritance of the parties to a common-law union. Since women have been, more often than not, at the receiving end of the stick in such a relationship, one can justifiably say that this legislation is indeed a giant step for womanhood.

One hopes that the remaining territories will soon enact similar legislation.



JAMAICA -- Group calls for firmer action on child maintenance

The Committee of Women for Progress (CWP) in Jamaica has called on the government to take action on the issue of child maintenance, in the following areas:

- implementation of a government-to-government agreement with the U.S. and Canada to enable mothers in Jamaica to file maintenance claims on fathers resident in those countries;

- an appeal to employers to co-operate in arranging for maintenance deductions from the salaries of employees who are fathers and against whom maintenance orders have been won;

- expansion of the family court system (presently there are only two such courts), and the placing of an officer in each Resident Magistrate court who will be responsible for following up maintenance matters;

- implementation of a public education programme on maintenance rights, so mothers could be made more aware of their legal rights and the steps to take to get maintenance for their children;

- repeal of the Affiliation Act, so that all matters relating to maintenance of children could be dealt with under the Maintenance Act;

- the establishment and active functioning of a desk at the Ministry of Labour to educate domestic workers on their rights.

In the meantime, the CWP's Women's Resource and Outreach Centre continues to provide legal assistance and social counselling to women. To date, more than 100 women have benefitted from this assistance.

The CWP says most of the cases brought by women to the Centre concern the problems of child maintenance, unemployment, and abuse of employment-related laws.

The CWP is also lending practical assistance, such as securing and selling exercise books to mothers at a low price.

It's a Fact

- Although a wife is entitled to adopt her husband's surname, she is not legally required to do so.
- In Barbados irremediable breakdown is the ground on which a decree for dissolution of marriage is based, and this can only be established if the court is satisfied that the parties separated and lived apart for 12 straight months prior to the date they filed the application to dissolve the marriage.
- While the number of working wives has increased, generally it is the husband who deals with family business transactions, and it is still the husband who is regarded as the principal bread-winner. Consequently, it is the husband to whom property like the matrimonial home would be conveyed. . .and the wife who is disadvantaged when consideration is given to ownership of the matrimonial home.
- Prostitution itself is not a criminal offence. The illegal acts are loitering or soliciting in a street or a public place or behaving in a disorderly or indecent manner if the offender is already a prostitute. A person who behaves in this manner may be deemed idle and disorderly and on conviction may be fined or imprisoned. Procuring or attempting to procure a girl or woman to leave her usual place of abode to enter a brothel for the purposes of prostitution is also unlawful and punishable.

(Source: *Women and the Law* by Norma Monica Forde, 1981.)

- A recent survey of the number of lawyers presently practising in the Bahamas revealed that, out of a total of 192 lawyers, 161 (or 84 per cent) were male and 31 (or 16 per cent) were female. It is projected, however, that within the next five years the number of female lawyers in the Bahamas will rise considerably.

(Source: *Women's Desk, Ministry of Youth, Sports and Community Affairs of the Bahamas.*)



BOOK PUSHES WOMEN'S RIGHTS

Few women are aware that international agreements exist to protect them from inhuman, harsh or discriminatory practices. To remedy this situation, the International Women's Tribune Centre (IWTC) in New York has published a workbook on international conventions which promote the rights of women.

Entitled *Rights of Women*, the workbook contains a summary of 44 selected United Nations, UNESCO and ILO conventions considered of special significance to women.

The workbook has been designed as a practical guide for groups and individuals actively seeking to promote social and legal change in their countries, and can be used in any country. It consists of a "question and answer" work-sheet for each convention, to enable users to relate each international convention to conditions within their own country. The introduction includes background information on the convention process, with a focus on women's concerns.

The IWTC, in announcing publication of the workbook, said, "We have prepared this workbook because we believe these conventions could prove to be useful weapons women activists can use to improve living and working conditions in their countries."

Rights of Women is free to groups in the Third World, but costs U.S. \$8.00 to groups elsewhere. It can be obtained from IWTC, 777 United Nations Plaza, New York, N.Y. 10017, U.S.A.

News from WAND...

THE MEXICAN CONNECTION

WAND arranged a one-week survey visit to the Centro de Orientacion de las Mujeres Obreras (COMO) in Ciudad Juarez, Mexico, last August.

The visit was designed to gain firsthand information and experience of COMO's training and counselling programmes for women; to share with COMO members some of WAND's programmes for women, and to provide them with some background in the social condition of women in the English-speaking Caribbean.

The survey was conducted by a team of Caribbean trade unionists, researchers, and WAND staff members Peggy Antrobus, Tutor/Co-ordinator and Norma Shorey-Bryan, programme officer. Team members were selected on the basis of their work with women workers.

COMO was established in 1968 to provide counselling and training services for women workers, especially those in multinational industries. One of its main functions is to generate individual, group and societal consciousness among working women. It also supports a number of low-income co-operatives.

Some members of the Caribbean team were impressed by the solidarity and cohesiveness of COMO's staff; others found useful COMO's structural approach to consciousness building, the signi-

ficance of the individual in its programmes and strategies, and the integration of personalities among its staff.

The visit was sponsored by the Inter-American Foundation in the U.S.

MONTSERRAT WORKSHOP

WAND recently conducted a workshop in Montserrat to examine the status of women there.

The workshop was part of the process Montserrat is following in setting up national machinery for women. Conducted by Jeannette Bell, WAND programme officer, the workshop discussed the role of national machinery in meeting and addressing the needs of women in Montserrat.

The 21 participants represented a range of professional interests and community groups in the island.

WAND's assistance in setting up the workshop was requested by the CARICOM Secretariat whose Women's Affairs Officer, Magda Pollard, was the chief resource person.

AGRICULTURAL SEMINARS

"Women in Agriculture and Rural Development" was the theme of two sub-regional seminars sponsored by WAND and the Caribbean Agricultural Extension Project last November.

The seminars aimed to sensitize agricultural extension agents and personnel from women's programmes to the role of women in the development of rural communities, and to the issues which relates to their involvement.

They were also intended to expose participants to some of the resources, strategies, and skills which can be employed to enhance their work with women in rural agricultural communities.

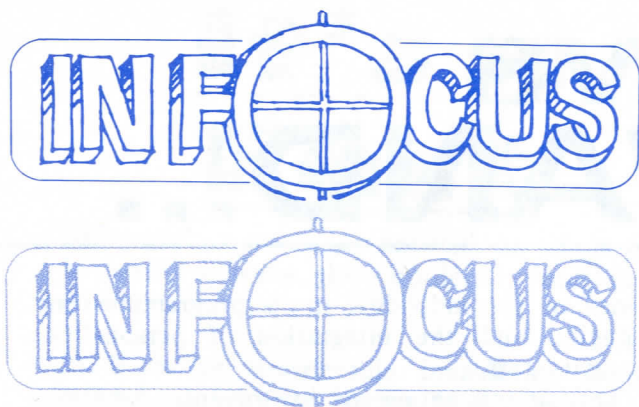
Areas covered included: the rural woman in the Caribbean — a profile; case-study of the St. Lucia Agricultural Apprenticeship Scheme/models for delivery of extension services to rural communities; a profile of the food production system carried out

by women in the Leeward islands — assessing their extension needs; and, resources for women in development and agriculture.

Participants were selected from among agricultural extension officers, community development officers, and non-governmental organizations working in rural development and with women in rural areas.

The resource persons were Beryl Carasco, WAND Programme Officer; Ruth Spencer, Caribbean Programme Director, Meals for Millions/Freedom From Hunger Foundation; and Pat Charles, Executive Director, National Research and Development Foundation, St. Lucia.

The first seminar which took place in Montserrat for the Leeward islands, was opened by B. Chalmers, Minister of Agriculture in Montserrat. The second seminar, held in St. Lucia for the Windward islands, was opened by Ferdinand Henry, Minister of State in St. Lucia's Ministry of Agriculture.



ANTIGUA

— Profits from Agriculture

The agricultural project of the Women's Action Group in Antigua yielded a net profit of E.C. \$3,950 in vegetables only, between October 1981 and 1983.

The group has since re-ploughed three acres of land and prepared it for planting more vegetables. The Caribbean Agricultural Research and Development Institute (CARDI) has assisted the group in planting one acre with eggplant, pumpkin, tomato, black-eyed peas, squash and peanuts.

CARDI will also help with the care and protection of the young plants, and has already installed a water tank at the project on Longfords Estate.

The remaining two acres of land will be planted with carrots, onions and beets.

JAMAICA

— CWP a Guardian of Women's Rights

In Jamaica, the Committee of Women for Progress has been continuing its struggle for a better deal for women in that country.

At the first educational session of its Women's Resource and Outreach Centre, over 45 women came to discuss the centre's progress and to raise problems they continue to face as women. The discussions threw up just how much the laws weighed against women and the need for women to unite to change them.

The CWP has also called on women and men in the society to boycott the Tuesday Star, a newspaper published by the Gleaner Publishing Company of Jamaica. The group objects to the publication of what it terms "pictures of half naked women" and a double page "pin-up" in the paper.

On October 8, 1983 the group celebrated seven years of struggle on women's behalf.

ST. LUCIA

— Secretaries Graduate

Eleven young women recently graduated from the first Administrative and Professional Secretaries Course held in St. Lucia.

The three-year certificate course which started in September 1980, covered the following areas: language skills, business maths, and office procedures — in first year; communications and decision making, business economics, and office management — in second year; business law, business accounts, and environmental relationships — in third year.

Graduating from the course were Erin Alexander-McCalman, Emma Bernard, Martha Celestin, Thecla Deterville, Norma Dujon-Glace, Marie Lambert, Maria Phillips, Martina Polius, Venetia Salton, Alice Stephen, and Gene Walters.

The course was jointly sponsored by the Extra-Mural Department, St. Lucia; Extra-Mural Studies, Trinidad; and the National Secretaries Association of St. Lucia.

MONTSERRAT

— Women Organize

The National Organization of Women of Montserrat, an umbrella body for women's organizations, was officially inaugurated last November.

The executive of the body, which was set up in May 1983, comprises: Margaret Ponteen Daley, president; Edith Farrell, vice-president; Marilyn Townsend, secretary; Margaret Browne, assistant secretary/treasurer; and, Dorothy Greenway, Esther Lynch, Agatha Liburd — officers.

Among those attending the inauguration ceremony were Margaret Dyer, Montserrat's Minister of Education and Social Services and Magda Pollard, Women's Affairs Officer at the CARICOM Secretariat.

GUYANA

— WPO's Ninth Congress

At its 9th Congress last November, the Women's Progressive Organisation (WPO) in Guyana pledged to build a stronger organization to fight for women's rights and unity; to strengthen the struggle to restore democracy to Guyana; and to continue to strive for peace, social progress and a national patriotic front of political parties, trade

unions and mass organizations in Guyana.

The Congress heard the report of the Central Committee which dealt with the international situation; the political overview; conditions of Guyanese women; an evaluation of the work of the WPO — its agitation, educational and propaganda activities, and its work for solidarity and peace.

In another paper presented to the Congress, the Action Guide, objectives, tasks and targets were worked out. These included items on working in the community and in mass organizations, and on bringing women into the trade unions and into solidarity action.

In one of the five resolutions passed during the two-day meeting, the WPO called for the importation of all essential foodstuffs; adequate provision for health and education; increase in pensions for the aged; free meals for school-children; and better functioning of essential services.

Two other resolutions dealt with conditions of women and children, especially working women. A call was made for more jobs, better employment practices, equal pay for equal work, minimum wages, and other laws to protect women workers.

Delegates to the Congress came from all parts of Guyana. Messages of solidarity were received from local groups and from a large number of regional and international women's organisations.

INFOCUS

NAMIBIA WOMEN'S DAY

— Background to the struggle

Namibia is located in South West Africa, sandwiched between Angola and the Republic of South Africa. It was colonized by both the British and the Germans until 1915 when South Africa conquered the territory. Under the Versailles Peace Treaty at the end of World War I, South Africa was awarded Namibia as a mandate of the League of Nations (later the United Nations). This mandate was revoked in 1966 by the U.N. after South Africa did not fulfil its obligations to educate and upgrade the Namibian people to a standard where they could rule themselves.

Opposition to South African rule comes from the South West African People's Organisation (SWAPO), the national liberation movement in Namibia which was established in 1960. The women's arm of this organization, the SWAPO Women's Council was founded in 1970.

NAMIBIA WOMEN

Namibia Women's Day, celebrated every December 10, commemorates the courage and dedication of women in Namibia in resisting the illegal occupation of their country by South Africa. In particular, it commemorates the death of one woman in 1959 during resistance to forced removal of black people to a "township."

Several women activists in Namibia have been imprisoned by the South Africans over the years. The most recent is Ida Jimmy, a SWAPO member who was arrested in 1980 and sentenced to seven years in prison for addressing a SWAPO rally at which she called on Namibians to support SWAPO freedom fighters with food, shelter and protection.

A single mother, she gave birth to her seventh child in prison, and from all accounts it is still with her.

According to the South African authorities, Ida was imprisoned because she "incited, provoked or commanded another person or persons to assist terrorists." But, Ida tells her sister and brother Namibians, "A thing like a terrorist does not exist. These are our sons that leave the country. They do not return to murder you but to save you from the oppression of the South Africa boer regime."

Information on this page compiled from Outwrite women's newspaper issues 8, 10, and 12 - 1983.



TRIBUTE TO JACKIE

Jacqueline Creft, former Minister of Education and Women's Affairs in the deposed People's Revolutionary Government of Grenada, died on October 19, 1983 – the victim of a tragedy the implications of which will be seen in the Caribbean for some time to come. We ask all progressive women within and outside the region to join with WAND, not in mourning Jackie, but in remembering her as a dedicated and impassioned fighter in the struggle against injustice and oppression.

Jackie Creft was a woman of consequence in Grenada and it was because of this that she died.

She was killed in the recent murders in Grenada of Prime Minister Maurice Bishop and some of his cabinet. This is a historic happening in the Caribbean not only because the deaths of these leaders was unprecedented, but because a woman was one of them. As women take on positions of power they will also be vulnerable to the consequences of that power.

Jackie had returned to Grenada with an ideological position and became involved in the responsibilities of power there. She had faith in her beliefs and vision. The worst that could happen was that she would die for that vision.

Those who take on positions of power and are in the fray of praxis, particularly in the political arena, must understand that death can be a result. Jackie understood this, yet fearlessly took the risk.

All those who worked in Grenada and had the chance to meet or work with her were impressed by her humanity and warmth. She was more a human being than an ideologue and, regardless of her position, she was always just "Jackie" – a warm, human woman.

She should be remembered by those who appreciate people who can be human while in power; she should be remembered by all Caribbean people for the work she tried to accomplish in education in Grenada; but, most of all, she should be remembered by all Caribbean women for her courage in taking on the world of politics, power and ideology.

*Nesha Z. Haniff
October 21, 1983*

"CHOICES"

*Who would choose slavery over freedom?
oppression over liberation?
death over life?*

*And yet, sometimes, the choice is not that clear:
A loaf of bread is purchased with a tear,
The sweetest rose protected by a thorn,
A seed must die before new life is born.*

The people suffer:

*Oppressed by others' lust for power, gain –
A selfishness transcending reason.*

*They see their children die in hunger, poverty and
pain,*

*Themselves enslaved by ignorance, enforced
idleness,*

The oppressors reign.

The Liberators come.

The people follow.

*They see the dawning light of better days to come,
And journey through a night of death and pain,
Only to find themselves enslaved again.*

What can we learn

To spare our island homes unnecessary sacrifice?

Protect a people's right to life with dignity?

That in oppression lie the seeds of future strife;

That indifference to injustice is the soil

In which the powerless learn to yearn for power;

*The tree which yields the bitter fruit, regret,
and loss of liberty.*

Is there still time for us to learn?

The world's cold war infects us all,

Forcing the choice to give or burn.

*And Christians never seem to heed their Saviour's call
to love with justice –*

until too late.

So justice must be bought with blood,

And love withers in the quest for food.

There is still time

but very little

Security is frail

and very brittle.

Peggy Antrobus

Grenada, September 30, 1983

**Dedicated to Jackie Creft, who gave her life for
justice-with-love.*

*Written on the way to the airport in Grenada – 13
days before Jackie's arrest, which marked the
beginning of the military coup in Grenada, 19 days
before her execution.*

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MILESTONES

Sonia Cuales was recently appointed Social Affairs Officer especially in charge of women's programmes, at the sub-regional headquarters of the Economic Commission for Latin America (ECLA) in Trinidad. The Curacao-born Ms. Cuales had been previously stationed at the UNICEF Regional Office for Latin America and the Caribbean in Bogota, Colombia.

A Bahamian, Valerie T. Hepburn-Knowles, has won the Jamaica Commonwealth Scholarship to study for her Master's degree in clinical psychology at the UWI. The M.Sc. in clinical psychology is a two-year programme offered by the Department of Psychiatry in the Faculty of Medicine. It began in 1982 and is the first of its kind in the Caribbean.



GRACE NICHOLS

The 1983 Commonwealth Prize has been won by Grace Nichols of Guyana for her collection of poems, *i* is a long-remembered woman. Ms. Nichols, who has been living in Britain for the past five years, is also the author of two children's books, *Trust you Wriggley* and *Baby Fish and Other Stories*.

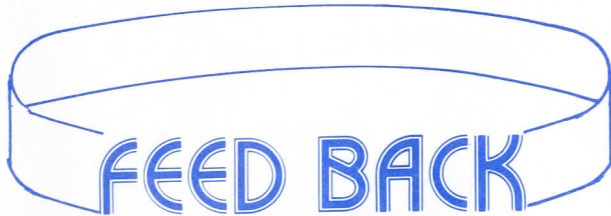
(Taken from *Outwrite women's newspaper*, issue 19, November '83.)

BOOK NOOK

Family Law in the Commonwealth Caribbean by Gloria Cumper and Stephanie Daly, 1979. A series of surveys of the family laws of Antigua, Barbados, Dominica, Jamaica, St. Lucia, St. Vincent, and Trinidad and Tobago. The surveys indicate that (up to the time of writing) the family laws of these countries have been mostly copied from those formulated in societies which are in many ways different from Caribbean societies. However, the surveys also show a growth of interest in the field of family law and a good deal of new social legislation which will improve the welfare facilities available to families. Published by the Department of Extra-Mural Studies, UWI, Mona, Kingston 7, JAMAICA.

The Developing Legal Status of Women in Trinidad & Tobago by Stephanie Daly, 1982. Provides a picture of the present legal status of women in Trinidad and Tobago, including their relationship to their children and families, and focuses upon the developments in the law over the last six years. Seeks to inform women of basic laws affecting them and to provide them with access to such information when it is needed. Published by the National Commission on the Status of Women in Trinidad and Tobago.

Women and the Law by Norma Monica Forde, 1981. Collects, under one head, the law which mainly affects women throughout the Commonwealth Caribbean. Covers the areas of constitutional guarantee, marriage and divorce, maintenance, matrimonial property, succession, domicile, employment related areas, criminal law, and citizenship. It provides a comprehensive guide by which women can both seek information on their status under the law and establish how far this law advances or retards their cause throughout the region. The book's simple language enables the lay person to read and understand it. Published by the Institute of Social and Economic Research, UWI, Cave Hill, St. Michael, BARBADOS.



We always find **WOMAN SPEAK!** to be well-written, very informative, and an invaluable tool to help us stay in touch with our colleagues and sisters in the Caribbean.

*Professor Barbara Knudson
Director
Women and International Development
Research Centre
University of Minnesota, U.S.A.*

I was very pleased and proud to know about such a magazine. I found it very informative and interesting.

*Mrs. Enid D. Lawrence
Programme Director
Nurse Practitioner Programme
Advanced Nursing Education Unit
UWI/Ministry of Health, JAMAICA*

We have found **WOMAN SPEAK!** to be very informative and helpful.

*Katrina Taylor
General Secretary
YWCA, BARBADOS*

I enjoyed the sample copy you sent, and am looking forward to reading the newsletter on a regular basis.

*Karen Schiller
Managing Editor
Plexus
California, U.S.A.*

UPCOMING ISSUES

Upcoming issues for 1984 will be:

Women and Agricultural Credit, March
(deadline: November 1983)

Women and Disability, June (Deadline:
March 1984)

Young Women, September (Deadline:
June 1984)

Women and Food Marketing, December
(Deadline: September 1984)

We would appreciate information on these themes as well as any general information about women's projects, programmes and activities.

TO SUBSCRIBERS.

Have you renewed your subscription to **WOMAN SPEAK!** as yet? Please remember that all subscriptions which started in March 1983 have now expired. We thank you for your support during the past year, and look forward to receiving it again in 1984.



Women at a SWAPO rally in Namibia.

The following back issues of *WOMAN SPEAK!* are still available:

- No. 7 Women and Agriculture
- No. 8 Women and Aging
- No. 9 Women and Health
- No. 10 Violence Against Women
- No. 11 Women and Work
- No. 12 Women and Media

These can be ordered at E.C. \$2.00 per copy in the Caribbean, and at U.S. \$2.00 per copy elsewhere, from Women and Development Unit, UWI Extra-Mural Dept., Pinelands, St. Michael, BARBADOS.

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CARIBBEAN
 DECADE FOR WOMEN
 1976-85

A QUARTERLY NEWSLETTER ABOUT CARIBBEAN WOMEN No. 10
 March 1983



WOMAN
 SPEAK!

VIOLENCE AGAINST
 WOMEN

WOMAN
 SPEAK!

WOMEN AND AGING

A QUARTERLY NEWSLETTER ABOUT CARIBBEAN WOMEN No. 9
 December/January 1983



WOMAN
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WOMEN AND HEALTH

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WOMEN AND AGRICULTURE

