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# **Gaietry Pargass: The making of a human rights feminist lawyer**

*Interviewed by Shelene Gomes*

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Gaietry Pargass was born in Carapichima, Trinidad and Tobago. After graduating from the Holy Faith Convent secondary school, she began working with the Caroni Research Station, at that time a male-dominated institution. As a Scientific Research Assistant, she was the sole female in a non-clerical post. This obvious inequity initiated Gaietry's foray into social activism, which began at the St. Augustine campus of the University of the West Indies during the 1970s. This post-independence period was characterized by the emergence of various movements in Trinidad and Tobago that included black power, socialist, Marxist, and feminist movements. During this time, she became involved with the Concerned Women for Progress (CWP), an organization in which women of different ideologies and from different backgrounds came together amidst an atmosphere of a second wave feminist movement that pervaded the global north, and spawned several autonomous feminist groups in the Caribbean. The path breaking campaigns and marches of the CWP focused on bringing into the public view issues such as sexual violence, domestic violence that were still relegated to the private sphere.

After graduating from the Faculty of Agriculture with a Bachelor of Science degree, she held the post of Agriculture Officer at the Crop Research Office in Centeno. This position enabled her to interact with rural women and women farmers that highlighted the different experiences of these women to those of their male counterparts.

Her subsequent movement from Agriculture to Law facilitated a channelling of her social consciousness and activism into concrete changes. When she took on the post of Legal Advisor in the Ministry of Social Development in 1991, she incorporated gendered analyses of existing legislation, particularly around children's and women's rights. This

position enabled her to bring together her background in gender and law, and tap into her community and activist experiences. During the 1980s-1990s, Caribbean governments formed Women's Desks, later Women's Bureaux, which actively pursued the introduction of legislation such as the 1991 Domestic Violence Act in Trinidad and Tobago. Her position as a government official may have appeared to be in conflict with her roles as a member of Caribbean Association for Feminist Research and Action (CAFRA) and Women Working for Social Progress (Workingwomen) as the state's agenda appeared to be separate from the efforts of NGO's. Ms Pargass believed, however, that these two positions complemented each other. Nonetheless, negotiating the relationship between issues of the women's movements and issues that the Ministry focused on, since they often intersected strongly, was at times difficult.

One experience helped Gaietry to appreciate the importance of her role as both a member of non-governmental organizations (NGOs) and as a governmental official and the potential this gave her to make valuable social contributions. During the debate on the Domestic Violence Bill in the Trinidad and Tobago House of Parliament, she sat in the House as a government official who had worked on the Bill, while looking on as the public gallery filled with women from various organizations and communities whose collective presence demonstrated a sense of solidarity with the Bill's mandate.

In the months preceding the 1995 Beijing Fourth World Congress on Women and the World Summit for Social Development in Copenhagen, Gaietry negotiated these complex yet complementary roles by using her vacation time from the Ministry to attend the preparatory meetings in her capacity as a member of women's organizations.

Gaietry's stint as a legal trainee in the United Kingdom (UK) in 1989 enabled her to continue making similar connections. While working on housing and discrimination cases, she saw quite keenly the links between gender, class and race. In the U.K., she also volunteered with a feminist legal practice, created by a group of self-acknowledged British feminist lawyers, and founded on somewhat more egalitarian principles than other legal practices, of wage equality and equal valuing of jobs. Gaietry's decision to return to the Caribbean was stimulated by the desire to contribute to social reforms in Trinidad and Tobago and the Caribbean.

On her return to Trinidad, Gaietry worked with a panel of solicitors in London preparing cases for death row prisoners who appeared in front of the Privy Council. This post highlighted the complexity of negotiating the legal, theoretical and social implications of violence. This is evident in the case of a woman on death row. The client's case was dismissed at the level of the Privy Council. Gaietry worked preparing to bring her case to the Inter-American Commission on Human Rights (IACHR). During interviews, systematic evidence of battering by her common law spouse over a lengthy period, emerged. Although this surfaced previously during the Privy Council case, it was used primarily as a motive for the murder of her common law spouse. After years of abuse, the client finally escaped from him taking her two youngest children. After a week, the client's common law spouse found them, broke down the door and grabbed her and the children and took them to their home. He virtually kept her there as a prisoner while at

times holding a gun to her head. Because of this evidence, the case was returned to the Privy Council and after a psychological evaluation, it was argued that the client was suffering from “battered wife syndrome”. The case was then returned to Trinidad and Tobago to determine whether this argument could be used in her defence, thus allowing the charge to be reduced from murder to manslaughter. This was the first instance in which ‘battered wife syndrome’ was successfully argued in Trinidad and Tobago. Gaietry mentions this was an immensely rewarding victory that has now set a precedent, used to defend battered women after psychological examinations.

Gaietry emphasises, though, that she works from a human rights perspective that opposes the use of the death penalty. Defences such as the above serve to complicate the simplistic dichotomy of woman as victim and man as perpetrator that often pervades gender discourse. It is evident, she argues, that there are close connections between constructions of masculinity and violent crime, for example it is generally the man who takes up the gun to prove that he is a man. The intersection of gender and class emerges because the majority of men on death row in Trinidad and Tobago are of poor educational and class backgrounds.

Gaietry’s nuanced analysis takes into account the question of understanding and penalising violent crimes. She questions whether enacting the death penalty for perpetrators of violent crimes, either men or women, who are often seen as the dross of society, help a society toward a more just and equitable future. This is an emotive question since in opposing the death penalty it is often assumed that one condones the violent acts committed by perpetrators. Rather than taking such a dualistic stance, Gaietry argues that all human beings, including those that have committed violent crimes, and have been imprisoned, are entitled to a basic standard of treatment and of life. This is an area in which she continues to work. As Gaietry explains:

*I began as an activist many years ago and my work in gender continues with human rights and the different fields that I am in now. My activism started off on campus...then the CWP and...then the law. It is a slow process, and I know many people say this, but we have come a long way with...the passing of the Domestic Violence Act, and drafting a National Gender Policy...but there’s still a lot that has to change...rape and other sexual offences...are all areas highlighted in the Draft Gender Policy that still need to be addressed...we do not have sexual harassment legislation...The equal opportunity legislation is exceedingly important and is being debated as we speak and it is a really big gap because we don’t have legislation to deal with discrimination in the private sector...*

The work and life of Gaietry Pargass indicates that feminist activism can be happen in various spheres, such as human rights lobbies. She is optimistic about the future of social activism, yet aware of the work still to be done in and through feminism to ensure the achievement of basic human rights for women and men.