



Republic of Trinidad and Tobago



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MEDIA STATEMENT

PROPOSED AMENDMENTS TO THE DOMESTIC VIOLENCE ACT

17th March, 2018

The Equal Opportunity Commission (EOC) condemns the recent spate of gender-based related deaths as a result of domestic violence. In 2017 of the fifty-two (52) women murdered, forty-three (43) of these were due to domestic violence and in the first quarter of 2018 over fifteen (15) deaths have been recorded thus far.

The Domestic Violence Act Chapter 45:56 ('the Act') is a progressive piece of legislation but there is need to amend or enforce its provisions to zero tolerance, to provide further protection for victims and higher efficiency in enforcement. As such, in November 2017, the EOC proposed ten (10) legislative and policy amendments to the Act, at a public forum jointly hosted with the UWI Institute for Gender Development Studies commemorating the sixteen (16) days of Activism on Ending Gender-Based Violence.

These proposed amendments can be used to strengthen the accountability of the state and state actors to perform with due diligence to protect and prevent against gender-based domestic violence:

1. Remove the **perpetrator** from the home, **not the victim** (s. 23 (1) of the Act)
2. Police **must** respond to **all** complaints (s. 21).
3. Amend the definition of **cohabitant** to include **same-sex relationships** (s. 3).
4. Police **must charge** for **assaults** and other crimes committed in domestic situations (s. 25(1)) and for **breaches** of Protection Orders (s. 20).
5. **No bail** for persons charged with breaches of Protection Orders (s.27 (1)).
6. Provide a **network of support** to persons who have a Protection Order – observers must have a **duty to report** (new section).
7. Create intervention for perpetrators **threatening to kill** (new section).

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Dr. Beverly Ann Marie Beckles (Vice Chairman) • Dr. Emanuel Hosein
Mr. Eric Colin Cowie • Mr. James Chin Chuck

8. Create **interagency protocols** between police, magistrates, prosecutors, social workers and shelters (new section).
9. Create **mandatory programs** for victims and **perpetrators** (s. 6 91) (c) (VII)).
10. Resuscitate **Police Domestic Violence Register** (s. 21 (2)).

We believe that had these protocols been in place and a more appropriate police response forthcoming, all too predictable tragedies such as the Abigail Chapman murder could have been averted. Abuse in any form against any man, woman or child should not be tolerated. The EOC, therefore, reiterates its plea for these proposals to be considered as amendments to the Domestic Violence Act, in an effort to protect and safeguard our women and children from the scourge of domestic violence.

We call on the Honourable Attorney General & Minister of Legal Affairs to expedite these proposed amendments as a matter of urgency, to better respond and prosecute domestic violence as a criminal act, as we believe that the amendments will effect real change and prevent future domestic violence deaths.

**Lynette Seebaran Suite,
Chairman, Equal Opportunity Commission**

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About the EOC

The primary task of the EOC is to oversee implementation of the Equal Opportunity Act Chapter 22:03, which prohibits certain kinds of discrimination and seeks to promote equal opportunity between persons of different status.

- The Act is concerned with discrimination in four broad categories - employment, education, provision of goods and services, and provision of accommodation - where someone has suffered less-favorable treatment because of their:
 - status, that is, because of one of the following personal characteristics: race, ethnicity, religion, sex, marital status, origin or disability;
 - Or by way of victimisation, that is, in retaliation for doing certain actions that are protected under the Act, for example, lodging a complaint with the Commission or giving evidence in support of someone who has lodged a complaint.
- A person who believes that they have been subjected to discrimination in any of the above areas may lodge a complaint with the EOC. The EOC is mandated to receive, investigate and as far as possible conciliate complaints.
- If the matter is unresolved, the complaint can be referred to the Equal Opportunity Tribunal (the 'EOT'). The EOT is a superior court of record, and its mandate is to hear and

adjudicate on matters referred to it by the EOC. The EOT has the power to make orders, declarations, and awards of compensation as it determines to be appropriate.

The EOC would urge all persons to be mindful of these provisions and to refrain from discriminatory practices which infringe the human rights of others.

For more information, please visit www.equalopportunity.gov.tt.

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