



## **POSITION PAPER**

## **GLOSSARY**

**CAPA – Crime and Problem Analysis Branch**

**CEDAW – Convention on the Elimination of All Forms of Discrimination against Women**

**DV – Domestic Violence**

**GBV - Gender based Violence**

**IPV – Intimate Partner Violence**

**OECS – Organisation of Eastern Caribbean States**

**PO – Protection Order**

**TTCADV – Trinidad and Tobago Coalition against Domestic Violence**

**WHO – World Health Organisation**

# Equal Opportunity Commission

## Introduction

Traditionally, domestic violence (DV) was mostly associated with physical violence. Terms such as *wife abuse*, *wife beating*, and *battering* were commonly used but have declined in popularity due to efforts to include unmarried partners, abuse other than physical, female perpetrators, and same-sex relationships. DV is now commonly defined to include "all acts of physical, sexual, psychological or economic violence"<sup>1</sup> that may be committed by a family member or intimate partner.

The term 'intimate partner violence' (IPV) is often used synonymously with domestic abuse or domestic violence,<sup>2</sup> but it specifically refers to abuse occurring within a couple relationship (i.e., marriage, cohabitation, or non-cohabitating intimate partners).<sup>3</sup> To these, the World Health Organization (WHO) adds controlling behaviours as a form of abuse.<sup>5</sup> IPV has been observed in opposite and same-sex relationships and in the former instance by both men against women and women against men.<sup>6</sup>

In 1993, the United Nations Declaration on the Elimination of Violence against Women defined DV as:

*“Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation”*<sup>7</sup>

<sup>1</sup>Convention on preventing and combating violence against women and domestic violence (CETS No. 210)

<sup>2</sup>Wallace, Harvey (2005), "Characteristics of family violence", in Wallace, Harvey, *Family violence: legal, medical, and social perspectives*, Boston, Massachusetts: Pearson, p. 2

<sup>3</sup>Wallace, Harvey (2005), "Characteristics of family violence", in Wallace, Harvey, *Family violence: legal, medical, and social perspectives*, Boston, Massachusetts: Pearson, p. 2,

<sup>4</sup>Krug, Etienne G.; Dahlberg, Linda L.; Mercy, James A.; Zwi, Anthony B.; Lozano, Rafael (2002). World report on violence and health (PDF). Geneva, Switzerland: World Health Organization

<sup>5</sup>WHO. Understanding and addressing intimate partner violence (PDF). Geneva, Switzerland: World Health Organization. WHO/RHR/12.36.

<sup>6</sup>Renzetti, Claire M.; Miley, Charles Harvey, eds. (1996). *Violence in gay and lesbian domestic partnerships*. New York: Harrington Park Press.

<sup>7</sup>United Nations, Department of Economic and Social Affairs Division for the Advancement of Women, "Handbook for legislation on violence against women", New York, 2009, p.2. Declaration 19 of the CEDAW, "A right for protection and support?" December 2008, pp. 13-15. 2

## The International Legal Framework

*"Violence deprives women of their ability to enjoy fundamental freedoms and represents a serious obstacle to equality between women and men."<sup>8</sup>*

The recognition that DV violence is a human rights violation under international law required decades of work by activists. International legal instruments and policy statements make clear that states have a duty under international law to prevent DV and punish offenders. Since the 1990's, actions have been taken at the international level to combat violence against women. The Council of Europe played an important role in the prevention and combatting of violence against women. The Istanbul Convention of the Council of Europe became the first international convention on violence against women that, among others, provides minimum common standards for the prevention, detection and criminalisation of violence against women.

Early human rights law enacted by the United Nations is relevant to domestic violence. The International Bill of Human Rights consists of the Universal Declaration of Human Rights (1948) and its implementing covenants. It articulates the State's duty to protect fundamental human rights that are commonly infringed in DV cases – the right to life, the right to physical and mental integrity, the right to equal protection of the laws and the right to be free from discrimination – while not explicitly addressing DV.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW 1981) also does not explicitly include language on violence against women or DV but guarantees the human rights listed above. In 1992, the CEDAW adopted General Recommendation Number 19. This recommendation states that gender-based violence (GBV) is a *"form of discrimination which seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men."*<sup>9</sup> This recommendation marked the **first** time a human rights treaty or convention was officially interpreted to prohibit violence against women.

<sup>8</sup>The Council of Europe Campaign to Combat Violence against Women, including Domestic Violence [https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/FS\\_VAWCampaign\\_en.pdf](https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/FS_VAWCampaign_en.pdf)

<sup>9</sup> Convention on the Elimination of all forms of Discrimination against Women <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

Violence against women, including DV was a major focus at the 1995 Fourth World Conference on Women in Beijing, China. The ensuing Beijing Platform of Action identifies DV as a human rights violation. Other UN conference documents address the issue of DV – the Programme of Action from the International Conference on Population and Development (ICPD) articulates the need for government attention to all forms of violence against women. The Copenhagen Declaration on Social Development from the 1995 World Summit for Social Development also calls on governments to take effective measures to combat all forms of violence against women.

### **The Caribbean: An Overview of DV Legislation and Practice**

DV legislation and practice in the English speaking Caribbean have significantly improved and advanced since the 1990s.<sup>10</sup> Generally, the legal standard set for the State and its lawmakers in the Caribbean are:

- Duty to comply with ratified international human rights conventions
- Duty to comply with the Constitution as the supreme law.

This meant that the “first generation” laws addressing the issue of domestic or gender-based violence (GBV) provided no definition for DV and the scope of persons who were protected under the Acts was restricted. Some “first generation” legislation included the *Sexual Offences and Domestic Violence Act 1991* of the Bahamas and the *Domestic Violence (Protection Orders) Act 1992* of Barbados. The CARICOM (Caribbean Community) Model legislation on domestic violence in 1997 was pivotal in influencing the growth and advancement of DV legislation in the Caribbean. The CARICOM Model law, while it did not define “domestic violence,” allowed for the making of protection orders, occupation orders and tenancy orders. These laws were termed “second generation” laws on domestic violence. Some “second generation laws” include the *Domestic Violence Act 1999* (of Trinidad and Tobago), *Domestic Violence Act 2007* (of Belize), *Domestic Violence (Protection Orders) Act 1997* (of Bermuda) and *Domestic Violence (Protection Orders) Act 2007* (of Bahamas). The “second generation” Acts all improved upon the CARICOM Model legislation by providing a definition for domestic violence and by expanding the range of persons who were protected under the respective Acts.

<sup>10</sup> <http://caribbean.unwomen.org/en/caribbean-gender-portal/caribbean-gbv-law-portal/gbv-developments-in-the-law>

The Organisation of Eastern Caribbean States (OECS)' Family Law Reform and Domestic Violence Reform Project in 2016 were also instrumental in contributing to the development of DV legislation in the Caribbean. Many of the OECS Member States such as Grenada and St Kitts have already introduced and/or adopted the Model Bills. The legislation adopted and based on these Bills captured many of the progressive developments post the CARICOM Model Bill.

Of equal importance are the CARICOM model legislation on sexual offences and sexual harassment. DV is manifested in the commission of sexual offences and acts of sexual harassment. All the English-speaking countries of the Caribbean have legislated on sexual offences, for example, the *Sexual Offences Act Chap. 11:28 of Trinidad and Tobago* and the *Sexual Offences Act 2010* of Guyana - both these Acts are the model for the rest of the Caribbean. Both Acts have extended the range of sexual offences, increased the penalties, removed the exemptions from marital rape prosecution, upgraded the methods of protecting victims during police investigations and court proceedings, devised, and introduced provisions to keep track of sex offenders after they have served their sentences. Generally, sexual harassment legislation in the Caribbean is in its infancy with only Belize, Guyana, Barbados and Trinidad and Tobago having some form of legislation to address sexual harassment. Protection is provided under the common law.

DV includes violence against children. The development of new Child Protection frameworks have also played a critical role in addressing child abuse and maltreatment, including sexual abuse of girls and young women, for example, the *Children Act Chap. 46:01* of Trinidad and Tobago.

In summary, domestic violence legislation in the English speaking Caribbean generally, protect against physical violence and harassment. Many Caribbean countries are in the process of developing their legislation to bring it on par with Trinidad and Tobago, Belize, Bermuda, the Bahamas, Dominica and Saint Kitts-Nevis. These countries, with Trinidad and Tobago taking the lead, have provided a comprehensive definition of DV to include physical violence, sexual violence, psychological abuse and financial abuse. For removal of doubt, psychological abuse is defined under the Trinidad and Tobago DV Act, Chap 45:56.

For more information on the foregoing, please refer to Appendix I, which gives an overview of the DV legislation and practice in the Caribbean.

## Trinidad and Tobago: The Domestic Violence Act

Trinidad and Tobago is a signatory to the aforementioned Conventions and treaties, which have a collective objective of protecting women while emphasising that violence against women is a violation of their human rights. In terms of the national legal framework the Domestic Violence Act No. 27 of 1999<sup>11</sup> (the ‘Act’) is the governing law on DV in Trinidad and Tobago. The Act defines ‘domestic violence’ as follows:-

- *“domestic violence” includes physical, sexual, emotional or psychological or financial abuse committed by a person against a spouse, child, any other person who is a member of the household or dependant;*
- *“emotional or psychological abuse” means a pattern of behaviour of any kind, the purpose of which is to undermine the emotional or mental well-being of a person including:*
  - (a) persistent intimidation by the use of abusive or threatening language;*
  - (b) persistent following of the person from place to place;*
  - (c) depriving that person of the use of his property;*
  - (d) the watching or besetting of the place where the person resides, works, carries on business or happens to be;*
  - (e) interfering with or damaging the property of the person;*
  - (f) the forced confinement of the person;*
  - (g) persistent telephoning of the person at the person’s place of residence or work;*
  - (h) making unwelcome and repeated or intimidatory contact with a child or elderly relative of the person;*
- *“financial abuse” means a pattern of behaviour of a kind, the purpose of which is to exercise coercive control over, or exploit or limit a person’s access to financial resources so as to ensure financial dependence;*
- *“physical abuse” means any act or omission which causes physical injury and includes the commission of or an attempt to commit any of the offences listed in the First Schedule;*

<sup>11</sup> The Domestic Violence Act of Trinidad and Tobago.  
[http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/45.56.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/45.56.pdf)

- *“sexual abuse” includes sexual contact of any kind that is coerced by force or threat of force and the commission of or an attempt to commit any of the offences listed under the Sexual Offences Act<sup>12</sup> in the First Schedule.*

Acts contained in the First Schedule include:

- Summary Offences Act (Ch. 11:02)
- Malicious Damage Act (Ch. 11:06)
- Offences Against the Persons Act (Ch. 11:08)
- Children Act (Ch. 46:01)
- Sexual Offences Act (Ch. 11:28)

The main remedy for DV is a **Protection Order (PO)**. A Protection Order may be granted once an application is made against the person committing the act of domestic violence (the Respondent). The person who makes this application (the Applicant) can be a spouse, a member of the spouse’s/respondent’s household, a child, a dependant, a parent, a sibling, a person having a child in common with the respondent, a person in a relationship with the respondent for over one (1) year or in certain circumstances, a police officer, probation officer or approved social worker.

A Magistrate sitting in the Magistrates’ Court has authority under Section 5 of the Act to grant this order where the court is satisfied that the respondent is committing, has committed, or is likely to commit acts of DV against the Applicant. To grant the Protection Order, the Magistrate considers all the circumstances of the Applicant’s case.

Generally, the effect of this order is to hinder the respondent’s access to the Applicant to prevent abuse. It prevents the respondent from engaging or threatening to engage in acts of DV; being in a place where the Applicant is situated; communicating with the Applicant; damaging the Applicant’s property; approaching the Applicant or encouraging another person to do these acts.

<sup>12</sup> Sexual Offences Act of Trinidad and Tobago  
[http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/11.28.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/11.28.pdf)



Further, a Protection Order can stipulate that the respondent:

- Immediately leave any place or residence for a specified period
- Return specified property to the Applicant
- Pay compensation for money the Applicant may have lost
- Pay money for the benefit of the Applicant and/or the Applicant's children
- Give up any firearm or weapon he/she possesses to the police
- Pay rent/mortgage for the Applicant
- Provide care for any children/dependant
- Undertake professional counselling from an approved agency (failure of which is an offence).

A Protection Order can last for any amount of time that the Magistrate thinks is necessary but it must not exceed three (3) years. Once the Applicant obtains a Protection Order and the respondent knows of it, the respondent must comply with its terms. If he/she fails to fulfil the terms, he/she commits an offence under Section 20 of the Act. For a first time breach, the penalty is a maximum fine of \$9,000.00 or in default, a maximum of three (3) months in prison.

On a second breach, the maximum fine is \$15,000.00 or in default, imprisonment for a period of twenty-four (24) months. The Magistrate can order that the respondent pay the fine and serve time in prison. Finally, if after the second conviction the respondent again breaches the terms of the order, the Magistrate can sentence him/her to a maximum of five (5) years imprisonment.

Where an order has been made to undertake professional counselling and the Respondent fails to comply, it is an offence, the penalty of which is a maximum fine of \$3,000.00.

### **Analysis of the Act**

- ▶ Broad definition of domestic violence including physical, sexual, emotional, psychological or financial abuse.
- ▶ Applicant can be any family member including children, the elderly, cohabitants and persons in visiting relationships.
- ▶ Definition of cohabitants confined to persons of the opposite sex.
- ▶ The aim was to provide a quick, cheap and easily accessible remedy for domestic violence.
- ▶ No need for an attorney.

## The Protection Order (PO) - Summary

- ▶ The PO is a civil remedy, which can be tailored to suit the particular circumstances.
- ▶ Can exclude the perpetrator from the home.
- ▶ Is not punitive in the first instance.
- ▶ Can last up to 3 years.
- ▶ The Protection Order may:
  - Mandate counselling,
  - Provide for compensation up to \$15,000 (US \$2,300),
  - Must be heard in private,
  - Must be listed for hearing within seven (7) days.

## Breach of the Protection Order

- Is a criminal offence.
- First conviction maximum penalty fine of \$9,000 (US \$1,400) or 3 months imprisonment.
- Second conviction maximum penalty \$15,000 (US \$2,300) or imprisonment 2 years or both.
- Third conviction five (5) years jail.

## Problems Associated with the Protection Order

- Insufficient resourcing of police (i.e. manpower, plant, training, retraining, and counselling)
- Central Registry not operational.
- No needs analysis performed.
- Police reluctance to charge for violence offences and breaches of protection orders.
- Breaches of protection order lost in criminal justice system.
- Impunity for inappropriate police response.
- Victim support mechanism is limited.
- No adequate mechanisms to support the holder of the protection order.
- Poor policy directives to police. e.g., remove victims from the home.
- No emphasis on programmes for perpetrators.

- No formal inter-agency protocols.

### **Police Powers - Summary**

- ▶ Police shall respond to every complaint of DV.
- ▶ Police are mandated to take a report or risk disciplinary charges. The report must form part of a National Domestic Violence Register maintained by the Commissioner of Police.
- ▶ Police may enter premises without warrant.
- ▶ Must arrest and charge where violence is ongoing or threatened.
- ▶ Police must arrest the person who has broken a court order.

**For more information on the Trinidad and Tobago Domestic Violence Act, please refer to Appendix II of this paper for a presentation entitled ‘Strengthening the Legal Response to Domestic Violence,’ by Mrs. Lynette Seebaran Suite, Chairman, Equal Opportunity Commission.**

## Proposed Amendments to the Act

Despite increased efforts of advocacy and service provision, Trinidad and Tobago continues to witness the most excessive use of violence against women. This, in spite of other existing supporting mechanisms that include DV hotlines, shelters, government programmes and valuable work done by non-governmental organisations such as the Rape Crisis Society, the Shelter and TT Coalition against Domestic Violence (TTCADV).

Statistics indicate that Trinidad and Tobago continues to witness the most excessive use of violence against women. Data from the Crime and Problem Analysis (CAPA) Branch of the Trinidad and Tobago Police Service revealed that there were approximately 13,354 reports relating to DV incidents between 2010 and 2017. Of that amount, women accounted for 10,133 or 75.8% of reports. During that same period, DV related murder/homicide totalled 200. The first four (4) months of 2018 recorded 320 reports of which violence against women accounted for 257 or 80%. The period also totalled fourteen (14) murders/homicide. (Appendix III).

The Commission recognises that whilst the Domestic Violence Act ('the Act') is a progressive piece of legislation, there is need to amend the Act to provide further protection for the victims and ensure greater efficiency in enforcement.

The following are proposed amendments to the Act:-

### 1. Flexibility in considering "one-off" situations under "emotional and psychological abuse".

**Recommendation:** Include a section in the Act that explicitly allows a single abusive act to be considered "emotional or psychological abuse" instead of deeming the incident as isolated or "a one-off".

**Reason:** Under the interpretation section of the Act, "emotional or psychological abuse" means "a pattern of behaviour of any kind, the purpose of which is to undermine the emotional or mental well-being of a person including-..."

The definition further goes on to provide examples of behaviour that can be agreed (without hesitation) that an individual ought not to endure at all, but for the purposes of the Act, one time should suffice. Some of these acts include:

- Depriving the person of the use of his property
- The forced confinement of the person
- Interfering with or damaging the property of the person

According to an article in the *Daily Express*<sup>13</sup>, it has been the practice of Magistrates to interpret “pattern” of behaviour to mean “a few times” because the Act does not contain a definition for the word “pattern”. Based on this practice, a Complainant before the Court may not, for example, obtain a Protection Order, as the trauma they would have experienced in being forcibly confined cannot suffice for the purposes of the Act.

## 2. Broaden the scope of what is considered communication

**Recommendation:** Amend the definition of “emotional and psychological abuse” to include the consideration of a broader scope of forms of communication (including electronic communication).

**Reason:** Paragraph (g) under the definition of “emotional and psychological abuse” includes “persistent telephoning of the person at the person’s place of residence or work”. It is now commonplace for individuals to carry on their person a mobile phone or “smart” device. Whether or not the phone is a “smart phone”, the use of this definition excludes the effects felt by persons that carry a mobile phone as they can be persistently contacted while they are asleep, on vacation, at the supermarket with their children, at work, while commuting from one place to another and so on.

The amendment should also take into consideration that most mobile phones are “smart” and can receive and transmit images, audio and texts. A person can be contacted persistently via social media (privately or publicly), they can be sent “voice notes” or audio clips, be bombarded with disturbing/ threatening images or text messages. Under the existing provisions of the Act, sufficient protection is not available to Complainants should the perpetrator use any/ a combination of methods of communication that technology now offers.

<sup>13</sup>Braxton, Nikita (2015, May 25). Domestic Violence Act needs to be amended. *Trinidad Express Newspapers*. Retrieved from <http://www.trinidadexpress.com/20150525/news/attorney-domestic-violence-act-needs-to-be-amended>

### 3. Outline steps that are required of responding Police Officers in assisting victims of domestic violence (pre-Interim/Protection Order)

**Recommendation:** Similar to the Domestic Violence (Protection Orders) Act Ch. 99A<sup>14</sup> of the Bahamas, a section outlining the assistance that the Police are expected to give to victims of domestic violence should be included. The amendments would detail what is expected of a Police Officer in responding to an emergency call that is a situation of domestic violence (for which a Protection Order may be sought). This amendment should contain provisions for the safety of the victim that can include the removal of the perpetrator from the residence where appropriate. Section 21 of the Trinidad and Tobago Act addressing the duties of police officers can therefore be amended to include more detailed requirements of Police Officers as contained in sections 27 and 28 of the Bahamas Act.

**Reason:** It appears to be common in many jurisdictions that not all Police Officers treat with claims of domestic violence with the level of importance and urgency that it requires. Whilst continued education and training is necessary for the protective services to perform their duties properly, including a section as recommended will add a further level of accountability and “seriousness” to matters of domestic violence<sup>15</sup>.

Section 27 of the Bahamas Act for example provides:

*27. Whenever a police officer intervenes in a matter for which a protection order may be sought under this Act, the police officer shall, as soon as possible take the following steps-*

*(a) where the victim indicates that he has suffered injuries though not visible, which require medical assistance, the police officer shall assist the victim to obtain medical treatment as soon as possible;*

*(b) where the victim of domestic violence express concern for his safety, the police officer shall assist the victim in getting to a place of safety;*

<sup>14</sup>Domestic Violence (Protection Orders) Chap 99A  
[http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/2007/2007-0024/DomesticViolenceProtectionOrdersAct\\_1.pdf](http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/2007/2007-0024/DomesticViolenceProtectionOrdersAct_1.pdf)

<sup>15</sup>Thompson- Ahye, Hazel (2013, February 13). Amend Domestic Violence Act. *Trinidad Guardian*  
Retrieved from <http://www.guardian.co.tt/letters/2013-02-13/amend-domestic-violence-act>

*(c) where a victim of domestic violence requests it, a police officer shall protect a victim by accompanying the victim when he takes his personal belongings from a place where the would be respondent may reside;*

*(d) advise the victim of domestic violence on the importance of preserving the evidence;*

*(e) inform the victim as to his rights and of services, which may be available to assist him, be they government or private services.*

In section 27 above, emphasis is placed on the safety of the victim and there is provision for the Police to assist the victim in getting to a place of safety. In many circumstances, it may be prudent to remove the victim from the home and relocate him/her pending the Protection Order. In many instances, the victim may live with the perpetrator and his family and the safer option is to leave.

There should however, be an additional provision in the Act that allows the Police to remove the perpetrator from the residence to diffuse the situation and take the perpetrator to a designated “cool-off” location and then to alternative accommodation based on the perpetrator’s options. This provision is key especially where there are children involved as further distress and trauma may be caused by uprooting the family who are victims of domestic violence. It should be outlined and emphasised the need to get the perpetrator to become calm and rational as possible, to avoid a likely situation of the perpetrator returning to the residence and engaging in further acts of abuse.

Additionally, section 28 of the Bahamas Act requires that Police Officers prepare specific reports upon intervening in a domestic violence incident and stipulates that the police officer in charge of every police station be required to ensure that all records of domestic violence complaints are properly compiled. If a similar amendment were included in the Act, officers would be mandated to follow established standards, to be thorough and have a greater level accountability, all of which will have an overall effect on the level of “seriousness” that a case of domestic violence would be treated.

#### 4. Outline the protocol to be followed in leaving the residence (post-Protection Order)

**Recommendation:** Section 6 (6) should be properly fleshed out so that the Police, the Complainant and the Respondent are aware of their individual roles, responsibilities and requirements based on whether the Protection Order states that the Complainant would be leaving the residence or the Respondent is expelled from the residence for a predetermined time.

**Reason:** At the time of granting the Protection Order, the Magistrate should not have to anticipate every possible scenario that may occur. The Magistrate should instead be given a wide discretion to include any other directions necessary to the specific case before the Court.

Section 6 (6) of the Act makes provision for the Court in the relevant Order to:

*...direct the police to remove the respondent either immediately or within a specified time from the said place or residence, or to accompany the Applicant, as the case may be, either immediately or within a specified time to specified premises in order to supervise the removal of property belonging to the Applicant and to ensure the protection of that person.*

The section should be more specific in setting out a standard procedure and should for example contemplate:

- *Whether the police should first take the Respondent to a designated area to “cool -off” for a period of time before going to the residence to remove his/her property;*
- *Whether the police should escort the Respondent to the residence to remove his/her property;*
- *Whether the children of the home (if any) are to be off the compound during the removal;*
- *Whether any keys to the home are to be handed over to the Complainant;*
- *The timeframe within which the removal should be completed; and*
- *Any report the police officers are required to prepare on completion of the duties.*



Once the procedure to be followed is properly outlined in the Act, the execution of same can be standardised. This standard in the law will provide certainty for all parties involved and may even reduce the possibility of further damaging incidents during the “removal procedure” as all parties are aware of what to expect.

## 5. Reduction of time in hearing of application for a Protection Order

**Recommendation:** Section 11 of the Act should be amended so that the date for hearing the application is mandated to be fixed within a shorter period. The shortened time must allow for proper service but also give priority and urgency to hearing these applications. There must be designated resources in the judicial system to ensure that this proposed amendment is properly executed.

**Reason:** Due to the nature of what an application for a Protection Order is seeking and the possibility of injury to life or limb, the hearing of applications for Protection Orders should be given priority and fast tracked in the judicial system.

Section 11 provides

*The Clerk shall fix a date for the hearing of the application which shall be **no more than seven days** after the date on which the application is filed...*

This section should be amended to accommodate hearings perhaps within a 48 hour time period of the application being made. It is common knowledge that the judicial system is plagued with numerous inefficiencies and challenges; however, there must be sufficient allocation of resources designated to dealing with applications expeditiously due to the nature of matter and the potential for imminent threat to human life.

## 6. Stipulate the responsibilities of the Ministry in alleviating domestic violence and abuse

**Recommendation:** Similar to the Domestic Violence (Protection Orders) Act Ch. 99A of the Bahamas Act, a section outlining the role of the relevant Ministry in alleviating domestic violence and abuse should be included.

**Reason:** The onus of dealing with domestic violence cannot solely fall on the protective services. The issue of domestic violence is a societal issue that can take place privately behind the doors of the family home. Sensitisation, public education and outreach, training as well as the establishment of centres for perpetrators to “cool- off”, shelters for battered persons or even safe houses need to be under the remit of a particular line Ministry. This particular Ministry is supposed to co-ordinate activities and rally stakeholders whether governmental or non-governmental to achieve a common purpose. A proactive approach can aid persons in identifying signs of domestic violence and avoid or minimise a potentially injurious relationship.

Section 29 of the Bahamas Act provides:

*The Ministry responsible for social services shall be responsible for-*

- (a) Promoting and developing educational programmes for the prevention of domestic violence;*
- (b) ...*
- (c) Identifying groups and sectors in society in which domestic abuse is manifested and educating these groups and sectors making them aware of the skills required to combat domestic violence;*
- (d) ...*
- (e) ...*
- (f) The establishing of programmes on information support and counselling services for victims of domestic violence;*
- (g) Encouraging the establishment of shelters for victims of domestic violence;*
- (h) Encouraging programmes of services for boys and girls who come from homes where there is abuse and violence;*
- (i) ...*

## Further Recommendations

- a) **Analyse the current response to domestic violence cases:** A survey of the current response to domestic violence in both criminal and civil cases ought to be conducted. This national survey should elicit both quantitative and qualitative data. It should be designed to get an accurate sense of the number of domestic violence cases handled as well as the issues (both legal and social service) that routinely arise in these cases.
- b) **Plan for an integrated, multi-jurisdictional response to domestic violence:** Work to address the multi-jurisdictional needs of litigants by looking beyond just providing training on domestic violence, to make systemic reforms that eliminate gaps between criminal and civil proceedings while continuing to ensure due process.
- c) **Dedicate sufficient resources to handling domestic violence cases:** Allocation of sufficient resources to courts that handle domestic violence cases, which should also include a commitment to providing domestic violence courts with technology systems to provide order of protection information to a national criminal justice database. Adequate allocation of resources should be extended to other support mechanisms such as maintenance and operations of shelters and domestic violence hotlines.
- d) **Ensure that both judicial and non-judicial personnel are trained on domestic violence and cultural competency issues:** Court systems should require judicial and non-judicial personnel to be regularly trained and updated on both cultural competency and domestic violence. Training should include topics such as understanding the dynamics of domestic violence, best practices and protocols, responses to complaints, the essential elements of successful domestic violence courts, current domestic violence case law and legislation, victim safety, and the use of court interpretation in domestic violence cases. Further mechanisms ought to be put in place to treat with unsuitable police response to domestic violence.
- e) **Provide Magistrates with the support that they need to participate in and lead multi-agency partnerships to combat domestic violence:** formal interagency protocols between police, Magistrates, counsellors, shelters etc. should be established to create the necessary synergies to ensure an effective system.

## Conclusion

Domestic violence is a unique crime that demands innovation from the legislative system, the judicial system and from community partners. The progressive nature of domestic violence, which tends to become more and more violent with each incident, underscores that legislation should foster proactive approaches to this form of crime. It is a misnomer to give more responsibility to the police to address such situations *after* they have occurred. Courts alone cannot eliminate domestic violence, but they can play an important role, increasing accountability for offenders and safety for victims. Policy leadership is needed to help with the treatment of domestic violence, the enforcement and support actions, preventive interventions and also to foster the development of comprehensive evaluations and interventions. These should have the capacity to consider outcomes beyond reports of future violent behaviour as currently with domestic violence, after-the-fact services predominate over preventive interventions.

The recommended amendments seek to broaden the scope of the DV Act, find larger system outcomes, reduce recidivism, increase safety and protection for victims, improve inter-agency collaboration and outline and standardise the approach taken with diffusing situations and removing the victim or perpetrator from the home with or without a Protection Order. It is necessary that greater sensitisation takes place on a sustained level. Proper infrastructure and resources are needed in the judiciary and the social services sector to ensure efficiency in the operation of the Act and to guide efforts to combating domestic violence.

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## Appendix I – An Overview of Domestic Violence Legislation and Practice in the Caribbean

NO.	COUNTRY	LEGISLATION
1.	ANGUILLA	<p><b>What is the legal standard set for state actors and lawmakers in Anguilla in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the Constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence (Summary Proceedings) Act 1999 Criminal Code Chap C140 "2000 Rev"</li> <li>• Sexual Harassment</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Criminal trials for sexual offences</li> </ul>
2.	ANTIGUA AND BARBUDA	<p><b>What is the legal standard set for state actors and lawmakers in Anguilla in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the Constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence (Summary Proceedings) Act 1999</li> <li>• Sexual Offences Act 1995</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Getting help under the Domestic Violence (Summary Proceedings) Act 1999</li> <li>• Criminal trials for sexual offences</li> </ul>

3.	BARBADOS	<p><b>What is the legal standard set for state actors and lawmakers in Barbados in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the Constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence (Protection Orders) Act 1992</li> <li>• Sexual Offences Act 1992</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Getting Help under the Domestic Violence (Protection Orders) Act 1992</li> <li>• Criminal trials for sexual offences</li> </ul>
4.	BELIZE	<p><b>What is the legal standard set for state actors and lawmakers in Belize in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the Constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence (Protection Orders) Act 2007</li> <li>• Criminal Code "2000 Rev"</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Getting help under the Domestic Violence (Protection Orders) Act 1997</li> </ul>
5.	BERMUDA	<p><b>What is the legal standard set for state actors and lawmakers in Bermuda in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the constitution as the supreme law</li> </ul>



		<p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence (Protection Orders) Act 1997</li> <li>• Criminal Code Act 1907</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Getting help under the Domestic Violence (Protection Orders) Act 1997</li> <li>• Criminal trials for sexual offences</li> <li>• Getting help under the Stalking Act 1997</li> </ul>
6.	DOMINICA	<p><b>What is the legal standard set for state actors and lawmakers in Dominica in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Protection against Domestic Violence Act 2001</li> <li>• Sexual Offences Act 1998</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Getting help under the Domestic Violence Act 2007</li> <li>• Criminal trials for sexual offences</li> </ul>
7.	GRENADA	<p><b>What is the legal standard set for state actors and lawmakers in Grenada in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the Constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence Act 2010</li> <li>• The Criminal Code Cap 1 (1990 continuous revised edition)</li> <li>• Criminal Code Amendment Act 2012</li> </ul>

		<ul style="list-style-type: none"> <li>• Statutory Rules and Order No.19 of 2017 - Police Standing Order (Amendment)</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Criminal trials for sexual offences</li> </ul>
8.	GUYANA	<p><b>What is the legal standard set for state actors and lawmakers in Guyana in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the Constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence Act 1996</li> <li>• Sexual Offences Act 2010</li> <li>• The Prevention of Discrimination Act 1997</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Getting help under the Domestic Violence Act 1996</li> <li>• Criminal trials for sexual offences</li> </ul>
9.	JAMAICA	<p><b>What is the legal standard set for state actors and lawmakers in Jamaica in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the Constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence Act 1995</li> <li>• Sexual Offences Act 2009</li> <li>• The Child Pornography (Prevention) Act 2009</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Getting help under the Domestic Violence (Protection Orders) Act 1995</li> </ul>

		<ul style="list-style-type: none"> <li>• Criminal trials for sexual offences</li> </ul>
10.	SAINT KITTS AND NEVIS	<p><b>What is the legal standard set for state actors and lawmakers in Saint Kitts - Nevis in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the Constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence Act 2000</li> <li>• Offences against the Person Act Cap 4.21 "2002 rev" and the Criminal Law Amendment Act Cap. 4.05 "2002 rev"</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Getting help under the Domestic Violence (Protection Orders) Act 1996</li> <li>• Criminal trials for sexual offences</li> </ul>
11.	SAINT LUCIA	<p><b>What is the legal standard set for state actors and lawmakers in Saint Lucia in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the Constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence (Summary Proceedings) Act</li> <li>• Criminal Code</li> <li>• Sexual harassment</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Getting help under the Domestic Violence (Summary Proceedings) Act</li> <li>• Criminal trials for sexual offences</li> </ul>
13.	SAINT VINCENT	<p><b>What is the legal standard set for state actors and lawmakers in Saint Vincent in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> </ul>

		<ul style="list-style-type: none"> <li>• Duty to comply with the Constitution as the supreme law</li> </ul> <p><b>WHAT LAWS ADDRESS GENDER-BASED VIOLENCE?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence (summary proceedings) Act 1995</li> <li>• Criminal Code Cap. 124 "1990 rev"</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Getting help under the Domestic Violence (Summary Proceedings) Act 1995</li> <li>• Criminal trials for sexual offences</li> </ul>
14.	<b>THE BAHAMAS</b>	<p><b>What is the legal standard set for state actors and lawmakers in the Bahamas in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the Constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence (Protection Orders) Act</li> <li>• Sexual offences and Domestic Violence Act Chap 99 "2006 rev "</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Getting help under the Domestic Violence (Protection Orders) Act</li> <li>• Criminal trials for sexual offences</li> </ul>
15.	<b>TRINIDAD AND TOBAGO</b>	<p><b>What is the legal standard set for state actors and lawmakers in Trinidad and Tobago in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Domestic Violence Act 1999</li> <li>• Sexual Offences Act Chap 11:28 "2006 rev"</li> <li>• Offences against the Person (Amendment) (harassment) Act 2005</li> </ul>

		<p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Getting help under the Domestic Violence Act 1999</li> <li>• Criminal trials for sexual offences</li> </ul>
16.	TURKS AND CAICOS	<p><b>What is the legal standard set for state actors and lawmakers in Turks and Caicos in relation to gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Duty to comply with ratified international human rights conventions</li> <li>• Duty to comply with the constitution as the supreme law</li> </ul> <p><b>What laws address gender-based violence?</b></p> <ul style="list-style-type: none"> <li>• Magistrate’s Court (Domestic Proceedings) Ordinance 1985</li> <li>• Offences against the Person Ordinance 1998</li> </ul> <p><b>Help for survivors</b></p> <ul style="list-style-type: none"> <li>• Criminal law and the law of torts</li> <li>• Getting help under the Domestic Violence Act 1999</li> </ul>

<http://caribbean.unwomen.org/en/caribbean-gender-portal/caribbean-gbv-law-portal/gbv-developments-in-the-law>

## **Appendix II – An Overview of Domestic Violence Legislation and Practice in Trinidad and Tobago**

**Presented by Mrs. Lynette Seebaran-Suite, Chairman, Equal Opportunity Commission at a Panel Discussion on ‘Strengthening the Legal Response to Domestic Violence’, Human Rights Day, 10<sup>th</sup> December 2018 at the Law Association of Trinidad and Tobago**

### **1. Aims of Presentation**

- Identify gaps and weakness in
  - a) The Domestic Violence Act (DV Act)
  - b) Police response to domestic violence
  - c) Magistrates Courts response to domestic violence
- Identify where and how the DV Act and Police Standing Order 53 can be enforced to zero tolerance.
- Suggest legislative and policy changes to the DV response

### **2. The Domestic Violence Act Chapter 45:56**

- First introduced in 1991, repealed and replaced in 1999.
- Creates the remedy of the Protection Order (PO), akin to an injunction
- Can last up to 3 years and is renewable.
- Created the criminal offence of Breach of a Protection Order (PO)
- Application for the PO must be heard in private.
- Perpetrator may be ordered to leave the home.

\*Forum included the Honourable Faris Al-Rawi, Attorney General of Trinidad and Tobago, members of the Law Association of Trinidad and Tobago (LATT), Coalition against Domestic Violence (CADV) and the Equal opportunity Commission (EOC) on Human Rights Day, December 10, 2018.

### 3. Characteristics of the Remedy

- Obtainable in the Magistrates Court
- Creates a potentially inexpensive and quick remedy
- Applicant may apply without an attorney

### 4. T&T is categorised internationally as having a mature response to DV

- Society has accepted DV as a wrong in the public domain.
- Specialised courts have been created.
- Police have been mandated and empowered to respond.
- There are shelters, hotlines and numerous NGOs operating in the sector.
- Support programmes exist across several ministries.

### 5. Judiciary Statistics September 2003-September 2018 (15 years)

- Total applications for PO made **154,288**
- Cases disposed of **144,331**
- Average number of cases filed per year **10,286**
- 2009 was peak year for applications **12,106**
- Steady decline in applications since peak year
- 2017/2018 figures **8,232** representing a decline of **33%** from peak year

## 6. Police Statistics

The following are considered Domestic Violence Offences:

- Murder
- Sexual Abuse
- Wounding
- Assault by beating
- Malicious Damage
- Threats
- Offensive Phone Calls
- Verbal Abuse
- Emotional/Psychological Abuse
- Financial Abuse
- Child Abuse and Abandonment
- Breach of Protection Order

## 7. Police Statistics Cont'd

**For the period 2000-2017**

- Total cases **24,895** cases or an average of **1,464** cases of DV per year
- Total murders over period **435** or an average of **25** per year
- 2016           **35** murders
- 2017           **43** murders
- Complaints by men represent **27%** of overall complaints and **6%** were for breaches of the PO.

**320** reported DV cases up to April 2018

- Assault and Wounding                   **56%**
- Murder                                       **22.5 %**
- PO breaches                               **12.8 %**
- Complaints by Men                       **19%**



- Total cases reported November 2018                      **845**

## **8. Key provisions empowering the police already in the DV Act**

- Police must respond to every complaint. *section 21(1) of the Act*
- Commissioner has a duty to keep a DV Register. *section 21(2)*
- Officer may enter premises without warrant where there is physical violence or suspected physical violence. *section 23(1)*
- A person arrested **shall** be charged with the indicated assault offence. *section 25(1)*
- Officer **may** charge for breach of PO. *section 24*

## **9. Key provisions in Police Standing Order 53**

- Officers' duties are defined by rank
- Provides in detail how investigations are to be conducted
- Officers must

Render assistance to victims

Refer to community police

Conduct interview in private

- **Contains no sanctions for non-compliance by officers at any level**

## **10. Section 23A dealing with *Duty of Police Officers to assist victims* provides:**

*Sec. 23A Where a Police Officer has entered on premises in reference to sections 23 and 23(1) he shall*

- a) Give assistance to a person who has suffered injury*
- b) Ensure the welfare and safety of a child who may be on the premises; and*
- c) Prevent any further breach of the law.*

**Apparently, this section is interpreted to mean removing victims from the home.**

## **11. Improved police training needed for DV**

- Improve Police Academy curriculum
- Institute systematic continuing education for all officers in DV
- Academy should partner with external agencies to conduct training

## **12. End impunity for officers guilty of inappropriate response to DV**

- Zero tolerance for DV perpetrated by officers in the protective services.
- Amend SO 53 to provide for internal discipline for breach of duty.
- Create a fast track for complaints of inappropriate conduct by officers and disseminate information about same, possibly within the Police Complaints Authority.
- Gender training to interrogate macho culture of the protective services.

### 13. Highlights of the Magisterial Jurisdiction

- First hearing must be no more than 7 days after application made *section 11*. **This does not apply to subsequent adjournments**
- Victim's statement to police may be used in court where victim refuses to be sworn or gives inconsistent evidence *section 26*
- Police Officer, Probation Officer or Social Worker can make application for PO *section 4 (5)*

### 14. Highlights of the Magisterial Jurisdiction...continued

- Orders for counselling can be made as a condition in a PO *section 6(1)(c)(viii)*
- A PO may specify that:
  - One or other party must undergo counselling
  - Such an order must specify that
    1. The court must receive notification from the counsellor/therapist of sessions missed without reasonable cause *section 6(3)(a)*
    2. The date by which the counsellor shall submit a report *section 6(3)(d)*
- Fine of \$3,000.00 for non-compliance *section 20(1)(2)*

### 15. On an application for bail on a charge of Breach of a PO the Magistrate shall consider

- The need to protect the applicant from DV *section 27(1)(a)*
- Welfare of children *section 27(1)(b)&(c)*
- Hardship to the defendant *section 27(1)(d)*
- In granting bail the court can set conditions *section 27(2)*
- On breach of condition police may arrest without warrant *section 27 (3)*

## 16. Suggested administrative improvements in Magisterial Jurisdiction

- Dedicated cadre of officers to serve applications and POs
- Trained clerks designated for receiving and drafting complaints
- Breach of PO cases should be heard in DV court or otherwise given priority
- There should be a specialised cadre of officers to prosecute for breaches of POs

## 17. Issues with the Magistracy

- Rostering of magistrates – too often there is no magistrate available/assigned to deal with DV.
- Poor attendance and late attendance of magistrates.
- Gender sensitivity training and DV training and retraining is needed for magistrates.
- Magistrates need to be sensitive in granting access to minors to perps.
- Collegiality among magistrates should be fostered.

## 18. Key suggested amendments to DV Act

- A new *Part VIII* to be enacted to empower onlookers and *neighbours* to intervene in support of a recipient with a PO.
- The definition of cohabitant in *section 3* needs to be amended to accommodate same-sex complainants.
- The category of applicants should be broadened to include dating relationships *section 4(2)(9)*.
- Eliminate one-year requirement *section 4(2) (g)*.

## 19. Network of support necessary for victims

- Broaden social safety net to include category for needy victims of DV
- Ministry of Housing and Urban Development and HDC must adjust their policies to give preference to the victims and their children
- Appropriate ministry to assume responsibility for diversion programmes for perpetrators and support programmes for victims
- **Crisis intervention team** needed to respond to threatened homicides

## 20. Interagency protocols necessary

- Police – Magistracy – Judiciary – DPP
- Magistracy – Family Services – Probation – Psychiatric/ Social Workers – Shelters
- Magistracy – Children's Authority - Children's Court – Family Court
- Police – Ministries – NGOs – Victim and Witness Support Unit (TTPS)
- Ministries – Corporate/State Sector
- Police – Shelters

## 21. Overall commitment needed for Zero Tolerance for DV

- Teach respectful relationships as part of the formal school curriculum from pre-school to university
- **IT'S TIME TO RECREATE THE OUTRAGE**

### APPENDIX III - DOMESTIC VIOLENCE STATISTICS 2000-2017

	Murder/ Homicide	Sexual Abuse	Wounding	Assault by beating	Malicious Damage	Threat s	Verbal Abuse	Emotional / Psychologi cal Abuse	Financial Abuse	Child Abuse & Abandonmen t	Breach of Protection Order	Offensive Phone Calls	Total
<b>2000</b>	24	92	48	775	0	214	94	59	4	4	16	-	<b>1330</b>
<b>2001</b>	17	37	42	907	2	217	60	61	0	25	26	-	<b>1394</b>
<b>2002</b>	17	24	37	560	0	133	91	55	1	9	30	-	<b>957</b>
<b>2003</b>	22	3	9	406	5	227	40	37	4	0	38	-	<b>791</b>
<b>2004</b>	18	15	29	470	10	245	60	49	12	28	26	-	<b>962</b>
<b>2005</b>	26	53	7	491	1	379	18	33	0	31	19	-	<b>1058</b>
<b>2006</b>	33	43	12	421	1	498	15	25	0	5	13	-	<b>1066</b>
<b>2007</b>	18	42	34	545	18	437	3	0	0	2	72	-	<b>1171</b>
<b>2008</b>	37	67	61	859	24	422	0	0	0	3	83	-	<b>1556</b>
<b>2009</b>	23	64	38	568	26	405	0	0	0	5	127	-	<b>1256</b>
<b>2010</b>	33	31	176	560	18	244	97	52	0	10	159	17	<b>1397</b>
<b>2011</b>	21	41	69	1140	29	650	34	5	0	4	180	2	<b>2175</b>
<b>2012</b>	13	74	53	1042	33	787	81	36	0	5	177	31	<b>2332</b>
<b>2013</b>	23	17	10	965	20	648	55	84	0	4	136	1	<b>1633</b>
<b>2014</b>	17	35	0	823	13	727	59	125		6	116		<b>1921</b>
<b>2015</b>	15	38	2	808	15	526	62	71		0	95		<b>1632</b>
<b>2016</b>	35	5	0	642	8	305	38	17		3	88		<b>1141</b>
<b>2017</b>	43	2	0	553	15	347	25	32		5	101		<b>1123</b>
<b>TOTAL</b>	<b>435</b>	<b>683</b>	<b>627</b>	<b>12535</b>	<b>238</b>	<b>7411</b>	<b>832</b>	<b>741</b>	<b>21</b>	<b>149</b>	<b>1502</b>	<b>51</b>	<b>24895</b>

(Source: Crime and Problem Analysis Branch TTPS)

### DOMESTIC VIOLENCE BY DIVISION AND GENDER 2000-2017

	Port of Spain		Northern		Eastern		Southern		Central		N/Eastern		Western		S/Western		Tobago		Total		GRAND TOTAL
	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	
<b>2007</b>	1	0	161	103	29	5	173	88	170	47	113	50	117	84	23	4	3	0	<b>790</b>	<b>381</b>	<b>1171</b>
<b>2008</b>	4	1	218	132	70	18	307	137	107	29	83	47	133	66	114	87	3	0	<b>1039</b>	<b>517</b>	<b>1556</b>
<b>2009</b>	3	1	185	59	27	2	451	160	122	33	92	27	127	36	117	62	2	0	<b>1126</b>	<b>380</b>	<b>1506</b>
<b>2010</b>	22	12	147	42	18	2	346	141	217	68	63	20	95	32	96	25	46	5	<b>1050</b>	<b>347</b>	<b>2397</b>
<b>2011</b>	59	22	261	86	19	4	576	228	159	36	48	12	169	112	154	87	106	36	<b>1551</b>	<b>623</b>	<b>2174</b>
<b>2012</b>	37	7	268	84	18	1	778	315	187	39	48	8	146	21	109	29	181	61	<b>1772</b>	<b>565</b>	<b>2337</b>
<b>2013</b>	23	7	286	96	9	6	696	238	145	37	55	17	115	36	62	14	86	34	<b>1477</b>	<b>485</b>	<b>1962</b>
<b>2014</b>	47	22	251	72	33	8	582	262	269	75	42	23	105	26	60	12	34	8	<b>1423</b>	<b>508</b>	<b>1931</b>
<b>2015</b>	41	18	183	55	38	5	411	190	333	85	43	6	68	23	72	18	39	4	<b>1228</b>	<b>404</b>	<b>1632</b>
<b>2016</b>	33	6	212	70	21	7	240	94	186	63	43	5	47	16	53	27	11	7	<b>846</b>	<b>295</b>	<b>1141</b>
<b>2017</b>	23	9	321	137	15	3	190	86	130	39	10	8	15	5	76	47	6	2	<b>786</b>	<b>336</b>	<b>1122</b>
<b>TOTAL</b>	<b>126</b>	<b>43</b>	<b>1240</b>	<b>506</b>	<b>181</b>	<b>32</b>	<b>2631</b>	<b>1069</b>	<b>962</b>	<b>252</b>	<b>447</b>	<b>164</b>	<b>787</b>	<b>351</b>	<b>613</b>	<b>294</b>	<b>341</b>	<b>102</b>	<b>7328</b>	<b>2813</b>	<b>10141</b>

(Source: Crime and Problem Analysis Branch TTPS)

**2018 DOMESTIC VIOLENCE STATISTICS BY DIVISION AND GENDER 2018 AS OF 30.4.18**

Division	2018	
	Female	Male
Port of Spain	9	1
Southern	56	16
Western	6	1
Northern	80	23
Central	54	11
South Western	27	7
Eastern	5	0
North Eastern	14	4
Tobago	6	0
Sub-Total	257	63
<b>Total</b>	<b>320</b>	

*Statistics by Crime and Problem Analysis (CAPA) Branch*



**REPORTED DOMESTIC VIOLENCE FOR THE YEAR 2018 AS OF (30.04.18)**

<b>Offences</b>	<b>2018</b>
Murder	14
Sexual Abuse	0
Assault by Beating	173
Breach of Protection Order	41
Child Abuse & Abandonment	1
Malicious Damage	1
Psychological Abuse	0
Threats	72
Verbal Abuse	11
Wounding	7
<b>Total</b>	<b>320</b>

*Statistics by Crime and Problem Analysis (CAPA) Branch*

**DOMESTIC VIOLENCE STATISTICS - CASES FILED AND CASES DISPOSED FOR THE PERIOD 2003- 2018**

<b>PERIOD</b>	<b>NEW CASES FILED</b>	<b>CASES DISPOSED OF BY MANNER OF DISPOSITION</b>
2017-2018	8232	5578
2016-2017	8525	7788
2015-2016	8816	8256
2014-2015	9284	8587
2013-2014	10389	9370
2012-2013	11382	10145
2011-2012	11627	10530
2010-2011	11984	12031
2009-2010	12106	10817
2008-2009	11629	10700
2007-2008	11213	11562
2006-2007	10785	13275
2005-2006	9950	9105
2004-2005	9330	8206
2003-2004	8976	8381
<b>TOTAL</b>	<b>154,228</b>	<b>144,331</b>

Source: Judiciary Annual Reports <http://www.ttlawcourts.org/index.php/newsroom/annual-reports.html?view=article&id=237>

**DOMESTIC VIOLENCE STATISTICS  
PER MAGISTERIAL DISTRICT FOR THE PERIOD 1999- 2010  
SOURCE: JUDICIARY ANNUAL REPORTS**

	<b>1999-2000</b>	<b>1999-2000</b>	<b>2001-2002</b>	<b>2001-2002</b>	<b>2005-2006</b>	<b>2005-2006</b>	<b>2007-2008</b>	<b>2007-2008</b>	<b>2008-2009</b>	<b>2008-2009</b>	<b>2009-2010</b>	<b>2009-2010</b>
<b>MAGISTERIAL DISTRICT</b>	<b>NEW CASES FILED</b>	<b>CASES DISPOSED</b>	<b>NEW CASES FILED</b>	<b>CASES DISPOSED</b>	<b>NEW CASES FILED</b>	<b>CASES DISPOSED</b>	<b>NEW CASES FILED</b>	<b>CASES DISPOSED</b>	<b>NEW CASES FILED</b>	<b>CASES DISPOSED</b>	<b>NEW CASES FILED</b>	<b>CASES DISPOSED</b>
Arima	804	888	998	1036	1215	1191	1781	1629	1867	1490	2100	1494
Chaguanas	736	765	951	1078	1404	1298	1644	1555	1280	1455	1534	1333
Couva	389	381	594	472	539	540	502	508	665	661	754	710
Mayaro	0	70	109	103	105	109	130	335	139	120	184	176
Point Fortin	161	165	202	199	347	110	346	161	440	240	486	428
Princes Town	337	346	576	526	635	659	697	654	889	761	862	858
Rio Claro	54	65	139	108	159	151	222	241	142	131	167	165
San Fernando (Old Court)												
San Fernando	840	725	986	967	1469	1267	1238	2072	1422	1320	1428	1308
Sangre Grande	386	376	542	576	690	623	774	686	698	780	724	664
Siparia	500	558	491	652	900	853	1226	1119	1202	1315	1206	1107
St George West	1626	1785	2105	1626	1512	1341	1677	1725	1883	1507	1580	1525
Tobago	227	232	327	329	322	350	344	273	449	321	468	460
Tunapuna	494	480	744	725	653	613	632	604	553	599	613	589
<b>TOTAL</b>	<b>6554</b>	<b>6836</b>	<b>8764</b>	<b>8397</b>	<b>9950</b>	<b>9105</b>	<b>11213</b>	<b>11562</b>	<b>11629</b>	<b>10700</b>	<b>12106</b>	<b>10817</b>

