



PUBLIC CONSULTATION ON DOMESTIC VIOLENCE

THE NEED FOR GREATER PROTECTION.



Presentation by: Mrs. Suzanne Taylor, Solicitor General and Attorney General, Office of the Attorney General and Ministry of Legal Affairs.

What is Domestic Violence?

- Physical Abuse**: Shows or uses force against another person which causes or is likely to cause injury.
- Sexual Abuse**: Includes sexual activities or contact with a person which is unwanted or unwelcome or which causes or is likely to cause the victim to feel humiliated, insulted or offended.
- Emotional/Psychological Abuse**: Abuse that causes or is likely to cause a person to feel fearful, nervous, anxious, depressed, or otherwise distressed.
- Financial Abuse**: Abuse that causes or is likely to cause a person to feel financially insecure or to be unable to meet their basic needs.

Persons in a "domestic relationship"	Spouse/Former Spouse
	Child/teen
	Child
	Dependent
	Relative
	Partner
	Visiting/Dating relationship
	Persons living in the same household
	Persons who share a child
	Caring situation

Protection Orders: Empowering Victims

- Prohibit**: The court may prohibit the defendant from doing anything that would constitute an offence under the Act.
- Leave Residence**: The court may order the defendant to leave the residence, whether or not the defendant is a tenant or licensee of the residence.
- Restrict Contact**: The court may order the defendant to refrain from contacting the victim or any person who has contact with the victim.
- Restrict Access**: The court may order the defendant to refrain from entering any premises where the victim resides, works, carries on business, or frequents.
- Restrict Possession**: The court may order the defendant to refrain from possessing any firearm or dangerous weapon.
- Restrict Driving**: The court may order the defendant to refrain from driving a motor vehicle.

Infancy	Childhood	Adulthood	Adulthood	Old Age
0-17	18-24	25-64	65-74	75+
0-17	18-24	25-64	65-74	75+
0-17	18-24	25-64	65-74	75+
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Tragic Case of Samantha Isaacs

Tai Lamphis (Administratrix of Estate) v. The Attorney General of Trinidad and Tobago (CJ 2021-85176)

Reports That Were Made By Samantha To The Police

- 1st Reported Incident** 21st May 2013
Fire report made to the Trinidad and Tobago Police Service regarding damage to property.
- 2nd Reported Incident** November 2015
Report made regarding an assault which resulted in injuries.
- 3rd Reported Incident** 17th June 2017
A Report was made regarding a forced entry at her residence where the respondent was armed with a knife and firearm, making threats.
- 4th Reported Incident** 15th December 2017
A Report was made for an assault a day prior to the final outcome.

TRINIDAD & TOBAGO REALITY



IMPROVING IMPLEMENTATION OF THE ACT

- Training gaps in evidential preparation?
- Legal Aid for disadvantaged victims?
- Ideal and sustainable collaborative structures?
- Public awareness?
- Domestic of matters?
- Consequences for failure to assist?
- Higher standards for protective services?
- Continuance of criminal matters in the absence of states?
- Emotional intelligence programs at schools?

Legislative Framework

Current Law
Amendments (2020, 2021)
Full Implementation of the Act
Proposed amendments - Jurisdictional precedents

Samantha's Use of the Justice System



Findings Of The Court

- A** Right to life, as guaranteed by section 4(a)
- B** Right to equality before the law and protection of the law, as guaranteed by section 4(b)
- C** Respect for family life, as guaranteed by section 4(c)

STATISTICS

- Ministry of Health**
March 2020 - March 2022: 6,250 Reports
- Judiciary of Trinidad and Tobago**
2022/2023 - 9,851 new family court filings, (3,173 involving domestic violence)
- The National Advisory Committee on Constitutional Reform**
1995 & 2013: 8.4%
- 2010 - 2022: 23,498 domestic violence cases, averaging 1,800 annually, with 381 resulting in murder.

THANK YOU.

What we hope to achieve

- Collaboration
- Input
- Reduction of Statistics
- Honest Reflection
- Restoring the Stigma
- Real Change
- Outcome Statement



IT TAKES A VILLAGE

DOMESTIC VIOLENCE IS EVERYONE'S PROBLEM.

- ✓ Parents
- ✓ Grandparents
- ✓ Aunts & Uncles
- ✓ Teachers
- ✓ Public Defenders
- ✓ Neighbours
- ✓ Coaches
- ✓ Relatives
- ✓ Councillors
- ✓ Community Leaders
- ✓ Police Officers
- ✓ Friends
- ✓ Older Siblings
- ✓ Government
- ✓ Business Owners
- ✓ Judges
- ✓ Religious Leaders
- ✓ Childcare Providers
- ✓ Social Workers
- ✓ Doctors & Nurses
- ✓ Caregivers
- ✓ Human Rights Activists

Presentation by:

**Mrs. Farzana Nazir-Mohammed,
Director, Criminal Justice Unit,
Office of the Attorney General and Ministry of Legal Affairs**

What is Domestic Violence?



Physical Abuse

Means any act or omission which causes physical injury.



Sexual Abuse

Includes sexual conduct of any kind that is coerced by force or threat of force.



Emotional/ Psychological Abuse

Acts or omissions or a pattern of behaviour intended to undermine the mental well-being of a person.



Financial Abuse

Perpetrator is exercising coercive control over or exploiting or limiting a person's access to financial resources.

**Persons in a
"domestic
relationship"**

Spouse/Former Spouse

Cohabitant

Child

Dependent

Relative(s)

Fiance

Visiting/Dating relationship

Persons living in the same household

Persons who share a child

Caregiving situations



Infancy

- Injury
- Difficulty regulating emotions
- Attachment problems
- Development and growth delays

Childhood

- Anxiety/mood disorders
- ADHD
- Behavioural difficulties
- Low self-esteem
- Peer difficulties
- Academic problems

Adolescence

- Conduct disorders
- Substance abuse
- Suicide attempts
- Risky behaviours
- Eating disorders
- Dating violence prevention

Adulthood

- Personality disorders
- Chronic disease and pain
- Relationship problems
- IPV perpetration
- Mistreatment of children

Old Age

- Depression
- Decreased life expectancy
- Financial problems



Protection Orders: Empowering Victims



Purpose:

A Protection Order is a vital tool that can potentially save a victim's life.



Court Directions:

The court may direct the abuser to: stop all contact, leave the shared home, continue mortgage/ utilities payments and attend therapy.



Section in the Domestic Violence Act:

Section 6 allows for extensive prohibitions or directions within a Protection Order.



Reporting Violations:

If the abuser violates the order, report to the Police immediately. If not investigated, a complaint can be lodged with the Police Complaints Authority under section 23(5).



Issue:

Despite a strong legal framework, many victims still suffer from domestic violence in our society.

TRINIDAD & TOBAGO REALITY

Data on Domestic Violence for the period 2019 – 2024(21.08.24)

1. The number of reports that have been made regarding domestic violence over the past five (5) years;

Offences	Reports					
	2019	2020	2021	2022	2023	2024
Homicide	37	40	34	33	29	17
Sexual Abuse	0	6	6	102	293	117
Assault By Beating	528	1380	1336	1690	2646	1227
Breach of Protection Order	194	215	184	184	281	111
Child Abuse & Abandonment	11	6	9	10	116	45
Malicious Damage	8	27	38	99	303	132
Psychological Abuse	0	4	0	0	1	0
Financial Abuse	0	4	0	0	0	0
Threats	256	630	509	846	1464	698
Verbal Abuse	21	44	27	59	131	85
Wounding	23	86	127	60	98	88
Total	1078	2442	2270	3083	5362	2520

2. The number of individuals that have been charged with domestic violence offences over the past five (5) years

Offences	Persons Charged					
	2019	2020	2021	2022	2023	2024
Homicide	16	26	20	18	15	8
Sexual Abuse	0	1	0	12	1	1
Assault By Beating	9	75	67	45	26	4
Breach of Protection Order	104	166	189	82	116	52
Child Abuse & Abandonment	0	1	3	1	0	0
Malicious Damage	0	2	3	5	2	0
Psychological Abuse	0	0	0	0	0	0
Financial Abuse	0	0	0	0	0	0
Threats	2	13	42	15	12	2
Verbal Abuse	1	1	1	0	2	0
Wounding	1	21	34	18	0	1
Total	133	306	359	196	174	68

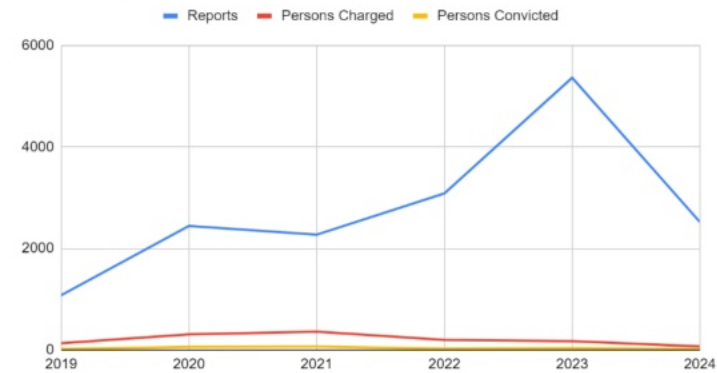
3. The number of domestic violence cases that have been prosecuted/persons convicted over the past five (5) years;

Persons Convicted / Prosecuted

Offences	2019	2020	2021	2022	2023	2024
Homicide	0	0	0	0	0	0
Sexual Abuse	0	0	0	0	0	0
Assault By Beating	2	13	16	6	9	0
Breach of Protection Order	15	43	33	15	21	13
Child Abuse & Abandonment	0	0	0	0	0	0
Malicious Damage	0	1	1	1	1	0
Psychological Abuse	0	0	0	0	0	0
Financial Abuse	0	0	0	0	0	0
Threats	0	0	13	2	2	0
Verbal Abuse	0	0	0	0	2	0
Wounding	0	3	3	2	0	0
Total	17	60	66	26	35	13

National Statistics

Reports, Persons Charged and Persons Convicted



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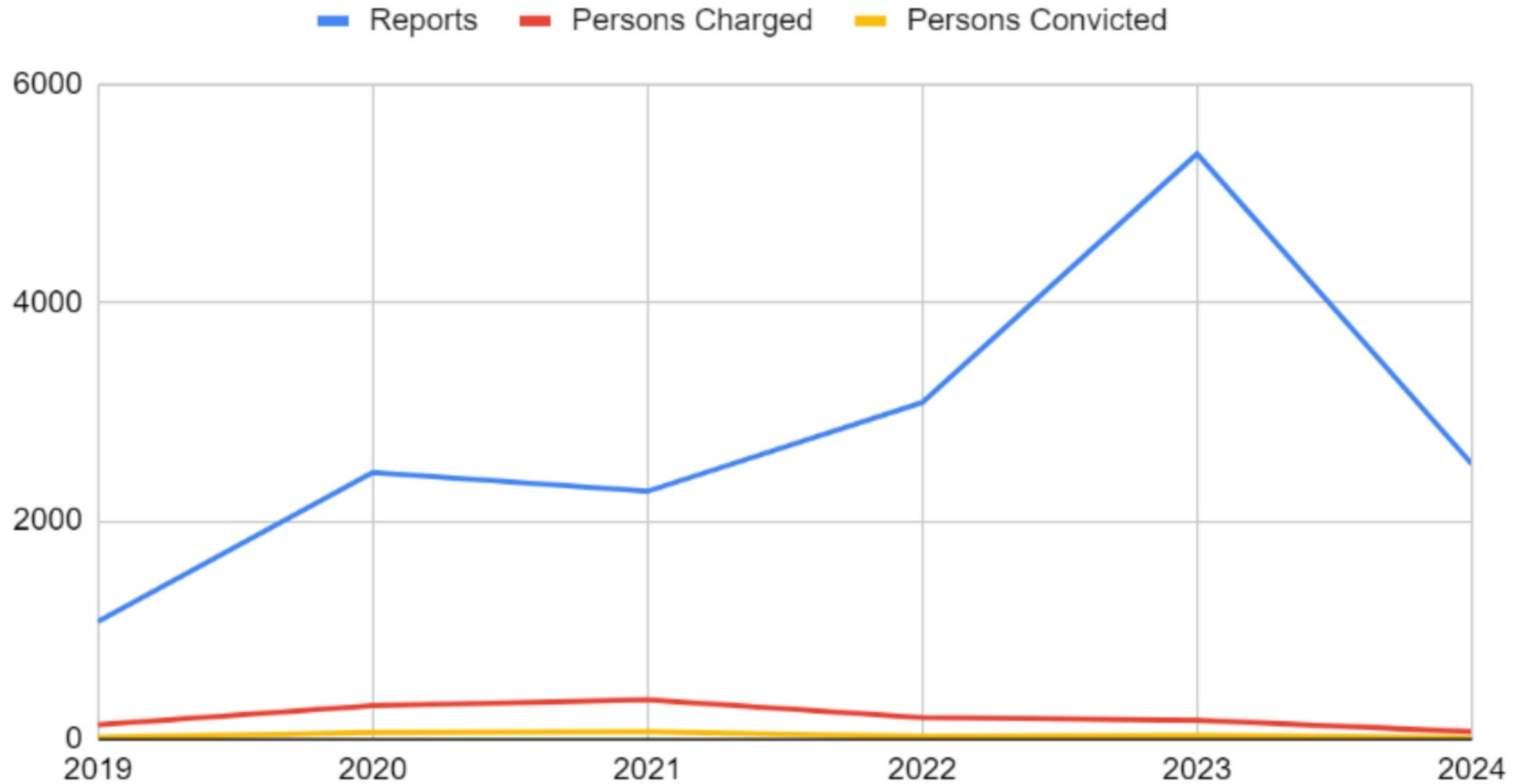
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Child Abuse & Abandonment	0	0	0	0	0	0
Malicious Damage	0	1	1	1	1	0
Psychological Abuse	0	0	0	0	0	0
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National Statistics

Reports, Persons Charged and Persons Convicted





STATISTICS

Ministry of Health

March 2020 - March 2022: 6,250 Reports



30%

35%



Judiciary of Trinidad and Tobago

2022/2023 - 9,051 new family court filings,
(3,173 involving domestic violence)

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averaging 1,800 annually, with 381 resulting in
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1995 & 2013: 8.4%

Tragic Case of Samantha Isaacs

*Tot Lampkin (Administratrix ad litem) v. The Attorney
General of Trinidad and Tobago (CV2021-03178)*



Reports That Were Made By Samantha To The Police

1st Reported Incident 21st May 2013

First report made to the Trinidad and Tobago Police Service regarding damage to property.

2nd Reported Incident November 2015

Report made regarding an assault which resulted in injuries.

3rd Reported Incident 17th June 2017

A Report was made regarding a forced entry at her residence where the respondent was armed with a knife and firearm, making threats.

4th Reported Incident 15th December 2017

A Report was made for an assault a day prior to the fatal encounter.



Samantha's Use of the Justice System



**Police
Reports**



**Legal
Action**



**Court
Acknowledgment**



Outcome



Findings Of The Court

A

Right to life, as guaranteed by section 4(a)

B

Right to equality before the law and protection of the law, as guaranteed by section 4(b)

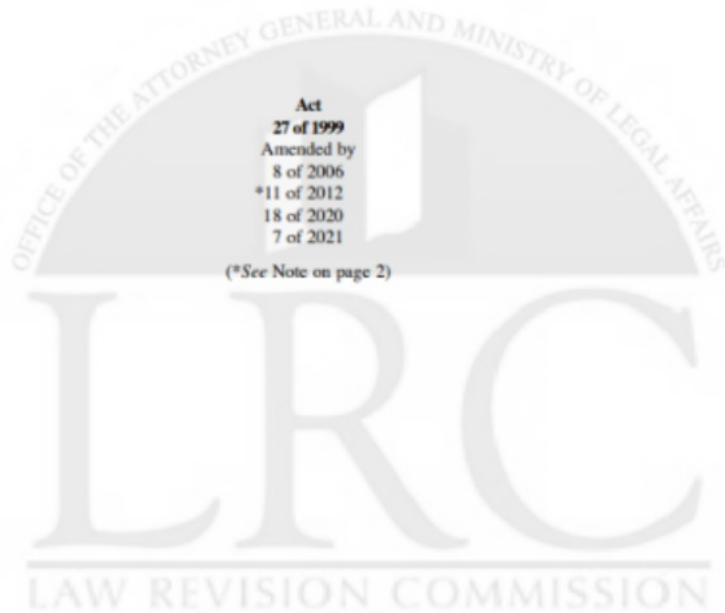
C

Respect for family life, as guaranteed by section 4(c)

UNOFFICIAL

DOMESTIC VIOLENCE ACT

CHAPTER 45:56



Current Authorised Pages	
Pages (inclusive)	Authorised by L.R.O.
1-54	..

CONSOLIDATION

Legislative Framework

Current Law

Amendments (2020, 2021)

Full Implementation of the Act

Proposed amendments -
Jurisdictional precedents



IMPROVING IMPLEMENTATION OF THE ACT

Training gaps in evidential preparation?

Legal Aid for unrepresented victims?

Ideal and sustainable collaborative structure?

Public awareness ?

Dismissal of matters ?

Consequences for failure to act?

Higher standards for protective services?

Continuance of criminal matters in the absence of victim ?

Emotional intelligence programs at schools?

What we hope to achieve

Collaboration

Input

Reduction of Statistics

Honest Reflection

Removing the Stigma

Real Change

Outcome Statement





**THANK
YOU.**



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THE NEED FOR GREATER PROTECTION.



Presentation by: Mr. Harvey Smith, Director, Criminal Justice Unit, Office of the Attorney General and Ministry of Legal Affairs

What is Domestic Violence?

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- Sexual Abuse:** Includes sexual contact of any kind that is unwanted by the victim or that is obtained by force or threat of force.
- Emotional/Psychological Abuse:** Any act or omission on the part of a person that is intended to or has the effect of undermining the mental or physical well-being of the victim.
- Financial Abuse:** Any act or omission on the part of a person that is intended to or has the effect of undermining the financial well-being of the victim.

Persons in a 'domestic relationship'	Spouse/Former Spouse	
	Child	Child
Dependent	Dependent	
Relative	Relative	
Partner	Partner	
Visiting/Working relationship	Visiting/Working relationship	
Persons living in the same household	Persons living in the same household	
Persons who share a child	Persons who share a child	
Carrying a common child	Carrying a common child	

Protection Orders: Empowering Victims

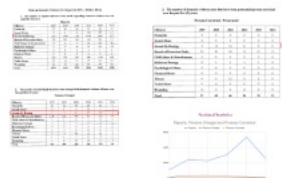
- Types:** Interim, Final, Ex parte, etc.
- Classifications:** Personal, Sexual, etc.
- Violence to be Prohibited:** Physical, Sexual, Emotional, etc.
- Enforcement:** Breach is a criminal offence.

Category	Childhood	Adolescence	Adulthood	Older Age
Physical Abuse	Child abuse, Neglect, etc.	Child abuse, Neglect, etc.	Child abuse, Neglect, etc.	Child abuse, Neglect, etc.
Sexual Abuse	Child sexual abuse, etc.	Child sexual abuse, etc.	Child sexual abuse, etc.	Child sexual abuse, etc.
Emotional/Psychological Abuse	Child abuse, Neglect, etc.	Child abuse, Neglect, etc.	Child abuse, Neglect, etc.	Child abuse, Neglect, etc.
Financial Abuse	Child abuse, Neglect, etc.	Child abuse, Neglect, etc.	Child abuse, Neglect, etc.	Child abuse, Neglect, etc.

Tragic Case of Samantha Issues

The Lamplins (Administrators of Estate) v. The Attorney General of Trinidad and Tobago (CF 2021-01176)

TRINIDAD & TOBAGO REALITY



IMPROVING IMPLEMENTATION OF THE ACT

- Training apps to criminal prosecutors?
- Legal Aid for unrepresented victims?
- Mental and sustainable collaborative treatment?
- Public awareness?
- Dismissal of matters?
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What we hope to achieve

- Collaboration
- Support
- Reduction of Stigmata
- Eliminate Barriers
- Empowering the Victims
- Real Change
- Outcome Testimonial

STATISTICS

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