



MINISTERIAL STATEMENT
To the Senate

by

Senator the Hon. Kim R. Wilkerson, JP
Attorney-General and Minister of Justice

**“Empowering Justice – Introducing a Domestic Violence Court
Programme to Bermuda”**

Wednesday, 18th December 2024

Madam President, today, I wish to inform the members of this Senate about the significant advancement we are making towards establishing the Domestic Violence Court Programme. This dedicated judicial mechanism is being designed to provide timely, compassionate, and effective support to those affected by domestic violence.

The Government objective is to create a court system that addresses the unique challenges faced by victims, ensuring that they receive the justice and support they deserve. By instituting this court, we are taking a

monumental step towards safeguarding the rights and well-being of individuals affected by such heinous acts. This is a definitive change in practice and priority.

Madam President, I firmly believe that as we modernise and address systemic challenges, we must ensure that our courts reflect the diverse voices of the populations they serve, with the foundational understanding that their purpose is to serve the people.

Madam President, I also believe that judicial systems should shift from predominantly punitive models to rehabilitative and restorative approaches, which is critical in addressing systemic inequities.

Madam President, we are all acutely aware that domestic violence continues to be a pervasive issue in our community. According to the figures provided by the court, during the period of January 1 to December 31, 2022 there were a total of ninety-one (91) Domestic Violence Protection Orders (DVPOs) issued, during the period of January 1 to December 31, 2023 there were a total of eighty (80) DVPOs issued and from January 1 to November 30 2024 there was a total of one hundred and forty (140) DVPO's issued.

Madam President, the Department of Public Prosecutions has indicated that approximately one third (1/3) of their cases involves domestic violence. While these reports are only a portion of the overall problem, they are a clear indication that many people in our community are suffering in silence. **Madam President**, while we may not always see the full extent of the problem, behind closed doors, countless lives are disrupted by violence, fear, and trauma. Children are often the silent victims of domestic violence and the impact on their lives can be profound. Growing up in an environment where abuse is present can shape their view of relationships, instil fear, and leave emotional scars that may persist into adulthood. **Madam President**, the launch of this specialized court marks a turning point in how we address this grave issue in order to break the cycle.

Madam President The principal intent underpinning any Domestic Violence Court Programme is to try to resolve cases faster, provide early intervention, provide better risk assessment, and provide better support to women through to community agencies and safety supports.

Madam President, the Bermuda's judicial system has already experienced specialized courts schemes with the introduction of the Drug Treatment Court in 2016, and the Mental Health Court in 2001. It is anticipated that the pilot phase of the Domestic Violence Court will

officially commence its operations in January 2025. And **Madam President**, from that moment, the courts will begin handling domestic violence cases with the urgency and focus that this issue demands. It is clear, **Madam President**, timely access to justice is crucial for survivors, and this court will prioritize swift hearings and resolutions, allowing victims to access safety and protection as quickly as possible.

Madam President, domestic violence is not only a legal issue but a social one, affecting the mental and physical well-being of survivors, their families, and their communities. It is a public health crisis that requires a comprehensive and empathetic response.

The Legislative Framework for the Domestic Violence Court

As the Minister responsible for justice, I understand the critical need for a strong legislative framework to support this court. To ensure that the Domestic Violence Court is not only an administrative success but also a truly effective and transformative initiative. **Madam President** this scheme will undoubtedly have a legislation and policy changes.

Madam President, it is the Ministry intention to review and strengthen our Domestic Violence Protection Orders. A key feature of the Domestic Violence Court will be the implementation of DVPOs in a timelier

manner. This means that victims will no longer have to wait for prolonged periods before gaining protection from the court.

Madam President, this bodes well with best practices to ensure that these orders are issued immediately to safeguard survivors. The court will also have the authority to impose strict conditions on perpetrators, including no-contact orders and restrictions on access to the home.

Madam President, it is being contemplated that legislation will be introduced to allow for Police-Initiated DVPOs. This would be a core component of the policy shift. **Madam President**, this would allow law enforcement officers to apply directly for DVPOs on behalf of survivors and significantly reduce the burden on victims who may already be overwhelmed and traumatized. This process will streamline the application and enforcement of protection orders, ensuring that timely intervention can be made in dangerous situations, even before a case reaches the court.

In addition, **Madam President**, many community partners believe it is imperative that we introduce evidence-based prosecutions that does not solely rely on survivor testimony to proceed with a case.

Madam President, requiring a victim to testify in court can lead to further trauma. In some instances, victims may fear retribution or may be unable to appear due to their circumstances. By implementing evidence-based prosecutions, we can alleviate these burdens and pursue justice more effectively. Allowing prosecutors, **Madam President**, to rely on witness statements, police reports, medical evidence, and other documentation, we can ensure that perpetrators are held accountable without subjecting survivors to further emotional distress.

This approach not only respects the well-being of survivors but also strengthens our legal system. It demonstrates our commitment to protecting the vulnerable and ensuring that justice is served, regardless of the obstacles.

Madam President, the Government is also looking at the possibility of enacting a version of Clare's Law, which has been successful in the UK. This law allows individuals to inquire about their partner's history of domestic violence and enables the police to proactively warn potential victims about the abusive history of a partner. The aim is to prevent further harm by providing individuals with the knowledge they need to protect themselves, and by empowering the community with resources to intervene before violence escalates.

Legislative Issues for Perpetrators

Equally important to protecting survivors is the need to hold perpetrators accountable. **Madam President**, the Domestic Violence Court will work within the framework of the existing criminal law, but we will also be reviewing sentencing guidelines to ensure that perpetrators are appropriately penalized. We will explore options for specialized rehabilitation programs that address the root causes of abusive behaviour, as well as the introduction of mandatory counselling for offenders. For those who commit the most severe acts of violence, we will ensure that they face appropriate criminal penalties, with no leniency for repeat offenders.

This new programme will seek to strengthen existing legislation to ensure that perpetrators who violate protection orders face immediate legal consequences, including arrest and detention. Our goal is not only to protect survivors but to deter future violence through the consistent application of justice. **Madam President**, there is a deep-rooted commitment to promoting a justice system that is equitable, restorative, and accessible to all.

The Path Forward

As we embark on this important journey, I want to emphasize **Madam President**, that the Domestic Violence Court Programme is not just a place for legal proceedings, but a vital part of our commitment to create a safer and more supportive environment for all of Bermuda's residents. We recognize that domestic violence is not just a criminal issue, but a deeply social and psychological one that requires a holistic approach.

Madam President, so it is essential to establish a multi-agency collaboration with our partners in law enforcement, court services, health services, social services, and community organizations to ensure that survivors have access to the resources they need for long-term recovery and empowerment.

Madam President, this specialized court must be supported by programmes for the victims, programmes for the perpetrator and programmes who the children who witness the violence. Specialized training for sectors, such as the judiciary and the police will be beneficial in order to understand the dynamics of the type of abuse and how it manifests in relationships. For example, controlling and coercive behaviour is a form of domestic abuse that often goes unnoticed yet can have devastating effects on its victims. **Madam President**, controlling

behaviour involves actions that isolate, monitor, or manipulate a victim's every move, while coercive behaviour forces them to act against their will through threats, intimidation, or emotional pressure. There may not be a physical scar, but there can be a lasting psychological scar. **Madam President**, equipping the legal professionals, law enforcement and other support services with the skills to identify and address the controlling and coercive behaviour will ensure that the victims are protected.

In closing, **Madam President**, I want to reassure every person who has been affected by domestic violence that we hear you, we see you, and we are committed to providing the legal protection, support, and justice you deserve. The Domestic Violence Court Programme is not only a court for the victims—it is a court that stands firmly in support of a safer, more just Bermuda for all.

Thank you, **Madam President**.