

the PPS works with the 'Instruction relational violence' (*Aanwijzing relationeel geweld*). This instruction is a working procedure, and therefore a living document, for domestic violence cases. In addition to that, KPSM, CoG and Safe Haven have their (internal) working procedures for domestic violence cases as well.

Another vital aspect of an effective approach on domestic violence is reliable and objective registration. The Council recommends to ensure that domestic violence cases are registered separately by the PPS and KPSM. I can inform you that the PPS and KPSM both have their own registration system. Moreover, figures are also regularly shared between the two organizations and improvements have been made on accurate and consistent registration.

Another element that the Council recommends is the establishment of a sentencing directive for the prosecution of domestic violence. Both the PPS and my ministry support this recommendation. Such a directive has to be initiated by the PPS and will also apply to Curacao and the BES islands. However, due to the shortage of staff, at this moment there is no specific timeline in which this can be realized by the PPS.

Finally, regarding the recommendation on implementing a specific training order (*leerstraf*) for domestic violence, the report states that SJIS (Sint Maarten's probation office) indicated that it has submitted project proposal to my ministry to be financed from the Crime Fund. Indeed, a proposal was submitted, however this proposal did not contain a concrete and substantiated project plan which could justify any financing out of the Crime Fund.

Yours sincerely,
The Minister of Justice,

Anna E. Richardson



and other related forms of violence. This draft document of VSA is a good stepping stone to an interministerial policy on domestic violence. Therefore, I will commit in stimulating the justice chain on contributing to the drafting of a domestic violence policy.

The Council also recommends to provide the Court of Guardianship (hereafter: CoG) with the necessary resources to implement and structurally fulfill its legal task as a central registry for child abuse. In this respect I will encourage CoG to submit their annual plan including a budget plan in which (such additional) resources are motivated. Up till now, CoG never submitted an annual plan or annual report. I would like to point out that the CoG is formally not part of the Ministry of Justice. It is financed by my ministry but managed by a board. The board of the CoG should initiate i.a. policy documents, action plans and guidelines for its organization to tackle domestic violence.

Regarding the third recommendation of the Council, that is the establishment of a Victim Support Service, I would like to state that I fully agree with the added value and need of a Victim Support Service. In 2012 and 2017 initiatives were taken by my ministry to establish a victim support service. However, these project initiatives were hampered and even stopped because of the lack of financial means. Therefore, my first priority is to find sufficient financial resources for such a support service. The ministry will shortly start this process. The setting up and funding of a victim support service should not be limited to the Ministry of Justice but should also be an interministerial initiative. I will therefore discuss this issue during the Council of Ministers' budget meetings. In addition to this, the ministry is looking into possibilities to have the start-up of a Victim Support Service financed by external parties. Furthermore, I would like to point out that the draft (new) Criminal Procedure Code, which is pending approval by Parliament since mid-2018, strengthens the position of the victim. A separate title (Book two, Title III) is devoted to the victim and contains all rights of the victim, including the options to exercise the so-called right to speak at a hearing and to obtain compensation.

The Council also make mention of implementing a reporting code for (medical) professionals. However, it has not been established, in practice, that there is at this moment an urgent need for an obligatory reporting code for (medical) professionals to report signs of child abuse, in addition to the anonymous reporting option for (medical) professionals (vide Article 1: 243c of the Civil Code). Even without a legal obligatory character, a professional should feel morally obliged to report signs of child abuse.

Within the same context, I also see the importance of specialized training for law enforcement personnel who deal with cases of domestic violence. In general, the professionalization of the justice chain is an important focus point for my ministry in the coming period. A specific training for domestic violence cases could be part of this.

With reference to the Council's recommendation on creating awareness in the community; I am pleased to mention that our justice chain has continually been creating awareness for the fight against domestic violence in the past years. Not only did the Public Prosecutor Service (hereafter: PPS) organize a convention on domestic violence for the justice chain, the Police also did their part in launching a media campaign during the lockdown. We will continue to create awareness in the community by initiating new awareness projects. I am delighted to mention that an international film team will come to Sint Maarten to make a movie about domestic violence.

In regard to the Council's recommendation of standardizing and implementing written work procedures, I would like to point out that this has already been realized by several judicial organizations. Since 2017



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To: The President of the Parliament

Philipsburg, October 20, 2020

Ref. nr.: 229-20B/JUS

Subject: Inspection report on the approach to domestic violence in Sint Maarten

Dear President,

Pursuant to Article 30, paragraph 5, of the Kingdom Act of the Law Enforcement Council, I hereby submit the "Inspection report on the approach to domestic violence in Sint Maarten"; I will also give you my response to this report through this letter.

The Council for Law Enforcement (hereafter: the Council) has for the first time conducted an inspection specifically aimed at the approach of domestic violence. In its inspection, the Council involved all relevant parties within the justice chain, the Ministry of Public Health, Social Development and Labor (VSA) and the Ministry of Education, Culture, Youth and Sports (ECYS), as well as Safe Haven, SMMC and MHF. In its report, the Council makes a total of ten recommendations. All these recommendations are addressed to the Ministry of Justice, but nonetheless affect all parties involved in the approach on domestic violence on Sint Maarten.

I take the findings and recommendations of the Council regarding their inspection into the approach to domestic violence in Sint Maarten very seriously.

At the same time, I hasten to say that the very limited financial resources and manpower of not only the Ministry of Justice but also of all aforementioned involved parties, make it particularly difficult to live up to and implement all the recommended actions and provisions to address domestic violence.

The recommendations of the Council and my ministry's perspective on them will be discussed in more detail below.

The first and probably also the most fundamental recommendation entails finalizing and implementing a domestic violence policy with the necessary resources. I fully agree with the necessity of an interministerial policy for domestic violence. In practice all the relevant stakeholders know how to find and support each other but for a more structural and effective fight against domestic violence the three ministries will need to come together in one integrated approach. The Ministry of VSA, from their perspective and point of view, already initiated the drafting of a policy document on domestic violence