



Domestic Violence & Abuse Bill

Rachel Kryz
Co-director

Government proposals

- A limited Domestic Violence and Abuse Bill covering:
 - A legal definition of domestic violence put into statute which will underpin all elements of the Bill.
 - A new Domestic Abuse Order to consolidate a new protective order regime.
 - Domestic Violence Commissioner – new independent commissioner with a wide remit.
 - Abusive behaviour where a child is involved to become a new aggravated offence. Sentencing to reflect impact on children.
 - Territorial jurisdiction to ratify the Istanbul Convention.
- In addition the Home Office has offered an extensive non-legislative package to support the delivery of the VAWG strategy

EVAW member's response

- A legal definition of domestic violence put into statute which will underpin all elements of the Bill.
 - There is currently a non-statutory definition.
 - Issues will be how well it helps identify perpetrator, acknowledges gendered nature of abuse, intersectionality.
 - We would like to see coercive control at the centre of a new definition and have regard for all forms of abuse.
 - We want this legislation to acknowledge the disproportionate impact of violence on BME and migrant women, and women with insecure immigration status or no –recourse. This should be recognised in the definition.

EVAW member's response

- A new Domestic Abuse Order to consolidate a new protective order regime.
 - This is likely to be under civil courts.
 - If breached could be a criminal offence (DV protection order breach is NOT currently a criminal offence)
 - We would like all the current protection orders for other forms of VAWG to be reviewed.
 - Opp to intro anonymity for image based abuse (currently outside this protection)
 - Other gaps in protection include upskirting and use of sexual history evidence in sexual violence trials – all of this should be covered in this legislation
 - We would like to see a guarantee of advocacy for victims as it has such a significant impact on criminal justice outcomes.
 - Police guidance and risk assessments need to be thought through.

EVAW member's response

- Domestic Violence Commissioner – new independent commissioner with a wide remit.
 - The idea is that this commissioner will stand up for victims and survivors, raise awareness, hold police and justice system to account.
 - The powers should extend to Wales.
 - We would like this commissioner to have powers to ensure commissioning of services is effective and to be VAWG (NSE)
 - The commissioner should have a role in ensuring data is collected and productive...there is no system currently.
 - Setting standards – for services, perpetrator interventions etc

EVAW member's response

- Abusive behaviour where a child is involved to become a new aggravated offence. Sentencing to reflect impact on children.
 - We would like to see this extend to a full review of the family courts
 - There should be a review of the duty to protect and how written agreements are being used (Ofsted et al)
 - Shift in the presumption of parental involvement
 - Other vulnerabilities should be considered as aggravating factors – disabled women, women with no recourse, BME women – to reflect the inequality which underpins abuse

EVAW member's response

- Territorial jurisdiction to ratify the Istanbul Convention.
 - Some crimes outside of UK including rape of an over 18 and sexual assault where ETJ does not yet apply
 - Gov't has committed to extending jurisdiction on 'some' crimes.

Timetable

- Consultation expected soon (was supposed to be November 2017)
- Draft bill 'Spring' 2018?