

Recent events and developments in tackling VAWG in 2021– are we making progress?

Dame Vera Baird QC

Victims' Commissioner for England and Wales

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Dame Vera Baird QC

Formerly:

- Police and Crime Commissioner for Northumbria
- Association of Police and Crime Commissioners' national lead for supporting victims.
- Ministry of Justice Minister
- Solicitor General
- Member of Parliament
- Criminal Barrister and QC

The Victims' Commissioner for England and Wales

The role of the Victims' Commissioner, as defined in s49 Domestic Violence, Crime and Victims Act 2004 is to:

- Promote the role of victims and witnesses
- Encourage good practice in the treatment of victims and witnesses
- And to keep under review the operation of the Victims' Code

The Domestic Abuse Act 2021

- A **legal definition of domestic abuse** for the first time
- Coercive and controlling behaviour – offence now covers **post-separation behaviour**
- Explicit recognition of **children as victims**
- New offence of **non-fatal strangulation**
- Statutory presumption that DA victims are eligible for **special measures** in criminal, civil and family court
- Role of the **Domestic Abuse Commissioner** now set out in law
- Statutory duty placed on the Secretary of State to publish a **domestic abuse perpetrator strategy**

In sum, this looks at last like a strategic framework for tackling abuse.....

BUT, as ever, there are caveats:

- It needs to be implemented well
- **Migrant women** with no recourse to public funds – a big outstanding issue that the Act is silent on

The Police, Crime, Sentencing and Courts Bill

Three key areas of interest in relation to VAWG:

- **Breach of bail conditions** – a DAPO equivalent needed
- Duty for all local groups, including police, to work together to **tackle serious violence needs to be extended to domestic abuse and sexual violence**
- **Digital download from complainant's devices** – turns the clock back - protection for victims is urgently needed

The End-to-End Rape Review

A review of how the CJS is failing by those responsible for its current system failure!

Producing **compromise proposals and half of the story....**

The 'highs'....

Project Soteria – shifts the police's investigative focus on the offender rather than the victim

Criminal justice system 'scorecards' – published every 6 months under ministerial scrutiny, in turn scrutinised by an external panel, including VC, DA,CJ and VAWG sector agencies

The End-to-End Rape Review

The omissions....

- Extension of **s28 (pre-recorded cross examination)** to intimidated witnesses
- Strengthened protections for over-intrusive and extensive requests for **digital download** (clause in PCSC Bill and independent legal representation)

How can you help?

- **Letter about digital download** clauses to MPs, Peers, Justice Ministers
- Observe the **Specialist Domestic Violence courts** to ensure DA is well prosecuted even as we focus on rape prosecutions
- Done in the NE and Midlands before – material and expertise are readily available: See North East Observers report at:

[Specialist Domestic Violence Courts - how special are they? | News | Blog | Events | SI Lichfield and District \(sigbi.org\)](#)

- Beware: data analysis must happen independently of the agencies it might criticise!



Questions, thoughts, insights, reflections?