





# Important points and challenges in legislative reform processes



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# Some examples of UK legislative reform

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- Overarching Gender Equality Duty in the UK
- No specific offence of domestic violence, but a Government-wide definition
- Forced Marriage Act 2007
- Domestic Violence Crime and Victims Act 2004
- Criminal Justice Act 2003
- Female Genital Mutilation Act 2003
- Sexual Offences Act 2003

## Forced Marriage Act 2007

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- Government consultation on whether to create a new offence of forced marriage in 2005.
- Forced Marriage (Civil Protection) Act 2007 situated within the Family law jurisdiction
  - Provides civil remedies only
  - Protection for victims/potential victims of forced marriage is the aim of the Act
  - Builds on the work of the Forced Marriage Unit

## Domestic Violence Crime & Victims Act 2004

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- Section 1: breach of non-molestation orders is now a criminal offence
- Sections 3 & 4: co-habiting, same-sex couples now have the same access to non-molestation and occupation orders as heterosexual couples. Couples who have never co-habited or been married are also now eligible for non-molestation and occupation orders.
- Sections 5 & 6: Creates a new offence of 'familial homicide'

## Domestic Violence Crime and Victims Act 2004 (continued)

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- Section 12: Restraining orders now available on conviction or acquittal

# Criminal Justice Act 2003

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- Hearsay provisions
- Bad character

## Sexual Offences Act 2003

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- Comprehensive overhaul of previous sexual offences legislation
  - Strengthening and modernisation of law on sexual offences.
  - Protection of individuals from sexual offenders, particularly children and those with a mental disability.
  - Preventative measures improved

# Challenges

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- Legislation not always the best way to achieve safety for VAW victims
- Backlash from other parts of society, who fear 'discrimination'
- Racism, sexism and other stereotypes
- Support of the legislators, police, lawyers and judges
- The role of the media in portraying VAW
- Resources
- Involvement of NGOs

## Holistic approach

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- Legislation is one part of the answer to the problem of domestic violence
- Co-ordinated, multi-agency approach is most effective
  - Specialist domestic violence courts
  - Independent domestic violence advisors & independent sexual violence advisors (IDVAs & ISVAs)
  - Multi Agency Risk Assessment Conferences and Multi Agency Public protection Panels (MAPPAs)

## Contact details

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