

## **Reforming Domestic Abuse Law For the 21st Century**

On 21 January 2019 the government published its draft Domestic Abuse Bill. Domestic abuse is a widespread issue that is taken seriously by the Courts but, somewhat surprisingly, it has never been defined in statute. There has long been awareness of the impact of physical and psychological abuse but there has increasingly been recognition of other branches of domestic abuse, such as financial abuse, which may not have received the attention that they require. Without such recognition, it may be difficult for people properly to understand what is happening to them, leading to the risk of more subtle types of abuse slipping under the radar.

The draft Domestic Abuse Bill may create a platform to begin tackling these issues. Among other things, the Bill provides the first statutory definition of domestic abuse, including both economic abuse and controlling or coercive behaviour. In doing so, vulnerable people who may have been subject to domestic abuse for many years without realising that this is something for which they can reach out to the Courts for help may be given the opportunity and courage to come forward and speak out. It highlights that abuse can go further than physical and psychological and can include other categories of behaviour.

As well as providing victims with a much-needed definition, and so potentially the confidence to speak out about their suffering and obtain legal support and advice, the Bill provides further protection by increasing special measures in criminal proceedings and preventing perpetrators from cross-examining their victims in family cases. For a victim of domestic abuse, it is often incredibly scary just taking steps to report the abuse, let alone speaking about it in a courtroom, and it is not surprising that victims are often reluctant to come forward. This reluctance is likely to be increased by the risk of running into the perpetrator in the corridors and having to face them in the courtroom. In family proceedings, the prospect of being cross-examined by the perpetrator in Court will be a huge concern to victims of domestic abuse who are trying to speak out and may amount to the perpetuation of the abuse. The draft Bill may go a long way to encouraging people to come forward and providing them with some of the protection they need to feel safe doing so.

Other changes include introducing creating a Domestic Abuse Commissioner and introducing new Domestic Abuse Protection Notices and Domestic Abuse Protection Orders. It remains to be seen what impact such reforms will make, but much of the Bill is to be welcomed as long overdue. There is still significantly more that can be done to protect people in cases of domestic abuse, and the law has in many ways been slow in addressing the difficulties faced by victims, but at least it is a start.

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