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Assembly

# Research and Information Service Briefing Paper

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## Domestic Abuse Commissioners

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### 1 Introduction

This paper is written to inform scrutiny of the Domestic Abuse and Family Proceedings Bill. The paper compares and contrasts offices for advocacy for victims of domestic abuse and violence. In particular, the paper examines:

- The office of the Domestic Abuse Commissioner in England
- The office of the Domestic Abuse Advisor in Wales
- Domestic abuse commissions elsewhere
- Alternatives to domestic abuse commissioners

The paper finally compares and discusses the various domestic abuse commissions/commissioners and alternatives.

## 2 Domestic Abuse Commissioner for England and Wales

Nicole Jacobs was appointed Domestic Abuse Commissioner (designate) for England and Wales in 2019<sup>1</sup>. This is a part-time post for the office provided for by Part 2 of the Domestic Abuse Bill<sup>2</sup>.

Clause 4 of the Bill establishes the office, Clause 5 provides for funding and Clause 6 staffing<sup>3</sup>. Clause 7 sets out the functions of the Commissioner:

### **7 General functions of Commissioner**

*(1) The Commissioner must encourage good practice in—*

*(a) the prevention of domestic abuse;*

*(b) the prevention, detection, investigation and prosecution of offences involving domestic abuse;*

*(c) the identification of—*

*(i) people who carry out domestic abuse;*

*(ii) victims of domestic abuse;*

*(iii) children affected by domestic abuse;*

*(d) the provision of protection and support to people affected by domestic abuse.*

*(2) The things that the Commissioner may do in pursuance of the general duty under subsection (1) include—*

*(a) assessing, monitoring, and publishing information about, the provision of services to people affected by domestic abuse;*

*(b) making recommendations to any public authority about the exercise of its functions;*

*(c) undertaking or supporting (financially or otherwise) the carrying out of research;*

*(d) providing information, education or training;*

*(e) taking other steps to increase public awareness of domestic abuse;*

*(f) consulting public authorities, voluntary organisations and other persons;*

*(g) co-operating with, or working jointly with, public authorities, voluntary organisations and other persons, whether in England and Wales or outside the United Kingdom.*

<sup>1</sup> 'Designate Commissioner for Public Appointments', HM Public Appointments, 18 September 2019:

<https://publicappointments.cabinetoffice.gov.uk/appointment/designate-commissioner-for-domestic-abuse/>.

<sup>2</sup> Domestic Abuse Bill: <https://services.parliament.uk/Bills/2019-21/domesticabuse/documents.html>.

<sup>3</sup> Clauses quoted in this paper are for the version on introduction to the House of Lords 7 July 2020.

The Commissioner may provide advice to the Secretary of State or ‘any other person’ who requests it (Clause 9).

Public authorities have a duty to co-operate with the Commissioner (Clause 15) and public authorities and Government Departments have a duty to respond to recommendations (Clause 16). However, the Commissioner does not have investigatory powers or powers of entry, nor are there offences associated with a failure to co-operate with the Commissioner.

The estimated cost of the Commissioner’s office, assuming a staff of fifteen, was around £1 million per annum<sup>4</sup>. The main concerns raised in the 2018 Home Office Committee inquiry into Domestic Abuse regarding the proposals for a domestic abuse commissioner were on the one hand, there would be a risk of duplication of roles in respect of the Commissioner for Victims and Witnesses and the Children’s Commissioners, and on the other, that the proposed powers of any domestic abuse commissioner were insufficient<sup>5</sup>. However, the Committee was supportive of the establishment of the office, as indeed were MPs during the Second Stage debate on the Domestic Abuse Bill in April 2020<sup>6</sup>.

Discussions in the Public Bill Committee during the passage of the Bill in the House of Commons also raised the question of whether the commissioner should have a remit specifically for domestic abuse or for violence against women in general<sup>7</sup>. The former would recognise the scope of domestic abuse experienced by men as well as women, whereas the latter would have the scope to look at all forms of violence against women and girls.

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<sup>4</sup> House of Commons Home Affairs Committee (2018), *Domestic Abuse*, HC 1015, 17 October 2018, London: House of Commons, p.40.

<sup>5</sup> *Ibid.*, pp.40-42.

<sup>6</sup> HC Deb 28 April 2020: <https://hansard.parliament.uk/commons/2020-04-28/debates/AABF0D9C-D3BC-40C5-830A-52073E09ED35/DomesticAbuseBill>.

<sup>7</sup> House of Commons Public Bill Committee, Domestic Abuse Bill, 4 June 2020 (Second Sitting): [https://hansard.parliament.uk/commons/2020-06-04/debates/53d6764e-24e5-4287-8e40-fc3690d696b1/DomesticAbuseBill\(SecondSitting\)](https://hansard.parliament.uk/commons/2020-06-04/debates/53d6764e-24e5-4287-8e40-fc3690d696b1/DomesticAbuseBill(SecondSitting)).

### 3 Domestic Abuse Adviser for Wales

The Commissioner for England and Wales does not deal with devolved matters. Section 20 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015<sup>8</sup> provides for the appointment of a National Adviser for Wales. The first National Adviser was Rhian Bowen-Davies, then Nazir Afzal and Yasmin Khan were jointly appointed to the post in 2017 as a job share.

Section 21 of the Act sets out the functions of the Adviser(s):

#### **21 Functions of the Adviser**

(1) The National Adviser is to exercise the following functions, subject to the direction of the Welsh Ministers—

- (a) to advise the Welsh Ministers about pursuing the purpose of this Act or tackling related matters (see subsection (2));
- (b) to give other assistance to the Welsh Ministers in their pursuit of the purpose of this Act or tackling related matters;
- (c) to undertake research relating to pursuing the purpose of this Act, tackling related matters or examining whether abuse of any kind is related directly or indirectly to inequality of any kind between people of a different gender, gender identity or sexual orientation;
- (d) to advise and give other assistance, with the agreement of the Welsh Ministers, to any person on matters relating to pursuing the purpose of this Act or tackling related matters;
- (e) produce reports on any matter relating to the purpose of this Act or tackling related matters.

(2) A “related matter” for the purpose of subsection (1) is abuse which the National Adviser considers to be related directly or indirectly to inequality of any kind between people of a different gender, gender identity or sexual orientation.

(3) If the National Adviser requests that a relevant authority provides information for the purpose of the exercise of any of the Adviser's functions, the authority must comply with the request unless the authority considers that doing so would—

- (a) be incompatible with the authority's own duties, or
- (b) otherwise have an adverse effect on the exercise of the authority's functions.

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<sup>8</sup> Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015:  
<https://www.legislation.gov.uk/anaw/2015/3/contents>.

(4) A relevant authority which decides not to comply with a request under subsection (3) must notify the National Adviser in writing of the reasons for the decision.

A 'relevant authority' is required to comply with a request for information, or provide reasons for not doing so (s.21(3) and (4)), but the Adviser does not have investigatory powers nor are there sanctions in the legislation associated with non-compliance to a request.

Sections 21-23 of the Act are reproduced at Appendix 2.

Post-legislative scrutiny by the Equality, Local Government and Communities Committee in 2016 identified two issues in relation to the Adviser<sup>9</sup>:

1. Capacity – the post was part-time with one part-time staff member for support
2. Powers – there are no sanctions available to the Adviser in relation to non-compliance to a request for information

The Advisers appointed in 2017 share a full time post, but there has been no amendment to the legislation to enhance their powers.

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<sup>9</sup> Equality, Local Government and Communities Committee (2016), *Is the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 working?*, Cardiff: National Assembly for Wales, pp.31-33.

## 4 Domestic Abuse Commissioners outside the UK

This section looks at commissioners and commissions on domestic abuse or violence outside the UK. The examples outlined are:

- Commission on Gender-Based Violence and Domestic Violence, Malta
- North Carolina Domestic Violence Commission
- Georgia Commission on Family Violence

### **Commission on Gender-Based Violence and Domestic Violence, Malta**

The Maltese Commission on Domestic Violence was established in 2006<sup>10</sup>. Article 6 of the Gender-Based Violence and Domestic Violence Act 2018<sup>11</sup> provided for an extension to the remit of the Commission to gender-based violence in general.

The functions of the Commission are as follows (Article 13):

- to advise the Minister and any State institution on all issues relating to gender-based violence and domestic violence, as well as the measures deemed necessary to ensure conformity with their due diligence obligations as established in article 5 and the Convention<sup>12</sup>;
- to monitor and oversee the effective implementation of the Action Plan developed by Government in accordance with article 5<sup>13</sup>;
- to engage any relevant stakeholders, including civil society, in the effective implementation of the Action Plan mentioned in the preceding paragraph;
- to determine the appropriate financial and human resources required for the adequate implementation of the integrated policies, measures and programmes to prevent and combat all forms of gender-based violence and domestic violence covered by the scope of this Act;
- to support research in the field of gender-based violence and domestic violence in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement the Convention;
- to monitor national standards for support services for victims and perpetrators of gender-based violence and domestic violence, including public or private shelter services or facilities;

<sup>10</sup> 'Overview', Commission on Domestic Violence website, accessed 17 August 2020:

<https://stopviolence.gov.mt/en/Pages/Overview.aspx>.

<sup>11</sup> Act No. XIII of 2018 - Gender-Based Violence and Domestic Violence Act: <https://parlament.mt/en/13th-leg/acts/act-xiii-of-2018/>.

<sup>12</sup> This refers to the Council of Europe Convention on Prevention and Combating of Violence against Women and Domestic Violence: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>. The UK signed the Treaty in 2012 but at the time of writing has not ratified; Ireland signed the Treaty in 2015 and ratified in 2019.

<sup>13</sup> Article 5 provides for a duty on the Maltese Government to develop an Action Plan to combat gender-based violence and Domestic violence.

- to monitor standards and protocols for professionals in the areas covered by the scope of this Act and organise specialised training for the said professionals, including, but not limited to, educators, members of the judiciary and law enforcement officers;
- to comprehensively collect and collate relevant disaggregated statistical data at regular intervals on cases of all forms of violence covered by the scope of this Act from the State, public sector, agencies and other relevant entities, as appropriate;
- to collaborate with the relevant national institutions to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Act;
- to provide the group of experts, as referred to in article 66 of the Convention<sup>14</sup>, with the information collected pursuant to this article in order to stimulate international cooperation and enable international benchmarking;
- to ensure that the information collected pursuant to this article is available to the public;
- to conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including those in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations to increase awareness and understanding among the general public of the different manifestations of all forms of gender-based violence and domestic violence and the need to prevent and address such violence;
- to ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Act, as well as any means of redress available;
- to collaborate with the educational authorities to educate students on the forms of violence covered by this Act and the preventive measures in their regard;
- to provide guidelines to the media in relation to the prevention of the forms of violence covered by the scope of this Act.

Article 7 provides that the Commission shall comprise a Commissioner and between six and twelve Commission members 'who are knowledgeable on issues of gender-based violence and domestic violence, and, or legal and administrative issue'. Audrey Friggieri is the Commissioner in August 2020 and there are eleven Commission members.

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<sup>14</sup> This refers to the Council of Europe Group of experts on action against violence against women and domestic violence (GREVIO), which is responsible for monitoring implementation of the Convention.

The Commission does not have any investigatory powers or powers to compel the provision of information. However, the Commission has an international instrument as a reference point (the Convention) and is required to engage with the relevant monitoring mechanism (GREVIO).

Articles 6 to 18 of the 2018 Act are reproduced at Appendix 3.

### **Domestic Violence Commissions in the USA**

A number of states and counties in the USA have established domestic or family violence commissions. These do not have the same advocacy role as a commissioner might have in the UK or Irish context, but serve more as multi-agency advisory or task groups in relation to domestic violence and abuse. Two such examples are considered here: those of North Carolina and Georgia.

#### ***North Carolina Domestic Violence Commission***

The Domestic Violence Commission of the US State of North Carolina functions under the Department of Administration. Established by State Statute<sup>15</sup>, the Commission comprises:

- nine members appointed by the State Governor
- nine members recommended by the Senate
- nine members recommended by the House of Representatives
- twelve ex-officio members designated by their office

The functions of the Commission are<sup>16</sup>:

- to develop and recommend to the General Assembly the "Safe Families Act"<sup>17</sup> and to promote adequate funding to promote victim safety and accountability of perpetrators;
- to develop and recommend domestic violence training initiatives for law enforcement and judicial personnel and for all persons who provide treatment and services to domestic violence victims;
- to develop training initiatives for and make recommendations and provide information and advice to State agencies in the areas of child protection, education, employer/employee relations, criminal justice, and subsidized housing;

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<sup>15</sup> § 143B-394.15: [https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_143B/GS\\_143B-394.15.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_143B/GS_143B-394.15.pdf).

<sup>16</sup> § 143B-394.16: [https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_143B/GS\\_143B-394.16.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_143B/GS_143B-394.16.pdf).

<sup>17</sup> This refers to federal legislation, the Adoption and Safe Families Act 1997, which prioritises the safety of children over family reunification in cases of abuse, etc.: Adoption and Safe Families Act of 1997: <https://www.congress.gov/bill/105th-congress/house-bill/867/text>.



- to provide information and advice to any private entities that request assistance in providing services and support to domestic violence victims;
- to design, coordinate, and oversee a statewide public awareness campaign;
- to design and coordinate improved data collection efforts for domestic violence crimes and acts in the State;
- to research, develop, and recommend proposals of how best to meet the needs of domestic violence victims and to prevent domestic violence in the State;
- to adopt rules in accordance with Article 2A of Chapter 150B of the General Statutes for the approval of abuser treatment programs as provided in G.S. 50B-3(a)(12)<sup>18</sup>. The Commission shall adopt rules to establish a consistent level of performance from providers of abuser treatment programs and to ensure that approved programs enhance the safety of victims and hold those who perpetrate acts of domestic violence responsible.

The Commission is primarily an advisory body that develops models of good practice for the State. There are no specific powers associated with the Commission, but the ex-officio appointees (or those designated by them) include the State Governor, the Lieutenant Governor, the Attorney General and the Secretary of the State Administration. Rather than reporting to a minister or government department, the Commission reports directly to the State legislature.

The relevant statutes are reproduced at Appendix 4.

### ***Georgia Commission on Family Violence***

The Commission on Family Violence in the US State of Georgia is similar in structure and purpose to the North Carolina equivalent. The main differences are in the role and function of the Georgia Commission, which as an emphasis on policy and legislation oversight, compared with the focus on practice and information in North Carolina, and the Georgia Commission has elected representatives as members (three from the House of Representatives and three from the Senate).

The duties of the Commission are<sup>19</sup>:

- to study and evaluate the needs, priorities, programs, policies, and accessibility of services relating to family violence throughout this state;

<sup>18</sup> This Statute provides for an element of relief in domestic abuse cases to include the provision to 'Order any party the court finds is responsible for acts of domestic violence to attend and complete an abuser treatment program if the program is approved by the Domestic Violence Commission': [https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByChapter/Chapter\\_50B.html](https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_50B.html).

<sup>19</sup> § 19-13-34: <https://advance.lexis.com/document/?pdmfid=1000516&crd=7c0a05bb-4962-45b2-94de-e437e07dda5a&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5YYC-7VG1-F60C-X4XK-00008-00&pdtocnodeidentifier=AATAAPAAFAAF&ecomp=sx3dk&prid=d410ba5d-bb4a-4f79-9634-57617c37a445>.

- to evaluate and monitor the adequacy and effectiveness of existing family violence laws, including the response of the present civil and criminal legal systems;
- to initiate and coordinate the development of family violence legislation, as necessary;
- to monitor the implementation and enforcement of laws, regulations, and protocols concerning family violence;
- to make recommendations for education and training to ensure that all citizens and service providers, including but not limited to members of the judiciary, law enforcement personnel, and prosecuting attorneys, are aware of needs relating to family violence and of services available;
- to develop models for community task forces on family violence;
- to provide training and continuing education on the dynamics of family violence to members of the commission where appropriate and necessary;
- to report annually to the General Assembly during its existence; and
- to develop standards to be utilized by the Department of Community Supervision in the certification and regulation of family violence intervention programs.

As with the North Carolina Commission, that of Georgia reports to the State legislature. Neither the Georgia Commission nor that of North Carolina have an advocacy role.

The relevant State Statutes (19-13-30 to 35) are reproduced at Appendix 5.

## 5 Alternatives

This section considers statutory bodies other than domestic abuse commissioners that nevertheless deal with domestic abuse. One consideration is whether such bodies are needed at all.

Human rights and equality bodies in general carry out work in relation to domestic abuse in addition to other areas of work. For example, in the context of Northern Ireland, both the Equality Commission and the Human Rights Commission made reference to domestic violence in their submissions to the Committee for the Elimination of Discrimination Against Women examination of the UK in 2019<sup>20</sup>.

Apart from the commissions working on equality and human rights issues in general, two alternatives to statutory bodies with a specific remit for domestic abuse are:

1. Bodies working in the area of gender-based violence
2. Bodies working in the area of gender equality

The following are discussed in this section:

- National Commission on Violence Against Women, Indonesia
- Commission for Gender Equality, South Africa
- Gender Commission, Zimbabwe

### **National Commission on Violence against Women, Indonesia**

The Indonesian National Commission on Violence Against Women (Komnas Perempuan) was established in 1998 by Presidential Decree 181/1998, updated by Presidential Decree 65/2005<sup>21</sup>. The vision of the Commission is<sup>22</sup>:

*The creation of a social order which is free from all forms of violence against women and upholds principles of justice and diversity to the highest extent.*

The mission of the Commission is twofold:

1. Build a condition which is conducive to the fulfilment of women's human rights and the elimination of all forms of violence against women in Indonesia.
2. Increase the efforts to prevent and tackle all forms of violence against women in Indonesia

<sup>20</sup> Committee on the Elimination of Discrimination Against Women, 72<sup>nd</sup> Session, 18 Feb 2019 - 08 Mar 2019:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1190&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1190&Lang=en).

<sup>21</sup> 'Komnas Perempuan at a Glance', Komnas Perempuan website, accessed 20 August 2020:

<https://en.komnasperempuan.go.id/pages-komnas-perempuan-at-a-glance>.

<sup>22</sup> 'Vision, Mission and Mandate', Komnas Perempuan website, accessed 20 August 2020:

<https://en.komnasperempuan.go.id/pages-vision-mission-and-mandate>.

The Commission comprises 15 members, who meet in plenary and in sub-committees. These sub-committees reflect the scope of the Commission's work<sup>23</sup>:

- Education
- Monitoring
- Law and Policy
- Public Participation
- Recovery

The Commission is one of three national human rights institutions and as such provides reports to UN Committees on violence against women in Indonesia.

### **Commission for Gender Equality, South Africa**

The South African Commission for Gender Equality was established in 1996 by the Commission for Gender Equality Act<sup>24</sup>. The provides for a Chairperson and seven to eleven members (s.3). Section 7 provides for the power and functions of the Commission:

#### ***Powers and functions of the Commission***

11. (1) In order to achieve its object referred to in section 119(3) of the Constitution, the Commission

(a) shall monitor and evaluate policies and practices of

(i) organs of state at any level;

(ii) statutory bodies or functionaries;

(iii) public bodies and authorities; and

(iv) private businesses, enterprises and institutions, in order to promote gender equality and may make any recommendations that the Commission deems necessary;

(b) shall develop, conduct or manage

(i) information programmes; and

(ii) education programmes, to foster public understanding of matters pertaining to the promotion of gender equality and the role and activities of the Commission;

(c) shall evaluate

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<sup>23</sup> 'Organisational Structure', Komnas Perempuan website, accessed 202 August 2020: <https://en.komnasperempuan.go.id/pages-organizational-structure>.

<sup>24</sup> Commission for Gender Equality Act: <https://www.gov.za/documents/commission-gender-equality-act>.

- (i) any Act of Parliament;
  - (ii) any system of personal and family law or custom;
  - (iii) any system of indigenous law, customs or practices; or
  - (iv) any other law, in force at the commencement of this Act or any law proposed by Parliament or any other legislature after the commencement of this Act, affecting or likely to affect gender equality or the status of women and make recommendations to Parliament or such other legislature with regard thereto;
- (d) may recommend to Parliament or any other legislature the adoption of new legislation which would promote gender equality and the status of women;
- (e) shall investigate any gender-related issues of its own accord or on receipt of a complaint, and shall endeavour to
- (i) resolve any dispute; or
  - (ii) rectify any act or omission, by mediation, conciliation or negotiation: Provided that the Commission may at any stage refer any matter to
    - (aa) the Human Rights Commission to deal with it in accordance with the provisions of the Constitution and the law;
    - (bb) the Public Protector to deal with it in accordance with the provisions 45 of the Constitution and the law; or
    - (cc) any other authority, whichever is appropriate; (j) shall as far as is practicable maintain close liaison with institutions, bodies or authorities with similar objectives to the Commission, in order to foster common policies and practices and to promote co-operation in relation to the handling of complaints in cases of overlapping jurisdiction or other appropriate instances;
- (g) shall liaise and interact with any organisation which actively promotes gender equality and other sectors of civil society to further the object of the Commission;
- (h) shall monitor the compliance with international conventions, international covenants and international charters, acceded to or ratified by the Republic, relating to the object of the Commission;
- (i) shall prepare and submit reports to Parliament pertaining to any such convention, covenant or charter relating to the object of the Commission;
- (j) may conduct research or cause research to be conducted to further the object of the Commission;
- (k) may consider such recommendations, suggestions and requests concerning the promotion of gender equality as it may receive from any source.

The Commission therefore monitors compliance with international commitments, can recommend legislation to Parliament and can carry out investigations. Section 13 of the Act provides for powers of entry, search and removal of articles during investigations and Section 18 provides for offences for failure to co-operate with the Commission.

The Commission has a role of monitoring the implementation of the National Strategic Plan on Gender-Based Violence and Femicide<sup>25</sup> and reported to the Committee on the Elimination of Discrimination Against Women in its 2020 examination of South Africa, including reporting on sexual violence. As part of that report, the Commission offered reasons for the failure of an advisory body to the Government, the National Council on Gender-Based Violence, which existed from 2012 to 2014<sup>26</sup>:

*Among others, its failure stemmed from its unclear legal and institutional status; lack of institutional independence, limited financial and other resources (i.e. an uncertain and insecure funding) which severely affected its operational capacity, lack of diversity among its civil society component and the dominance of the government component in its decision making structures.*

### **Gender Commission, Zimbabwe**

The Gender Commission was established by the Gender Commission Act 2015<sup>27</sup>. This legislation fulfils the obligation under Article 245 of the 2013 Constitution for the establishment of such a Commission<sup>28</sup>.

Article 246 provides for the functions of the Commission:

- (a) to monitor issues concerning gender equality to ensure gender equality as provided in this Constitution;
- (b) to investigate possible violations of rights relating to gender;
- (c) to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;
- (d) to conduct research into issues relating to gender and social justice, and to recommend changes to laws and practices which lead to discrimination based on gender;
- (e) to advise public and private institutions on steps to be taken to ensure gender equality;
- (f) to recommend affirmative action programmes to achieve gender equality;

<sup>25</sup> Department of Women, Youth and Persons with Disabilities (2020), National Strategic Plan on Gender-Based Violence and Femicide, Pretoria: DWYPD, p.20.

<sup>26</sup> Commission for Gender Equality (2020), *Statement to the CEDAW Committee Regarding South Africa's Progress in the Implementation of CEDAW Committee Recommendations*, 77th session (2-6 March 2020): [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ZAF/INT\\_CEDAW\\_IFS\\_ZAF\\_41747\\_E.docx](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ZAF/INT_CEDAW_IFS_ZAF_41747_E.docx).

<sup>27</sup> Gender Commission Act 2015: <https://zimlil.org/zw/legislation/act/2015/72015>.

<sup>28</sup> Constitution of Zimbabwe: <https://zimlil.org/zw/legislation/act/2013/amendment-no-20-constitution-zimbabwe>.

- (g) to recommend prosecution for criminal violations of rights relating to gender;
- (h) to secure appropriate redress where rights relating to gender have been violated; and
- (i) to do everything necessary to promote gender equality.

In this case, the Commission is required to monitor adherence to the gender equality aspects of the Constitution, including Article 25, which specifically refers to domestic violence:

### **25 Protection of the family**

The State and all institutions and agencies of government at every level must protect and foster the institution of the family and in particular must endeavour, within the limits of the resources available to them, to adopt measures for—

- (a) the provision of care and assistance to mothers, fathers and other family members who have charge of children; and
- (b) the prevention of domestic violence.

The composition of the Commission, as appointed by the President, is as follows<sup>29</sup>:

- Seven members from a list of twelve nominated by the Committee on Standing Rules and Orders
- One member nominated by the National Council of Chiefs

The President is to appoint one of these members as chair and one as vice chair.

Part III of the 2015 Act provides for the investigative functions of the Commission and Part IV provides for a Gender Forum to be convened annually to discuss issues of concern.

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<sup>29</sup> Gender Commission Act 2015, Section 3.

## 6 Domestic Abuse Commissions and Commissioners Compared

This section briefly looks at the range of options for a domestic abuse commissioner, using the UK, Malta and US examples.

### Roles and Functions

The statutory roles of the commissions and commissioners discussed above are summarised in Table 1.

*Table 1: Roles and functions of domestic abuse commissions, etc.*

	England and Wales	Wales	Malta	North Carolina	Georgia
Encourage good practice	yes				
Information	yes	yes	yes	yes	
Research	yes		yes	yes	yes
Training/ education	yes		yes	yes	yes
Awareness raising	yes		yes	yes	
Consultation	yes				
Co-operation	yes		yes		
Advice to government	yes	yes	yes		
Advice to others	yes	yes		yes	
Monitoring policy			yes		yes
Monitoring legislation					yes



Monitoring professional standards			yes	yes	yes
External reference point			yes		
Media guidelines			yes		
Develop policy/ legislation					yes

Two other considerations are those of independence and powers. The Commissioner for England and Wales is independent from government, as is the Maltese Commissioner, but reports to the Secretary of State. The Advisers in Wales have an advisory role to the Welsh Government and are likewise independent. The North Carolina and Georgia Commissions have senior government officials in their membership, so the degree of independence is questionable, serving more as task groups or advisory bodies than advocacy offices.

None of the bodies discussed has formal powers. However, the legislation for England and Wales includes duties for public bodies to co-operate with the Commissioner and to consider any recommendations made by the Commissioner.

In addition, none of the bodies discussed has an investigatory role or has legal powers to take a case to court. In the context of Northern Ireland, the Equality Commission, the Human Rights Commission, the Commissioner for Children and Young People and the Commissioner for Older People all have investigatory powers, although the Commission for Victims and Survivors does not<sup>30</sup>. The South African Commission on Gender Equality also has investigatory powers.

Another consideration in relation to a domestic abuse commissioner is the scope of the office's remit. In Malta, gender-based violence is included in the Commissioner's area of responsibility. During the passage of the Domestic Abuse Bill in the House of Commons, consideration was given to the inclusion of or replacement by violence against women and girls. There are male victims of domestic abuse that would be covered by a commissioner for domestic abuse, but a commissioner for violence

<sup>30</sup> See Research and Information Service Briefing Paper 122/11 *Equality and Human Rights Bodies: Powers and Responsibilities*, September 2011: <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/ofmdfm/12211.pdf>.

against women and girls recognises the structural nature of domestic and sexual violence that affect women in particular. Indeed, in policy terms, domestic and sexual abuse and violence are included in the same strategy in Northern Ireland<sup>31</sup>.

Alternatives discussed in Section 5 above illustrate how domestic violence is included in the remit of the Commission on Violence Against Women in Indonesia and how domestic and sexual violence are included in the roles of the gender commissions in South Africa and Zimbabwe. In particular, the Commission on Gender Equality in South Africa has significant powers that are not evident in the commissions on domestic abuse discussed in this paper.

In summary, a menu of roles and functions might be as follows:

- Is it to be a commission (as in Malta), a single commissioner (as in England and Wales) or adviser (as in Wales)?
- Are there to be legal or investigative powers (as with the Human Rights Commission or Equality Commission in Northern Ireland)?
- Are public bodies to have duties in relation to compliance (as in England and Wales)?
- Is advice provided only to government (as in Georgia) or to others as well ((as in North Carolina)?
- Is there a responsibility to monitor implementation of a strategy (as in Wales), specific international obligations (as in Malta), all international obligations (as in Indonesia), constitutional guarantees (as in Zimbabwe) or all functions of the state (as in South Africa)?
- Is there a responsibility to monitor and develop legislation (as in Georgia)?
- Are standards of professional practice to be monitored and developed (as in Malta)?
- Is there an awareness-raising function (as in England and Wales)?

### **Is a Commissioner Needed?**

Currently, policy advice and oversight on domestic abuse in Northern Ireland is provided on an informal and a formal basis by organisations which work in the area, as

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<sup>31</sup> Department of Justice and Department of Health (2016), *Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A Seven Year Strategy*: <https://www.justice-ni.gov.uk/publications/stopping-domestic-and-sexual-violence-and-abuse-northern-ireland-seven-year-strategy-march-2016>.

is the case in Scotland<sup>32</sup> and the Republic of Ireland<sup>33</sup>. The seven year *Stopping Domestic and Sexual Violence and Abuse in Northern Ireland* strategy includes the establishment of a Stakeholder Assurance Group to oversee and support implementation<sup>34</sup>. Members of this group have specific roles in annual action plans associated with the strategy<sup>35</sup>.

These arrangements are advisory and practical, such as that formalised in the Adviser role in Wales, but stakeholder organisations may also engage in advocacy in their own right and/or provide direct support to victims of domestic abuse. However, they do not provide a single reference point for advocacy as would a commissioner.

Another approach would be a 'domestic abuse tsar' or similar. This refers to an individual from outside government who is publicly appointed by a government minister to advise on policy development or delivery. Studies of the effectiveness of 'tsars' have found them a useful source of expertise, but their employment should be governed by certain principles, as outlined by one such study<sup>36</sup>:

1. Ensure that a tsar appointment is the most appropriate source of expert advice
2. Make a 'contract' between the client and the tsar
3. Ensure transparency regarding the appointment of the tsar, the outputs of the tsar's work and the minister's responses to the outputs
4. Identify and promulgate good practice in the recruitment, conduct and management of tsars

This role is for the shaping and implementation of policy, as is a function of the US commissions discussed in the paper, but tsars are not necessarily associated with advocacy.

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<sup>32</sup> A National Advisory Council on Women and Girls was established in 2017 and Scotland's 'Equally Safe' policy commits to the establishment of a Stakeholder Reference Group on Women and Girls – Scottish Government (2018), *Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls*, Edinburgh: Scottish Government, p.49: <https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/>.

<sup>33</sup> The National Office for the Prevention of Domestic, Sexual and Gender-based Violence (COSC) is an executive office of the Department of Justice and Equality with a function to drive policy on domestic and sexual abuse, principally through interaction with interested and relevant organisations. COSC website, accessed 24 August 2020: <http://www.cosc.ie/en/COSC/Pages/WP08000082>; the domestic and sexual abuse and violence strategy also refers to a 'monitoring committee composed of stakeholders from all sectors working together in partnership and a senior oversight group of senior officials' for oversight – Department of Justice and Equality (2016), *Second National Strategy on Domestic, Sexual and Gender-based Violence 2016 – 2021*, Dublin: DJE, p.5: <http://www.cosc.ie/en/COSC/Pages/WP16000018>.

<sup>34</sup> Department of Justice and Department of Health, Social Service and Public Safety (2016), *Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A Seven Year Strategy*, Belfast: DoJ & DHSSPS, p.64.

<sup>35</sup> Department of Health website, 'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland Strategy', accessed 24 August 2020: <https://www.health-ni.gov.uk/publications/stopping-domestic-and-sexual-violence-and-abuse-northern-ireland-strategy>.

<sup>36</sup> Ruth Levitt and William Solesbury (2013), 'New development: Policy tsars—Whitehall's expert advisers revealed', *Public and Money Management* 33(1), 77-80.

In the context of Northern Ireland, a Mental Health Champion was appointed in June 2020<sup>37</sup>. The role of the Champion, as stated in the Mental Health Action Plan, is as follows<sup>38</sup>:

*The purpose of the Mental Health Champion is to further the mental health agenda across all platforms and fora to promote emotional health and wellbeing, access to evidence based support and services and promote recovery.*

It is unclear what powers the Champion will have, but such a post is another alternative to the appointment of a commissioner.

### **How Much Does a Commissioner Cost?**

Costs associated with the operation of a commission or commissioner can vary considerably depending on the role, functions and expected activities of the body in question. As stated above, the estimated cost of the Domestic Abuse Commissioner is £1m per annum. When considering options in Wales ahead of the 2015 Bill (i.e. in 2014), it was calculated that a commissioner would cost between £585,000 and £630,000 per annum, whereas the favoured option, that of the Domestic Abuse Adviser, was £81,500 per annum<sup>39</sup>. Projected cost of the Northern Ireland Mental Health Champion, beyond the first year, is up to £500,000 per annum<sup>40</sup>.

The Maltese Commission on Gender-Based Violence and Domestic Violence cost €394,305 in the 2018-19 financial year<sup>41</sup>. However, direct cross-national comparisons, particularly with regard to finance, should be treated with caution.

Table 2 summarises the grants from sponsoring departments of the commissions and commissioners in Northern Ireland referred to in this paper. These are placed next to the estimated costs of the Commissioner in England and Wales, the Welsh Adviser and a 'champion', as modelled on the Northern Ireland Mental Health Champion.

<sup>37</sup> 'Mental health: First NI champion to 'challenge Stormont'', *BBC News* 24 June 2020: <https://www.bbc.co.uk/news/uk-northern-ireland-53168684>.

<sup>38</sup> Department of Health (2020), *Mental Health Action Plan*, Belfast: DoH, p.56: <https://www.health-ni.gov.uk/publications/mental-health-action-plan>.

<sup>39</sup> Violence against Women, Domestic Abuse and Sexual Violence (Wales) Bill, Explanatory Memorandum, pp.46-47.

<sup>40</sup> Department of Health (2020), *Mental Health Action Plan*, Belfast: DoH, p.13.

<sup>41</sup> Commission on Gender-Based Violence and Domestic Violence Annual Report 2018-19, p.77.

*Table 2: Comparative Table of Costs to Sponsoring Departments Year Ending March 2019<sup>42</sup>*

<b>Body</b>	<b>Grant from Sponsoring Department 2018-19</b>
Domestic Abuse Commissioner for England and Wales	£1,000,000 (estimate per annum 2020)
Domestic Abuse Commissioner for Wales	£585,000 to £630,000 (estimate per annum 2014)
Domestic Abuse Adviser for Wales	£81,500 (estimate per annum 2014)
Champion	Up to £500,000 per annum (from 2021)
Equality Commission	£5,261,000
Human Rights Commission	£1,157,200
Commissioner for Children and Young People	£1,357,000
Commissioner for Older People	£852,500
Commission for Victims and Survivors	£866,000

<sup>42</sup> Costs extracted from the Annual Report and Accounts 2018-19 for the Equality Commission, Human Rights Commission, Commissioner for Children and Young People, Commissioner for Older People and Commissioner for Victims and Survivors.

## Appendix 1: Part 2 of the Domestic Abuse Bill

### **Part 2 The Domestic Abuse Commissioner**

#### *Domestic Abuse Commissioner*

#### **4 Appointment of Commissioner**

- (1) The Secretary of State must appoint a person as the Domestic Abuse Commissioner (“the Commissioner”).
- (2) The Commissioner is to hold and vacate office in accordance with the terms and conditions of the Commissioner’s appointment.
- (3) The Commissioner is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

#### **5 Funding**

- (1) The Secretary of State may make payments to the Commissioner out of money provided by Parliament for the purpose of enabling the Commissioner to meet expenditure incurred in the exercise of the Commissioner’s functions.
- (2) Payments are to be made at such times, and subject to any such conditions, as the Secretary of State considers appropriate.
- (3) The Secretary of State may pay, or make provision for paying, to or in respect of the Commissioner—
  - (a) remuneration;
  - (b) allowances;
  - (c) sums by way of or in respect of pensions.

#### **6 Staff etc**

- (1) The Secretary of State must provide the Commissioner with—
  - (a) such staff, and
  - (b) such accommodation, equipment and other facilities, as the Secretary of State considers necessary for the carrying out of the Commissioner’s functions.
- (2) Before providing any staff, the Secretary of State must—
  - (a) consult the Commissioner, and
  - (b) obtain the Commissioner’s approval as to the persons to be provided as staff.
- (3) The Secretary of State must consult the Commissioner before providing any accommodation, equipment or other facilities.

#### *Functions of Commissioner*

#### **7 General functions of Commissioner**

(1) The Commissioner must encourage good practice in—

- (a) the prevention of domestic abuse;
- (b) the prevention, detection, investigation and prosecution of offences involving domestic abuse;
- (c) the identification of—
  - (i) people who carry out domestic abuse;
  - (ii) victims of domestic abuse;
  - (iii) children affected by domestic abuse;
- (d) the provision of protection and support to people affected by domestic abuse.

(2) The things that the Commissioner may do in pursuance of the general duty under subsection (1) include—

- (a) assessing, monitoring, and publishing information about, the provision of services to people affected by domestic abuse;
- (b) making recommendations to any public authority about the exercise of its functions;
- (c) undertaking or supporting (financially or otherwise) the carrying out of research;
- (d) providing information, education or training;
- (e) taking other steps to increase public awareness of domestic abuse;
- (f) consulting public authorities, voluntary organisations and other persons;
- (g) co-operating with, or working jointly with, public authorities, voluntary organisations and other persons, whether in England and Wales or outside the United Kingdom.

(3) Subject to subsection (4), the Commissioner may not do anything in pursuance of the general duty under subsection (1) that—

- (a) relates to a devolved Welsh authority, or
- (b) otherwise relates to Welsh devolved matters.

(4) Subsection (3) does not prevent the Commissioner from—

- (a) doing anything falling within subsection (2)(c), (d) or (e), to the extent that the thing done does not relate to Welsh devolved matters;
- (b) doing anything falling within subsection (2)(f) or (g);
- (c) disclosing information to a devolved Welsh authority, or information which relates to Welsh devolved matters, under section 17.

(5) For the purposes of this section something relates to Welsh devolved matters so far as it relates to—

- (a) any matter provision about which would be within the legislative competence of Senedd Cymru if it were contained in an Act of Senedd Cymru, or

(b) (so far as it is not within paragraph (a)), any matter functions with respect to which are exercisable by the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government or the Senedd Commission.

(6) In this section—

- “devolved Welsh authority” has the meaning given by section 157A of the Government of Wales Act 2006;
- “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal.

## **8 Reports**

(1) The Commissioner may report to the Secretary of State on any matter relating to domestic abuse.

(2) The Commissioner must publish every report made under this section.

(3) Before publishing a report under this section, the Commissioner must send a draft of the report to the Secretary of State.

(4) The Secretary of State may direct the Commissioner to omit material from any report under this section before publication if the Secretary of State thinks the publication of that material—

- (a) might jeopardise the safety of any person, or
- (b) might prejudice the investigation or prosecution of an offence.

(5) The Secretary of State must consult the Commissioner before making any direction under subsection (4).

(6) The Commissioner must arrange for a copy of any report published under this section to be laid before Parliament.

## **9 Advice and assistance**

(1) The Commissioner may provide the Secretary of State with any advice or assistance that the Secretary of State may request.

(2) The Commissioner may, at the request of any other person, provide the person with advice or assistance relating to the exercise of any of the person’s functions, or the carrying out of any activities by the person, in relation to people affected by domestic abuse.

(3) The Commissioner may charge a person for providing the person with advice or assistance under subsection (2).

(4) The Commissioner must publish any advice given to a person under subsection (2).

(5) Before publishing any advice given under this section, the Commissioner must send a draft of what is proposed to be published to the Secretary of State.

(6) The Secretary of State may direct the Commissioner to omit anything contained in the advice before publication if the Secretary of State thinks the publication of that material—

- (a) might jeopardise the safety of any person, or
- (b) might prejudice the investigation or prosecution of an offence.



(7) The Secretary of State must consult the Commissioner before making any direction under subsection (6).

### **10 Incidental powers**

(1) The Commissioner may do anything which the Commissioner considers will facilitate, or is incidental or conducive to, the carrying out of the Commissioner's functions.

(2) But the Commissioner may not borrow money.

### *Framework document*

### **11 Framework document**

(1) The Secretary of State must issue a document (a "framework document") that deals with matters relating to the Commissioner.

(2) The matters that may be dealt with by a framework document include (among other things)—

(a) matters relating to governance, funding and staffing;

(b) matters relating to the exercise of functions of the Commissioner;

(c) matters relating to scrutiny of the Commissioner's activities by Parliament or by Senedd Cymru.

(3) The Commissioner must have regard to the framework document when exercising any of the Commissioner's functions.

(4) The Secretary of State must have regard to the framework document when exercising any functions in relation to the Commissioner.

(5) The Secretary of State—

(a) must keep the framework document under review, and

(b) may issue a revised framework document.

(6) The Secretary of State—

(a) must consult the Commissioner in preparing or revising a framework document, and

(b) may not issue a framework document without the agreement of the Commissioner.

(7) The Secretary of State must consult the Welsh Ministers before issuing—

(a) the first framework document under this section, or

(b) any other framework document which is, in the opinion of the Secretary of State, significantly different from the framework document it replaces.

(8) The Secretary of State must—

(a) arrange for any framework document issued under this section to be published in the manner which the Secretary of State considers appropriate,

(b) send a copy of the framework document to the Welsh Ministers, and

(c) lay a copy of the framework document before Parliament.

(9) The Welsh Ministers must lay before Senedd Cymru a copy of any framework document sent to them under subsection (8)(b).

#### *Advisory Board*

### **12 Advisory Board**

(1) The Commissioner must establish an Advisory Board (“the Board”) for the purposes of providing advice to the Commissioner about the exercise of the Commissioner’s functions.

(2) The Board is to consist of not fewer than six and not more than ten members appointed by the Commissioner.

(3) Each member of the Board is to hold and vacate office in accordance with the terms and conditions of the member’s appointment.

(4) The members of the Board must include—

(a) at least one person appearing to the Commissioner to represent the interests of victims of domestic abuse;

(b) at least one person appearing to the Commissioner to represent the interests of charities and other voluntary organisations that work with victims of domestic abuse in England;

(c) at least one person appearing to the Commissioner to represent the interests of persons who provide, or have functions relating to, health care services in England;

(d) at least one person appearing to the Commissioner to represent the interests of persons who provide, or have functions relating to, social care services in England;

(e) at least one person appearing to the Commissioner to represent the interests of persons with functions relating to policing or criminal justice;

(f) at least one person appearing to the Commissioner to have academic expertise in relation to domestic abuse.

(5) The Commissioner may pay such remuneration or allowances to members of the Board as the Commissioner may determine.

(6) In this section—

- “health care services” means services relating to health care (within the meaning of section 9 of the Health and Social Care Act 2008);
- “social care services” means services relating to social care (within the meaning of that section).

#### *Strategic plans and annual reports*

### **13 Strategic plans**

(1) The Commissioner must, as soon as reasonably practicable after the Commissioner’s appointment, prepare and publish a strategic plan.

(2) A strategic plan is a plan setting out how the Commissioner proposes to exercise the Commissioner’s functions in the period to which the plan relates, which must be not less than one year and not more than three years.

(3) A strategic plan must in particular—

- (a) state the Commissioner’s objectives and priorities for the period to which the plan relates;
- (b) state any matters on which the Commissioner proposes to report under section 8 during that period;
- (c) state any other activities the Commissioner proposes to undertake during that period in the exercise of the Commissioner’s functions.

(4) The Commissioner must, before the end of the period to which a strategic plan relates (“the current period”)—

- (a) prepare a strategic plan for a period immediately following the current period, and
- (b) publish that plan.

(5) At any time during the period to which a strategic plan relates, the Commissioner—

- (a) may revise the strategic plan, and
- (b) must publish any revised plan.

(6) In preparing or revising a strategic plan, the Commissioner must consult—

- (a) the Secretary of State,
- (b) the Advisory Board established under section 12, and
- (c) such other persons as the Commissioner considers appropriate.

(7) The Commissioner must arrange for a copy of any plan (or revised plan) published under this section to be laid before Parliament.

#### **14 Annual reports**

(1) As soon as reasonably practicable after the end of each financial year, the Commissioner must submit to the Secretary of State an annual report on the exercise of the Commissioner’s functions during the year.

(2) The annual report must include—

- (a) an assessment of the extent to which the Commissioner’s objectives and priorities have been met in that year;
- (b) a statement of the matters on which the Commissioner has reported under section 8 during the year;
- (c) a statement of the other activities the Commissioner has undertaken during the year in the exercise of the Commissioner’s functions.

(3) The Commissioner must arrange for a copy of every annual report under this section to be laid before Parliament (but see subsection (4)).

(4) The Secretary of State may direct the Commissioner to omit material from any report under this section before it is laid before Parliament if the Secretary of State thinks the publication of that material—

- (a) might jeopardise the safety of any person, or
- (b) might prejudice the investigation or prosecution of an offence.

(5) The Secretary of State must consult the Commissioner before making any direction under subsection (4).

(6) In this section “financial year” means—

- (a) the period beginning with the day on which the first Domestic Abuse Commissioner takes office and ending with the following 31 March, and
- (b) each successive period of 12 months.

#### *Duties of public authorities in relation to Commissioner*

### **15 Duty to co-operate with Commissioner**

(1) The Commissioner may request a specified public authority to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner’s functions.

(2) A specified public authority must, so far as reasonably practicable, comply with a request made to it under this section.

(3) In this section “specified public authority” means any of the following—

- (a) a chief officer of police of a police force maintained for a police area in England and Wales;
- (b) a local policing body;
- (c) the Chief Constable of the British Transport Police Force;
- (d) the British Transport Police Authority;
- (e) the Ministry of Defence Police;
- (f) an immigration officer or other official of the Secretary of State exercising functions in relation to immigration or asylum;
- (g) the Crown Prosecution Service;
- (h) the Parole Board;
- (i) the Criminal Cases Review Commission;
- (j) an English local authority;
- (k) an NHS body in England;
- (l) Her Majesty’s Inspectors of Constabulary;
- (m) Her Majesty’s Chief Inspector of the Crown Prosecution Service;
- (n) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
- (o) a body approved as an independent inspectorate under section 106 of the Education and Skills Act 2008 (inspection of registered independent educational institutions);

(p) the Care Quality Commission;

(q) Monitor.

(4) The Secretary of State may by regulations amend this section so as to—

(a) add a public authority as a specified public authority for the purposes of this section;

(b) remove a public authority added by virtue of paragraph (a);

(c) vary any description of a public authority.

(5) Before making regulations under subsection (4) the Secretary of State must consult the Commissioner.

(6) Regulations under subsection (4) may not contain provision adding a devolved Welsh authority as a specified public authority for the purposes of this section.

(7) In this section—

- “devolved Welsh authority” has the meaning given by section 157A of the Government of Wales Act 2006;
- “English local authority” means—
  - (a) a county council or district council in England,
  - (b) a London borough council,
  - (c) the Greater London Authority,
  - (d) the Common Council of the City of London in its capacity as a local authority, or
  - (e) the Council of the Isles of Scilly;
- “immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
- “NHS body in England” means—
  - (a) a National Health Service trust in England established under section 25 of the National Health Service Act 2006,
  - (b) an NHS foundation trust within the meaning given by section 30 of that Act,
  - (c) the National Health Service Commissioning Board,
  - (d) a clinical commissioning group established under section 14D of that Act, or
  - (e) the National Health Service Trust Development Authority;
- “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal.

## **16 Duty to respond to Commissioner’s recommendations**

(1) This section applies where the Commissioner publishes a report under section 8 containing recommendations in relation to—

- (a) any public authority that is a specified public authority for the purposes of section 15;
  - (b) any government department in the charge of a Minister.
- (2) The relevant person must prepare comments on the report.
- (3) In this section “the relevant person” means—
- (a) the public authority, or
  - (b) the Minister in charge of the government department, as the case may be.
- (4) The comments must include, in respect of each recommendation made in the report, an explanation of—
- (a) the action which the relevant person has taken, or proposes to take, in response to the recommendation, or
  - (b) why the relevant person has not taken, or does not propose to take, any action in response.
- (5) The relevant person must arrange for the comments to be published in such manner as the person considers appropriate.
- (6) The comments must be published before the end of the period of 56 days beginning with the day on which the report is published.
- (7) The relevant person must send a copy of anything published under subsection (5) to—
- (a) the Commissioner, and
  - (b) where the relevant person is a specified public authority for the purposes of section 15, the Secretary of State.

### *Disclosure of information*

#### **17 Disclosure of information**

- (1) The Commissioner may disclose to a person any information received by the Commissioner in connection with the Commissioner’s functions if the disclosure is made for a purpose connected with a function of the Commissioner.
- (2) A person may disclose any information to the Commissioner if the disclosure is made for the purposes of enabling or assisting the Commissioner to exercise any function.
- (3) A disclosure of information authorised by this section does not breach—
- (a) any obligation of confidence owed by the person making the disclosure in relation to that information, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (4) But nothing in this Part requires or authorises any of the following—
- (a) the disclosure of any patient information (see subsection (5));

(b) the making of a disclosure which, although made in the exercise of a function under this Part, would contravene the data protection legislation (see subsection (6));

(c) the making of a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(5) “Patient information” means information (however recorded) which—

(a) relates to—

(i) the physical or mental health or condition of an individual,

(ii) the diagnosis of an individual’s condition, or

(iii) an individual’s care or treatment,

or is (to any extent) derived directly or indirectly from information relating to any of those matters, and

(b) identifies the individual or enables the individual to be identified (either by itself or in combination with other information).

(6) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

(7) This section does not affect any power to disclose that exists apart from this section.

#### *Miscellaneous and supplementary*

### **18 Restriction on exercise of functions in individual cases**

(1) The Commissioner may not exercise any function in relation to an individual case.

(2) But subsection (1) does not prevent the Commissioner considering individual cases and drawing conclusions about them for the purpose of, or in the context of, considering a general issue.

### **19 Amendments relating to Commissioner**

(1) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership), at the appropriate place insert—

- “Domestic Abuse Commissioner.”

(2) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), at the appropriate place insert—

- “The Domestic Abuse Commissioner.”

(3) In section 37 of the Government of Wales Act 2006 (power of the Senedd to call witnesses etc), after subsection (6A) insert—

“(6B) Subsection (1) applies in relation to things done by the Domestic Abuse Commissioner by virtue of section [7\(4\)\(b\)](#) or (c) of the Domestic Abuse Act 2020 (functions exercisable in relation to devolved Welsh authorities etc) as it applies in relation to the exercise by the Welsh Ministers of their functions.”

## Appendix 2: Sections 21-23 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

### **21 Functions of the Adviser**

(1) The National Adviser is to exercise the following functions, subject to the direction of the Welsh Ministers—

(a) to advise the Welsh Ministers about pursuing the purpose of this Act or tackling related matters (see subsection (2));

(b) to give other assistance to the Welsh Ministers in their pursuit of the purpose of this Act or tackling related matters;

(c) to undertake research relating to pursuing the purpose of this Act, tackling related matters or examining whether abuse of any kind is related directly or indirectly to inequality of any kind between people of a different gender, gender identity or sexual orientation;

(d) to advise and give other assistance, with the agreement of the Welsh Ministers, to any person on matters relating to pursuing the purpose of this Act or tackling related matters;

(e) produce reports on any matter relating to the purpose of this Act or tackling related matters.

(2) A “related matter” for the purpose of subsection (1) is abuse which the National Adviser considers to be related directly or indirectly to inequality of any kind between people of a different gender, gender identity or sexual orientation.

(3) If the National Adviser requests that a relevant authority provides information for the purpose of the exercise of any of the Adviser's functions, the authority must comply with the request unless the authority considers that doing so would—

(a) be incompatible with the authority's own duties, or

(b) otherwise have an adverse effect on the exercise of the authority's functions.

(4) A relevant authority which decides not to comply with a request under subsection (3) must notify the National Adviser in writing of the reasons for the decision.

### **22 Annual plan and annual reports**

(1) Before 30 November in each financial year the Ministerial Adviser must—

(a) prepare an annual plan setting out how the Ministerial Adviser proposes to exercise the Ministerial Adviser's functions during the following financial year, and



(b) submit the annual plan to the Welsh Ministers for approval.

(2) An annual plan must—

(a) state the Ministerial Adviser's objectives and priorities for the financial year covered by the report;

(b) state any matters on which the Ministerial Adviser proposes to report under section 21(1)(e) during that year;

(c) state any other activities the National Adviser proposes to undertake during that year in the exercise of the National Adviser's functions.

(3) The National Adviser may consult any person in preparing an annual plan.

(4) The Welsh Ministers may approve an annual plan without modifications or with modifications agreed with the National Adviser.

(5) Before 30 September in each financial year the National Adviser must send a report to the Welsh Ministers about the exercise of his or her functions during the previous financial year. (6) An annual report must include—

(a) an assessment of the extent to which the National Adviser's objectives and priorities for the financial year covered by the report have been met;

(b) a statement of the matters on which the National Adviser has reported under section 21(1)(e) during that year;

(c) a statement of the other activities the National Adviser has undertaken during that year in the exercise of the National Adviser's functions.

### **23 Publication of reports**

(1) The Welsh Ministers must publish—

(a) each annual plan and each annual report sent to them by the National Adviser, and

(b) each report sent to them by the National Adviser, if the report is mentioned in an approved annual plan.

(2) The Welsh Ministers may publish a report sent to them by the National Adviser that is not mentioned in an approved annual plan. (3) Before publication of a plan or report, the Welsh Ministers may remove from it any material whose publication the Welsh Ministers think—

(a) is undesirable for reasons of national security,

(b) might jeopardise an individual's safety, or (c) might prejudice the investigation or prosecution of an offence.

## Appendix 3: Part II of the Gender-Based Violence and Domestic Violence Act 2018 (Malta)

### **Part II**

#### Commission on Gender-Based Violence and Domestic Violence

##### Establishment of the Commission.

**6.** (1) There shall be a Commission to be known as the Commission on Gender-Based Violence and Domestic Violence which shall be a co-ordinating body with the aim of offering a holistic response to gender-based violence and domestic violence by promoting the right of all persons to live free from violence in both the public and private sphere, and of implementing measures to prevent all forms of violence falling within the scope of this Act.

(2) The Commission shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of employing personnel, of acquiring, holding and disposing of property of any kind for the purposes of its functions under this Act or any other law, of suing and of being sued, and of doing all such things and entering into all such transactions as are conducive or incidental to the exercise or performance of its functions as herein contained.

(3) The legal and judicial representation of the Commission shall lie in its Commissioner or such other officer as the Minister may from time to time appoint by notice in the Gazette: Provided that the Commission may appoint any one of its members or any other person to appear in its name and on its behalf in any judicial proceedings, and on any act, contract, agreement or document whatsoever.

##### Appointment and composition.

**7.** (1) The Commission shall be composed of a Commissioner who shall be called the Commissioner on Gender Based Violence and Domestic Violence and not less than six but not more than twelve other members who are knowledgeable on issues of gender-based violence and domestic violence, and, or legal and administrative issues connected therewith.

(2) The members of the Commission shall be appointed by the Minister after consulting such public and private agencies or entities involved in the research, prevention and treatment of gender-based violence and domestic violence, as the Minister may deem appropriate.

(3) The Minister shall ensure that the Commission is composed of members which represent, as far as possible, a wide representation of civil society.

(4) The members of the Commission shall designate any one of its members as Deputy Commissioner and the member so designated shall have all the powers and perform all

the functions of the Commissioner during his temporary absence or inability, or while the Commissioner is on vacation, or during any vacancy in the office of Commissioner. The name of the person designated as Deputy Commissioner shall be published in the Gazette.

Term of office.

**8.** Every member of the Commission shall hold office for a term of three years and may be reappointed at the end of his term of office only once.

Disqualification.

**9.** A person shall not be qualified to hold office as a member of the Commission if that person:

(a) is a Minister or a Parliamentary Secretary;

(b) is a practicing Judge or Magistrate;

(c) is legally interdicted or incapacitated;

(d) has been convicted of an offence liable to a term of imprisonment for not less than six months; (e) has been convicted of an offence relating to a breach of human rights or discrimination; or

(f) is subject to disqualification under article 320 of the Companies Act.

Termination and resignation.

**10.** (1) Subject to the provisions of this article, the office of a member of the Commission shall become vacant:

(a) upon the expiration of three years from the date of appointment or at such earlier time as may be specified in the instrument by which he was appointed; or

(b) upon resignation by a letter addressed to the Minister; or

(c) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such; or

(d) upon removal by the Commissioner upon a two thirds vote taken by all members for failure to attend meetings as specified in article 12(2).

(2) A member of the Commission may, at any time, be removed by the Minister after consultation with the other members of the Commission and substituted by another member.

(3) If a member resigns or if the office of a member of the Commission is otherwise vacant, it shall be filled by the appointment of another member by the Minister in accordance with article 7(2). The term of appointment of such member shall be for the remaining period of the three year term of the member whose post has become vacant.

Conflict of interest.

**11.** Any member of the Commission who has any direct or indirect interest in any matter or situation being considered by the Commission, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Commission after the relevant facts have come to his knowledge. Such disclosure shall then be recorded in the minutes of the meeting, and the member having an interest as aforesaid shall withdraw from any meetings at which such matter or situation is discussed.

Provisions with respect to proceedings of the Commission.

**12.** (1) The Commission shall meet within one month from its constitution, and meetings of the Commission shall be called by the Commissioner as often as may be necessary but not less than once every two months, either on his own initiative or at the request of any two of the other members thereafter.

(2) Attendance by all members shall be compulsory, with failure to attend without reasonable cause for three consecutive meetings resulting in an immediate and automatic motion for removal.

(3) The quorum for meetings of the Commission shall be half the number of its members, one of whom shall be the Commissioner or the Deputy Commissioner.

(4) Decisions of the Commission shall be taken by a simple majority of the votes of the members present and in the event of an equality of votes the Commissioner shall have a casting vote.

(5) Subject to the provisions of this Act, the Commission shall, in general, regulate its own proceedings.

(6) The Commission may appoint sub-committees or working groups from among its members as it deems appropriate in order to better discharge its functions.

(7) The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment of any member.

(8) The Commission may appoint any of its officers or employees to act as Secretary and to assist with taking of minutes of its meetings.

(9) The Commission may from time to time invite any person to attend one or more of its meetings, in particular to provide expert advice on specific issues.

Functions of the Commission.

**13.** The functions of the Commission shall be the following:

- (a) to advise the Minister and any State institution on all issues relating to gender-based violence and domestic violence, as well as the measures deemed necessary to ensure conformity with their due diligence obligations as established in article 5 and the Convention;
- (b) to monitor and oversee the effective implementation of the Action Plan developed by Government in accordance with article 5;
- (c) to engage any relevant stakeholders, including civil society, in the effective implementation of the Action Plan mentioned in the preceding paragraph;
- (d) to determine the appropriate financial and human resources required for the adequate implementation of the integrated policies, measures and programmes to prevent and combat all forms of gender-based violence and domestic violence covered by the scope of this Act;
- (e) to support research in the field of gender-based violence and domestic violence in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement the Convention;
- (f) to monitor national standards for support services for victims and perpetrators of gender-based violence and domestic violence, including public or private shelter services or facilities;
- (g) to monitor standards and protocols for professionals in the areas covered by the scope of this Act and organise specialised training for the said professionals, including, but not limited to, educators, members of the judiciary and law enforcement officers;
- (h) to comprehensively collect and collate relevant disaggregated statistical data at regular intervals on cases of all forms of violence covered by the scope of this Act from the State, public sector, agencies and other relevant entities, as appropriate;
- (i) to collaborate with the relevant national institutions to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Act;
- (j) to provide the group of experts, as referred to in article 66 of the Convention, with the information collected pursuant to this article in order to stimulate international cooperation and enable international benchmarking;
- (k) to ensure that the information collected pursuant to this article is available to the public;
- (l) to conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including those in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations to increase awareness and understanding among the general public of the different

manifestations of all forms of gender-based violence and domestic violence and the need to prevent and address such violence;

(m) to ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Act, as well as any means of redress available;

(n) to collaborate with the educational authorities to educate students on the forms of violence covered by this Act and the preventive measures in their regard;

(o) to provide guidelines to the media in relation to the prevention of the forms of violence covered by the scope of this Act.

Auditing and accounts.

**14.** (1) The Commission shall keep proper accounts of its income and expenditure and shall prepare and send to the Minister, by the 31st day of July of each calendar year, statements of accounts in relation to the preceding financial year.

(2) The financial year of the Commission shall commence on the 1st of January and shall end on the 31st of December of each year: Provided that the first financial year of the Commission shall begin on the coming into force of this Act and end on the 31st of December of the next following year.

(3) The accounts of the Commission shall be audited by the Auditor General and the Financial Administration and Audit Act shall apply.

Exemption from income tax.

**15.** The Commission shall be exempt from any liability to pay tax, in respect of its income, under the Income Tax Act.

Reports.

**16.** (1) As soon as practicable after the end of every calendar year, but in any case by no later than the end of March of the year immediately following the year of its constitution, the Commission shall publish a report of all its activities and shall continue to draw up such a report by the end of March of every year thereafter (such report shall hereinafter in this article be referred to as the "annual report").

(2) The annual report shall include a general report of developments during the period to which it relates in respect of matters falling within the functions of the Commission and shall also include a report on the activities, recommendations, advice and other initiatives carried out by the Commission in furtherance of its functions during the period to which the report relates.

(3) A copy of the annual report shall be sent to the Minister who shall, by not later than four weeks after receipt of the report, lay a copy thereof on the Table of the House, so

however that if the House is not in session, then such report shall be laid by not later than four weeks after the House resumes its session.

(4) The Commission may also send a copy of the annual report to such other bodies or organisations as the Minister may direct from time to time.

(5) The annual report shall, within the period of eight weeks from the date on which a copy thereof is laid on the Table of the House, be discussed by the Social Affairs Committee of the House of Representatives or any other committee substituting the same.

Persons to assist the Commission.

**17.** (1) The Minister may, whenever the Commission so requests, appoint a person or designate a public officer to assist it, in a consultative capacity, for the purpose of exercising any of its functions under this Act. (2) There shall be a Secretary to the Commission who shall be a person appointed as such by the Minister or a public officer designated by the Minister to perform the functions of Secretary. (3) The Commission shall also have such other staff as the Minister may deem necessary in order for the Commission to perform its functions and duties under this Act, and appoint or designate as aforesaid.

Funding.

**18.** (1) The Minister shall be responsible for securing adequate funds for the actual and effective performance of the functions as set out in article 13.

(2) In administering such funds, the Commission shall ensure adherence to all applicable legislation, including the provisions of the Financial Administration and Audit Act and relevant public procurement legislation.

## Appendix 4: Statutes Establishing the North Carolina Commission on Domestic Violence and Providing for its Functions

### **§ 143B-394.15. Commission established; purpose; membership; transaction of business.**

(a) Establishment. – There is established the Domestic Violence Commission. The Commission shall be located within the Department of Administration for organizational, budgetary, and administrative purposes.

(b) Purpose. – The purpose of the Commission is to

(i) assess statewide needs related to domestic violence,

(ii) assure that necessary services, policies, and programs are provided to those in need,

(iii) strengthen the existing domestic violence programs which have been established pursuant to G.S. 50B-9 and are funded through the Domestic Violence Center Fund, and

(iv) recommend new domestic violence programs.

(c) Membership. – The Commission shall consist of 38 members, who reflect the geographic and cultural regions of the State, as follows:

(1) Nine persons appointed by the Governor, one of whom is a clerk of superior court; one of whom is an academician who is knowledgeable about domestic violence trends and treatment; one of whom is a member of the medical community; one of whom is a United States Attorney for the State of North Carolina or that person's designee; one of whom is a member of the North Carolina Bar Association who has studied domestic violence issues; one of whom is a representative of a victims' service program eligible for funding by the Governor's Crime Commission or the North Carolina Council for Women; one of whom is a member of the North Carolina Coalition Against Domestic Violence; one of whom is a former victim of domestic violence; and one of whom is a member of the public at large.

(2) Nine persons appointed by the General Assembly, upon recommendation of the President Pro Tempore of the Senate, one of whom is a district court judge; one of whom is a district attorney or assistant district attorney; one of whom is a representative of the law enforcement community with specialized knowledge of domestic violence issues; one of whom is a county manager; one of whom is a representative of a community legal services agency who works with domestic violence victims; one of whom is a representative of the linguistic and cultural minority communities; one of whom is a representative of a victims' service program eligible



for funding by the Governor's Crime Commission or the North Carolina Council for Women; and two of whom are members of the public at large.

(3) Nine persons appointed by the General Assembly, upon recommendation of the Speaker of the House of Representatives, one of whom is a magistrate; one of whom is a member of the business community; one of whom is a district court judge; one of whom is a representative of a victims' service program eligible for funding by the Governor's Crime Commission or the North Carolina Council for Women; one of whom is a representative of the law enforcement community with specialized knowledge of domestic violence issues; one of whom provides offender treatment and is approved by the North Carolina Council for Women; one of whom is a representative of the linguistic and cultural minority communities; and two of whom are members of the public at large.

(4) The following persons or their designees, ex officio:

- a. The Governor.
- b. The Lieutenant Governor.
- c. The Attorney General.
- d. The Secretary of Administration.
- e. Repealed by Session Laws 2017-102, s. 24, effective July 12, 2017.
- f. The Superintendent of Public Instruction.
- g. The Secretary of Public Safety.
- h. The Secretary of Health and Human Services.
- i. The Director of the Office of State Human Resources.
- j. The Chair of the North Carolina Council for Women.
- k. The Dean of the School of Government at the University of North Carolina at Chapel Hill.
- l. The Chairman of the Governor's Crime Commission.

(d) Terms. – Members shall serve for two-year terms, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

(1) The Governor shall initially appoint five members for terms of two years and four members for terms of three years.

(2) The President Pro Tempore of the Senate shall initially appoint five members for terms of two years and four members for terms of three years.

(3) The Speaker of the House of Representatives shall initially appoint five members for terms of two years and four members for terms of three years. Initial terms shall commence on September 1, 1999.

(e) Chair. – The chair shall be appointed biennially by the Governor from among the membership of the Commission. The initial term shall commence on September 1, 1999.

(f) Vacancies. – A vacancy on the Commission or as chair of the Commission resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made, and the term shall be for the balance of the unexpired term.

(g) Compensation. – The Commission members shall receive no salary as a result of serving on the Commission but shall receive per diem, subsistence, and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable. When approved by the Commission, members may be reimbursed for subsistence and travel expenses in excess of the statutory amount.

(h) Removal. – Members may be removed in accordance with G.S. 143B-13 as if that section applied to this Article.

(i) Meetings. – The chair shall convene the Commission. Meetings shall be held as often as necessary, but not less than four times a year.

(j) Quorum. – A majority of the members of the Commission shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at meetings of the Commission shall be necessary for action to be taken by the Commission.

(k) Office Space. – The Department of Administration shall provide office space in Raleigh for use as offices by the Domestic Violence Commission, and the Department of Administration shall receive no reimbursement from the Commission for the use of the property during the life of the Commission.

(l) Staffing. – The Secretary of the Department of Administration shall be responsible for staffing the Commission.

**§ 143B-394.16. Powers and duties of the Commission; reports.**

(a) Powers and Duties. – The Commission shall have the following powers and duties:

(1) As recommended in the January 15, 1999, final report of the Governor's Task Force on Domestic Violence, to develop and recommend to the General Assembly the "Safe Families Act" and to promote adequate funding to promote victim safety and accountability of perpetrators.

(2) To develop and recommend domestic violence training initiatives for law enforcement and judicial personnel and for all persons who provide treatment and services to domestic violence victims.

(3) To develop training initiatives for and make recommendations and provide information and advice to State agencies in the areas of child protection, education, employer/employee relations, criminal justice, and subsidized housing.

(4) To provide information and advice to any private entities that request assistance in providing services and support to domestic violence victims.

(5) To design, coordinate, and oversee a statewide public awareness campaign.

(6) To design and coordinate improved data collection efforts for domestic violence crimes and acts in the State.

(7) To research, develop, and recommend proposals of how best to meet the needs of domestic violence victims and to prevent domestic violence in the State.

(8) To adopt rules in accordance with Article 2A of Chapter 150B of the General Statutes for the approval of abuser treatment programs as provided in G.S. 50B-3(a)(12). The Commission shall adopt rules to establish a consistent level of performance from providers of abuser treatment programs and to ensure that approved programs enhance the safety of victims and hold those who perpetrate acts of domestic violence responsible.

(b) Report. – The Commission shall report its findings and recommendations, including any legislative or administrative proposals, to the General Assembly no later than April 1 each year.

## Appendix 5: Statues Relating to the Georgia Commission on Family Violence

### **§ 19-13-30. State Commission on Family Violence**

(a) The General Assembly finds and declares that violence in Georgia homes among family members accounts for many serious injuries, deaths, and extensive physical and emotional damage to children and adults. Family violence knows no economic or social barriers. The costs of family violence include misery and trauma for individuals and families and increased government spending for police services, criminal prosecutions, incarcerations, court personnel, foster care, public assistance, and juvenile corrections.

(b) The General Assembly has enacted comprehensive legislation addressing family violence, including provision for the issuance of temporary protective orders to protect individuals from violence. It has become evident that enforcement of these laws is inconsistent and an effective response to family violence will require a comprehensive community effort as well as coordination among the courts, prosecutors, law enforcement agencies, the correctional system, and public assistance and other service providers. The creation of a state commission and local task forces to combat family violence was highly recommended by the Georgia Commission on Gender Bias in the Judicial System.

### **§ 19-13-31. Commission created; comprehensive state plan for ending family violence; establishment of community task forces**

There is created a State Commission on Family Violence which shall be responsible for developing a comprehensive state plan for ending family violence. This plan shall include the initiation, coordination, and oversight of the implementation of family violence laws and the establishment in each judicial circuit of a Community Task Force on Family Violence. These task forces shall be supported by and work in collaboration with the state commission. The commission shall be assigned for administrative purposes only, as set out in Code Section 50-4-3, to the Department of Community Supervision.

### **§ 19-13-32. Membership; terms; filling of vacancies; officers**

(a) The State Commission on Family Violence shall consist of 37 members:

(1) Three ex officio members shall be the director of the Division of Family and Children Services of the Department of Human Services, the director of Women's Health Services in the Department of Public Health, and the Attorney General;

(2) Three members shall be members of the House of Representatives and shall be appointed by the Speaker of the House of Representatives;

- (3) Three members shall be members of the Senate and shall be appointed by the President of the Senate;
- (4) The remaining members shall be appointed by the Governor as follows:
- (A) One judge from each judicial administrative district;
  - (B) Three advocates for victims of family violence, taking into account recommendations made by groups which have addressed the problem of family violence;
  - (C) One person with expertise and interest regarding family violence involving persons who are 60 years of age or older;
  - (D) One person with expertise and interest regarding family violence involving children; and
  - (E) One representative from each of the following:
    - (i) The Administrative Office of the Courts;
    - (ii) The Georgia Peace Officer Standards and Training Council;
    - (iii) The Georgia Association of Chiefs of Police;
    - (iv) The District Attorneys Association of Georgia;
    - (v) The State Board of Pardons and Paroles;
    - (vi) The Department of Community Supervision;
    - (vii) The Georgia Sheriffs' Association;
    - (viii) The Criminal Justice Coordinating Council;
    - (ix) The Solicitors Association of Georgia;
    - (x) The legal aid community;
    - (xi) The academic community;
    - (xii) A family violence intervention program, as such term is defined in Code Section 19-13-10; and
    - (xiii) A former victim of family violence.
- (b) The Governor, Speaker of the House, and President of the Senate shall appoint individuals who are specially qualified to serve on the commission by reason of their experience and knowledge of family violence issues.
- (c) Members serving on July 1, 2017, and persons appointed to complete the unexpired terms of members serving shall complete the terms for which they were

appointed. Thereafter, each member shall be appointed for a term of three years, and no member shall serve more than two consecutive terms unless he or she is serving in an ex officio capacity. The letter of appointment shall set out the term for which each member is appointed. Each member shall serve until the date his or her successor is appointed. A commission member shall be eligible to serve so long as he or she retains his or her status as the designation for which he or she was appointed, but a vacancy shall be created by operation of law when he or she no longer has such designation. All vacancies shall be filled by the appointing official for the unexpired term. Any member appointed to fill a vacancy may serve an additional two consecutive terms.

(d) The commission shall elect a chairperson, vice chairperson, and a secretary from among its members for terms of three years, and any member shall be eligible for successive election to such office by the commission.

(e) Legislative members of the commission shall receive the allowances provided for in Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for state employees. Members of the commission who are state officials, other than legislative members, or state employees shall receive no compensation for their services on the commission, but they shall be reimbursed for expenses incurred by them in the performance of their duties as members of the commission in the same manner as they are reimbursed for expenses in their capacities as state officials or state employees. The funds necessary for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated or otherwise available to their respective departments.

#### **§ 19-13-33. Meetings; quorum; reimbursement for expenses**

(a) The commission shall hold regular meetings at least once every calendar quarter. Special meetings may be called by the chairperson or a majority of the members of the commission. The commission shall meet at such times and at such designated places in the state as it may determine.

(b) A quorum for transacting business shall be determined by the members of the commission.

(c) The members of the commission may be reimbursed for expenses incurred while conducting the business of the commission from public or private grants, devises, or bequests received by the commission.

#### **§ 19-13-34. Powers and duties of commission**

(a) The commission shall have the following duties:

- (1) To study and evaluate the needs, priorities, programs, policies, and accessibility of services relating to family violence throughout this state;

- (2) To evaluate and monitor the adequacy and effectiveness of existing family violence laws, including the response of the present civil and criminal legal systems;
  - (3) To initiate and coordinate the development of family violence legislation, as necessary;
  - (4) To monitor the implementation and enforcement of laws, regulations, and protocols concerning family violence;
  - (5) To make recommendations for education and training to ensure that all citizens and service providers, including but not limited to members of the judiciary, law enforcement personnel, and prosecuting attorneys, are aware of needs relating to family violence and of services available;
  - (6) To develop models for community task forces on family violence;
  - (7) To provide training and continuing education on the dynamics of family violence to members of the commission where appropriate and necessary;
  - (8) To report annually to the General Assembly during its existence; and
  - (9) To develop standards to be utilized by the Department of Community Supervision in the certification and regulation of family violence intervention programs.
- (b) The commission shall have the following powers:
- (1) To write and disseminate reports and recommendations concerning family violence to the Governor, the General Assembly, and the community;
  - (2) To accept public or private grants, devises, and bequests;
  - (3) To enter into all contracts or agreements necessary or incidental to the performance of its duties; and
  - (4) To hold meetings and public hearings and to conduct studies, collect data, or take any other action the commission deems necessary to fulfill its responsibilities.

#### **§ 19-13-35. Termination provisions**

(repealed)