Reform Principles for the Violence Against Women Act

The 14 principles that follow are intended as a basis for the reform of the Violence Against Women Act, and seek to ensure that all VAWA-funded programs are based on sound science, demonstrate respect for civil rights, and reflect support for the family unit.

A. General Issues

1. Drafting process: Stakeholders representing a diversity of perspectives need to participate as full participants in the VAWA reauthorization drafting process.

2. Definitions: Because of VAWA’s expansive and vague definitions, minor incidents of partner conflict are being over-criminalized. In addition, victims of physical violence aren’t getting the priority they deserve.¹

3. Training and public awareness: Training and education programs should be based on sound science, not gender ideology.²,³

4. Non-discrimination: VAWA grantees should ensure that all victims of domestic violence are helped.⁴

5. Accountability: The Violence Against Women Act needs to institute strong transparency and accountability measures to rein in waste and fraud.⁵

B. Counseling and Treatment Services

6. Treatment programs: Programs funded by the Violence Against Women Act ignore the most common causes of intimate partner violence: substance abuse, marital conflict, and psychological disorders. Domestic violence programs should address the social and psychological causes of partner aggression.⁶

7. Mediation and Reconciliation: The importance of the family structure must be respected.⁷ Many states prohibit couples counseling when abuse has been alleged. Partner reconciliation should be allowed when the counselor and victim believe counseling is desirable and safe. Campus sexual assault policies should allow for mediation.

⁵ Sarah Torre: Violence Against Women Bill Fails to Address Fraud. http://dailysignal.com/2012/04/24/violence-against-women-bill-fails-to-address-fraud/
8. Abuse shelters: Abuse shelters should be staffed by personnel with appropriate training and expertise in crisis intervention, mental health, and substance abuse treatment. Shelters should give priority to victims of physical violence.

C. Legal Response

9. Due process: The legal response to alleged incidents of domestic violence and sexual assault must be based on constitutionally sound principles of due process, whether in the criminal justice system or on college campuses. The presumption of innocence must be upheld.

10. Investigations: Investigations of alleged incidents must be objective, neutral, and fair, not based on guilt-presuming “victim-centered” methods.

11. Restraining orders:Restraining orders don’t deter determined abusers from harming their victims, and can lull victims into a false sense of security. Restraining orders should only be issued when there is objective and verifiable evidence of abuse.

12. Mandatory arrest: Mandatory arrest policies increase partner homicides by nearly 60%, according to a Harvard University study. The Department of Justice should not award VAWA grants to jurisdictions with policies that promote arrest without probable cause.

13. Prosecution: Mandatory prosecution and prosecuting protection order violations may be linked to increases in partner homicides. Prosecutors need to avoid ‘no-drop’ policies that ignore the wishes and needs of victims.

14. False allegations: False allegations can cause severe and lasting harm to the wrongfully accused, deprive children of parental guidance, and rob victims of services, protections, and credibility. Incentives should not be established for immigrants to make false allegations. False accusers need to be held accountable.

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16 Capital Research Center. The Violence Against Women Act and the War for Tax Dollars. https://capitalresearch.org/article/vawa/
17 David North. Senate Holds a Rare Hearing on Immigration-Related Marriage Fraud. https://cis.org/north/senate-holds-rare-hearing-immigration-related-marriage-fraud
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