

Focus on women

Issue 13 2011

Welcome to the thirteenth edition of Rights of Women's Policy Newsletter, *Focus on Women*.

In this edition, we set out a number of important law and policy changes, following the publication by the Government of its **Call to End Violence Against Women and Girls Strategic Vision and Action Plan**. The implementation of a cross-government action plan has been long awaited, as the previous Government's strategy was put on hold following the General Election in May last year. We are looking forward to seeing the Action Plan take shape, and welcome its strong focus on preventing violence.

Whilst welcoming the publication of the Action Plan we are very concerned about the impact of current spending cuts on the violence against women and girls sector. We note with relief that the Government intends to ring-fence funding for certain violence against women and girls services, but the future of many specialist women's organisations across England and Wales remains uncertain.

We have been campaigning hard over recent months in response to the Government's proposals to cut the availability of civil legal aid. We explain in this edition our deep concerns about the implications that the proposals, if implemented, would have on women's access to justice, safety and equality. We have been encouraged by the strength and solidarity that women's organisations and other voluntary and community organisations have shown in campaigning against the proposals. We know that the Ministry of Justice received an

overwhelming number of responses to its consultation – and will keep the pressure on in the coming months.

In this edition we also have some positive updates on the Government's proposals to find a permanent solution to the problem that women with 'no recourse to public funds' experiencing domestic violence face. After years of campaigning on this issue, many of us are relieved to see that a solution for some women affected by the 'no recourse' rules might be in sight. But the campaign is far from over; many more women affected by the 'no recourse' rules will remain ineligible for support. We are also encouraged by the Government's announced plans to opt-in to the EU Human Trafficking Directive.

Finally, we have exciting news that from 1 April 2011, our advice lines are changing. Thanks to a grant from UNBOUND Philanthropy we are now in a position to operate a new, dedicated advice line for women with an insecure immigration status and for the professionals who are supporting them. We have also changed our advice line times to make them more accessible to women who work and women with caring responsibilities, so that now, for example, we have a family law line session open every day from Monday-Friday. We hope that these changes will help us empower more women to access their rights and legal remedies.

Emma Scott,
Director

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Industrial and Provident Society: 23221R



helping women through the law

The Government's Call to End Violence Against Women and Girls ACTION PLAN

On 8 March 2011, the Government published its **Call to End Violence Against Women and Girls: Action Plan**. The Action Plan offers welcome clarity and concrete and time-bound commitments concerning the implementation of the Government's **Strategic Vision** to end violence against women and girls, published in November 2010. The Action Plan sets out action to be undertaken across different Government departments, such as the Home Office, Ministry of Justice, Department of Health and Department for Education in relation to preventing violence, the provision of services, partnership working, justice outcomes and risk reduction. This is a very welcome approach, as it recognises that violence against women and girls is a cross-government issue. Whilst it is a long-term vision, the Government has committed to review the Action Plan every six months. This should offer the opportunity for voluntary and community sector groups to critically review the Action Plan and highlight positive aspects, as well as underscore those areas where we feel the plan is lacking.

Integrated action?

Importantly, the Government has committed to use the definition of violence against women contained in the United Nations (UN) Declaration on the Elimination of Violence against Women (1993) across all Government departments.¹ This international definition contains key elements to guide Government policy on violence against women. For example, it stresses that the Government has an obligation to effectively prevent and respond to all forms of violence, including physical, sexual and psychological violence. It also stresses that violence against women is gender-based violence, and by doing so sets out a clear framework for addressing such violence as part of wider patterns of inequality and discrimination faced by women. Whilst we welcome the adoption of the UN definition across Government, we are concerned

¹ Call to End Violence against Women and Girls, November 2010, p5.

that significant forms of violence against women that fall within the international definition, including trafficking in women and girls and the sexual exploitation of women in prostitution are not addressed in the Action Plan. We would encourage the Government to review the Action Plan to address all forms of violence against women, to ensure the implementation of a comprehensive strategy in line with international and domestic commitments.

Strong on prevention

The Action Plan contains a welcomed strong emphasis on prevention, and sets out a series of concrete steps to be taken to address attitudes, behaviours and practices that perpetuate or condone violence against women and girls. Important work around encouraging responsible reporting amongst journalists, and engaging with the media and music industry are proposed as well as work around raising public awareness of basic elements of the Sexual Offences Act 2003 and teaching of sexual consent within the curriculum. The Government also proposes to investigate the prevalence and effects of violence against women and girls on vulnerable groups, including BME communities. This is a very positive step, and we urge the Government to ensure that this work addresses the distinct experiences of other groups of women who share protected characteristics and face distinct risks related to factors such as their age, disability, religion or belief, and sexual orientation.

The Action Plan proposes important actions to address the links between commercialisation, premature sexualisation, pornography and the reinforcement of sexist or violent attitudes and behaviours amongst children. This includes actions to protect children from premature sexualisation, and reduce their access to harmful material on the internet. However, because the Action Plan does not address the sexual exploitation of women in prostitution or pornography, it misses an important opportunity to take broader preventative action to address the causal links between sexual exploitation of women and the propagation of sexist attitudes that fuel violence against women and girls in society more generally.

The Action Plan also sets out important steps to improve early intervention in cases of violence against women, and getting the first response right when a woman or girl seeks help. As part of this work, an evaluation of the police specialist unit approach to rape has been conducted and will

report by the end of April; and the Crown Prosecution Service is identifying ways to improve communication with victims of sexual violence. We look forward to seeing the outcomes of these initiatives and working with the Government to ensure their follow up and expansion across all gender-based crimes.

Provision: going local?

In line with the Government's localism agenda, the Strategic Vision for provision of violence against women services is built upon the premise that the previous Government's approach to tackling violence against women was over-centralised. The Government asserts that national targets, rigid indicators, central directives and inspection frameworks prevented local areas from innovating local solutions. Whilst we welcome an approach which takes into account local need, Rights of Women and many other women's organisations have significant concerns about the patchy implementation of policy on violence against women across local areas, and the post-code lottery which women experiencing violence face when seeking support and advice. We are worried that the removal of clear guidelines and targets for local areas will exacerbate this problem.

The Action Plan sets out that the Government Equalities Office will promote the new Equality Duty following the entry into force of the Equality Act 2010. This new statutory duty will be integral to preventing and responding to violence against women. We consider that there needs to be a much more joined up policy approach to the devolution of decision making powers to local authorities and their partners on the one hand, and the statutory obligations on all local authorities to take strategic action to promote equality of opportunity on the other. This means that clear guidelines must be issued to local authorities concerning their obligations with respect to the provision and commissioning of violence against women services and how this relates to the Equality Duty.

The Government asserts boldly in its strategic vision that greater decentralisation will give local people a stronger voice in setting local priorities. We are concerned that this assertion is not justified in the absence of robust mechanisms to ensure the participation in decision-making of the most vulnerable and disadvantaged in society, including the women that we work with who are at risk of gender-based violence. We strongly recommend that proposals for strengthening participation in local decision making – such as the planned pilots

set out in the Action Plan for participatory budgeting (local people making decisions about local budgets) – include a clear strategy to guarantee the participation of representatives working on behalf of the most vulnerable and marginalised groups in local areas, such as representatives from specialist violence against women organisations.

The Action Plan commits Government to the provision of ring-fenced, central Government support over the next four years to specific violence against women and girls services, including Independent Sexual Violence Advisors (ISVAs), Multi-Agency Risk Assessment Conference (MARAC) coordinators and Independent Domestic Violence Advisors (IDVAs), as well as rape crisis centres. It makes sense to ring-fence funding in this way and ensure central Government funding because we know that overall levels of violence against women and girls are not sensitive to changes in demographics and place and there must be provision in every local area. However, whilst welcoming the commitment for ring-fenced funding for the next four years, it is clear that provision will not be made in every local area (for example, the Action Plan sets out that there will be funding for just 86 ISVAs). We are further concerned about the fate of specialist violence against women organisations that are not eligible for this funding and must compete for diminishing local resources in the climate of cuts. The Action Plan focuses on the provision of funding for services which predominantly fall to the statutory sector, and are geared up to support high risk cases through the criminal justice system. Women's needs and rights to rehabilitation following violence extend beyond support in accessing the criminal or civil justice systems, and the provision of funding for services must reflect this.

In line with the Government's localism agenda, it is proposed that the ring-fenced violence against women and girls funding will be devolved to local areas after 2015. Without a long term strategy that guarantees local funding for service provision, we remain concerned about the future of specialist violence against women and girls services.

Asylum seeking women and women with an insecure immigration status

We are delighted that the Action Plan commits to review gender based claims processed by the UK Borders Agency and report by May 2011. We have long campaigned with other groups to highlight the poor quality of decision-making in women's asylum claims. We will seek to be actively involved in taking

this work forward and are keen to establish what steps will be taken beyond this summer. The Action Plan also commits Government to developing an effective and sustainable funding solution for victims of domestic violence with no recourse to public funds (see legal updates section of this issue for more information).

Justice outcomes

The Action Plan sets out to increase the numbers of women and girls who have the confidence to access the criminal justice system. It sets out a number of steps, for example, amongst other things, to pilot Domestic Violence Protection Orders (DVPOs) and Domestic Violence Protection Notices (DVPNs) in the summer (for further details, see legal updates section); consider how Specialist Domestic Violence Courts can be developed further; produce guidance for prosecutors dealing with female genital mutilation; and improve responses to stalking.

The Action Plan also sets out that the CPS will consider ways to address prosecution issues in relation to ethnicity differences and to monitor cases by ethnicity. Monitoring cases in this way is an essential step for developing effective responses to violence experienced by different groups of women. Yet it is not clear why this action has not been adopted in respect of all equality strands and all forms of violence against women and we would strongly urge the CPS to do so.

Whilst we warmly welcome efforts to improve women's experiences of the criminal justice system, we are concerned that there is no reference in the Action Plan to improving women's access to civil remedies. In our experience, civil law remedies, such as non-molestation orders and occupation orders can play a pivotal role in preventing violence and protecting women from further harm. However, the women we work with report significant barriers to accessing these remedies to protect themselves and their children. Current proposals to cut the legal aid budget are set to exacerbate this situation. We set out clearly in our research report, **Measuring up? UK compliance with international commitments on violence against women**, the case for improving women's access to civil remedies, including through the introduction of similar protections for witnesses/litigants in civil proceedings as there are for witnesses in criminal proceedings; and improved access to legal aid. It is essential that the Government addresses key barriers that women face in the family justice system alongside its efforts in relation to criminal justice through the Action Plan.

Moving forward

In sum, whilst the Action Plan makes progress in key areas, and is welcomed for its clear actions and timetable for implementation, we are concerned that significant gaps remain that will undermine progress towards effectively preventing and responding to violence against women and girls.

Our concern about discord in policy between central Government strategy and local level implementation is not new; the women's sector has long campaigned for an end to the patchy implementation of policy and provision of services across local areas through stronger monitoring and accountability mechanisms. However, the current focus on localism in the absence of robust guarantees for the involvement of vulnerable and marginalised groups in decision-making process, has aroused legitimate concern in the sector that violence against women services and initiatives will be an "easy cut" in a time of crisis.

Rights of Women attends the violence against women and girls inter-ministerial group and will feed our concerns to Government through this forum and others as appropriate. If you have any comments or questions please do not hesitate to get in touch with Katherine Perks, our Policy Officer by email on katherine@row.org.uk.

You can view the Government's Strategic Vision on violence against women and girls [here](#).

You can view the Government's Action Plan on violence against women [here](#).

Rights of Women produced a major research report on law and policy on violence against women in England and Wales last year. Although it addressed the previous Government's strategy, many of our concerns remain the same.

You can read the research report, *Measuring up? UK compliance with international commitments on violence against women in England and Wales*, and our recommendations [here](#).

Campaigning to save legal aid

Over recent months, Rights of Women has been campaigning hard with many other organisations following the publication of **Proposals for the Reform of Legal Aid in England and Wales** by the Ministry of Justice on 15 November 2010. The proposals set out plans for radical changes which, if implemented, threaten the very existence of the legal aid system in England and Wales.

The proposals include:

- Changing the legal aid scheme so that legal aid will no longer be available to deal with certain types of legal problems including:
 - private children law (including applications for contact and residence);
 - financial relief (dividing assets on divorce);
 - immigration law (including applications under the domestic violence rule or in relation to someone's private and family life);
 - housing law and debt (other than when a person's home is at risk); and
 - welfare benefits law.
- Changing the rules on eligibility to make it more difficult to financially qualify for legal aid (including for those on welfare benefits) and to increase the level of financial contributions to legal fees that have to be made by those who are still eligible.
- Reducing the amounts paid to lawyers.
- Changing how legally aided legal advice is accessed so that women will no longer be able to approach solicitors directly for advice. Instead it is proposed that there will be a single point of access to legally aided legal advice through a telephone line.²

Definition and gateways related to domestic violence

One of our key concerns is the approach to violence against women cases in the proposals.

The consultation document and accompanying press releases stated that domestic violence would remain in scope under the proposed changes to legal aid in family law matters. This is simply not the case. The focus of the reforms is on protecting

² You can view the Ministry of Justice Proposals for the Reform of Legal Aid in England and Wales online here: <http://www.justice.gov.uk/consultations/legal-aid-reform-151110.htm>.

victims from “physical harm”, contrary to the current Home Office and Association of Chief Police Officers (ACPO) definition of domestic violence, and recent Government commitments to apply the UN definition of violence against women, which includes physical, sexual and psychological violence, in all its work. We are very concerned about the proposals because legal aid should be available to women who experience any form of domestic violence, not just physical violence. We are further concerned that the eligibility requirements (or “gateways”) are much too restrictive and do not capture the experiences of women and the reality of domestic violence, whether physical or otherwise.

The Ministry of Justice has also proposed to remove immigration law from the scope of legal aid. We strongly disagree with this because immigration cases are often extremely complex and involve fundamental human rights issues. In particular, we are concerned that there is no exception for domestic violence rule applications. It is simply not feasible to expect applicants, who will be vulnerable because of the violence they have experienced, to represent themselves in these applications. The removal of legal aid for domestic violence rule cases would have considerable implications for the operation of the Sojourner Project and the Government’s commitment to implementing a long term solution to the problems faced by women

experiencing domestic violence who have no recourse to public funds.

You can read Rights of Women’s response to the consultation, which sets out all of our concerns in detail [here](#).

What next?

The formal consultation period for the legal aid review closed on 14 February 2011. Speaking at the National Pro Bono Centre’s Question Time on 17 March 2011 the legal aid Minister, Jonathan Djanogly, announced that the Government response to the consultation would be delayed until an undetermined date after Easter. The Minister also announced that the Ministry of Justice is “reviewing the definition of domestic violence to be used when granting legal aid in private family law cases, and considering implementing a regime for cases when there are ‘exceptional circumstances’”.³ This is a positive sign that our campaigning is having an impact. We know that the Ministry of Justice was overwhelmed with over 5,000 responses, but we must not take the pressure off. Rights of Women is a member of the Justice for All Coalition and the Sound Off For Justice campaign, two groups actively working to forge alliances against the legal aid ‘reforms’. To find out more and get involved with these campaigns, see: [**Justice for All Coalition**](#), [**Sound off for Justice**](#).

Women’s access to justice research

In order to ensure that Rights of Women’s response to the consultation was evidence-based and that our conclusions represented the views of the individual women and the professionals we work with, we carried out research into both the current operation of civil legal aid and the reform proposals. Between 17 December 2010 and 31 January 2011, we surveyed the views of just under a thousand people through three online surveys targeted at individual women, professionals who work on violence against women issues and legal professionals. The responses made for uncomfortable but inspiring reading. They explained clearly the barriers that women face leaving violent and abusive relationships and how receiving legal advice and representation can make the difference between acting to resolve a legal issue or not. You can read our analysis of the findings, which make an unanswerable case for legal aid in Women’s Access to Justice: a research report [here](#).

³ *Law Society Gazette*, ‘Pressure prompts review of “domestic violence” legal aid definition’, 21 March 2011, online: <http://www.lawgazette.co.uk/news/pressure-prompts-review-domestic-violence-legal-aid-definition>.

Legal updates

“Go orders” – piloting domestic violence protection notices and orders

In November 2010, the Government announced its intention to pilot domestic violence protection notices and orders as part of its **Strategic Vision** to end violence against women and girls.

These measures, aimed at bridging the gap between any action taken by the police in response to an incident of domestic violence and a woman's ability to seek protection in the civil courts, will be piloted for one year in West Mercia, Wiltshire and Manchester, from June 2011. The pilot will be led by West Mercia Police, although we do not yet have full information about what the legal process for applying for these measures will be.

One of our initial concerns about these measures was to ensure that victims have access to immediate advice and support from a case-worker to help them identify the options available once these temporary provisions expire. We consider that this support role would be essential to ensure that a woman has ongoing protection in place. The Home Office has confirmed that there will be no additional funding for this support role and that the pilot will rely on existing local services such as IDVAs. The pilot team is undertaking a scoping exercise in each pilot area to identify what services are available and how they can work together to provide this support.

Rights of Women sits on the external advisory group for the pilot. If you have any issues you would like to feed into discussions or experiences from the pilot as it begins please contact our Policy Officer, Katherine on katherine@row.org.uk.

For more detailed information on what domestic violence protection notices (DVPNs) and domestic violence protection orders (DVPOs) are, see **Focus on Women, Issue 11**.

No more ‘no recourse to public funds’?

At long last, and after much hard work by women's and human rights organisations, particularly Southall Black Sisters and Amnesty International, the Government has announced that from 1 April 2012 women who are or were on spouse visas and who are experiencing domestic violence will be able to access mainstream welfare benefits for a short period of time while their application for indefinite leave to remain under the domestic violence rule is prepared and then decided by the UK Border Agency (UKBA). This announcement was made on the 100th anniversary of International Women's Day, in the **Government's Call to End Violence Against Women and Girls: Action Plan**.

The Sojourner Project, the pilot scheme designed to support women in this position until a permanent solution to the problems posed by ‘no recourse’ was put in place, will continue to operate until 1 April 2012. The Sojourner Project, which is coordinated by Eaves,⁴ enables women to be funded in refuge while their applications under the domestic violence rule are prepared and decided. Funding has been available under the scheme for 40 working days (20 working days to prepare the application and then 20 working days while the UK Border Agency decides it). However, from 1 April 2011, funding will increase to 50 working days (30 days to prepare the application and then 20 days while it is decided). The Home Office has increased the time funded for applications to be prepared following a successful campaign by the **Campaign to Abolish No Recourse to Public Funds** (of which Rights of Women is an active member) because the time previously given was insufficient for applications to be thoroughly prepared and submitted.

Whilst these developments are excellent news, Rights of Women believes that more can be done to protect women with an insecure immigration status who are experiencing domestic violence. For example, the current pilot and announcement will not cover women who are not on spouse visas but who are in the UK and experiencing domestic violence, even if they are in a relationship with someone who is British or settled in the UK. Rights of Women believes that all women in this situation should be able to access welfare benefits while they decide whether or not to remain in the UK (and make the relevant immigration application).

⁴ For further information about the Sojourner Project visit www.eaves4women.co.uk/sojourner/sojourner.php.

Similarly, Rights of Women remains concerned about the quality of decisions made by case-workers for the UKBA in domestic violence rule applications. Rights of Women recently made a freedom of information request to the UKBA to see what percentage of their decisions under the domestic violence rule were successfully overturned by the applicant (the woman making an application for Indefinite Leave to Remain) on appeal. We received the following information:

Date	Percentage of appeals under the domestic violence rule that are successful*
January-March 2009	55%
April-June 2009	64%
July-September 2009	61%
October-December 2009	63%
January-March 2010	69%
April-June 2010	63%
July-September 2010	64%

*Figures relate to the final appeal outcome of those cases that have exhausted all rights of appeal. This includes all cases that have been allowed at the final outcome regardless of whether they were first-tier or upper-tier tribunal appeals.

Richard Thomas, Chair of the Administrative Justice and Tribunals Council, suggested that the success rate on appeal in general immigration cases was 48% in 2010.⁵ The fact that applicants in domestic violence rule cases are so much more likely to be successful on appeal than applicants challenging other immigration law decisions indicates a problem with the UKBA's understanding of domestic violence and how it applies the rule. The UKBA appears to be trying to address these issues by creating specialist teams of case-workers who will, this year, be responsible for deciding these applications. Rights of Women, Southall Black Sisters and Eaves recently delivered training to these caseworkers to support this but we will have to monitor the situation to see if any improvements are made.

An end to the Workers Registration Scheme

On 1 May 2011 the Workers Registration Scheme for A8 nationals will no longer exist. A8 Nationals are people from the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. From this point on A8 nationals will be able to access welfare benefits in line with nationals from other countries who are members of the European Economic Area, such as France and Germany.

The position in relation to A2 Nationals (Romania and Bulgaria) remains the same. A2 nationals have to register their employment on the Workers Authorisation Scheme and are limited in the types of job they can do. Transitional arrangements for them (the temporary arrangements that were put in place on these countries accession to the European Union) will remain in place until 1 January 2012 (or longer, depending on the economic situation in the UK at that time).

For further information see the information sheet developed by the AIRE Centre:

www.airecentre.org/resources.php.

What is domestic violence? The Supreme Court decision in Yemshaw [2011]

The current Home Office and Association of Chief Police Officers (ACPO) definition of domestic violence, in line with international standards, defines domestic violence as:

“any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.”

This definition is also used by the Crown Prosecution Service, the Ministry of Justice and the UK Border Agency.⁶ However, attempts continue to be made to limit the types or forms of behaviour that constitute domestic violence, as shown most recently in the Ministry of Justice's consultation on the 'reform' of legal aid.

5 As quoted in the initial consultation response to the Ministry of Justice Proposals for the Reform of Legal Aid in England and Wales (November 2010), by the Immigration Lawyers Practitioners Association, available at www.ilpa.org.uk.

6. See the CPS' *Policy for Prosecuting Cases of Domestic Violence* (2010), the Ministry of Justice's *A Guide to Civil Remedies and Criminal Sanctions* (February 2003, updated March 2007); and the UKBA's *Victims of Domestic Violence: Requirements for Settlement Applications* and the IDI Chapter 8, Section 4, *Victims of Domestic Violence*.

However, the validity of differentiating between physical violence and other forms of domestic violence was conclusively rejected by the Supreme Court in the recent case of *Yemshaw* [2011].⁷ This case concerned a woman who experienced verbal, emotional and financial abuse from her husband and sought assistance from her local authority to obtain housing as someone who was unintentionally homeless as a result of domestic violence under sections 175 and 177 of the Housing Act 1996. Her local authority refused to provide assistance because she had not experienced physical violence. Baroness Hale, who gave the lead judgment in the case, rejected the idea that protection from domestic violence should only apply in cases of physical violence. Quoting with approval the definition of domestic violence set out above, she asserted at paragraph 27 that:

““Violence” is a word very similar to the word “family”. It is not a term of art. It is capable of bearing several meanings and applying to many different types of behaviour. These can change and develop over time.... The essential question, as it was in *Fitzpatrick*, is whether an updated meaning is consistent with the statutory purpose – in that case providing a secure home for those who share their lives together. In this case the purpose is to ensure that the victim of domestic violence has a real choice between remaining in her home and seeking protection from the criminal or civil law and leaving to begin a new life elsewhere.”

Further information about domestic violence and housing law is available to download free from our website.

UK opting in to EU Human Trafficking Directive

On 22 March 2011 the Government announced that the UK would be opting into the EU Human Trafficking Directive. The Minister of State for Immigration, Damian Green, stated that:

“I am writing today to the Parliamentary Scrutiny Committees in both Houses, seeking their views on the Government’s intention to apply to opt in to the EU Directive to combat

Human Trafficking upon its adoption. The Government’s view remains subject to Parliamentary scrutiny.

In June, the Government took the decision not to opt in at the outset to the proposal for a Directive to combat Human Trafficking but undertook to review the position when there was a finalised text. We have now carefully considered the finalised text. The main risk associated with the text has now been overcome: by waiting to apply to opt in, we have a text that has been finalised and we have avoided being bound by measures that are against the UK’s interests.

The new text still does not contain any measures that would significantly change the way the UK fights trafficking. However, the UK has always been a world leader in fighting trafficking and has a strong international reputation in this field. Applying to opt in to the Directive would continue to send a powerful message to traffickers that the UK is not a soft touch, and that we are supportive of international efforts to tackle this crime.”

Opting into the Directive would be an extremely positive step that would strengthen the rights of trafficked women in the UK. This is because it would have direct effect in the UK which means that individual women would be able to enforce their rights under the Directive in the UK courts.

Further information on the rights of women who have been trafficked into the UK for the purposes of sexual exploitation is set out in our legal guide **Trafficking, sexual exploitation and the law** available to download from our website [here](#).

⁷ *Yemshaw (Appellant) v London Borough of Hounslow (Respondent)* [2011] UKSC 3.

Rights of Women updates

NEW PUBLICATION

From Rights to Action: Using international rights and mechanisms on violence against women in the UK

From Rights to Action provides a practical introduction to the international human rights law, policy and mechanisms relevant to combating violence against women and how they relate to law and practice in the United Kingdom (UK).

Too often, international human rights laws and the mechanisms to enforce them are presented in an overly legalistic way. This handbook seeks to demystify the law around human rights and empower organisations working to promote women's rights to apply human rights in their work and influence law, policy and practice on violence against women.

From Rights to Action is a vital resource for non-governmental organisations (NGOs), such as women's organisations, working to support women affected by violence in the UK.

Download your copy of *From Rights to Action* [here](#).

Our advice lines are changing!

Rights of Women's legal advice lines are changing!

Our specialist legal advice lines are Rights of Women's core service. The information we get from our callers about the barriers they face informs all other aspects of our work and is a daily reminder of the struggles women face securing safety from violence and protecting themselves and their families. However, we know that the women calling us for legal advice are often either unable to get through or have to make a number of attempts before they can speak to an advisor. Demand for our former criminal and immigration law line was very high with 46% of respondents to our advice line feedback form stating that they had called us between 5 and 15 times before they were able to speak to an adviser. Consequently, we are always fundraising to seek to maintain and expand our advice line services. Thanks to a grant from UNBOUND Philanthropy we are now in a position to operate a new, dedicated advice line for women with an insecure immigration status and for the professionals who are supporting them. This new line will enable us to better meet the needs of this vulnerable group of women while increasing our capacity on our other two legal advice lines. We have also changed our advice line times to make them more accessible to women who work and women with caring responsibilities, so that now, for example, we have a family law line session

From 1 April 2011 we have the following advice lines operating at the following times:

Family law advice line for advice on issues including:

- domestic violence and abuse ■ relationship breakdown ■
 - issues relating to children, including parental responsibility, child contact and residence ■
- Call 020 7251 6577 (telephone) or 020 7490 2562 (textphone) on Mondays between 11am-1pm, Tuesdays and Wednesdays between 2pm-4pm and 7pm-9pm, Thursdays between 7pm-9pm and Fridays between 12noon-2pm.

Criminal law advice line for advice on issues including:

- sexual offences ■ domestic violence and harassment ■ the rights of victims, witnesses and defendants ■
 - criminal injuries compensation ■
- Call 020 7251 8887 (telephone) or 020 7490 2562 (textphone) on Tuesdays between 11am-1pm and Thursdays between 2pm-4pm.

Immigration and asylum law advice line for advice on issues including

- the rights of EEA nationals and their family members ■ claiming asylum in the UK ■ trafficking ■
 - domestic violence and immigration law ■ no recourse to public funds ■
- Call 020 7490 7689 (telephone) or 020 7490 2562 (textphone) on Mondays between 2pm-4pm and Wednesdays between 11am-1pm.

open every day from Monday-Friday.

We hope that by having more advice lines open at more flexible hours we will be able to inform and empower more women on the law and their legal rights. If you work for an organisation that signposts women to our lines we would be grateful if you could amend your records and / or website accordingly. Flyers about our services are available to download from our website or in hardcopy by emailing info@row.org.uk.

Please note: all our advisors are women solicitors or barristers with expertise in the relevant areas of law. Please ring during the relevant advice line session. We cannot advise outside of the advice line times or by email. We can only advise in English on the law as it applied in England and Wales. For legal guides and handbooks for women, many of which are free to download, visit our website www.rightsofwomen.org.uk.

Consultations

Department for Work and Pensions – the future of child maintenance

The Department for Work and Pensions green paper, “Strengthening families, promoting parental responsibility: the future of child maintenance” sets out the Government’s proposals to encourage parents to make arrangements between themselves about their children in order to avoid using the statutory system. The Government wants to “support families to take responsibility” and this will include the implementation of a gateway and charge for use of the statutory services.

A mandatory telephone gateway is proposed, through which all applicants to the statutory child maintenance system would be required to pass. **The gateway** would signpost applicants to support and advice in order to support them to make private arrangements before going through the statutory system. It is proposed that distressed parents, including domestic violence survivors, would be fast-tracked through the gateway and into the statutory system, but the proposals do not set out what evidence of domestic violence might be required.

Charges for use of statutory services are

proposed. An upfront **application charge** of about £100 is proposed for all those wishing to use the statutory system. Applicants in receipt of benefits would pay up to £50, and victims of domestic violence would be exempt.

The introduction of **collection charges** is also proposed, payable by both the non-resident parent (around about 15-20% of the maintenance to be paid) and the parent with care (around 7-12% of the maintenance to be paid). Under the proposals, the non-resident parent could avoid payment of the collection surcharges by paying maintenance through the maintenance direct option, where the money is paid directly to the other parent without the collection service. The proposals also set out plans to impose further charges on the non-resident parent where enforcement action is required.

We are very concerned that these proposals are in conflict with the principle of the best interests of the child and gender equality legislation. The financial burden of the application fee will fall exclusively on the parent with care, who in an overwhelming majority of cases is the mother. Furthermore, the proposals for collection charges mean that the parent with care (and the child/ren for whom the maintenance is to be collected) will be penalised for the non-cooperation of the non-resident parent. These proposals, if implemented, are likely to have unintended negative consequences for children whose receipt of benefits will be reduced, delayed and in some cases denied, owing to the anticipated “deterrent” effect of the charging system.

The full consultation document can be downloaded at: <http://www.dwp.gov.uk/consultations/2011/strengthening-families.shtml>. The deadline for submission of responses is 7 April 2011.

Crown Prosecution Service: Retracting rape and domestic violence allegations

The Crown Prosecution Service is seeking views on its interim guidance on Perverting the Course of Justice – Charging in cases involving rape and/or domestic violence allegations.

The interim guidance can be found online here: http://www.cps.gov.uk/consultations/pcj_consultation.html. The deadline for submission of views is 6 May 2011.