



## **Rights of Women's Response to HM Government's Consultation paper; Together we can end violence against women and girls.**

### **Introduction**

Rights of Women welcomes the Government's consultation on an integrated strategy to combat violence against women particularly in light of the CEDAW Committee's recommendations (following the Government's 5<sup>th</sup> and 6th periodic report of May 2007 which was examined in July 2008) that the Government adopt and implement a unified and multifaceted national strategy to eliminate violence against women and girls.

### **Definition of Violence against Women**

Rights of Women is very pleased that the Government, for the first time, has adopted a definition of violence against women in adopting the definition of violence against women as set out in the CEDAW Committee's General Recommendation 19 of 1992 to the Convention on the Elimination of all Forms of Discrimination against Women; that is:

“Violence that is directed against a woman because she is a woman, or that affects women disproportionately.”

The adopted definition recognises the discriminatory nature of gender based violence against women which impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms under general international law and under human rights conventions. Rights of Women welcome the adoption of a definition of violence against women which can enable a rights-based approach to tackling violence against women.

The definition of violence against women covers much more than domestic violence within the family<sup>1</sup>. It recognises the systemic nature of violence against women, which cuts across lines of race, class, culture, and also recognises

---

<sup>1</sup> Prior to the publication of the consultation on 9 March 2009 there was no definition of violence against women in UK law or policy. There was, however, a definition for domestic violence. The Government/ACPO definition of domestic violence is:

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults<sup>1</sup> who are or have been intimate partners or family members, regardless of gender or sexuality.

This definition includes honour-based violence, female genital mutilation (FGM) and forced marriage.

violence against women as both a cause consequence of the low social and economic status of women. The adoption of the definition is also recognition that an integrated and holistic approach is required to properly address the causes and consequences of violence against women.

Rights of Women is also pleased to see that the Government's definition alludes to the Declaration on the Elimination of Violence against Women<sup>2</sup> which defines violence against women as

“any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”.

It has long been our position at Rights of Women that the Government should adopt the definition of violence against women as set out in the Declaration on the Elimination of Violence against Women because not only does it locate the sites of violence against women – family, community, and state - it comprehensively sets out acts that might constitute violence against women, and thus identifies gender based violence as a continuum across the public and private spheres.

We recognise, of course, that the Convention on the Elimination of all Forms of Discrimination against Women is a binding international instrument which the Government has ratified and that the Declaration on the Elimination of Violence against Women is not a binding instrument. We are therefore pleased, and welcome, the formal adoption of the Convention definition of violence against women with reference to the later Declaration on the Elimination of Violence definition which explicitly locates violence against women not only in the public but in the private sphere as well.

It has further also long been Rights of Women's position that forced marriage is a form of violence against women and we welcome the inclusion of forced marriage and crimes committed in the name of honour as part of the Government definition.

We now turn to the body of the consultation.

The consultation paper focuses on prevention, provision and protection.

Rights of Women's mission is to advise, educate and empower women on the law. We aim to increase women's understanding of the law, to ensure women know and benefit from their rights and to ensure equality and justice for women. Our response to the consultation focuses on the first theme: actual violence

---

<sup>2</sup> A/RES/48/104, of 19 December 1993

against women and girls including how it can be prevented, how women and girls who have suffered from violence can be supported and how perpetrators can be brought to justice. Rights of Women's responds to those questions where we consider – in line with our mission - that education, training and/or awareness raising on law and policy on violence against women in international and domestic legal frameworks can add value to any prevention, provision and protection strategies. We firmly believe that awareness of the law can assist in challenging and ultimately eliminating prejudices, customary practices and all other discriminatory practices based on stereotyped roles for women.

Knowledge of their rights enables women and girls to claim those rights, knowledge of their rights allows women and girls to access mechanisms of justice and knowledge of their rights allows women and girls access to a just and effective remedy. Enforcement of those rights also sends a strong message to perpetrators that any act of violence is unacceptable.

### **Question**

***How should schools encourage young men to treat women and girls with respect, and not to resort to violent behaviour?***

- What are your views on the role of schools in helping children and young people to develop the values and skills that they need as they grow into adulthood, including mutual respect, rights and responsibilities, gender equality, and the ability to manage their feelings and emotions
- Should schools supplement this broader development by explicitly helping young people to understand issues such as domestic violence and sexual violence against women and girls?

### **Response**

Any act or threat of violence instills fear and insecurity in the lives of women and girls. Fear leads to self-imposed limitations and constraints, restrictions on mobility and therefore access to activities and resources. It affects the performance of girls at school and affects the ability of girls and women to fully participate and contribute to society economically and socially; it hinders the development of women and girls. Not only are there health costs, there are also economic costs to society as a whole.

The principle of equality - substantive equality - between men and women requires that women are respected and this must be an integral part of the socialisation process for boys and girls. It is therefore imperative that the education system promotes self-respect, mutual respect and cooperation between men and women. Girls must be taught that they have rights, that these rights are human rights, and that violence against women, in all its permutations, is a human rights issue. Gender based violence is inextricably linked with gender discrimination; the Government's adopted definition is clear on this.

The causes of gender based discrimination are rooted in the structures of society which rely on gender subordination. Gender based violence is therefore a manifestation of the unequal power relations between men and women and of the subordinate role that society ascribes to women. It is a manifestation of the desire of patriarchal society to control women and their sexuality and to determine exactly how and when women should participate in society.

One of the key means of tackling gender based discrimination, including gender based violence, is through education to modify social and cultural patterns of conduct of boys and girls, men and women in order to eliminate prejudices based on the assumed superiority or inferiority of either sex and on stereotyped roles for men and women.

It is Rights of Women's view that such education should form part of the curriculum in school to educate girls and boys on human rights, on women's rights as human rights, on gender based violence (and what constitutes it) as discrimination that impairs the ability of girls and women to enjoy and realise their rights. This would also have the benefit of sensitising boys and girls to the personal and social effect of violence in the family and in the community. It would also teach them how to communicate without violence.

Education on women's human rights, including violence against women, should form part of the PSHE.

### **Question**

***How do social attitudes towards girls and women affect the problem of violence against women?***

- How can we best challenge the perceptions that allow people to stay silent on violence against women and for it to be accepted in various sectors of society?

### **Response**

The best way to challenge perceptions that allow people to remain silent is to educate women about their rights, educate men on women's rights and thus eliminate the stigma that attaches to women who suffer from the acts. It is unsurprising that women remain silent when the prevailing attitude is that women have 'asked for it' or have brought the violent act upon themselves. We need to shift the additional and oppressive burden of shame away from women by placing the blame on the perpetrators. Violence against women is exacerbated by social pressures such as the shame and stigma of denouncing certain acts perpetrated against women, women's lack of access to legal aid and assistance, lack of enforcement of existing laws and/or poor conviction rates when there is a prosecution.

**Question**

- How can we challenge cultural beliefs which promote forced marriage, crimes committed in the name of honour and female genital mutilation?

**Response**

While specific acts of violence against women may be culturally determined or identifiable i.e. FGM or forced marriage, all acts of violence against women derive from cultural patterns to the extent that they are ultimately manifestations of the unequal structures in society and women's subordinate position. Violent acts against women are manifestations of patriarchal society to control women and their sexuality and to determine exactly how and the extent to which and when women should participate in society.

As stated above, the CEDAW definition recognises gender based violence against women as discrimination. FGM and forced marriage are gender based because they disproportionately affect women. They are a form of control of women's sexuality and how they should behave – whether or not the language used is protective. Ultimately, awareness, understanding, and enforcement of equality between men and women will be necessary to challenge cultural beliefs in order to tackle it. Education and/or training will be key in addressing the cause of such culturally specific acts of violence. In line with the CEDAW Committee's recommendations, targeted prevention strategies including education and awareness raising programmes involving community and religious leaders, women's organisations and the general public will assist in challenging cultural beliefs.

Enforcement of legislation will also send a strong message to those who would seek to perpetuate such behaviours in the name of culture.

**Question**

- Is there a link between sexualised images, perceptions and actual violence?

**Response**

Yes there is. Images in the media objectifying women and girls, images portraying women and girls as sex objects and images portraying women and girls as accessible commodities all contribute to the continued acceptability of women and girls as sexualised objects, contributes to actual violence and the contributes to the prevalence of such violence. Sexualised images contribute to the perception of women as sexual objects, informs gender-role stereotyping, and discriminatory attitudes. As such, those images are a cause of and a consequence of sexual violence against women.

Sexualised images contribute to the sex object culture and increase the sexual objectification of women in the media and in popular culture. This in turn contributes to the perception of the availability of women for sexual purposes and fuels demand for pornography and sex industry. That is why we support the Policing and Crime Bill 2008 in which the Government has proposed a number of changes to the law on prostitution to tackle the growing demand to sexually exploit vulnerable women, men and children<sup>3</sup>.

### **Question**

***How can central government, local government and other service providers best work together to promote better consistency and quality of provision in services for victims of violence against women across England?***

- What are the barriers to sustainable delivery of and funding for services for victims of violence against women at present?
- What are the barriers to providing a wide range of quality services for victims of violence against women?

### **Response**

Sustained funding is key to ensuring that service providers can continue to provide their vital services and help women who have suffered from violence. Commissioning has adversely affected the ability of many women's organisations to secure funding as has the gender neutral interpretation of the Gender Equality Duty.

In the concluding observations of the Committee on the Elimination of Discrimination against Women following examination of the Government's 5<sup>th</sup> and 6<sup>th</sup> periodic report,<sup>4</sup> the Committee was concerned about the move from 'needs-based' to 'commissioning frameworks' and the gender neutral interpretation of the Gender Equality Duty both of which have negatively impacted on funding to women's organisations and the provision of women only services, in particular domestic violence shelters and rape crisis centres. It recommended and urged the Government to provide increased and sustained funding to non-governmental organisations and other organisations involved in women's rights. The Committee further recommended that the Government ensure that the interpretation and application of the Gender Equality Duty does not negatively impact on the provision of 'women only' services or restrict the activities of women's organisations and recommended that the Government carry out an impact assessment of the commissioning framework on the funding of women's organisations.

---

<sup>3</sup> Please see further Rights of Women's Briefing on amended Clause 13, Part 2 of the Policing and Crime Bill 2008/09, [http://www.rightsofwomen.org.uk/pdfs/Amended\\_Clause\\_13.pdf](http://www.rightsofwomen.org.uk/pdfs/Amended_Clause_13.pdf).

<sup>4</sup> Submitted under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, 1979.

In order to promote better consistency and quality of provision in services for victims of violence against women across England and to make sure that central government, local government and other service providers best work together, the Government should implement the Committee's recommendations.

It is our view that an impact assessment on the commissioning framework should be carried out as a matter of urgency, as a first step, to establish where there is insufficient provision of services in the country and steps taken, with allocation of resources, to provide a consistent specialist services for victims of violence against women where required.

To achieve an integrated and holistic service for victims of violence between central government, local government and other service providers, the Government has to ensure that all relevant statutory bodies understand that the application of the Gender Equality Duty must be to achieve *substantive* equality (and not simply equal treatment) and is not to be used to negatively impact women's organisations.

In 2007-2008 Rights of Women's legal advice lines supported 1635 women throughout England and Wales. Our advice lines provide vital confidential, free and expert advice to women by women on issues including domestic and sexual violence. The majority of calls to our family law advice line are from women seeking advice about domestic violence and children issues, predominantly child contact.

Our sexual violence advice line also offers advice on immigration and asylum issues and we have seen an increase in the number of calls on these issues in the last year. We have also seen an increase also in the number of calls from professionals supporting women affected by sexual violence or with insecure immigration status.

The consequences of violence against women engage a variety of legal issues; marital or relationship breakdown, financial matters following relationship breakdown, harassment, trafficking, asylum/immigration and criminal injuries compensation as well as housing matters.

It is imperative that victims/survivors of violence have a just and effective remedy. This includes access to justice and integral to access to justice is access to legal advice on their rights. There must be public funding/legal aid available for women seeking advice to secure that advice and to secure legal representation.

We know from our work that there is a very real need for legal advice on issues relating to violence against women and would urge that any determination or decision on the provision of services to women who have suffered from violence includes adequate provision for, and allocation of resources to, the provision of

legal advice which is integral to their having access to a just and effective remedy.

In sum, it is our view that education and training on violence against women in the context of human rights, on CEDAW and the Optional Protocol should be an integral part of preventive measures to eliminate violence and discrimination against women.

### **Question**

***How can we improve women's confidence that the criminal justice system is working to protect them?***

- What more can be done to increase confidence and deliver a victim-focused service?
- How best could we assess the support, safety and satisfaction of women victims within the criminal justice system?
- How could police community support officers build on their relationship with the community and reassure victims of violence?

### **Response**

In the course of our work, we have found that a significant number of women are reluctant to take things further i.e. use the criminal justice system. This is attributable in part to a lack of confidence in the system. It is clear that a victim centred approach is key to any successful strategy and policy. Many women feel that if they approach any statutory service for assistance they will become part of a system that they cannot control and part of a system that neither focuses nor meets *their* needs. Thus many prefer to remain outside that system. Therefore the first port of call is usually to seek assistance from specialist voluntary service which they perceive to be independent and which provide a user focused service allowing a safe place for them and their children, counselling where required and assistance to 'move on' with their lives. This underscores the importance of the voluntary sector. A whole swathe of the Government's current policy and strategy on violence against women, in its application, is not useful for many women who suffer from violence.

### **Making policy the reality**

Rights of Women believes that the Government is correct in identifying a lack of confidence in the criminal justice system as having major impact on the willingness of women to report offences to the police and support prosecutions<sup>5</sup>. We also welcome initiatives that have sought to empower victims by giving them information about what they can expect from the agencies involved in the

---

<sup>5</sup> Cross Governmental Action Plan on Sexual Violence (2007)



criminal justice system (such as the Code of Practice for Victims of Crime) and support to victims (such as Witness Care Units). However, Rights of Women is concerned that these developments are not matched by a corresponding change in the behaviour of those who have direct contact with victims.

#### **Case study: the Code of Practice for Victims of Crime**

According to the Victim's Code, survivors of sexual violence are entitled to receive an "enhanced service" from agencies involved in the criminal justice system. This includes the right to be told about certain decisions, such as a decision to arrest or charge a suspect, within 24 hours and a right to be kept informed about the progression of their case.

Jo contacted our legal advice line to find out more about her rights as a survivor of sexual violence, she was extremely distressed. Jo had experienced childhood sexual abuse from her step-father and after receiving counselling, she reported it to the police. Her step-father had been charged with an offence(s) and was on police bail. However, Jo had not been informed what he had been charged with or that he was to be released on police bail. She was devastated when she found out about his release from another family member who informed her that he had spent the weekend with them visiting his grandchildren. Jo tried to contact the Specially Trained Officer dealing with her case to find out what her step-father had been charged with, when he had been released on bail and under what conditions. She also wanted to find out whether it was possible to have a condition placed on him that would prevent him coming into contact with children. Despite ringing the STO on numerous occasions he has never returned her call. She has tried to write to him to explain her concerns but the officer she spoke to on the telephone refused to give her the address of the police station he was based at.

We advised Jo of her rights under the Victims' Code and how she could complain about her STO. However, given Jo's distress and vulnerability it is unlikely that she will do this. She is instead considering making a withdrawal statement.

Jo's case highlights a paradox in victim care, that the onus is on the victim herself to complain if she does not receive the standard of service that she should. Consequently, Rights of Women would like steps to be taken to ensure that the agencies in the criminalist justice system are meeting their obligations under the Victims' Code. We also think it is important to ensure that other specialist guidance is also followed, for example, the *Guidance on Investigating Domestic Violence (2004)*, *Guidance on Investigating Serious Incidents of Sexual Violence (2005)* and *Achieving Best Evidence in Criminal Proceedings*. We believe that this could be achieved by:

- regular inspections of agencies in the criminal justice system focusing on violence against women and victim care;
- placing positive obligations on those who come into contact with victims (such as STOs) to follow the relevant guidance;
- placing obligations on senior managers to monitor staff who come into contact with victims and review cases to ensure that those who are not providing appropriate victim care are identified and dealt with.

### **Attitudes towards sexual violence**

Research carried out by Child and Women Abuse Unit concluded that part of the reason for falling conviction rates in rape and other serious sexual violence cases is that police and prosecutors overestimate the scale of false allegations made by victims. This creates and feeds into a "culture of scepticism", which results in poor communication and a loss of confidence between victims and the police<sup>6</sup>. Rights of Women continues to provide legal advice and support to women who report sexual violence to the police and who believe that the officers dealing with their case either do not believe them or hold them in some way responsible for the violence they have experienced. From the experience of callers to our sexual violence advice line it appears that survivors are most likely to have their account challenged or questioned by officers when the perpetrator is a current or former partner or some other person known to them, despite the fact that it is in these circumstances that the majority of sexual offences are committed<sup>7</sup>.

Consequently, we believe that it is necessary to provide training to police officers on sexual violence that challenges negative and discriminatory attitudes. Such training should make officers aware of the myths and stereotypes that persist in this area and how these can be tackled.

### **Question**

***Following completion of the consultation period, the Government will issue a strategy in order to ensure that coordinated activity is undertaken across government to reduce and prevent violence against women***

- How should the strategy be delivered? Who should lead it locally?
- How should progress on the strategy be measured and assessed? Who should do this?

---

<sup>6</sup> *A Gap or a Chasm? Attrition in reported rape cases* L Kelly, J Lovett and L Regan, Child and Woman Abuse Studies Unit)

<sup>7</sup> According to the British Crime survey 54% of female victims of serious sexual assault reported that a partner / spouse or ex-partner / spouse had been the offender. 40% of female victims reported that a serious sexual assault had been committed by someone else known to them (e.g. the perpetrator was a friend or colleague). Prevalence of intimate violence by category among adults aged 16 to 59, Homicides, Firearm Offences and Intimate Violence 2005/2006 (Supplementary Volume 1 to Crime in England and Wales 2005/2006), British Crime Survey.

- Should the strategy include any specific measures on equality and diversity? What further equalities issues should the violence against women strategy take into account (for example on race, age, gender, ethnicity, sexuality, disability, socioeconomic background or geographical location?)
- Are there any other measures we should be considering?

### **Response**

The Government has primary responsibility for eliminating and preventing violence against women. However, a multi-agency institution is our preferred model for the delivery of the strategy including statutory and voluntary /civil society organisations such as those providing specialist services to women who have suffered from violence, health care providers, educational institutions, the police, and the Crown Prosecution Service.

The strategy itself should ensure that there is provision of well funded shelters across the country, that there is counselling available, and legal aid where it is needed to deal with the consequences of violence such as marital or relationship breakdown, financial matters following relationship breakdown, harassment, trafficking, asylum/immigration and criminal injuries compensation as well as housing matters. Further, specialist services that are linguistically and culturally accessible for migrant women, women with disabilities and BME women, who may be more vulnerable, isolated and marginalised, compounding the effects of the violence they have suffered, must be a part of the strategy.

Preventive initiatives must include education and training campaigns to raise awareness about violence against women as a violation of women's enjoyment of their human rights, sensitisation of girls and boys in schools on the personal and social detrimental effects of violence in the family, the community and costs to society combined with teaching them how to communicate without violence. It is also important to raise with the media the responsibility they have to promote non-stereotyped images of women and to eliminate those representations of women which objectifies women and can encourage violence against women. It is important to change attitudes which will be significant in any preventive measures.

The measure of the strategy should be on whether it is focused on what women want i.e. there should a user-focus/victim-centred approach. As noted above, a significant number of women accessing specialist services such as shelters or refuges do not want to take things further i.e. use the criminal justice system. They simply want a safe place for them and their children, some counselling and assistance to 'move on' with their lives preferring to make use of civil remedies and other safety and support mechanisms. Many women feel that if they approach any statutory service for assistance they will become part of a system that they cannot control thus many prefer to remain outside that system. Giving

back control and choice as to what they wish to do is important to women who have suffered or continue to suffer from violence.

Government must mainstream a gender perspective in its policies related to violence against women so that all those responsible for implementing the programmes such as the police, the CPS, the judiciary, health workers, those dealing with minorities, social workers etc understand the causes, consequences and mechanisms of violence against women. The gendered nature of violence against women must be an integral part of the strategy; it is gender based discrimination. Any strategy must be set within a rights-based framework to be successful. It must also take into account the 'inter-sectionality' of gender with other diversity strands, such as disability, religion, age, sexuality, immigration status and how this contributes to unique experiences of oppression and privilege and also how this affects the remedies that women can access. Mainstreaming a gender perspective will ensure that women are not re-victimised by gender insensitive laws or judicial or enforcement practices.

### **About Rights of Women**

Rights of Women aims to achieve equality, justice and respect for women. Rights of Women advises, educates and empowers women by:

- Providing women with free, confidential legal advice by specialist women solicitors and barristers<sup>8</sup>.
- Enabling women to understand and benefit from their legal rights through accessible and timely publications and training
- Campaigning to ensure that women's voices are heard and law and policy meets all women's needs

Rights of Women provide specialist legal advice to women who have experienced domestic and sexual violence as well as to those who support them. The issues we raise, and our position, in this consultation response is informed by our experience and matters of concern to our service users.

For further information visit [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk) or telephone 020 7251 6575.

### **© Rights of Women 2009**

---

<sup>8</sup> For advice on family law, domestic violence and relationship breakdown telephone 020 7251 6577 (lines open Tuesday to Thursday 2-4pm and 7-9 pm, Friday 12-2pm). For advice about sexual violence, immigration or asylum law telephone 020 7251 8887 (lines open Monday 11am-1pm and Tuesday 10am-12noon).