



Special Rapporteur on violence against women finalizes country mission to the United Kingdom and calls for urgent action to address the accountability deficit and also the adverse impacts of changes in funding and services

LONDON (15 April 2014) – At the end of a 16-day mission to the United Kingdom, which took her to London, Leicester, Edinburgh, Glasgow, Belfast, Cookstown, Cardiff and Bristol, Ms. Rashida Manjoo, UN Special Rapporteur on violence against women, its causes and consequences, delivered the following statement:

“At the outset, I would like to express my appreciation to the Government of the United Kingdom for extending an invitation for me to conduct this official country visit. I am grateful to all interlocutors, including State officials, representatives of civil society organisations, and in particular individual survivors of violence.

Current developments

The UK Government has declared violence against women a priority, and in 2010 developed a strategy to address the problem. The strategy is accompanied by annual Action Plans that are developed in consultation with relevant stakeholders, and monitored across government departments. In order to address shortcomings in responses, the Government has piloted and has completed the evaluation of a series of initiatives, including Domestic Violence Protection Orders. This is a new civil order with the necessary power that enables the police and magistrates to exclude a perpetrator from the home for up to 28 days. I was also informed of the Government’s five-year strategy aimed at making a difference to crime victims and witnesses, and improving their access to justice, services and support. A Domestic Violence Disclosure Scheme has also been introduced, and provides a framework for disclosing information to potential victims of domestic violence and abuse.

In addition, inter-agency mechanisms have been set up, which have helped to inform the State’s response at the central level. The Inter-Ministerial Group and the Stakeholder Group on violence against women and girls are important fora to exchange information and expertise, and to evaluate and identify ways to improve the government’s responses to violence against women.

Since March 2013, the non-statutory definition of domestic abuse includes, victims aged 16 and 17, as well as the concepts of controlling and coercive behaviour. The Government has also committed to ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

The Government has set up the National Group on Sexual Violence against Children and Vulnerable People to prevent sexual abuse. I was also informed about the establishment of the Rape Support Fund, which has allowed for the support and extension of NGO-run Rape Support Centres. Also, 45 Sexual Assault Referral Centres, which are government run one-stop centres for victims, have been established throughout the country.

Work to address other manifestations of violence against women include the a National Referral Mechanism for victims of trafficking in persons, as well as campaigns and support for women who are at risk of experiencing female genital mutilation and forced marriages.

During my visit to the constituent countries of the UK, I also learnt of positive developments, such as the elaboration of the draft violence against women strategy by the Scottish Government. Also, the reorganization of the police forces into a single police service and their responses to violence against women, are welcomed developments. Interviewed stakeholders referred to the progress made in terms of immediate protection of victims as a result of clearer instructions to police officers and of more arrests of perpetrators. Also, a number of prevention programmes were designed and put in place to contribute to longer-term changes in attitude towards violence against women.

In Wales I learnt about the ‘Right to Be Safe’ strategy, issued in 2010, which has aimed to further tackle violence against women and girls. This has been coupled with efforts to draft new legislation to end violence against women, domestic abuse and sexual violence. Again efforts include consultation with relevant stakeholders, particularly specialized third sector organisations.

In Northern Ireland, I was informed of the public consultation currently being undertaken to adopt a joint Domestic and Sexual Violence and Abuse Strategy. I also visited the region’s first purpose-built Sexual Assault Referral Centre in Antrim, which provides specialized services and support to victims, while also encouraging and helping them take their cases through the criminal justice system.

I have also noted the efforts of the UK Government, the Governments in the constituent countries, and also voluntary sector organisations, in the design and launching of campaigns aimed at reaching out to young people and educating them about different manifestations of violence, including in the home, in schools and in social media and on the internet. I was informed of the national prevention campaign *This is Abuse*, which encourages teenagers to rethink their views about rape, consent, violence and abuse. In order to play a truly transformative role in the longer term, this campaign, as well as similar initiatives, need to be part of the curriculum and be institutionalized in the education system.

The abovementioned efforts have resulted in isolated pockets of good practice, which depend largely on the personal commitment of individuals and some authorities, but they are not applied consistently throughout the country.

Manifestations and Prevalence

Despite many positive developments, violence against women remains a pervasive challenge throughout the United Kingdom.

- According to data provided to me by the Home Office:
 - 7% of women in the England and Wales reported having experienced any type of domestic abuse in the course of last year. This is the equivalent to 1.2 million female victims.
 - Furthermore, 30% of women reported having experienced any domestic abuse since the age of 16.

- It is estimated that 2.5% of women reported having experienced any type of sexual assaults. This is the equivalent to an estimated 400,000 female victims.
- It is further estimated that 25% of all sexual assaults involved serious sexual assault, which includes rape.
- Seventy seven women were killed by their partners or ex-partners in the 2012/13 period, according to data from the Office for National Statistics.
- I also received information from the NSPCC indicating that 18,915 sexual crimes against children under 16 were recorded in England and Wales in 2012/13.
- Interviewed NGOs referred to sexual bullying and harassment as routine in UK schools, with almost one in three 16-18 year-old girls having experienced ‘groping’ or other unwanted sexual touching at school.
- Service providers state that the prevalence rates are much higher than officially noted, as most women do not report abuse to any State authority. Some argue that 1 in 4 women are currently in abusive relationships.
- Women’s organizations report that black and minority ethnic (BME) and migrant women experience a disproportionate rate of domestic homicide, and that Asian women are up to three times more likely to commit suicide than other women. Young BME women, in particular, are also more likely to experience domestic violence from multiple perpetrators, such as extended family members.
- I also received information on the high levels of abuse suffered by migrant domestic workers, including psychological, physical, and sexual abuse; low wages, or non-payment of wages; extremely long working hours; denial of time off and rest days; retention of passports; or being prevented from leaving their place of employment unaccompanied. Changes to the applicable visa system, has also further negatively impacted domestic workers and has led to new vulnerabilities.
- Other manifestations of violence which were reported throughout my visit included sexual harassment, gender-based bullying, forced and/or early marriages, female genital mutilation, gang-related violence, so called honour- related violence, and trafficking.

Throughout my visit I was able to discuss with a number of State and non-state actors the structural causes of violence against women and girls, and the remaining challenges in the responsiveness of the UK government.

Gender neutrality

In my interactions with civil society activists throughout the country, a very clear concern was articulated about the shift from gender specificity to gender neutrality in the Government’s responses to violence against women. The shift to a formal understanding of equality is working to privilege neutral approaches, to the detriment of gender specific initiatives and programmes.

It is of concern that policies and practices on equality broadly, and those on violence in particular, are gender neutral, and aim for equal treatment for all, thereby disregarding the

need for special measures which acknowledge difference, and which also recognize that women are disproportionately impacted by violence, inequality and discrimination.

Furthermore, with regard to violence against women and girls, the use of terms such as domestic abuse, tend to conflate interpersonal/spousal violence with family violence. A positive exception was found in the practice of the Scottish Government which uses the definition proposed in the 1993 UN Declaration on the Elimination of Violence Against Women, which clearly identifies the gendered nature of violence against women, and more importantly, frames it as a human rights violation.

It is crucial to recognize that violence against women is rooted in multiple and intersecting forms of discrimination and inequalities, and strongly linked to the social and economic situation of women. Therefore, the intersections between gender-based discrimination and other forms of discrimination that contributes to and exacerbates violence against women should also be taken into consideration when designing and implementing the State's response.

Considering their higher rates of victimization, the specific experiences and needs of black and minority ethnic women and girls who have experienced violence need to be acknowledged. Specific taskforces or working groups, with representation from these communities, should be set up to ensure effective policy and programming around violence against them.

Austerity measures and the shift to localism

Another common denominator in most of my discussions was how the current austerity measures are having a disproportionate impact, not only in the specific provision of violence against women services, but more generally, on other cross-cutting areas affecting women, such as poverty and unemployment, which are contributory factors to violence against women and girls.

The devolution of authority to local authorities on issues such as service provision, has reportedly led to changes to commissioning models, and has moved towards open tendering, short term commissioning, and the increased participation of sectors that do not necessarily have the expertise. This move has come at the expense of community-based service providers, who have for years have accumulated the required expertise to address the needs of women and girls who are victims of violence. This has also been coupled with an increase in the commissioning of gender-neutral services, which are oblivious to the specific needs of women and girls.

Third sector service providers working at the community level are now forced to devote more time and human resources to comply with more burdensome fundraising, bidding, and reporting processes. Furthermore, service providers argue that they are being forced to make cuts to their frontline services as a result of reduced funding, whether by closing refuges, reducing support hours, or increasing waiting lists.

It is important to recognize that the reduction in the number and quality of specialized services for women does impact health and safety needs of women and children, and further restricts them when considering leaving an abusive home, thus putting them at a heightened risk of re-victimization. Access to trauma services, financial support and housing are crucial, yet current reforms to the funding and benefits system continue to adversely impact women's ability to address safety and other relevant issues.

Many of the front-line service providers that I met in all parts of the UK have told me that they face increasing demands for providing more services – including for men, while there are fewer funding opportunities. I was also informed of how additional duties undertaken by third sector organizations, such as in their involvement in Multi Agency Risk Assessment Conferences (MARAC's) is not accompanied by more government funding, and is thus being undertaken at their own cost.

Furthermore, it was made clear to me how women from black and minority ethnic communities, women belonging to the LGBTI community, and women with disabilities, are further affected by these cutbacks. These women are, for many reasons, often linked to entrenched discriminatory practices in the political, social and economic spheres, and are more likely to depend on benefits and on support from an increasingly under-resourced non-profit sector. Unfortunately, it is precisely the specialized services catering for these women, which are being mostly affected, even more so than the mainstream violence against women and girls services, in many instances.

Another affected group are refugee, trafficked and asylum-seeking women who face insecure immigration status and who may be subject to the 'no recourse to public funds' requirement. These women are often unable to access any form of emergency accommodation, including refuges, because they are unable to claim housing benefit, income support and other state benefits. This leads to further victimisation, vulnerabilities and risk of abuse. I was informed about the establishment of the Sojourner Fund, which is aimed at providing support to women victims of domestic violence, who are in the UK on a spousal visa. While interviewed organisation welcomed this initiative, they explained that many women remain unprotected, as the fund only applies to a very limited pool women affected by the no recourse to public funds rule, and is subject to a 40 day funding timescale, thus placing additional pressure on the already stretched third sector services.

It is important to recall that the United Kingdom has international legal obligations to meet, as set out in, among other treaties, the Convention on the Elimination of All Forms of Discrimination against Women. This requires the achievement of substantive and not just formal equality goals for women, and includes the necessity of positive measures. Thus a shift towards a localism agenda should come with safeguards and guarantees that local authorities will continue to operate within the human rights framework, and in compliance with the UK's international obligations, when addressing the issue of violence against women and girls.

Access to justice and to justice itself

A common consensus in all the locations I visited is that the justice system as a whole is not equipped or responsive to addressing the specific needs of women and girl survivors of violence. Many of my interlocutors of all ages and backgrounds indicated that they do not consider the justice system as a viable option to obtain remedies, due to a number of reasons ranging from the inadequate police responses, the lack of coordination among the various State agencies, the low levels of prosecution, and the negligible conviction rates in such cases. This echoes the findings of recent reports, including that of Her Majesty's Inspectorate of Constabulary (HMIC) "Everyone's business: Improving the police response to domestic abuse", published on 27 March 2014 and of the Children's Commissioner "If only someone had listened", an inquiry in Child Sexual Exploitation in Gangs and Groups published in November 2013.

The HMIC report, for example, found that “domestic abuse is a priority on paper, but, in the majority of forces, not in practice.” The failures of the police response are compounded by weak protection through the court system, which is widely perceived to be biased in favour of men, and is focused on individual incidents of violence, rather than addressing the cumulative nature of domestic violence.

Another important obstacle to women’s access to the justice system, are the changes and cuts to legal aid following the adoption of the “Legal Aid, Sentencing and Punishment of Offenders Act” of 2012. The changes have removed access to legal aid for litigation concerning, among others, divorce, property disputes, housing and immigration matters and some family law matters. While legal aid is technically still available to women survivors of violence, these changes have, in practice, led to a higher threshold of evidence that needs to be presented to be able to access legal aid. I received information indicating that women who have experienced or are experiencing domestic violence, often do not have the necessary forms of evidence to qualify for legal aid. Thus they take no action in relation to their family law problems.

Again, the disproportionate effect that the legal aid cuts are having on black and minority ethnic women was consistently shared with me during the mission, as they are more likely to experience poverty or very low levels of income. Furthermore, the vacuum that is created by cuts to legal aid is reportedly being filled by alternative sources of support and arbitration within the communities, in which unaccountable ‘community’ or religious leaders will settle matters in a way that does not necessarily provide justice to women.

Other concerns raised, *vis a vis* the inadequacy of the justice system include:

- Courts not imposing special bail conditions despite police providing the necessary information, and breaches of bail conditions not being consistently policed or dealt with by the courts.
- Inadequate considerations by the courts of children and women’s safety when hearing applications for contact with estranged parents. It is reported that lawyers and magistrates have limited understanding of the dynamics of domestic abuse and force children and their mothers to enter into unsafe and inappropriate contact arrangements, which are mostly unsupervised. Shared parenting is increasingly seen as an appropriate, default position without the adequate consideration of the best interests of the child principle and the ignoring of history of family abuse.
- I also heard stories of women being deemed unfit mothers for having “failed to protect” their children from an abusive parent; including for women with disabilities.
- I also heard of how women victims of sexual violence rarely utilize the criminal justice system, due to the lack of a responsive and supportive environment, to prevent trauma and re-victimization, and also the low levels of prosecution and convictions.

Women in detention

During my mission I visited a number of places of detention including the Hydebank Prison in Northern Ireland, Cornton Vale Prison in Scotland and Holloway Prison for Women in London. I regret that, despite my repeated requests, a visit to Yarl’s Wood immigration detention centre was not facilitated by the Government, and that my access to the Centre was

denied, when I tried to visit it independently. Due to receiving information from the third sector, I was keen to speak to detainees in this facility to objectively seek information on violations being experienced.

As in most countries, the number of incarcerated women in the UK is growing, with black and minority ethnic women being overrepresented within British prisons and immigration detention centres. According to the 2007 Corston report, black and minority ethnic women made up 28% of the women's prison population, over three times that of the general population. Furthermore, BME women were more likely to be living in a deprived area, more likely to be subject to poverty, have experienced the State care system, and been excluded from educational opportunities. They were also more likely to be remanded in custody than white offenders and their disadvantages continue in the criminal justice system where they are further marginalised.

A large number of women in detention have a history of being subjected to violence prior to being imprisoned, and this cannot be adequately addressed in custodial settings. The strong links between violence against women and women's incarceration, whether prior to, during or after incarceration, needs to be fully acknowledged.

I am particularly concerned about the numbers of young women who are incarcerated. Reports indicate that prisons are not providing a responsive environment for young incarcerated women. Many of these women have histories of victimisation, rape, or domestic violence. Yet, the specific needs of imprisoned young women are rarely addressed in the current custodial system, and women in this age group are more likely to be involved in incidents of self-harm, antisocial behaviour, and assaults. They are also less likely to make progress in education, which hinders their possibilities of achieving successful reintegration on release. The specific needs of women, particularly young women in prisons needs to be clearly assessed, and strategic and coordinated approaches taken to meet their needs.

A few positive measures have been taken by some prisons - including through reducing overcrowding and designing individual care plans that attempt to deal with trauma and other specific needs. Yet more needs to be done to increase the funding base, increase the proportion of female staff, and also to shift the focus away from punitive goals, towards support and services that address rehabilitative aspects

Most importantly, it is crucial to develop gender-specific sentencing alternatives and to recognize women's histories of victimization when making decisions about incarceration. Most women in prison do not present a threat to society and the consequence of their incarceration includes enormous personal, economic and social costs. Creativity in sentencing decisions could lead to more orders of a non-custodial nature. In this regard, I also make reference to the recommendations made by the Corston Report of 2007, including the call to replace the women's prison estate with small women-specific custodial units which would include appropriate and needed services.

Women's empowerment and participation

Violence against women needs to be addressed within the broader struggles against inequality and gender-based discrimination. Thus the empowerment of women, and their increased participation in all aspect of public, political and economic life is paramount. In the UK, many women continue to be disproportionately over-represented in low paid, part-time and insecure work, and they are less likely to have the necessary skills and qualifications to

engage in the formal economy. Women are also impacted by unpaid care work and responsibilities. This is an issue that was particularly highlighted by activists from the black, and ethnic minority communities, where women face the additional burden of low representation in public and political life, and the increasing disengagement of young women in politics. Participation in public life is further impacted for people from black and ethnic minority groups who are much more likely to be in situations of poverty, with an income of less than 60 per cent of the median household income.

It was also brought to my attention that women in Northern Ireland have been marginalized from the peace building processes, and their experiences of violence during and after the conflict has been mostly unrecognized. Calls have been made by a number of international human rights mechanisms for the implementations of Security Council resolution 1325. Such implementation would include the development of National Action Plans (NAP) and other national level strategies in Northern Ireland to ensure the increased participation of women at all levels of decision-making, and in mechanisms for the prevention, management and resolution of conflict.

As part of a broader process of empowerment and inclusion of women in the country's public and political life, I also believe that the implementation of provisions in the Convention on the Elimination of All Forms of Discrimination against Women, such as the adoption of temporary special measures, would help accelerate de facto equality between men and women in in the UK as a whole.

Conclusion

It is crucial to acknowledge that violence, inequality and discrimination does not occur solely on the basis of gender, and that women and girls face multiple forms of discrimination on the basis of their race, ethnicity, class, sexuality, and other factors, including their immigration status. Multiple forms of discrimination have an impact on women's experiences of violence, their perceptions of those experiences, and their ability to seek and receive support.

I am concerned about the problematic narratives surrounding violence against black and minority ethnic women and girls, which are often framed within the notions of culture, community, or religion, rather than within the larger context of a general patriarchal and discriminatory approach to women and girls. I am also concerned by legal and policy responses that are often limited to some harmful practices, such as early/forced marriages of young women and girls, or female genital mutilation, while ignoring the harms emanating due to a sexist culture that exists in the country; and which impacts all women and girls.

While a holistic approach to violence against women and girls does require a thorough analysis of how different cultural contexts facilitate and perpetuate discrimination and violence against them, it is crucial to ensure that this analysis does not occur as a process of stigmatization of certain communities. A scrutiny of customs, traditions and institutions that facilitate violence against women and girls should include all cultural practices that generally affect women and girls, including negative and over-sexualized media portrayals of women and girls. More sustained work needs to be undertaken with the media to challenge its increasing over-sexualisation of young persons, particularly, of young women - a concern that was raised by many of the people I spoke to.

The State has a responsibility to act with due diligence to eliminate all forms of violence against women and girls, and it is imperative that the best interests of all women and girls should guide the response of the UK government.

My findings will be discussed in a comprehensive way in the report I will present to the United Nations Human Rights Council in June 2015.”

Ms. Rashida Manjoo (South Africa) was appointed Special Rapporteur on Violence against women, its causes and consequences in June 2009 by the UN Human Rights Council. As Special Rapporteur, she is independent from any government or organization and serves in her individual capacity. Ms. Manjoo is a Professor in the Department of Public Law of the University of Cape Town.

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