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House of Commons
Joint Committee on Human
Rights

Violence against women and girls

Sixth Report of Session 2014–15

*Report, together with formal minutes and
appendices*

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Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders.

The Joint Committee has a maximum of six Members appointed by each House, of whom the quorum for any formal proceedings is two from each House.

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Summary

“(V)iolence against women and girls is the most pervasive human rights violation we face globally, whether in times of peace, conflict or post-conflict transition”. (Ms Rashida Manjoo, UN Special Rapporteur on violence against women, its causes and consequences.)¹

We undertook this inquiry to examine the United Kingdom’s progress towards ratification of the Istanbul Convention. In doing so, we have heard how domestic violence transcends races, religions, communities and cultures. The scale, pervasive nature, and seemingly cross-cultural ignorance, of violence against women and girls is deeply troubling to us.

Overall we think the UK is in a good position to be able to ratify the Istanbul Convention. The Home Secretary has shown personal commitment to this. Only one legislative change regarding jurisdiction is necessary in order to ratify, although several changes in practice are required to fulfil the Convention’s positive obligations. Our key concern is that the Inter-Ministerial Group has insufficient powers. In addition, we have more focused concerns as set out below.

We heard a great deal of evidence regarding the importance of education as part of preventing violence against women and girls. We recommend that the Government urgently prioritises prevention programmes. Prevention programmes need to be targeted and specific to communities and victims, based on evidence. We also recommend that all schools could, and should, play a greater role in tackling cultural attitudes through a requirement to teach issues surrounding gender equality and violence. This would also help prevent the use of unacceptable cultural justifications for such crimes across British culture.

We heard evidence about the importance of specialist local services to victims of violence against women and girls. In January 2014, we heard assurances from the Prime Minister that the Government is happy to look at points raised by women’s organisations regarding locally delivered women’s services.² However, witnesses told us a different story. We are concerned that devolving decisions about provision to local authorities has left women with specific needs unable to access vital help. We found that it was often those most in need and in the most vulnerable positions that were least well served. We recommend that the Government adopt a national co-ordinating role for the provision of specialist support services.

The Government has introduced an amendment to the Serious Crime Bill which would create a specific criminal offence for psychological or coercive control. We are not convinced that the creation of an offence alone will result in a change of culture and we recommend that the Government consider a campaign to raise awareness of the issue and a review of training for professionals within the Criminal Justice System if Parliament creates this new specific offence. We also have concerns regarding how victims of such an offence would provide the evidence required to qualify for civil legal aid and are further concerned that the Government’s Universal Credit roll-out has not sufficiently addressed the concerns

1 Q 5

2 Oral evidence taken before the House of Commons Liaison Committee, 14 January (Session 2013–14), Q 29–30

of women's organisations regarding the vulnerability of victims of domestic violence: financial control is a component of coercive control.

We are also troubled to hear of the prevalence of unacceptable justifications for crimes, including crimes committed in the name of so-called "honour". We believe this occurs in many cultures in Britain, and the Government has not done enough to tackle this. Education is a key preventative tool that the Government is not using effectively. We recommend that a standalone inquiry into these crimes is necessary.

HMIC's finding that police forces responding to calls concerning domestic violence collected inadequate evidence was worrying. We also heard about the devastating or fatal impact resulting from inadequate response or risk assessment. It is the responsibility of the police to ensure they do all in their power to protect and assist those at risk.

We heard particular concerns regarding victims with insecure immigration status, asylum seekers or refugees. These women and girls are often overlooked. Immigration policy is developed separately from policy about violence against women and girls. We urge the Government to address the gap in service provision for women with insecure immigration status and to review the use of the detained fast track process for victims of violence against women and girls.

Finally we call on the Government to prioritise ratification of the Istanbul Convention by putting the final legislative changes required (regarding jurisdiction) before this Parliament.

1 Introduction

Our inquiry

1. We undertook this inquiry to examine the United Kingdom's progress towards ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the "Istanbul Convention"). The Government signed the Istanbul Convention on 8 June 2012 yet has not to date ratified the Convention. The Istanbul Convention came into force on 1 August 2014.

2. We took oral evidence throughout 2014 from the Government, individuals and non-governmental organisations on prevention of violence against women and girls, support services for victims, prosecuting violence against women and girls, the immigration and asylum system as well as the role of the media. We took evidence from 30 witnesses listed in Appendix 1, as well as receiving 59 written submissions and correspondence. We are grateful to all those who gave evidence, and also acknowledge the assistance of our specialist advisers, Shazia Choudhry, Reader in Law at Queen Mary, University of London and Dr Nicole Westmarland, Professor at Durham University.

What is violence against women and girls?

3. There is no legal definition of violence against women and girls or domestic violence in the UK. In this Report we use the same broad definition of domestic violence and abuse as the Government:

The cross-government definition of domestic violence and abuse is: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological; physical; sexual; financial; and emotional.³

4. The Istanbul Convention, however, covers all forms of violence against women and girls, not just that which occurs in the domestic sphere. This includes offences such as rape and stalking.

5. The Istanbul Convention and the definition of domestic violence and abuse are broad and we were unable to explore every area. We did not look in detail at the Government's policy on female genital mutilation (FGM) as the Commons Home Affairs Committee recently did.⁴ We also received evidence regarding the law on prostitution, and while we acknowledge the debate for a review of the law on prostitution we did not look into this as part of our inquiry, believing it is a topic that would require more time than our inquiry could give.

3 Domestic violence and abuse: <https://www.gov.uk/domestic-violence-and-abuse#domestic-violence-and-abuse-new-definition> [accessed 4 January 2015]

4 Home Affairs Committee: *Female genital mutilation: the case for a national action plan* (Second Report, Session 2014–15, HC 201)

The Istanbul Convention

6. Our Report does not seek to explore the merit of the contents of the Istanbul Convention because the UK Government has signed the Convention. The Government, in signing the Convention, has expressed its intent of abiding by it. Our Report addresses the question: how well is UK law complying with the Istanbul Convention and how well is the Government able to fulfil the positive obligations of the Convention before the Government starts the formal ratification process?

7. The Istanbul Convention is an international treaty. The Constitutional Reform and Governance Act 2010 provides statutory footing for the formal process of treaty ratification, formerly the Ponsonby Rule. Once the Government has signed a treaty, the Government must then set about making sure that the UK complies with the treaty before ratifying it, making any necessary changes to law or practice. Once done, the Government lays the treaty before Parliament in the form of a Command Paper⁵).⁶ If neither House resolves that the treaty should not be ratified, the treaty is ratified by the Government and, at that point, the treaty obligations become binding on the UK. A violation of a treaty obligation is an internationally wrongful act which has serious consequences for the State in international law. If the Istanbul Convention were ratified, the UK's law, policy and practice would become subject to the law of treaties and the principle of *pacta sunt servanda*: that is the principle, codified in the Vienna Convention on the Law of Treaties, that States enter into international agreements and implement those obligations in good faith.

8. If the UK were to ratify the Istanbul Convention, the Convention would have a strong indirect effect on the UK legal system in two ways.⁷ First, as a ratified treaty it could be cited by the UK Courts as persuasive authority with regard to legal decision-making and the establishment of legal principles and, furthermore, where there is some ambiguity as to what the law requires, the courts will assume that the law should be interpreted in a way that complies with the United Kingdom's international obligations; second, via the European Court of Human Rights which now regularly refers to International and European Conventions as part of the process of legal reasoning and the establishment of principles in its case law.⁸ As the UK Courts are required by the Human Rights Act 1998 to take account of ECtHR jurisprudence and the Government is bound by its judgments in cases against the UK, the terms of the Convention could have a strong indirect effect on the UK legal system

9. By ratifying the Istanbul Convention, there would be a strong inference that UK law is compliant with the treaty. The Government can enter reservations with regard to any terms of the treaty which it feels are incompatible with domestic law. Upon ratification of the Istanbul Convention, the UK Government would be undertaking to fulfil the positive

5 Command Papers are the collective name given to different types of papers prepared by the Government and presented to Parliament with the words "presented to Parliament by Command of His/Her Majesty".

6 Both Houses have 21 days to resolve that the treaty should not be ratified.

7 Only incorporation of the Treaty into UK law would achieve the direct effect of its provisions in the UK's legal system.

8 See, for example, the recent case of *National Union of Rail, Maritime and Transport Workers v UK* (Application no. 31045/10, 8 September 2014), in which the European Court of Human Rights referred to provisions of the European Social Charter and International Labour Organisation Convention No. 87 when deciding whether secondary strike action comes within the scope of freedom of association in Article 11 of the ECHR.

obligations in the Convention. The positive obligations of the Convention on states are to exercise due diligence to prevent and protect against violence against women, to prosecute and punish perpetrators and to provide reparations for victims. As the Istanbul Convention is already in force, these obligations would commence immediately. We discuss the ratification of the Convention in Chapter 8. Throughout this Report we point out in recommendations where the Government would need to make changes to policy and practice in order to fulfil the Convention's positive obligations.

United Kingdom's Obligations

10. The United Kingdom is a signatory to the Istanbul Convention as a whole. The UK Government is responsible for ratifying and implementing the Istanbul Convention yet devolved administrations, local authorities and others are responsible for some areas of law and policy covered by the Istanbul Convention.⁹ For example, in Scotland, the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, Alex Neil MSP, is responsible for equality¹⁰ and the Scottish government has its own Strategy to Address Violence Against Women and Girls.¹¹ The Scottish Parliament has an Equal Opportunities Committee that looked at FGM in 2014.¹² In Wales, Lesley Griffiths AM is the Minister responsible for "Equality covering the protected characteristics under the Equality Act 2010 and human rights in relation to UN and EU Conventions" in the Welsh Executive.¹³ In 2014, the Welsh Government introduced the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill.¹⁴ The First Minister of the Northern Ireland Executive, Peter Robinson MLA, oversees the Equality and Human Rights Unit. We are also aware that the London Assembly has a Pan-London Strategy on Violence against Women and Girls.¹⁵ It is clear that, whilst the UK Government is responsible for the UK's compliance with the Istanbul Convention, it is not able to control all aspects of policy in this area. In this Report we look at the tensions between fulfilling our international obligations and devolution, focusing specifically on the provision of specialist services in Chapter 4.

Law, policy and practice

11. There are three different areas which require action under the Istanbul Convention:

- a) law;
- b) policy; and

9 The Scotland Act 1998, Government of Wales Act 1998 and Government of Wales Act 2006 and the Northern Ireland Act 1998 set out the powers that are devolved from the UK Government to the Scottish Parliament and Welsh and Northern Irish Assemblies and their associated executive bodies.

10 Violence against Women and Girls – Strategy Documents: <http://www.scotland.gov.uk/Topics/People/Equality/violence-women/strategydocuments> [accessed 4 January 2015]

11 Ministers of Law Officers: <http://www.scottish.parliament.uk/msps/ministers-and-law-officers.aspx> [accessed 4 January 2015]

12 Female Genital Mutilation: <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/72423.aspx> [accessed 4 January 2015]

13 Lesley Griffiths AM: <http://wales.gov.uk/about/cabinet/cabinetm/lesleygriffiths?lang=en> [accessed 4 January 2015]

14 Violence against women and domestic abuse: <http://wales.gov.uk/topics/people-and-communities/communities/safety/domesticabuse/?lang=en> [accessed 9 January 2015]

15 Violence against women and girls: <https://www.london.gov.uk/priorities/policing-crime/our-work/violence-against-women-girls> [accessed 4 January 2015]

c) practice.

12. We recognise the size of the task faced by the Government in tackling violence against women and girls. The Government has made some necessary legislative changes in order for the UK to comply with the Istanbul Convention (for example the criminalisation of forced marriage) but changes in practice and culture can be more difficult to achieve.¹⁶

Culture

13. Throughout our inquiry we have heard about the experiences of a wide range of different groups of women including those with particular needs, for example women seeking asylum or refugees, women with learning difficulties, women from black and minority ethnic communities and women from communities of belief or religion. We agree however with the Bar Human Rights Committee of England and Wales: “In focusing on specific cultural practices which lead to violence against women there is a risk of forgetting that violence against women is a problem shared across cultures in the UK”.¹⁷ We share the concern of the UN Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo:

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.¹⁸

16 Sections 120 and 121 of the Anti-social Behaviour, Crime and Policing Act 2014 criminalised the breaching of a forced marriage protection order and of using conduct which causes someone to enter into a forced marriage. Article 5 of The Anti-social Behaviour, Crime and Policing Act 2014 (Commencement No.2, Transitional and Transitory Provisions) Order 2014 brought these two sections into force on 16 June 2014.

17 Written evidence from the Bar Human Rights Committee of England and Wales (VAW0035)

18 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. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14514&> [accessed 14 January 2015]

2 Integrated policies

Comprehensive and co-ordinated policies (Article 7)

14. Article 7 of the Istanbul Convention requires the UK to have co-ordinated policies. This requirement crosses Governmental departments, agencies and bodies.

Article 7—Comprehensive and co-ordinated policies

1 Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women.

2 Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations.

3 Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.

How well is the UK fulfilling the positive obligations under the Istanbul Convention?

15. The Government acknowledges the need for comprehensive and co-ordinated policies. To this end, the Government has a cross-departmental Action Plan, *A Call to End Violence against Women and Girls*, published by the Home Office. The Action Plan says that there is: “Commitment right across Government with activity co-ordinated across Departments overseen by an Inter-Ministerial Group chaired by the Home Secretary”.¹⁹ We understand that the Inter-Ministerial Group meets quarterly.²⁰

16. Some witnesses called for an independent, national co-ordinating body for the purpose of transparency, greater data collection and holding departments to account.²¹ We note this argument but it was more within the parameters of this inquiry to focus on what the Government is doing regarding the co-ordination and delivery of its policy.

17. Witnesses argued that there was a lack of accountability if departments did not deliver against the Action Plan.²² The End Violence against Women Coalition said: “The Department for Education, key to taking forward prevention measures, has yet to deliver on its role in a comprehensive prevention strategy”.²³

19 A Call to End Violence against Women and Girls, Action Plan 2014: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf [accessed 24 December 2014]

20 HC Deb, 15 April 2013, col 54W [Commons written answer]

21 Written evidence from EHRC (VAW0057) and Eaves for Women (VAW0008)

22 See, for example, written evidence from Women’s Aid (VAW0018)

23 Written evidence from End Violence Against Women Coalition (VAW0053)

18. Witnesses also criticised the Government for the separate development of policy for violence against women and girls and policy for immigration. Natasha Walter, Director of Women for Refugee Women, said:

from the outside, we do not see evidence of joined-up thinking. For instance, the Home Office has the initiative to tackle FGM in the UK, but we do not see anything coming out of the Home Office about how that might affect women seeking asylum from the threat of FGM for their daughters [...] there are such good initiatives going on, and yet they are not being carried through into the asylum process.²⁴

19. Witnesses criticised the Inter-Ministerial Group for not taking an holistic approach towards ending violence against women and girls due to a lack of representation from immigration officials. Anna Musgrave, Women’s Advocacy and Influencing Officer from Refugee Council, said: “representation from UK Visas and Immigration has been, in the main, very poor. I sit on the groups and I very rarely see anybody in those meetings who I recognise.”²⁵ Asylum Aid recommended that the Home Secretary should ensure that there is regular representation from the Immigration Minister and UKVI at the appropriate level at all meetings discussing violence against women and girls.²⁶

20. Chris Green, Director of White Ribbon Campaign, said: “the inter-ministerial group is good but does not go far enough. We are a grassroots organisation on the ground, and we do not see that group making any significant difference to our work.”²⁷

21. Witnesses were also concerned that the Inter-Ministerial Group and Action Plan only addressed England and Wales, despite the Istanbul Convention requiring a UK-wide response.²⁸

22. The Home Secretary is responsible within Government for the Action Plan to end violence against women and girls and the civil servants who co-ordinate Government action to deliver the plan are based in the Home Office. We would have liked to have taken oral evidence from the Home Secretary but it was the Rt Hon Nicky Morgan MP, the Minister for Women and Equalities, who came to give evidence. The Rt Hon Nicky Morgan MP has other responsibilities across Government as Secretary of State for Education and Minister for Equalities but is not one of the co-signatories of the Action Plan: the former Minister for Crime Prevention (Norman Baker MP) is. The position of Minister for Women has moved between four departments in the course of this Parliament.²⁹

23. We put to the Minister for Women whether it would improve the co-ordination of policy on violence against women and girls if there were a standalone post of Minister for Women. She said: “My worry, if you had one Minister with responsibility for it, would be that they would not have the clout in different Departments to quiz the civil servants, hold

24 Q 86

25 *Ibid.*

26 Written evidence from Asylum Aid (VAW0009)

27 Q 55

28 Q 30

29 The Minister responsible for women was located in the Home Office, the Department for culture media and sport and the Treasury between 2010–2014. The Minister responsible currently is in the Department for Education.

them to account and get things done in the way that we do”.³⁰ In short, she believed that it did not matter in which department the role of Minister for Women sat but that the individual in that role held others to account and could ensure change on these issues. She believed that, as a cabinet level minister, she could do this and it was something that a specifically created violence against women and girls junior ministerial post would not be able to do.

24. It is clear that there are different arguments regarding the allocation of the post of Minister for Women and how best to integrate policy on violence against women and girls.

25. We commend the Government for having a violence against women and girls action strategy which appropriately links violence to gender and inequalities. We commend the Home Secretary’s personal enthusiasm for it. However, we share witnesses’ concerns about the effectiveness with which the Inter-Ministerial Group co-ordinates and secures actions across Government.

26. We commend the Prime Minister for retaining the position of Minister for Women at cabinet level albeit combined with a broader portfolio. We believe the position of Minister for Women requires such seniority. Whilst we are reassured by the efforts of the Home Secretary in this policy area, we remain confused as to which Minister has overall responsibility to address the perceived shortcomings in the Action Plan and Inter-Ministerial Group. Whilst the Home Secretary is an authoritative figure within Government, we recommend that the role of Minister for Women be more focused on the Government’s strategy by becoming a joint signatory of the Action Plan and that the Minister explicitly be given responsibility for co-ordinating work across Government in this area together with the Home Secretary.

27. We recommend that the work of the Inter-Ministerial Group be broadened to include questions of asylum and immigration rules and practice as well as the compliance of devolved policy with the Istanbul Convention.

28. We recommend that the Minister for Women holds departments to account for delivering against the Action Plan within Cabinet meetings, supported by the Prime Minister, to display clearer leadership around this issue. This would send a strong message to all Cabinet attendees and departments regarding the Government’s commitment to delivering the plan.

3 Prevention

Awareness raising (Article 13)

29. Article 13 of the Istanbul Convention requires the UK to promote or conduct awareness raising campaigns. This is a policy-based requirement. As discussed in this chapter, the Home Office has taken the lead on awareness raising campaigns but there is a need for campaigns to be cross-departmental—for example the Department for Communities and Local Government liaise with faith leaders and the Department for Education is responsible for disseminating relevant campaigns to schools.

Article 13—Awareness-raising

1 Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women’s organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.

2 Parties shall ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Convention.

How well is the UK fulfilling the positive obligations under the Istanbul Convention?

30. The Government’s Action Plan says that in the last 12 months it has successfully bid “for funding (approximately £250,000) from the European Commission to fund a project raising awareness of Female Genital Mutilation (FGM) in the UK” as well as “re-launching the highly successful *This is Abuse* campaign, including collaborations with Hollyoaks [a TV soap opera] and MTV, and a new focus on reaching young male perpetrators.”³¹

31. The Government has also worked with or supported other campaigns aimed at fostering cultural change and focusing on male behaviour. On 9 June the Home Office launched a campaign which ran alongside the 2014 World Cup, urging young men to think about the consequences of domestic abuse. Posters were placed in hundreds of men’s toilets across pubs and bars in England, and digital adverts were featured on the Sky Sports website and app. Aimed at 18 to 35-year-olds, the campaign reminded men that abuse doesn’t have to be physical, as threats and controlling behaviour also count. The adverts also reminded potential perpetrators of the terrible impact of domestic abuse, both physical and psychological, on relationships. It signposted available support, with contact details for the charity Respect.³²

32. We are also aware of a campaign by Women’s Aid to raise awareness of violence against women in popular culture in, for example the use of lyrics depicting domestic

31 A Call to End Violence against Women and Girls, Action Plan 2014: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf [accessed 24 December 2014]

32 New domestic abuse campaign launched: <https://www.gov.uk/government/news/new-domestic-abuse-campaign-launched> [accessed 2 January 2015]

violence by Welsh Rugby fans when they sing the song ‘Delilah’, by Tom Jones, during games.³³

33. Other organisations have also taken steps to help foster a culture of change, in particular focusing on men. Sussex Police helped promote challenging domestic abuse when they worked to obtain a full page promotion for White Ribbon Campaign, a campaign for women to take a stand against violence against women, in *Want you Dead*, a thriller about stalking by Peter James. The book was Number 2 in the hardback fiction charts. Alongside this, the White Ribbon Campaign produced a set of anti-stalking campaign materials, including posters.³⁴

34. In articles and written evidence, different forms of media have been argued to have a positive effect in changing cultural attitudes. The researchers on an Economic and Social Research Council funded project, *From Boys to Men*, said: “Social marketing has the potential to open a thoroughgoing conversation between young people and adults about the nature of domestic abuse and what can be done to engage those boys and men who begin to perpetrate it [...] Social marketing campaigns should also help explore some of the ways young men might respond when they are troubled by other men’s behaviour, without necessarily having to physically confront perpetrators or endanger victims”.³⁵

35. Dr Joanna Goodey, Head of Freedoms and Justice Department at the European Union Agency for Fundamental Rights, said that media campaigns could have a positive impact on cultural attitudes and gave examples of good practice from other countries:

People are often surprised that in countries like Spain there are very progressive initiatives—TV campaigns, media slots—where men speak against violence against women. Spain is very much in the lead on this, and has been for a number of years now, so the stereotypes that exist about how certain member states respond to violence against women are often proven not to be correct [...] Only last week you may be aware that the USA launched a huge campaign with Barack Obama, the Vice-President and also prominent film stars—our very own Daniel Craig, for example. You had the political and the populist response, where you had men, including the President, in a slot speaking out against violence against women.³⁶

36. Chris Green, Director of the White Ribbon Campaign, argued that the Government needs to continue to challenge the normalisation of violence against women amongst boys and young men. He said: “I think it is hugely important to engage with men. It is men’s responsibility; we commit 90% of [violence] against women.”³⁷ Article 12 of the Istanbul

33 We need to drop Delilah song for being too violent, says singer: <http://www.bbc.co.uk/news/uk-wales-30432645> [accessed 4 January 2015]

Women’s Aid England and Wales issue statement on ‘Delilah’: <http://www.womensaid.org.uk/domestic-violence-press-information.asp?itemid=3360&itemTitle=Women's+Aid+England+and+Wales+issue+statement+on+'Delilah'+§ion=0001000100150001§ionTitle=Press+releases> [accessed 9 January 2015]

34 Violence against women and girls (VAWG) newsletter, Summer Edition 2014: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342982/VAWG_newsletter_Issue_8_v6_2_.pdf [accessed 2 January 2015]

35 David Gadd, Claire L. Fox, Mary-Louise Corr, Ian Butler and Joanna Bragg: *From boys to men: overview and recommendations*

36 Q 21

37 Q 54

Convention requires the UK “to take the necessary measures to encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence covered by the scope of this Convention.”

37. We also heard evidence that, whilst the Government’s campaigns are welcome, they could be made more effective. Professor Liz Kelly, Co-Chair of the End Violence Against Women Coalition, argued that the Government’s *This is Abuse* campaign is not used as strategically as it could be. She said: “some schools do not even know that it exists. There is not a systematic way of alerting the schools that, each November, this is going to come up, and they could actually use it as a resource.”³⁸ The End Violence Against Women Coalition called for: “long term investment in public campaigns to change harmful attitudes and behaviours, learning from the THINK! Road safety campaign.”³⁹

38. JAN Trust argued for awareness raising that is: “culturally sensitive and informed by specific best response practice [so] that government rhetoric and strategy concerned with manifestations of VAWG most likely found in certain communities do not contribute to an ‘othering’, racially divisive discourse that merely drives the victims to feel further alienated from mainstream British society”.⁴⁰ The Bar Human Rights Committee of England and Wales called for: “community engagement programmes directed at modifying attitudes towards and cultural practices relating to VAWGs”.⁴¹

39. We also heard evidence from different groups within society that may be difficult to reach through current campaigns. As we said in our Introduction, we recognise this crosses lines of race, religion and culture. Northern Ireland Women’s European Platform told us:

Domestic violence perpetrated by paramilitaries or those with paramilitary connections against their partners or families was not dealt with appropriately during the conflict. In post-conflict Northern Ireland this continues to be an issue regarding ex-combatants who have been released on license from prison. In some cases where a perpetrator would be returned to prison if he committed further crime, women who are victims of their violence are being pressured by their community not to report domestic violence to police. As a result of the conflict, and the uneasy relationship between police and certain communities, sexual and domestic violence and child abuse have been addressed in some areas through community-based groups instead of via official channels such as police or expert organisations like Women’s Aid.⁴²

40. Paul Valentine, a profoundly Deaf man who works for the Exeter Royal Academy’s BSL counselling service, told us about the difficulties for those that are deaf: “the Deaf community is very small, which can make it a stressful environment to live in, with not many other opportunities to make friends outside of the community [d]ue to language barriers. For hearing people, if they make a mistake, or upset people they have the option to leave that friendship group or because they have many friendship groups, their mistake

38 Q 53

39 Written evidence from End Violence Against Women Coalition (VAW0053)

40 Written evidence from JAN Trust (VAW0019)

41 Written evidence from the Bar Human Rights Committee of England (VAW0035)

42 Written evidence from Northern Ireland Women’s European Platform (VAW0037)

can be diluted [...] participants have no option but to stay in the community, or else risk total isolation.”⁴³ The issue of language barriers is not exclusive to the deaf community. Cris McCurley, solicitor and partner in the practice of Ben Hoare Bell LLP, identifies women living in the UK without the English language as extremely vulnerable.⁴⁴

41. The Lesbian and Gay Foundation told us about the need to direct prevention action and awareness campaigns at the LGB&T community as well: “Currently there is no strategic approach from prevention to detection and treatment of domestic abuse for LGB&T people [...] Information displays in waiting areas need to include LGB&T friendly material to make LGB&T people feel welcome and reduce barriers to accessing support services. Separate literature needs to be developed targeting LGBT victims and identifying LGBT specific weapons of power and control. For instance, many LGBT people do not realise that a threat to out them is a form of domestic abuse.”⁴⁵

42. Paul Valentine and the Lesbian and Gay Foundation represent two of a number of communities where there are challenges regarding reaching victims of violence against women and girls as well as awareness raising. We are particularly concerned about the ability of the existing awareness campaigns to reach victims in these sorts of communities.

43. In response to questions about how well initiatives are working at raising awareness amongst men, the Minister for Crime Prevention, the Rt Hon Lynne Featherstone MP, said the Government: “support all of the campaigns that take this on, such as the White Ribbon campaign and the UN’s HeForShe”.⁴⁶ Regarding awareness campaigns for different communities, the Minister for Crime Prevention said that the Government had given £10,000 to “a scheme [...] about training champions to go into those communities that are closed to us and begin that change mechanism. In the case of FGM, another example would be working with faith leaders. These are mainly patriarchal societies where what the faith or community leader says goes.”⁴⁷

44. We acknowledge the work that the Government has undertaken to work with faith leaders. However, witnesses raised concerns regarding state actors working with such leaders as they need also to “build up trust with the women and girls who are at risk” and cooperate with the organisations who are working directly with women.⁴⁸

45. We commend the Government for the awareness-raising initiatives it has undertaken but note that evidence indicates that a lack of co-ordination across departments has reduced the potential reach, delivery and ultimately success of these initiatives. We recommend that the Inter-Ministerial Group monitor the success and effectiveness of the campaigns to ensure that future campaigns are evidence based.

46. We also recommend that campaigns sometimes need to be targeted and specific. This would help reach communities with particular needs—for example, people with disabilities or LGB&T people. We commend the *This is Abuse* campaign for raising

43 Written evidence from Paul Valentine (VAW0007)

44 Written evidence from Cris McCurley (VAW0059)

45 Written evidence from the Lesbian and Gay Foundation (VAW0023)

46 Q 116

47 Q 117

48 Q 77

awareness of the issue of consent and coercive control and recommend that it be extended further to focus on LGB&T relationships. We also recommend that the Government should support the charities and organisations that could raise awareness with women within communities rather than just targeting faith and community based leaders.

Education (Article 14)

47. Article 14 of the Istanbul Convention specifies that teaching material on issues of violence against women and girls is included in formal curricula at all levels of education. This is a policy and practice based requirement. This Article places a requirement on the Department for Education, but its second paragraph shows that the Department for Culture, Media and Sport should also play a central role.

Article 14—Education

1 Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.

2 Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media.

48. We note that the House of Commons Education Select Committee is conducting an inquiry into the effectiveness of how Personal, Social, Health and Economic Education (PSHE) and Sex and Relationships Education (SRE) are taught in schools and whether they should be statutory as part of the National Curriculum or through some other method.

How well is the UK fulfilling the positive obligations under the Istanbul Convention?

49. The Government's Action Plan sets out the following actions for the Department for Education:

- a) to promote the teaching in schools of sexual consent and the importance of healthy relationships;
- b) to promote the outcomes from the newly established Personal, Social, Health and Economic Education (PSHE) and Sex and Relationships Education (SRE) expert subject group to help provide support to teachers;
- c) to pursue a range of channels to make suitable materials available to schools on violence against women and girls and related safeguarding issues, including the supplementary guidance on SRE produced by the PSHE Association, the Sex Education Forum and Brook; and
- d) to work with partners, including the PSHE Association, head and teacher associations and unions and the Early Intervention Foundation, to give school staff effective access

to a range of information and resources on violence against women and girls and related safeguarding issues.⁴⁹

50. Emily Burnage, Preventative Education Project Worker, RISE, said that: “there are pockets where there is some really good work being done, but provision in terms of PSHE and SRE is patchy, so it could be that some children and young people are leaving school with very little information around sex and relationships education”. She added that in: “the current climate in education where attainment is really important, PSHE is one of those things that can go by the wayside”.⁵⁰

51. Sue Berelowitz, Deputy Children’s Commissioner for England, said: “PSHE, and relationships and sex education, should be mandated across all schools.”⁵¹ Although she acknowledged that PSHE needs to be “part of a wider picture [...] It cannot be the only thing. It must be matched by all the other work that needs to take place.”⁵² The PSHE Association agreed: “We have long campaigned for a statutory entitlement to PSHE education for every child, to ensure that the subject is delivered by trained teachers, and given sufficient time on the curriculum.”⁵³

52. Emily Burnage explained different schools’ approaches to delivering PSHE:

The issue with PSHE is how it is delivered. For example, some schools might have one day a year when they will do a condensed day and give all the subjects in one go and they have then ticked the box, it has been covered, but is that a meaningful way for young people? I do not think it is. What it needs to be is embedded throughout, from reception and across the curriculum as well. For example, I have given advice to RE teachers about FGM and how we can talk about that in the context of RS, so it is about looking and being creative about it is as well. However, for PSHE, if you looked at different schools they would have different models and would prioritise it differently as well.⁵⁴

53. We hosted an online forum which asked parents for their views and experiences of education for children about violence against women and girls (see Appendix 1).⁵⁵ 77% of respondents thought that not enough was being done to educate children about gender-related violence. The majority of parents who posted in the forum argued that education needs to be improved around relationships, consent and abuse, but there was less consensus about the depth to which educational materials should go into issues concerning violence against women and girls. Some argued that better relationship education in schools was needed, which would include content dealing with consent and abuse in relationships. Several parents referred to the Freedom Programme. This Programme is an

49 A Call to End Violence against Women and Girls, Action Plan 2014: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf [accessed 24 December 2014]

50 Q 60

51 Q 51

52 Q 53

53 Written evidence from PSHE Association (VAW0068)

54 Q 60

55 The responses given by members of the public have been anonymised but respondents were aware that their answers might be quoted in the Committee’s Report and other papers.

awareness-raising programme to help women, who have previously experienced abuse, spot the signs of abuse before they become entrapped in a violent relationship. We presume these parents wished for it to be adapted and used more widely as a preventative tool amongst children and young people. The Programme's website says:

The Freedom Programme examines the roles played by attitudes and beliefs on the actions of abusive men and the responses of victims and survivors. The aim is to help them to make sense of and understand what has happened to them, instead of the whole experience just feeling like a horrible mess. The Freedom Programme also describes in detail how children are affected by being exposed to this kind of abuse and very importantly how their lives are improved when the abuse is removed.⁵⁶

54. Other parents raised concerns about violence against women and girls being included in educational materials, suggesting, for example, that children “are taught too many depressing things already” or that such education might “imply a criticism of their own family members”.

55. We held an informal meeting with Women's Aid Young People's Advisory Panel. The young people who took part believed that such education should be included in the curriculum and that open discussion would help to break down the ‘normalisation’ of violence against women and girls at a young age and teach young women when and how to seek help (see Appendix 2). They also said that teachers were the adults that they needed to trust and be able to report things to, because it was unlikely that they would have one-to-one contact with health or other frontline professionals. One young person said that she had told a teacher about her home situation but that it had been the ‘wrong teacher’. We believe that there should never be a ‘wrong teacher’ to disclose information to because they have a safeguarding role under child protection law and all teachers should be trained appropriately.

56. The Minister for Women outlined changes for the training and allocation of frontline social workers but did not outline any training being offered for school teachers on these issues.

57. The evidence we received strongly suggested that the teaching and discussion of these issues within schools is patchy. Some schools demonstrate excellent policies, others use charities to provide the teaching whilst others do nothing. This means that using education as a key tool to prevent violence against women is piecemeal and not all children are being reached. The End Violence Against Women Coalition said “The Department for Education, key to taking forward prevention measures, has yet to deliver on its role”.⁵⁷

58. We note that the teaching of these issues is complex: academies, free schools and independent schools are not overseen by Local Education Authorities and instead adhere to the Independent School Standards. The Government does, however, set the Independent School Standards. The Minister for Women told us that:

Ofsted will inspect all schools on the basis of the spiritual, moral, social and cultural education that they provide to their pupils. As we have recently seen, Ofsted will not

⁵⁶ <http://www.freedomprogramme.co.uk/>

⁵⁷ Written evidence from End Violence Against Women Coalition (VAW0035)

hesitate to challenge where they feel that a broad curriculum is not meeting that spiritual, moral, social and cultural test. We firmly believe that PSHE and a broad curriculum for life, which would include the issues that you talked about, is very important.⁵⁸

59. The PSHE Association, however, said: “PSHE education is a non-statutory subject which is not assessed in detail by Ofsted. This means that it is [not always] given a high priority by schools, and is often taught by teachers who are not trained in the subject. This low status of the subject means that it does not meet the high standards required for teaching about complex subjects such as gender-related violence.”⁵⁹

60. Responding to questions about how schools teach these issues and whether the Government was providing guidance, the Minister for Women said:

The teaching of sex and relationship education is compulsory in secondary state-maintained schools. We understand and believe that most other secondary schools follow that lead [...] The Government’s view is that there is space in the curriculum for schools to teach personal, social, health and economic education, which encompasses a wide range of issues. You have mentioned a couple that are important: consent and violence against women and girls [...] On consent education, the PSHE Association, which the Department for Education has given some money to, has been commissioned to produce education and guidance for teachers on teaching about consent. That will be published shortly.⁶⁰

61. In giving evidence to the Commons Education Committee about what was included in the curriculum for PSHE, Mr Nick Gibb MP, Minister of State for School Reform, Department for Education, said:

We are continually being pressed to be prescriptive on a whole range of issues, and we want to hold the line and say that it is important to allow schools the autonomy to develop their own curriculum outside the national curriculum area. We could be prescriptive in a whole range of areas outside the national curriculum, but you have to distinguish between the national curriculum and the school curriculum. As far as the school curriculum is concerned, it has to reflect local needs and the needs of the pupils.⁶¹

62. Chris Green called for higher education establishments to play a more active role in promoting awareness around these issues:

The NUS is running a consent campaign and training. It should not be up to the NUS to be running it. It should be up to those campuses, and those managements of those institutions themselves. Public Health England is funding one bystander pilot programme. We are working on another one at Lincoln University and they are running one at the University of the West of England. But it ought not to be pilot

58 Q 113

59 Written evidence from PSHE Association (VAW0068)

60 Q 113

61 Oral evidence taken by the Education Committee, 17 December 2014 (Session 2014–15), Q 393

programmes. It should be mandated that new university students start to get consent education when they start to move into this new environment.⁶²

63. The young people we spoke to from Women's Aid Young People's Advisory Panel, that were over 18 years old and attended university, told us about their experiences of the culture at university between men and women. One young person, who went to a university in Nottingham, described her freshers events as being characterised as sexist and sexual stereotypes were used for events or marketing. During her time at university, she also described that sexism was commonly disguised as 'banter' and was seen everywhere. Another young person talked about support services available for students who experience violence against women during their time at university, or who may need help coming to terms with things that happened to their family during childhood. She argued that universities had greatly increased provision for mental health services yet not for victims of domestic abuse. Another young person argued that universities weren't doing enough to support students who had been victims of gender based violence and it was not featuring on the agenda of the universities.

64. We are aware that some higher educational establishments are taking a proactive role in educating and raising awareness amongst their students, including collaborative working between Karma Nirvana and Derby College regarding forced marriage⁶³ and the introduction of mandatory workshops about consent in some colleges of Oxford and Cambridge.⁶⁴

65. We acknowledge the work undertaken by some higher educational establishments to educate their students, but we are concerned at the responses to a survey conducted by the National Union of Students which show a lack of awareness amongst students of issues relating to violence against women and girls (see Appendix 3). 1,120 respondents from all over the UK responded to the survey. The survey indicated that 57% of male respondents and 49% of female respondents were aware of the law on consent. Respondents were more likely to be aware of where to get advice or help for a sexually transmitted infection (74% of women, 72% of men) and rape (54% of women, 51% of men) than FGM (17% women, 20% of men) or coercive marriage (14% of women, 20% of men). More than 50% of respondents had not heard of any of the Government's campaigns to raise awareness, indicating the limited reach these campaigns have.

66. The Department for Education has committed itself under the Action Plan to pursue a range of channels for making suitable materials available to schools on violence against women and girls and related safeguarding issues. The Minister for Women told us that the Government has also committed the PHSE Association to producing guidance on education about consent. We have not heard evidence that the Government is pursuing channels to make materials available to schools, and the guidance on consent has not yet been published. We consider that this must be published before the UK is deemed to be fulfilling its positive obligations under the Istanbul Convention. We recommend that guidance from the Department for

62 Q 54

63 Derby College tackles forced marriage: <http://www.bbc.co.uk/news/education-26923056> [accessed 9 January 2015]

64 Oxford and Cambridge University sexual consent courses start: <http://www.bbc.co.uk/news/uk-england-29503973> [accessed 9 January 2015]

Education should go further than just consent and include other issues relating to violence against women and girls—for example, FGM, forced marriage, sexual exploitation and access to helplines. All forms of violence against women and girls affect school-age children directly and personally and normalisation of violence against women and girls occurs at a young age.

67. As a matter of practice, we also consider that the UK would be in a stronger position to say that it is fulfilling the requirements of Article 14 of the Istanbul Convention if all schools were required broadly to teach the same curriculum in relation to PSHE and we believe that this national curriculum should include issues relating to violence against women and girls. We believe this would also give Ofsted clear standards by which to assess a school.

68. We also consider that higher education establishments, not student unions, should be responsible for reinforcing this education within the higher education system and therefore encourage these establishments to follow the lead of those that already have.

Training of professionals (Article 15)

69. Article 15 of the Istanbul Convention requires relevant professionals to receive adequate training. This is a policy and practice based requirement and crosses practically all departments of state, and also includes health professionals, social workers, teachers, job centre staff, the police and the justice system. In this chapter we focus on training provided for the judiciary. In Chapter 6 we look at the judiciary in more detail and training for the police and in Chapter 7 we look at training for immigration officials.

Article 15—Training of professionals

1 Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.

2 Parties shall encourage that the training referred to in paragraph 1 includes training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of this Convention.

How well is the UK fulfilling the positive obligations under the Istanbul Convention?

The judiciary

70. We heard that, whilst the police and Crown Prosecution Service (CPS) are actively receiving training in the area of violence against women and girls, little was being offered (let alone made compulsory) for the judiciary. Vera Baird QC, Police and Crime Commissioner for Northumbria, and a former Solicitor General, said: “we have a highly male-dominated judiciary who frankly are not, as I understand it, trained in domestic violence and in my experience do not get it at all.”⁶⁵ In England and Wales, the Judicial College offers a three-day programme which criminal judges must complete to hear rape

cases. Sheridan Greenland OBE, Executive Director of the Judicial College told us: “there is no dedicated training or specific authorisation required for non-sexual offences of assault or violence. Crimes such as domestic abuse will feature within the normal continuation training available to Crown Court judges particularly as a sentencing exercise.”⁶⁶

71. Sheridan Greenland OBE said that training is offered for judges acting in civil cases:

The Judicial College’s family law courses last covered honour-based violence in detail in judges’ training in 2010-2012 when two speakers—an academic from the University of Warwick and a practising barrister—dealt with this topic. However, legislative and reference materials are available to judges at all times. Applications for Forced Marriage Protection Orders (FMPOs) can only be heard in certain courts. All judges authorised to hear such applications have received appropriate training.⁶⁷

72. We heard, however, that the judiciary did not always understand the most appropriate ways to deal with honour-based cases. Rachel Horman, Solicitor and Head, Domestic Violence and Forced Marriage Department at Watson Ramsbottom Solicitors, said “I have seen civil court cases adjourned for family mediation to take place to resolve it, which is very dangerous again and has been seen in a lot of the honour killings that have gone on”.⁶⁸

73. In response to questions about how the judiciary and police could better adhere to policies on violence against women and girls, the Minister for Crime Prevention said: “There are a series of improvements in criminal justice outcomes for VAWG. There are increased referrals to the CPS. There are increases in the volumes of prosecutions and convictions, and there are improvements in the conviction rate [...] Basically, things are going in the right direction.”⁶⁹

74. We welcome the requirement for judges who hear rape cases to have been trained to do so but believe that there is scope for the judiciary to educate themselves further by establishing separate training for those who deal with cases involving domestic violence. Given that family law is dealt with in the civil courts and cases involving domestic violence are heard in magistrates’ courts, this training should be available to both criminal and civil judges and magistrates.

Participation of the private sector and media (Article 17)

75. The positive obligations under Article 17 (participation of the private sector and media) of the Istanbul Convention are practice-based requirements rather than policy or legislative ones. Article 17 recognises the need for respect for freedom of expression and the independence of the press.

Article 17—Participation of the private sector and the media

1 Parties shall encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in

⁶⁶ Written correspondence from Sheridan Greenland OBE (VAWG (14–15) 033)

⁶⁷ *Ibid.*

⁶⁸ Q 76

⁶⁹ Q 126

the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.

2 Parties shall develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful.

76. In looking at the regulation of the press in this chapter, we note that broadcasters are regulated by Ofcom which has statutory duties to regulate and can administer significant fines and other punitive measures.⁷⁰ Regulation of UK newspapers is currently uncertain. The Independent Press Standards Organisation (IPSO) is a self-regulatory body, which superseded the Press Complaints Commission (PCC), and upholds the Editors' Code of Practice. However, not all newspapers are members of IPSO. IPSO itself is not recognised under the recent Royal Charter for press regulation.

77. The Government's Action Plan committed the Government to working with media regulators and stakeholders "across industry to ensure that suitable media content protections are maintained".⁷¹

How well is the UK fulfilling the positive obligations under the Istanbul Convention?

Responsible reporting v Freedom of the press and editorial independence

78. Jo Costello, from Ending Victimisation and Blame, said that newspapers are not always responsible in their reporting of crimes:

We have also had a 13 year-old girl who was pursued aggressively by up to 200 men. This was a case of sexual exploitation. Under the *Telegraph* headline, '13- year-old befriended 200 men online', yesterday, was, 'A 13-year-old girl from Fife in Scotland is at the centre of a paedophile probe after contacting around 200 men online and exchanging indecent images'. She is being sexually exploited and yet the media are reporting it as something she has instigated.⁷²

79. Charlotte Dewar, Director of Complaints and Pre-publication Services at IPSO, said that witnesses could sometimes be identified by a news story:

It is extremely rare for them to be identified as such, but information could be published, in breach of the code, that contributes to a local community becoming aware of who they are. Honestly, in terms of losing faith in human nature there is really nothing like the community finding out the identity of an 11 year-old or 12 year-old girl who has been the victim of grooming or sexual assault by a teacher or

70 Ofcom operates under a number of Acts of Parliament, including in particular the Communications Act 2003. The Communications Act says that Ofcom's principal duty is to further the interests of citizens and of consumers, where appropriate by promoting competition: <http://www.ofcom.org.uk/about/what-is-ofcom/> [accessed 2 January 2015]

71 A Call to End Violence against Women and Girls: Action Plan 2014: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf [accessed 2 January 2015]

72 Q 95

another trusted person and that child being subject to ostracism and blame and shaming. I am aware of a number of those cases [...] It is absolutely shocking. Once it gets to the stage of making a complaint, to an extent that process is already under way and it is very difficult because you cannot put that rabbit back in the box.⁷³

80. Jo Costello echoed these concerns:

There was a recent breach of anonymity of a victim of sexual violence by Sky News, which they apologised for immediately. However, we have numerous concerns about journalists who are live-tweeting court cases. They are in court hearing the evidence and tweeting out what they are hearing. Although that information should be anonymised, we, as women who work with broadcasters and regulators, know the identity of some of those victims because we have been able to work it out.⁷⁴

81. Jo Costello also said that guidance and training for individual journalists was already published but there was a lack of sanction if they did not adhere to them:

The National Union of Journalists has really basic guidance on reporting violence against women and girls. It is just over two A4 sides long and gives lots of support services at the end that journalists could refer to in order to report properly on this issue. These were set up in 2013 and had previously been on the members' area of the National Union of Journalists, so were accessible only to members, so we were not aware of their existence until somebody sent us a copy. We then contacted the NUJ and asked them to move it to the public area of their website, which they have done and they did it really promptly. We refer many journalists who report poorly on this issue to these guidelines, but there does not appear to be any kind of incentive for them to refer to them in the first place or a sanction if they choose not to adhere to them.⁷⁵

82. Charlotte Dewar explained that IPSO would enforce the Editors' Code of Practice:

What IPSO can do, and to give it credit what the Press Complaints Commission did, is enforce those provisions of the code very strictly and try to make editors as aware as possible through training and other means of the extreme danger of reporting around this area and the fact that often acts of reporting court cases in good faith—this goes back to the same point—can have effects that no one would have hoped for in doing that.⁷⁶

She also explained that: “the Press Complaints Commission upheld two complaints in the last couple of months of its time.”⁷⁷

83. Tony Close, Director of Content Standards, Licencing and Enforcement at Ofcom, told us how Ofcom assisted broadcasters in abiding by the Ofcom Broadcasting Code:

73 Q 95

74 *Ibid.*

75 Q 100

76 Q 95

77 Q 97

Written guidance. Bringing them in in person to explain the steps that they should take in order to avoid being non-compliant with the code. If they fail to take our guidance on board and fail to stick to the rules set out in the code, we will incentivise them to comply in future by recording breaches against them, hitting them with a large financial penalty, or ultimately taking their licence away.⁷⁸

Tony Close, when asked whether Ofcom had ever removed a licence for this sort of issue or imposed a financial penalty, said Ofcom had not.⁷⁹

84. We acknowledge the difficulty the Government has in this area in balancing freedom of the press with regulation. We also sympathise with the Government in trying to engage with publishers and broadcasters. **We were greatly disappointed that our publicly funded national broadcaster, the BBC declined all invitations to give evidence to this inquiry.**

85. In response to concerns regarding responsible reporting, the Minister for Women said “We are not going to tell people what they should and should not be reporting or how they should be editing”.⁸⁰ She did, however, acknowledge that women putting together reports for broadcasters will often challenge gender stereotypes in a way that male reporters may not: “I do not want to generalise, but it is very important that we have women in front-line media positions and making editorial decisions.”⁸¹

86. **The Istanbul Convention invites the media to self-regulate to help prevent violence against women and girls. Whilst current regulatory standards may be appropriate, there are clear examples where reporting of such violence has not been sensitive or appropriate. Practice is falling short. We encourage editors to take a proactive approach to educating their teams about sensitively reporting violence against women and girls.**

87. **We recommend that regulators have the confidence to use their powers to sanction, where necessary, broadcasters or press who have fallen short of the Ofcom Broadcasting Code or the Editors’ Code of Practice.**

Assistance to victims in making complaints

88. Jo Costello, from Ending Victimisation and Blame, told us: “One thing that is difficult for our supporters is knowing where to make a complaint in the first place”.⁸² This was particularly the case for newspapers as there is currently no single regulator.

89. Charlotte Dewar, Director of Complaints and Pre-publication Services at IPSO, told us about the proactive role that IPSO play in supporting victims:

Where we become aware of huge coverage around an issue, particularly if it involves members of the public who will not have legal representatives and press representatives on hand, we will generally—because in the immediate aftermath of

78 Q 99

79 *Ibid.*

80 Q 123

81 *Ibid.*

82 Q 93

an event that person is going to be experiencing chaos and they are not going to really know what is going on— go via the relevant service. That could be the police in many cases if it is an issue of violence or it could be the hospital if someone has been injured and they are in hospital. We will make contact via an appropriate service.⁸³

90. Charlotte Dewar also told us about pre-publication services offered by IPSO as well as the ability of complaints to be taken forward even if the victim did not make the complaint:

We do a lot of pre-publication anti-harassment services [...] Leveson, and I know witnesses, called for representative groups that work with victims of sexual violence to be able to act on behalf of victims who may not be able to represent themselves or may not even be aware of a regulatory function and so are essentially not involved. That is something that IPSO does have. We do have that ability. It is specifically in our regulations. Where there is a significant public interest, we can take a complaint from, say, a group that deals with refugees about a woman who may no longer be in the country and so is not contactable or is vulnerable and not in a position to represent herself. That is a really positive change.⁸⁴

Jo Costello called for assistance for victims to be more formalised.⁸⁵

91. There are currently a number of different media or press regulators. It is not easy currently for victims to understand their rights and the correct routes for redress. We recommend that community liaison officers⁸⁶ be trained in this work so that they can explain these rights where necessary.

The portrayal of women in the media

92. In 2013, the UN Committee on the Elimination of Discrimination against Women, in its concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, recommended that the UK: “Continue to engage with the media to eliminate stereotypical imaging of women and their objectification in the media, particularly in advertising.”⁸⁷

93. The Government’s Action Plan said that the Government had completed the following action: “Ensure media literacy tools are available to help people challenge body images and gender stereotyping in the media.”⁸⁸ The Government’s Action Plan commits the Gender and Equalities Office to the following action by 2014-15:

83 Q 98

84 *Ibid.*

85 *Ibid.*

86 Community Liaison Officers are police officers who can give victims advice or put them in touch with other organisations who may be able to access support. For example: http://www.kent.police.uk/about_us/diversity/pages/comm_liaison.html [accessed 14 January 2015]

87 The CEDAW Committee’s Observations and Recommendations: <https://www.gov.uk/government/news/the-cedaw-committees-observations-and-recommendations-published> [accessed 24 December 2014]

88 A Call to End Violence against Women and Girls: Action Plan 2014: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf [accessed 2 January 2015]

Support the development of further resources for young people of secondary school age, and their parents, to improve their media literacy and resilience to low body image.⁸⁹

94. Witnesses, however, were concerned that the media objectified women and Caroline Lucas MP said in her written evidence to us: “there is evidence that suggests a clear link between consumption of sexualised images, a tendency to view women as objects and the acceptance of aggressive attitudes and behaviour as the norm”.⁹⁰ She also raised concern that “images that would be prohibited on television or subject to the watershed [...] are sold entirely without age restriction in shops, often at child’s eye level.”⁹¹

95. UK Feminista said: “There is extensive research evidencing the very harmful impact both of treating women as sex objects and portraying them as sex objects in the media. In relation to the portrayal of women in the media, the American Psychological Association (APA) report that viewing media which portrays women as sex objects leads people to become significantly more accepting of gender stereotyping, sexual harassment, interpersonal violence, and rape myths. The APA also reveal that men are more likely to treat women as sex objects and their behaviour towards women is more sexualised after exposure to sexualised media.”⁹²

96. Peter Grant, Co-Director of Restored, said: “the attitudes in society are probably moving in the wrong direction in terms of our popular culture, in terms of the objectification of women, in terms of the seeping of pornography into popular culture.”⁹³

97. JAN Trust argued for ‘lads mags’ to be covered up in shops. They acknowledged the right to freedom of expression but argued:

Another possibility could be laws to keep magazines with women objectified or sexualised on the cover (‘lad mags’ such as Nuts, Zoo, FHM, GQ etc) from being sold in family newsagents, shops or establishments, and where they are sold to be put on the top shelf or behind modesty shields. This is not to attempt to suppress freedom of expression or enact censorship—we do not call for these publication[s] to be banned—but simply to acknowledge that communal, public spaces should avoid being explicitly degrading to women and girls.⁹⁴

98. With reference to what the Government was doing to address these concerns, the Minister for Women said:

My colleague Jo Swinson [Parliamentary Under-Secretary of State for Women and Equalities] has been working on something called the body confidence campaign, which is about the way that women and girls are portrayed in the media and not

89 A Call to End Violence against Women and Girls: Action Plan 2014: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf [accessed 2 January 2015]

90 Written evidence from Caroline Lucas MP (VAW0054)

91 *Ibid.*

92 Written evidence from UK Feminista (VAW0017)

93 Q 57

94 Written evidence from Jan Trust (VAW0019)

having unrealistic models and role models. That really affects girls' self-esteem and how they view themselves as they are growing up.⁹⁵

99. We commend the supermarket chains, Tesco and Waitrose, for responding to a campaign to remove the images and headlines from certain newspapers from the eye-line of children and call on others to follow this lead.⁹⁶ We also commend the Government for taking action to encourage the private sector to undertake initiatives to help promote positive role models for girls—for example, the body confidence campaign.

95 Q 123

96 For example, Tesco and Waitrose removed newspapers from the eye line of small children: <http://www.bbc.co.uk/news/uk-politics-30157742> [accessed 24 December 2014].

4 Protection and support

Specialist support service (Article 22)

100. Article 22 of the Istanbul Convention requires the UK to provide specialist support services for victims.

Article 22—Specialist support services

1 Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.

2 Parties shall provide or arrange for specialist women’s support services to all women victims of violence and their children.

101. The Explanatory Report to the Istanbul Convention explains:

It is important to ensure that these services are sufficiently spread throughout the country and accessible for all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of this Convention and provide support to all groups of victims, including hard-to-reach groups. The types of support that such dedicated services need to offer include providing shelter and safe accommodation, immediate medical support, the collection of forensic medical evidence in cases of rape and sexual assault, short and long-term psychological counselling, trauma care, legal counselling, advocacy and outreach services, telephone helplines to direct victims to the right type of service and specific services for children as victims or witnesses.⁹⁷

102. In this Chapter, we will look at the following concerns of witnesses:

- a) local authorities application of the law on equality when commissioning services;
- b) the need for specialist services for specific groups; and
- c) cross-charging for services.

103. We consider support services for women with insecure immigration status and asylum seekers in Chapter 7.

How well is the UK fulfilling the positive obligations under the Istanbul Convention?

Local authorities’ application of the Equality Act

104. The Explanatory Report to the Istanbul Convention says: “The Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including

⁹⁷ Explanatory Report: http://www.coe.int/t/dgh/standardsetting/convention-violence/convention/Explanatory_Report_EN_210.pdf [accessed 24 December 2014]

Domestic Violence [...] recommends safe accommodation in specialised women’s shelters, available in every region, with one family place per 10 000 head of population.”⁹⁸

105. In October 2014, the commissioning of victims’ support services was devolved to Police and Crime commissioners. The funding of refuge spaces, however, remains the responsibility of local authorities as a victim’s refuge place is funded through housing support. They are, therefore, responsible for ensuring that they provide one family place per 10 000 head of population. The Minister for Crime Prevention said: “the point is that devolving power to local areas means that you have to assess what is needed in your area. That varies from area to area.”⁹⁹

106. The Equality Act 2006 created a general duty on public authorities, when carrying out all their functions, to have due regard to the need (1) to eliminate unlawful discrimination and harassment on the grounds of sex, and (2) to promote equality of opportunity between women and men. The Equality Act 2010 replaced the 2006 Act and created a new ‘public sector equality duty’ covering all forms of discrimination, and which requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

107. North East Women’s Network said that local authorities were misinterpreting the law on equality in the commissioning of support services:

One organisation was excluded from tendering for a Domestic Abuse Service on the grounds of the requirement for a gender neutral service. This common issue around the misinterpretation of the Equality Act resulting in women-only services being excluded from tendering on the basis of gender neutrality and supposed equality needs highlighting. By the time we are able to challenge this, the timescales for tendering have been exhausted and the argument has been forwarded that given the cuts and limited funds available a gender-neutral tender meets the minimum requirements¹⁰⁰

108. Heather Harvey, Eaves for Women, said: “We are also seeing a possible misunderstanding that is driving people to think that [they] have to provide the same number of places for men as for women, without actually recognising, as the [C]onvention requires, a gendered analysis of what is proportionate and what is needed.”¹⁰¹ She also said “there is a massive shortage” of places for people to go.¹⁰² Hilary Fisher, Director of Policy, Voice and Membership at Women’s Aid, said “In Devon recently, for example, the tender did not require any refuge provision. There are no plans for refuge provision in Devon whatever”.¹⁰³ She told us that, on the basis of the Council of Europe’s recommendation of one refuge place per 10,000 population, England is 1,646 short of the 5,223 places needed.

98 Explanatory Report: http://www.coe.int/t/dghl/standardsetting/convention-violence/convention/Explanatory_Report_EN_210.pdf [accessed 24 December]

99 Q 124

100 Written evidence from North East Women’s Network (VAW0043)

101 Q 36

102 *Ibid.*

103 *Ibid.*

She attributed this to a failure to provide refuge places in some areas and the restriction of access to services in areas with provision to women from those areas.¹⁰⁴

109. The British Association of Social Workers also said there was an issue with women accessing services: “In one day in 2013, services that responded to the survey turned away 155 women and 103 children from the first refuge they approached.”¹⁰⁵ Women’s Aid Annual Survey 2014 of domestic violence services found that 31% of referrals to refuge in 2013/14 were turned away because of lack of space and 13% of respondents had closed or suspended an area of services due to lack of funding.¹⁰⁶

110. Imkaan raised concerns about the UK’s ability to meet its obligations under the Istanbul Convention due to local authorities not understanding the obligations: “The government’s localism agenda has facilitated an environment where local authorities are able to operate outside of the human rights context with no clear direction on their obligations to address violence against women and girls.”¹⁰⁷

111. The Government did not agree that localism was having a harmful effect on the provision of specialist services. The Minister for Crime Prevention said: “Outside the £40 million of ring-fenced stable funding that went through 2010 to 2015, and was basically for local, domestic and sexual violence support services and national health helplines, the Ministry of Justice is opening 15 new rape crisis centres. We have funded 86 rape support centres to provide independent specialist support to female victims aged 13 and over.”¹⁰⁸ On 25 November 2014, the Government announced another £10 million to support women’s refuges in 100 areas across England. The Minister for Crime Prevention also said “We have had six roadshows about domestic abuse and violence going out to spread best practice, to help with commissioning and to deal with related matters, so that local areas can identify the services they need.”¹⁰⁹

112. Councillor David Sparks OBE, Chair of the Local Government Association, said:

Councils [...] have seen their budgets reduce by 40 per cent over this Parliament, they continue to invest in services to support the victims of domestic violence. The funding reductions have though meant councils have had to consider carefully what mix of services is needed locally.

This has resulted in some local authorities commissioning different providers to deliver services, while also using the letting of new contracts to improve the quality of services to victims [...]

While some councils have commissioned different models of service provision for victims of domestic violence, overall this does not seem to have reduced the number of bed spaces available in refuges.

104 Q 36

105 Written evidence from the British Association of Social Workers (VAW0030)

106 Women’s Aid Annual Survey 2014: <http://www.womensaid.org.uk/page.asp?section=00010001001400130005§ionTitle=Women%27s+Aid+Annual+Survey> [accessed 20 January 2015]

107 Written evidence from Imkaan (VAW0066)

108 Q 124

109 Q 116

We do not have the resources to collect information from councils in England and Wales on the number of refuge spaces they have, so do not hold the data you have requested

113. The Convention requires adequate provision of refuge spaces. Local authorities have been reluctant to provide the number of places for women required partly due to a misinterpretation of the law on equality particularly in relation to gender-based services. We welcome the ring-fencing of funds for support services and we recommend that the Government issue guidance to all local authorities on the correct application of the law on equality to the services required under the Istanbul Convention.

114. We are very concerned that the number of refuge spaces per head in local authority areas is unknown and we are unclear as to how local authorities can claim that there does not seem to have been a reduction in “the number of bed spaces available”. We recommend that the Local Government Association be given the resources to analyse and monitor the number of refuge spaces to ensure adequate provision across the country which fulfils the positive obligations of the Istanbul Convention.

Cross-charging

115. We were concerned to hear about refuge spaces being restricted to victims within the relevant authority. This misunderstands the need which often arises for women to move to a new area to escape a perpetrator. Hilary Fisher, Director of Policy, Voice and Membership at Women’s Aid, said:

Another thing that is happening is that refuges are being restricted by local authorities to their constituents. The real challenge with that...is that women in those areas are not able to leave because they are not able to get places. They do not want local places, but moving to somewhere else if their area is not sharing is not going to happen.¹¹⁰

116. She went on to say that these concerns were particularly a problem for black and minority ethnic communities who need to travel far, and if it were a particularly serious perpetrator, women “will travel four or five times and they will go a very long way.”¹¹¹ She concluded that the UK was not meeting its obligations under the Istanbul Convention. She said:

I do not think it is meeting its obligations for two reasons: one, because it is not meeting the numbers that are recommended; two, because it is abrogating its duties by saying that it is the responsibility of the local authorities. It is not; it is a national responsibility. Refuge is a national service; it is required nationally, and by saying that it is up to the local authority to decide what provision it is means that in some areas there is provision and in other areas there is not.¹¹²

110 Q 36

111 *Ibid.*

112 *Ibid.*

117. Women’s Aid Annual Survey 2014 found that 74% of women accommodated came from a different local authority area to the refuge.¹¹³

118. The Government argues that the localism agenda enables local authorities to determine and provide for the needs of that area. Women will however often need to seek services outside their own local authority area because they need to put distance between themselves and the source of violence or to access specialist services. We therefore recommend that the Government consider enabling local authorities to cross-charge for providing these services to non-constituents.

Specialist services for specific groups

119. As explained above, local authorities should be able to commission services specific to their area thus addressing their community’s need. We have heard, however, that this particularly has affected the provision of specialist services for specific groups.

120. Pragna Patel, Director of Southall Black Sisters, raised concerns that competitive tendering is leading to a shortage of specialist local services: “Commissioning processes seem to work against small, specialist services. They tend to favour more corporate-like organisations that can bid and provide the kind of target-driven, time-bound outcomes that are required. A lot of support shelters or refuges have closed or are threatened with closure. Others have merged and become more generic”.¹¹⁴

121. Nushra Mansuri, Professional Officer England from the British Association of Social Workers, told us: “If we are looking at women and young women from minority backgrounds, we know that the cuts have hit them disproportionately even harder. I will say, from my experience as a social worker for many years in the sector, how important it is for women and young women from particular communities to have very sensitive and specialist services. It is very sad to see the demise of that and things becoming more generic.”¹¹⁵

122. Annie Rose, Independent Sexual Violence Advocate from Respond, noted that access to specialist services was very limited: “There is only one refuge in the country for people with learning disabilities, and for a woman to get in there she has to be funded by her local authority. It is not like with normal refuges, for which there is housing benefit and other benefits. They have to agree to pay a price. It is quite expensive to be in a specialist refuge for a week, and because of the cutbacks many women are not able to access these refuges, and the re-victimisation and the cost to the country goes on and on and on”.¹¹⁶

123. Rashida Manjoo, the UN Special Rapporteur, also found a reduction in the number and quality of specialised services for women and “it was made clear to me how women

113 Women’s Aid Annual Survey 2014:
<http://www.womensaid.org.uk/page.asp?section=00010001001400130005§ionTitle=Women%27s+Aid+Annual+Survey> [accessed 20 January 2015]

114 Q 36

115 Q 42

116 Q 45

from black and minority ethnic communities, women belonging to the LGBTI community, and women with disabilities, are further affected by these cutbacks”.¹¹⁷

124. In response to concerns regarding local authorities commissioning support service, the Minister of State at the Home Office and Minister of State at the Ministry of Justice, the Rt Hon Mike Penning MP, said that there is a joining up of the bidding process with health teams, police teams and police and crime commissioners. He argued that this meant some of the “traditionally done services will lose; I must be honest about that. However, there will be better coverage as to what is going on in our constituencies”.¹¹⁸ He also said that there would be “winners and losers in localism and some of the traditional ways may not be the way to win contracts in the future”.¹¹⁹ The Minister for Crime Prevention also said that “local authorities have a choice about where they make cuts”.¹²⁰

125. The new localism model for commissioning services may have had unintended consequences which have disproportionately affected the provision of refuge services for women from specific groups with very special needs. The Government should collate data on the national coverage of specialist services and take responsibility for ensuring that specialist support services remain available to all, regardless of their area.

Spare Room Subsidy

126. Whilst the Istanbul Convention does not mention welfare, we heard about the effect of the Spare Room Subsidy on victims of violence against women and girls in relation to sanctuary schemes. The police promote sanctuary schemes as they provide a safe and secure room within a house for a victim and, if required, her children. There is currently a judicial review in the High Court of a proposal to reduce a woman’s housing benefit from a three bedroom (she currently lives in a three bedroom with her son) to a two bedroom property, as the third bedroom is a secure room to be used as a sanctuary.¹²¹ This issue was raised during PMQs on 19 November 2014.¹²²

127. Women’s Aid argued that forcing individuals to move in such circumstances would leave the victims vulnerable. It said that Swindon Borough Council excluded sanctuary scheme properties in its area from the size criteria and made Discretionary Housing Payments available for these properties. Women’s Aid welcomed: “the move taken by Swindon Borough Council and call on all other councils in England to follow their lead”.¹²³

128. The Government, in response to the judicial review before the High Court, said it had made nearly £350m available for local authorities to help in such cases. . A spokesman for the Department for Work and Pensions said: “it understood the council awarded a

117 Special Rapporteur on violence against women finalizes country mission to the United Kingdom and Northern Ireland and calls for urgent action to address the accountability deficit and also the adverse impacts of changes in funding and services: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14514&> [accessed 2 January 2015]

118 Q 124

119 *Ibid.*

120 *Ibid.*

121 Court challenge to benefit changes for ‘secure housing’: <http://www.bbc.co.uk/news/uk-30110270> [accessed 2 January 2015]

122 HC Deb, 19 November 2014, cols 264-265 [Commons Chamber]

123 Written evidence from Women’s Aid (VAW0018)

payment to make up a shortfall in rent. The spokesman added that victims of domestic violence living in supported accommodation, such as a woman's refuge, are exempt from the removal of the spare room subsidy.¹²⁴

129. We recommend that the Government should exclude sanctuary scheme properties from the size criteria of the Spare Room Subsidy. If the Government is unwilling to do this, we recommend that all local authorities should exclude sanctuary scheme properties in its area from the size criteria and make Discretionary Housing Payments for sanctuary scheme properties affected by the Spare Room Subsidy.

124 Court challenge to benefit changes for 'secure housing': <http://www.bbc.co.uk/news/uk-30110270> [accessed 2 January 2015]

5 Substantive law

Psychological violence (Article 33)

130. Article 33 of the Istanbul Convention requires coercive behaviour to be criminalised. It does not, however, stipulate that a specific criminal offence of coercive behaviour be created.

Article 33—Psychological violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats is criminalised.

How well is the law complying with the Istanbul Convention?

131. There is not currently a specific criminal offence of coercive behaviour in the UK. Norman Baker MP, when Minister for Crime Prevention, said in the Government’s Action Plan that the Government had extended “the domestic violence definition [...] to cover coercive control”.¹²⁵

132. Sandra Horley CBE, Chief Executive of Refuge, said:

It is possible, under existing legislation, to prosecute non-physical abuse, for example stalking and harassment laws. Psychological injury can be prosecuted under the offence of ABH, which is part of the Offences against the Person Act. In order for psychological harm to amount to ABH, it must be of sufficient severity to meet criteria for a psychiatric condition.¹²⁶

She went on to argue that criminalising coercive control could have unintended consequences:

It could lead to, for example, it being treated as a separate category of crime. It could lead to reduced sentencing. It might be that perpetrators make allegations of coercive control against their victims. I think it will just be unworkable, and there are problems with implementing an offence of coercive control.¹²⁷

133. Vera Baird QC was unsure whether there needed to be a specific criminal offence or not but argued that there was a need to raise awareness within the criminal justice agencies. She said: “domestic violence is about coercive control [...] I am absolutely sure that we must stop having agencies that think domestic violence is about black eyes, and have ones that understand that is what is going on”.¹²⁸

125 A Call to End Violence Against Women and Girls Action Plan 2014: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf [accessed 2 December]

126 Q 73

127 *Ibid.*

128 *Ibid.*

134. Rachel Horman, Solicitor and Head, Domestic Violence and Forced Marriage Department at Watson Ramsbottom Solicitors, however, argued for the creation of a specific criminal offence for coercive behaviour. She said: “While I hear the argument that other legislation can be used, that is not actually happening in reality. I see clients every single day that are being told, ‘Come back when he hits you, because we cannot do anything.’”¹²⁹ Sara Browne, Iranian and Kurdish Women’s Rights Organisation, argued that criminalising coercive behaviour would be beneficial to victims. She said: “If the law was on the side of the victim and she could say, ‘This is wrong in this country, and these are my rights,’ then that would help, but people need to know their rights.”¹³⁰

135. When we were taking evidence for this inquiry the Government was consulting on whether or not to create a specific criminal offence as part of the consultation on strengthening the law on domestic violence. The Government has subsequently published its summary of consultation responses¹³¹ and on 18 December the Home Secretary announced that she would: “include a new offence of domestic abuse as an amendment to the Serious Crime Bill, to be introduced at [C]ommons committee stage. The amendment to the Serious Crime Bill will explicitly criminalise patterns of coercive and controlling behaviour where they are perpetrated against an intimate partner or family member.”¹³² We note in the Home Office’s summary that 85% of respondents were “in favour of strengthening the law on domestic abuse, and [70%] felt that the current law does not capture the Government definition of domestic abuse.”¹³³

136. The amendment has been brought forward as the new clause “*Controlling or coercive behaviour in an intimate or family relationship*”. The supplementary memorandum by the Home Office regarding the Serious Crime Bill says:

The Government’s position is that the criminalisation of coercive and controlling behaviour in intimate or family relationships is both necessary and justified. Firstly, this is due to the wide-ranging nature of the problem that domestic abuse poses to all sectors of society, and the serious emotional harm that it causes to victims. Secondly, this is due to the compelling representations received from several voluntary sector organisation pertaining to a perceived gap in the current law and its enforcement in relation to non-violent coercive and controlling behaviours.¹³⁴

137. The Law Reform Campaign, in response to the Consultation question “Does the current law adequately provide sufficient protection to victims of domestic abuse?” said:

Current legislation is not sufficient; it largely reinforces an approach based on single physical incidents, rather than capturing the patterns of power and coercive control within an ongoing relationship as detailed in the Home Office definition change of

129 Q 79

130 *Ibid.*

131 Strengthening the Law on Domestic Abuse Consultation—Summary of Responses December 2014: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389002/StrengtheningLawDomesticAbuseResponses.pdf [accessed 2 January 2015]

132 *Ibid.*

133 *Ibid.*

134 Serious Crime Bill European Convention on Human Rights Supplemental Memorandum by the Home Office (BILLS (14–15) 075)

March 2013. These failings mean that the police do not have all the tools that they need and that Criminal Justice System cannot effectively intervene, nor translate and consequently penalise the crime before the abuse has escalated.

138. The Home Office also said: “55% of respondents felt the law needs to be strengthened with a new offence that captures patterns of coercive and controlling behaviour in a relationship”.¹³⁵

139. Women’s Aid supported this announcement. Polly Neate, CEO of Women’s Aid, said: “We hope this new law will lead to a real culture change, so that every woman experiencing control can get the support she needs to break free safely”.¹³⁶ Gillian Guy, chief executive of Citizen’s Advice, said: “the government was sending a clear message that domestic abuse in all forms will not be tolerated”.¹³⁷ Sandra Horley CBE remained unconvinced and said creating a new offence was not the answer because there were “already enough laws”, but that they were “not being implemented correctly”.¹³⁸

140. We commend the Government for undertaking work to raise awareness of coercive behaviour as a form of abuse. If Parliament approves the Government’s proposed specific criminal offence regarding controlling or coercive behaviour in an intimate or family relationship, we are not convinced that this alone will lead to a change in culture within the criminal justice system and the wider public and instead may lead to unintended consequences that work against victims of violence. We urge the Government to consider the use of an awareness-raising campaign and a review of training for the criminal justice professions to accompany any change in legislation.

Legal aid (Article 57)

141. Article 57 of the Istanbul Convention requires the UK to provide legal aid for victims of violence against women and girls. The Ministry of Justice is responsible for legal aid, with the Legal Aid Agency responsible for administering it.

Article 57—Legal aid

Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

142. Access to legal aid in civil cases for alleged victims of domestic violence is important because it enables access to the family court, for example, in child protection cases, restraint or divorce proceedings.

143. The Government reformed access to legal aid in civil cases in the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO). Legal aid in civil cases has been retained

135 Strengthening the Law on Domestic Abuse Consultation—Summary of Responses December 2014: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389002/StrengtheningLawDomesticAbuseResponses.pdf [accessed 2 January 2015]

136 New domestic abuse law on controlling behaviour unveiled: <http://www.bbc.co.uk/news/uk-30532087> [accessed 2 January 2015]

137 *Ibid.*

138 *Ibid.*

for victims of domestic abuse, provided they can provide the relevant evidence that such abuse has taken place.¹³⁹

144. In our Seventh Report of Session 2013–14, *The implications for access to justice of the Government’s proposals to reform legal aid*, we concluded:

We welcome the Government’s exemptions in certain cases for victims of domestic violence, although we remain concerned about the impact of these proposals on victims of domestic abuse and their ability to access legal aid funding in order to gain practical and effective access to justice for themselves, and in many cases, for their families. In this area we also call upon the Government to review its proposals.¹⁴⁰

145. We note that the House of Commons Justice Committee is conducting an inquiry into the effects of LASPO. One of the terms of reference for its inquiry is:

To what extent are victims of domestic violence able to satisfy the eligibility and evidential requirements for a successful legal aid application?

146. We do not wish to duplicate the work of the House of Commons Justice Committee. However, in the light of the consultation regarding a proposed new offence of coercive control, we have looked at the evidence required for proving psychological abuse. As psychological violence is included in the Government’s definition of domestic abuse, legal aid is available for victims of psychological abuse. We also look at the availability of legal aid for victims with insecure immigration status in Chapter 7 of this Report.

How well is the law complying with and the policy and practice of the UK fulfilling the positive obligations under the Istanbul Convention?

147. In April 2014, Rashida Manjoo, the UN Special Rapporteur, concluded:

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.¹⁴¹

148. As we have mentioned in paragraph 144 above, the Government has committed itself to retaining legal aid for victims of domestic violence if they can provide evidence that abuse has taken place. The Government broadened the list of evidence required in April 2014. However, witnesses outlined their concerns regarding the evidence required for legal aid. Rachel Horman, Solicitor and Head, Domestic Violence and Forced Marriage

139 The list of evidence is now archived but can still be found on Women’s Aid’s website: <http://www.womensaid.org.uk/page.asp?section=00010001001000330001§ionTitle=Legal+Aid> [accessed 24 December 2014]

140 Joint Committee on Human Rights, *The implications for access to justice of the Government’s proposals to reform legal aid* (Seventh Report, Session 2013–14, HL Paper 100, HC 766)

141 Special Rapporteur on violence against women finalizes country mission to the United Kingdom and Northern Ireland and calls for urgent action to address the accountability deficit and also the adverse impacts of changes in funding and services. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14514&> [accessed 14 January 2015]

Department at Watson Ramsbottom Solicitors, said: “The more controlling the situation and the less that a woman is able to get out of the house and out of that immediate community, the less likely there is to be any evidence in order to access legal aid”.¹⁴²

149. In response to questions about the evidence required for legal aid for victims of coercive control, the Minister of State at the Home Office and Minister of State at the Ministry of Justice said: “we are absolutely committed to legal aid being available to victims of domestic violence. It should remain available to protect victims, but we are looking at how flexible that needs to be. If people need it, we must have the evidence around it.”¹⁴³

150. We welcome the provision that those who can provide evidence of domestic violence continue to have access to legal aid for civil cases because this enables access to the family and other civil courts. We have concerns, however, about the problems some women face in providing such evidence, and the feasibility of victims of coercive control or women who may find it difficult to get out of the immediate community being able to provide such evidence. We recommend that before the proposed new offence of coercive control comes into force the Ministry of Justice review the requirements for evidence of domestic violence for access to legal aid.

Universal Credit

151. Dr Joanna Goodey, explained the vulnerability of women who are economically struggling and are therefore more likely to experience violence:

We found that women who said they were not coping under their current income were experiencing higher levels of violence. Women who said they were coping under their current income had half the level of violence of women who said they were not coping under their current income. There is strong evidence there that if you are finding it difficult economically, if you are struggling, it makes you vulnerable.¹⁴⁴

Witnesses raised concerns regarding Universal Credit, financial control and victims of domestic violence. Financial coercive control can include reducing a woman’s access to income.

152. The Government is still rolling out Universal Credit, which is replacing certain benefits. The Government’s guidance says: “You will receive one monthly payment directly into your account. This will usually be paid into a joint account to help you and your partner manage your money together, but you can choose to have payments made into one of your individual accounts if you prefer.”¹⁴⁵ The Government has said that: “If you have any concerns about accessing your payments and need to discuss alternative payment arrangements please contact the Universal Credit helpline...Alternative payment arrangements are considered on a case by case basis and assessed on their individual

142 Q 81

143 Q 127

144 Q 23

145 Universal Credit and couples: questions and answers: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/377861/uc-and-couples-questions-and-answers.pdf [accessed 2 January 2015]

merits. This allows for the household payment to be split. Wherever possible, these alternative payment arrangements will be temporary whilst you take steps to improve the way you manage your money.”¹⁴⁶ Women’s Aid argued that payment into a joint bank account could leave a victim vulnerable if the male controlled the bank account. They also said “that in practical terms asking for a split payment could put survivors of domestic violence at risk. Even if the perpetrator does not have to agree to a split, it is likely to become obvious that the payment has reduced (because of the size of the award). If this is only done in cases of financial or other abuse, this could put the survivor at greater risk of further abuse.”¹⁴⁷

153. Hilary Fisher, Director of Policy, Voice and Membership at Women’s Aid, recommended: “the whole of the money should go to the mother so that she does not have to ask the question [...] Where there is a nominated payee, again the whole of the universal credit should go to the mother.”¹⁴⁸

154. The Minister of State at the Home Office and Minister of State at the Ministry of Justice did not accept these concerns and said: “I’ve not seen it in the pilots where this is being rolled out, and I was in the Department and this was part of my portfolio. People might think something will happen with UC, but they best wait and see, because actually the pilots are not indicating what they’re saying”.¹⁴⁹ The Minister for Women said: “That point has not been brought to me as Minister for Women. Should it be? That is the sort of thing that we would raise as part of the inter-ministerial group or directly with Iain Duncan Smith and the DWP Ministers, to ask what flexibility we have.”¹⁵⁰

155. The Government, in written evidence to us, said:

The Government’s plans to introduce Universal Credit will not cause a reduction in support levels for victims of domestic violence. We recognise that financial control is a key attribute and, where special circumstances arise such as in domestic violence cases, we will retain powers to split payments between members of a couple in joint claim cases.¹⁵¹

156. At a time when the Home Office is keen to raise awareness of coercive control, and noting the requirement of the Istanbul Convention for coercive control to be criminalised and victims protected, we recommend the Government look again at the payment of Universal Credit to couples.

157. We share Women’s Aid’s fears and wish to remind the Government that we expressed our concern in this area in our legislative scrutiny Report on the Welfare Reform Bill, when we said that the new payment method would ‘reduce the financial autonomy of women’.¹⁵² **In our December 2011 Report we recommended that the Welfare Reform Bill, now the**

¹⁴⁶ *Ibid.*

¹⁴⁷ Written evidence from Women’s Aid (VAW0018)

¹⁴⁸ Q 40

¹⁴⁹ Q 129

¹⁵⁰ *Ibid.*

¹⁵¹ Written evidence from the Home Office (VAW0034)

¹⁵² Joint Committee on Human Rights, *Legislative Scrutiny: Welfare Reform Bill* (Twenty-first Report, Session 2010–12, HC 1704, HL Paper 233)

2012 Act, ‘be amended to allow payments for children to be labelled as such and be paid to the main carer’.¹⁵³

158. The Government argued, however, that it was not possible to accept this recommendation because of the way that Universal Credit is structured. It is also our understanding that automatic payment of the whole Universal Credit to the mother (as opposed to the main carer) in couples with children, as recommended by Women’s Aid, would not be lawful. We are also concerned that it may be counterproductive if it creates resentment among men.

159. We do not accept the Minister’s assurance that the situation is satisfactory because problems have not yet emerged during the early roll-out of Universal Credit. The roll-out has only recently been extended to couples with children, the group arguably at greatest risk. On the principle that prevention is better than cure, we do not believe that the ‘wait and see’ approach that the Minister recommended is a responsible one, given the concerns raised by women’s organisations about the possible risk to some women. We therefore recommend that the Department for Work and Pensions use the remainder of the roll-out process to test a number of different payment methods (such as automatic split payment to each partner in varying proportions) so as to assess which best protects the financial autonomy of women in couples, thereby strengthening their position should domestic violence occur. We also recommend that all relevant Department for Work and Pension officials be given domestic violence training so that they are better placed to handle sensitively situations of known or suspected domestic violence.

Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour” (Article 42)

160. Article 42 requires states not to allow unacceptable justifications for crimes in criminal proceedings.

Article 42—Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour”

1 Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.

2 Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.

161. UK law and policy in this area are clear: there is no justification for a crime committed in the name of so-called “honour”, religion, custom or tradition.

162. We have not heard anything that suggests there have been any cases in the criminal justice system in which unacceptable justifications for crime have been attempted and

¹⁵³ *Ibid.*

proved successful. The Government is clear that there is no room for arguments relating to cultural relativity in this area.¹⁵⁴ We have, however, heard examples where such justifications are being used in communities, and that practice is hard to change.

How well is the practice of the UK fulfilling the positive obligations under the Istanbul Convention?

163. Witnesses told us that unacceptable justifications for crimes cross lines of race, age, culture and religions. Restored, an international Christian Alliance, said that it recognised “that attitudes and practices within the church need to be changed to ensure that religion is not used to justify acts of VAWG”. Muslim Women’s Network UK told us that, whilst they “strongly disagree with any suggestions that VAWG is in any way endorsed by Islam [...] FGM for example, is a practice which in our opinion predates Islam with no authentic basis to validate any such connection”, they believed that “culture has also been invoked as justifications and we consider it vital that this is addressed within the community itself through raising awareness and further education in a bid to change the mind set at a grassroots level”. Naomi Dickson, Executive Director at Jewish Women’s Aid, said: “We do come across Rabbis and the Rabbinat who will say, “Go home and try harder. It is your responsibility to build a Jewish family home in the right framework””.¹⁵⁵ The Deputy Children’s Commissioner has published a report on gang culture. She told us that told us that there is a cultural acceptance within gangs: “it is quite clear that the young people who grow up in those neighbourhoods, if they are male, are carrying out very serious violence of all kinds against females and the girls just assume that that is part of growing up.”¹⁵⁶ Sara Browne, Iranian and Kurdish Women’s Rights Organisation, told us about the prevalence of dowry-related violence in the UK: “we are dealing with marriage cases constantly and dowry is one form of power and control that runs through all those cases”.¹⁵⁷

164. Rosie Lewis, from the Angelou Centre, argued that, in practice, there was a common misunderstanding of the overlaps between crimes against women in the name of honour and domestic violence and crimes against women generally. She argued that honour-based violence should not be regarded as a specific thing but “a continuum of violence against women”.¹⁵⁸

165. The Government said that it is taking steps to address these practices. The Minister for Crime Prevention said that the Government has been engaging with faith and community leaders to try and tackle these crimes. She also said that the time had passed where Government had “tiptoed around cultural eggshells”.¹⁵⁹ Naomi Dickson, Executive Director at Jewish Women’s Aid, told us that the Government’s work was having a positive effect within the community she works with. She said “because of the massive amounts of

154 Alison Saunders CB, Sandra Horley CBE, Vera Baird QC.

155 Q 47

156 Q 56

157 Q 82

158 *Ibid.*

159 Q 125

awareness trickling down from government, and because of what we have done, we are starting to see results going in the right direction.”¹⁶⁰

166. We welcome the stance of the Government in tackling these crimes and attitudes. We believe it is right that a multi-cultural society in the UK should still respect equally the need for adherence to the law of the UK. We agree with our witnesses that it is essential that these attitudes are tackled, at an early age and across communities, within schools, as outlined in paragraphs 66 and 67 in this Report.

167. We recommend that the issue regarding the role of women, and equality between the sexes, across many cultures in the UK today needs further investigation. We have concerns about the status and treatment of women in deeply patriarchal, structured communities. We believe women in these communities face barriers to accessing help which can include language, community pressure, gender inequality, the teaching of beliefs which may challenge Convention rights, or coercive control. We do not believe the Government has succeeded in reaching these women or tackling the cultures which do not treat women as equal to men. We recommend that a standalone inquiry into these issues is necessary.

6 Investigation, prosecution, procedural law and protective measures

Immediate response, prevention and protection (Article 50)

168. Article 50 of the Istanbul Convention requires law enforcement agencies to respond promptly and appropriately to all forms of violence and to offer immediate protection to victims. This means that the response of the police and other agencies must be adequate to the task.

Article 50—Immediate response, prevention and protection

1 Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.

2 Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.

How well is the UK fulfilling the positive obligations under the Istanbul Convention?

169. We heard evidence that the police are not responding promptly and appropriately to allegations of violence against women and girls. In March 2014, the report from Her Majesty’s Inspectorate of Constabulary (HMIC) report *Everyone’s business: Improving the police response to domestic abuse* said: “Domestic abuse is a priority on paper but, in the majority of forces, not in practice [...] This stated intent is not translating into operational reality in most forces”.¹⁶¹ The report also said: “Our force inspections showed that the quality of the initial ‘golden hour’ investigation differs widely across forces and is often of an entirely unacceptable standard. Just as a first response officer’s attitude to the victim can make a difference, the initial investigation at the scene, is critical to a successful prosecution.”

170. In addition, HMIC’s report said that victims felt more satisfied if the police responded quickly. The report also said however:

If the perpetrator had left the home victims told us that on occasions officers could take some time (possibly hours) to arrive. The victims we spoke to were often very upset and fearful that the perpetrator might return while waiting for a responding officer. Where it is not possible to dispatch resources immediately it is important to remember the impact this may have on the victim. Just because the perpetrator has left the scene, those working in the control room should not automatically assume that the incident does not require an immediate response. Victims felt they were not

¹⁶¹ *Everyone’s business: Improving the police response to domestic abuse*: <https://www.justiceinspectors.gov.uk/hmic/wp-content/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf> [accessed 2 January 2015]

always believed, and particular concern was drawn to the quality of initial investigation undertaken by responding officers when called to a scene.¹⁶²

171. HMIC's report also highlighted the problems with specialised units:

We found similar areas of concern about the effectiveness of specialist units in many forces. In some forces we were extremely concerned to find a very high level of risk often characterised by:

- specialist units not being staffed or resourced to the level originally intended. These units are often under-resourced due to high levels of vacancies, maternity leave or long term absences. This can result in a backlog of work with no-one reviewing risk assessments or safety plan actions for several days and no action being taken on the high risk cases referred to the unit;
- significant levels of stress being experienced by individuals within these units. Staff (often of a relatively low rank) may be carrying unacceptable workloads with high levels of responsibility. In one force, just one police constable had responsibility for reviewing all high-risk cases;
- in some forces those working in specialists roles receive no additional training. Our survey of domestic abuse practitioners suggested that increased training in the dynamics of domestic abuse is a priority even for specialist staff¹⁶³

172. Justice for Women said: "Social beliefs and preconceptions about survivors of domestic and sexual violence too often result in investigating officers failing to properly conduct investigations into complaints of male violence. This is particularly true when women fail to present as a paradigm 'victim', such as when they have used drugs or alcohol, when they have previously consented to sexual activity with their attacker".¹⁶⁴

173. Andrew Cooke QPM, National Policing Lead at the Association of Chief Police Officers (ACPO), told us that: "The College of Policing launched a new Public Protection Learning Programme in February of this year which includes a specific domestic abuse module. The programme is incorporated within initial officer training and detective training." He did, however, acknowledge: "At present guidance is primarily aimed at dedicated specialists and, whilst new training programmes will deliver comprehensive training to new recruits and new detectives, many established front line officers still require training."¹⁶⁵

174. Sandra Horley CBE, Chief Executive of Refuge, said that the main problem the police face is volume, along with a lack of prioritisation of the issue politically and organisationally by the police.¹⁶⁶ Rachel Horman said "police are still using family members

162 Everyone's business: Improving the police response to domestic abuse: <https://www.justiceinspectors.gov.uk/hmic/wp-content/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf> [accessed 2 January 2015]

163 *Ibid.*

164 Written evidence from Justice for Women (VAW0062)

165 Written correspondence from Andrew Cooke (VAWG (14-15) 023)

166 Q 66

to interpret, which is very dangerous, because they are likely to be the perpetrator.”¹⁶⁷ This is in contradiction to Article 56 (1)(h) (*Measures of Protection*) of the Istanbul Convention.

175. We believe that the evidence we received during this inquiry demonstrates a lack of cultural literacy amongst some frontline police officers in responding to domestic violence cases. This is one of the areas where guidance is good yet practice and delivery of training is not. Chief Constables need to do more to educate frontline staff and training needs to include all types of abuse, including financial or coercive control. Chief Constables should also urgently address concerns that specialised units are not adequately resourced.

Risk assessment and risk management (Article 51)

176. Article 51 requires that the UK takes any necessary legislative or other steps to ensure that an assessment of lethality risk is carried out by all authorities in order to manage the risk and provide co-ordinated safety and support if necessary.

Article 51—Risk assessment and risk management

1 Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide co-ordinated safety and support.

2 Parties shall take the necessary legislative or other measures to ensure that the assessment referred to in paragraph 1 duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.

How well is the UK fulfilling the positive obligations under the Istanbul Convention?

177. Witnesses criticised the response of police forces for not responding properly, not carrying out proper risk assessments, and as such held the police responsible for instances in which women were killed or seriously injured by their partners.¹⁶⁸ Sandra Horley CBE said there were numerous failings in IT systems, frequent failures to arrest the perpetrator and failures in risk assessment.¹⁶⁹ Police forces have been criticised for their lack of risk assessment and response in some high profile cases where a victim has died.¹⁷⁰

178. Overall, witnesses argued that law and policy is mainly good. Practice on the ground, however, is not. The response of the police to deal with these crimes was seen to be inconsistent across forces and is dependent on the leadership within local police. Zoë Billingham, HM Inspector of Constabulary Eastern Region, said: “risk assessment requires urgent action [...] Poor training and lack of understanding on elements of coercive

167 Q 76

168 Written evidence from Rights of Women (VAW0022)

169 Q 67

170 Including the cases of Cassandra Hasanovic (Kent Police, Sussex Police and CPS) and Christine Chambers and her son (Essex police).

controlling behaviour is a primary cause of poor risk assessment.”¹⁷¹ HMIC concluded “a fundamental overhaul of the approach to domestic abuse training is necessary”.

179. We note the on-going the case of *Michael v The Chief Constable of South Wales* police regarding alleged negligence under Article 2 of the European Convention of Human Rights against the two police forces involved, in which the issue is: “Whether it is arguable that the police were liable in negligence and/or in relation to article 2 of the European Convention on Human Rights in respect of Miss Michael’s death following an alleged delayed response to her 999 call”.¹⁷² We also note the recent change in case law, *DSD v Commissioner of Police for the Metropolis*, in which the high court ruled that the police have a legal duty to properly investigate rape and serious allegations under article 3 of the Human Rights Act.¹⁷³

180. In contrast to this picture of criticism, Andrew Cooke QPM, National Policing Lead at the Association of Chief Police Officers (ACPO), said: “when victims are properly identified as at high risk, there are effective multi-agency arrangements to jointly assess risk and effectively safeguard victims”.¹⁷⁴ To improve identification of high risk women by frontline officers, he said: “The College [of Policing] aim to develop a best practice risk tool for the service as soon as possible. In the meantime, work is continuing to improve the application and use of current tools”. He also said “In addition, work is ongoing to develop best practice in initial investigation, risk assessment and victim safety planning. The College of Policing have developed new Authorised Professional Practice which is due out for consultation later this month.”

181. The Home Secretary described HMIC’s report as “depressing reading”¹⁷⁵ and the Government’s action plan included an action to: “ensure the recommendations from the HMIC review of the police response to domestic violence are effectively implemented.” The Minister for Crime Prevention outlined the Home Office’s response to the report in supplementary evidence:

the Home Secretary has established the National Oversight Group, the purpose of which is to ensure the recommendations are implemented. The Home Secretary has written to all Chief Constables and Police and Crime Commissioners making it clear that every police force must have an action plan in place. Every force has now submitted an action plan. These plans are currently being reviewed by HMIC. We are encouraged that HMIC’s Annual Assessment of Policing in England and Wales, published on 27 November, found that in relation to domestic violence and abuse, forces are now working on improvements. In some forces commendable pace and commitment to make a difference has been found.

But there is more to do and the national oversight group remains focused on overseeing delivery against the recommendations to drive a culture change in the

171 Written correspondence from Zoë Billingham (VAWG (14–15) 026)

172 *R v Michael*: <https://www.supremecourt.uk/cases/uksc-2013-0043.html> [accessed 4 January 2015]

173 *DSD v Commissioner of Police for the Metropolis* [2014]: <http://www.bailii.org/ew/cases/EWHC/QB/2014/436.html> [accessed 22 January 2015]

174 Written correspondence from Andrew Cooke (VAWG (14–15) 023)

175 <https://www.gov.uk/government/news/home-secretary-leads-action-on-police-response-to-domestic-violence-and-abuse> [accessed 2 January 2015]

police response. The HMIC Report identifies a series of tangible steps that can support such a culture change, including prioritising and valuing domestic abuse through the force’s performance management framework, selection and promotion processes in force, reward and recognition policies, and including successful attainment of professional standards in domestic abuse in threshold tests which police have to pass to progress up their pay scales. It is delivery against these recommendations, working through the College of Policing, the National Policing Lead and Chief Constables, in partnership with the women’s sector, which will support and encourage compliance with policies on violence against women.¹⁷⁶

182. Immediate response and risk assessment and management are the responsibilities of the Chief Constables. We look forward to the publication of a best practice toolkit. Recent developments in case-law suggest that the courts are increasingly willing to award compensation for serious harm where police investigations have been deficient. In view of these legal developments, claims against the police for compensation for negligence might be more likely to succeed in the Courts if the police’s response to requests to deal with an allegation of domestic violence, rape or other serious allegations of violence against women does not sufficiently improve.

Investigations and evidence (Article 54)

183. Article 54 of the Istanbul Convention requires that evidence relating to sexual history or conduct of the victim shall only be permitted when it is relevant and necessary. In the UK a ‘rape shield law’ has been in place since 2000, introduced by section 41 of the Youth Justice and Criminal Evidence Act 1999.¹⁷⁷

Article 54—Investigations and evidence

Parties shall take the necessary legislative or other measures to ensure that, in any civil or criminal proceedings, evidence relating to the sexual history and conduct of the victim shall be permitted only when it is relevant and necessary.

How well is the UK fulfilling the positive obligations under the Istanbul Convention?

184. Vera Baird QC told the Committee that “We introduced Section 41 of the Youth, Justice and Criminal Evidence in 1999 [which protects complainants in proceedings involving sexual offences by restricting evidence or questions about their previous sexual history, subject to exceptions], and there was a piece of academic work done in 2006 on 2003 data that said, frankly, it has made no difference. Since then, there has been a key piece of work done with the judiciary and I hope things are improving”.¹⁷⁸ She also said that in “Northumbria, we have established a group of court observers. We are going to watch every rape case in Newcastle Crown Court for the next six months and judge,

¹⁷⁶ Supplementary written evidence from the Rt Hon Lynne Featherstone MP (VAWG (14–15) 034)

¹⁷⁷ In *R v A* (2001), a House of Lords judgment used s. 3 of the Human Rights Act to “read in” to the UK legislation (which the House of Lords judged to go too far in excluding potentially relevant material) a qualification that such evidence was admissible in so far as it was necessary for the defendant to get a fair trial—in other words leaving it up to the trial judge to decide on the facts of a particular case whether certain evidence should be allowed in or certain questioning allowed.

according to a matrix, whether they are being conducted fairly, so I might have some more information, more up to date, presently”¹⁷⁹.

185. Sheridan Greenland OBE, Executive Director of the Judicial College, told us of the training provided to Judges to ensure that evidence relating sexual history and conduct of the victim is only permitted when it is relevant and necessary:

Judges as professional lawyers are expected to keep themselves up to date with the law and any jurisdictional procedural rules. The Judicial College assists with this by issuing jurisdictional e-letters which provide updates on law and procedure. Training includes a reflection of the relevant legislation, and a look at any case law and Court of Appeal judgements as necessary at seminars. This would be the case for evidence relating to sexual history.¹⁸⁰

186. She also told us: “There is no monitoring of court cases by the Judicial College as it is not part of our training remit. Where there is dispute about the evidence allowed in court this would usually be dealt with on appeal.”¹⁸¹

187. We recommend that judicial training for judges who participate in violence against women cases should include the application of Section 41 of the Youth Justice and Criminal Evidence Act 1999, which protects complainants in proceedings involving sexual offences by restricting evidence or questions about their previous sexual history, subject to exceptions.

Ex parte and ex officio proceedings (Article 55)

188. Under Article 55 of the Istanbul Convention, investigations or prosecutions should not be wholly dependent on reports or complaints by victims, and prosecutions may proceed even if the victims withdraw their statement. This is known as an evidence-led prosecution. Section 5 of the CPS Policy for Prosecuting Cases of Domestic Violence outlines what happens when the victim withdraws support for the prosecution or no longer wishes to give evidence.¹⁸²

Article 55—Ex parte and ex officio proceedings

1 Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependant upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.

2 Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations and judicial proceedings concerning the offences established in accordance with this Convention.

¹⁷⁹ *Ibid.*

¹⁸⁰ Written correspondence from Sheridan Greenland OBE (VAWG (14–15) 033)

¹⁸¹ *Ibid.*

¹⁸² CPS Policy for Prosecuting Cases of Domestic Violence: <http://www.cps.gov.uk/publications/prosecution/domestic/domv.html#a05> [accessed 2 January 2015]

How well is the UK fulfilling the positive obligations under the Istanbul Convention?

189. It is clear that, to ensure evidence-led prosecutions can take place, sufficient evidence other than the victim's statement is needed—for example, contemporary photographic evidence taken by a third party. This is a requirement under the Istanbul Convention. HMIC's Report *Everyone's business*, however, found: “in a file review of 600 domestic abuse cases of actual bodily harm (where the victim will have a visible injury), HMIC found that photographs of the injury were taken in only half of the cases, and in three cases out of ten the officer's statement lacked important details such as a description of the scene or the injuries of the victims”.¹⁸³ The BBC reported that one victim of domestic abuse said the manner of the first police officer sent to interview her after she was abducted and assaulted by her former partner was “very inappropriate”. “I had to suggest to him, 'Don't you think you should take some pictures?'”.¹⁸⁴

190. HMIC's report, *Everyone's business*, said:

There is extensive national police policy and practice on how police officers should carry out core policing tasks including crime investigation. It is simply not good enough that officers are not carrying out the tasks of evidence-gathering in cases of domestic violence in a professional and consistent way. It is a core part of officer competence.¹⁸⁵

191. The Police and Crime Commissioner for Northumbria said that some police were using cameras attached to their clothes when responding to a call out for domestic violence, to ensure that all evidence was captured. She said a pilot in Essex showed that, when body-worn cameras were used, charges were more widely brought without the victim's support.¹⁸⁶ Other witnesses, however, said that the officers did not always turn the cameras on and that officers were not disciplined for failing to do so.¹⁸⁷

192. Alison Saunders CB, Director of Public Prosecutions, said that the Crown Prosecution Service would continue a prosecution even if a victim withdrew their statement “if there was suitable other evidence available to warrant proceeding, and if consideration was given to the impact on pursuing the case on the victim”¹⁸⁸.

193. Failure of the police competently to carry out the initial response following a report of violence against women and girls means that the Crown Prosecution Service could be left unable to proceed with evidence-led prosecutions, as required by the Istanbul Convention. We recommend that, if the pilot proves successful, the use of body-worn video cameras by frontline officers in responding to domestic violence cases

183 *Everyone's business: Improving the police response to domestic abuse*: <https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf> [accessed 2 January 2015]

184 Police fail domestic abuse victims—HMIC Report: <http://www.bbc.co.uk/news/uk-26758565> [accessed 2 January 2015]

185 *Everyone's business: Improving the police response to domestic abuse*: <https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf> [accessed 2 January 2015]

186 Q 70

187 Q 70 (Sandra Horley CBE)

188 Written correspondence from Alison Saunders CB (VAWG (14–15) 022)

should quickly be extended to all police forces with national guidance on their appropriate use.

7 Immigration and asylum

194. As already noted in Chapter 2, we received evidence that immigration and asylum policy is developed separately from policies to end violence against women and girls. In this chapter, we will focus on two key issues within Chapter 7 of the Istanbul Convention: Article 59 (residence status) and Article 60 (gender-based asylum claims).

Residence status (Article 59)

195. Article 59 requires the UK to make sure that victims of violence against women and girls are afforded protection regardless of their immigration status (for example if their residence status depends on a spouse). The Home Office leads on immigration and asylum is of critical importance in this area.

Article 59—Residence status

1 Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.

2 Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.

3 Parties shall issue a renewable residence permit to victims in one of the two following situations, or in both:

a where the competent authority considers that their stay is necessary owing to their personal situation;

b where the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.

4 Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.

How well is the UK fulfilling the positive obligations under the Istanbul Convention?

196. Witnesses argued that victims with insecure immigration status who are not eligible for legal aid were left with a choice of remaining in a violent relationship or facing destitution.¹⁸⁹ These women were also routinely not able to access refuges as they were not entitled to housing benefits. The Royal College of Psychiatrists argued that the UK was not making sufficient efforts for women to be afforded their rights under Article 59 of the Istanbul Convention.¹⁹⁰ The Minister of State at the Home Office gave the following example of his own experience of these concerns: “there was a lady on a sponsored visa who had had an arranged marriage—not a forced marriage, an arranged marriage—who

189 Q 89 (Saira Grant)

190 Written evidence from the Royal College of Psychiatrists (VAW0051)

had gone to the police within a couple of weeks of coming here and made an accusation of domestic abuse. She couldn't go back home—she was on a sponsored visa—so where did she go while the police investigated it? She went to a place of refuge, but she was not entitled to any benefits. It is a really difficult area, and I know the police are very conscious of that.”¹⁹¹

197. Saira Grant, Legal and Policy Officer from the Joint Council for the Welfare of Immigrants, argued that destitution as a result of insecure immigration status was itself a risk factor for violence against women and girls:

In many cases, women are sofa-surfing, the violence is being perpetuated or they are going back into the situation where the violence started, because they have nowhere else to go. They are extremely fearful to regularise their immigration status.¹⁹²

198. Anna Musgrave, Women's Advocacy and Influencing Officer from Refugee Council, whilst referring to destitute asylum seekers, made the following contrast between the UK's domestic and its international policies which need to be read across to destitute women with insecure immigration status:

the Home Office needs to acknowledge—that there is a gendered impact to destitution [...] What is frustrating is that that is acknowledged by other departments, and particularly in the work that happens overseas. I was very interested to read about DfID funding work that is around addressing the survival strategies of women in post-disaster zones, specifically so that they did not engage in those kinds of very dangerous survival strategies. That acknowledged that that is what women are forced to do in desperation, and yet in this country we have policies and a system that is creating those same circumstances for a certain group of women.

199. James Brokenshire MP, Immigration and Security Minister, in supplementary written evidence told us:

Where a victim of domestic violence has no immigration status in the UK, or is here with temporary leave dependent on that of their spouse/partner, they should be encouraged to take the steps necessary to regularise their immigration status. They may do so, for example, by applying for indefinite leave to remain as a victim of domestic violence if their leave is as the spouse/partner of a British Citizen or a person settled in the UK, or by applying for leave to remain on the basis of their private life or of their family life as a parent.¹⁹³

200. The Immigration and Security Minister also outlined what women should do if they could not regularise their immigration status: “where they are not granted a period of leave outside the rules for the purposes of giving evidence in legal proceedings against the perpetrator, they should make arrangements to leave the UK.”¹⁹⁴

191 Q 119

192 Q 89

193 Supplementary written evidence from James Brokenshire MP (VAWG (14–15) 032)

194 *Ibid.*

201. We are concerned that, during the time it takes for a spouse suffering from violence to regularise their immigration status, they are very often left facing destitution or having to remain in a violent relationship. We find it worrying that current Home Office policies leave people destitute during the asylum and immigration process and that this in itself leads to women being at a greater risk of being a victim of violence. This is in contrast to funding being provided by the Department for International Development to post-disaster zones which looks specifically to address such survival strategies used by women. We believe that this demonstrates the need for better co-ordinated domestic and international policies across Government department on asylum and immigration processes, as outlined in paragraph 27 of this Report. We also recommend that the Government address the issue of who bears responsibility for providing refuge space for women and girls who are victims yet may not be entitled to benefits. We also recommend that the Government ensures that sufficient financial provision is given to supporting these victims.

Gender based asylum claims (Article 60)

202. Article 60 of the Istanbul Convention requires the UK to recognise that gender-based violence against women and girls is a form of persecution, that victims are afforded refugee status and that the UK must have gender-sensitive reception procedures and support services for asylum seekers.

Article 60—Gender-based asylum claims

1 Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection.

2 Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.

3 Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.

203. The Government's Action Plan contains the following four action points to make the asylum system "as gender-sensitive as possible". The Home Office is the responsible department for these action points:

- a) Work with key stakeholders to improve the processes for referring asylum seekers who are victims of sexual violence to the appropriate services and signpost women and girls to available information and advice;
- b) Improve guidance and training within the asylum system by enhancing the quality of the country information on violence against women and girls available to asylum decision makers; incorporating a violence against women and girls element into credibility training and foundation training for new case owners; and continuing work

with Asylum Aid and other corporate partners to develop a training DVD on managing asylum claims from women.

- c) Monitor how asylum interviewers and decision makers handle gender-related issues on a six monthly basis, monitor trends in performance over the longer term and address specific gender related performance issues.
- d) The Syrian Vulnerable Person Relocation (VPR) scheme to provide emergency sanctuary in the UK for displaced Syrians will prioritise survivors of torture and violence, including sexual and genderbased violence, and women at risk or in need of medical care.

204. In this section, we look at the following three concerns raised by witnesses:

- a) the use of the fast-track detention process;
- b) the culture of disbelief amongst immigration officials and the higher number of reversals of asylum decisions for women than for men; and
- c) a lack of gender-sensitive reception procedures, including the use of male interpreters.

How well is the UK fulfilling the positive obligations under the Istanbul Convention?

Detained fast-track process

205. The Immigration and Security Minister told us that:

the DFT [Detained Fast Track] process has operated since 2003 for men and since 2005 for women. Cases are considered for entry to the process following the initial asylum application, based on the information taken from applicants during asylum screening about the basis of their claim. An individual may enter the process only if the claim appears likely to be decided quickly within the fast track process (initially, within 10-14 days), and if the case does not fit one of the published exclusion categories.”¹⁹⁵

206. One of the excluding criteria for asylum seekers being judged suitable for the fast-track process published in Government guidance in October 2014 is: “Those in respect of whom there is independent evidence of torture.”¹⁹⁶ The Immigration and Security Minister said: “some...may overlap with gender-based violence claims, such as those in which there is independent evidence of torture, or in which trafficking has been accepted, or in which there are reasonable grounds for concluding that trafficking has occurred”.¹⁹⁷

207. The Immigration and Security Minister also said: “The Government does not consider that the operation of DFT is such that those who are, or who claim to be, victims of gender-

¹⁹⁵ *Ibid.*

¹⁹⁶ Para 2.3, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370322/Detained_Fast_Track_Processes_v6_0.pdf [accessed 2 January]

¹⁹⁷ Supplementary written evidence from James Brokenshire MP (VAWG (14–15) 032)

based violence are, as a category, unsuitable for DFT, according to either national or international obligations.”¹⁹⁸

208. Witnesses, however, argued that the screening process was not adequate and that guidelines for criteria for detaining an asylum seeker were ignored.¹⁹⁹ Natasha Walter, Director of Women for Refugee Women, said: “We are very concerned about the way that women are screened into the detained fast track, because this happens after the screening interview. During the screening interview, officials are not meant to elicit the details of the claim—why people are claiming asylum—and yet they are then pushing people into the fast track without knowing the full details of their claim.”²⁰⁰

209. The Royal College of Psychiatrists also raised concerns about the detained fast-track process regarding the implications for detainees’ mental health:

It is our experience that detention has a dramatic and often longlasting effect of the mental health of traumatised applicants. Additionally, re-traumatisation inhibits an applicant’s ability to give coherent accounts and therefore makes it less likely they will be able to access protection. Detention inhibits their access to psychiatric evidence which may have explained their presentation. As a result the most vulnerable end up being the least likely to be able to negotiate the process successfully and obtain protection.²⁰¹

210. We were concerned to hear that a request to visit Yarl’s Wood Detention Centre by the UN Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, was not facilitated. The Commons Foreign Affairs Committee said: “We find it surprising that the Home Office was unable to facilitate a request, even at short notice, from a UN Special Rapporteur to visit Yarl’s Wood immigration detention centre. It sets a dangerous precedent for other countries to follow suit and has caused embarrassment to the UK.”²⁰²

Culture of disbelief

211. Witnesses argued that there was a ‘culture of disbelief’ within UK immigration and border services towards victims of violence against women and girls despite good guidelines for staff.²⁰³ We also heard evidence of the high number of reversals of decisions made once claimants were able to access appropriate help and advice within the community.²⁰⁴ The Home Affairs Committee has reported: “research shows that women are less likely than men to receive a correct initial decision on their asylum claim”.²⁰⁵ The Immigration and Security Minister said: “Of the cases the Government loses at appeal, some are because new evidence comes to light after the original decision is taken, or

198 *Ibid.*

199 Written evidence from Black Women’s Rape Action Project and Women Against Rape (VAW0046)

200 Q 89

201 Written evidence from The Royal College of Psychiatrists (VAW0051), Q 90, (Saira Grant).

202 Foreign Affairs Committee, *The FCO’s human rights work in 2014* (Sixth Report, Session 2014–15, HC 551)

203 Written evidence from The Royal College of Psychiatrists (VAW0051)

204 Written evidence from Amnesty International (VAW0061) and Asylum Aid (VAW0009)

205 Home Affairs Committee, *Asylum* (Seventh Report of Session 2013–14, HC 71)

because the judge takes a different view on the applicant's credibility from that taken by the Secretary of State".²⁰⁶

212. Black Women's Rape Action Project and Women Against Rape told us: "Home Office officials routinely disbelieve accounts of rape, citing delays in reporting. This is despite case law we helped win which established that women may be unable not unwilling to report rape because of trauma²⁰⁷; and despite the Home Office's own Gender Guidelines which state that earlier non-disclosure should not be used as grounds to automatically disbelieve women seeking asylum²⁰⁸".²⁰⁹

213. In response to these concerns, the Minister for Crime Prevention said that the Government was: "seeing how the training is working or not working through regular audits of decisions in gender-based cases".²¹⁰ In response, the Minister of State at the Home Office and the Ministry of Justice said:

it is completely inappropriate and fundamentally wrong in any modern society that someone is not believed because they happen to be immigrant or an asylum seeker. If that is culturally inside the Border Force, the Minister and I will have a conversation in the morning about it [...] If that is happening in the Border Force then that is fundamentally wrong, and we will look at it.²¹¹

214. The Immigration and Security Minister, in supplementary evidence, said:

The Government does not accept that there is a 'culture of disbelief' [...] In his report last year on Unaccompanied Asylum Seeking Children, the Independent Chief Inspector of Borders and Immigration specifically checked for any evidence of a culture of disbelief amongst caseworkers who make age assessments in disputed minors' cases. He clearly rebutted the view that there is a culture of disbelief in these cases and praised asylum staff for their cautious approach to age assessment and for giving the benefit of the doubt when appropriate.²¹²

215. The Immigration and Security Minister went on to explain the training that immigration officials received:

In September 2014, a new course, entitled 'The Psychological Factors Affecting Decision Makers', was piloted. This aims to help to encourage decision-makers to reflect upon the impact of the work they do in order to raise awareness of the psychological factors affecting decision makers and to raise awareness of potential risks - including vicarious trauma.²¹³

206 Supplementary written evidence from James Brokenshire MP (VAWG (14–15) 032)

207 *R v SSHD ex parte Ejon (QBD) [1998] INLR*

208 "The disclosure of gender-based violence at a later stage in the determination process should not automatically count against her or his credibility." Part 7.1, INTERVIEWING AND ASSESSMENT OF CREDIBILITY, GENDER ISSUES IN THE ASYLUM CLAIM, 2010

209 Written evidence from Black Women's Rape Action Project and Women Against Rape (VAW0046)

210 Q 132

211 *Ibid.*

212 Supplementary written evidence from James Brokenshire MP (VAWG (14–15) 032)

213 *Ibid.*

216. We acknowledge the report by the Independent Chief Inspector of Borders and Immigration but the concerns our witnesses had regarding a ‘culture of disbelief’ were not connected to age assessments. Natasha Walter explained that: “women in the asylum process face [...] double discrimination”.²¹⁴ She was referring to the discrimination they face first as asylum seekers and secondly as women.

Gender sensitive reception

217. Witnesses argued that the UK did not have gender-sensitive interpretation or gender-sensitive reception procedures. Saira Grant, Legal and Policy Officer from the Joint Council for the Welfare of Immigrants, told us about a case where: “The interpreter there was a male interpreter, so she mumbled a few answers and that went against her almost from the very start [...] she did ask for a female caseworker [...] the guidelines say she can have one if it is operationally possible.”²¹⁵ She also argued that women were often in a public area when disclosing information or had their children present due to lack of childcare.²¹⁶

218. The Equality and Human Rights Commission said that victims of violence against women and girls were often being housed in mixed accommodation.²¹⁷

219. The Immigration and Security Minister said:

The Government has made significant progress over recent years in improving the gender sensitivity of the asylum system and in recognising the specific issues related to violence against women. For example: provisions are in place for women to request a female interviewer and interpreter; improvements have been made to the screening environment to provide more privacy.²¹⁸

220. Despite the Minister’s assurances, we are disturbed by the evidence we received that the routine use of male interpreters, the operation of fast-track detention system and the reported culture of disbelief within the Home Office all result in victims suffering further trauma whilst seeking asylum or immigration to the UK. We find this unacceptable.

221. Given the nature of the concerns raised during our inquiry by NGOs and the medical profession regarding the detention of victims, we are concerned that those who allege that they are victims of violence against women and girls are being detained through the fast-track process and recommend a review of the screening process for this as a matter of urgency.

222. We recommend the Government amends the guidance for interviews to raise the importance of making female interpreters available for cases of violence against women and girls. The current state of using them when ‘operationally possible’ is not satisfactory and means that their provision is not high enough a priority. The

214 Q 90

215 *Ibid.*

216 *Ibid.*

217 Written evidence from the Equality and Human Rights Commission (VAW0057)

218 Supplementary written evidence from James Brokenshire MP (VAWG (14–15) 032)

Government should also amend the guidance to make the responsible authorities have a responsibility to provide crèche type childcare at venues where screening takes place. Through the Inter-Ministerial Group, the Government should monitor the training, the number of reversals of decisions made, and the extent to which the guidance for immigration officials is properly followed to ensure a change of culture.

8 Ratification

Ratification of the Istanbul Convention

223. The International Development Committee has called on the Government to do more to address violence against women and girls within the UK: “the UK’s international leadership is weakened by its failure to address violence against women and girls within its own borders”.²¹⁹ Professor Kelly argued in evidence to us that whilst the Government is undertaking good work abroad regarding violence against women and girls, more needs to be done in the UK:

I think we have a hypocrisy about human rights. We talk about human rights internationally for others, and we are mealy-mouthed about it at home. If we could have a common discourse that, actually, this happens here, too—then I think we might be able to have a more constructive conversation about it.²²⁰

224. Witnesses called for the Government to ratify the Istanbul Convention as soon as possible as this would help the UK’s position internationally in tackling violence against women and girls and would encourage other countries to follow suit.

225. The Bar Human Rights Committee of England and Wales said: “Ratification would emphasise that the state has a positive duty in law to intervene in a proactive way to modify practices that result in harm, violence and degradation to women and girls. It would provide a further basis in law for those who wish to persuade the state to provide adequate and meaningful resources to construct an effective mechanism to protect women from gender violence and harm.”²²¹

226. The Government’s Action Plan said:

From March 2014 we will: Work towards ratifying the Istanbul Convention to incorporate the treaty into UK law which will mean the UK will be legally bound to a set of standards to protect women and girls from violence.²²²

227. In January 2014, the Prime Minister said that the Government would ratify the Istanbul Convention as soon as the provisions which criminalised forced marriage in the Anti-social Behaviour, Crime and Policing Bill came into effect.²²³ Those provisions came into force in June 2014. In response to questions in November 2014 regarding the delay in ratifying the Istanbul Convention, the Minister for Crime Prevention said: “The outstanding part that prevents immediate ratification is that [...] article 44 of the convention requires the UK to take extraterritorial jurisdiction in respect of each of the offences established in accordance with the convention.”²²⁴ The Minister for Women

219 International Development Committee, *Violence Against Women and Girls* (Second Report, Session 2013-14, HC 107)

220 Q 52

221 Written evidence from the Bar Human Rights Committee of England and Wales (VAW0035)

222 A Call to End Violence against Women and Girls, Action Plan 2014:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf
 [accessed 24 December 2014]

223 Oral evidence taken before the House of Commons Liaison Committee, 14 January (Session 2013-14), Q 27-28

224 Q 116

explained this further: “A specific statutory provision is required before any part of the criminal law can apply to conduct abroad. There will have to be one further legislative step.”

228. Supplementary written evidence from the Minister for Criminal Justice and Victims said:

Justice Ministers are currently considering the extent to which we need to amend the criminal law of England and Wales for compliance with Article 44 prior to ratification of the Convention. We will then seek collective agreement for what we conclude are the necessary legislative changes.

Any changes necessary to the criminal law in Scotland and Northern Ireland prior to ratification are matters for the devolved administrations. Section 122 of the Anti-social Behaviour, Crime and Policing Act 2014 criminalised forced marriage in Scotland; and I understand that a Bill to criminalise it in Northern Ireland is currently progressing through the Assembly.

We will consult Ministers in the devolved administrations about whether legislative changes on extra-territorial jurisdiction in England and Wales should extend to Scotland and Northern Ireland.

229. We are concerned by the Government’s lack of engagement with devolved administrations regarding the ratification of the Istanbul Convention because they are responsible for implementing the same positive obligations in their territories. This strengthens our earlier recommendation that the work of the Inter-Ministerial Group should be broadened to include questions of compliance of devolved policy with the Istanbul Convention.

230. We are concerned that the delay in ratifying the Istanbul Convention could harm the UK’s international reputation as a world leader in combating violence against women and girls. We acknowledge that, if the devolved administrations need to take further legislative steps, there may be a delay in ratifying the Istanbul Convention. We recommend, however, that the Government bring forward the necessary primary legislation regarding jurisdiction before the end of this Parliament, and that the devolved administrations also bring forward any legislative measures that they consider to be necessary, so that the goal of ratifying the Istanbul Convention can be given the priority it deserves.

Conclusions and recommendations

Integrated policies

1. We commend the Government for having a violence against women and girls action strategy which appropriately links violence to gender and inequalities. We commend the Home Secretary's personal enthusiasm for it. However, we share witnesses' concerns about the effectiveness with which the Inter-Ministerial Group co-ordinates and secures actions across Government. (Paragraph 25)
2. We commend the Prime Minister for retaining the position of Minister for Women at cabinet level albeit combined with a broader portfolio. We believe the position of Minister for Women requires such seniority. Whilst we are reassured by the efforts of the Home Secretary in this policy area, we remain confused as to which Minister has overall responsibility to address the perceived shortcomings in the Action Plan and Inter-Ministerial Group. Whilst the Home Secretary is an authoritative figure within Government, we recommend that the role of Minister for Women be more focused on the Government's strategy by becoming a joint signatory of the Action Plan and that the Minister explicitly be given responsibility for co-ordinating work across Government in this area together with the Home Secretary. (Paragraph 26)
3. We recommend that the work of the Inter-Ministerial Group be broadened to include questions of asylum and immigration rules and practice as well as the compliance of devolved policy with the Istanbul Convention. (Paragraph 27)
4. We recommend that the Minister for Women holds departments to account for delivering against the Action Plan within Cabinet meetings, supported by the Prime Minister, to display clearer leadership around this issue. This would send a strong message to all Cabinet attendees and departments regarding the Government's commitment to delivering the plan. (Paragraph 28)

Prevention

5. We commend the Government for the awareness-raising initiatives it has undertaken but note that evidence indicates that a lack of co-ordination across departments has reduced the potential reach, delivery and ultimately success of these initiatives. We recommend that the Inter-Ministerial Group monitor the success and effectiveness of the campaigns to ensure that future campaigns are evidence based. (Paragraph 45)
6. We also recommend that campaigns sometimes need to be targeted and specific. This would help reach communities with particular needs—for example, people with disabilities or LGB&T people. We commend the This is Abuse campaign for raising awareness of the issue of consent and coercive control and recommend that it be extended further to focus on LGB&T relationships. We also recommend that the Government should support the charities and organisations that could raise awareness with women within communities rather than just targeting faith and community based leaders. (Paragraph 46)

7. The Department for Education has committed itself under the Action Plan to pursue a range of channels for making suitable materials available to schools on violence against women and girls and related safeguarding issues. The Minister for Women told us that the Government has also committed the PHSE Association to producing guidance on education about consent. We have not heard evidence that the Government is pursuing channels to make materials available to schools, and the guidance on consent has not yet been published. We consider that this must be published before the UK is deemed to be fulfilling its positive obligations under the Istanbul Convention. We recommend that guidance from the Department for Education should go further than just consent and include other issues relating to violence against women and girls—for example, FGM, forced marriage, sexual exploitation and access to helplines. All forms of violence against women and girls affect school-age children directly and personally and normalisation of violence against women and girls occurs at a young age. (Paragraph 66)
8. As a matter of practice, we also consider that the UK would be in a stronger position to say that it is fulfilling the requirements of Article 14 of the Istanbul Convention if all schools were required broadly to teach the same curriculum in relation to PSHE and we believe that this national curriculum should include issues relating to violence against women and girls. We believe this would also give Ofsted clear standards by which to assess a school. (Paragraph 67)
9. We also consider that higher education establishments, not student unions, should be responsible for reinforcing this education within the higher education system and therefore encourage these establishments to follow the lead of those that already have. (Paragraph 68)
10. We welcome the requirement for judges who hear rape cases to have been trained to do so but believe that there is scope for the judiciary to educate themselves further by establishing separate training for those who deal with cases involving domestic violence. Given that family law is dealt with in the civil courts and cases involving domestic violence are heard in magistrates' courts, this training should be available to both criminal and civil judges and magistrates. (Paragraph 74)
11. We were greatly disappointed that our publicly funded national broadcaster, the BBC declined all invitations to give evidence to this inquiry. (Paragraph 84)
12. The Istanbul Convention invites the media to self-regulate to help prevent violence against women and girls. Whilst current regulatory standards may be appropriate, there are clear examples where reporting of such violence has not been sensitive or appropriate. Practice is falling short. We encourage editors to take a proactive approach to educating their teams about sensitively reporting violence against women and girls. (Paragraph 86)
13. We recommend that regulators have the confidence to use their powers to sanction, where necessary, broadcasters or press who have fallen short of the Ofcom Broadcasting Code or the Editors' Code of Practice. (Paragraph 87)
14. There are currently a number of different media or press regulators. It is not easy currently for victims to understand their rights and the correct routes for redress. We

recommend that community liaison officers be trained in this work so that they can explain these rights where necessary. (Paragraph 91)

15. We commend the supermarket chains, Tesco and Waitrose, for responding to a campaign to remove the images and headlines from certain newspapers from the eye-line of children and call on others to follow this lead. (Paragraph 99)
16. We also commend the Government for taking action to encourage the private sector to undertake initiatives to help promote positive role models for girls—for example, the body confidence campaign. (Paragraph 99)

Protection and support

17. The Convention requires adequate provision of refuge spaces. Local authorities have been reluctant to provide the number of places for women required partly due to a misinterpretation of the law on equality particularly in relation to gender-based services. We welcome the ring-fencing of funds for support services and we recommend that the Government issue guidance to all local authorities on the correct application of the law on equality to the services required under the Istanbul Convention. (Paragraph 113)
18. We are very concerned that the number of refuge spaces per head in local authority areas is unknown and we are unclear as to how local authorities can claim that there does not seem to have been a reduction in “the number of bed spaces available”. We recommend that the Local Government Association be given the resources to analyse and monitor the number of refuge spaces to ensure adequate provision across the country which fulfils the positive obligations of the Istanbul Convention. (Paragraph 114)
19. The Government argues that the localism agenda enables local authorities to determine and provide for the needs of that area. Women will however often need to seek services outside their own local authority area because they need to put distance between themselves and the source of violence or to access specialist services. We therefore recommend that the Government consider enabling local authorities to cross-charge for providing these services to non-constituents. (Paragraph 118)
20. The new localism model for commissioning services may have had unintended consequences which have disproportionately affected the provision of refuge services for women from specific groups with very special needs. The Government should collate data on the national coverage of specialist services and take responsibility for ensuring that specialist support services remain available to all, regardless of their area. (Paragraph 125)
21. We recommend that the Government should exclude sanctuary scheme properties from the size criteria of the Spare Room Subsidy. If the Government is unwilling to do this, we recommend that all local authorities should exclude sanctuary scheme properties in its area from the size criteria and make Discretionary Housing Payments for sanctuary scheme properties affected by the Spare Room Subsidy. (Paragraph 129)

Substantive law

22. We commend the Government for undertaking work to raise awareness of coercive behaviour as a form of abuse. If Parliament approves the Government's proposed specific criminal offence regarding controlling or coercive behaviour in an intimate or family relationship, we are not convinced that this alone will lead to a change in culture within the criminal justice system and the wider public and instead may lead to unintended consequences that work against victims of violence. We urge the Government to consider the use of an awareness-raising campaign and a review of training for the criminal justice professions to accompany any change in legislation. (Paragraph 140)
23. We welcome the provision that those who can provide evidence of domestic violence continue to have access to legal aid for civil cases because this enables access to the family and other civil courts. We have concerns, however, about the problems some women face in providing such evidence, and the feasibility of victims of coercive control or women who may find it difficult to get out of the immediate community being able to provide such evidence. We recommend that before the proposed new offence of coercive control comes into force the Ministry of Justice review the requirements for evidence of domestic violence for access to legal aid. (Paragraph 150)
24. At a time when the Home Office is keen to raise awareness of coercive control, and noting the requirement of the Istanbul Convention for coercive control to be criminalised and victims protected, we recommend the Government look again at the payment of Universal Credit to couples. (Paragraph 156)
25. In our December 2011 Report we recommended that the Welfare Reform Bill, now the 2012 Act, 'be amended to allow payments for children to be labelled as such and be paid to the main carer'. (Paragraph 157)
26. We do not accept the Minister's assurance that the situation is satisfactory because problems have not yet emerged during the early roll-out of Universal Credit. The roll-out has only recently been extended to couples with children, the group arguably at greatest risk. On the principle that prevention is better than cure, we do not believe that the 'wait and see' approach that the Minister recommended is a responsible one, given the concerns raised by women's organisations about the possible risk to some women. We therefore recommend that the Department for Work and Pensions use the remainder of the roll-out process to test a number of different payment methods (such as automatic split payment to each partner in varying proportions) so as to assess which best protects the financial autonomy of women in couples, thereby strengthening their position should domestic violence occur. We also recommend that all relevant Department for Work and Pension officials be given domestic violence training so that they are better placed to handle sensitively situations of known or suspected domestic violence. (Paragraph 159)
27. We welcome the stance of the Government in tackling these crimes and attitudes. We believe it is right that a multi-cultural society in the UK should still respect equally the need for adherence to the law of the UK. We agree with our witnesses

that it is essential that these attitudes are tackled, at an early age and across communities, within schools, (Paragraph 166)

28. We recommend that the issue regarding the role of women, and equality between the sexes, across many cultures in the UK today needs further investigation. We have concerns about the status and treatment of women in deeply patriarchal, structured communities. We believe women in these communities face barriers to accessing help which can include language, community pressure, gender inequality, the teaching of beliefs which may challenge Convention rights, or coercive control. We do not believe the Government has succeeded in reaching these women or tackling the cultures which do not treat women as equal to men. We recommend that a standalone inquiry into these issues is necessary. (Paragraph 167)

Investigation, protection, procedural law and protective measures

29. We believe that the evidence we received during this inquiry demonstrates a lack of cultural literacy amongst some frontline police officers in responding to domestic violence cases. This is one of the areas where guidance is good yet practice and delivery of training is not. Chief Constables need to do more to educate frontline staff and training needs to include all types of abuse, including financial or coercive control. Chief Constables should also urgently address concerns that specialised units are not adequately resourced. (Paragraph 175)
30. Immediate response and risk assessment and management are the responsibilities of the Chief Constables. We look forward to the publication of a best practice toolkit. Recent developments in case-law suggest that the courts are increasingly willing to award compensation for serious harm where police investigations have been deficient. In view of these legal developments, claims against the police for compensation for negligence might be more likely to succeed in the Courts if the police's response to requests to deal with an allegation of domestic violence, rape or other serious allegations of violence against women does not sufficiently improve. (Paragraph 182)
31. We recommend that judicial training for judges who participate in violence against women cases should include the application of Section 41 of the Youth Justice and Criminal Evidence Act 1999, which protects complainants in proceedings involving sexual offences by restricting evidence or questions about their previous sexual history, subject to exceptions. (Paragraph 187)
32. Failure of the police competently to carry out the initial response following a report of violence against women and girls means that the Crown Prosecution Service could be left unable to proceed with evidence-led prosecutions, as required by the Istanbul Convention. We recommend that, if the pilot proves successful, the use of body-worn video cameras by frontline officers in responding to domestic violence cases should quickly be extended to all police forces with national guidance on their appropriate use. (Paragraph 193)

Immigration and asylum

33. We are concerned that, during the time it takes for a spouse suffering from violence to regularise their immigration status, they are very often left facing destitution or having to remain in a violent relationship. We find it worrying that current Home Office policies leave people destitute during the asylum and immigration process and that this in itself leads to women being at a greater risk of being a victim of violence. This is in contrast to funding being provided by the Department for International Development to post-disaster zones which looks specifically to address such survival strategies used by women. We believe that this demonstrates the need for better co-ordinated domestic and international policies across Government department on asylum and immigration processes. (Paragraph 201)
34. We also recommend that the Government address the issue of who bears responsibility for providing refuge space for women and girls who are victims yet may not be entitled to benefits. We also recommend that the Government ensures that sufficient financial provision is given to supporting these victims. (Paragraph 201)
35. Despite the Minister's assurances, we are disturbed by the evidence we received that the routine use of male interpreters, the operation of fast-track detention system and the reported culture of disbelief within the Home Office all result in victims suffering further trauma whilst seeking asylum or immigration to the UK. We find this unacceptable. (Paragraph 220)
36. Given the nature of the concerns raised during our inquiry by NGOs and the medical profession regarding the detention of victims, we are concerned that those who allege that they are victims of violence against women and girls are being detained through the fast-track process and recommend a review of the screening process for this as a matter of urgency. (Paragraph 221)
37. We recommend the Government amends the guidance for interviews to raise the importance of making female interpreters available for cases of violence against women and girls. The current state of using them when 'operationally possible' is not satisfactory and means that their provision is not high enough a priority. The Government should also amend the guidance to make the responsible authorities have a responsibility to provide crèche type childcare at venues where screening takes place. Through the Inter-Ministerial Group, the Government should monitor the training, the number of reversals of decisions made, and the extent to which the guidance for immigration officials is properly followed to ensure a change of culture. (Paragraph 222)

Ratification

38. We are concerned by the Government's lack of engagement with devolved administrations regarding the ratification of the Istanbul Convention because they are responsible for implementing the same positive obligations in their territories. This strengthens our earlier recommendation that the work of the Inter-Ministerial

Group should be broadened to include questions of compliance of devolved policy with the Istanbul Convention. (Paragraph 229)

39. We are concerned that the delay in ratifying the Istanbul Convention could harm the UK's international reputation as a world leader in combating violence against women and girls. We acknowledge that, if the devolved administrations need to take further legislative steps, there may be a delay in ratifying the Istanbul Convention. We recommend, however, that the Government bring forward the necessary primary legislation regarding jurisdiction before the end of this Parliament, and that the devolved administrations also bring forward any legislative measures that they consider to be necessary, so that the goal of ratifying the Istanbul Convention can be given the priority it deserves. (Paragraph 230)

Declaration of Lords' Interests

Baroness Kennedy of the Shaws

Trustee, Refuge.

Trustee, Bianca Jagger Foundation.

Practising barrister in this field.

Baroness Lister of Burtersett

Patron, JAN Trust

A full list of members' interests can be found in the Register of Lords' Interests:
<http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests/>

Formal Minutes

Wednesday 28 January 2015

Members present:

Dr Hywel Francis, in the Chair

Sarah Teather

Baroness Berridge
Baroness Buscombe
Baroness Kennedy of the Shaws
Baroness Lister
Baroness O'Loan

Draft Report (Violence against women and girls), proposed by the Chair, brought up and read.

Ordered, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 230 read and agreed to.

Summary agreed to.

Three papers were appended to the Report as Appendices 1, 2 and 3.

Resolved, That the Report be the Sixth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House of Commons and that the Report be made to the House of Lords.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 4 February at 9.30 am

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the violence against women and girls inquiry page on the [Committee's website](#).

Wednesday 2 April 2014

Rashida Manjoo, UN Special Rapporteur on violence against women, its causes and consequences

Wednesday 7 May 2014

Rebecca Hilsenrath, Chief Legal Officer, and **Anna Henry**, Director of Human Rights and Respect Programme, Equality and Human Rights Commission; and **Dr Joanna Goodey**, Head of Freedoms and Justice Department, European Union Agency for Fundamental Rights

Wednesday 16 July 2014

Heather Harvey, Eaves for Women, and **Hilary Fisher**, Director of Policy, Voice and Membership, Women's Aid;

Pragna Patel, Director, Southall Black Sisters, **Naomi Dickson**, Executive Director, Jewish Women's Aid, **Annie Rose**, Independent Sexual Violence Advocate, Respond, and **Nushra Mansuri**, Professional Officer England, British Association of Social Workers

Wednesday 15 October 2014

Professor Liz Kelly, Co-Chair, End Violence Against Women Coalition, **Sue Berelowitz**, Deputy Children's Commissioner for England, and **Chris Green**, Director, White Ribbon Campaign

Emily Burnage, Preventative Education Project Worker, RISE, and **Peter Grant**, Co-Director, Restored

Wednesday 29 October 2014

Vera Baird QC, Police and Crime Commissioner for Northumbria, and **Sandra Horley CBE**, Chief Executive, Refuge

Sara Browne, Iranian and Kurdish Women's Rights Organisation, **Rosie Lewis**, the Angelou Centre, and **Rachel Horman**

Wednesday 5 November 2014

Natasha Walter, Director, Women for Refugee Women, **Anna Musgrave**, Women's Advocacy and Influencing Officer, Refugee Council, and **Saira Grant**, Legal and Policy Director, Joint Council for the Welfare of Immigrants

Wednesday 19 November 2014

Charlotte Dewar, Director of Complaints and Pre-publication Services, IPSO, **Tony Close**, Director of Content Standards, Licensing and Enforcement, Ofcom, **Alison Marsden**, Head of Complaints, Licensing and Enforcement, Ofcom, and **Jo Costello**, Ending Victimisation and Blame

Wednesday 26 November 2014

Rt Hon Nicky Morgan MP, Secretary of State for Education and Minister for Women and Equalities, Department for Education, **Rt Hon Lynne Featherstone MP**, Minister for Crime Prevention, Home Office, and **Rt Hon Mike Penning MP**, Minister for Policing, Criminal Justice and Victims, Ministry of Justice

Published written evidence

The following written evidence was received and can be viewed on the violence against women and girls inquiry page on the [Committee's website](#). VAW numbers are generated by the evidence processing system and may not be complete.

- 1 Amnesty International UK Section ([VAW0061](#))
- 2 Apna Haq ([VAW0047](#))
- 3 Association of Chief Police Officers (ACPO) ([VAWG 023](#))
- 4 Asylum Aid ([VAW0009](#)) ([VAWG 025](#)) ([VAWG 035](#))
- 5 Bar Human Rights Committee (BHRC) ([VAW0035](#))
- 6 Black Women's Rape Action Project ([VAW0046](#))
- 7 British Association of Social Workers ([VAW0030](#))
- 8 Caroline Lucas MP ([VAW0054](#))
- 9 Catherine Tuitt ([VAW0048](#))
- 10 Children Are Unbeatable! Alliance ([VAW0010](#))
- 11 Children's Commissioner ([VAWG 014](#))
- 12 City Of Sanctuary ([VAW0058](#))
- 13 Cris Mccurley ([VAW0059](#))
- 14 Director of Public Prosecutions ([VAWG 022](#))
- 15 Durham University Centre For Research Into Violence And Abuse ([VAW0060](#))
- 16 Eaves For Women ([VAW0008](#))
- 17 EHRC ([VAW0057](#))
- 18 Ending Victimisation & Blame ([VAW0011](#))
- 19 Her Majesty's Inspectorate of Constabulary (HMIC) ([VAWG 026](#))
- 20 Home Office ([VAW0034](#))
- 21 Imkaan ([VAW0066](#))
- 22 Imkaan, Positively UK, And Rape Crisis ([VAW0067](#))
- 23 IPSO ([VAWG 028](#))
- 24 Jan Trust ([VAW0019](#))
- 25 Jeanne Sarson ([VAW0002](#))
- 26 Judicial College ([VAWG 033](#))
- 27 Justice For Women ([VAW0062](#))
- 28 Karen Ingala Smith ([VAW0012](#))
- 29 Local Government Association ([VAWG 037](#))
- 30 Ministry of Justice ([VAWG 031](#))
- 31 Muslim Women's Network UK ([VAW0049](#))
- 32 North East Women's Network ([VAW0043](#))
- 33 Northern Ireland Human Rights Commission ([VAW0025](#))
- 34 Northern Ireland Women's European Platform ([VAW0037](#))
- 35 Northern Refugee Centre ([VAW0016](#))
- 36 Office Of The Children's Commissioner ([VAW0026](#))
- 37 Parenting Together ([VAW0006](#))
- 38 Paul Valentine ([VAW0007](#))
- 39 Prison Reform Trust ([VAW0055](#))

- 40 PSHE Association ([VAW0068](#))
- 41 Refuge ([VAW0056](#)) ([VAWG 029](#))
- 42 Refugee Council ([VAW0036](#)) ([VAWG 021](#))
- 43 Refugee Women's Strategy Group ([VAW0020](#))
- 44 Restored ([VAW0015](#))
- 45 Rights Of Women ([VAW0022](#))
- 46 Royal College Of Psychiatrists ([VAW0051](#))
- 47 Southall Black Sisters ([VAW0052](#))
- 48 The Aire Centre ([VAW0031](#))
- 49 The Lesbian & Gay Foundation ([VAW0023](#))
- 50 UK End Violence Against Women Coalition (EVAW) ([VAW0053](#))
- 51 UK Feminista ([VAW0017](#))
- 52 UK Joint Committee On Women ([VAW0021](#))
- 53 Women Against Rape ([VAW0045](#))
- 54 Women For Refugee Women ([VAW0042](#))
- 55 Women's Aid ([VAW0018](#))

Appendix 1: Summary of online forum on violence against women and girls

The Committee's inquiry and online forum

On 4 February 2014, the Joint Committee on Human Rights announced its intention to conduct a broad-ranging inquiry into violence against women and girls in the UK. The full terms of reference of the inquiry can be found here:

<http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news/violence-against-women-and-girls---inquiry-announced>.

As part of its overall inquiry the Committee decided to conduct an online forum to hear the views of individual members of the public, many of whom might not be aware of the Committee's inquiry or who might not wish to submit written evidence.

This summary outlines how the online forum was designed, publicised and the data collated. The responses given by members of the public have been anonymised but respondents were aware that their responses may be quoted in the Committee's Report.

The purpose of the online forum

In response to its call for evidence, the Committee received numerous responses from expert witnesses, charities and organisations but few from individual members of the public. The Committee decided to host an online forum to try and address this. The sensitive nature of the inquiry meant that the Committee also wanted a forum for members of the public to submit their views and experiences whilst retaining anonymity.

The forum was not intended to just reach survivors of gender based violence, but any member of the public and also parents. The forum encouraged them to discuss whether individuals who had been victims of gender-based violence reported it, and also about how the topic could be broached in terms of education.

It is not unprecedented for Parliamentary Committees or groups to use online fora in conjunction with inquiries. In 2007, the Home Affairs Committee conducted an eConsultation for their inquiry into Domestic Violence, Forced Marriage and "Honour"-Based Violence, and prior to that the All-Party Parliamentary Group on Domestic Violence had run two fora, Womenspeak in 2000¹ and Kidspeak in 2007.²

Forum structure and development

Parliamentary ICT staff have experience of designing and running online consultations for select committees. The Committee, however, from advice from the Digital Outreach Team decided to run an online forum through a third party website rather than run an eConsultation through the Parliamentary website. The main reasons for this were: ease of publicity regarding the forum; difficulty running an anonymous registration system for a Parliamentary web-based consultation; and lack of internal resources to moderate an

1 In association with the Hansard Society

2 In association with Women's Aid.

eConsultation forum. It was also hoped that the use of a known popular website would remove a layer of formality from the forum and inquiry and encourage individuals to contribute.

A number of factors were taken into consideration including consideration of which external website would be best placed to host the online forum. As an external website hosted the forum, the comments submitted are not formal written evidence and therefore are not covered by Parliamentary Privilege.³ The responses can, however, like any data freely available online, be used by the Committee in its report if relevant.

The Committee agreed for netmums.com to host the forum. The Committee was particularly keen to hear from parents regarding gender-based violence as the Committee received few submissions that focused specifically on girls, i.e. females under 18, rather than women.

Committee staff and the Digital Outreach Team designed the forum page and questions, in consultation with netmums.com. The forum ran through a thread on the 'Coffee House' section of the Netmums website. The welcome thread consisted of a welcome from the Chairman, Dr Francis Hywel MP, and a short introduction to the Committee and its inquiry. The forum page also gave information about:

- the netmums.com registration system, including a link to Netmums' anon username system
- the length of time the forum would be accepting responses
- how the responses may be used or quoted in the Committee's Report
- organisations to contact for victims of gender-based violence or if had concerns about someone else

The thread itself was split into two. A yes/no question and three open questions. Participants in the forum could do either or both.

The yes/no poll at the top of the page asked:

Do you think we do enough to educate children about gender-related violence? Yes / No / Don't Know

The three open ended questions that people were invited to answer were:

- a) Have you or other women or girls in your family ever experienced violence? Did you report it to anyone?
- b) Do we, as a country, do enough to educate children on acceptable behaviour between men and women and what violence against women and girls can actually constitute

³ Parliamentary privilege grants certain legal immunities for Members of both Houses which allow them to perform their duties without interference from outside the House. The privileges are: Freedom of speech, freedom from arrest (on civil matters), freedom of access to the sovereign and that 'the most favourable construction should be placed on all the Houses's proceedings'. Members are immune from legal action in terms of slander but must adhere to the principles of parliamentary language.

(for example violence can include sexual harassment, coercive behaviour, as well as forced marriage, rape or domestic physical violence)?

- c) Do you have any suggestions for how education about violence against women and girls could be improved for everyone—male or female?

Registration

To submit comments on the forum thread, individuals had to register with netmums.com. Whilst registration can be an obstacle to people responding, this was considered no less onerous than registration for an eConsultation. It was also hoped that any trail of registering for netmums.com would not automatically be associated with submitting comments to the forum thread or the inquiry as netmums.com is a very large website covering numerous topics to do with parenting.

Information regarding the Netmums registration system and how to post anonymously was provided in the welcome thread.

Publicity

The forum thread was mainly publicised through social media by netmums.com, the Committee itself and Parliament's official media channels. Press notices were also published at the point of commencement of the forum. Data showed that the link to the forum advertised on Twitter had over 200 hits.

Management and moderation by netmums.com

As the forum thread was hosted by netmums.com, respondents also had to adhere to netmums.com's forum rules⁴ and forum netiquette guide.⁵

Netmums.com moderated the forum the same as any forum on netmums.com. Additionally, staff from the Digital Outreach Team monitored the forum and responded to any questions or comments.

Summary of responses

A total of 87 individuals responded to the question 'Do you think we do enough to educate children about gender-related violence?' with the following response breakdown:

Yes—14.94%

No—77.01%

Don't know—8.05%

The qualitative data collected in response to the three open questions was analysed by the Committee staff and broken down into key themes. Relevant quotes and data are given here.

In total, twenty five individuals responded with two individuals responding more than once.

4 <http://www.netmums.com/coffeehouse/faq.php?faq=coffeehouserules>

5 http://www.netmums.com/coffeehouse/faq.php?faq=forumfaqs#faq_netiquette

Q1. Have you or other women or girls in your family ever experienced violence? Did you report it to anyone?

There were 22 responses to this question. 21 of those said that they or a family member had experienced violence, 1 said they had not. Of those 21 who had experienced violence, 10 had reported it, 4 did not and 7 did not say whether they had reported the violence to anyone or not.

Quotes have been extracted from the responses and are grouped here under the following themes: effect on victim and family, perpetrator, reporting and exiting a violent relationship.

Effect on victim and family

“Even now almost 10 years on it affects me in different ways, not as much as before but sometimes things come up and I have flashbacks.”

“My aunty has been in several abusive relationships, it has lead to the break down of her family.”

“Myself and my mother had hell on earth thanks to my now exstepdad. There were years of emotional and violent abuse.”

“in one case the victim has a mental health issue and this has been aggravated by her partner's behaviour.”

Perpetrator

“I experienced violence from my ex for 5 yrs. part of that time include the birth and first 3 yrs of our daughters life. my ex has mental health problems and aspergers, the latter only being diagnosed at the same time as my divorce proceedings. His widely variable responses and actions and attitudes and strange thoughts / feelings / texts / emails, over the past 12 yrs of being married to him and knowing him (him trying to kill me and leaving DD on her own in house aged 2yrs, before HE called social services, being 2 significant examples of many), means that he is clearly psychotic in nature—when I say 'psychotic', I mean this in a clinical term, not a term of hatred”

“females married to men who lose their temper after drink—not regularly but on occasion during many years of marriage—this is accepted by the family”

“Both women and men need to understand that, not only is violence completely unacceptable, but their perpetrators are often mentally ill, which makes them commit such atrocities. Am I excusing their actions? No No No !!!! Not at all. I am just saying that there needs to be a LOT more help for both the victim AND the violent person. My ex STILL hasn't received the help he needs. Why? Because he is relatively 'normal' during the times people (and most importantly, professionals), see him/meet him. No one sees the sudden change in behaviour, the 'red mist' he describes when he hurt me, the running away for weeks on end—no one knowing where he is—to be found living in a tent somewhere.”

Reporting

“Police have been involved in some of the domestic disturbances but no prosecutions.”

“Incidents were reported by both neighbours and myself.”

“At the age of fifteen I was considered too young to be a victim of abuse from a boyfriend [...] Even if he was ten years older than me [...] I was told I was powerless and needed to grow up [...] even by medical staff [...] it was my fault not his [...]”

“It was reported but nothing could be done and just a caution was issued for another incident.”

“First one I reported and was accused of being drunk because I was hysterical. He had beaten me and told me I would never see my son again, then left the house. My mother agreed that I had made it all up (she wasn't there at the time). Second one I had no choice with. I reported 3 times, the third time I was so badly beaten that I had to get medical treatment, I called Women's Aid and escaped”

“My mum suffered substantial constant violence from my dad. It was reported although this was years ago and I don't think it was dealt with in the manner it should have been. I have also suffer domestic violence. I spoke to womens aid, I have made reports to the police on a few occasions although I never wanted to press charges, I just wanted things on record should the situation get even worse.”

Exiting a violent relationship

“the third time I was so badly beaten that I had to get medical treatment, I called Women's Aid and escaped.”

“One was physical and the other was controlling. I left them both. However it took my sister 10years to leave her partner.”

Q2. Do we, as a country, do enough to educate children on acceptable behaviour between men and women and what violence against women and girls can actually constitute (for example violence can include sexual harassment, coercive behaviour, as well as forced marriage, rape or domestic physical violence)?

There were 19 responses to this question. All 19 responses said that they did not believe enough was done to education children in this area. A handful of respondents gave comments regarding this question in relation to their reasons:

“for some reason we are raising girls who seek to gain validation from men alone rather than from a range of sources. Many young women measure their worth in direct relation to their "attractiveness" or ability to find/retain a partner thus leaving them at risk of being treated badly in return for the affirmation they feel from being in a sexual relationship.”

“No—we have a media that belittle women and consider them men's chattels. TV shows minimise domestic abuse and rape and little thought is give to the emotional nature of abuse.”

“We need to educate women firstly on emotional abuse—as DV normaly starts as that, then once you're worn out emotionally the physical abuse starts. The isolation, manipulation, controlling behaviour, not respecting bounderies etc often comes first—we need to help women spot the red flags that are often over looked early on in the relationship. Often women are unsure if what their partner is doing constitutes abuse, we need to remove that self doubt.”

“think teens need to be taught to say no—they can say no, and it's cool to say no I think boys need to be taught their moral responsibilities.in all issues of sexual maturity—sex is not a right, support any child they produce, respect women.

But I do not want my 11 year old (or younger) daughter taught about these issues, as they are taught too many depressing things already”

Q3. Do you have any suggestions for how education about violence against women and girls could be improved for everyone—male or female?

There were 22 responses to this question. Quotes have been extracted from the responses and are grouped here under the following themes: preventative action; education/children; support services; reporting; exiting; perpetrator; Government/legislation; and media.

Preventative action

“Recognising the behaviour that leads to it, eg the emotional and psychology side of it so belittling in front of other, back handed compliments, double standards, controlling

Recognising the language use, eg why did you make me do that”

“There should be more support for all women with family's in regards to parenting and handling bad tempered children because it would help men develop self control in childhood”

“Start addressing the fact that abuse happens no matter the age of the person.”

“There needs to be a wider recognition of different types of abuse e.g. violence. There also needs to be more recognition in campaigns that this is a gender issue and as the opening post says, it is about male violence against women and girls.”

“society needs to work at making certain behaviour unacceptable. e.g Say NO to: answering someone else's mobile without permission using someone else's bank card alcohol to excess "jokes" at someone else's expense, put downs etc etc etc”

Education/Children

“The education that it's ok to question behaviour if you think someone is going through this.

The fact that it can happen to anyone and not just on TV or to other people.”

“More self esteem building classes in school for boys and girls Encourage children to be open and teach how to handle their emotions through talking and creative arts”

“Relationships education in schools, Freedom programme to be taught in schools to enable young women to recognise abusive behaviour early on. Sadly this has already been voted against in parliament.”

“I believe many adult victims of DV may be desensitised to abuse/violence having been brought up in a similar environment. I feel that for me, I didn't have a blueprint of a positive and loving relationship growing up (my own father was abusive and occasionally violent) and therefore accepted how I was treated because for me it was 'what men do'. I feel that educating young people is hugely important as those witnessing abuse or violence in the home are far more likely to become perpetrators or victims in the future. Prevention is better than cure and I believe it should start with educating young people how to conduct healthy relationships.”

“Start educating people of signs of abuse and who they can talk to about the abuse, most people don't know who to report concerns too or if there is any help for the family of the person involved. Start educating staff on how to respond to signs of abuse”

“While educating about the abuse itself is important I think more focus needs to be put on improving girls self esteem in general. If from a young age we can promote our girls in gaining confidence in themselves we can help to set them up to make good choices in their teenage years and beyond. Young women with poor self esteem are more likely to find themselves trapped in situations of violence and feeling almost like they don't deserve any better. Girl's have a huge amount of pressure on them and this is particularly true when they reach adolescence.

I think we need to not place all the importance of talking to girl's all the time but to actually listen to them. In my opinion lot's of young girl's (especially in school's) can end up being overlooked because they tend to internalise their problems and fears and withdraw which can make it more difficult for adults to recognise.”

“More hardhitting and real life stories should be used to educate not just showing the most extreme but showing the subtle things and build ups and normal day life. I also think in school all children should be

taught about anger management how to handle anger appropriately as i believe my stepdad was not taught how to deal with emotions and how to react.”

“Teach freedom programme in schools”

“Educate men to respect women, to understand they are not entitled to sex and to recognise and call others on unacceptable behaviour when they see it Educate women and girls in the 'red flags' so that an emotional/physical abuser can be spotted early in a relationship (like the Freedom Programme).”

“think it needs to be implemented in schools, especially different sorts of abuse. And how to deal with it, and how to get out of the situation.

For example, my step father would beat me daily. My mother would act like nothing had happened and I've grown up thinking in worthless. If there had been some sort of education in school, that showed me how to escape it, my life would be a lot different.”

“Allow women's Aid to come into schools and teach girls how to escape. Make sure that all children are blessed with high self esteem. This is a gendered crime. whether people like it or not, the vast majority of people abused within relationships are women by men”

“The Freedom programme needs to be better promoted and funded. Many women who are abused do not know about it and could benefit.”

“One issue about carrying out this type of education as part of the school curriculum is that it can be hard for young children to learn about issues that seem to imply a criticism of their own family members whom they love very much. School may be a place they go to get away from that issue and I am concerned about how well supported these children would be [...]

Cultural issues are also part of this problem [...] disapproval of a child's family/culture can be implied by addressing this issue without sufficient understanding of the cultural issues.

I think the issues need to be open to discussion throughout the curriculum [...] drip,drip, drip”

“young people need to learn how to protect their rights when setting up a tennancy, opening a joint account, buying a house together, entering a credit agreement,paying bills or running up utility debts within a relationship, choosing contraception,etc etc etc”

“With specific regard to sex education, there needs to be more emphasis on obtaining consent for sexual activity as well as simply teaching the mechanics. Too many men and women grow up thinking that a man coercing or persuading a woman into sex is perfectly natural. Tackle the stereotype that having sex is a good thing for a man but a bad or degrading thing for a woman.”

“We need to be educating men and women at a young age on what is acceptable and what is not acceptable. We need to teach the warning signs of abuse and teach them what resources there are available to them should they find they need to seek help or advice. I think they should send a workshop around all the high schools in the UK whereby people act out different situations in relationships and the pupils have to decide what they think constitutes abuse and how it made them feel witnessing it and other questions like what should they do if they see this happening to a friend for example.”

“Encouraging children from an early age to recognise and value a whole range of characteristics/qualities in their male and female peers. Parents/grandparents/other adults modelling healthy, equal relationships and demonstrating conflict resolution and respect for all people. On going dialogue about feelings, recognising anger and building on a repertoire of strategies to manage it, encouraging young people to set their own boundaries and explore ways of maintaining them, giving a clear and consistent message that being treated with compassion and fairness is a perfectly reasonable minimum expectation in all relationships. Not forgetting how to share a worry and who to share it with.”

“The freedom course should be more widely available but overall, relationships and emotional wellbeing education is poor - schools are left to their own devices. We need a government response to indicate that emotional literacy is as important as phonics and numeracy—if we can teach children to be empathetic and have self esteem, then recognition of when relationships are abusive is much more likely.”

Support services

“Where to go for help, what this help offers eg women's refuge where they help to with work”

“There needs to be more support and expert advice to mothers on how to help their children deal with the aftermath. Many mothers after leaving their partner, find their children displaying disturbed behaviour, but there seems little help available. This help could include expert guidance on a website, as some mothers are scared to tell anyone "official" about their kids difficulties, in case they are taken into care. I know that is unlikely, but it is often a threat that abusers have used over many years.”

Reporting

“Do more to make women and girls feel they'll be taken seriously if they make a report of violence or abuse.”

“I don't think the police record all crimes reported to them. I think the pressure on ever decreasing crime stats mean women suffer. I believe this is politically motivated. I think there is widespread and accepted corruption in crime recording—particularly in sexual crimes and abuse of women. I think the crime recording system requires complete overhaul.”

Exiting

“how to get yourself ready to be safe eg have a bag with passport and paperwork and some money put away”

“A couple of Tele adverts aimed at teen's scratching the surface of the truth, is simply not enough. The hardest part is leaving, breaking the cycle.”

You see on here time and time again women who need help. But what have they got when they get out. To be relocated, miles away from their family, into refuges, who don't have hardly any money so never fit enough to live in [,,]

The point I'm trying to make is not enough is done once the woman leaves. Hostels are not supported enough, the police don't take domestic violence seriously enough (from my own personal opinion), help with housing and jobs or benefits needs to be more”

“Help towards tackling the stigma single mums face in every day life—one of my concerned when I was contemplating leaving”

“Make it the norm that the abuser has to leave the family home rather than create a situation where women and their children (it is sadly usually a woman) have to flee to a refuge and lose everything.”

Perpetrator

“it is also important to teach young people about where these unacceptable behaviours come from [...] unemployment, low self esteem, bad examples from other's etc etc have an impact on this. We must be careful not to demonize young men. The bully's need help to change their behaviour and attitudes before they become entrenched. Mother's need support in challenging unacceptable behaviour in young children and being assertive [...] they also need information about how earning the respect of young children is necessary in order to be able to influence their behaviour.”

“More support is needed for perpetrators too.”

Government/Legislation

“By example. Led by government legislation”

“DV should be taken more seriously as a crime. If someone commits DV or any violence, there should be a mandatory custodial sentence plus mandatory rehabilitation program”

“The government also need to stop promoting contact with consistently abusive and violent parents-too many children continue to watch their mothers being abused when they have left the relationship, my own included. DV needs to be tackled at its root.”

“I also believe that examples need to be made!prison sentences made”

“Make all kinds of domestic abuse punishable by law [...] I was victim of emotional abuse for months, it was known, left me suicidal and had anything h happened to me, he would have got away with it and ended up bringing up 2 kids who he would have manipulated and abused too [...] he could have been stopped months before it got so bad for me if the law took it more seriously!”

“Give similar weight to emotional, financial and control-related abuse, just as damaging and often overlooked.

Media

“More respect for women in popular culture, meaning more value on a woman's whole self and not just as a sexual object”

“Do something about the celebrity and porn-led media and culture we live in that gives women and girls the message that they are valued and judged only for their looks and man-pleasing abilities”

Appendix 2: Note of the informal meeting with the Women's Aid Young People Advisory Panel

Overview of the meeting

A delegation from the Committee met with a group of young people convened by Women's Aid on Wednesday 15 October 2014. The group was made up of 8 young people who were members of Women's Aid Young People's Advisory Panel. The Committee delegation comprised Virendra Sharma MP, accompanied by the Lords Clerk and the Commons Clerk. The purpose of the visit was to provide members with the opportunity to speak directly with young people who had witnessed or experienced violence against women and girls or worked within this area.

The young people attending the meeting had been recruited onto the Women's Aid Young People's advisory panel in various ways. Young people must submit an application form which meets the following criteria: they are aged between 13–24; they have experienced domestic violence at home and/or within their own relationship/s; or be working with a specialist service for children and young people. Women's Aid then interviews candidates and runs reference checks. Two members of Women's Aid staff who work with the young people attended the meeting and ensured that participants felt able to contribute to the meeting. We are grateful to the staff of Women's Aid for their support in arranging and facilitating the meeting.

At the beginning of the meeting it was explained that no names would be recorded, no formal transcript would be taken and they did not have to answer any questions they did not want to.

We are immensely grateful to the young people who attended the meeting and spoke to us.

Key themes emerging from the discussion

Education

A few participants felt that there needed to be more inclusion of VAWG within PHSE lessons. One participant felt that PHSE, and the related teaching of what constitutes a healthy relationship, needed to be taught throughout primary school as well as secondary school using age appropriate techniques including play learning. Another participant built on this, arguing that PHSE for older children should include contact details for support services or women's charities that young females could contact if they were worried about their own relationship or within their family.

One participant felt that education needed to go further in teaching healthy stereotypes for men and women: several participants argued that young women grow up with a set of particular beliefs about how men should behave to appear masculine and how women should behave within a relationship based on their own parents which may have been an

abusive relationship. One participant argued that, in the light of the examples some women may have from their mothers, self-esteem should be included in PHSE.

Another participant argued that schools teach about bullying and are willing to intervene in cases of bullying yet are not willing to do the same for cases of domestic violence, yet they argued it to be the same thing. This participant articulately argued that domestic violence was just a form of bullying with a label and so should be spoken about in the same lessons that address bullying.

One participant argued that they would like to see a big national campaign aimed at teaching children and young people what a healthy relationship consists of. Other participants, however, were cautious about how to implement such a campaign as whilst many young people are on social media, there are still a lot who aren't and those that are suffering or living in a family with domestic violence are more likely to be closed off to the internet than others. Other participants argued that the campaign could be extended to be in libraries, parks, youth clubs, music festivals and many other places that young people may go.

Culture within schools

Some of the young people we met talked about the culture of sexual bullying at an early age within schools. A handful of participants described situations they had witnessed where sexual name calling or bullying had taken place yet the schools had not picked up on it and it went unstopped. Participants felt that this sexual name calling grew to become more focused sexual bullying as the boys get older. They also argued that the name calling normalises what the boys are doing, so young women do not grow up knowing any different and young men do not understand why it is wrong.

One participant argued the segregating girls and boys in schools, e.g. for physical education, did not help break down gender lines and reinforces to young people that men and women are different.

Response and responsibilities of teachers

One participant thought that domestic violence, or how to deal with young people witnessing abuse, should be included within teacher training and all teachers should be able to respond appropriately if a young person talks to them about these things. Another participant said that she had talked to a teacher but she realised afterwards that it had been 'the wrong teacher'. We were concerned to hear that there could be a wrong teacher to turn to for support.

One participant believed that having a member of staff that was dedicated to helping children in vulnerable situations or they could turn to talk to who was not a teacher would have been beneficial. Other participants endorsed this view. Another participant argued that there should be members of staff, again not teachers, who act as class mentors and that explore why children are acting up, or are someone that they could have gone into more detail about what's happening at home with.

In discussions about whether school was appropriate forum to have these discussions, and whether teachers should be responsible for raising these topics with children, one

participant said that school may be the only safe place a young person knows and may also be the place where they spend the majority of their waking hours at. They believed that this meant that schools had to play a role in actively teaching about violence against women and girls and teachers needed to be prepared to act in a caring capacity for vulnerable pupils. Other participants highlighted why schools remained different to other potential services which could try and speak to victims or families of violence against women. They said that children would rarely go to a Dr's without a parent accompanying them, and they were unlikely to have a rapport or trust with the Dr.

One participant, however, argued that, despite all the recommendations of the other participants, the biggest issue regarding the response of teachers or other professionals is that teachers can only help if they know there is a problem. Many children themselves do not realise that what they are experiencing or witnessing is wrong and so do not go to teachers for help.

Experience at universities or higher education establishments

Some of the participants were over 18 years old and talked about their experiences of the culture at university between men and women. One participant, who went to a university in Nottingham, described her freshers events as being characterised as sexist and sexual stereotypes were used for events or marketing. She also said that at university sexism was commonly disguised as 'banter' and was seen everywhere.

Another participant talked about support services available for students who experience violence against women during their time at university, or who may need help coming to terms with things that happened to their family during childhood. This participant argued that universities had greatly increased provision for mental health services not for victims of domestic abuse. Another participant argued that universities weren't doing enough to support students who had been victims of gender based violence and it was not featuring on the agenda of the universities.

Another participant argued that going away to university created a safe place during term time, but that the student still had to go back in the holidays and face an abusive father or home life. They also raised the difficulty of being torn between university and going home if their mother rang and said she was in trouble.

Support services

One participant argued that mothers were scared to report domestic violence because they believed that social services would remove any children from their care as a result. Participants said that there was a stigma attached to social services which meant victims did not realise the help that social services may be able to give to the family.

Another participant said that shelters provide an opportunity for somewhere to go if the police fail them and they have no family to go to. She also said that a shelter has a benefit for the victim as there are other women to share experiences with.

Police and the Criminal Justice System

“Services that are meant to protect us should start protecting us”—17 year old victim. This statement, from one of the participants, sums up the views of all the participants regarding their own experiences with the police and the criminal justice system.

One participant felt that, as a young person, she would not be taken seriously by the police and another participant said that when they told the police, the officer said that the girl must have misremembered the details. Participants said that young people mistrusted the police and that as victims, they had felt looked down on by the police they had encountered. One participant who had been found a safe place by the police, then felt let down as she then had practically no contact from the police to make sure that they were ok and to follow up the case.

Several participants gave examples of how they felt their cases had not been handled well by the police. One participant said that she had called the police at 6pm about her partner being abusive, and had their two children in the house, yet the police did not arrive until midnight. Another was told that as she had a mental health issue, there was little point taking the case to court as her history of mental health would count against her. Another participant explained that the police told her family that as there was no evidence, no bruising or broken bones, then they should drop the case. One participant said that when she had made a complaint against a police officer, the police officer that she had made a complaint about had rung her and said “I hear you’ve made a complaint about me”. It then took twelve weeks for the complaint to be dealt with.

Other participants described the difficulties they had had when it came to the law being enforced. One participant explained that she had successfully pushed her own case through a magistrates’ court to get an order against her partner when the police had not done so. Another said that her father had broken his restraining order, yet had not served any custodial sentence. Her father returned in the middle of the night and broke into the house through a window. After this, the family had to live in a home with bars on the windows. One participant argued that harsher custodial sentences were necessary.

Two participants talked about the impact of the legal aid reforms on their cases. One girl explained that she had been ordered to pay £1000 after she had failed to obtain legal aid for her case and she was currently fighting against this. Another participant argued that financial dependency means that women are staying with men because they cannot afford legal aid if they report the crime and don’t qualify for legal aid, or they are scared that they will lose the family’s breadwinner and be unable to afford bills and other living costs if they report their partner.

Appendix 3: Summary of responses to the survey ‘Staying Safe—Teaching sex, relationships and consent in the UK’ run by the National Union of Students

Introduction

In 2014, the National Union of Students (NUS), with the Joint Committee on Human Rights and the House of Commons Education Select Committee, designed a survey for NUS students. This appendix presents findings from the survey carried out by the National Union of Students of students’ awareness of the issue of Violence Against Women (VAW) and aspects of Sex and Relationships Education (SRE) in the UK relevant to our inquiry.

Methodology

Participants were asked questions about their SRE sessions, their understanding of VAW and their access to support services. An email had been sent to respondents after NUS closed the survey with additional information on the issues addressed (contraception, pregnancy, sex and relationships, support services for survivors).

An online survey was sent out to the NUS Extra database in September 2014. There were 1,120 respondents from all over the UK, from both further and higher education. The sample was self-selecting and there was no use of quotas. The survey population was as follows:

Table 1: Sample Composition

Variable	% of the sample
Gender	
Men	40%
Women	60%
Age	
16-17	29%
18-20	37%
21-25	14%
26-29	5%
30+	15%
Ethnicity	
White	83%
Mixed	4%
Asian	6%
Black	5%
Other	2%
Status	
UK citizen	95%
International EU	2%
International non-EU	3%

Not enough respondents specified their sexual orientation, their postcode and if they defined as disabled. Therefore those demographic dimensions could not be explored in the survey.

Quantitative data from the survey was analysed using SPSS (Statistical Package for Social Science), while qualitative data from open-ended questions was analysed with the software NVivo for text analysis. All analysis was undertaken by the National Union of Students.

Scope of the research

Respondents were current students in the post-secondary sector. Therefore questions on SRE are based on what they remembered from it, with an important variation in the period they have received SRE. Some received SRE the year before they took the survey, some received SRE over 10 or 20 years ago.

This research was also limited to students' awareness of and access to services, and does not ask them if they personally experienced sexual harassment or violence. Nonetheless, some respondents decided to share their stories in open-box comments.

The survey included questions about:

- Sex and relationships
- Contraception
- Consent
- Pregnancy
- The concept of VAW
- Awareness of campaigns
- Access to services

Terminology used in the survey

Violence Against Women is a global phenomenon which affects women from all sections of society and of all ages. Violence against women can be defined in a number of different ways, but is generally understood as gendered violence experienced by women, which can include physical, sexual, emotional, psychological and financial abuse, as well as threatening, coercive and controlling behaviour.

Consent: Sexual consent refers to the agreement to participate in sexual activity. Consent is a necessary requirement in all sexual activity, no matter the nature of the relationship in question. In the law,¹ I consent is defined by the fact that a person agrees by choice, and has the freedom and capacity to make that choice.

¹ Legal definition of rape and sexual offences:
http://www.cps.gov.uk/legal/p_to_r/rape_and_sexual_offences/consent/#a03

Students' assessment of their SRE sessions

The majority of respondents—88%—received SRE at school. There were disparities depending on respondents' age and ethnicity. Younger students were more likely to have received SRE at school: 92% of students under 21 years old compared to only 67% of 30+.

White (89%) and mixed students (91%) were more likely to have received SRE at school than students from Black (77%) and Asian (84%) backgrounds. Students self-defining as Black were the least likely to have received such sessions.

Table 2: Prevalence of SRE at school

Did you receive sex and relationship education at school?	
Variable	% of "Yes"
Age	
16–17	92%
18–20	92%
21–25	90%
26–29	87%
30+	67%
Ethnicity	
White	89%
Mixed	91%
Asian	84%
Black	77%
Total sample	88%

**Differences between groups are statistically significant at the 5% level.*

Among those who did not receive SRE at school, 89% said it was because their school did not offer SRE.

LGBT respondents in particular complained about the lack of information for non-heterosexual people:

“As a homosexual, sex education in that area is highly overlooked so the use of the internet and merely working it out as you go along tends to be the only teaching you get.” (respondent to NUS survey)

Consent

One third of respondents (34%) said that their SRE sessions comprehensively discussed the notion of consent; 30% said it was insufficient and 25 per cent reported it was not discussed at all (the rest does not know or cannot remember). Students aged 16–17 were more likely to think it was comprehensively discussed than students over 30 (respectively 38% and 20%).

Half of respondents (52%) were aware of the law on consent, with disparities between different genders and ethnicities. The difference between men and women respondents

might reflect a sample bias; men who answered this survey may have been more sensitive to and more informed about this issue.

Table 3: Awareness of the law on consent

Are you aware of the law on consent?	
Variable	% of "Yes"
Gender	
Men	57%
Women	49%
Ethnicity	
White	55%
Mixed	49%
Asian	29%
Black	38%
Total sample	66%

**Differences between groups are statistically significant at the 1% level.*

94% of respondents thought that consent should be included in the curriculum. 88% thought it should be taught in secondary schools, and 35% at university. There were significant differences between men and women:

- 39% of women vs. 30% of men think it should be taught at university
- 41% of women vs. 31% of men think it should be taught in primary schools
- 51% of women vs. 42% of men think it should be taught in colleges.

About half of respondents described what they think the law on consent is. Most of them mentioned the legal age of 16 under which a person is considered not able to give her consent. Some also specifically cited the notion of "statutory rape". There were quite extensive descriptions of what a formal agreement is and how this should be made clear before any sexual act.

Many respondents gave details of the conditions under which consent can be given, including age, not being under the effect of substance like drug or alcohol, and the absence of physical threat. Words like "conscious" and "aware" were mentioned to explain the notion of consent. There was a widespread understanding that the person must know the terms of what she/he is agreeing to and the consequences it may have on her/his body.

Finally, some respondents defined consent as saying "yes" explicitly before any sexual practice and 15 replied "No means no".

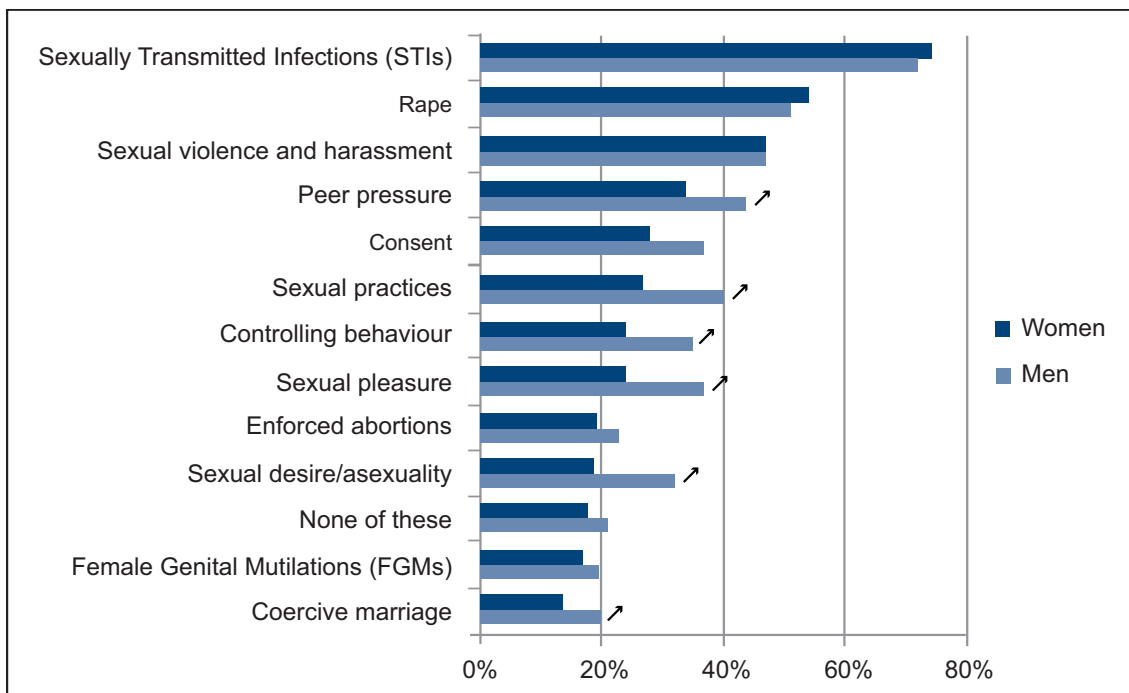
"Sexual behaviour with a person who does not or cannot consent is against the law. A person cannot give informed consent if they are under the influence of drugs or alcohol, are under the age of 16, or are being threatened in some way." (respondent to NUS survey)

"Sexual activities of any kind can only take place when all participants are of legal age, 16 in the UK, and are fully willing without being pressured or decisions

influenced by drugs or alcohol. Also all parties can remove their consent at any point and no longer have to continue in any act taking place.” (respondent to NUS survey)

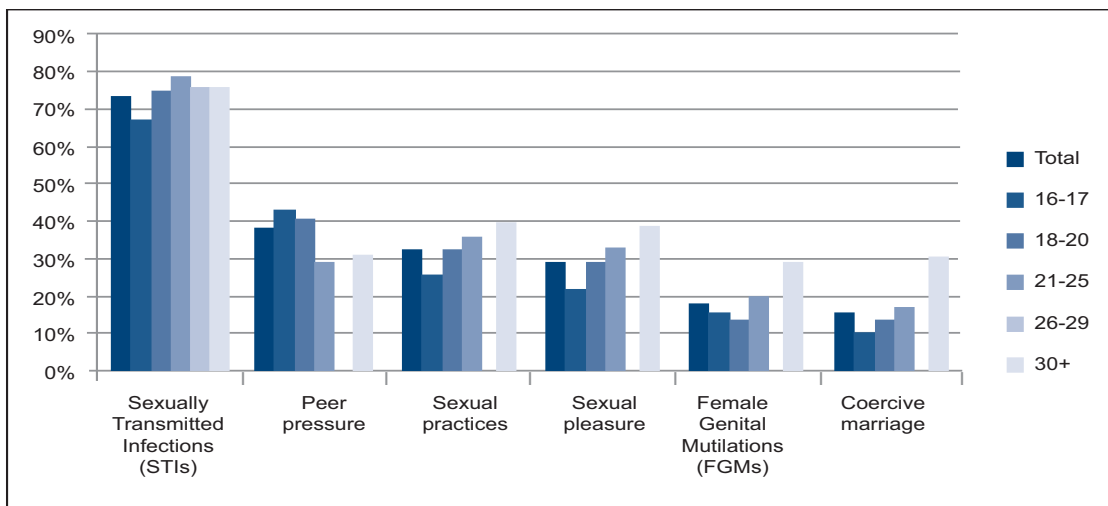
Figure 1: General level of information on sex and relationships by gender

For which of the following do you know where to find help or advice?



↗ Indicates when there is a statistically significant difference between men and women respondents. Eg: peer pressure, 44% of men know where to find help and advice compared to 34% of women.

Figure 2: General level of information on sex and relationships by age group



Only items for which there is a statistically significant difference between groups are included. When the sample size is under 20 respondents it has been excluded from the results.

The level of information is on average relatively low, except for STIs for which 73% of respondents knew where to find help and advice. About half of respondents knew where to find help and advice regarding rape, 18% regarding FGMs and 16% regarding coercive marriages. Men tended to feel better informed than women, especially on sexual pleasure, sexual desire and sexual practices. Despite having received less information at school, students over 30 tend to feel better informed than their younger counterparts except for peer pressure.

“Current sexual education in schools is terrible. It's taught too late and does not go into any important detail beyond what happens in puberty and how to put on a condom. Nothing is said about consent etc.” (respondent to NUS survey)

“Doing this survey has made me realise how inadequate sex education is in England. It should be improved.” (respondent to NUS survey)

Students' perception and understanding of violence

Defining Law

Respondents were asked to share their definition of violence against women, and 487 answered to this question. Most often cited words include “physical”, “abuse”, “emotional”, “mental” and “hurt”.

Table 4: Words associated with VAW

Word	Frequency
Force	437
Physical	356
Aggression	281
Abuse	233
Assault	218
Touching	203
Emotional	190
Mental	171
Hurt	170
Mistreating	167
Controlling	156
Disrespect	154
Harm	148
Psychological	138

There is a shared understanding that VAW refers to harm and violence directed towards women and that it encompasses physical, verbal and emotional forms of abuse.

“Threats or actual physical, verbal or mental abuse, either in person or online. For example, rape, domestic abuse, forced marriages and FGM.” (respondent to NUS survey)

“Physical violence e.g. hitting. Intellectual e.g. stopping the woman in the relationship from having an education or going to further education. Emotional and social e.g. stopping them from going out to socialise and saying things to emotionally hurt the individual.” (respondent to NUS survey)

Respondents were on average quite aware of the issue of VAW, and 59% said they have already discussed that with their friends. Women tended to discuss it with their friends in a higher proportion than men; 63% of women reported having already discussed the issue of VAW compared to 53% of men.

Raising awareness

Table 5: Awareness of Government's Campaigns

Education and awareness campaigns	% of respondents aware of the campaign
None	51%
This is ABUSE	26%
Home Office's campaign against FGMs	25%
Right to Choose Campaign against Forced Marriage	17%
World Cup Domestic Violence Campaign	15%
Forced Marriage Awareness Week	14%
Forced Marriage mobile phone app	31 respondents

Other campaigns that were mentioned, most of which are not from the Government, include:

- White Ribbon
- One billion rising
- Reclaim the night
- No more Page 3
- Girl Guiding UK campaigns

7% were aware of programmes at their institution that sought to raise awareness amongst students in relation to violence, sexual assault and harassment. Among those, 55 specified the types of programme they are aware of. Most mentioned Students' Union campaigns like "I love Consent",² feminist societies' campaigns or women's officer on campus.

Others mentioned counselling or university support services. A respondent mentioned RESPECT,³ and one mentioned a BBC programme. One student talked about the recent training implemented at Oxford but specified that it is not compulsory for all colleges.⁴

2 See NUS campaign "I heart Consent": <http://www.nusconnect.org.uk/resources/open/womens/I-Heart-Consent-workshop-guide/>

3 See their website: <http://respect.uk.net/>

4 To know more about the launch of the programme at Oxford and Cambridge: <http://www.independent.co.uk/news/education/higher/freshers-week-oxford-and-cambridge-university-running-compulsory-sexual-consent-classes-9746220.html>

Over a third of respondents (35%) said their institution provides information about where victims of violence, sexual harassment or sexual assault can go for help; and a quarter (27%) reported that their students' union does. Men appeared to feel better informed than women; 32% said their union provides information compared to 25% of women.

Access to services

1 in 5 men (18%) knew where to find help or advice if they are worried they have committed an act of violence, sexual assault or harassment.

Among those who said they knew where to find help, the most commonly cited responses were:

- The police
- Family and friends
- Doctors and counsellors

Few respondents mentioned services at their institution like BEST (Behaviour and Education Support Team), their tutor or the health centre. Respondents who left comments to this question were very aware that violence is a crime, but there were only 140 comments out of a sample of 1120 students.

“I would talk to my family about such a situation as I am more comfortable with them, however if I was seriously thinking that I had done such a thing I would consider getting help, or turning myself in for such a crime.” (respondent to NUS survey)

Over half of respondents (58%) said they would feel comfortable raising concerns about a friend who had experienced or committed violence, sexual assault or harassment. When asked who they would talk to, respondents cited:

- The police
- Friends
- Family and parents
- Few cited services in their institution like the nurse or a teacher
- Few cited specialised services or organisations like Refuge

42%, would not know who to talk to about a friend who either experienced or committed an act of violence.

Some male respondents would like to see the issue of domestic abuse and violence against men included in prevention campaigns. They linked violence to 'lad culture' and the expectations society creates about men and 'masculinity'. Some expressed their frustration with the lack of consideration for men who suffer abuse and feel that it is more difficult to report abuse for men because of masculinist expectations on them.

“When taking the survey, I realised just how little I knew about the campaigns that are helping with this issue. I think awareness of these campaigns needs to be raised. Although this survey is focused on violence against women, I believe that we must also raise awareness of violence against men. This is a topic that I have never seen discussed in schools or colleges, and whilst the number of incidents is probably lower than those of violence against women, it does happen and should not be swept under the rug.” (respondent to NUS survey)

About 200 women respondents shared their experience of abuse and violence, stressing how alone and helpless they felt when confronted to this situation. Many did not know where to find help or who to talk to, and they emphasised not being aware of their rights at the time the crime happened.

“I was a victim of sexual violence and didn’t speak to anyone for 8 years about it because I didn’t know who would or could help me. I hope these questions and data collected from them are going to actually be used to help other girls and lads who suffer as well. I wouldn’t want anyone to go through what I did.” (respondent to NUS survey)

“I was forced into sex when I was in a relationship with this guy. I was young, I wish I had left the room as saying no and moving his hands away was not enough to stop him. I wish that someone had told me that I had a right to walk away from that situation, to leave the room. And that even in a relationship there can be rape. Women need to know it's ok to assert themselves.” (respondent to NUS survey)

List of Reports from the Committee during the current Parliament

Session 2014–15

First Report	Legal aid: children and the residence test	HL Paper 14/HC 234
Second Report	Legislative Scrutiny: (1) Serious Crime Bill, (2) Criminal Justice and Courts Bill (second Report) and (3) Armed Forces (Service Complaints and Financial Assistance) Bill	HL Paper 49/HC 746
Third Report	Legislative Scrutiny: (1) Modern Slavery Bill and (2) Social Action, Responsibility and Heroism Bill	HL Paper 62/HC 779
Fourth Report	Protocol 15 to the European Convention on Human Rights	HL Paper 71/HC 837
Fifth Report	Legislative Scrutiny: Counter-Terrorism and Security Bill	HL Paper 86/HC 859
Sixth	Violence against women and girls	HL Paper 106/HC 594

Session 2013–14

First Report	Human Rights of unaccompanied migrant children and young people in the UK	HL Paper 9/HC 196
Second Report	Legislative Scrutiny: Marriage (Same Sex Couples) Bill	HL Paper 24/HC 157
Third Report	Legislative Scrutiny: Children and Families Bill; Energy Bill	HL Paper 29/HC 452
Fourth Report	Legislative Scrutiny: Anti-social Behaviour, Crime and Policing Bill	HL Paper 56/HC 713
Fifth Report	Legislative Scrutiny: Transparency of Lobbying, Non-party Campaigning, and Trade Union Administration Bill	HL Paper 61/HC 755
Sixth Report	Legislative Scrutiny: Offender Rehabilitation Bill	HL Paper 80/HC 829
Seventh Report	The implications for access to justice of the Government's proposals to reform legal aid	HL Paper 100/HC 766
Eighth Report	Legislative Scrutiny: Immigration Bill	HL Paper 102/HC 935
Ninth Report	Legislative Scrutiny: Anti-social Behaviour, Crime and Policing Bill (second Report)	HL Paper 108/HC 951
Tenth Report	Post-Legislative Scrutiny: Terrorism Prevention and Investigation Measures Act 2011	HL Paper 113/HC 1014
Eleventh Report	Legislative Scrutiny: Care Bill	HL Paper 121/HC 1027
Twelfth Report	Legislative Scrutiny: Immigration Bill (second Report)	HL Paper 142/HC 1120
Thirteenth Report	The implications for access to justice of the Government's proposals to reform judicial review	HL Paper 174/ HC 868
Fourteenth Report	Legislative Scrutiny: (1) Serious Crime Bill and (2) Deregulation Bill	HL Paper 189/HC 1293

Session 2012–13

First Report	Draft Sexual Offences Act 2003 (Remedial) Order 2012: second Report	HL Paper 8/HC 166
Second Report	Implementation of the Right of Disabled People to Independent Living: Government Response to the Committee's Twenty-third Report of Session 2010–12	HL Paper 23/HC 429
Third Report	Appointment of the Chair of the Equality and Human Rights Commission	HL Paper 48/HC 634
Fourth Report	Legislative Scrutiny: Justice and Security Bill	HL Paper 59/HC 370
Fifth Report	Legislative Scrutiny: Crime and Courts Bill	HL Paper 67/HC 771
Sixth Report	Reform of the Office of the Children's Commissioner: draft legislation	HL Paper 83/HC 811
Seventh Report	Legislative Scrutiny: Defamation Bill	HL Paper 84/HC 810
Eighth Report	Legislative Scrutiny: Justice and Security Bill (second Report)	HL Paper 128/HC 1014
Ninth Report	Legislative Scrutiny Update	HL Paper 157/HC 1077

Session 2010–12

First Report	Work of the Committee in 2009–10	HL Paper 32/HC 459
Second Report	Legislative Scrutiny: Identity Documents Bill	HL Paper 36/HC 515
Third Report	Legislative Scrutiny: Terrorist Asset-Freezing etc. Bill (Preliminary Report)	HL Paper 41/HC 535
Fourth Report	Terrorist Asset-Freezing etc Bill (Second Report); and other Bills	HL Paper 53/HC 598
Fifth Report	Proposal for the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (Remedial) Order 2010	HL Paper 54/HC 599
Sixth Report	Legislative Scrutiny: (1) Superannuation Bill; (2) Parliamentary Voting System and Constituencies Bill	HL Paper 64/HC 640
Seventh Report	Legislative Scrutiny: Public Bodies Bill; other Bills	HL Paper 86/HC 725
Eighth Report	Renewal of Control Orders Legislation	HL Paper 106/HC 838
Ninth Report	Draft Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (Remedial) Order 2010—second Report	HL Paper 111/HC 859
Tenth Report	Facilitating Peaceful Protest	HL Paper 123/HC 684
Eleventh Report	Legislative Scrutiny: Police Reform and Social Responsibility Bill	HL Paper 138/HC 1020
Twelfth Report	Legislative Scrutiny: Armed Forces Bill	HL Paper 145/HC 1037
Thirteenth Report	Legislative Scrutiny: Education Bill	HL Paper 154/HC 1140
Fourteenth Report	Terrorism Act 2000 (Remedial) Order 2011	HL Paper 155/HC 1141
Fifteenth Report	The Human Rights Implications of UK Extradition Policy	HL Paper 156/HC 767

Sixteenth Report	Legislative Scrutiny: Terrorism Prevention and Investigation Measures Bill	HL Paper 180/HC 1432
Seventeenth Report	The Terrorism Act 2000 (Remedial) Order 2011: Stop and Search without Reasonable Suspicion (second Report)	HL Paper 192/HC 1483
Eighteenth Report	Legislative Scrutiny: Protection of Freedoms Bill	HL Paper 195/HC 1490
Nineteenth Report	Proposal for the Sexual Offences Act 2003 (Remedial) Order 2011	HL Paper 200/HC 1549
Twentieth Report	Legislative Scrutiny: Terrorism Prevention and Investigation Measures Bill (Second Report)	HL Paper 204/HC 1571
Twenty-first Report	Legislative Scrutiny: Welfare Reform Bill	HL Paper 233/HC 1704
Twenty-second Report	Legislative Scrutiny: Legal Aid, Sentencing and Punishment of Offenders Bill	HL Paper 237/HC 1717
Twenty-third Report	Implementation of the Right of Disabled People to Independent Living	HL Paper 257/HC 1074
Twenty-fourth Report	The Justice and Security Green Paper	HL Paper 286/HC 1777