

GBV 16

Communities, Equality and Local Government Committee

Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill:
Stage 1

Response from: Cardiff North Women's Forum

DRAFT

Response - Gender –based Violence, Domestic Abuse & Sexual Violence(Wales) Bill

The Title of the Bill

The initial drafting of the Ending Violence Against Women (Wales) Bill illustrated the commitment and vision of the Welsh Government to take bold, and ground breaking action to end all forms of violence against women in Wales.

In seeking to amend the title the Welsh Government is not only sending a clear message to women and girls in Wales that the violence and fear that nearly half¹ of women in Wales experience is inevitable and enduring but also illustrates that the Welsh Government does not understand the nature, scope and scale of abuse that women and girls in Wales face daily. Without a true understanding of the problem, and a clear vision to do so, the Welsh Government will be ineffectual in ending it.

Women in Wales experience the highest rates of Domestic Abuse in the UK. We should all feel shamed by that fact. Prevalence of Violence Against Women, corresponds to the level of gender equality experienced in the majority culture within a country².

“Violence against women and girls is a major health and human rights issue. ... The abuse of women is effectively condoned in almost every society of the world. Prosecution and conviction of men who beat or rape women or girls is rare when compared to numbers of assaults. Violence therefore operates as a means to maintain and reinforce Women’s subordination.” (World Health Organization)

Violence Against Women spans a continuum of violence and abuse that is both a cause and a consequence of women’s continued inequality. This continuum encompasses a range of behaviours and attitudes that are harmful to the realisation of the rights of women and girls. These behaviours and attitudes include those recognised by the Welsh Government in the drafting of this Bill in addition to other forms of exploitation and abuse including sexual harassment and discrimination in the workplace, prostitution and the trafficking of women and girls for sexual and domestic exploitation, and the routine use of rape as a weapon of war. Whilst the continuum of abuse that women and girls

¹ 45% of women experience Domestic Abuse, Sexual Violence or Stalking in their lifetime. Walby, S. & Allen, J. (2004) Domestic violence, sexual assault and stalking: Findings from the British Crime Survey. Home Office. London.

² Harvey et al. (2007) *Primary prevention of intimate partner violence and sexual violence: Background paper for WHO expert meeting* (Geneva: World Health Organization)

routinely experience is broad, their victimisation is narrow and specific – women and girls are overwhelming and disproportionately victimised because of their gender. It is not a coincidence!

Whilst small numbers of individual men are victims of some forms of Violence Against Women in Wales, men as a group are not. Furthermore, where men experience specific forms of Violence Against Women such as Domestic Abuse and Rape they too are overwhelming the victims of Male Violence. The social construction of gender identity (both male and female) remains the root cause of violence and abuse.

The Welsh Government's own report Robinson et al Wales dated 24th August 2012, commissioned to inform Welsh Policy and disaggregated for Wales figures, show women experienced twice the levels of any domestic abuse (**11.1% women 5.1% men**) with rates of sexual assault also substantially higher than those for men (**3.2% women 0.7% men**). Stalking was also more prevalent for women (**7.8% women 3.5% men**).

In addition, there are clear differences in the nature of violence and abuse experienced by female and male victims. Extensive research evidence demonstrates that women experience significantly higher rates of repeat victimisation, the violence and abuse that they experience is more severe and results in higher rates of physical injury, they experience violence and abuse over a longer period of time, and are significantly more likely to be murdered by the [male] perpetrator³.

Contrary to the Welsh Governments' repeated public statements that the title of the Bill is not important, it is extremely important that the Welsh Government communicates to all citizens, and in particular to women and girls in Wales, that there is a clear vision, understanding, and commitment to ending the Violence and Abuse that they disproportionately experience on a daily basis.

It has been asserted that keeping the Bill titled as the Ending Violence Against Women (Wales) Bill may receive objections on equality issues at European level. There are examples both within Europe and Internationally of gender Violence Against Women legislation, e.g. Spain already have legislation relating to Violence against women. Internationally the terms gender-based is used to reflect specific types of violence which women and girls experience. This emphasis on trying to be fair to men suffering domestic violence will result in being unfair to women and girls as it is likely to replace the current **Right to be Safe Strategy** and could prevent any **Violence against Women Strategy** to be published in future. We would like to request that the Welsh Government receive specific advise on **the Spanish Legislation and how this was achieved**.

At a conference held earlier this year the White Paper proposals 'Eliminate Violence against Women' was discussed, support was overwhelm. White Ribbons were worn by platform speakers and many delegates. Figures quoted showed in 2012/13 women in Wales were subjected to:

61,053 recorded incidents of domestic abuse against women
67 recorded Honour Based Violent incidents?

In Welsh legislation we should use **Welsh Comparators to give a true population reflection**.

³For example see Hester, Marianne (2009) *Who does what to whom? Gender and domestic violence perpetrators* (Bristol: University of Bristol VAWRG).

The Purpose of the Bill

The original purpose of the proposed Bill '**Ending Violence against Women and Domestic Abuse (Wales) Bill**', was 'To address the social issues within the elements of prevention, protection and support'. This Bill will clearly fail to meet those aspirations and only aims to improve arrangements for gender based violence, domestic abuse and sexual violence.

The Bill is now gender neutral and **does not name women at any point** ignoring the weight of statistics above. It will fail to achieve the original intentions of the Welsh Government, it will lose the importance of a focus on Women aimed at reducing prevalence, it will not challenge public perceptions of Domestic Violence and Abuse and will reduce the impact of prevention work and will result in a reduction of specialist gender-specific services.

National Strategy

It is likely that this Bill will replace **The Right to be Safe Strategy**, will not be gender specific and will prevent a future Violence against Women Strategy being published.

Local Strategies

Requires local authorities and health boards to jointly prepare and publish and review local strategies. It will allow authorities to abandon the stronger **Right to be Safe Strategy** and will result in a post code lottery across Wales.

We have seen the devastating and tragic consequences of local authorities and other public services such as the Police and Crown Prosecution Service systemically failing to recognise Violence Against Women and Girls and therefore to take action to stop it. 1400 girls and young women were abused, raped and tortured in Rotherham over at least a 15 year period. The prevalent culture in the UK, including Wales is one of failing to recognise, denying, minimising, and blaming girls and women for the abuse they experience.

Prof Jay's report on the failings in Rotherham state that they were "blatant" and "collective failings" of political and officer leadership.

We therefore implore the Welsh Government to seize this opportunity to set out clear and purposeful vision and actions in Wales, together with robust mechanisms for scrutiny and accountability to ensure that the findings of Professor Jay's report can not be said of the Welsh Government, or Local Authorities in Wales in years to come. The Welsh Government must set strong leadership to change the culture in Wales which enables Women and Girls to suffer the highest rates of violence and abuse in the UK.

It is of utmost concern that the Bill does not provide for Sanctions if relevant authorities do not comply

National Indicators

In addition to ensuring that the National Indicators effectively measure progress to prevent Violence Against Women in Wales, increase the safety of victims, and increase the support available to victims it is imperative that they also track over time the availability of specialist gender specific services in Wales.

In addition it is vital that the national indicators specifically include measures covering prevention, protection, and support for Children and Young People as victims in their own right (including directly within their own relationships).

Education

We are concerned that Education is not included within the Bill at present in particular **the proposal related to healthy relationship education within a whole school approach**, a policy that has been long recognised as a vital tool to reduce domestic violence.

Whilst we acknowledge that a review is currently taking place in relation to the National Curriculum, it is vital for the efficacy of the Bill that the Whole School Approach is included within the legislation. The Assembly's own Commissioned Report (Robinson et al) states this **'should be a key aim of the proposed legislation'** and goes on to state **'Exposure to domestic abuse is linked to a wide range of trauma-related symptoms in children, which can affect their physical, psychological and social health and well-being'**.

Healthy Relationships Education is insufficient when delivered out with the context of a whole school approach. One-off lessons alone cannot create the cultural change required in Wales to end VAW. We can see no reason why a commitment to the development and implementation of **healthy relationship education within a whole school approach** cannot be included and confirmation that this will be delivered as part of the National Curriculum in Stage 1 Deliberations. A policy to save children's lives and break patterns of family violence.

A whole school approach is essential and must encompass:

- One fully-trained 'go-to' staff member in each school with expertise in VAW and the knowledge and confidence to assist pupils in seeking assistance and information;
- Ensuring that schools regularly collect data on all forms of VAW, including sexual harassment and bullying;
- The appointment of a VAW champion amongst school governors and the student council;
- Ensuring that Estyn inspects on school responses to VAW.

Ministerial Adviser

Whilst the proposals in the Robinson et al report, accepts that Leadership is required. Under the current proposals he/she will lack independence. The Advisor needs to be independent (i.e. The Children's Commissioner) with an expert staff to provide support for the duties expected of them. This option has been discounted on the basis of comparison with the costs of the Children's Commissioner in England and the proposed UK Modern Slavery Commissioner. This should be replaced by the cost of **the Wales Children's Commissioner**. In Welsh legislation we should use **Welsh Comparators to give a true population reflection**.

Prohibitive costs are the reasons given against a Commissioner in Option 2 pages 58 and 59. We are not told by how much and who says it is prohibitive, the figures quoted are for Commissioner's in England. In addition the cost effective economic benefits for Wales as referred to in the Walby Report have not been considered here.

The main point has been an inaccurate assessment of what a **Commissioner for Wales would actually cost.**

It is imperative that an INDEPENDENT Advisor / Commissioner be appointed with the powers to require information and conduct investigations against agreed quality standards, and the ability to provide performance information on services to Welsh Ministers to inform future funding decisions.

Statutory functions of the Advisor should include:

- Advise & monitor on an All-Wales Ending VAW approach, including strong outcomes framework and sharp focus on local implementation, enabling Advisor to enforce high-quality service standards
- Ensure strategic needs assessments carried out by LSBs to inform their SIPs take full account of VAW
- Hold LA, education, health and 3rd sector to account through annual report on progress towards ending VAW, and challenge non-devolved impacts
- Advise Ministers on public sector's compliance to the duties in the law
- Provide leadership & authoritative expertise on all forms of VAW
- Represent and promote VAW agenda in Wales & internationally
- Advise on evidence-based VAW strategy, interventions, service standards, policy, new initiatives and training programmes
- Advise on awareness campaigns raising awareness of services and prevalence of VAW, with **attitudinal change as overriding objective**

Definitions & Other Provisions

These definitions are likely to be used much more widely than this Bill and are likely to become the standard definitions for Gender Based Violence, Domestic Violence and Sexual Violence. It is essential they are fit for purpose.

The definition of Domestic Abuse detailed moves away from the usual very good definition in use by the Home Office (i.e. the definitions here do not explicitly state coercive control and the particular pattern of controlling behaviour that this covers). This change, from accepted use is **a huge backwards step**, at a time when the UK Government is consulting on a Law to cover this.

Sexual orientation should not be included in the definition of Gender Based Violence.

The definition of Sexual Violence does not include reference to actual violence of a sexual nature. Whilst it includes Sexual Exploitation, this may be characterised by coercion without the use of violence.

The definition of Financial Abuse should include being prevented from exercising control over assets.

Other Provisions

We are asking that the **Law to remove from parents the Defence of reasonable punishment** be introduced within this Bill as previously promised.

3rd September 2014.
Cardiff North Women's Forum
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