

GBV 56

Communities, Equality and Local Government Committee

Gender-based Violence, Domestic Abuse and Sexual Violence (Wales)

Bill : Stage 1

Response from: Rape Crisis England & Wales

The Communities, Equality and Local Government Committee Stage 1 Scrutiny of the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill

Rape Crisis England & Wales Consultation Response

27/08/2014

About Rape Crisis England & Wales

Rape Crisis England and Wales is the national umbrella organisation for a network of member Rape Crisis Centres. Through a regional and national structure, Rape Crisis Centres provide high quality specialist services for women and girls who have experienced any form of sexual violence. Rape Crisis Centres utilise collective expertise to improve services and policies for the benefit of survivors/victims and to work towards the elimination of sexual violence.

Rape Crisis provide crucial crisis and long term specialised counselling, support, and independent advocacy for all women and girls of all ages who have experienced any form of sexual violence both recently and/or in the past; this can include rape, sexual assault and childhood sexual abuse, sexual harassment rape in marriage, forced marriage, so-called honour-based violence, female genital mutilation, trafficking and sexual exploitation and ritual abuse irrespective of whether the violence is from known or unknown perpetrators.

Rape Crisis provides dedicated services for women and girls, where Centres provide services for both women and men, women-only space is provided. There is currently only one Rape Crisis Centre in Wales, based in Caernarfon in North Wales.

Prevalence of Rape and Sexual Violence

- 85,000 women are victims of rape in England and Wales every year, which is roughly 2,000 women a week.ⁱ
- 38% of rapes recorded in 2010/11 were of children under 16 years of age.
- Only 15% of rape is reported to the police and 28% of rape victims tell no one about their experience.ⁱⁱ
- In Wales in 2010/11 there were 2,485 sexual offences recorded by the Crown Prosecution Service.ⁱⁱⁱ
- Only 1.12% of offenders of rape are convicted in England and Wales every year.^{iv}
- The cost of sexual offences in a year is estimated to be £8.46 billion, with each rape costing an estimated £96,000.^v
- It is estimated that violence against women costs society £40 billion each year.^{vi}
- 61% of those who come to Rape Crisis do so because of events that happened more than 3 years earlier.

1: The general principles of the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill and the need for legislation to improve the public sector response in Wales to domestic abuse, gender-based violence and sexual violence.

Rape Crisis England and Wales (RCEW) would firstly like to state how pleased we are that the Welsh Government is legislating in this area. We have been working closely with the Wales Violence Against Women Action Group for some years to campaign for such legislation, and we greatly welcome a clear political commitment to challenge the prevalence of violence perpetrated against women in Wales. That said, we feel strongly that the content of the Bill as published demonstrates a clear weakening of the original intent outlined in the White Paper. We are keen to work with the National Assembly to strengthen the Bill to ensure it is capable of achieving what it sets out to.

On announcement, the Bill was described clearly as the Violence Against Women Bill. That is the position that we believe the Welsh Government should return to, otherwise we will be ignoring the prevalence of violence against women in Wales. If this Bill is to be effective in combating the levels of violence against women, we strongly believe that it cannot be accepted in its current form, as there is no mention to women at all. RCEW would strongly challenge the Welsh Government's position that legislation specifically for women would be against equality or legal principles, particularly given the UN definition and expectation that nation states will specifically tackle violence against women. As the recent Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (the 'Istanbul Convention') recognises

'Violence Against Women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women.'

The current approach on Violence Against Women adopted by the Welsh Government does not, therefore, comply with international obligations and is not in line with the broader commitment to overcome this global issue.

The Title of the Bill

RCEW strongly believes that the name of the Bill should be amended to the 'End Violence Against Women Bill'. The title is extremely significant as it reflects the Welsh Government's recognition of the gendered nature of many forms of violence, which women are disproportionately victims of. For this reason, it is imperative that the title of the Bill at least contains the word women. If the title of the Bill is 'End Violence Against Women' it works to the UN definition of Violence Against Women.

Whilst there are many positives in the Bill, we remain concerned that domestic abuse and sexual violence have been separated from Violence Against Women, and indeed that gender-based violence seems to be a third category. The title of the Bill needs to be explicit in what it is trying to achieve; the title will be significant in terms of public awareness and impact on the understandings amongst local authorities and other statutory agencies. For this reason, we strongly advise that the title of the Bill is amended to include the word 'women', or any similar word evidencing the legal recognition that women are disproportionately affected by violence, which is the first major step to effectively tackling this issue. Amending the title of the Bill so that it contains specific reference to females would go far in showcasing the depth of the Welsh Government's commitment to address the realities of violence statistics and female victims in Wales.

Of course, the services that exist in Wales to support and protect male victims of violence are important and emphasis should remain on them being maintained to the best possible standard. This Bill in no way detracts attention away from these services. But the purpose of the Bill was in part to raise the prevalence of violence against women up the agenda of public bodies, and by losing the focus on women completely we feel that the Bill will fail to achieve this goal.

We are concerned that this Bill may enshrine in law a gender-neutral response to violence, which could ultimately bind the hands of future governments to deliver specific Violence Against Women approaches. If, for example, this law means every Welsh Government must have a gender-neutral strategy, does this obstruct future Welsh Governments from ever implementing a Violence Against Women strategy? This would be a backward step, resulting in women in Wales having less protection and focus than other parts of the UK.

We further argue that this amendment to the title should occur on the grounds that the Bill is not about violence in general. This legislation is aimed at addressing the worrying levels of violence that is perpetrated against women in Wales, whether it is sexual violence, domestic abuse, stalking, harassment, forced marriage, trafficking or female genital mutilation, it is far too high. It is a well-researched and internationally accepted fact that women throughout the world suffer these particular types of violence disproportionately to men, because they are women.^{vii}

The World Health Organisation's figures show that violence causes more deaths and disability than cancer, malaria, traffic accidents and war combined amongst women aged 15-44 worldwide.^{viii} This follows international definitions of violence against women, such as CEDAW^{ix} and the UN Declaration on the Elimination of Violence

Against Women.^x CEDAW, for example, defines Violence Against Women as 'violence that is directed towards a woman because she is a woman, or that affects women disproportionately'. This must be recognised in the delivery of government policies and new legislation. It would be unreasonable to ignore the huge difference in the level of this violence against women in Wales.

We do not dispute that men also suffer from violence in Wales. However, not only are the numbers of men suffering from these forms of violence significantly lower than women, but the reasons for the violence and the impact on men can also be very different. There are criminal justice strategies to tackle violent crime in our community, as well as services for male victims of sexual or domestic abuse. This is a targeted and proportionate use of resources aligned with the level of need for male victims. As mentioned, this provision should not be affected by the Bill, and targeted services will continue to be provided meaning that male victims will in no way be overlooked or that services will stop in favour of women only services as a consequence of the Bill. It should be effective in raising the issue of violence against women up the agenda in public bodies, and making sure they understand and take the necessary steps to tackle it. Importantly, the Bill should seek to address some of the underlying social factors that have created the disproportionate suffering of women from violence by providing a framework for prevention and protection.

RCEW believe that the title of the Bill should be shortened to the 'End Violence Against Women' Bill. We strongly advocate that Domestic Abuse and Sexual Violence should not be separated from Violence Against Women; Violence Against Women is an all-encompassing generic term, which identifies women as the key category. Violence Against Women is a manifestation of historically unequal power relations between women and men and to the prevention of the full advancement of women. Rape Crisis Centres work to the principle that gender based violence is a cause and consequence of gender inequality, and it requires a gender-specific, evidence-based response. By providing dedicated space for women and girls, we can challenge structures which have historically discriminated against women and girls, and provide the most effective care and services.

Furthermore, the title of the Bill is reflective of the Welsh Government's commitment to combat an internationally recognised issue, and the current approach does not comply with international obligations. The UN Declaration on the Elimination of Violence Against Women explicitly includes Domestic Abuse and Sexual Violence within the range and forms of violence and abuse that it defines under the umbrella of Violence Against Women. The fact that rape and sexual assault are a profoundly gendered phenomenon is again recognised by governments, including the UN, European Parliament, UK Government and amongst organisations such as the World Health Organisation and Amnesty International. The Welsh Government Task and Finish Group Report States that *'it is vital to ensure that all service providers are working from the same definitions when designing and delivering interventions to respond to and prevent violence and abuse'*. Without the Bill being titled the 'End Violence Against Women Bill' it will lead to a lack of clarity within society that women are those who are most victimised by this particular violence, and the argument that the Welsh Government's commitment to tackling this issue appears unconvincing could be pursued.

Areas of Activity not Included in the Bill

In terms of the general principles, we have provided further response below regarding the content of the Bill, but we would like to draw the Committee's attention to some elements that we feel are entirely missing from the Bill altogether. The **prevention** of violence seems to be an area that is not strongly reflected or addressed, and we believe that if the Welsh Government is to successfully tackle the causes of violence through the introduction of this Bill, then it is missing a significant opportunity that may not be revisited for some time.

Challenging Attitudes

There is nothing on the face of the Bill that highlights the need to challenge attitudes towards Violence Against Women.

We had understood the Bill would include a duty for ministers to introduce schemes and campaigns to challenge attitudes towards Violence Against Women in Wales. Their exclusion leads us to believe that the Bill will be limited in its ability to challenge attitudes.

We are also concerned about the gender-neutral approach of the Bill in relation to challenging attitudes; are we enshrining in law a gender-neutral response, which means that the Welsh Government cannot undertake female-specific campaigns in future? If this is the case, it will only undermine any effort to end Violence Against Women, rather than the intended outcome.

If we do not take action to challenge attitudes, then we cannot expect the prevalence of Violence Against Women to fall.

Education

In line with challenging attitudes, we are extremely concerned and saddened that all educational initiatives proposed by the Wales Violence Against Women Action Group have been excluded from the Bill.

We are disappointed that compulsory healthy relationships education is not on the face of the Bill. We understand that the Department for Education and Skills of the Welsh Government is currently conducting a review of the National Curriculum, including a review of Personal and Social Education (PSE) to ensure it is appropriate for the 21st Century, and the findings of the review are not expected to be submitted until the end of 2014. That said, there are a number of other educational initiatives that have also been dropped from the proposals.

If this Bill is to have any effect in preventing the worrying levels of Violence Against Women, RCEW believe that preventative education in schools should be the top priority. This case is supported by the United Nations assertion that *'one of the most effective entry points at which discriminatory attitudes regarding gender equality and violence against women can be challenged is the educational system'*.

Educational settings are an important site where attitudes that condone Violence Against Women and Girls, and gendered stereotypes can be challenged, and positive attitudes towards gender equality and healthy relationships can be fostered. This would contribute in the short-term to increased protection of young people, and in the long-term to the reduction of the prevalence of Violence Against Women and

Girls. Current initiatives are evidently failing women and girls in that they are not reducing the incidence or prevalence of Violence Against Women and Girls and are not tackling the root causes. To do this, primary prevention in schools is essential.

At present, there is an urgent need to significantly improve efforts to prevent Violence Against Women from happening in the first place, because despite considerable investment in support services for after violence has taken place, the *prevalence* of Violence Against Women is showing no signs of decreasing, and attitudes towards such violence are showing no signs of improvement. Negative attitudes that normalise Violence Against Women and contribute to a 'conductive context' for violence/abuse remain unchallenged. A shocking number of young women and girls in Wales experience violence/abuse in their own relationships, and female pupils regularly experience sexualised and gender-based bullying within schools and other educational settings, which has a negative impact upon their safety, wellbeing, educational attainment and prospects. There is currently no compulsory education on Violence Against Women in schools, and the education that is delivered is insufficient and focuses solely on Domestic Abuse. Teachers also remain untrained in dealing with any disclosures made by pupils following the sessions. Prevention work is arguably the most cost-effective and strategic approach to tackling this pernicious problem. Many Rape Crisis Centres support services already undertake prevention initiatives and there is evidence that these save money in the long term.

Evidence and research highlights that children and young people experience all forms of Violence Against Women, not only Domestic Abuse, and this must be addressed in schools. The Teen Abuse Survey of Great Britain 2005 found that in Wales, more teenage girls reported having been forced into having sex than those in any other area across the UK.^{xi} Furthermore, the 2011 YouGov poll, weighted to be representative of 16- to 18- year-olds in the UK, found that:^{xii}

- Almost one in three girls have experienced unwanted sexual touching at school;
- Close to one in four (24%) 16-18-year-olds said that their teachers never said unwanted sexual touching, sharing of sexual pictures, or sexual name calling are unacceptable; and
- 40% of 16-18-year-olds said they didn't receive lessons or information on sexual consent, or didn't know whether they did.

Recent research undertaken by the NSPCC and Bristol University (2009) showed that a third of teenage girls, aged 13 to 17, suffer unwanted sexual acts in a relationship and a quarter physical violence.

These statistics raise the issue of consent within healthy relationships. It is vital that children and young people are fully aware of the meaning of consent, and education is the only effective way of ensuring this. Healthy relationship education, which would include discussions and learning about sexual behaviour and consent, must also challenge concepts of male entitlement to sex from women and girls in ways which support women and girls, and provide them with the confidence to negotiate safely.

To successfully end Violence Against Women, the inclusion of a preventative educational strategy within the Bill is vital. We cannot expect society's attitude to change if we do not challenge the education we are delivering to young people regarding Violence Against Women. Silence around the issue is not acceptable, and it is evident that past and present approaches are failing.

In addition, the benefits of preventing Violence Against Women from happening in the first place will far outweigh the costs. It is estimated that Violence Against Women cost society £40 billion per year in England and Wales, with sexual assault costing £8.46 billion each year, with each rape costing £96,000. The Bill presents an excellent opportunity for ensuring that prevention is at the front of our efforts to combat Violence Against Women in Wales.

Workplace Policies

RCEW supported the proposals for work place policies to aid victims of Violence Against Women as stated in the White Paper and are greatly disappointed that they have been excluded from the Bill. We recognise that the Welsh Government's 10,000 Safer Lives Project was partly concerned with workplace policies, and the progress made in September 2013 when Public Services were asked to confirm a finalised and implemented workplace policy, which included a review of gender-based violence, domestic abuse and sexual violence. Although officials have reviewed these policies, ensuring that they comply with best practice guidance and they will continue to monitor their implementation within organisations, we remain critical of the overall progress that these will be able to make in the long-term.

If a workplace policy on Violence Against Women remains absent from the bill, then the current workplace policy initiative is lacking any degree of public accountability which means that it could be doing very little to aid victims of Violence Against Women in the workplace. Without a workplace policy being regulated and overlooked as a duty by ministers there is a large chance that it will be completely ineffectual.

Inclusive legislation is key to make sure that organisations are accountable for utilising these policies properly, rather than documents that sit unused on the shelves. The inclusion of training for employers within this initiative is vital so that they can understand their duties in relation to identifying and supporting employees who are experiencing Violence Against Women.

The prevalence of Violence Against Women in the workplace impacts greatly on women's working lives and their ability to fulfil their job duties. Some 75% of women experiencing Domestic Abuse are targeted at work, proving the significance of the workplace to the Violence Against Women agenda.^{xiii} Seeing as women make up two-thirds of public sector employees in Wales, public sector organisations represent an excellent avenue for assisting women to safely access services and information that can ultimately save their lives – in addition to saving a significant amount of money to organisations, currently lost through absenteeism, sick leave, decreased productivity, lateness, errors and increased employee turnover. There is evidence that Violence Against Women is hugely costly to businesses:

- Domestic Abuse alone currently costs businesses over £2.7 billion a year.^{xiv}
- In the UK, in any one-year, more than 20% of employed women take time off work because of Domestic Abuse, and 2% lose their jobs as a direct result of the abuse.^{xv}
- Research shows that 56% of abused women arrive late for work at least five times a month, 28% leave early at least five times a month, and 53% miss at least three days of work a month.^{xvi}

A specific workplace Violence Against Women policy would help to prevent such violence, provide protection from the violence, and ensure provision of services for those affected, whilst also attempting to combat the monetary impacts of Violence Against Women.

Ending the Postcode Lottery of Service Provision

RCEW believe that the current postcode lottery of services for victims must be improved as part of this legislation, and currently the Bill will not make any progress in this area. It is vital that the Bill ensures consistency in services across Wales. We return to this point under national and local strategies, but ultimately there is no provision on the face of the Bill that will change the current system of service provision, and the Welsh Government have missed an opportunity to consider how to reduce the barriers to vital services in Wales. We cannot be confident that those women who cannot access much needed rape crisis and counselling services will be able to receive them in future if this Bill passes in its current form.

Assisting historic victims of Sexual Violence

RCEW feel strongly that the Bill should contain provisions to help victims of historic cases of sexual abuse. 61% of survivors accessing rape crisis support nationally experienced sexual violence three or more years ago.^{xvii} We understand that sexual violence is very likely to have long-term impacts and victims may not always seek help immediately after their experience.

Recently there has been a significant increase in historic case reporting alongside a small increase in recent case reporting. This has been seen as part of what is now being called the 'Yewtree Effect' in reference to the investigation into historic sexual abuse following the Jimmy Saville revelations. Since Operation Yewtree started, there appears to have been over a 100% increase in the reporting of historical child abuse generally.^{xviii} It is therefore pertinent to look at the prevalence and needs of historic survivors in the population not just recent incidents due to this increased reporting and subsequent demand on support services.

Sexual violence resonates through a women's life having long-term impacts on physical and mental health. As the report 'I Am More Than One Thing' by Imkaan, Positively UK and RCEW reveals, there is an intimate linkage between violence against women and poor mental health. The Department of Health figures (2011:8) show that 1 in 4 are likely to experience a mental health problem at one point during their lives, with women and girls being twice as likely to suffer.^{xix} In 2013, the Ministry of Justice reported that approximately 85,000 women are raped on average in England and Wales every year and that around one in twenty females (aged 16 to 59) reported being a victim of the most serious sexual offence.^{xx} The World Health Organisation (2002) has estimated that 60 per cent of women using mental health provision in the UK have experienced some form of sexual abuse.

Similarly, recent evidence from NatCen's (2013) study of violence, abuse and mental health demonstrated that Women (84 per cent) were more likely to be in every group characterised by violence and abuse, particularly the group marked by 'extensive physical and sexual' violence (2013:6).^{xxi} Individuals placed in this group were fifteen times more likely to have attempted suicide in the last year. Furthermore, 38 per cent of people within this group had a problematic pattern of alcohol consumption. The relationship between victims of Violence Against Women and poor mental health cannot be ignored, as this Bill presents an opportunity to address this issue.

Living with the trauma of sexual violence can lead to a number of Chronic physical health problems e.g. irritable bowel syndrome, backache and headaches.^{xxii} Alongside this, unhealthy coping mechanisms such as substance misuse and self harm are also common in service users presenting to rape crisis centres and have significant impact of the physical as well as mental health of survivors. These health impacts can affect a survivor's ability to maintain employment or study and has an impact on their family and wider society due to caring needs and need for financial support.

Historic survivors have specific needs related to living with these health issues and trauma over a long period of time. They will require therapeutic support tailored to their specific needs. They may need wider support, both practical and emotional, to address the complexity of the impacts the sexual violence has had on many aspects of their lives over time. This may include advocating for them with various health or other support services as well as offering them specific emotional support tailored to the historic nature of the case.

The bill needs to recognize that violence against women has long-term impact on survivors that can have repercussions on health services and the wider economy. With an increasing number of historic cases coming to light and an increase in historic survivors accessing specialist support it is critical that the bill addresses the needs of historic survivors of sexual violence.

The Publication of National and Local Strategies

We would draw the committee's attention to the fact there is a national strategy that already exists. The Welsh Assembly Government's 'The Right to be Safe' a six year integrated strategy for tackling all forms of violence against women, was introduced in March 2010.

We question the success of 'The Right to be Safe' in terms of reducing the prevalence of Violence Against Women in Wales, and would also like to question how the proposed Bill will differ and produce better results than this previous strategy, especially now the educational and workplace policies have been excluded. The current national strategies have few measurable outputs, which has been a major flaw, and their existence by themselves has not reduced the prevalence of violence against women. In order to succeed in reducing Violence Against Women, the proposed strategy must contain a more a detailed outcomes framework, comprising close scrutiny and public accountability to ensure it meets expectations.

We welcome that this Bill would enshrine a national strategy, but we strongly advocate that this strategy needs to be gender-specific to achieve what it sets out to. If it is not gender-specific, we at least ask that it does not rule out any future Violence Against Women strategy that may be implemented. In reality, this would create a situation which is a backwards step for women, rather than being a ground-breaking Violence Against Women policy position.

Collaboration on a national and regional level is imperative on the grounds of accurate data collection. At present, data is not shared across the public sector and the third sector, and it can be very difficult for the third sector to monitor trends and analyse whether there are improvements in service provision in Wales. The 'Engagement Events Report' has highlighted data collection as an area being completed to various degrees by differing organisations using different systems,

which results in inconsistencies and difficulties when sharing information and good practice.^{xxiii}

Under article 11 of the Istanbul Convention the Government should undertake the collection of *'relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention... and endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends'* in Violence Against Women. While criminal justice figures are helpful, only 15% of victims go to the police. It is important to gather a more truthful idea of the women accessing services due to Violence Against Women, and to achieve this RCEW recommend that all public bodies should be able to input anonymised data in relation to anyone they have supported who has experienced Violence Against Women.

It is key that national and local strategies are in tune, and overlooked by an independent and informed Adviser, with the power to hold any underperforming public bodies to account. There is also the direct question of how the Adviser, appointed by the Welsh Ministers, would hold the Welsh Government to account in the delivery of the national strategy.

National Strategies

RCEW believe that a coherent national strategy enshrined in statute is vital to set the directions for local strategies, and also to end the inconsistency of services to victims of Violence Against Women, which is currently totally dependent on the victim's locality. As the engagement report has stated, the effectiveness of services has varied greatly across Wales, highlighting the 'Postcode Lottery' *'where victims were receiving differing levels of support depending on their geographical location'*, which is especially true of women living in rural areas in Wales. RCEW support the outcome that high quality standardised service will be provided to victims regardless of location. We recommend that to ensure this is achieved, service standards should be developed in collaboration with current contract holders and third sector organisations and they should work with third sector organisations which have already developed service standards, including RCEW.

RCEW believes that there should be set minimum service access standards for every local authority area, and core funding for the provision of these minimum services, e.g. refuge, outreach, children's support, sexual violence services and counselling services. We understand that the specific detail of the minimum standards of service may be included in regulations rather than on the face of the Bill, but we would be keen to see a draft secondary instrument in order to be happy that the new legislation will actually deliver adequate services for victims of Violence Against Women.

A clear national strategy would essentially provide a strong demonstration of leadership and clear strategic direction at the highest level and assist in the development and implementation of local strategies. We agree that if the national strategy seeks to inform local strategies, and that if they are both statutory requirements they will be working to a common goal set in legislation. However, we are unsure how this would differ to previous approaches without the publication of the intended outcomes.

Local Strategies

RCEW welcomes the duty the Bill places on Local Authorities and Local Health Boards to prepare and publish joint local strategies for ending Violence Against

Women. We believe that the collaboration of authorities on a regional basis will further promote a consistent approach to Violence Against Women, an element currently missing, but is vital to end Violence Against Women. We would hope that if successful, this initiative would ensure services for victims are more reflective of local needs, rather than relying on the current postcode lottery.

While we praise this proposal in the Bill, we remain concerned that it could do very little in reality. Clear guidelines need to be given to Local Authorities and Health Boards, which they would be obliged to follow by legislation. Currently, the Bill merely states that they should consider and take into account the issue of Violence Against Women as part of their strategic planning process. However, there are no proposed methods to measure their outcomes relating to ending Violence Against Women, and no description on how Local Authorities and Local Health Boards will be held to account if actions concerning Violence Against Women are not good enough.

We would also point out that local strategies already exist, and yet we cannot be sure that they have reduced violence or enhanced access to services. If we only enshrine what currently exists, then we will not be making any progress. Furthermore, if we again enshrine that public bodies must have gender-specific strategies, then we are ensuring that they cannot in future deliver Violence Against Women strategies.

There should also be a duty on public bodies to deliver locally appropriate publicity campaigns challenging Violence Against Women and raising awareness of local support services. These could effectively tie in with the national Welsh Government campaigns. Duties on public bodies to address Violence Against Women at a local level would ensure that the issue of Violence Against Women gains prominence on the agendas of local authorities.

The Appointment of the Ministerial Adviser

Our preferred position is that the Welsh Government appoints an independent Commissioner for Violence Against Women. This person would be completely independent of government and could challenge the Welsh Government publicly if they felt that the Welsh Government were failing to comply with the national strategy, or if government policy was failing the female victims of violence.

However, in the absence of proposals for a Commissioner, we support the creation of an Independent Ministerial Adviser for Ending Violence Against Women in Wales. We feel strongly that the title of the Adviser should not be formalised in the Bill, as this may hinder future Welsh Governments from having an Adviser on Violence Against Women.

As the Bill stands, we require further clarity on the extent of the Adviser's independence from the Government, and the powers s/he will have to challenge the Welsh Government and public bodies.

Given the position we are in, we are pleased that Welsh Ministers will have a 'statutory duty' to appoint an Adviser, rather than a 'power' as we believe the introduction of this independent role is imperative to enhance accountability. We strongly believe that Violence Against Women needs to be seen as 'core business' across all agencies and that strong, strategic leadership and improved accountability are needed for this to happen. While there have been significant improvements and developments in policy and services in Wales in relation to Violence Against Women, this has not always been consistent across the whole of the country, not all public

bodies have been engaged and not all forms of Violence Against Women have been considered. RCEW agrees with the views within the Welsh Government Task and Finish Group report and believe *'that there needs to be strong strategic leadership to deliver improved frontline service delivery that is effective, sustainable, and consistent across Wales as well as to coordinate interventions that create attitudinal change'*.^{xxiv} This currently is not happening, and we would welcome steps to strengthen leadership and accountability.

Leadership

RCEW believe that it is a positive development that the Adviser will be tasked with advising the Minister on public sector compliance to the duties in the law and provide expertise on all forms of Violence Against Women. The statutory functions of the Adviser will contribute to ensuring consistency of service provision, while also providing greater strategic direction across Wales. The Bill offers a unique opportunity to tackle the current leadership deficit relating to Violence Against Women in Wales, through embedding in legislation the necessary machinery for strong leadership (nationally and within government, public bodies, and third-sector organisations), in addition to the introduction of processes for scrutinising delivery, monitoring and evaluating progress made, and delivery accountability. Effective leadership is essential for translating policies and strategies into successful services, which benefit and support frontline professionals across Wales. The Adviser will help to raise awareness for other forms of Violence Against Women, not just Domestic Abuse, which is where services are suffering the most at present.

Independent scrutiny and monitoring

RCEW is pleased that the Adviser will be tasked with monitoring an All-Wales Ending Violence Against Women approach and ensuring that there is a strong outcomes framework and focus on local implementation. We are in support of the Adviser's role in reviewing the actions being taken by Public Sector bodies in Wales under the duties imposed by the Bill, and her/his ability to advise the Welsh Government of the findings.

However, while we support that the Adviser is tasked with monitoring Violence Against Women in Wales, it is vital that this post is genuinely independent from Government to ensure transparency and accountability. We appreciate that the Adviser role is built around the premise of working closely with the Government, but we must stress our concern that the current proposals would not enable the necessary independence which would allow the Adviser to truly hold the Government to account on its obligations and duties, in addition to the public and third sector.

At current, there are no mechanisms for independent scrutiny, monitoring or evaluation of strategic policy or operational actions taken to tackle Violence Against Women by Government, public bodies and the third sector. This makes it impossible to benchmark progress made, to be aware of and share best practice across Wales, to hold public bodies to account for failures relating to Violence Against Women, and to fully understand the adequacy and effectiveness of the actions taken by institutions to end Violence Against Women.

Promote the Violence Against Women agenda in Wales and advise on awareness campaigns

RCEW strongly believe that these two functions of the Adviser, to provide leadership and also scrutinise and monitor, will significantly raise awareness of Violence Against Women in Wales. While the Welsh Government has done an admirable job of raising awareness of Violence Against Women in recent years, specifically in relation to Domestic Abuse, there is still a lack of understanding of all forms of Violence Against Women.

When awareness is raised about Violence Against Women it is vital that all forms are highlighted, not only Domestic Abuse. Previous campaigns have focused heavily on Domestic Abuse, though from 2011 to 2013 the Welsh Government introduced some innovative campaigns that focus on the broader Violence Against Women agenda, We must ensure that further focus is given to raising awareness of all forms of Violence Against Women, including rape, sexual assault, harassment, stalking, FGM and forced marriage.

Hold Local Authorities, Education and Health to account through an annual report on progress

RCEW strongly believes that it is vital that the Adviser is able to hold all public bodies to account and to report back to the Welsh Government and the public about the progress being made. RCEW recommends that the Annual Report produced by the Adviser includes all public bodies, not only health and education, and that all Welsh Government departments are held to account. It is also important that the Annual Report is made available to the public on the Welsh Government website and the report is scrutinised in the National Assembly.

Outcomes framework and high quality service standards

RCEW agree that the Adviser should monitor and produce a strong outcomes framework and ensure high quality service standards. Minimum service standards would ensure consistency across Wales. These must however, allow for a degree of flexibility so they are specific to local need. When developing the standards and the outcomes, the Adviser should involve service providers across all sectors, including RCEW and WWA, who have produced and implemented service standards. RCEW recommend that the Adviser should establish a body of Welsh research evidence to ensure that the strategic policy direction is relevant to Wales.

Will this achieve specified outcomes?

Too much for one person

If the Adviser is simply one person, without the team of support provided to comparable Commissioners, then we are concerned that the role will be very demanding. Such an individual would need expertise in ALL forms of Violence Against Women, in addition to expertise in policy; legislation; service delivery; training programmes; public relations; international best practice, research and evaluation.

Potential barriers to the implementation of these provisions

We don't foresee legal or structural barriers to the implementation of the provisions as outlined, but we have described above how we think the inherent weaknesses of

the provisions could lead to a law that in reality has little impact on the prevalence of violence or the services available to victims, and might actually make it more difficult to act appropriately in this area in the future.

Unintended consequences arising from the Bill

Our greatest concern would be the removal of a focus on women across the board in terms of Welsh Government activity. This would only be counterproductive in ending the levels of Violence Against Women, and simply unacceptable. If this legislation was to bind the hands of future governments in acting to end Violence Against Women, that would be immensely worrying considering that both other UK devolved administrations, and some nations around the world are acting to tackle Violence Against Women in a gender-specific manner, with a clear recognition of the disproportionate nature of the violence we are considering.

If the Welsh Government continues in its attempt to be as inclusive and gender-neutral as possible, then we believe that it will be failing to address the real issues that the Bill was created to confront. The government response to the worrying levels of these particular forms of violence should reflect the realities of the problem in order to have any effect, and it is a well-regarded fact that these forms of violence affect women at much higher levels than men.

Financial Implications

As yet it is unclear what financial implications there will be from this Bill, partly because it mainly deals with strategies that already exist, and because it does not herald a significant increase in services or change in the way that services are commissioned.

We would like to see more effective commissioning across Wales to tackle the postcode lottery for victims of sexual violence in particular, and cannot see at this stage how commissioning will be significantly different.

One note of caution is that some services need to be gender-specific, and that this Bill must not lead to future tendering at a national or local level for gender-neutral services.

The Appropriateness of the Powers in the Bill for Welsh Ministers to make Subordinate Legislation

RCEW understand that there needs to be a balance between information on the face of the Bill and in the Bill's regulations. Our concerns would relate to the content of the national and local strategies, the detail of which would most likely be published at a later stage in subordinate legislation. We need to see measurable outcomes that would make a real difference to the prevention of violence and also better access to services for victims. Until the secondary legislation is outlined, we cannot be sure that this balance within the Bill is right.

ⁱ Ministry of Justice, Home Office and Office for National Statistics 'An Overview of Sexual Offending in England and Wales' 2013

ⁱⁱ Ministry of Justice, Home Office and Office for National Statistics 'An Overview of Sexual Offending in England and Wales' 2013

ⁱⁱⁱ CPS Violence Against Women and Girls Crime Report 2010 - 2011

^{iv} Ministry of Justice, Home Office and Office for National Statistics 'An Overview of Sexual Offending in England and Wales' 2013. In relation to rape, every year around 95,000 people are victims of rape, only 15,670 rapes are recorded by the police, 2910 go to court and only 1070 offenders are convicted.

^v Home Office, 2005. The economic and social costs of crime against individuals and households 2003/04.

^{vi} New Philanthropy Capital 'Hard knock Life' 2008

^{vii} UNIFEM estimates that up to 70 per cent of women experience physical or sexual violence from men in their lifetime — the majority from husbands, intimate partners or someone they know

^{viii} WHO 1997.

^{ix} Committee on the Elimination of Discrimination Against Women

^x UN General Assembly Declaring on the Elimination of Violence Against Women

^{xi} Sugar Magazine and NSPCC (2005). Teen Abuse Survey of Great Britain.

^{xii} End Violence Against Women and YouGov (2010). Sexual Harassment in UK Schools Poll.

^{xiii} <http://www.devonline.gov.uk/localcontent.htm?site=5&ref=employers-information.html>. Quoted in EHRC (2011), Domestic Abuse Is Your Business: Guidance for Developing a Workplace Policy.

^{xiv} Walby, S., Armstrong J. and Strid, S. (2010). Physical and Legal Security and the Criminal Justice System: An analytical research overview. UNESCO Chair in Gender Research Group. Lancaster University.

^{xv} Quoted on EHRC website, <http://www.equalityhumanrights.com/wales/projects/your-business-workplace-policies-on-domestic-abuse-and-mental-health/domestic-abuse-is-your-business/> [accessed 11th July 2012].

^{xvi} <http://www.devonline.gov.uk/localcontent.htm?site=5&ref=employers-information.html>. Quoted in EHRC (2011), Domestic Abuse Is Your Business.

^{xvii} Women's Resource Centre, Crisis in Rape Crisis, London, 2008

^{xviii} HMIC, Mistakes were made, March 2013

^{xix} Department of Health (2011) No Health Without Mental Health, A Cross-Government Mental Health Outcomes Strategy for People of All Ages, (accessed 29/8/13) find link

^{xx} Imkaan, Positively UK and Rape Crisis England and Wales, a guidingpaper on women and mental health: 'I Am More Than One Thing' (May 2014)

^{xxi} NatCen (2013) Violence, Abuse and Mental Health in England, Preliminary Evidence Briefing, (accessed 22/08/2014) <http://www.natcen.ac.uk/media/205520/reva-strand-1-13th-may-briefing-report-2-.pdf>

^{xxii} Campbell JC, Health consequences of intimate partner violence. The Lancet 359: 1331-1336, 2002

^{xxiii} Welsh Government Engagement Events Report 2012

^{xxiv} Welsh Government Task and Finish Group Report 2012