

GBV 65

Communities, Equality and Local Government Committee

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

Response from: Equality and Human Rights Commission

Gender-based violence, domestic abuse and sexual violence (Wales) Bill

Equality and Human Rights Commission consultation response

September 2014

The Equality and Human Rights Commission

The Equality and Human Rights Commission is a statutory body established under the Equality Act 2006. It is an independent body responsible for protecting and promoting equality and human rights in Great Britain. It aims to encourage equality and diversity, eliminate unlawful discrimination, and promote and protect human rights.

The Commission enforces equality legislation on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It encourages compliance with the Human Rights Act 1998 and is accredited by the UN as an 'A status' National Human Rights Institution.

Our submission

The Commission recommends:

- including the terminology of violence against women in the title of the Bill
- explicitly recognising the role of schools in tackling violence against women
- requiring all listed public bodies to have a workplace policy that is tailored to the needs and size of the organisation

Definition of violence against women

As a UN National Human Rights Institution, the Commission recommends using the UN definition of violence against women to

underpin the Bill. The UN Declaration on the Elimination of Violence Against Women (1993) defines violence against women as:

'a form of discrimination against women and a violation of human rights and shall mean all acts of gender based violence that result in, or are likely to result in, physical, sexual, psychological, or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.'

The term violence against women was recommended by the Welsh Government's Task and Finish Group's report. This led to the term being used in the White Paper consultation on legislation to end violence against women, domestic abuse and sexual violence. The change of emphasis, to use and define the term gender-based violence is in contrast to the Welsh Government's 'The Right to be Safe' and the Home Office's 'A call to end violence against women and girls: action plan 2014,' which covers England and Wales.

Violence against women is a consequence of continuing inequality between women and men, and is also a barrier to achieving equality.

Using the UN definition will ensure a shared understanding throughout Wales about what is meant by violence against women, its nature and its link to gender inequality. The UN definition will ensure that in developing local policies, the human rights context is recognised as well as the need to promote equality between women and men in order to effectively tackle violence against women. Without this understanding local strategies that are developed could be gender neutral and ineffective.

In April 2014 the UN Special Rapporteur on violence against women visited Wales and expressed a serious concern regarding the shift from gender specificity to gender neutrality in terms of combating violence against women. In summing up her visit to the UK she said:

"it is of concern that policies and practices on equality broadly, and those on violence in particular, are gender neutral, and aim for equal treatment for all, thereby disregarding the need for special measures which acknowledge difference, and which also recognise that women are disproportionately impacted by violence, inequality and discrimination".

(Rashida Manjoo, 2014)

The Commission recommends including the terminology of violence against women in the title of the Bill.

Prevention through education

Article 14 of the Council of Europe's Convention on Preventing and Combating Violence Against Women (The Istanbul Convention) acknowledges the importance of education in tackling violence against women.

The Bill presents an opportunity for ensuring that prevention is at the forefront of tackling violence against women. We note that 'healthy relationships' education is now being considered as part of the curriculum review. Including violence against women in the national curriculum will enable specific education to challenge attitudes, encourage healthy relationships and promote respect for women and girls. Its inclusion within legislation will ensure an obligation is placed on all schools.

The Bill provides an opportunity to further strengthen this to ensure that all schools take a whole school approach to violence against women. In addition to lessons on healthy relationships this could, for example, include collecting data on all forms of violence against women, including sexual harassment and bullying and appointing a violence against women champion amongst school governors and the student council.

The Commission recommends that the Bill explicitly recognises the role of schools in tackling violence against women.

Workplace policies

Including workplace policies within the Bill will enable all public bodies in Wales to have a workplace policy in place, to support staff experiencing violence against women, domestic abuse and sexual violence. This would include all further and higher education institutions, park authorities and Welsh Government Sponsored Bodies, not all of which have a policy in place at present.

In 2013 GVA undertook an evaluation of domestic abuse work place policies in Wales, on behalf of the Commission. This found that workplace policies were increasing the confidence of staff to report incidences and that managers felt more confident in being able to respond effectively. Furthermore, raising awareness and confidence at the highest levels in public authorities will generate an understanding that many public service users are at risk of violence against women, domestic abuse and sexual violence and might need different or tailored services.

The Commission has worked in partnership with Welsh Government to ensure that all workplaces in Wales have a violence against women,

domestic abuse and sexual violence workplace policy. This has led to over 40 organisations, including local government, health boards and trusts, police and fire and rescue, having a policy in place. The Bill offers an opportunity to further this and introduce a requirement on all public sector employers to have a violence against women, domestic abuse and sexual violence workplace policy in place.

The Commission recommends that all listed public bodies should be required to have a violence against women, domestic abuse and sexual violence workplace, which is tailored to the needs and size of the organisation.