

GBV 87

Communities, Equality and Local Government Committee

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

Response from: Police and Crime Commissioner for South Wales

**Response to the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill.**

I welcome the introduction of this Bill and the clear commitment of Ministers in bringing forward the first piece of legislation in Wales designed to tackle issues of violence and abuse which impact upon thousands of families across Wales every year.

For more than 25 years I have been involved in translating policy objectives into legislation, with a particular reference to the ethos and priorities which we share in Wales. Since the draft Bill was published I have been applying that experience to this excellent initiative and I hope my suggestions will help the committee in making an even better and more effective piece of legislation as it passes through the Assembly's scrutiny process, in line with the aspiration set out by the Minister when the Bill was introduced.

Tackling all forms of violence has been at the top of my priorities as Police and Crime Commissioner, with an emphasis on violence against women and girls having particular resonance with the messages from Welsh Government and the initiatives taken by Ministers. Under current arrangements, action on such issues is most likely to have a positive impact when the priorities of the police and the criminal justice system are closely aligned with the actions of Welsh Government along with local councils and all the other bodies which come under its leadership and control.

The priority of tackling these issues was set out clearly in the Police and a Crime Reduction Plan, reflecting the prevalence and seriousness of violence against women and girls in particular. South Wales Police deal with over 27,000 incident of domestic abuse every year and it accounts for around a third of all violent crime within the force area. Recent Home Office data for 2011 - 2102, shows that Wales and the East Midlands were the geographical areas where women were most likely to be the victims of domestic abuse, and these areas were above the England and Wales average for domestic abuse incident numbers. There is very clearly a need for legislation to address these issues and I therefore strongly support the approach that is being taken.

To make sure that we have the best and most effective approach, I and the Chief Constable, Peter Vaughan, commissioned a review of this whole area of work. The review was led by my Deputy Commissioner, Sophie Howe, and T/Assistant Chief Constable Liane James. The action plan which has followed reflects in terms of policing and partnership working the aspirations and policy direction contained in the Welsh Government White Paper. It has a strong and significant focus on tackling violence against women and girls.

The Association of Chief Police Officers (ACPO) definition of domestic abuse is '*Any incident or pattern of incidents of controlling, coercive or 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. This can encompass, but is not limited to psychological, physical, sexual, financial and emotional abuse*'. That definition is helpful because while it is not a legal definition, it includes so-called 'honour-based' violence, female genital mutilation and forced marriage, and it is clear that victims are not confined to one gender or ethnic group. At the same time it is important to follow the evidence which, as mentioned earlier, clearly demonstrates that three factors make violence against women a significant policy priority.



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These factors are:

- That significantly more incidents of violence against women show up in the figures
- That there is irrefutable evidence of serious under-reporting
- That the risk factors – of serious violence or death – are much greater in respect of women as victims

The ACPO definition of domestic abuse refers to any domestic incident in the home, between any family members and I endorse the view that any incident should be treated on its merits and that all violence is to be prevented wherever possible.

However it is acknowledged that in the Violence Against Women and Girls context, the most serious, repeated forms of domestic abuse usually take place between intimate partners, as it is a form of abuse based on power and control, with repeated, habitual use of intimidation to control a partner. The fact that on average six women a month are killed by a male partner or former partner<sup>1</sup> highlights the importance of addressing intimate partner violence. Domestic abuse during the thematic review has therefore been considered with intimate partner abuse in mind.

South Wales Police data present a very clear picture of the prevalence of domestic abuse and sexual violence and clearly demonstrate the disproportionate impact on women and girls. Our review found that both in scale and seriousness women were by far the biggest victims of domestic abuse sexual assault and honour based violence.

- Domestic violence with injury - 82% of victims were women
- Serious sexual Assaults - 82% of victims were women
- Honour based violence - 72% of victims were women

It is acknowledged that policing must be provided equitably to all, and this includes male victims of domestic abuse. All victims of domestic abuse, male or female, can expect to receive a positive service from South Wales Police.

However the focus on women and girls is based on the evidence and has been made consciously in order to address the inequality that exists within domestic abuse and sexual violence, where women are disproportionately affected in terms of occurrence numbers and seriousness of incidents. The aims of the Violence Against Women and Girls Priority in the Police & Crime Reduction Plan is to support the ambitions contained in the White Paper and to provide a focus on women and girls so that more can be done to reduce the serious inequality that women and girls face every year.

Thus, whilst the priority of 'tackling violence against women and girls' fits within the wider violence reduction agenda within South Wales Police, the specific focus on it as a distinct area of work enables us to address the disproportionate effect of this type of violence on women, the under reporting that exists, the need to increase the confidence of victims to

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<sup>1</sup> Coleman & Osborne (2010); Povey (2005); Home Office, 1999; Department of Health, 2005



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report these matters to the police, and the need for partners to work together in developing an approach that is centered on the needs of victims.

On the basis of this evidence I believe that the title of the Bill is of significant importance. It has always been understood that the Welsh Government consultation and current work undertaken was focused on developing legislation to “End Violence against Women and Girls”. This is important as it helps us as the Police but also our partners to frame thinking and define intent and focus actions.

The Welsh Government endorsed this analysis within The Right to be Safe, in which it states: ‘Violence against women is both a cause and consequence of the legacy of women’s inequality and tackling it requires a distinct approach’. Indeed this approach is taken at a UK level within the Home Office Strategy and is endorsed internationally through the UN Declaration on the Elimination of Violence Against Women.

Education is key component of ending this inequality.

I strongly support the view of Welsh Government, as expressed in the White Paper that the Bill must reflect the commitment to embedding a whole school approach alongside compulsory PSE education sessions and that healthy relationship education should be mandatory and comprehensive in nature for all children and young people.

I agree with the White Paper that the best way to ensure a healthy, prosperous and safe life for our children and young people is a rights-based approach to education within all schools.

I am therefore working on some suggestions on how the Bill could be amended and strengthened which I hope will be of use to the committee and Minister.

I accept that we are in a period where austerity makes it difficult to provide significant investment to develop new Government structures, such as a Commissioner for Violence Against Women, despite such a role being a recognised and valued approach in Wales, as demonstrated by existing Commissioner roles for Older People and Children.

Indeed, as Police and Crime Commissioner, I have found it useful and productive to work with other Commissioners here in Wales and the structures provide clarity for all.

If the creation of a Commissioner for Violence Against Women is not possible then the bill should be strengthened to underpin and reinforce the independence of the Advisor role and the title altered from ministerial advisor to Independent Ministerial Advisor in order to make clear that advice to ministers needs to be evidence-based and authoritative even though the role may not have the same resources as the Children’s or Older People’s Commissioner.

I note the statements by the Minister for Local Government and Government Business and in particular I welcome comments relating to scope to amend the legislation as stated during the scrutiny process.



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I am therefore working on suggestions of on how this can be achieved which I hope will be of help to the committee and Minister.

Having been a Minister in both the Assembly and Parliament I am aware that Ministers have to rely on the advice given to them however having taken legal advice myself I believe that there is an alternative way of drafting the legislating which would provide the focus needed on violence against women and girls supported by the evidence of prevalence whilst not excluding men and boys.

I would welcome the opportunity of giving oral evidence to the Committee in order to present an alternative title to the Bill as well as some suggested amendments on which I have been working, which I believe would strengthen its ability to bring about significant progress in prevention of and protection again all forms of violence against women, aligning Welsh legislation with the most effective approach of the police, the criminal justice system and all bodies in Wales.

A handwritten signature in black ink that reads 'Alun Michael'. The signature is fluid and cursive, with a long horizontal stroke at the end.

**Rt Hon Alun Michael JP**  
**Police and Crime Commissioner**