

PLVAW 24

Ymchwiliad ôl-ddeddfwriaethol i Ddeddf Trais yn erbyn Menywod,

Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015

Post legislative inquiry into the Violence against Women,

Domestic Abuse and Sexual Violence (Wales) Act 2015

Ymateb gan: Undeb Cenedlaethol y Myfyrwyr Cymru

Response from: National Union of Students Wales

1. NUS Wales

- 1.1. National Union of Students in Wales (NUS Wales) is the largest democratic organisation in Wales, representing learners in a wide variety of settings including higher education and further education, adult community learning and apprenticeships.

2. General Comments

- 2.1. We welcome the opportunity to respond to the Equality, Local Government and Communities Committee's (the Committee) post legislative inquiry into the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. NUS Wales has previously submitted evidence to all stages of the Act, and we recognise that the Committee has made this their first inquiry of the Fifth Assembly.
- 2.2. The Welsh Government, as the Committee will be aware, has an active consultation on the National Strategy and the framework for delivery. This therefore makes it relatively challenging to accurately assess how the aims of the Act are being met, and so we hope that this will be re-examined on an annual basis.
- 2.3. We welcome the opportunity to put on record that this is indeed a gendered issue. Statistics heavily demonstrate that these types of actions overwhelmingly affect women and children. Of course, these crimes do also happen to men but the Act has to be about addressing the devastating fallout that thousands of women and children suffer every day.
- 2.4. That being said, the Act runs the risk of being operating in a gender binary (just "women" and "men"). These repugnant crimes also affect non-cisgendered members of society, including those in transition, and more has to be done to recognise that within the remit of the Act.
- 2.5. Despite the Act and its implementation still being in its infancy, there have been a number of statistical releases recently which have been linked to the Act. For instance, reporting of gender-based violence has increased, as well as reports of sexual assault. It is not clear whether or not these figures indicate simply a rise in reporting, or a rise in cases, so it would also be advised for the Committee to take evidence from groups such as Rape Crisis.
- 2.6. We would also like to draw the Committee's attention to recent media concerns that Women's Refuges are in danger of funding cuts, and the associated impact this may have on Wales (particularly in North Wales). As the above evidence suggests, there has been a simultaneous increase in cases alongside a decrease in funding. More has to be done to ensure that Women's Refuges will be safeguarded in Wales, no matter from where women are coming.

- 2.7. NUS Wales does have concerns, which we have previously raised, that the current Act focuses on domestic abuse at the potential expense of sexual violence and tackling violence against women.
- 2.8. We would welcome the opportunity to meet Committee Members and to give evidence in person to a full session.

3. Question 1: *To what extent is the approach to tackling violence against women, domestic abuse and sexual violence improving as a result of the obligations in the Act?*

- 3.1. This is extremely difficult to judge accurately at this stage. The Act received Royal Assent in April 2015, and the Welsh Government is currently consulting on the Strategy and five year Framework. It should also be noted that this is one of the first pieces of legislation of its kind, and as such it is challenging to find comparable success measures. NUS Wales does fully support the Act and believe that it is a vital step in tackling and eliminating violence against women.
- 3.2. The obligations of the Act that have been delivered thus far are encouraging. The Welsh Government has consulted already upon the training modules for staff in the public sector with responsibility for the Act, and NUS Wales submitted to these modules. The National Adviser has been appointed and has begun work, and the Welsh Government is consulting on the development of the National Strategy. These are all actions that will focus on delivery of the Act in the long-term and should be welcomed.
- 3.3. The Criminal Prosecution Service's (CPS) [report](#) on Violence Against Women and Girls demonstrates that there has been an increase of 11% in prosecutions of Violence Against Women and Girls, as well as prosecutions of "revenge porn". The latter crime is also overwhelmingly dominated by crimes committed against women and girls.
- 3.4. While an increase in prosecutions is an encouraging sign that governments across the UK are prioritising violence against women, it should be noted that these laws and their consequent enforcement are not devolved matters. We would be interested to learn what the Welsh Government's Strategy will contain when it comes to working with the four police forces in Wales. It is also important that there is parity in provision and intent in each of the forces.
- 3.5. It should also be noted that Rape Crisis have conducted [research](#) that shows only 15% of those who experience sexual violence choose to report it to the police. While these figures are from 2013, it raises a valid concern: are these prosecutions a result of an increase in reporting, or because of an increase in these crimes?
- 3.6. NUS research also shows that 75% of students are unaware of how to report incidences of sexual violence and abuse while at university. This goes alongside further evidence of 75% of young women students in Wales experienced emotional abuse from a partner.
- 3.7. Therefore, while the intentions of the Act appear to be being met it is still far too early to fully assess whether the obligations have been delivered. It is

encouraging that the CPS and governments are recognising that these crimes are not limited to strictly physical abuse, but extend to online and mental abuse.

4. **Question 2:** *What are the most effective methods of capturing the views and experiences of survivors? Are arrangements in place to capture these experiences, and to what extent is this information being used to help inform the implementation of the Act's provisions?*
 - 4.1. The most important area to consider when it comes to the reporting, and consequent experiences of survivors further down the line, is the way in which it is done. The mental trauma of reporting these experiences is difficult enough, and can often be exacerbated by the physical act of going to a police station. Alternative methods of reporting, that are readily advertised, would be a welcome step. This could include an anonymous online which would allow for crime to be investigated without necessarily beginning formal criminal proceedings, particularly where there is a child (or children) involved.
 - 4.2. The All Wales Domestic Abuse and Sexual Violence Helpline, which took its first call in 2004, may also be a potential avenue to follow up the experiences of survivors.
 - 4.3. Welsh Women's Aid published the "[Are you listening, am I being heard?](#)" survivor consultation in March this year. This kind of work was extremely progressive in gathering these responses, and it would be worth the Committee taking further evidence on ways in which this research can be built upon.
 - 4.4. A lot of research, when it comes to survivors, does not include populations in shared/group residences such as care homes and halls of residence for students. Efforts should therefore be made to gather research and evidence from these groups.
 - 4.5. We believe that this is an absolutely pivotal element of the Act, and we would suggest the Committee dedicates significant resource to helping Welsh Government create a strong system for gathering the evidence of survivors.
5. **Question 3.** *Whether survivors of abuse are beginning to experience better responses from the public authorities as a result of the Act, particularly those needing specialist services?*
 - 5.1. It is too early to accurately assess this question. Local authorities will need to develop local strategies to be implemented from 2018 onwards, which is informed by the current Welsh Government consultation. However, further consideration and follow up of the above evidence to the Welsh Women's Aid consultation may shed light on this query.
6. **Question 4.** *Whether the National Adviser has sufficient power and independence from the Welsh Government to ensure implementation of the Act?*
 - 6.1. NUS Wales has welcomed the creation of the post of the National Adviser. The role has brought a vitally needed leadership and expertise in tackling Violence Against Women, and we fervently believe that the position should be offered the resources to enhance their work. We are concerned, however, that their existing remit does not go far enough.

- 6.2. The current [remit](#) of the Adviser does not currently have the power to sanction organisations that are failing to work towards ending violence against women. NUS Wales believes that an expansion of the existing remit should be considered, to consider whether any powers of sanction is something that would be possible under the existing devolution format.
 - 6.3. The annual report that is produced by the Adviser also needs to include a strong mandate for clear actions to act upon the findings of the report. We would also ask the National Assembly and the Welsh Government to consider whether an annual report is enough.
 - 6.4. There has been a particular concern amongst NUS Wales' membership for the impact of violence against women in non-devolved functions (immigration laws and the like). The National Adviser must be able to consider and make recommendations on tackling violence against women even with regards to non-devolved areas.
 - 6.5. We are also concerned at the potential lack of support and infrastructure below the National Adviser to embed long-lasting change.
7. **Question 5.** *To what extent the good practice guide to healthy relationships is successfully influencing the development of a whole school approach to challenging violence against women, domestic abuse and sexual violence?*
- 7.1. NUS Wales believes that healthy sex and relationship education is absolutely essential for the school curriculum. Children and young people must be taught that VAW, abuse, domestic violence and sexist behaviour (not an exhaustive list) are all abhorrent and we welcome moves by the Welsh Government to implement healthy relationships education.
 - 7.2. NUS Wales argues for healthy sex and relationship education from Key Stage 2 and above, with appropriate age-level teaching. This will ideally include conversations around both femininity and masculinity. The social focus around the latter element is often highlighted as a rationale for committing gender-based violence. NUS Wales believes that this Act has the potential to create lasting change, beyond the scope of the next five years.
 - 7.3. It is also essential to raise that reporting of sexual and domestic violence against LGBT+ individuals is on the rise. This raises particularly issues when it comes to later potential treatments, and it is of the utmost importance that this Committee also considers the potential of introducing Gender Identity Clinics in Wales.
 - 7.4. The previous points will enable teachers and parents to be able to have these discussions with children, both at school and home. This will lay the foundations for a changing social dynamic, in which children and young people will be comfortable to discuss "awkward" issues and be able to recognise gender-based and domestic violence.
 - 7.5. NUS Wales find it encouraging that the existing guides have been developed in partnership with organisations such as Welsh Women's Aid, and we would strongly support more guidance and training to be developed in partnership with Third Sector experts.

- 7.6. There must also be a whole-school approach to SRE that begins at Key Stage 2. We would welcome the opportunity to provide further evidence to the Committee on this priority campaign.
- 7.7. Consent education should be included in any SRE curriculum. Education around healthy relationships and consent should also continue to focus on perpetrators and remove the stigma of victim blaming. This includes noting that VAW is a gendered issue and a form of gender-based discrimination, which was extensively debated during the original renaming of the Bill.
- 7.8. NUS Wales would also urge the Committee and Welsh Government to do more to monitor how many schools are adopting the good practice guide, and to identify areas where schools are failing to do so.
- 7.9. NUS Wales welcomes the opportunity to respond to this consultation, and we look forward to working with the Committee during the duration of the Fifth Assembly.