

**Violence Against Women and Girls Sector
(England and Wales)**

Shadow Report
**on the Implementation of the Council of Europe
Convention on Preventing and Combating Violence
Against Women and Domestic Violence
(Istanbul Convention)**

**Authored and endorsed by 58 specialist Violence Against Women and Girls
(VAWG) organisations across England and Wales**

December 2023

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Who we are

We are a coalition of 58 leading organisations working to end violence against women and girls (VAWG) in England and Wales. We have decades of experience working to support those affected by violence against women and girls; working with perpetrators; campaigning for an end to VAWG; and working with the UK government to achieve such aims.

This coalition includes many critical organisations led by and for Black and minoritised women, LGBT+ and Deaf and disabled survivors; as well as the leading membership organisations representing the majority of frontline VAWG services in England and Wales (including [Women's Aid Federation of England](#), [Welsh Women's Aid](#), [Rape Crisis England and Wales](#), [Imkaan](#), and the [End Violence Against Women Coalition](#)).

In the many decades of addressing VAWG in the UK, the specialist by and for sector has developed unique approaches underpinned by intersectionality which provide an important framework to define and address VAWG. Intersectionality suggests that all ways in which women mark their identity and define their experience of oppression are valid and reflective of the conditions they live, in other words, their lived experience, and that there is no hierarchy of oppression. A response that is intersectional suggests all experiences must be addressed comprehensively, holistically and through women-centred, trauma-informed, needs-led wrap-around support, recognising women as whole, and not fragmented, human beings with full enjoyment of human rights. Specialist services led by and for Black and minoritised women, Deaf and disabled women, LGBT+ survivors and other groups are trusted by the survivors and communities they support due to their long-established reputations, their understanding of multiple forms of discrimination, their linguistic and cultural accessibility, and their intersectional practice.

Many organisations endorsing this report came together earlier this year to publish a joint [VAWG sector manifesto](#) ahead of the 2024 UK general election.¹ Our manifesto calls for a comprehensive, whole-society approach to tackling VAWG that looks beyond the criminal justice system and centres those who face the greatest barriers to support and protection. This builds on our [Joint Principles for the UK government's VAWG Strategy 2021-2024](#).² Both of which provide a vital wider view of the sector's asks to improve the UK's response to violence against women and girls and ensure the UK government is meeting its obligations under the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention). All joint work developed by the sector coalition is underpinned by principles set out in the VAWG Sector Anti-Racism Charter.³

¹ VAWG Sector (England and Wales), 'A Whole Society Approach to Ending Violence Against Women and Girls: VAWG Manifesto', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/09/FINAL-VAWG-Joint-Manifesto-180923.pdf>

² VAWG Sector (England and Wales), 'Joint Principles for the AVWG Strategy 2021-2024', 2021. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Joint-Principles-for-the-VAWG-Strategy-2021-2024-1.pdf>

³ VAWG Sector (England and Wales) Anti-racism working group, 'VAWG Sector Anti-Racism Charter', 2021. Available online: <https://www.endingracisminvawg.org/>.

Al-Hasaniya
Moroccan Women's Centre
مركز الحسية لكندا المغربيات



Apna Haq
Supporting the confidence, and the healthy justice

Ashiana

AWRC
CHANGING WOMEN'S LIVES

AVA
Against Violence & Abuse

Bawsoj

Cambridge women's aid
Supporting women & children since 1977

CWA
CARDIFF WOMEN'S AID
CYMORTH I FERCHED CYMRU
CARDIFFYD



Cassandra Centre

CWJ
Centre for Women's Justice
CWJ

dewa
Deaf Ethnic Women's Association



Dewis Choice

EVA
Women's Aid

END VIOLENCE AGAINST WOMEN

Finding freedom
from abuse

THE JOURNEY STARTS HERE
findingfreedom.org.uk

FORWARD



HALO
Break the Silence
PROJECT



Humraaz
Support Services

IDAS

IKWRO
WOMEN'S RIGHTS ORGANISATION

imkaan

IRISi
interventions



KMEWO
Kurdish and Middle Eastern Women's Organisation

LAWA
Latin American women's aid

LAWRs



MK:act
DOMESTIC ABUSE INTERVENTION SERVICES
MINDING IT, TALKING IT, HEALING IT



P.H.O.E.B.E

RAPE CRISIS
England & Wales

Refuge
For women and children.
Against domestic violence.

Respect

RIGHTS of WOMEN
helping women through the law

ROSHNI

Safe Lives
Ending domestic abuse

SAFETY 4 SISTERS
NORTH WEST
RECOURSE TO PUBLIC FUNDS PROHIBITED

Southall Black Sisters

THE DEAF HEALTH CHARITY
SIGNHEALTH

solace

Stay Safe
East

SURVIVING ECONOMIC ABUSE

suzy lamplugh trust
LIVE LIFE SAFE

SWA
Sheffield Women's Aid

The Elm Foundation
Freedom from Domestic Abuse

Faith and VAWG Coalition

The FIRST STEP

the Traveller Movement

wwin
Specialist Domestic Abuse Service

Cymorth i Ferched Cymru
Welsh Women's Aid

WHITE RIBBON
-ORG.UK
END MEN'S VIOLENCE AGAINST WOMEN

WOMEN & GIRLS NETWORK

WOMEN FOR REFUGEE WOMEN

wow
women@thewell

women's aid
until women & children are safe

YOUR SANCTUARY
FOR LIFE WITHOUT FEAR

Terminology

- **Victim/survivor:** our organisations typically use the term ‘survivor’ to describe women who have experienced VAWG, in recognition of their strength and resilience. However, victim is the legal term used in England and Wales and within the Istanbul Convention. In this report both terms are used.
- **Specialist VAWG services:** we use this term to describe services run by organisations whose core business and organisational purpose is to support survivors, children, and young people impacted by VAWG, or to work with perpetrators. Their delivery of support and services is needs-led and gender-responsive. Support is delivered by specially trained staff with an in-depth knowledge, and a gendered and intersectional understanding of VAWG. They are distinguished from generic services that provide support or interventions for survivors or perpetrators in the third and/or public sector.⁴ They are run by women’s, feminist organisations.
- **By and for services:** we use this term to describe services which are run by and for the communities they serve, such as for Black and minoritised women, Deaf and disabled women and LGBT+ survivors.⁵ They offer a uniquely empowering experience to the communities they support, as the client group is reflected in staffing, management and governance structures of these organisations. Specialist ‘by and for’ services have emerged as distinct from wider specialist VAWG services in that they are led by, and seek to support, further minoritised and marginalised groups. They respond to the marginalisation of the communities they support, who face additional forms of structural inequality (racism, homophobia, classism, Islamophobia etc) alongside misogyny, sexism and violence.⁶
- **Intersectionality:** specialist by and for services consistently highlight how intersectionality magnifies dangerous gaps in legislation, commissioning and support. Leading to increased danger for Black and minoritised women who experience overlapping forms of discrimination or disadvantage based on gender, race, ethnicity, sexual orientation, disability, class and other forms of discrimination which intersect constantly.
- **VAWG Sector:** we use this term to collectively describe specialist VAWG services and by and for specialist services.
- **Domestic violence/domestic abuse:** we recognise that the Convention uses the term ‘domestic violence’. However, in recognition of the law in England and Wales and the term typically used by VAWG organisations, we typically use ‘domestic abuse’ in this report.

⁴ Welsh Government, ‘Statutory Guidance for the Commissioning of VAWDASV Services in Wales’, 2019, para 2.7.

⁵This report subscribes to the definition of ‘by and for’ developed by Imkaan, n.d. Available online: <https://www.imkaan.org.uk/by-and-for>.

⁶ Imkaan, ‘State of the Sector: Contextualising the current experiences of BME ending violence against women and girls organisations’, November 2015. Available online:

<https://static1.squarespace.com/static/5f7d9f4addc689717e6ea200/t/61e6a36ba920604b6cad594b/1642505069223/2015+ +Imkaan+ +State+of+the+Sector.pdf>

Introduction

Violence Against Women and Girls (VAWG) is endemic across society and remains disturbingly present in the UK. In the UK, every three days, a woman is killed⁷ by a man and one in four women experience domestic abuse in their lifetimes.⁸ In January 2023, the Office for National Statistics (ONS) latest crime figures stated that sexual offences are at the highest level recorded,⁹ whilst police-recorded offences relating to so-called honour based abuse are also increasing.¹⁰ Overall, one in six children are estimated to have been subjected to sexual abuse, with girls being three times more likely to experience sexual abuse than boys,¹¹ and women are 27 times more likely than men to receive online harassment and abuse.¹² Behind the statistics and data, there are adult and child survivors of VAWG, and sometimes bereaved families, dealing with the trauma of these harms.

The Council of Europe Convention on preventing and combating violence against women and domestic violence¹³ (Istanbul Convention) is the most comprehensive legal framework that exists to tackle violence against women and girls. The Convention sets minimum standards for a state's approach to addressing violence against women and girls, covering protection, prosecution, prevention, and integrated policies. It is internationally commended as the 'gold standard' approach. The Istanbul Convention places at its core the diverse needs of all women experiencing or living in the fear of violence, including disabled, LGBT+ and migrant women.

Ten years after signing the Istanbul Convention on 8th June 2012, the UK government ratified it on 21st July 2022. The Convention came into force on 1st November 2022. One year on the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) will be evaluating the extent to which the UK government is meeting its duties under the Convention. Additional to the UK government's own assessment of their progress,¹⁴ GREVIO have asked VAWG sector experts to coordinate and submit evidence and insight to aid their evaluation. This report has been compiled by a coalition of 58 leading organisations working to end VAWG in the UK and is focused on the English and Welsh context (we refer to the expertise and submissions of our sister organisations in Scotland and Northern Ireland to gain the full UK picture).¹⁵

We have welcomed cross-party commitment to delivering a strategy to end VAWG in the UK over the past 14 years. In the context of a number of devastating and high-profile murders of

⁷ Femicide Census, 'UK Femicides 2009-2018', 2020, page 1. Available online: <https://www.femicidecensus.org/wp-content/uploads/2020/11/Femicide-Census-10-year-report.pdf>.

⁸ Refuge. 'The facts', n.d. Available online: <https://refuge.org.uk/what-is-domestic-abuse/the-facts/>.

⁹ Office for National Statistics, 'Sexual offences in England and Wales overview: year ending March 2022', 2023. Page 6. Available online: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/sexualoffencesinenglandandwalesoverview/march2022/pdf>

¹⁰ Home Office, 'Statistics on so called 'honour-based' abuse offences, England and Wales, 2021 to 2022', 2022. Available online: <https://www.gov.uk/government/statistics/statistics-on-so-called-honour-based-abuse-offences-england-and-wales-2021-to-2022>.

¹¹ NSPCC, 'Statistics briefing: child sexual abuse', 2021. Available online: <https://learning.nspcc.org.uk/media/1710/statistics-briefing-child-sexual-abuse.pdf>.

¹² National Police Chief's Council, 'Violence against women and girls: Strategic risk assessment', 2023. Available online: <https://www.npcc.police.uk/SysSiteAssets/media/downloads/our-work/vawg/violence-against-women-and-girls---strategic-threat-risk-assessment-2023.pdf>.

¹³ Council of Europe, 'Council of Europe Convention on preventing and combating violence against women and domestic violence', 2011. Available online: <https://rm.coe.int/168008482e>.

¹⁴ UK Government, 'Report submitted by the United Kingdom pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence', 2023. Available online: <https://rm.coe.int/state-report-uk-baseline-evaluation/1680abd6d3>.

¹⁵ Please see the responses coordinated by Scottish Women's Aid and Rape Crisis Scotland, and the Women's Platform in Northern Ireland.

women and the exposure of misogyny, homophobia and racism in UK police forces,¹⁶ we welcome the UK government's restated commitment to tackling violence against women and girls and we recognise that the law on VAWG in our jurisdiction is advanced in comparison to other nations. However, as leading VAWG experts in the UK, it is critical to draw attention to the gaps between government commitment and the reality for women experiencing VAWG. There remain major challenges in implementation and resourcing, and a lack of cross-governmental coordination and strategic oversight in England and Wales. Whilst there are hundreds of specialist VAWG services delivering lifesaving support to women and children across England and Wales, these services are not funded sustainably and they are disadvantaged within local commissioning processes.

It is also essential that we draw attention to the means in which the government is undermining its own commitments to tackle VAWG - both in its attack on human rights,¹⁷ and its drive of hostile immigration policies which form a huge barrier to support and harm migrant women.¹⁸ As a sector, we were dismayed by the UK government's reservations on two key articles (44 and 59) in the Istanbul Convention which set out commitments to provide support and protection for migrant women. In May 2022, over 80 specialist VAWG organisations signed a letter to the UK government calling on them to ratify the Convention without reservations.¹⁹

It is also important to situate this report, and the lives of survivors and realities for frontline VAWG services, in the context of a cost of living crisis,²⁰ twelve years of austerity policies,²² alarming poverty levels in the UK,²³ and the lasting impact of the Covid19 pandemic.²⁴ Alongside recognition of the realities of how sexism, racism, homophobia, transphobia, ableism, ageism and socio-economic status plays out and intersects in the UK context.

"After a year of fallout, I was still homeless and on my backside - it felt like I was worse off for going through 'the system' ... the experience really took its toll on my resilience and fortitude, let alone my self-belief, confidence and positive outlook"
Survivor²⁵

We call on the UK government to take note of the recommendations set out in this report, work with the specialist VAWG sector to ensure they are meeting their obligations under the Istanbul Convention and take a comprehensive whole-society approach to addressing VAWG, which centres the most marginalised. We look forward to discussing these issues and our recommendations with GREVIO when they visit the UK in 2024.

¹⁶ Baroness Casey of Blackstock, 'An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service', 2023. Available online: <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf>.

¹⁷ End Violence Against Women Coalition, 'Violence Against Women and Girls Snapshot 2022-23', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/02/Snapshot-2022-23-final-140223.pdf>.

¹⁸ Step Up Migrant Women UK, 'Step Up Migrant Women Campaign', n.d. Available online: <https://stepupmigrantwomen.org/resources/>.

¹⁹ End Violence Against Women Coalition, 'Letter to the UK Government re the UK ratification of the Istanbul Convention without reservations', 2022. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2022/05/Joint-IC-letter-30.05.22.pdf>.

²⁰ Joint VAWG sector organisations, 'Statement on behalf of VAWG organisations in England and Wales on the Cost of Living Crisis', 2022. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2022/11/VAWG-Sector-Cost-of-Living-Statement-FINAL.pdf>.

²¹ Women's Resource Centre, 'The impacts of the cost-of-living crisis on the women's sector', 2023. Available online: <https://www.wrc.org.uk/Handlers/Download.ashx?IDMF=549ce278-7616-4b1b-9b16-12f749d2bb21>.

²² Women Budget Group, 'Austerity is Gender-based Violence', 2022. Available online: <https://wbq.org.uk/blog/austerity-is-gender-based-violence/#:~:text=In%20our%20response%20to%20the,in%20far%20more%20progressive%20ways.>

²³ The Guardian, 'UK 'in violation of international law' over poverty levels, says UN envoy', 2023. Available online: <https://www.theguardian.com/society/2023/nov/05/uk-poverty-levels-simply-not-acceptable-says-un-envoy-olivier-de-schutter>.

²⁴ End Violence Against Women Coalition, 'Initial briefing on the COVID-19 pandemic and the duty to prevent violence against women and girls', 2020. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2020/04/EVAW-Coalition-Briefing-on-COVID19-Pandemic-and-Duty-to-Prevent-VAWG-April-2020-FINAL.pdf>.

²⁵ Women's Aid Federation of England, 'Law in the Making: Experts by Experience Briefing - Priorities for a Domestic Abuse Bill', 2019. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2020/02/Law-In-The-Making-Briefing-2019.pdf>.

N.B. This report has been compiled with no funding or additional resource at a time when specialist VAWG organisations and services are incredibly stretched. This report builds on the extensive evidence and policy work undertaken by the sector, and we encourage GREVIO to take note of the wider work referenced. However, due to capacity challenges and short timeframes, it is important to note that this report is not a comprehensive assessment of how well the UK government is meeting its obligations under the Convention in England and Wales. We also note that not all organisations endorsing the report may agree with the entirety of every statement or recommendation within it. We look forward to meeting with GREVIO in 2024 as part of their UK visit to provide further insight, and also signpost in submissions by our sister organisations in Scotland (coordinated by Scottish Women’s Aid and Rape Crisis Scotland) and Northern Ireland (coordinated by Women’s Platform) to provide insight into the realities in these devolved nations.

Chapter One: Purpose, definitions, equality and non-discrimination, general obligations

Article 3 – Definitions

Human rights

Article 3a notes that violence against women must be understood as a *violation of human rights*. The UK Government's commitment to tackling VAWG is frequently undermined and threatened by the tirade of attacks they have made on the frameworks which underpin our human rights and therefore the protections women rely on in the face of VAWG.²⁶

Women's right to live free from violence is inextricable from the principle of universal human rights. We know that survivors can easily fall outside of the mould of "perfect victim"; for example, those who have contact with the criminal justice system (whose offending is often driven by their experiences of VAWG), women who have been trafficked, women involved in sex work or prostitution, those who have irregular immigration status, or any other experience that may mean people and services render them as "undeserving" of protection. These women often find that their human rights are denied. It is therefore very concerning to see the creeping undermining of the universality of human rights in legislation such as the Victims and Prisoners Bill and 'Illegal' Migration Act – which the government could not state was compatible with the European Court of Human Rights (ECHR) and disapplied part of the Human Rights Act (HRA)²⁷ – and in the UK's reservations to the ratification of the Istanbul Convention which denies certain rights to migrant women. This deeply worrying direction of travel in the UK appears set to continue with recent comments from the former Home Secretary on the ECHR.²⁸

This sits alongside the broader threat to rights fundamental to the feminist movement, such as the right to protest.²⁹ Protest is a feminist issue, firmly embedded in the struggle for women's rights – particularly the rights of Black and minoritised women. Our fight to end violence against women relies heavily upon our ability to gather together, to mourn our sisters, to expose injustice, and to collectively demand change. However, the Public Order Act, which limits our rights to protest, is now in force.

A coordinated strategy to end VAWG must be grounded in a human rights framework and states' obligations to take positive action to prevent and protect women from violence. Domestic legislation such as the HRA, and international conventions such as the ECHR, are vital instruments in the pursuit of ending VAWG. We must support people to know their rights, empower people to ensure their rights are upheld, and ensure people's rights are integrated into national and local policy and practice. Political parties should work towards eliminating the conditions that create violations of human rights; for example, by improving governance and public service delivery, and enhancing access to justice and accountability. Proposals that reduce or restrict the realisation of human rights in the UK, including for particular groups,

²⁶ End Violence Against Women Coalition, 'Violence Against Women and Girls Snapshot 2022-23', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/02/Snapshot-2022-23-final-140223.pdf>.

²⁷ Joint Committee on Human Rights, 'Legislative Scrutiny: Illegal Migration Bill', 2023. Available online: <https://committees.parliament.uk/publications/40298/documents/196781/default/>.

²⁸ The Guardian, 'Suella Braverman makes fresh attack on European court of human rights', 2023. Available online: <https://www.theguardian.com/law/2023/sep/24/suella-braverman-makes-fresh-attack-on-european-court-of-human-rights>.

²⁹ End Violence Against Women Coalition, 'Women's rights organisations denounce Public Order Bill', 2022. Available online: <https://www.endviolenceagainstwomen.org.uk/womens-rights-organisations-denounce-public-order-bill/>.

undermine our cause. We are clear that the promotion of human rights, civil liberties and justice are crucial in the fight to end violence against women and girls.

Recommendations:

- Uphold the established international and human rights-based definitions of VAWG.
- Preserve and promote domestic and international human rights and equalities legislation, including upholding the principle of universal human rights.
- Protect the right to protest.

Continuum of VAWG, and the ‘othering’ and lack of prioritisation of certain forms of VAWG

Article 3a requires the government to use a definition of VAWG which covers ‘all acts of gender-based violence’ against women.³⁰ Although the UK government may refer to the umbrella term of VAWG in much of its work, we would question how this plays out in regard to government resourcing and prioritisation, and the government’s framing and coordination. The UK government tends to focus its VAWG resourcing on domestic abuse, rather than other categories of VAWG, alongside an often ‘othering’ approach to forms of VAWG that disproportionately impact Black and minoritised women - such as so-called honour-based abuse and Female Genital Mutilation (FGM). It also often fails to join the dots between these different forms of VAWG and view it as a continuum.³¹ We see this most notably in the creation of a separate domestic abuse strategy to the government’s tackling VAWG strategy, a decision that the VAWG sector raised serious concerns about, which is further discussed in our response to Article 7.

This lack of joined up thinking and poor understanding of the continuum of VAWG is also illustrated in how so-called ‘lower level’ sexual violence offences like indecent exposure are not taken seriously enough in the UK. This behaviour is often minimised and even tolerated as a normal part of life for women and girls, rather than being recognised as a potential indicator of a pattern of sexual and abusive behaviour. This is highlighted by a number of recent cases in the UK. For example, the investigations into Wayne Couzens, who raped and murdered Sarah Everard in 2021, and the subsequent (and on-going) Angiolini inquiry.¹² As shown in the investigation and inquiry, Couzens’ case demonstrates grave consequences of not taking action earlier against so called ‘lower level sexual violence’, as he was found to have engaged in other forms of abuse in the lead up to murdering Sarah Everard, including indecent exposure. Couzen’s history of indecent exposure is mirrored by Pawel Relowic, who raped and murdered Libby Squire in 2019.¹³ The lack of action taken at those earlier stages in response to ‘lower level sexual offences’ can reinforce a sense to these men that they can get away with it, and we see behaviour escalating, as appreciated by the judge in Relowic’s case who stated “*in the weeks and months before you [Relowic] raped and murdered Liberty Squire your offending escalated. You grew increasingly emboldened, no doubt because you were confident that you would not, and could not, be caught.*”¹⁴ Furthermore, HM Inspectorate of Probation’s review of Jordan McSweeney, who murdered Zara Aleena in 2022, found McSweeney’s long history of

³⁰ Article 3d, “Gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately, Council of Europe Convention on preventing and combating violence against women and domestic violence.

³¹ Kelly, L., *Surviving Sexual Violence – Feminist Perspectives*, 1988.

convictions was ample evidence of his level of risk to women.¹⁵

These issues are also mirrored in recent data on up-skirting. A recent Sky News investigation has highlighted how few men have been convicted of up-skirting offences and, where they have, perpetrators have also been investigated for other sexual offences.³² This highlights how the creation of new laws (such as the criminalisation of up-skirting) does not equate to effective intervention or prevention of escalation. In light of this, and the harm caused by the criminal justice system (CJS), it is therefore essential we look beyond CJS responses alone.³³

Definition of 'domestic' - non-family carers

Article 3b defines 'domestic violence' as occurring within 'the family or domestic unit or between former or current spouses or partners'. However, we endorse a wider definition of 'personal connection' to cover those formal or informal carers who assist or support disabled people and with whom a disabled person might form a personal connection. The current definition of domestic abuse has a discriminatory impact on disabled victims of domestic abuse by non-family carers, who have no access to an Independent Domestic Violence Adviser, refuges or to the network of therapeutic and other domestic abuse services open to other victims.³⁴

Recommendation:

- Update the definition of domestic abuse to reflect abuse by non-family carers.

Reality for girls

Article 3f notes that the definition of 'violence against women' includes girls under the age of 18. However, despite children now being seen as victims in their own right in the statutory definition of domestic abuse in the Domestic Abuse (DA) Act 2021, there remains huge gaps in support for those under 18. A report from the Domestic Abuse Commissioner³⁵ found that only 29% of survivors of domestic abuse who wanted support for their children were able to access it. Further information on gaps in support is provided in our response to Article 26.

We also frequently find that the government's response to children impacted by VAWG lacks a gendered and intersectional lens, and it is notable that the government's baseline report for GREVIO's evaluation failed to mention the Independent Inquiry into Child Sexual Abuse³⁶ as this remains a key component in the government's plans to tackle child sexual abuse. There is a wealth of evidence of how girls are being impacted by VAWG, including within schools – from the End Violence Against Women Coalition's 2010 call to tackle VAWG in schools,³⁷ the Women and Equalities Select Committee Review in 2016,³⁸ to the watershed moment of Everyone's

³² Sky News, 'Girls aged three among victims of upskirting - as teenager describes anger at school's response', 2023. Available online: <https://news.sky.com/story/girls-aged-three-among-victims-of-upskirting-as-teenager-describes-anger-at-schools-response-12949592>.

³³ The Guardian, 'I made upskirting illegal. This is why I don't want to change any more laws', 2023. Available online: <https://www.theguardian.com/commentisfree/2023/jul/26/i-made-upskirting-illegal-prevent-sexual-assault>.

³⁴ Stay Safe East, 'Policy Briefing: Domestic Abuse Bill', 2021. Available online: <https://www.staysafe-east.org.uk/wp-content/uploads/2021/01/Stay-Safe-East-Domestic-Abuse-Bill-Amendments-Updated-for-House-of-Lords-January-2021-converted.pdf>.

³⁵ Domestic Abuse Commissioner, 'A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales', 2022. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf.

³⁶ The Independent Inquiry into Child Sexual Abuse, 'The report of the Independent Inquiry into Child Sexual Abuse', 2022. Available online: <https://www.iicsa.org.uk/index.html>.

³⁷ End Violence Against Women Coalition, 'YouGov Poll Exposes High Levels Sexual Harassment in Schools', 2010. Available online: <https://www.endviolenceagainstwomen.org.uk/yougov-poll-exposes-high-levels-sexual-harassment-in-schools/>.

³⁸ Women and Equalities Committee, 'Sexual harassment and sexual violence in schools', 2016. Available online: <https://publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/91/9102.htm>.

Invited in 2020,³⁹ the subsequent Ofsted Review in 2021,⁴⁰ EVAW's recent Whole Schools Approach report and survey with children and young people 2022,^{41,42} Girlguiding's annual girl attitudes survey 2023,⁴³ and the Women and Equalities Select Committee 2023 Report.⁴⁴ Far more action is needed to meet girls needs and protect their right to live free from violence, alongside their right to education⁴⁵, which is further discussed in our response to Article 14.

Article 4 – Fundamental rights, equality and non-discrimination

Right to live free from violence

As outlined in our response to Article 3, the UK Government has taken significant steps to try and undermine the rights of those living in the UK and is failing to ensure women live free from violence. Please see our evidence outlined under Article 3, evidence below relating to Article 4 as a whole, and subsequent chapters which document the way in which the government is failing to meet its duties to ensure women are living free from violence in England and Wales.

Discrimination against women

Article 4.2 requires parties to condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it. However, we have seen significant and concerning failures from the UK government in regard to addressing inequality between women and men. For example, a lack of a gendered approach to responding to the COVID 19 pandemic^{46,47} and to the on-going cost of living crisis,^{48,49} as well as over a decade of austerity measures which have had a disproportionate impact on women and have been labelled by Oxfam and the Women's Budget Group in 2022 as a form of gender based violence.⁵⁰ These issues are explored further in our response to Article 20.

Economic inequality is a significant component of women's inequality in the UK, and a key contributing factor to the scale of VAWG we see today. For example, the impact of No Recourse to Public Funds (NRPF) conditions on migrant women, who have experienced VAWG and are financially or otherwise dependent on their spouse or partner, has been devastating. Women's economic inequality significantly impacts experiences of VAWG and the ability to escape and recover - for example, the high cost of renting privately creates a barrier for women leaving and moving on from a relationship with an abusive partner. A recent report found that there is no region in England where private rented housing is affordable on women's median earnings, whereas men can afford to rent a median home (median private sector rental cost) in all regions

³⁹ Everyone's Invited, 'Everyone's Invited', n.d. Available online: <https://www.everyonesinvited.uk/about>.

⁴⁰ Ofsted, 'Review of sexual abuse in schools and colleges', 2021. Available online: <https://www.gov.uk/government/publications/review-of-sexual-abuse-in-schools-and-colleges/review-of-sexual-abuse-in-schools-and-colleges>.

⁴¹ End Violence Against Women Coalition, 'It's About Time: A Whole School Approach to Ending Violence Against Women and Girls', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/new-report-its-about-time-a-whole-school-approach-to-ending-violence-against-women-and-girls/>.

⁴² End Violence Against Women Coalition, 'Sexual harassment at school', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/new-campaign-film-its-about-time-things-changed/>.

⁴³ Girlguiding, 'Girls' Attitude Survey 2023', 2023. Available online: <https://www.girlguiding.org.uk/globalassets/docs-and-resources/research-and-campaigns/girls-attitudes-summary.pdf>.

⁴⁴ Women and Equalities Committee, 'Attitudes towards women and girls in educational settings', 2023. Available online: <https://publications.parliament.uk/pa/cm5803/cmselect/cmwomeq/331/summary.html>.

⁴⁵ End Violence Against Women Coalition, 'It's About Time: A Whole School Approach to Ending Violence Against Women and Girls', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/new-report-its-about-time-a-whole-school-approach-to-ending-violence-against-women-and-girls/>.

⁴⁶ End Violence Against Women Coalition, 'Covid 19 Response', 2021. Available online: <https://www.endviolenceagainstwomen.org.uk/campaign/covid-19-response/>.

⁴⁷ Women's Budget Group, 'Crises Collide: Women and Covid-19', 2022. Available online: <https://wbg.org.uk/analysis/reports/crises-collide-women-and-covid-19/>.

⁴⁸ Joint VAWG sector organisations, 'Statement on behalf of VAWG organisations in England & Wales on the Cost of Living Crisis', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2022/11/VAWG-Sector-Cost-of-Living-Statement-FINAL.pdf>.

⁴⁹ Women Budget's Group, 'Cost Of Living Briefing Series', 2023. Available online: <https://wbg.org.uk/analysis/cost-of-living-briefing-series/>.

⁵⁰ Oxfam, 'The Assault of Austerity', 2022. Available online: <https://www.oxfam.org/en/research/assault-austerity>.

except London.⁵¹

Recommendations:

- Equip all relevant government departments and statutory agencies to deliver reforms across government to tackle gender inequality (such as equal pay and shared parental leave), paying close attention to intersecting inequalities and recognising that gender inequality cannot be separated from other forms of inequality.
- Conduct and publish equality impact assessments of all spending and revenue raising policies.

Non-discrimination

Article 4.3 states the provisions of the Convention should be secured ‘without discrimination on any grounds’, including sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status. In England and Wales the Equality Act 2010 protects against discrimination on a number, but not all, of these grounds.⁵² The Act includes protection from discrimination on the basis of both sex and gender, yet as this report will detail, male violence remains endemic within England and Wales and is one of the most devastating and societally prevalent form of discrimination against women. There is also a concerning lack of visibility of both sex and gender as protected characteristics within responses to VAWG – including in data collection, needs assessments that inform service provision, commissioning practices and national and local strategies (which we will return to in later chapters).

We also have significant concerns about other forms of discrimination creating on-going barriers for marginalised survivors in accessing support, safety and justice which the UK government is not only failing to address, but is often actively upholding. These issues have been brought to the attention of the UK government extensively, particularly in recent years during the passage of the DA Act, yet the government has refused to take the necessary steps to ensure non-discrimination for all survivors of VAWG.

Migrant women

The UK government has repeatedly refused and failed to meet the support and safety needs of migrant women in contravention of Article 4.3. There are women living in the UK whose immigration status means they are more vulnerable to abuse and less likely to access support, advocacy, and criminal justice measures.⁵³ Yet successive immigration policies and the ‘hostile environment’ exacerbates this risk, creating a context in which women are more vulnerable to violence, while at the same time making them less able to access specialist support, public services or justice. For example, only 9.1% of refuge vacancies in England in 2021-22 would consider migrant women subjected to the No Recourse to Public Funds rule.⁵⁴ The Istanbul Convention requires that victims of VAWG are protected regardless of their immigration status. For this to happen it is essential immigration policies are designed so they cannot be used as a

⁵¹ Women’s Aid Federation of England, ‘The Domestic Abuse Report 2020: The Hidden Housing Crisis’, 2020. Available online:

<https://www.womensaid.org.uk/wp-content/uploads/2020/06/The-Domestic-Abuse-Report-2020-The-Hidden-Housing-Crisis-Summary.pdf>.

⁵² The following are protected characteristics under the Equality Act 2010: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

⁵³ End Violence Against Women Coalition, ‘Women living in a hostile environment’, 2018. Available online:

<https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/FINAL-living-in-a-hostile-environment-for-Web-and-sharing-.pdf>.

⁵⁴ Women’s Aid Federation of England, ‘The Domestic Abuse Report 2023: The Annual Audit’, 2023. Available

online:<https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>

weapon by abusers or as an excuse by authorities not to help women During the passage of the Domestic Abuse Bill, which is now the Domestic Abuse Act 2021, the VAWG sector called on the UK government to remedy the lack of protection for migrant women in the bill and to ratify the Istanbul Convention. Several organisations, including the VAWG and migrant women's sector, provided comprehensive evidence demonstrating the consequences of not providing equal protection for migrant women. Despite this evidence, the UK government was not prepared to make significant changes to the Domestic Abuse Bill and has continued to infringe on the basic fundamental rights of migrant women to live a life free from violence, denying them the necessary support mechanisms to aid recovery from trauma. The situation has been further exacerbated by the UK government's refusal to implement the Istanbul Convention in full, reserving Article 59, denying some migrant women victims protection and support to flee abusive relationships.

Before ratification on 1st November 2022, the UK government produced their 5th progress report on the steps they had taken to become compliant with the Convention, stating that "*the government is committed to supporting all victims of domestic abuse. Furthermore, anyone who has suffered domestic abuse must be treated as a victim first and foremost, regardless of immigration status.*"⁵⁵ However, the reality is that the government are treating migrant women experiencing VAWG as second-class citizens, implementing discriminatory policies which have negatively impacted many victims of gender-based violence, heightening their risk of abuse and subjecting them to the hostile environment and its dire consequences. This is further discussed in our response Articles 59, 60 and 61.

Black and minoritised survivors

Black and minoritised survivors also face discrimination in their access to support and justice, contrary to Article 4. Black, minoritised and migrant women in England experience higher rates of domestic homicide and need specialist support but are often not able to access the specialist by and for services they need.⁵⁶ The racism and discrimination faced by Black and minoritised survivors has been well documented by the sector, including:

- Imkaan's report: *Reclaiming Voice: Minoritised Women and Sexual Violence*.⁵⁷
- Imkaan and Centre for Women's Justice report: *Life or Death: Preventing Domestic Homicides and Suicides of Black and Minoritised women*.⁵⁸
- Ravi K. Thiara and Christine Harrison, University of Warrick, and Women's Aid Federation of England: *Reframing the links: Black and minoritised women, domestic violence and abuse, and mental health – A review of the literature*.⁵⁹

LGBT+ survivors

The UK government is also failing to meet the needs of LGBT+ survivors and thus meet its obligations under Article 4.3. The Council of Europe is clear that the Istanbul Convention protects transgender women, stating 'it is crucial to ensure that measures to end gender-based

⁵⁵ Home Office, 'Istanbul Convention: 5th progress report 2021', 2021. Available online: <https://www.gov.uk/government/publications/istanbul-convention-implementation-progress-report-2021/istanbul-convention-5th-progress-report-2021-accessible-web-version>.

⁵⁶ Domestic Abuse Commissioner, 'A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales', 2022. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf.

⁵⁷ Thiara, R. and Roy, S., 'Reclaiming Voice: Minoritised Women and Sexual Violence Key Findings', 2020. Available online: <https://static1.squarespace.com/static/5f7d9f4addc689717e6ea200/t/621d2268b8dfac09dc68894b/1646076524316/2020+%7C+Reclaiming+Voice+-+Minoritised+Women+and+Sexual+Violence+%5BKey+Findings%5D.pdf>.

⁵⁸ Imkaan and Centre for Women's Justice, 'Life or Death: Preventing Domestic Homicides and Suicides of Black and Minoritised Women', 2023. Available online: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/655639ddc55be306e7dfa5c5/1700149727418/Life+or+Death+Report+-+Nov+2023.pdf>.

⁵⁹ Women's Aid Federation of England, 'Reframing the links: Black and minoritised women, domestic violence and abuse, and mental health – A review of the literature', 2021. Available online: <https://www.womensaid.org.uk/reframing-the-links-black-and-minoritised-women-domestic-abuse-and-mental-health/>.

violence extend systematically to these groups of women, are accessible to them and tailored to their specific needs'.⁶⁰ However, there are no mentions of transgender women in the government's baseline report, despite the gender-based violence that they experience, and the only mention of LGBT+ people in the government's response comes from the devolved administrations in Wales and Northern Ireland and not from Westminster.

The UK government has consistently inflamed tensions around the issue of trans women's experiences of VAWG and access to women's services, rather than focusing on delivering the support that meets their needs. We have also seen a concerning government response to a backlash to Relationship, Sex and Health Education (RSHE) which appears largely fuelled by anti-LGBT+ rhetoric.⁶¹ Whilst the Government has been doing this, police reported hate crime targeting a person because of their transgender identity has increased by 11% – and since 2021/22 has nearly doubled.⁶² The Home Office's own report stated 'heavy discussion by politicians, the media and on social media over the last year may have led to an increase in these offences or more awareness in the police in the identification and recording of these crimes'. It is critical that the government does not inflame tensions on this issue by attacking transgender women and undermining a gendered understanding which is central to the Convention.

Deaf and disabled survivors

The government is also failing to meet the needs of Deaf and disabled survivors and thus meet its obligations under Article 4.3. Deaf and disabled survivors of VAWG often face huge barriers to support and justice. For example, the Women's Aid Annual Audit data showed that during 2021- 22 less than 1% of all refuge vacancies were suitable for a woman requiring a wheelchair accessible space.⁶³ A recent report⁶⁴ by a group of VAWG sector organisations documented the raft of communication barriers faced by disabled, Deaf and Black, minoritised, and migrant women which prevents their access to safety, support and justice. This report documents how these communication barriers constitute a failing on part of the UK state under its Article 4 obligations, and is explored more in chapter four⁶⁵.

For more evidence on how the discrimination of marginalised victims is playing out in the UK please see chapter four - protection and support.

Recommendations:

- Lead legal, policy and funding reform to deliver equal protection for all women - embedding the specialist women-led and by and for sector's practice of intersectionality to meet the needs of all women and girls, and the intersecting forms of oppression they face⁶⁶ including:

⁶⁰ Council of Europe, 'Key facts about the Istanbul Convention', 2021. Available online: <https://www.coe.int/en/web/istanbul-convention/key-facts>.

⁶¹ End Violence Against Women Coalition, 'Concerns vital Relationships & Sex Education review is based on contested claims and anti-LGBTQ+ rhetoric', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/concerns-vital-relationships-sex-education-review-is-based-on-contested-claims-and-anti-lgbtq-rhetoric/>.

⁶² Home Office, 'Official Statistics: Hate Crime, England and Wales 2021 – 2022', 2022. Available online: <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2021-to-2022/hate-crime-england-and-wales-2021-to-2022>.

⁶³ Women's Aid, 'The Domestic Abuse Report 2023: The Annual Audit', 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>.

⁶⁴ Joint VAWG Sector Organisations, 'Listen to Us! How Communication Barriers: How Statutory Bodies are Failing Black, Minoritised, Migrant, Deaf and Disabled Women and Girls Victims/Survivors of VAWG, 2023'. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/04/Listen-to-us.pdf>.

⁶⁵ Joint VAWG Sector Organisations, 'Listen to Us! How Communication Barriers: How Statutory Bodies are Failing Black, Minoritised, Migrant, Deaf and Disabled Women and Girls Victims/Survivors of VAWG', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/04/Listen-to-us.pdf>.

⁶⁶ Imkaan, 'Our sector, our voice, our work: A Participatory Evaluation of the Comic Relief Supporting and Sustaining Specialism Programme for the ending-VAWG Black & Minoritised women-led by and for sector', 2023. Available online:

- Identify and address inequalities in the prevalence of VAWG and outcomes for Black and minoritised, migrant, D/deaf and disabled and LGBT+ survivors.
- Ensure migrant women have equal access to support to escape abuse and can access statutory services without fear of immigration enforcement. This includes:
 - Full ratification of the Istanbul Convention, ensuring the gold standard framework for addressing VAWG underpins the next government's work; removing reservations on Articles 44 and 59.
 - Introduction of a complete firewall to stop data-sharing between statutory agencies and immigration enforcement to enable victims to come forward to report abuse and access help.
 - End the hostile environment, including scrapping the No Recourse to Public Funds policy^{67,68}, National Health Service (NHS) charging systems, and right to rent.
 - Build an asylum system based on belief, compassion and support, including the repeal of harmful legislation which punishes people seeking safety in the UK, such as the 'Illegal' Migration Act, the damaging provisions in the Nationality and Borders Act, and the Rwanda plan.
 - End the use of immigration detention which harms and re-traumatises women seeking safety.
 - Please also see recommendations under article 59 and 60.
- Introduce Valerie's Law for mandatory cultural competency training for professions around the cultural nuances and barriers, colloquialisms, languages and customs that make up the diverse black community, as called for by Sistah Space.⁶⁹
- Full inclusion for D/deaf and disabled survivors' experiences and needs into the VAWG response, and the recommendations of the Communication Barriers Working Group report to be implemented in full.⁷⁰
- Bring forward a comprehensive ban on so-called "conversion therapy" - a form of gender-based violence that includes domestic abuse, so-called honour-based abuse, trafficking and forced marriage.⁷¹ To be effective, this must include:
 - Protection for everyone in the LGBTQ+ community, including trans, non-binary and gender diverse people and people on the asexual and aromantic spectrums.

https://assets.ctfassets.net/zsfivwzfgl3t/6qMpiSDmePxz1YiYdwmtOc/84a18937cd7141386d60ac79e6984a01/Supporting_Sustaining_Specialism_Final_Evaluation_Report.pdf.

⁶⁷ Southall Black Sisters, 'Support for Migrant Victims Fund Evaluation', 2023. Available online: <https://southallblacksisters.org.uk/news/support-for-migrant-victims-fund-evaluation/>.

⁶⁸ Southall Black Sisters, 'The Domestic Abuse Bill: Migrant Women Briefing Paper 2', 2020. Available online: <https://southallblacksisters.org.uk/app/uploads/2023/05/da-bill-briefing-paper-2.pdf>.

⁶⁹ Sistah Space, 'Valerie's Law', n.d. Available online: <https://www.sistahspace.org/new-page-2>.

⁷⁰ Joint VAWG Sector Organisations, 'Listen to Us! How Communication Barriers: How Statutory Bodies are Failing Black, Minoritised, Migrant, Deaf and Disabled Women and Girls Victims/Survivors of VAWG', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/04/Listen-to-us.pdf>.

⁷¹ Galop, 'There was nothing to fix': LGBT+ survivors' experiences of conversion practices', 2022. Available online: <https://galop.org.uk/wp-content/uploads/2023/01/Galop-Conversion-Practices-Report-Jan-2023.pdf>.

- No ‘consent loophole’ in law for those over the age of 18.⁷²
- A definition that covers conversion practices that include religious practices and those that are currently existing offences.

Article 5 – State obligations and due diligence

Under Article 5.1 parties are prohibited from perpetrating VAWG and must ensure that state agencies and officials act in conformity within this obligation. However, in recent years we have seen the scale of misogyny, racism and police perpetrated abuse against women revealed.⁷³ Women and minoritised communities’ trust in the police is at historically low⁷⁴⁷⁵⁷⁶ and for good reason.⁷⁷⁷⁸ VAWG organisations have long spoken out about a culture of misogyny and racism in the police that masks and enables police perpetrators to abuse their position of power and creates an environment in which this behaviour is normalised and institutionalised. This has now been evidenced by numerous official reviews.⁷⁹⁸⁰ We have seen these concerning realities mirrored in other reviews of institutions from the fire service⁸¹ to the military⁸² and politics.^{83 84} We have also seen abuse experienced by those in the care system and mental health system by state actors. For example, following a freedom of information request the NHS released data documenting 35,606 “sexual safety incidents” between 2017 and 2022, with three-quarters of the reports (26,434) made in mental health trusts, and nearly 2,500 of the alleged incidents of sexual violence and misconduct perpetrated by staff between 2017 and 2022, with three-quarters of the reports (26,434) made in mental health trusts, and nearly 2,500 of the alleged incidents of sexual violence and misconduct perpetrated by staff.⁸⁵

⁷² The Government consultation on the proposed ban on conversion practices suggested that the Act would make any cases against under 18s illegal but would not criminalise conversion practices in those over the age of 18 who had “consented” to what happened to them. This would create an example in British law where it is possible to consent to abuse as an adult and does not take into account how coercive control and the risk of familial or community ostracisation plays into many of these cases.

See Galop, ‘Conversion Therapy Ban: Consultation Response’, 2021. Available online: <https://galop.org.uk/wp-content/uploads/2022/02/Galop-response-redacted-for-website.pdf>.

⁷³ College of Policing and the National Police Chief’s Council, ‘Review of themes, learnings and recommendations on police-perpetrated violence against women and girls’, 2022. Available online: <https://cdn.prgloo.com/media/07786b4ff5d848f88a22366aa7205b2f.pdf>.

⁷⁴ Baroness Casey of Blackstock, ‘An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service’, 2023. Available online: <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf>.

⁷⁵ HMICFRIS, ‘An inspection of vetting, misconduct, and misogyny in the police service’, 2022. Available online:

<https://hmicfrs.justiceinspectorates.gov.uk/publications/an-inspection-of-vetting-misconduct-and-misogyny-in-the-police-service/>.

⁷⁶ Centre for Women’s Justice, ‘Police Super Complaint: Failure to address police perpetrated domestic abuse’, 2020. Available online:

<https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/5e65fd0ba29cd069c4f3ca3c/1583742221663/super-complaint2+report.FINAL.pdf>

⁷⁷ You Gov, ‘Trust in the police has fallen amongst ethnic minority Britons’, 2021. Available online: https://yougov.co.uk/politics/articles/40005-trust-police-has-fallen-amongst-ethnic-minority-br?redirect_from=%2Ftopics%2Fpolitics%2Farticles-reports%2F2021%2F12%2F15%2Ftrust-police-has-fallen-amongst-ethnic-minority-br.

⁷⁸ End Violence Against Women Coalition, ‘Almost half of women have less trust in police following Sarah Everard murder’, 2021. Available online: <https://www.endviolenceagainstwomen.org.uk/almost-half-of-women-have-less-trust-in-police-following-sarah-everard-murder/>.

⁷⁹ College of Policing and the National Police Chief’s Council, ‘Review of themes, learnings and recommendations on police-perpetrated violence against women and girls’, 2022. Available online: <https://cdn.prgloo.com/media/07786b4ff5d848f88a22366aa7205b2f.pdf> and HMICFRIS, ‘An inspection of vetting, misconduct, and misogyny in the police service’, 2022. Available online:

<https://hmicfrs.justiceinspectorates.gov.uk/publications/an-inspection-of-vetting-misconduct-and-misogyny-in-the-police-service/>.

⁸⁰ Baroness Casey of Blackstock, ‘An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service’, 2023. Available online: <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf>.

⁸¹ Afzal, N., ‘Independent Culture Review of London Fire Brigade’, 2022. Available online: <https://www.london-fire.gov.uk/media/8183/independent-culture-review-of-lfb-report.pdf>.

⁸² Ministry of Defence, ‘Wigston Review into inappropriate behaviours’, 2019. Available online: <https://www.gov.uk/government/publications/wigston-review-into-inappropriate-behaviours>.

⁸³ White QC, G., ‘Bullying and Harassment of MPs’ Parliamentary Staff: Independent Inquiry Report’, 2019. Available online: https://www.parliament.uk/globalassets/documents/Conduct-in-Parliament/GWQC-Inquiry-Report-11-July-2019_.pdf.

⁸⁴ Channel 4, ‘Exclusive: Scale of misconduct in Westminster revealed’, 2022. Available online: <https://www.channel4.com/news/exclusive-scale-of-misconduct-in-westminster-revealed>.

⁸⁵ The Guardian, ‘NHS England mental health trusts record 26,000 sexual abuse incidents’, 2023. Available online: <https://www.theguardian.com/society/2023/may/23/nhs-england-mental-health-trusts-record-26000-sexual-abuse-incidents#:~:text=Three%2Dquarters%20of%20the%20reports,is%20easier%20to%20hide%20abuse.>

Recommendations:

- Ensure each police and crime area has independent and specialist VAWG service for survivors of police-perpetrated abuse.
- Introduce more robust police vetting and suspension pending investigation for all officers charged with VAWG-related misconduct
- Introduce a bespoke reporting mechanism of victims of police perpetrated abuse and ensure investigations are conducted independently from the police force complained of.

Article 6 – Gender-sensitive policies

As previously noted, there are major concerns to the extent to which the government is seeking to address gender inequality and in cases exacerbate such inequalities (please see our response to Article 4.2), and to tackle discrimination (see response to Article 4.3). We have also evidenced a series of other issues relevant to this Article - for example, concerns around gender-neutral commissioning of service provision in our response to Chapter 4. A gendered, intersectional framework is essential if the UK Government's actions are to effectively tackle perpetrators of VAWG and meet the needs for women and girls. Such a framework also creates an understanding of the context of patriarchy, of the link between gender inequality and VAWG, and therefore also the gender-based violence experienced byGBT+ men and non-binary people.

Recommendation:

- Ensure the Public Sector Equality Duty and equality impact assessments are routinely used by national government and local authorities and other statutory agencies, to ensure that women are treated equally in all decision-making processes that affect them, including taking into consideration any intersecting protected characteristics.

Chapter Two: Integrated policies and data collection

Article 7 – Comprehensive and coordinated policies

We welcome the ambition of the current 2021-2025 VAWG Strategy in England, the fact that it covers prevention, the provision of support, pursuing perpetrators and a comprehensive, multi-agency response. Many specialist VAWG organisations did, however, raise significant concerns with the government's decision to 'separate' domestic abuse from this comprehensive strategy in 2021. We highlighted that this would undermine a gendered understanding of domestic abuse and artificially separate it from wider forms of overlapping and intersecting forms of VAWG.

In particular, as noted in a briefing by Southall Black Sisters⁸⁶, organisations led by and for Black and minoritised women emphasised how disconnecting the two strategies was a regressive step which failed to recognise that Black and minoritised women were disproportionately likely to experience forms of VAWG such as forced marriage and so-called honour-based abuse, which very often occur in a domestic setting. The VAWG sector was concerned that different individual strategies for different forms of VAWG risked widening inequalities and undermining the integrated responses required by the Istanbul Convention and CEDAW. We are similarly concerned about the fact that other connected strategies within government, statutory agencies and local authorities do not adopt a gendered, human rights-based approach to VAWG. Across England we continue to see 'gender neutral' domestic abuse strategies and a lack of a holistic, joined up response to VAWG.

Whilst the cross-government VAWG strategy includes a range of commitments from different government departments, we are concerned that there remains the lack of meaningful accountability and action required for a truly cross-government approach. As the government response to GREVIO notes, only 30% of the commitments in the VAWG Strategy have been delivered. Unlike Wales, the Westminster government has not published their implementation and outcome indicators for the VAWG Strategy or Tackling Domestic Abuse Plan. The gaps in the cross-government approach were laid bare during the COVID 19 pandemic, when despite clear evidence that VAWG would be exacerbated during this time, there was a serious lack of coordinated action to ensure VAWG was factored into the pandemic response.⁸⁷

We are particularly concerned by the lack of commitment and implementation by departments which are critical to prevention, early intervention and responding to women and children experiencing violence and abuse – such as the Department for Education and Department for Health and Social Care, as outlined in our response to Articles 14 and 20. There are also a number of programmes currently implemented across government which fail to acknowledge the strong likelihood of engagement with survivors and have had a concerning lack of VAWG expertise in their development, such as the Reducing Parental Conflict Programme (led by the Department for Work and Pensions) and the Families First For Children programme (led by the Department for Education).

Further, whilst national government has delivered welcome commitments and measures to tackle VAWG in recent years, implementation of these remains a serious concern. For example,

⁸⁶ Southall Black Sisters, 'SBS and women's organisations are alarmed by Government's dual strategy on VAWG', 2021. Available online: <https://southallblacksisters.org.uk/news/sbs-and-womens-organisations-alarmed-by-government-dual-strategy-vawg/>.

⁸⁷ End Violence Against Women Coalition, 'Covid 19 Response', 2021. Available online: <https://www.endviolenceagainstwomen.org.uk/campaign/covid-19-response/>.

the Home Office published the National Statement of Expectations for VAWG services in 2016, updated in 2022, which aims to outline the actions local areas should take to ensure victims of VAWG can access the right help and support⁸⁸. However, this document remains guidance only and there is no review, accountability mechanism or sanction available when it is not followed.

Similarly, the government's response states that 'almost all of the provisions' in the DA Act 2021 have been implemented, yet the VAWG sector continues to highlight the gap between enacting provisions of the law and true implementation. For example, the Act banned the abhorrent practice of 'cross examination' of victims of domestic abuse by their perpetrators within the family courts. However the ban relies on sufficient training and funding to enable lawyers to become Qualified Legal Representatives and undertake cross examination. The President of the Family Division has stated that the Ministry of Justice has been "*unable to attract anything like sufficient numbers of advocates to act as a QLR in individual cases.*"⁸⁹ VAWG organisations have highlighted that without oversight and scrutiny of the implementation of these commitments, women are left unprotected, terrified and subject to further abuse.⁹⁰

In Wales, the Welsh Government implemented the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 alongside the VAWDSV Strategy, which is due to be renewed in 2026. This was a long-awaited document for survivors and organisations that support survivors within Wales. Welsh Government's ambition of making Wales 'the safest place to be a woman' is a bold one when we consider the reality of epidemic rates of violence and abuse that far too many are experiencing - such as many migrant survivors, who are still unable to access even fundamental levels of sanctuary and safety. We are pleased that the Strategy acknowledges that violence against women is a whole society issue and that if we want to eliminate it, cultural change is needed with the onus of responsibility taken off women and girls modifying their actions and placed on those perpetrating toxic, misogynistic and dangerous behaviour. The Strategy acknowledges a public health approach, but there needs to be assurances from the Health Boards that ongoing training is completed.

We are disappointed to see a lack of commitment and energy given to seeking a Welsh solution for migrant survivors who have NRPF. While this Strategy emphasises the government's ongoing ambition for Wales to be "the safest place in Europe for everyone", this appears to stop short of providing safety for some of the most vulnerable individuals within our society. While Wales is proud of its status as a Nation of Sanctuary, this particular group of survivors continue to be in the margins of the conversation.

Article 8 – Financial resources

Funding for VAWG

The government's response details the central government funding commitments for VAWG within England, stating that: funding for domestic abuse between 2022-25 totals £230 million, and funding for victim and witness support services from the Ministry of Justice totals £147 million per year between 2022-23 and 2024-25 – including funding for community based

⁸⁸ Home Office, 'Violence Against Women and Girls - National Statement of Expectations', 2022. Available online:

https://assets.publishing.service.gov.uk/media/6244459dd3bf7f32a93d3b76/National_Statement_of_Expectations_2022_Final.pdf.

⁸⁹ President of the Family Division, 'A View from The President's Chambers', 2023. Available online: <https://www.judiciary.uk/guidance-and-resources/a-view-from-the-presidents-chambers-july-2023/>.

⁹⁰ Women's Aid Federation of England, 'Charities urge Justice Secretary Dominic Raab to guarantee better protection for women in Family Courts', 2023. Available online: <https://www.womensaid.org.uk/charities-urge-justice-secretary-dominic-raab-to-guarantee-better-protection-for-women-in-family-courts/>.

domestic abuse and sexual violence services and advocacy roles. The government response does not indicate what percentage of the total state budget this amounts to - we estimate it is 0.02% of current UK government spending.⁹¹

While it is not always clear how and when this funding is allocated within the Plan, or how funding is divided between England and Wales, some information has been made publicly available since the implementation of the VAWG Strategy and Tackling Domestic Abuse Plan from 2022-25:

- In 2022, the Home Office awarded over £17 million to programmes across England and Wales to support children affected by Domestic Abuse, with over £10 million being awarded through the Children Affected by Domestic Abuse (CADA) fund and over £7 million under the What Works to Prevent Violence Against Women and Girls Fund. Over £2.5 million of this total funding was awarded directly to organisations in Wales.
- The Home Office committed to a £3 million multi-year campaign aimed at creating long-term behaviour change. The campaign, called 'Enough' launched in March 2022, and supported the roll out of a 24/7 Rape and Sexual Abuse Support Line launched in 2022, delivered by Rape Crisis England and Wales supported by the Live Fear Free Helpline in Wales.
- In March 2023, the UK Government announced £300,000 of funding as part of the Tackling Domestic Abuse Plan, which will be made available for one-off payments for survivors fleeing abuse in England and Wales (see our response to Article 20 for further details.)
- In 2022, the Government committed to a further two years of funding for the statutory duty on local authorities to deliver support in safe accommodation for victims of domestic abuse; £127.3 million in 2023/4 and £129.7million in 2024/25.
- In July 2023, an extra £8.3 million was announced to fund frontline services in England and Wales as well as specialist support projects through the VAWG Specialist and Support Services Fund, building on commitments made in the Plan and the Strategy.
- £27.7 million for projects to improve the safety of women in public spaces.
- Through the Tackling Domestic Abuse Plan, the Home Office is providing £75 million from 2023-25 to invest in and evaluate perpetrator interventions such as the Drive Project.
- The Ministry of Justice funds a Rape and Sexual Abuse Support Fund (RASASF) which provides support to survivors of rape and sexual abuse in England and Wales through the Victims and Witnesses Funding Programme. Between 2019 and 2022, this totalled £24 million and included services in Wales. In 2023, this fund was renewed to the total of £26 million.

Beyond the scope of the VAWG Strategy and Tackling Domestic Abuse Plan, the UK Government Victims Funding Strategy contains £440 million from 2021-24 for core victim support services. This covers funding allocated to Police and Crime Commissioners (PCCs) in England and Wales as well local authorities, some of which is then allocated to VAWG services. This does not include direct funding for specialist VAWG services in Wales, and it is unclear how much of this funding as a percentage is allocated to VAWG explicitly or directly to Wales,

⁹¹ The spring budget 2023 confirms that total UK government spending was expected to be 1,189 billion. See HM Treasury, 'Spring Budget 2023, 2023. Available online: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144441/Web_accessible_Budget_2023.pdf.

but research does show that funding allocated to VAWG services by commissioners is relatively small, with half of funding being less than £50,000.⁹²

Funding from Welsh Government

The majority of Welsh government funding comes from a block grant from the UK Treasury, the amount of which is calculated using the Barnett formula with adjustments made to reflect tax and welfare devolution in Wales (and Scotland). In December 2021,⁹³ this was set at £18 billion per year for the next three years. The UK government have said this system is not perfect⁹⁴. Any remaining monies are raised from devolved taxes and limited borrowing power.

The Welsh Government VAWDASV team use this money to fund regional VAWDASV teams and specialist services. This includes services that provide lifesaving, first-response support directly to survivors as well as early intervention and prevention, perpetrator programmes, public awareness and education, Independent Domestic and Sexual Violence Advocates (IDVAs and ISVAs) and training through the National Training Framework.

In 2021-22, the Welsh Government VAWDASV Budget was £7.825 million in revenue and £2.2 million in capital, in 2022-23 it was £8.005 million and £2.2 million in capital. It remained at this level in 2023-24 and indicative projections for 2024-25 suggest it is to stay the same, although the Welsh Government is currently consulting ahead of the draft budget, which is due to be published in December 2023. In 2019, Welsh Government published statutory guidance⁹⁵ for the commissioning of VAWDASV services to support high-quality, collaborative commissioning of specialist and non-specialist services.

In 2022, the Welsh Government announced⁹⁶ their intention to establish a last resort crisis fund for survivors with NRPF, however, when scrutinising the 2023-24 Welsh Government budget, the Equality and Social Justice committee noted⁹⁷ that no dedicated budget has been allocated to the fund, with the Minister for Social Justice confirming it will be paid for out of the already extant VAWDASV Budget. There are concerns that the lack of additional, dedicated resource for this Fund undermines migrant survivors' access to timely and adequate support.

Cross-directorate funding for VAWDASV also comes from the Housing Support Grant, financed by Welsh Government. This contains a dedicated fund directed at supporting victims who are fleeing domestic abuse to obtain and retain housing. In 2022-23, Welsh Government funding for this was £166 million, and the level was maintained in 2023-24.

Other Sources of Funding

Quantifying support provided by other sources of income such as charitable grants is much more difficult across the UK. However, a recent report⁹⁸ by the National Lottery Community Fund, Esmeé Fairbairn Foundation, and Rosa found that income data for women and girls' charities across the UK indicated £1.3 billion of income from charitable grants for the sector in

⁹² The Domestic Abuse Commissioner, https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Suivivors_Long-Policy-Report_Nov2022_FA.pdf

⁹³ HM Treasury, Block Grant Transparency, December 2021

⁹⁴ HL5383, Question for HM Treasury: Public Expenditure

⁹⁵ Welsh Government, Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Statutory Guidance for the Commissioning of VAWDASV Services in Wales, 2019.

⁹⁶ Welsh Parliament Equality and Social Justice Committee, Gender Based Violence – the needs of migrant women, 2022.

⁹⁷ Welsh Parliament Equality and Social Justice Committee, Welsh Government Draft Budget 2023-24, February 2023

⁹⁸ Rosa, 'Mapping the UK Women and Girls Sector and its Funding: Where Does the Money Go?', 2023. Available online: <https://rosauk.org/wp-content/uploads/2023/04/Women-and-Girls-Sector-Research-Mapping-Report-Amended.pdf>.

the financial year ending 2021, accounting for just over 2% of total UK charity income. Data on sources of income is only available for charities in England and Wales with an annual income over £500k. Of these, the majority of funding (71%) comes from fees and contracts for charitable activities, with 23% coming from donations, grants, and legacies. Notably, just over half the recorded grants awarded to women and girls organisations were worth under £10,000, a lower percentage than for other organisations in general (57%). Further, the mean grants awarded for women and girls organisations was significantly lower (an average of £40,804) when compared with all charitable organisations (£73,217).⁹⁹

To conclude, women's and girls' organisations receive a smaller proportion of charitable funding and when they do receive charitable income, it is for a smaller monetary value when compared with all charitable organisations. Notably, VAWG organisations were the most reliant on government funding, and received the largest amount of this overall, with the Ministry of Justice being the most frequently named funder, awarding 26 contracts in the 2020-21 financial year, mostly for VAWG and health-related services.¹⁰⁰ In the Welsh context, this report found that Wales has the fewest registered women and girls' charities per head of population than all of the UK home nations, and that the amount of charities registered differs regionally.

How funding is delivered

Our organisations wish to highlight three key concerns with funding for VAWG in England and Wales - firstly that there is a lack of transparency in the level of public sector investment in responding to VAWG, secondly that funding is short-term and insufficient, and thirdly that the way in which funding is delivered (often through competitive procurement processes) does not work effectively for specialist VAWG services. We also wish to note that wider reductions in public spending since the global financial crisis ('austerity measures') have had severe implications for survivors of VAWG and our organisations are supporting women and children experiencing high levels of deprivation, hardship and poverty.

Transparency

Statutory funding for VAWG in England and Wales includes:

- central government funding pots for VAWG services which are distributed by local authorities in England;
- central government funding pots for VAWG services which are distributed by Police and Crime Commissioners (PCCs) in England and Wales;
- central government block grant funding to Wales, which is allocated to regional VAWDASV teams and specialist services;
- wider central government funding to public services in England, such as the local government revenue support grant, core funding for PCCs, and health funding, of which it is not clear how much is spent on VAWG services or responses;
- central government funding directly awarded to national VAWG organisations, such as for helplines or specific projects;
- one off national funding pots which are open to both local and national organisations to bid for, such as the recent VAWG Support and Specialist Services fund.

In particular, funding that is devolved to local commissioners is not accompanied with robust reporting or monitoring requirements, and it is therefore not possible to monitor or assess local

⁹⁹ Rosa, 'Mapping the UK Women and Girls Sector and its Funding: Where Does the Money Go?', 2023. Available online: <https://rosauk.org/wp-content/uploads/2023/04/Women-and-Girls-Sector-Research-Mapping-Report-Amended.pdf>.

¹⁰⁰ Rosa, 'Mapping the UK Women and Girls Sector and its Funding: Where Does the Money Go?', 2023. Available online: <https://rosauk.org/wp-content/uploads/2023/04/Women-and-Girls-Sector-Research-Mapping-Report-Amended.pdf>.

spending accurately. In particular it is not possible to know which type of organisations are funded by local commissioners – whether it is specialist women’s VAWG services, specialist by and for VAWG services, generic organisations who provide domestic abuse services, or statutory agencies, such as local authorities.

Understanding which organisations receive this funding is critical, as survivors continue to report poor responses from public services, and specialist women’s domestic abuse services and by and for services have unique expertise, knowledge and a proven track record in supporting women and children experiencing domestic abuse. The distinction between specialist and generic services for VAWG is recognised in Article 22 of the Convention, yet in England it is often impossible to determine which are receiving public funding.

Funding is short-term and inadequate

The specialist VAWG sector, most acutely by and for organisations, continue to face a funding crisis, resulting in a postcode lottery of support for women and girls who are being turned away daily at the point of need. The rising costs of living, the continued aftermath of the COVID-19 pandemic and an increase in the complexities of cases is having severe impacts on survivors of VAWG and the sustainability of the specialist VAWG sector. This is evident in the fact that:

- Domestic abuse services led by and for Black and minoritised women in England and Wales are five times less likely to receive statutory funding than other support services.¹⁰¹
- 14,000 victims and survivors are currently waiting for a Rape Crisis service.¹⁰²
- In 2021-22, Women’s Aid estimated that 61.6% of all the referrals received by women’s refuge services in England were rejected¹⁰³ and the most common challenge cited by local domestic abuse services was funding.¹⁰⁴
- Of the 1,542 survivors who were referred into refuge services in Wales in 2022-23, 39% (n=609) were supported whilst 46% (n=712) of survivors were not able to be supported for reasons such as availability of space, safety, and individual needs. A further breakdown reveals that of those refused space and where data on refusal reason was recorded (590) 28% (n=164) were due to the refuge being at full capacity.¹⁰⁵

Funding is rarely allocated beyond one to two year periods, which severely limits the sector’s ability to recruit and retain staff or plan ahead. Further details of the funding crisis facing specialist VAWG services is provided in the response to Article 22.

Procurement

Despite the fact that government guidance¹⁰⁶ makes clear that grant funding and partnership approaches are best practice when funding VAWG services, at local and regional level specialist VAWG services are typically funded through procurement processes. These force life-saving women’s services to compete in an ‘open market’ to access funding. Too often, we see procurement processes which judge organisations on cost over quality - despite the fact they

¹⁰¹ Domestic Abuse Commissioner, ‘A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales’, 2022. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf.

¹⁰² Rape Crisis England & Wales, Summary of Member Centre 2021 - 2022 Rape and Sexual Abuse Support Fund, August 2023.

¹⁰³ Women’s Aid Federation of England, ‘The Domestic Abuse Report 2023: The Annual Audit’, 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>.

¹⁰⁴ Women’s Aid Federation of England, ‘The Domestic Abuse Report 2023: The Annual Audit’, 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>.

¹⁰⁵ Welsh Women’s Aid, ‘Annual Membership Report 2022-23’, forthcoming.

¹⁰⁶ Home Office, ‘Violence Against Women and Girls Commissioning Toolkit’, 2022. Available online: https://assets.publishing.service.gov.uk/media/624445d6d3bf7f32b080fdb/VAWG_Commissioning_Toolkit_2022_Final.pdf.

have the expertise and track record in supporting women and children who've experienced violence and abuse. Local authorities and PCCs also often want 'one provider for all victims' in their area – an approach which disadvantages services which are specifically designed for women, particularly those that deliver support led by and for Black and minoritised women and other marginalised groups.

These commercial processes put specialist VAWG services at a severe disadvantage; they are competing against large organisations with marketing and bid writing teams and are forced to spend huge amounts of time and resource on procurement processes – rather than delivering life-saving support. We are clear that without urgent action to reform the use of procurement and competitive tendering for specialist VAWG services, the sector will be at severe risk.

Recommendations:

- Deliver a secure, national multi-year funding settlement for the specialist VAWG sector, that is accessible to these services:
 - This must ensure all forms of service provision for survivors, children and young people and perpetrators are resilient for the future.
 - It must provide equity of provision for survivors across the UK nations and be delivered by all government departments responsible for VAWG.
 - It must include national ring-fenced funding for specialist services led by and for Black and minoritised women, D/deaf and disabled women and LGBT+ survivors.
- Systematic reform of the current competitive funding and commissioning landscape to ensure the specialist VAWG sector can fairly access funding. This requires:
 - Returning to long-term grant funding for VAWG provision.
 - Ensuring that all commissioning processes are proportionate, end competitive tendering where it is not required.
 - Ensuring all VAWG funding and commissioning processes recognise and value specialist support provision as required under the Istanbul Convention.
 - Guaranteeing that local funding processes adhere fully to the Equality Act and the Public Sector Equality Duty.
 - Adopting established quality standards in the VAWG sector as the basis for funding.
 - Ensuring that funding for VAWG organisations supports the full running costs of services, makes provision for cost of living increases over the funding period and allows for the remuneration of staff that reflects their specialist knowledge and skills.

Article 9 – Non-governmental organisations and civil society

The government's response outlines the regular engagement opportunities it holds with stakeholders to tackle VAWG. Specialist VAWG organisations welcome these opportunities to engage with ministers and civil servants on the delivery of the VAWG strategy and the challenges facing survivors and the sector; such meetings are well attended by our organisations. We also work closely with the Domestic Abuse and Victims Commissioners in

England and Wales, and the Welsh Government VAWDSV Advisers in Wales. We consider that our expertise is recognised within the government departments leading on VAWG, namely the Home Office, Ministry of Justice and Department for Levelling Up, Housing and Communities. However, as noted in the response to Article 7, other areas of government fail to engage properly with the VAWG sector when developing policies and programmes that have significant impacts on survivors.

We do also have serious concerns that whilst our views and expertise is regularly sought by the government, this is rarely fully inclusive and accessible to all services or specialist support services. Organisations such as Stay Safe East, a specialist service led by and for disabled women in London, have long highlighted that government engagement methods, particularly from the Home Office, are inaccessible. Consultation papers and other materials are not consistently produced in easy read format, or available in British Sign Language or other commonly spoken languages, or only when requested. The timeframes often required by the government also mean that specialist organisations, and particularly by and for services are unable to meaningfully consult with their staff or survivors and therefore provide their expertise.

The VAWG sector is also rarely supported with the capacity or resources to be able to effectively undertake the level of consultation and engagement that is requested of us. We are rarely, if ever, compensated for our time or expertise in consultation or engagement processes despite being asked to regularly attend multiple government and agency advisory groups for our insight. This is a particular barrier for smaller, specialist by and for VAWG services. As noted in the introduction, our organisations received no funding or support from government with this shadow reporting process.

Finally, we note that consultation with the VAWG sector rarely delivers the changes and recommendations our organisations advocate for. For example, despite the unified and repeated calls of our organisations to ensure migrant women can access equal protection and support the government continues reject any meaningful reform in this area - further detail on this is provided in our response to Chapter 7.

The Welsh Government does include Welsh Women's Aid and other specialist VAWG services on all elements of the VAWDASV Blueprint Workstream, as well as a Survivor Voice Scrutiny and Involvement Panel which informs the delivery of the VAWDSV strategy. However, with the exception of the National Expert Steering Group for Domestic Abuse Safe Accommodation, specialist VAWG organisations have a very limited accountability or oversight role for the response to VAWG in England. Minutes of the VAWG Ministerial Steering Group mentioned in the government response are not publicly available and we are unclear what decisions are made in this forum. Unlike in Scotland and Wales, the Westminster government has not included specialist VAWG organisations on a national steering or oversight group for VAWG. In our experience, this is often replicated at local level, with specialist VAWG services not consistently included in local or regional oversight bodies for VAWG.

Recommendations

- Establish robust cross-government and agency mechanisms for accountability and action on VAWG, at ministerial, civil service and local levels, which include representatives from the specialist VAWG sector and by and for organisations. Such groups should meet regularly, review

the implementation and progress of action to tackle VAWG, and minutes and actions of meetings should be made public.

- Ensure all government and statutory agency consultation and engagement processes for VAWG are fully inclusive and accessible to all survivors and specialist organisations, and ensure sufficient time, capacity and resources for engagement are provided.

Article 10 – Co-ordinating body

We note that the government response states that the Home Office is the coordinating body for the Convention. As stated in our response to Article 9, we have concerns about the effectiveness of the current cross-government approach to VAWG and whether the Home Office has the mechanisms required to monitor and evaluate the implementation of the Convention across departments, agencies and local areas. It is notable that the government has not provided any information on the budget and human resources within the Home Office for coordinating and implementation of the Convention, or how it engages with the specialist VAWG sector to do so.

Article 11 – Data Collection & Research

Criminal justice system

The government response lists data publications relating to domestic abuse, most of which concern criminal justice system data. We consider there to be three main issues with criminal justice system data on VAWG: it is not transparent, it is not comparable and it is not consistently disaggregated.

On the first point, the Government's 2021 Rape Review committed to creating accountability through data transparency.¹⁰⁷ The Criminal Justice Dashboards (formerly scorecards) were actioned but have gone through various iterations since. There continues to be some very significant issues with transparency, as the data displayed on the dashboards speak to multiple data sets, some of which are publicly available, many of which are not. It has been observed that at some points there has been additional data included, only to be removed later. It remains very challenging to use the data effectively, in order to have a better understanding of the proportion of police-reported rapes.¹⁰⁸ As the data produced impacts on commissioning decisions around service provision, it is essential to be able to understand its source, usefulness and accuracy.

On comparability, the same information is not being collected in the same way and there is no national requirement to do so. Official statistics relating to crime and policing are maintained by the Home Office and Office for National Statistics. Official statistics relating to criminal courts including caseload, timeliness, convictions and sentencing outcomes are maintained by the Ministry of Justice. Crown Prosecution Service data is operational management information.

¹⁰⁷ Ministry of Justice, 'End-to-End Rape Review Report on Findings and Actions', 2021. Available online: <https://www.gov.uk/government/publications/end-to-end-rape-review-report-on-findings-and-actions>.

¹⁰⁸ Centre for Women's Justice, End Violence Against Women Coalition, Imkaan and Rape Crisis England and Wales, 'Government's 'End-to-End' Rape Review – Two Years On', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/06/RapeReviewReport-160623FINAL.pdf>.

Across these agencies, data is broken down by different geographic regions and is not collected consistently. In particular, not all data collected includes the sex and age of the victim and perpetrator and the relationship between them: key, internationally recommended, requirements for effective data collection. This means there is no consistent way of monitoring convictions, sentences and reporting, and no way of tracking a case through the system from report to court.

On disaggregation, not all publications break down data by sex, age and ethnicity, and none of the sources mentioned in the government response break data down by disability, sexuality, gender identity, migration status and relationship. This is concerning because many decades of evidence from the specialist VAWG sector shows that women from Black, minoritised and marginalised communities have a disproportionately negative experience of the police, courts and justice system and face multiple barriers at an individual, institutional and community level.¹⁰⁹ This could lead to women from marginalised communities being less likely to report VAWG to the police and more likely to drop out of the criminal justice system.

Specialist VAWG organisations have therefore recommended that government fund research to better understand who does and does not access the criminal justice system, and to further investigate the experiences of Black, minoritised and marginalised women's experience of criminal justice interventions. In order to make progress towards addressing such disparities, data must allow us to identify what, how and where inequalities manifest across the protected characteristics before, during and after survivor interactions with the criminal justice system. Rape Crisis, Centre for Women's Justice, Imkaan and EAW have therefore called for these research findings to inform the development of separate and specific equalities-based scorecards to run in parallel with the rape scorecards (now known as data dashboards). They also recommended a parallel investigation of what rape and sexual abuse survivors actually want from the justice system, from other agencies, and their communities. None of these calls have been taken forward to date.¹¹⁰

Wider data collection

Beyond the criminal justice system, data on VAWG is limited. For example, the Ministry of Justice Harm Panel in 2020 highlighted that the family justice system does not collect consistent and comprehensive administrative data, which hinders understanding of how domestic abuse, child sexual abuse and other safeguarding concerns are raised and addressed in the family courts.¹¹¹ Following this report, the government agreed that the Domestic Abuse Commissioner would maintain oversight of and report regularly on the family courts' performance in protecting children and victims from domestic abuse and other risks of harm in private law children's proceedings.¹¹² However, three and a half years on from this, the pilot is only just commencing and several HMCTS datasets needed for the monitoring do not yet exist.¹¹³

¹⁰⁹ Centre for Women's Justice, End Violence Against Women Coalition, Imkaan and Rape Crisis England and Wales, 'Government's 'End-to-End' Rape Review – Two Years On', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/06/RapeReviewReport-160623FINAL.pdf>

¹¹⁰ Centre for Women's Justice, End Violence Against Women Coalition, Imkaan and Rape Crisis England and Wales, 'Government's 'End-to-End' Rape Review – Two Years On', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/06/RapeReviewReport-160623FINAL.pdf>

¹¹¹ Ministry of Justice, 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Final Report', 2020. Available online: <https://consult.justice.gov.uk/digital-communications/assessing-harm-private-family-law-proceedings/results/assessing-risk-harm-children-parents-pl-childrens-cases-report.pdf>

¹¹² Ministry of Justice, 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Implementation Plan', 2020. Available online: <https://consult.justice.gov.uk/digital-communications/assessing-harm-private-family-law-proceedings/results/implementation-plan-assessing-risk-children.pdf>

¹¹³ Ministry of Justice, 'Government response: Domestic abuse and the Family Court: Achieving cultural change', 2023. Available online: <https://www.gov.uk/government/publications/government-response-domestic-abuse-and-the-family-court-achieving-cultural-change>

In social security policy, too, there are key gaps in understanding how social security does or does not work for survivors of VAWG. It is not clear that DWP collects data on the sex or gender of Universal Credit claimants. Given the damning conclusions of the UN Special Rapporteur on Poverty – “if you got a group of misogynists in a room and said how can we make this system work for men and not for women they would not have come up with too many ideas that are not already in place”¹¹⁴ – it is very worrying that fundamental data collection needed to ensure adequate equalities monitoring seems not to be in place.

As a result of responsibility for VAWG being increasingly devolved to local areas, there is a lack of consistent and comparable official data collected on specialist service provision and survivor outcomes. Much of the data held on VAWG is collected and published by specialist VAWG services. As data impacts on needs assessments and commissioning decisions for service provision, it is essential to be able to get sufficient detail for it to be useful, accurate and comparable. National leadership from the government to ensure the collection of comparable data on VAWG at local level is critical. Central government, the devolved government in Wales and local commissioners should engage in active examination of the data available, and the valuable data held by national and local charities.

In terms of examples of best practice, we would highlight the following:

- The Department of Levelling Up, Housing and Communities funds Women’s Aid to collect the national data set on refuges and community-based services, which gives deep insight into the characteristics and needs of the survivors using these services.
- The Domestic Homicide Project, set up during Covid-19, to interrogate the data on domestic homicides¹¹⁵ delivers insights related to victim suicides and homicide victims with protected characteristics, in particular, and gives recommendations for improving the prevention and investigations of domestic homicides.
- The funded and independently commissioned research for the Rape Review covers the support needs of disabled adult survivors of sexual violence.¹¹⁶ This research points to urgent need for more effective and accessible engagement, referral, and support recovery pathways for disabled adult survivors of sexual violence.
- Women’s Aid Federation England and Welsh Women’s Aid, along with Women’s Aid Federation Northern Ireland and Scottish Women’s Aid, have produced a Research Integrity Framework on Domestic Violence and Abuse, which sets out how to empower survivors and keep them safe through meaningful research.¹¹⁷

Recommendations

- The government should ensure the collection of comprehensive, comparable data on VAWG across government. As a minimum, national police, CPS and judicial data should be collected on the protected characteristics of both victim and perpetrator and their relationship.

¹¹⁴ The Guardian, ‘UK austerity has inflicted ‘great misery’ on citizens, UN says’, 2018. Available online:

<https://www.theguardian.com/society/2018/nov/16/uk-austerity-has-inflicted-great-misery-on-citizens-un-says>.

¹¹⁵ Vulnerability Knowledge & Practice Programme, ‘Domestic Homicide Project’, 2023. Available online: <https://www.vkpp.org.uk/vkpp-work/domestic-homicide-project/>.

¹¹⁶ Ministry of Justice, ‘Formal support needs of disabled adult victim-survivors of sexual violence: A qualitative research report’, 2023. Available online: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1131350/formal-support-needs-of-disabled-adult-victim-survivors-of-sexual-violence-research-report.pdf.

¹¹⁷ Women’s Aid Federation of England, ‘Research Integrity Framework (RIF) on Domestic Violence and Abuse (DVA)’, 2020. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2020/11/Research-Integrity-Framework-RIF-on-Domestic-Violence-and-Abuse-DVA-November-2020.pdf>.

- The government should provide national leadership, standards and requirements for consistent, comparable data collection on VAWG within all departments, statutory agencies and at local level.

Chapter Three: Prevention

Article 12 – General obligations

VAWG is not inevitable yet remains one of the most pervasive human rights violations in the UK. We must be able to respond to VAWG when it happens, but we also know that we cannot eradicate it without tackling the structures, institutions and attitudes which uphold and facilitate it. Without due attention to gender inequality, discrimination, harmful gender norms and attitudes - and the cultures they promote - the root causes and harmful consequences of VAWG will persist. The government must embed prevention and early intervention as an integral part of their approach to VAWG; challenging myths, stereotypes and misogyny across society including in our schools and online spaces.

The government's VAWG Strategy includes prevention as a priority and we have been heartened by series of government public awareness campaigns on VAWG, further detail on which is provided in our response to Article 13. However, there remains an on-going challenge in which the UK government predominantly frames VAWG as a criminal justice issue, seeking to punish individuals rather than sufficiently investing and prioritising in the systemic and societal change needed. As part of the VAWG Strategy, the government allocated just £6.6 million over three years to look at prevention of VAWG and work with children and young people, but this was time-limited, project funding. We need to see far greater investment in a long-term prevention strategy (beyond what is documented in the government's baseline report), taking a whole-society approach and public health response to VAWG.¹¹⁸ This means long-term, multi-year investment in public awareness campaigns produced in partnership with experts in tackling VAWG, including the specialist VAWG sector.

Furthermore, little of the current public awareness pieces have met specific requirements under 12.3, 12.5 or 12.6.

Engaging men and boys

Article 12.4 requires ensuring that men are accountable and taking responsibility to reflect, learn and challenge harmful attitudes and behaviour, learning how to be allies to women and girls and actively working towards ending VAWG. This is done effectively through programmes that focus on restrictive and harmful gender norms, understanding how these are 'normalised' through media, policy, education and workplaces, providing space for reflection, learning about women's rights and realities, and empowering them with the skills to appropriately challenge and show solidarity.

There are a number of third sector organisations delivering this work, such as White Ribbon UK.¹¹⁹ However, much of the work being delivered is funded and paid for by public and private organisations and companies, with no real direction or coordination by central government.

¹¹⁸ Joint VAWG sector organisations, 'VAWG manifesto', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/09/Full-VAWG-Manifesto-150923.pdf>

¹¹⁹ For example, one of the UK's leading charity engaging men and boys to end violence against women and girls, [White Ribbon UK](#), organises a campaign every year to coincide with White Ribbon Day and the United Nations' 16 Days of Activism to End Gender-Based Violence, as do White Ribbon Scotland and White Ribbon Northern Ireland. The White Ribbon is the international symbol to end men's violence against women and girls. White Ribbon Day is the internationally recognised day where men show their year-long commitment to ending violence against women and girls, alongside marking an important day to recognise the crisis of gender-based violence. The annual campaign focuses on men learning what constitutes as violence against women, how to challenge harmful gender norms, and be allies to women. The campaign is aimed at men taking responsibility for the need to prevent violence, and not taking over the UN's Day for the Elimination of Violence Against Women.

There is indication that men, schools, universities, sport clubs, organisations and companies, are looking for this work to be delivered to support them to transform cultures, whether due to internal issues, external pressure or because they are committed to working towards a more gender equal society. However, without political will to coordinate and invest in this work the UK will not be able to meet its obligations under Article 12 effectively. Despite some positive progress (as outlined in our response to Article 13), the government has not made available adequate funding for services specifically delivering and specialising in primary prevention approaches who are engaging men and boys, and organisations, to positively transform cultures to prevent violence happening in the first place.

We are keen to see greater development of work targeted at boys and men regarding the prevention of VAWG, and noted a recent recommendation by the Women and Equalities Committee¹²⁰ calling on the Department for Education and the Government Equalities Office to develop a specific strategy for engaging with boys and young men in primary and secondary schools on the topics of sexual harassment and gender-based violence. However, it was very disappointing to see the government's refusal to commit to such action.¹²¹¹²²

Article 13 – Awareness-raising

There are examples of some positive awareness raising campaigns within the UK, led by central government and regional authorities, which have been developed in consultation with the VAWG sector. The success of these campaigns in their prevention efforts is that they focus on engaging men to learn, reflect, and challenge the harmful attitudes and behaviours being displayed. This speaks directly to empowering individuals, especially men, to be active allies in ending VAWG and removes the onus from women to change or police their own behaviour, focusing on male behaviour change.

Examples of campaigns include the launch of 'Enough' in 2022 by the Home Office, the Welsh Government's 'Sound' campaign in 2023, and the Mayor of London's recently launched 'Say Maaate to a Mate'. All campaigns have included resources to support men's learning about issues surrounding VAWG, practical ideas to challenge them, and some have signposted to specialist organisations. These campaigns are significant positive developments, but it is essential we see long term commitment and resourcing to this work to create the societal and cultural change needed to end VAWG.

Recommendation:

- Funding and delivery of multi-year, long-term effective public communication campaigns and community responses that challenge harmful social norms and perpetrator and bystander behaviour.

Article 14 – Education

A meaningful commitment and subsequent resourcing for prevention work and tackling VAWG

¹²⁰ Women and Equalities Committee, 'Attitudes towards women and girls in educational settings', 2023. Available online: <https://publications.parliament.uk/pa/cm5803/cmselect/cmwomeg/331/summary.html>.

¹²¹ Women and Equalities Committee, 'Government ignores calls for sex education targeted at boys to tackle harassment', 17 November 2023. Available online: <https://committees.parliament.uk/committee/328/women-and-equalities-committee/news/198514/government-ignores-calls-for-sex-education-targeted-at-boys-to-tackle-harassment/>

¹²² The Independent, Senior Tory MP criticises government to back new sex education strategy aimed at boys, 17 November 2023. Available online: <https://www.independent.co.uk/news/uk/home-news/sexual-harassment-schools-mps-criticise-b2448634.html>

in our schools remains elusive – as highlighted by a recent report by the Women’s and Equalities Committee¹²³, and a report by the End Violence Against Women Coalition.¹²⁴ Our schools are a critical site for the protection of children and young people and present the best opportunity to challenge attitudes which condone abuse and transform the long-term likelihood of abuse in adult relationships. Although Relationships, Sex and Health Education (RSHE) in England and Relationships and Sexuality Education (RSE) in Wales, is now mandatory in schools, we are concerned by the barriers to the delivery of a robust RSHE/RSE curriculum and more widely to a whole school approach to tackling VAWG – including¹²⁵:

- a lack of political will and prioritisation
- inadequate funding
- lack of prioritisation from schools
- lack of training, support and time for school staff
- issues with government guidance, and its implementation, on how to respond to harm and keep children safe
- greater need to tackle gender inequality and other intersecting forms of oppression
- the need to value the specialist VAWG sector, including by and for organisations, and the importance of partnership work
- more investment in research and evaluation of prevention interventions.

A recent survey with young people by Sex Education Forum found that the topics children and young people felt had not been covered enough or at all included in their RSHE lessons were power imbalances in relationships (58%), pornography (58%), culture and faith-based perspectives (57%), LGBTQ+-relevant information (54%), the attitudes and behaviour of boys and men towards women and girls (55%), and what a healthy relationship looks like, including online relationships (54%).¹²⁶ Women’s Aid’s recent report found that one in three young women felt RSHE was rushed and awkward, and 61% of children and young people were unsure or did not know where to go for help regarding domestic abuse.¹²⁷

Furthermore, recent progress has been threatened by a troubling backlash to RSHE/RSE in schools which appears to have been fuelled by largely anti-LGBTQ+ rhetoric and contested claims about inappropriate content, and a concerning response from the UK government.^{128,129}

It is also important to note that RSHE/RSE is only the beginning of the change needed – schools should be supported to embrace this curriculum and go further to take proactive steps to create a culture in which girls can thrive and fully access their right to education, free from violence and abuse. We want to see the government take steps to implement a ‘Whole School Approach’ in education – a model recommended in the 2021 Ofsted report.¹³⁰ This will require not only the essential training for teachers and school staff, but also the necessary changes in

¹²³ Women and Equalities Committee, ‘Attitudes towards women and girls in educational settings’, 2023. Available online: <https://publications.parliament.uk/pa/cm5803/cmselect/cmwomeg/331/summary.html>.

¹²⁴ End Violence Against Women Coalition, ‘It’s About Time: A Whole School Approach to Ending Violence Against Women and Girls’, 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/new-report-its-about-time-a-whole-school-approach-to-ending-violence-against-women-and-girls/>.

¹²⁵ End Violence Against Women Coalition, ‘It’s About Time: A Whole School Approach to Ending Violence Against Women and Girls’, 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/new-report-its-about-time-a-whole-school-approach-to-ending-violence-against-women-and-girls/>.

¹²⁶ Sex Education Forum, ‘Young People’s RSE Poll 2022’, 2022. Available online: <https://www.sexeducationforum.org.uk/sites/default/files/field/attachment/Young%20Peoples%20RSE%20Poll%202022%20-%20Report.pdf>.

¹²⁷ Women’s Aid Federation of England, ‘Influencers and attitudes: How will the next generation understand domestic abuse?’, 2023. Available online: <https://www.womensaid.org.uk/influencers-and-attitudes-report/>.

¹²⁸ End Violence Against Women Coalition, ‘Concerns vital Relationships & Sex Education review is based on contested claims and anti-LGBTQ+ rhetoric’, 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/concerns-vital-relationships-sex-education-review-is-based-on-contested-claims-and-anti-lgbtq-rhetoric/>.

¹²⁹ End Violence Against Women Coalition, ‘Don’t politicise Relationships, Sex & Health Education, 50+ VAWG experts warn’, 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/dont-politicise-relationships-sex-health-education-50-vawg-experts-warn/>.

¹³⁰ Ofsted, ‘Review of sexual abuse in schools and colleges’, 2021. Available online: <https://www.gov.uk/government/publications/review-of-sexual-abuse-in-schools-and-colleges/review-of-sexual-abuse-in-schools-and-colleges>.

policy and transformation of the school culture and community. It is essential that a Whole School Approach model tackles intersecting forms of inequality and marginalisation.

Recommendations:

- Government must commit to strategic investment to prevent and respond to VAWG in all schools and higher education settings, including the delivery of a Whole School Approach. This should include sufficient investment in school staff to enable training, resourcing and dedicated capacity for RSHE/RSE delivery, and dedicated funding for specialist local VAWG services, including by and for organisations, to design and implement prevention interventions.
- A commitment to protect the future of RSHE/RSE delivery – ensuring it takes an intersectional, inclusive and holistic approach, centring the voices and needs of children and young people, and valuing the expertise of the specialist VAWG sector, including in the development and delivery of curriculum materials.
- The Women and Equalities Select Committee also made a series of relevant recommendations in their 2023 report.¹³¹

Article 15 – Training of professionals

A lack of understanding of VAWG, victim blaming attitudes, and discriminatory views and actions remain common in the UK across many professions and organisations – from police and judges to health, housing and social care professionals, and are major barriers to survivors seeking support.

Health

Health care professionals play a vital role in our national response to VAWG. They hold a unique position in their access to survivors, perpetrators and children.¹³² These professionals in every hospital, General Practice (GP) surgery and mental health service will be seeing those impacted by VAWG on a daily basis, and can often be one of the few services survivors can attend without perpetrator(s) present (though not often the case for disabled survivors).¹³³

Healthcare professionals are often trusted by those affected by VAWG and expected to know how to respond. Yet there remains insufficient awareness, and/or understanding, from health professionals about how to tackle these issues. Whilst the government's response to GREVIO notes mandatory safeguarding training for health professionals, there is very limited information about the provision of initial and in-service training for doctors, nurses and midwives or psychologists on VAWG specifically, and concerning there are no details provided in Appendix A and B on this.

Poor information sharing and engagement from health bodies are regularly cited in Domestic

¹³¹ Women and Equalities Committee, 'Attitudes towards women and girls in educational settings', 2023. Available online: <https://publications.parliament.uk/pa/cm5803/cmselect/cmwomeq/331/summary.html>.

¹³² SafeLives, 'A Cry for Health: Why we must invest in domestic abuse services in hospital', 2016. Available online: https://safelives.org.uk/sites/default/files/resources/SAFJ4993_Themis_report_WEBcorrect.pdf.

¹³³ Disabled women are often accompanied to medical appointments by their 'carer', who may be a family member, a paid worker from their supported housing or residential care unit. They may never see a health professional alone which can mean that there is no opportunity to disclose or to be asked about abuse. See Stay Safe East, 'Stay Safe East Response to Women's Health Strategy', 2021. Available online: <https://www.staysafe-east.org.uk/wp-content/uploads/2021/06/Stay-Safe-East-response-to-Women-Health-Strategy-Call-for-Evidence-June-2021.pdf>.

Homicide Reviews,¹³⁴ with a case analysis of domestic homicide reviews by Standing Together Against Domestic Violence finding that just over half of domestic homicide reviews report that, within general practice, there were missed opportunities to ask victims about domestic violence and abuse.¹³⁵ Furthermore, the Independent Inquiry into Child Sexual Abuse (IICSA) provided ample evidence of how health issues that arose from child rape and sexual abuse were not identified, questioned, or followed up by GPs, hospitals, and other health professionals.¹³⁶

Children's social care

A recent report by AVA on domestic abuse, mothering and child removal¹³⁷ has highlighted the vast amount of work still needed to transform the children's social care response to VAWG, including training needs. The lack of clarity on the initial or in-service training that social workers receive on VAWG in the government's response to VAWG mirrors these concerns. We are also concerned that there are a number of programmes currently implemented across government which fail to acknowledge the strong likelihood of engagement with survivors and have a concerning lack of domestic abuse and VAWG expertise in their development, such as the Reducing Parental Conflict Programme and the Families First For Children (FFFC) programme. Without this VAWG expertise, these programmes will continue to be unsafe or ineffective. We regularly hear that these programmes are not working for survivors, with inconsistent approaches across local areas and messaging that perpetuates victim-blaming and fails to recognise the seriousness of the harms perpetrated by abusers, who are solely responsible for their actions.

Children's social services understanding of forms of VAWG disproportionately impacting Black and minoritised communities – including FGM, forced marriage and so-called honour-based abuse – remains a serious concern. Karma Nirvana's research has found that only 22 per cent of local authority children's social services who responded to FOI requests had a method for identifying and recording so-called honour-based abuse cases.¹³⁸ IKWRO's FOI research to all children's social services departments in England in 2020 found that 56% were not recording the number of children at risk of child marriage. IKWRO has highlighted that social services are not properly equipped to understand the dynamics of so-called honour-based abuse and able to safeguard children from this form of VAWG.¹³⁹

Adult social care

As it stands, existing adult safeguarding processes often fail disabled survivors of VAWG and, in some cases, increase the risk of harm. VAWG experienced by disabled survivors is poorly recognised or identified by social care and other statutory services. Again, no clarity is provided in the government's response to GREVIO on the training adult social workers receive on VAWG, there is only limited mention of domestic abuse. Much VAWG experienced by disabled women is also hidden in safeguarding data, which is poorly disaggregated by gender. Please see our response to Article 20 for further commentary on the response by adult social care.

¹³⁴ Standing Together, 'Executive Summary London Domestic Homicide Review (DHR) Case Analysis and Review of Local Authorities DHR Process', 2021. Available online: <https://static1.squarespace.com/static/5ee0be2588f1e349401c832c/t/5f686163057cc94200198082/1600676197050/Standing+Together+London+DHR+Review+-+Executive+Summary.pdf>.

¹³⁵ Standing Together, 'Domestic Homicide Review (DHR) Case Analysis Report for Standing Together', 2016. Available online: https://coercivecontrol.ripfa.org.uk/wp-content/uploads/Standing_together_dom_homicide_review_analysis.pdf.

¹³⁶ Independent Inquiry into Child Sexual Abuse, 'The Report of the Independent Inquiry into Child Sexual Abuse', 2022. Available online: https://webarchive.nationalarchives.gov.uk/ukgwa/20221215051709/https://www.iicsa.org.uk/key-documents/31216/view/report-independent-inquiry-into-child-sexual-abuse-october-2022_0.pdf.

¹³⁷ AVA, 'Staying Mum: A review of the literature on domestic abuse, mothering and child removal', 2022. Available online: <https://avaproject.org.uk/wp-content/uploads/2022/03/Staying-Mum-%E2%80%93-Lit-Review-Final.pdf>.

¹³⁸ Karma Nirvana, 'Written Evidence to the Women & Equalities Select Committee Inquiry into So-Called Honour Based Abuse', 2022. Available online: <https://committees.parliament.uk/writtenevidence/114309/default/>.

¹³⁹ Guardian, 'Girls at risk of child marriage as half of local authorities fail to keep records', 2022. Available online: <https://www.theguardian.com/global-development/2020/may/18/girls-at-risk-of-child-marriage-as-half-of-local-authorities-fail-to-keep-records>.

Housing

There are also significant training needs within housing services to improve the response to survivors of VAWG. For example, a report into the housing experiences of Black and minoritised survivors in London also found evidence of local housing team “gatekeeping” practices, and that inconsistent testing of vulnerability prevented women from accessing safe, emergency housing.¹⁴⁰ No mention of training for housing professionals is mentioned in the government’s response to GREVIO. Please see our response to Article 20 for further commentary on the response from housing services.

Criminal Justice Agencies

There is a wealth of evidence of the impact of poor understanding of VAWG, especially coercive control and so-called honour-based abuse within the police, judiciary, probation and other criminal justice agencies, and the impact of victim blaming attitudes within the criminal justice system.¹⁴¹¹⁴²¹⁴³ Please see our response to Chapter 6 for further commentary on criminal justice agencies response to VAWG.

Training on responding to perpetrators

Training of professionals must include training on responding to perpetrators of domestic abuse, as well as victim-survivors. Perpetrators are often overlooked and remain invisible in professional responses but, where specialised training is made free and accessible, it is well received. Make a Change is a community-based response to perpetrators developed in partnership between Respect and Women’s Aid. In 2022/23, practitioners trained 430 professionals from across a range of professions that interact with perpetrators, such as children’s services, housing, health and police. For 89% of attendees, it was their first training on working with perpetrators, and 43% had no prior training on any area of domestic abuse. Among the 27 who attended from the police, these figures were 93% and 41% respectively¹⁴⁴.

VAWG sector

The ability for specialist VAWG services to cover the costs of staff training, development and professional accreditations is significantly more difficult in the context of the global cost of living crisis. In a survey of women’s organisations,¹⁴⁵ rising costs, increasingly complex workloads, staff wellbeing and burnout, and recruitment and retention emerged as a pressing concern for nearly a third of responding organisations. We are highly concerned that the sector is facing a huge recruitment and retention crisis.¹⁴⁶

Recommendations:

- Deliver adequate funding for all public sector agencies to tackle VAWG, ensuring that they have the capacity to participate in a public health approach to preventing and responding to VAWG effectively. This must include training

¹⁴⁰ Latin American Women’s Aid, ‘Policy and Practice Briefing: Reflections and Recommendations from the Women Against Homelessness and Abuse Initiative, 2023. Available online: <https://lawadv.org.uk/wp-content/uploads/VAHAPOLICYBRIF-SEP12-min.pdf>.

¹⁴¹ Home Office, Operation Soteria Year One Report, 2022.

¹⁴² The Telegraph, ‘Police lack training to spot coercive control as only three per cent of reports result in charges’, 23 April 2022. Available online: <https://www.telegraph.co.uk/news/2022/04/23/police-lack-training-spot-coercive-control-three-per-cent-reports/>

¹⁴³ HICFRS and College of Policing, Police response to victims of sexual abuse from ethnic minority backgrounds who may be at risk of honour-based abuse: Super-complaint from the Tees Valley Inclusion Project, 2022.

¹⁴⁴ Respect, ‘Make a Change: Our Impact 2022/23’, 2023. Available online:

<https://static1.squarespace.com/static/5c98cd8e65019f39682f36ba/t/6500485ee75ed1087d2decda/1694517343379/MAC+impact+2223+%28PDF%29.pdf>.

¹⁴⁵ Women’s Resource Centre, ‘Impact of Cost of Living Crisis’, 2022. Available online: <https://www.wrc.org.uk/cost-of-living-crisis>.

¹⁴⁶ Women’s Aid Federation of England, ‘Women’s Aid members’ experiences of the cost of living crisis – November 2022 survey findings’, 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/01/For-WAFE-publication-members-experiences-of-the-cost-of-living-crisis.pdf>.

delivered by specialist VAWG services to ensure professionals provide the right response to survivors, and funded care pathways for survivors to access specialist VAWG services that is ring-fenced and sustained.

- Mandatory, regular and in-depth training for GPs and other health practitioners on sexual violence and abuse indicators, particularly in girls and in children more broadly, delivered by sexual violence and abuse specialists. Training should include appropriate safeguarding and referrals to long-term specialist sexual violence and abuse services.
- Mandatory, continuous training on VAWG and mental health for healthcare professionals, delivered by specialists.
- The Judicial College should work collaboratively with specialist VAWG organisations to improve judicial understanding and awareness around VAWG, particularly on less recognised forms such as economic abuse as recognised in the statutory definition of domestic abuse in the DA Act 2021. All agencies with responsibility for training family court professionals should work together on the multi-disciplinary training recommended by the Harm Panel.
- Specialist domestic abuse organisations to quality assure children's social care programmes in terms of training, assessment and screening tools and other materials.
- Make training on controlling or coercive behaviour, including less recognised forms such as economic abuse, mandatory for the police, judges and other criminal justice agencies, to ensure that evidence gathering is robust, survivors are properly supported, and perpetrators are held to account for their crimes.
- Introduce Valerie's Law for mandatory cultural competency training for professions around the cultural nuances and barriers, colloquialisms, languages and customs that make up the diverse black community, as called for by Sistah Space.¹⁴⁷
- To take a 'social model approach' which addresses disability as a social and economic as well as health issue, and does not assume that disability automatically equates to poor health.

Multi-agency work

Article 15.1 requires parties to ensure training covers a coordinated multi-agency response to VAWG, which is essential as women and girls' lives cannot be fragmented, and neither can society's response to the abuse they experience. Multi-agency partnership working needs to be prioritised if we are to see the whole picture of a survivor's situation and ensure they receive the most effective safety and support planning from agencies.

As things stand, multi-agency structures are dealing with excessive caseloads and often manage demand through poor risk assessment and other practices. We are concerned that multi-agency responses too often fail to keep survivors safe, do not meet the needs of women and children, and do not adequately respond to their experiences of abuse – resulting in repeat victimisation rather than early intervention to prevent further harm. Multiagency working can be especially poor for survivors of sexual violence and for Black and minoritised women experiencing so-called honour-based abuse and forced marriage. Major gaps, in particularly an

¹⁴⁷ Sistah Space, 'Valerie's Law', n.d. Available online: <https://www.sistahspace.org/new-page-2>.

appropriate multi-agency approach to safeguarding children subjected to rape and sexual abuse, are further harming and endangering girls, and children more widely. A recent Women and Equalities Select Committee Inquiry into so-called honour-based abuse found that the police, health and social services have inconsistent and, at times, unsafe responses to this form of VAWG¹⁴⁸. A recent report by Imkaan and the Centre for Women's Justice into 44 domestic homicides of Black and minoritised women concluded that enforcement and implementation of multi-agency guidance on forced marriage and so-called honour-based abuse has been poor, and found multiple failings – including poor risk assessment, racial stereotypes, lack of cultural competence and disbelieving women – by state agencies and professionals which preceded the homicides.¹⁴⁹

A Coordinated Community Response (CCR)¹⁵⁰ that brings together services, including health, housing, social care, education, criminal justice, debt advice organisations, financial services and communities, is needed to ensure local systems keep survivors safe, hold abusers to account, and prevent VAWG. In order to do this, shared responsibility across agencies, good governance and strong coordination is vital. This response needs to be locally developed and locally owned in order to appropriately reflect and meet nuanced local practices, challenges and opportunities. An intersectional approach that centres the survivor's voice and experience is paramount and can only be achieved through the full and equal representation of specialist support services in multi-agency responses. Such partnerships should be the foundation of local ending-VAWG plans, strategies and practices, and must be backed by adequate resourcing for the specialist VAWG sector to ensure their meaningful involvement.

Recommendations:

- Incentivise and encourage local areas to work together to respond to the changing nature of all forms of VAWG in their area – recognising the diversity of survivor experiences, understanding their local population and the specific needs of their communities, so that they are adequately meeting the needs of, in particular, minoritised and marginalised survivors.
- Equip Coordinated Community Responses to not only deliver a crisis response to VAWG but work to identify abuse early on and prevent it from happening in the first place.
- In relation to so-called honour-based abuse –
 - In relation to forms of abuse that are motivated by so-called honour, training developed and delivered across agencies in consultation with specialist by and for BME women's organisations is crucial to improvements in prevention and identification of such abuse. We recommend the development and delivery of such training as mandatory under Art. 15.
 - Training for professionals should be accompanied by multi-agency statutory guidance that is informed by the experiences of victims. Specialist by and for BME women's organisations should be

¹⁴⁸ House of Commons Women and Equalities Select Committee, So-Called Honour Based Abuse: Sixth Report of Sessions 2022-23, HC 831. Available online: <https://committees.parliament.uk/publications/40929/documents/200424/default/>

¹⁴⁹ Imkaan and Centre for Women's Justice, 'Life or Death: Preventing Domestic Homicides and Suicides of Black and Minoritised Women', 2023. Available online: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/655639ddc55be306e7dfa5c5/1700149727418/Life+or+Death+Report+-+Nov+2023.pdf>.

¹⁵⁰ Standing Together, 'What is a Coordinated Community Response (CCR)', n.d. Available online: <https://www.standingtogether.org.uk/what-is-ccr>.

consulted in the development and delivery of, and training on, such guidance.

- In relation to migrant victims of crime –
 - Mandatory training modules on responding to victims of crime with insecure immigration status should be delivered to police forces, with specific focus on the rights of victims and police duties to protect and investigate crimes overriding surveillance of immigration status.
 - Specialist VAWG organisations with experience in understanding the dynamics of abuse and its overlap with immigration status as a risk factor should be consulted in the local and national delivery of such mandatory training.

Article 16 – Preventive intervention and treatment programmes

The UK government has progressed the implementation of the Tackling Domestic Abuse Plan¹⁵¹ by including a pillar on tackling perpetrators with funding of £75 million across three years. Whilst this is a positive start, this funding only goes part of the way towards addressing the perpetration of domestic abuse. The initial £39 million for 2023-25 was allocated to PCCs and aimed to take a multi-agency approach, albeit through a criminal justice lens. We also welcome the Welsh Government’s commitment to tackling perpetration, as outlined in the Blueprint for Prevention and reaffirmed in the VAWDASV Strategy 2022 to 2026.¹⁵²¹⁵³

There is a need to take a broader, whole systems approach that goes beyond criminal justice solutions if we are to fully implement Article 16. In regard to perpetrator interventions, we continue to see an emphasis on perpetrators of domestic abuse specifically, in both policy and practice. While there is emerging good practice in multi-agency stalking interventions¹⁵⁴, existing provision largely focuses on intimate partner violence in adult relationships, and often at the point that it is assessed as high risk. We welcome the work being undertaken to tackle perpetrators of domestic abuse, but also call for safe and effective responses to all forms of violence against women and girls, across a broad range of behaviours and risk levels.

It is key that the government’s work to address perpetrators changes focus from a purely “pursuing” and “tackling” perpetrators approach through the criminal justice system, towards a societal change approach that appeals to perpetrators directly to take action if they are concerned about their own behaviour and publicises to them the routes by which they can do this. For example, through accredited behaviour change programmes, early intervention models and helplines such as the national helpline delivered by Respect. Broad collaboration is needed with community-based and specialist services in order to achieve the whole system approach needed. This collaboration must be supported by long-term, sustainable funding that supports a holistic response and combats the uncertainty that services are currently facing.

¹⁵¹ Home Office, ‘Tackling Domestic Abuse Plan’, 2022. Available online: <https://www.gov.uk/government/publications/tackling-domestic-abuse-plan>.

¹⁵² Welsh Women’s Aid, ‘A Blueprint for the Prevention of Violence Against Women, Domestic Abuse and Sexual Violence’, 2022. Available online: <https://welshwomensaid.org.uk/news/a-blueprint-for-the-prevention-of-violence-against-women-domestic-abuse-and-sexual-violence>

¹⁵³ Welsh Government, ‘Violence against women, domestic abuse and sexual violence: strategy 2022 to 2026’, 2022. Available online: <https://www.gov.wales/violence-against-women-domestic-abuse-and-sexual-violence-strategy-2022-2026-html>.

¹⁵⁴ Suzy Lamplugh Trust, ‘Multi Agency Stalking Intervention Programme’, n.d. Available online: <https://www.suzylamplugh.org/Pages/Category/multi-agency-stalking-intervention-programme>.

Funding and Provision

The sector welcomes the UK Home Office's investment in perpetrator work, including the most recent iteration for 2023-25 provision. However, it has not succeeded in addressing the patchwork of provision that the Domestic Abuse Commissioner has identified across the entire range of services needed to support victim-survivors across England and Wales.¹⁵⁵ Seventeen PCCs did not receive any allocation from the latest competition for funding, including large, interconnected areas such as North and West Yorkshire, and Dorset, Devon, and Cornwall. As a membership organisation, Respect has heard from multiple members with significant concerns about the ongoing sustainability of their service.

The continued trend for short-term funding contracts also impacts services' ability to provide safe and consistent support. Community-based services take time to integrate and embed within local systems and, as many perpetrator programmes take six months or more to complete, a two-year contract provides a small window of opportunity for service users to begin the work with time to finish. To ensure the entire programme can be delivered, many services are unable to accept referrals from six months prior to the contract end date. The sector recommends that services are given contracts for a minimum of three years unless it would not be justifiable and proportionate to do so.

Standards

The Government Standards for domestic abuse perpetrator interventions support the vital message that all interventions must be focused on increasing the safety and wellbeing of adult and child victim-survivors as their priority. Respect was pleased to work alongside the Home Office to ensure the standards aligned with the fourth edition of the Respect Standard. We hope to see the continued promotion of both standards to encourage uptake of the rigorous accreditation process that is attached to the Respect Standard, which allows services to be quality assured for safety and effectiveness.

In order to ensure the safety of survivors and children, government needs to ensure that allied professionals such as children's social workers, education and health professionals are trained to spot the signs of domestic abuse and feel confident in addressing it in terms of its perpetration. This is essential if survivors and children are not to be placed at risk.

Family Court and Domestic Abuse Perpetrator Programmes

Funding concerns are currently being compounded by the ongoing breakdown of the pathway between the family courts and Domestic Abuse Perpetrator Programmes (DAPPs). Previously, family courts could make an order for a Family Courts Advisor to refer perpetrators to undertake a DAPP with an Approved Provider. In April 2022, Cafcass, the independent advisor to the family courts about what is in the best interests of children, notified Approved Providers of DAPPs that contracts to deliver these programmes would not be renewed in March 2023. Due to the 6–9-month length of the programmes, this has meant that from 30th June 2022, no new referrals could be made to a DAPP. As a result, there is currently no established referral pathway to a quality-assured programme for perpetrators of domestic abuse who seek contact with their children.

The Ministry of Justice (MoJ) has committed to developing a new commissioning framework for DAPPs, but this is not expected to be in place before 2024-5. The sector is extremely concerned about the impact of the current gap in provision on adult and child victim-survivors of

¹⁵⁵ Domestic Abuse Commissioner, 'A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales', 2022. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf.

domestic abuse and have been calling for the UK government to put in place interim measures as a matter of urgency. To date, no such solution has been identified or implemented, and neither DAPP providers nor the Judiciary have, to our knowledge, received guidance from the MoJ as to what families in need of DAPP pathways should currently do.

DAPPs are utilised to support safe and ethical child arrangement order proceedings in cases where a parent has used abusive behaviour towards their partner or ex-partner. Crucially, they are quality assured, victim-survivor/child focused, and accompanied by support for those who have experienced abuse. Participants are challenged to reflect on how their abusive behaviour not only impacted their partner/ex-partner, but also their child and must demonstrate to the family courts both their understanding of such impact and their commitment to lasting change. Ultimately, DAPPs reduce the risk of further violence and abuse, and support parents to rebuild relationships with their children.

Health

The development of perpetrator responses and pathways within NHS Trusts across England is a necessary element of adopting a public health approach to preventing VAWG. Multiple sector organisations are involved in the Inter-Collegiate and Agency Domestic Violence Abuse (ICADVA) working group¹⁵⁶ on responding to perpetrators in health settings and are keen to see the priority given to this work that will result in identifying and implementing interventions to effectively prevent VAWG in health settings as a matter of urgency. Creating consistency across Integrated Care Boards will be crucial, and NHS Trusts should take into account existing services and interventions in the local area to best utilise available expertise.

Prisons and Probation

The depiction of the response to perpetrators within His Majesty's Prison and Probation Service (HMPPS) in the government's response to GREVIO is, sadly, inaccurate. In July 2023, the HM Inspectorate of Probation (HMIP) published a thematic inspection of work undertaken, and progress made, to reduce domestic abuse.¹⁵⁷ The report analyses 143 cases and reveals a picture of the Probation Service as understaffed, undertrained and overwhelmed.

Key findings of the report include:

- Poor risk assessments: Only 28% of assessments in the sample provided a sufficiently clear and thorough analysis of the risks of domestic abuse.
- Poor planning: Overall, the report concluded that planning sufficiently addressed the risks of domestic abuse in only 37% of cases.
- Poor implementation and delivery: In 73% of cases, the inspectorate concluded that implementation and delivery were insufficient to manage the risks of domestic abuse.
- Poor reviewing practices: 77% of cases were found to focus insufficiently on the risks of domestic abuse in their review process.

With regards to perpetrator interventions, the report reveals that 45% of the case sample should have had access to an intervention but had not. Given that many of these cases have participation in an intervention built into sentencing, this raises questions about the viability of court-mandated participation in perpetrator interventions. There are concerning findings around victim-survivor support, with inconsistency found in training and support of Domestic Abuse

¹⁵⁶ INCADVA (Inter-Collegiate and Agency Domestic Violence Abuse) is a policy forum which brings together the expertise and knowledge of national health and social care bodies, medical royal colleges and the domestic abuse sector.

¹⁵⁷ HM Inspectorate of Probation, 'A thematic inspection of work undertaken, and progress made, by the Probation Service to reduce the incidence of domestic abuse and protect victims', 2023. Available online: <https://www.justicespectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2023/07/Domestic-Abuse-Thematic-inspection-report-v1.3.pdf>.

Safety Officers (DASOs), a lack of timely referrals and important information missed due to insufficient contact.

The inspection also found that in too many cases information is not being shared, or joint action planned, between probation and other agencies like the police and children's social care to minimise the risk of domestic abuse. It does however highlight that where specialist, multidisciplinary teams are in place, the response is more effective. We therefore strongly support the report's recommendations that we need a more cohesive, multi-agency approach to addressing domestic abuse, holding perpetrators to account and keeping victim-survivors safe.

Examples of perpetrator responses

There is some positive work happening in the UK regarding perpetrator intervention, led by the specialist VAWG sector. For example, Respect is a pioneering domestic abuse membership organisation developing safe, effective work with perpetrators, male victims, and young people who use harm in their close relationships. Alongside their national helpline, they lead on the development, growth and implementation of a variety of responses to those who perpetrate domestic abuse, in partnership with Police and Crime Commissioners and other local and national organisations. Examples of such work and their project evaluations:

- Respect Young People's Programme for families experiencing child and adolescent to parent violence and abuse.¹⁵⁸¹⁵⁹
- Make a Change – a community-wide, early response to perpetrators of domestic abuse.¹⁶⁰
- The Drive Project – a partnership between Respect, SafeLives, and Social Finance working with service users who have been assessed as posing a high-risk, high-harm level of domestic abuse to the people that they are in intimate or family relationships with.¹⁶¹
- Restart – brings together expertise from Respect, SafeLives, DAHA and the Drive Partnership for the delivery of a project that builds on learning from an emergency response trial initiated during the Covid-19 pandemic. The pilot project provides earlier intervention for families at risk of experiencing domestic abuse by bringing together children's social care, housing and domestic abuse services to identify and respond to patterns of harmful behaviour at an earlier stage.¹⁶²

Recommendations:

- Ensure that quality assured perpetrator responses are consistently available addressing risks from primary prevention (like bystander responses and awareness raising communication campaigns) to early intervention and behaviour change group work, to specialist responses for the most dangerous and serial perpetrators.
- Support effective survivor-centred quality assurance systems for perpetrator work which ensures that interventions funded by public

¹⁵⁸ CAPVA-related offences represent 21-27% of cases within youth offending services. See Baker, V. and Bonnick, H., 'Understanding CAPVA: A rapid literature review on child and adolescent to parent violence and abuse for the Domestic Abuse Commissioner's Office', 2021. Available online: <https://domesticabusecommissioner.uk/wp-content/uploads/2021/11/CAPVA-Rapid-Literature-Review-Full-November-2021-Baker-and-Bonnick.pdf>.

¹⁵⁹ Office of the Cambridge Police and Crime Commissioner, 'Adolescent to Parent Violence 18-month Recidivism Review', 2023. Available online: <https://www.cambridgeshire-pcc.gov.uk/news/2023/new-figures-show-intervention-for-child-to-parent-abuse-is-effective-at-reducing-violence-towards-mothers/>

¹⁶⁰ Respect, 'Make a Change Project - Our impact in 2022/23', 2023. Available online: <https://www.makeachange.uk.net/news/make-a-change-gathers-momentum-in-2022/23>.

¹⁶¹ University of Bristol, 'Evaluation of the Drive Project – A Three-year Pilot to Address High-risk, High-harm Perpetrators of Domestic Abuse', 2019. Available online: <https://drivepartnership.org.uk/publication/university-of-bristol-evaluation-of-the-drive-project/>.

¹⁶² RedQuadrant, 'Restart Pilot Year 1 Evaluation, Drive Partnership', 2023. Available online: <https://drivepartnership.org.uk/publication/restart/>.

sector agencies are always accredited, designed to keep survivors and their children safe, and delivered alongside survivor support provided by specialist VAWG organisations.

- A whole systems approach must include well-published, well funded and accessible helplines for those using harmful behaviour.
- Ensure better alignment between civil and criminal systems ensuring family courts do not place child victims of domestic abuse in the home of the abuser.
- Deliver effective leadership and multi-agency arrangements, ensuring all government departments and public services are actively holding perpetrators to account, that professionals are trained to identify and respond to perpetrators, and there are clear pathways into safe and effective perpetrator interventions.
- Review the effectiveness of sexual harm prevention orders given that criminal justice neither sanctions nor deters the vast majority of offenders.
- Connect sexual violence and domestic abuse offences to any new online harms strategy, where a large amount of connected 'online offending' takes place and where new forms of abuse are rapidly emerging and expanding.

Article 17 – Participation of the private sector and the media

Tech companies

Online forms of VAWG are rife and ever expanding.¹⁶³¹⁶⁴ In recent years we have seen the growth of online misogynist influencers who promote violence against women and girls which have had a real impact on boys and men's attitudes and behaviour in the UK. For example, Women's Aid's recent report found that children and young people exposed to misogynistic social media content were almost 5x more likely than those not exposed to view hurting someone physically as acceptable if you say sorry afterwards.¹⁶⁵ Furthermore, a recent report by Children's Commissioner noted the ease and young age that children are now accessing pornography,¹⁶⁶ and the impact it is having in regard to harmful sexual behaviour amongst children.¹⁶⁷ We also continue to see abusers utilise developments in technology to further their abuse¹⁶⁸ with the National Police Chief's Council recognising this as a key threat within their VAWG risk assessment.¹⁶⁹ Image-based sexual abuse is highly prevalent, especially amongst

¹⁶³ End Violence Against Women Coalition and Glitch, 'The Ripple Effect: Covid-19 and the epidemic of online abuse', 2020. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Glitch-and-EVAW-The-Ripple-Effect-Online-abuse-during-COVID-19-Sept-2020.pdf>.

¹⁶⁴ Refuge, 'Marked as Unsafe: How online platforms are failing domestic abuse survivors', 2022. Available online: <https://refuge.org.uk/wp-content/uploads/2022/11/Marked-as-Unsafe-report-FINAL.pdf>.

¹⁶⁵ Women's Aid Federation of England, 'Influencers and attitudes: How will the next generation understand domestic abuse?', 2023. Available online: <https://www.womensaid.org.uk/influencers-and-attitudes-report/>.

¹⁶⁶ Children's Commissioner, 'The impact of online pornography on children and young people', 2016. Available online: <https://www.childrenscommissioner.gov.uk/resource/an-examination-of-the-impact-of-online-pornography-on-children-and-young-people/>.

¹⁶⁷ Children's Commissioner, 'Evidence on pornography's influence on harmful sexual behaviour among children', 2023. Available online: <https://www.childrenscommissioner.gov.uk/resource/pornography-and-harmful-sexual-behaviour/>.

¹⁶⁸ Culture, Media and Sport Committee, 'Connected tech: smart or sinister?', 2023. Available online: <https://committees.parliament.uk/committee/378/culture-media-and-sport-committee/news/196867/connected-technology-mps-call-on-government-to-tackle-growing-problem-of-techenabled-domestic-abuse/>.

¹⁶⁹ National Police Chief's Council, 'Violence against women and girls strategic risk assessment', 2023. Available online: <https://www.npcc.police.uk/SysSiteAssets/media/downloads/our-work/vawg/violence-against-women-and-girls---strategic-threat-risk-assessment-2023.pdf>.

young people¹⁷⁰¹⁷¹, and we are concerned by the UK government's largely criminal justice approach to this form of harm.¹⁷² What is essential to note is that tech companies promote and profit from such harmful content. It is therefore essential that the Government does more to get tech companies on board, and takes a more holistic and preventative approach to ensuring women and girls right to live free from abuse online.

The UK government has noted the Online Safety Act (OSA) as a key piece of legislation to tackle online VAWG, a sentiment we would support. However, there were many missed opportunities within the act, and the requirement for Ofcom to develop guidance for tech companies to reduce harm to women and girls was hard-won by the VAWG sector, and a late government concession after substantial pressure highlighting the flaws in the government's approach.¹⁷³ This also came after the government had watered down the bill via removal of measures to tackle 'legal but harmful' content such as online misogyny¹⁷⁴. Furthermore, we are not expecting to see this new guidance for public consultation until Spring 2025 and there remain questions as to whether this guidance will have sufficient influence to switch the current direction of travel for tech companies in tackling VAWG and if it will be take the necessary holistic and preventative approach needed, akin to the VAWG Code of Practice developed by the sector.¹⁷⁵ There also remains a great deal of uncertainty about the effective implementation of the OSA (from Ofcom's effectiveness in holding tech companies to account and the infrastructure to support a rise in reporting of online VAWG), and how future proofed the legislation will prove to be in light of the fast changing environment. The government has frequently failed to recognise how online harms effects marginalised groups of women,¹⁷⁶ and take an intersectional approach nor future proof this work, for example in its approach to deepfakes and AI.¹⁷⁷¹⁷⁸ It is also essential that we see greater resourcing and commitment to media literacy if the UK government is to fulfil its requirements under Article 17.2.

Recommendations:

- A commitment through legislation, and other mechanisms, to better address online VAWG – with a preventative, holistic and intersectional approach. Solutions should focus on safety-by-design and product security and require accountability and transparency from tech companies within a human rights framework. It should also be future-proofed to tackle emerging harms.
- A Tech Tax that ringfences tax collected from tech companies to fund preventative online gender-based violence work, for example 10% of the

¹⁷⁰ Ringrose, J., Rgehr, K. and Milne B., 'Understanding and Combatting Youth Experiences of Image-Based Sexual Harassment and Abuse', 2021. Available online: <https://www.ascl.org.uk/ASCL/media/ASCL/Our%20view/Campaigns/Understanding-and-combatting-youth-experiences-of-image-based-sexual-harassment-and-abuse-full-report.pdf>.

¹⁷¹ End Violence Against Women Coalition, 'Sexual harassment at school: A new film co-created with young people supported by the latest data', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/new-campaign-film-its-about-time-things-changed/>.

¹⁷² End Violence Against Women Coalition, 'New offence for image-based abuse won't stop violence against women and girls online', 2022. Available online: <https://www.endviolenceagainstwomen.org.uk/new-offences-for-image-based-abuse-wont-stop-violence-against-women-and-girls-online/>.

¹⁷³ End Violence Against Women Coalition, 'Online Safety Bill becomes law with guidance to protect women and girls', 2023 . Available online: <https://www.endviolenceagainstwomen.org.uk/online-safety-bill-becomes-law-with-guidance-to-protect-women-and-girls/>.

¹⁷⁴ End Violence Against Women Coalition, 'Latest snapshot report highlights urgent need for investment in prevention and support service', 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/latest-snapshot-report-highlights-urgent-need-for-investment-in-prevention-and-support-services/>.

¹⁷⁵ End Violence Against Women Coalition, 'Coalition of experts call for a VAWG code of practice in the Online Safety Bill', 2022. Available online: <https://www.endviolenceagainstwomen.org.uk/coalition-of-experts-call-for-a-vawg-code-of-practice-in-the-online-safety-bill/>.

¹⁷⁶ Glitch, 'The Digital Misogynoir Report: Ending the dehumanising of Black women on social media', 2023. Available online: https://glitchcharity.co.uk/wp-content/uploads/2023/07/Glitch-Misogynoir-Report_Final_18Jul_v5_Single-Pages.pdf.

¹⁷⁷ Refuge, 'Amidst the excitement for AI innovation, the government must not forget its responsibility for protecting women and girls', 2023. Available online: <https://refuge.org.uk/news/amidst-the-excitement-for-ai-innovation-the-government-must-not-forget-its-responsibility-for-protecting-women-and-girls/>.

¹⁷⁸ Glitch and ENAR, 'AI Deepfake Roundtable 1: Briefing', 2023. Available online: https://glitchcharity.co.uk/wp-content/uploads/2023/07/Glitch_ENAR-Workshop-1-briefing.pdf.

revenue raised from the Digital Services Tax ring-fenced to fund specialist VAWG sector efforts to effectively address online VAWG, with 50% of this ring-fenced for specialist by and for services for Black and minoritised women and girls.

- A public health approach to ending online gender based violence, with increased media literacy and enhanced digital citizenship across the UK.

Media companies

Entrenched gender stereotypes facilitate inequality and violence, and the media has a significant role to play in its prevalence, as the information it provides can either challenge or enforce harmful attitudes, beliefs and stereotypes. Although there is some good reporting on violence against women, a large proportion of current reporting perpetuates myths and stereotypes and contributes to attitudes that condone and excuse violence. Tolerance of violence against women remains very high in our society and outdated misconceptions are still very much present in public discourse.

The specialist VAWG sector and wider women's sector are all too aware of the damage media reporting can do in shaping and maintaining problematic cultural norms and beliefs which underpin the scale of VAWG we see today. These grave concerns are shared by the Domestic Abuse Commissioner, who recently published her analysis of the problematic media coverage of a number of recent murders of women along with her plans to write to the Independent Press Standards Organisation (IPSO), Ofcom and the Secretary of State for Digital, Culture, Media and Sport on the matter and calling for IPSO to conduct an investigation.¹⁷⁹ Zero Tolerance's media monitoring data shows that many journalists, editors and media producers continue to resort to harmful stereotypes when reporting on incidences of violence.¹⁸⁰ Considering the link between media reporting and public attitudes, this type of reporting contributes to a culture where violence against women continues to be normalised and accepted.

Furthermore, there is a growing evidence base documenting these links. For example:

- A 2023 academic study on different framings of femicide in the media concluded that "media reporting is a decisive factor in overcoming the downplaying of structural and personal violence against women... Media reports on extreme forms of misogynist violence such as femicides can help to highlight the seriousness of violence against women in everyday life when appropriate frames are used. Already with the choice of certain headlines and crime labels, different emotional reactions can be triggered. Adequate criminological crime labels and critical reporting styles are essential for a change in the social awareness of deadly violence against women".¹⁸¹
- A 2018 study found that the media can encourage justification of violence against women by focusing on incorrect 'reasons' or 'causes' for it.¹⁸²
- A 2016 review of media representations of violence against women found that '[t]here is clear link between media reporting and attitudes and beliefs in relation to violence against women, with audiences' emotional responses and attributions of responsibility

¹⁷⁹ The Guardian, 'What coverage of Nicola Bulley, Emma Pattison and Brianna Ghey tells us about an out-of-control media', 2023. Available online: <https://www.theguardian.com/commentisfree/2023/feb/22/media-coverage-women-girls-deaths-nicola-bulley-emma-pattison-brianna-ghey>.

¹⁸⁰ <https://www.zerotolerance.org.uk/media-monitoring/>

¹⁸¹ Schnepf, J, Christmann, U., "Domestic Drama," "Love Killing," or "Murder": Does the Framing of Femicides Affect Readers' Emotional and Cognitive Responses to the Crime?', Violence Against Women, 2023. Available online: <https://doi.org/10.1177/10778012231158103>.

¹⁸² National Academies of Sciences, Engineering, and Medicine et al., 'Addressing the Social and Cultural Norms That Underlie the Acceptance of Violence: Proceedings of a Workshop—in Brief', 2018. Available online: <https://www.ncbi.nlm.nih.gov/books/NBK493719/>.

affected by how the media frames news.¹⁸³

- According to Level Up's 2022 research,¹⁸⁴ 93% of respondents did not think rules on reporting fatal domestic abuse are strong enough. In the same study, no respondent could say that they could confidently trust journalists to report on fatal domestic abuse.
- We are also awaiting research due to be published by the Crown Prosecution Service and Equally Ours on the impact of rape myths on prosecuting cases of rape and serious sexual violence, which includes discourse analysis of media coverage of VAWG.

We acknowledge that some relevant guidance already exists in different parts of the IPSO Editors Code of Practice and accompanying guidance, and we were encouraged that this year, IPSO upheld a complaint on the basis of sexism – the first time it has done so; requiring newspaper *The Sun* to inform its readers of the finding against it.¹⁸⁵ However, the damage of this type of reporting occurs at the point of publication, with remedial action unable to undo the harmful attitudes promoted in the original piece. Stronger regulatory and enforcement action is therefore needed to prevent such discriminatory and prejudicial content from being published in the first place.

Women who are the victim-survivors of violence and abuse, and their families, deserve to be able to tell their stories on their own terms. Stronger regulation is needed to offer them protection from unethical, sensationalist coverage that:

- contributes to victim-blaming narratives,
- justifies or excuses actions of the perpetrators,
- ignores the dignity of women who have lost their lives,
- trivialises women's experiences of violence,
- and re-traumatises victim-survivors by including unnecessary details of the crime and disclosure of personal information that can lead to their identification.

Please see media guidelines developed by Level Up¹⁸⁶ and Zero Tolerance¹⁸⁷ as examples of best practice.

Financial services

The financial services sector has a critical role to play in preventing violence against women and girls, but more specifically, in response to how their products and services are used as a form of economic abuse in the wider context of domestic abuse. The government's response to GREVIO does not reference the role of the financial services sector as a private sector body and does not mention economic abuse. However, economic abuse is now included in the statutory definition of domestic abuse through the DA Act, and the financial services role to play is increasingly recognised by government and other key players. For example, the statutory guidance which underpins the DA Act formally recognises financial services such as banks and building societies as stakeholders; the government's Tackling Domestic Abuse Plan calls on firms to sign up to the Financial Abuse Code developed by UK Finance and strengthen

¹⁸³ Australia's National Research Organisation for Women's Safety Limited, 'Media representations of violence against women and their children: Final report', 2016. Available online: <http://anrows.org.au/publications/horizons-0/media-representations%20p2>.

¹⁸⁴ Level Up, 'Dignity for Dead Women: Media guidelines for reporting domestic abuse deaths', 2022. Available online: <https://www.welevelup.org/media-guidelines/>.

¹⁸⁵ Independent Press Standards Organisation, '18626-22 The Fawcett Society and The WILDE Foundation v The Sun', 2023. Available online: <https://www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=18626-22>.

¹⁸⁶ Level Up, 'Dignity for Dead Women: Media Guidelines for Reporting Domestic Abuse Deaths', 2022. Available online: <https://www.zerotolerance.org.uk/resources/Media-Guidelines-on-Violence-Against-Women.pdf>

¹⁸⁷ Zero Tolerance, Media Guidelines on Violence Against Women, n.d. Available online: <https://www.zerotolerance.org.uk/resources/Media-Guidelines-on-Violence-Against-Women.pdf>

responses to domestic abuse¹⁸⁸; and the Financial Conduct Authority's new Consumer Duty places a responsibility on financial services to prevent foreseeable harm to vulnerable customers, including victim-survivors of economic abuse. There are also examples of good practice, including banking partnerships with the charity Surviving Economic Abuse (SEA) contained within the Financial Conduct Authority's (FCA) Guidance on the Fair Treatment of Vulnerable Customers (2021).¹⁸⁹ Such work with financial services should sit alongside other businesses and services, whose products and services could be used to perpetrate economic abuse, for example, utility companies and businesses with credit and loan plans.

While there have been great strides in the development of the financial services sector (FSS) response to economic abuse, there is still inconsistency across the FSS with some firms taking pioneering steps to respond, while some take no action. The UK government, and public bodies, such as the FCA can play a critical role in developing the sector's response, and should recognise and encourage the role of the financial services sector within a wider coordinated community response to domestic abuse. There is also a critical role for the Financial Ombudsman Service, to be able to use their insights to demonstrate both poor and positive practice across the FSS in response to economic abuse. UK government and the regulator should also take action to encourage FSS to share good practice in supporting vulnerable customers and reassure firms that doing so is not a violation of competition laws.

Recommendations:

- The government should work with the Financial Conduct Authority to identify and remove regulatory barriers to de-linking financial products, particularly joint mortgages, without the perpetrator's consent; and provide guidance to firms to help them review their internal processes around joint mortgages.

In the workplace

There is increasingly recognition of the role that employers play in supporting women experiencing VAWG. It is vital that survivors are not just dependent on the good will and financial capacity of their employer to employee assistance – such as paid leave – and the UK Government should offer a statutory leave entitlement to victim-survivors. Recently, Northern Ireland passed legislation to provide for paid employment leave for domestic abuse victims, the Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022. New Zealand, Australia and Canada are examples of countries which also have legislation in place which provides domestic abuse victims with entitlement to paid employment leave. The government should introduce a requirement for employers to provide paid leave to employees who have experienced domestic abuse.

As a sector we welcomed the Worker Protection Act. This law will create a 'preventative duty' – a requirement that employers prevent sexual harassment from happening in their workplaces and moves us from a culture of redress to one of prevention. This means clear policies, training, and proper, impartial investigations into reported harassment. The Equalities and Human Rights Commission will be able to take enforcement action against firms that breach this duty, and employers will also be liable to individuals as part of wider sexual harassment claims at an employment tribunal. However, the sector was disappointed by the removal of 'third party

¹⁸⁸ UK Finance, 'Financial Abuse Code', 2021. Available online: <http://ukfinance.org.uk>.

¹⁸⁹ Financial Conduct Authority, 'Guidance for firms on the fair treatment of vulnerable customers', 2021. Available online: <https://www.fca.org.uk/publication/finalised-guidance/fq21-1-1.pdf>.

protections' from the bill, which would have created a similar onus on employers to protect their staff from harassment at the hands of third parties, such as customers and patients.¹⁹⁰ There is also much more that needs to be done to prevent sexual harassment and violence against women in the workplace, both for employees and communities organisations work with.

Further detail on the workplace and employer response is provided in our response to Article 20.

Recommendations:

- Ensure there is monitoring of the prevalence and nature of sexual harassment, including racialised forms of sexual harassment to which Black and minoritised women are subjected, and a statutory Code of Practice for employers to prevent and respond to sexual harassment and victimisation at work.
- Ensure that women and girls in the precarious job sector, who often experience sexual harassment and sexual violence in the workplace, are protected by ensuring rights in the workplace and ending zero-hours contracts.
- Follow Northern Ireland's lead by introducing a statutory paid leave entitlement for survivors of domestic abuse in the rest of the UK. This would enable survivors to leave the abuser and deal with the aftermath of leaving while maintaining access to an income so they can safely rebuild their lives.
- Ensure government departments and statutory agencies lead by example by introducing robust VAWG policies to support their staff and encourage employers in the private sector to follow suit.

¹⁹⁰ Fawcett Society, 'The worker protection bill will become law', 2023. Available online: <https://www.fawcettsociety.org.uk/news/the-worker-protection-bill-will-become-law>.

Chapter Four: Protection and support

Article 18 – General obligations

We wish to note that the provision of protection and support for victims of VAWG in England and Wales is not consistently delivered within the framework required under Article 18. In particular, we have serious concerns about the lack of a gendered, human rights-based understanding in the response to VAWG. Policies and practices on VAWG in England are increasingly gender neutral and aim for equal treatment for all, thereby disregarding the need for gender specific responses which reflect women’s experiences of violence, inequality and discrimination.

The VAWG sector is particularly concerned about the impact of the shift to gender neutrality within the funding and commissioning landscape for support services, where decisions have severe implications for specialist women’s services and those led by and for minoritised groups. Procurement processes for VAWG services increasingly favour a gender-neutral approach and ‘one provider for all victims’. This not only fails to meet women’s needs, but inherently disadvantages women-only services and those led by and for Black and minoritised women’s services, Deaf and disabled organisations, and LGBT+ services. The push for ‘universal’ or ‘one size fits all’ services disadvantages and devalues the expertise of specialist women’s services, which are delivered by staff with in-depth knowledge of VAWG and within organisations which hold a gendered and intersectional understanding.

These are concerns at both local and national level. Local domestic abuse services responding to Women’s Aid’s Annual Survey 2022 raised continuing concerns about the decommissioning of specialist services, particularly those run by and for Black and minoritised women, due to poor competitive procurement processes, generic, non-specialist providers and services being taken ‘in-house’ within local authorities.¹⁹¹ At the national level, specialist VAWG organisations have recently raised concerns about the distribution of the Home Office’s £8.5 million in funding for ‘VAWG Support and Specialist Services’ between 2023 and 2025. The design of this funding competition presented severe barriers for small, specialist women’s organisations and by and for services and the definitions of ‘specialist’ and ‘by and for’ were criticised within our sector. Analysis of the funding distribution shows that, in a number of cases, it has been delivered to generic, non-specialist organisations and that over a third of the total £1.48 million funding stream dedicated for specialist VAWG services is going to organisations that support male victims.

Article 19 – Information

There are a wide number of support services and legal protections available for survivors in England and Wales, and information on such support is shared in various ways at the national and local level, both by the government and statutory agencies and the efforts of specialist VAWG services. However, reaching out for help remains a huge challenge for women and children, and survivors can face significant barriers in understanding what support is available – due to lack of awareness, accessible information, inequalities, and isolation, fear and control exerted by perpetrators. Below we highlight some of the key barriers facing women and children in accessing this information and understanding their rights as victims of VAWG.

¹⁹¹ Women’s Aid Federation of England, ‘The Domestic Abuse Report 2023: The Annual Audit’, 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>.

“The main barrier is lack of awareness around the fact that such support exists and not knowing that such support exists.” (Survivor)¹⁹²

“I didn’t know what to search for as I was still struggling to name what was happening.” (Survivor)¹⁹³

Communication barriers

Women and children who are Black, minoritised, migrant, Deaf, disabled, or refugee and asylum-seeking face complex barriers in accessing services to which they are entitled. We have concerns that information on VAWG is rarely fully accessible to those who are blind or have visual impairments, those who do not speak English as a first language, women who are Deaf or hard of hearing, or those with learning difficulties or communication impairments.

Some recent examples of the failure to provide accessible information include the Home Office’s #YouAreNotAlone awareness raising campaign on domestic abuse in 2020, which was not translated into community languages or BSL, and the materials for the Ask for ANI codeword scheme with pharmacies and Jobcentres, which are similarly not accessible for those who do not speak English as a first language or who have other communication barriers. In 2022, the Domestic Abuse Commissioner concluded that:

“there is still much to be done in raising awareness of domestic abuse [...] victims and survivors told us that they often didn’t realise that what was happening was abusive, and this was particularly marked for victims and survivors with learning disabilities.”

The sector recently documented a catalogue of failings by state agencies relating to communication barriers faced by survivors.¹⁹⁴ These include:

“Women are prevented from seeking help from the police because of language barriers primarily, they do not speak English, and do not know that they can ask for an interpreter. They also do not know where to go to ask for support or find out about their rights and options. They are fearful of perpetrators becoming more violent if they know they are seeking help or want to leave the relationship.” (Opoka, specialist by and forservice supporting Polish women)

“A Deaf person needed the assistance of the police. However, they did not want their family to be involved and she requested to make her disclosure outside the home. The police officer asked if they could go into the car as they were cold. In the car, they proceeded to take a statement from the BSL user with a pen, paper and gestures. The client was left exceptionally vulnerable in this scenario, unable to fluently express herself and exposed to further distress as a consequence of not being able to communicate at an appropriate level.” (SignHealth, specialist by and for service supporting Deaf women)

¹⁹² Women’s Aid Federation of England, ‘Are You Listening? 7 Pillars for a Survivor-Led Approach to Mental Health Support’, 2022. Available online: [Evidence Hub: Are you listening? 7 Pillars for a survivor-led approach to mental health support - Women’s Aid \(womensaid.org.uk\)](https://www.womensaid.org.uk/evidence-hub/are-you-listening-7-pillars-for-a-survivor-led-approach-to-mental-health-support).

¹⁹³ Domestic Abuse Commissioner, ‘A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales’, 2022. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf.

¹⁹⁴ Joint VAWG Sector Organisations, ‘Listen to Us! How Communication Barriers: How Statutory Bodies are Failing Black, Minoritised, Migrant, Deaf and Disabled Women and Girls Victims/Survivors of VAWG’, 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/04/Listen-to-us.pdf>.

Information and signposting from statutory services

We have continued concerns that the statutory agencies responsible for responding to survivors – including the police, court systems, healthcare professionals and social workers – lack consistent, robust understanding of VAWG, support services and the rights and entitlements of victims. Our organisations consistently support women who have not been provided with accurate information or signposting by the professionals who should be helping them. Women’s Aid’s recent *No Woman Turned Away* report, which documents the journeys of 254 women facing barriers to accessing a refuge space in 2022, reveals a lack of knowledge or resources within statutory agencies such as housing authorities and social services, meaning women and children are not aware of or able to access their rights. The report details 75 instances in which a statutory agency had responded inappropriately to a survivor seeking help in that year – including giving advice which put the survivor at risk of further harm from perpetrator, demonstrating a lack of knowledge about domestic abuse, and giving inaccurate information.¹⁹⁵ Our response to Articles 49 and 50 detail similar concerns with the police response to VAWG.

Tailored information

It is crucial for ensuring that survivors of VAWG can receive information on support services that is accessible and specifically targeted at the groups it is aiming to reach – including for Black and minoritised women, LGBT+ survivors, children and young people. 2023 research by Women’s Aid found that whilst 70% of around 1000 children and young people surveyed stated that they would be likely to seek support if they were worried that domestic abuse was affecting them, six in ten of these were unsure (50%) or did not know where to go (11%) for this.¹⁹⁶ In a recent study of LGBT+ survivors, 54% of LGBT+ survivors living in rural areas reported not knowing any support services that were available to them.¹⁹⁷

“I felt unable to access any support because I was worthless” – LGTQ+ survivor¹⁹⁸

Improvements are also needed to ensure that national awareness raising campaigns effectively link to local responses, ensuring that women and children are aware of the specialist support services available in their area.

Victims’ Code

The government’s response highlights the role of Victims’ Code, which is set to be strengthened through the forthcoming Victims and Prisoners Bill, in providing information on rights and entitlements. The Code sets out the minimum level of service victims can expect from criminal justice services, including referral to support services, and the Bill will require criminal justice agencies to raise awareness of the Code.

However, we wish to note that this Code is applicable to all victims of crime, rather than victims of VAWG specifically, and compliance with the Code remains highly inconsistent across England and Wales. The previous Victims’ Commissioner, Dame Vera Baird KC, concluded in her 2022 annual report that often *“victims often tell me, and data we collect makes clear, that*

¹⁹⁵ Women’s Aid Federation of England, ‘Nowhere To Turn, 2023: Findings from the seventh year of the No Woman Turned Away project’, 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/06/Nowhere-to-turn-2023-report.pdf>.

¹⁹⁶ Women’s Aid Federation of England, ‘Influencers and attitudes: How will the next generation understand domestic abuse?’, 2023. Available online: <https://www.womensaid.org.uk/influencers-and-attitudes-report/>.

¹⁹⁷ Galop, ‘An Isolated Place’, 2023, page 8. Available online: [Galop_A4_IsolatedPlace_Report_2023_Final.pdf](#).

¹⁹⁸ Galop, ‘An Isolated Place’, 2023, page 8. Available online: [Galop_A4_IsolatedPlace_Report_2023_Final.pdf](#).

*the Code is not being upheld.*¹⁹⁹ Data is not collected on compliance with the Code so there is no national picture of how it is working effectively for victims of VAWG, but anecdotally our organisations see consistent breaches of the 12 rights amongst the survivors we support.

There remain particularly serious concerns with regards to the accessibility of the Code to Deaf and disabled women and others with communication barriers, despite the fact that the first right in the Code is “to be able to understand and to be understood”. The previous Victims’ Commissioner stated that “*the promotion of the Victims’ Code has been consistently woeful [...]. The Ministry of Justice has still not issued BSL or other accessible language editions [...]. It’s high time we saw a national campaign raising awareness of the Code, of victim’s rights, and highlighting the diversity of victims and victims’ needs.*”²⁰⁰

Recommendations:

- Make information about VAWG, support and legal entitlements fully accessible, translate it into community languages, BSL and provide it in accessible formats (e.g. easy words and pictures, Braille and audio format). It should be made available in public spaces and through different mediums (e.g. through radio, television, on social media and in print media) to reach as many women as possible.
- Improve how national communications and awareness campaigns on VAWG align to local responses, particularly to raise awareness of the availability of local support.
- Ensure that information and awareness materials are targeted to reach a range of different groups experiencing violence and abuse, including Black and minoritised communities, Deaf and disabled women, children and young people, older women and LGBT+ survivors.
- The Victims and Prisoners Bill should:
 - Include a legal duty to ensure victims’ rights to communication support, similar to the rights of those accused of a crime.
 - Ensure the Victims’ Code applies to all victims without discrimination and signpost victims of VAWG to appropriate specialist support VAWG services.
 - Establish a national oversight mechanism to monitor compliance with the Victims’ Code and ensure that it is enforced.

Article 20 – General support services

Despite increased awareness and new policies and approaches to VAWG within general support services, we remain concerned that too often they are failing to meet the needs of women and children experiencing VAWG. We note that these services are often struggling to cope with excessive caseloads, budget and staffing challenges. Too often we see approaches to ‘manage demand’, which are means of gatekeeping survivors’ access to the support they need but can result in significant risk and harm to women experiencing VAWG. Analysis of Domestic Homicide Reviews has found that poor multi-agency working, a lack of integration and information sharing, poor training and gaps in risk identification and assessment are key

¹⁹⁹ Victims’ Commissioner, ‘2021/22 Annual Report’, 2022. Available online: https://s3-eu-west-2.amazonaws.com/cloud-platform-e218f50a4812967ba1215eaecede923f/uploads/sites/6/2022/06/MOJ7216_Victims-commissioner-Annual-report_AW-WEB.pdf.

²⁰⁰ Victims’ Commissioner, ‘2021/22 Annual Report’, 2022. Available online: https://s3-eu-west-2.amazonaws.com/cloud-platform-e218f50a4812967ba1215eaecede923f/uploads/sites/6/2022/06/MOJ7216_Victims-commissioner-Annual-report_AW-WEB.pdf.

concerns within statutory agencies.²⁰¹ Further details about our concerns about the training of professionals within these services are included in our response to Article 15.

Financial Assistance

The inclusion of economic abuse within the statutory definition of domestic abuse in the DA Act 2021 was welcomed by our sector as a critical reform, recognising the tactics perpetrators use to interfere with the ability of survivors to acquire, use and maintain economic resources. However, a report by Surviving Economic Abuse found that there remain major gaps in criminal justice agencies' response to economic abuse and the financial services sector should take a greater role in holding perpetrators accountable.²⁰²

Economic barriers remain key constraints for women's safety, independence and long-term recovery. The rising costs of living are having a significant impact on these economic barriers, making it even harder to leave an abuser. Research by Women's Aid in 2022 found that almost three quarters (73%) of women who lived with and had financial links with the abuser said that the cost of living crisis had either prevented them from leaving or made it harder for them to leave.²⁰³ Galop, a specialist by and for service for LGBT+ survivors, found in a survey of its specialist frontline staff that 100% reported the unaffordable cost of housing and the unavailability of safe emergency accommodation was placing LGBT+ survivors at much more risk of abuse and harm.²⁰⁴

"When asked what she can do for self-care that day, after going through a traumatic court hearing, the client replied that she's 'going to put the heating on for an hour'." (frontline support worker)²⁰⁵

The government responded to these concerns by launching a £300,000 'emergency fund' for survivors of domestic abuse. The fund was distributed via Women's Aid and Welsh Women's Aid's member services, with a proportion of the funding ring-fenced for Wales and for by and for Black and minoritised women's services. The non-ring-fenced funding ran out within five days, and all funding was allocated within 12 working days. No by and for LGBT+ services were able to access the fund to support LGBT+ survivors. Whilst this fund was welcomed within the VAWG sector, it was clear that the level of funding allocated was inadequate and the exceptionally high demand from survivors to access these payments shows the severe levels of hardship currently facing women and children experiencing VAWG.

The cost of living crisis is compounding the impact of years of austerity and welfare policies, which have disproportionately impacted women and children. Policies related to Universal Credit, the benefit cap, the two-child limit, the 'bedroom tax', the benefits freeze and other changes have all worsened gender inequality and other inequalities, disproportionately affecting Black and minoritised women, disabled women and single mothers.²⁰⁶ In particular, the design

²⁰¹ Standing Together, 'Domestic Homicide Review (DHR) Case Analysis Report for Standing Together', 2016. Available online: https://coercivecontrol.rpfa.org.uk/wp-content/uploads/Standing_together_dom_homicide_review_analysis.pdf.

²⁰² Surviving Economic Abuse, 'Seen yet sidelined: How economic abuse is reflected and responded to within successful prosecutions of the Controlling or Coercive Behaviour Offence', 2023. Available online: https://survivingeconomicabuse.org/wp-content/uploads/2023/09/Seen-yet-sidelined_SEA_2023.pdf.

²⁰³ Women's Aid Federation of England, 'Cost of Living and the impact on survivors of domestic abuse', 2022. Available online: https://www.womensaid.org.uk/wp-content/uploads/2022/08/Womens_Aid_cost_of_living_survivor_survey_July_22.pdf.

²⁰⁴ Galop, 'The Hidden Reality', 2022, page 2. Available online: [Galop.Report.Dec22.Final_Web_.pdf](#)

²⁰⁵ Galop, 'The Hidden Reality', 2022, page 5. Available online: [Galop.Report.Dec22.Final_Web_.pdf](#)

²⁰⁶ Women's Budget Group, 'Spring Budget 2023 Pre-Budget Briefings: Social security and gender', 2023. Available online: <https://wbg.org.uk/analysis/spring-budget-2023-pre-budget-briefings/>; Women's Budget Group, Runnymede Trust, Coventry Women's Voices, RECLAIM, 'Intersecting inequalities: The Impact of Austerity on Black and Minority Ethnic women in the UK', 2017. Available online: <https://wbg.org.uk/wp-content/uploads/2018/08/Intersecting-Inequalities-October-2017-Full-Report.pdf>.

of Universal Credit (as a single household payment) has been widely criticised, including by the UN Special Rapporteur on Extreme Poverty and Human Rights, for exacerbating unequal gendered dynamics within a couple by giving control of the payments to a financially or physically abusive partner.²⁰⁷ The 'two child tax credit' limit has exemptions for women who have had a child as a result of a 'non-consensual conception', however it requires them to disclose this – a policy we believe to be inhumane and unworkable, given the barriers to disclosing rape. Economic barriers are particularly acute for asylum-seeking women who, due to the current workings of the asylum system, are often trapped economically and forced into destitution.

Meanwhile, women's access to legal aid is restricted by the need to give evidence of domestic abuse to a threshold which women can struggle to provide, and a means-test which leaves far too many unable to access the legal help they need because they cannot afford it.²⁰⁸ The result is that women experiencing VAWG often continue to face significant financial challenges when entering into legal proceedings.

Recommendations:

- Reform the welfare system so that it supports survivors' economic independence and does not facilitate economic abuse, including:
 - Lifting the No Recourse to Public Funds condition.
 - Splitting all Universal Credit joint claims by default, so each adult in the household receives a payment.
 - Making all benefit advances for survivors payable as grants not loans.
 - Ending the two-child tax credit limit.
 - Exempting survivors from the benefit cap.
 - Reforming the Child Maintenance System by abolishing all fees for survivors and implementing robust enforcement measures for non-paying parents.
- Ensure the VAWG National Statement of Expectations identifies the need for specialist economic advocacy, in partnership with money, debt, and benefits advice as well as financial services, to help survivors re-establish their economic independence and rebuild their lives.
- Government to consider what role the financial services sector can play in supporting criminal prosecutions of controlling or coercive behaviour and how they can hold perpetrators accountable for economic abuse.
- Expand and improve legal services for survivors; introducing an exemption for the means test in civil, family and immigration proceedings for all survivors so they can access justice and the protections they and their families need.
- Make emergency funding available for domestic abuse survivors, to assist them to flee their abuser and mitigate the impact of the current cost of living crisis. The fund should be available to all survivors of domestic abuse equally and without discrimination, including migrant women with No Recourse to Public Funds.

²⁰⁷ Alston, P., 'Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights', 2018. Available online: https://www.ohchr.org/sites/default/files/Documents/Issues/Poverty/EOM_GB_16Nov2018.pdf.

²⁰⁸ Women's Budget Group, 'Gender Gaps in Access to Civil Legal Justice', 2023. Available online: <https://wbg.org.uk/wp-content/uploads/2023/07/Gender-gaps-in-access-to-civil-legal-justice-WBG.pdf>.

Housing services

Homelessness and housing insecurity continue to be a reality for many survivors of VAWG. The severe lack of social housing, the impact of welfare benefit changes, and the inadequacy and unaffordability of the private rented sector are serious challenges for the women and children our sector supports. Latin American Women's Aid's research has found that Black and minoritised survivors face complex structural barriers to accessing safe and stable accommodation, including systemic and institutional failures and discrimination in how housing authorities respond.²⁰⁹ This creates a high risk of homelessness and re-victimisation. The situation is particularly acute for migrant survivors due to their exclusion from most forms of social security, and there remains a lack of understanding about the rights for EEA national women experiencing VAWG for homelessness assistance.

The government's response notes the homelessness pathways that are available to women and children experiencing VAWG and our organisations welcomed the reforms to 'priority need' for accommodation for victims of domestic abuse in 2021. However, we wish to highlight that there remain severe inconsistencies in the implementation of survivors' housing rights and entitlements, including priority need and the Homeless Code of Guidance. Reviews of the priority need legislation by Solace Women's Aid²¹⁰ and Latin American Women's Aid²¹¹ have both found that a lack of social and affordable housing supply results in local authority housing teams refusing women's homelessness applications. These 'gatekeeping' practices include requiring police evidence of domestic abuse and turning women away as they aren't 'local' (a condition which should not apply to domestic abuse survivors for their safety). In 2022, the government consulted on a statutory ban from such 'local connection' restrictions but disappointingly the outcome has not yet been published, despite the urgency of this issue. As noted above, migrant women with No Recourse to Public Funds are not eligible for this homelessness support and Solace's research has found that survivors of sexual violence, unless perpetrated by an intimate partner or family member, are also excluded from priority need unless they have children or other vulnerabilities.

Even where housing duties are accepted, VAWG organisations report that local authorities are often unable to find suitable accommodation for women and children. There is increasing reliance on bed and breakfasts, hotels and other unsuitable forms of temporary accommodation, which may not be women-only spaces and do not have adequate facilities for families. VAWG organisations report that women escaping VAWG can be placed in unsuitable and unsafe mixed-sex accommodation, including large hostels with men who have substance use issues.²¹² This can result in women experiencing further violence, abuse and exploitation and highlights the critical importance of women-only accommodation with support delivered by specialist VAWG providers. The lack of affordable housing also poses significant challenges for women and children ready to move on from refuge services, causing 'bed-blocking', or meaning that families have to move several times after leaving a refuge between different forms of temporary and short-term accommodation, prolonging instability and trauma.

Other housing tenures also pose challenges for survivors. Those who share a joint tenancy with a perpetrator are currently often dependent on perpetrators to voluntarily remove themselves

²⁰⁹ Latin American Women's Aid, 'Reflections and recommendations from the women against homelessness and abuse (WAHA) initiative', 2023. Available online: <https://lawadv.org.uk/wp-content/uploads/WAHAPOLICYBRIF-SEP12-min.pdf>.

²¹⁰ Solace, 'Priority Need For Housing For Survivors Of Domestic Abuse: One Year On', 2023. Available online: https://www.solacewomensaid.org/wp-content/uploads/2023/10/priority_report_2022_-_final_interactive.pdf.

²¹¹ Latin American Women's Aid, 'Reflections and recommendations from the women against homelessness and abuse (WAHA) initiative', 2023. Available online: <https://lawadv.org.uk/wp-content/uploads/WAHAPOLICYBRIF-SEP12-min.pdf>.

²¹² Solace, 'Priority Need For Housing For Survivors Of Domestic Abuse: One Year On', 2023. Available online: https://www.solacewomensaid.org/wp-content/uploads/2023/10/priority_report_2022_-_final_interactive.pdf.

from the joint tenancy, and if unable to achieve this, they face significant legal and financial barriers which can result in homelessness and in women carrying the economic, practical, and emotional burden of starting again. Again, the government consulted on joint tenancy reform in 2022 but the conclusion of this has not been published. The private rented sector remains unaffordable to many; recent research found no region in England where private rented housing is affordable on women's median earnings, whereas men can afford to rent a median home (median private sector rental cost) in all regions except London.²¹³ Women who own their own homes may experience economic abuse through their mortgage and face significant barriers in ensuring perpetrators are removed from the mortgage agreement, as well as the risk of repossession and homelessness.

Survivors of domestic abuse are significantly more likely than other tenants to have anti-social behaviour (ASB) complaints made against them, often due to the misidentification of domestic abuse as ASB.²¹⁴ Survivors are also more likely to be in rent arrears, both as a direct result of economic abuse and due to the economic and practical burden of fleeing abuse and becoming homeless, often with their children. With no proposed safeguards currently in place to protect victims from evictions related to domestic abuse, we fear that the government's proposed changes to ASB and rent arrears eviction grounds within the Renter's Reform Bill will lead to harm and homelessness for vulnerable women and children.

Recommendations:

- Improve access to, and availability of, adequate social housing and safe accommodation, and establish clearer local authority allocation schemes to transform our response to the housing needs of survivors.
- Update Local Housing Allowance rates each year and ensure they are linked to market rent levels and availability of housing at those levels.
- Support local authorities to implement the automatic priority need for housing to survivors of domestic abuse including training, co-location of housing IDVAs and administrative burdens funding.
- Exempt survivors of domestic abuse from local connections or residency requirements for applicants of social housing.
- Introduce a simplified legal mechanism for survivors of domestic abuse to apply directly to the county court to remove a perpetrator of domestic abuse from a secure or assured social tenancy.
- Improve the use of occupation orders to ensure it is on the perpetrator to leave and the woman to stay, where she wants to and it is safe for her to do so.
- Ensure all asylum-seeking women have access to safe and dignified accommodation which recognises women's specific experiences and needs, while they wait for a decision on their asylum claims.
- Ensure that, on receipt of their refugee status, women have appropriate time and support to move onto safe and suitable accommodation (56 days).
- Work with the Financial Conduct Authority to identify and remove regulatory barriers to de-linking financial products, particularly joint mortgages, without the perpetrator's consent, and provide guidance to firms to help them review their internal processes around joint mortgages.

²¹³ Women's Aid Federation of England, 'The Domestic Abuse Report 2020: The Hidden Housing Crisis', 2020. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2020/06/The-Domestic-Abuse-Report-2020-The-Hidden-Housing-Crisis-Summary.pdf>.

²¹⁴ Jackson (2013), cited by Henderson, K., 'The role of housing in a coordinated community response to domestic abuse', 2019, page 60. Available online: <http://etheses.dur.ac.uk/13087/>.

Legal counselling services

Legal counselling services are provided largely by charities and grassroots organisations, including Rights of Women, Citizens Advice, Support Through the Court and specialist domestic abuse services. The Domestic Abuse Commissioner's *Patchwork of Provision* mapping report revealed the extent of the need for these services. A survey of 4,000 survivors found that 69% of survivors wanted legal support or advice for the family courts and 71% wanted legal support or advice for the criminal court.²¹⁵ However, this support is not readily available. The percentage of survivors who got community-based legal support and advice that they wanted was only 34% for the family court and 26% for the criminal court.²¹⁶ There were also regional differences; for family court support, this ranged between 42% who got this support in Yorkshire to 31% who got it in London or the East of England.

In the family court, survivors are likely to be unrepresented due to the limited availability of legal aid for family court proceedings and the strict eligibility criteria, concerns which are detailed further in our response to Article 57. A 2021 survey by Surviving Economic Abuse found that the number of survivors who were self-representing (33%) was higher than the number who were able to access legal aid (20%).²¹⁷ The survivors we support tell us that the family court is confusing, overwhelming and traumatising to navigate without representation – and this is made even worse by the lack of legal counselling available to provide emotional and practical support, as well as general, impartial information.

Education and training services

Please see the response to Article 14 for our response on the approach to VAWG within schools.

There remain significant concerns about the scale and impact of VAWG within universities, and the adequacy of measures to tackle this. In 2020, fulltime students were more likely to have experienced sexual assault in the past year than any other occupational group²¹⁸ and an estimated 162,000 higher education students experience domestic abuse each year.²¹⁹

In 2021, the Office for Students (OfS) within government published a 'statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education', to set out recommendations for effective systems, policies and processes to prevent and respond to incidents of harassment and sexual misconduct. However, the OfS has found that universities have not consistently improved practice and in some cases are insufficiently prioritising the issue.²²⁰ In 2023, OfS launched a consultation on the formal regulation of university responses to harassment and sexual misconduct. Whilst this is a welcome step forward, VAWG organisations are concerned that the proposals were not taking an integrated, holistic approach to VAWG; the OfS stated that they would not include domestic abuse within

²¹⁵ Domestic Abuse Commissioner, 'A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales', 2022, page 7. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Suivivors_Long-Policy-Report_Nov2022_FA.pdf.

²¹⁶ Domestic Abuse Commissioner, 'A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales', 2022, page 18. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Suivivors_Long-Policy-Report_Nov2022_FA.pdf.

²¹⁷ Surviving Economic Abuse, 'Denied justice: How the legal aid means test prevents victims of domestic abuse from accessing justice and rebuilding their lives', 2019. Available online: <https://survivingeconomicabuse.org/wp-content/uploads/2021/10/Denied-justice-October-2021.pdf>.

²¹⁸ Office for National Statistics, 'Sexual offences prevalence and victim characteristics, England and Wales', 2021. Available online: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/sexualoffencesprevalenceandvictimcharacteristicsenglandandwales>.

²¹⁹ Office for National Statistics, 'Sexual offences prevalence and victim characteristics, England and Wales', 2021. Available online: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/sexualoffencesprevalenceandvictimcharacteristicsenglandandwales>.

²²⁰ Office for Students, 'Consultation on a new approach to regulating harassment and sexual misconduct in English higher education', 2023. Available online: <https://www.officeforstudents.org.uk/media/292f4ba4-0938-4bf3-a9b8-bde76f663185/harassment-and-sexual-misconduct-consultation-2023-final.pdf>.

their definition as it is a “complex area” and “one in which additional regulation could bring additional burden and complexity for higher education providers”.

Research in 2021 found that the response from universities to domestic abuse has, in the most part, been slow and unsystematic. The report found that only nine of 133 UK universities had a specific domestic abuse policy – despite over 185,000 UK university staff and students experiencing domestic abuse every year.²²¹ This poor response is compounded by the fact that full-time students often cannot access refuge, as they are not eligible for benefits to cover the cost – with some exceptions, e.g. for those who are responsible for a child or who are disabled. In addition, local authorities often refuse students who are experiencing domestic abuse temporary accommodation on the basis that they will not be able to afford it, directing them instead to welfare or safeguarding support from their university. This practice is in contradiction to housing law but it is common – and results in many students being unable to access the protection they need.

Employment services

The statutory guidance for the Domestic Abuse Act 2021 acknowledged that:

“Employers have an important role to play in helping victims of domestic abuse to remain in work, in the workplace itself, and to help victims access the support they need through signposting to specialist services and raising awareness about domestic abuse.”²²²

The new Employment Relations (Flexible Working) Act 2023 gives employees’ rights to request flexible working earlier in their employment and reduces waiting times for decisions,²²³ which could benefit survivors whose work is often impacted directly or indirectly by abuse.

However, the other best practice measures cited in the Domestic Abuse Act guidance are voluntary and not statutory: offering paid domestic abuse leave, developing an organisational policy on domestic abuse and provide training on domestic abuse to staff.²²⁴ Whilst some businesses have implemented these forms of best practice, it is far from the norm, leaving many survivors without the right to these protections. The government’s 2021 workplace support for victims of domestic abuse review committed to “*establish a working group of government, employers, representatives of domestic abuse victims and trade unions to convene regularly to establish practical solutions and to drive culture change and best practice.*” However, as far as we know, this group has not been convened.

As survivors do not consistently have access to domestic abuse measures and support from their workplace, many rely on specialist services for this. In Women’s Aid’s 2019 *Economics of Abuse* report, 69% of the specialist services responding to the survey supported survivors to remain in paid employment. This included advice on safety planning at work, or advocacy work

²²¹ HARM network, ‘Domestic Abuse Policy Guidance for Universities’, 2021. Available online: <https://clok.uclan.ac.uk/37526/1/Domestic%20Abuse%20Policy%20Guidance%20for%20UK%20Universities%202021.pdf>.

²²² Home Office, ‘Domestic Abuse Statutory Guidance’, 2022. Available online: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089015/Domestic_Abuse_Act_2021_Statutory_Guidance.pdf.

²²³ Department for Business and Trade, ‘Millions to benefit from new flexible working measures’, 2023. Available online: <https://www.gov.uk/government/news/millions-to-benefit-from-new-flexible-working-measures>.

²²⁴ Home Office, ‘Domestic Abuse Statutory Guidance’, 2022. Available online: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089015/Domestic_Abuse_Act_2021_Statutory_Guidance.pdf.

with employers.²²⁵ Furthermore, 72% of services supported survivors to develop employability skills, including access to training, help with job applications and developing interview skills. The vast majority of specialist services are not funded to provide this employment support.

Recommendations:

- Introduce two weeks paid statutory domestic abuse leave per year as a right for all employees.
- Require employers to have a VAWG policy, which sets out their approach to survivors and perpetrators, summarises the support available to survivors through the workplace and outlines training requirements for employees to improve their understanding of domestic abuse.

Health care and social services, including psychological support services

The last year has seen positive changes to the national health response to VAWG, including a focus on mental health and wellbeing, the health impacts of VAWG, and a focus on prevention as priority areas within the ten year Women’s Health Strategy.²²⁶ However, a chronic lack of funding and resources facing the National Health Service (NHS), as well as a lack of training and awareness raising across statutory health and care agencies, means there remain significant gaps in the health and social service response to VAWG.

Whilst many healthcare professionals are trusted by women and girls affected by VAWG, there remains insufficient awareness and training among statutory health agencies around the mechanics of violence against women and girls (VAWG), as well as a lack of clarity about the role of health services in the local and national response to VAWG. This results in patchy, inconsistent support pathways and varied commitment to commissioned service provision. Poor information sharing and engagement from health bodies are regularly cited in Domestic Homicide Reviews,²²⁷ and IICSA provided ample evidence of how health issues that arose from child rape and sexual abuse were not identified, questioned, or followed up by GPs, hospitals, and other health professionals.²²⁸

For disabled survivors, impairment continues to be perceived as being de facto ill-health, which serves to hide structural inequalities in health. Research shows that disability is an added barrier to accessing health services, not only because of poorer access but also due to discrimination and exclusion.²²⁹

The complexities of VAWG and its impacts are often not recognised, and the patient is not supported or treated in a holistic way. Within healthcare settings, there is a tendency to focus overwhelmingly on clinical interventions when supporting survivors. For instance, there continues to be a lack of funding for specialist VAWG services funded by health

²²⁵ Women’s Aid Federation of England, ‘Economics of Abuse’, 2019. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2019/12/Economics-of-Abuse-Report-2019.pdf>.

²²⁶ Department of Health and Social Care, ‘Women’s Health Strategy’, 2022. Available online: <https://www.gov.uk/government/publications/womens-health-strategy-for-england/womens-health-strategy-for-england>.

²²⁷ Standing Together, ‘Executive Summary London Domestic Homicide Review (DHR) Case Analysis and Review of Local Authorities DHR Process’, 2019. Available online: <https://static1.squarespace.com/static/5ee0be2588f1e349401c832c/t/5f686163057cc94200198082/1600676197050/Standing+Together+London+DHR+Review+-+Executive+Summary.pdf>.

²²⁸ The Independent Inquiry into Child Sexual Abuse, ‘The report of the Independent Inquiry into Child Sexual Abuse’, 2022. Available online: <https://www.iicsa.org.uk/index.html>.

²²⁹ Inclusion London, ‘GLA Disability Equality Issues’, 2017. Available online: <https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/equality-and-human-rights/gla-disability-equality-issues-map/>.

commissioners,²³⁰ despite research highlighting that, for example, domestic abuse costs the NHS £2.7 billion per year.²³¹ Sexual violence and abuse survivors accessing general mental health support provided by statutory services often see generic modalities of therapy, particularly cognitive behavioural therapy (CBT), which can pathologise survivors for their normal and natural trauma responses to distress, leading to empirically inaccurate and controversial diagnoses, such as so-called ‘personality disorders’.²³²

In particular, primary care services have a crucial role to play in responding to VAWG. Despite being a common point of contact for survivors, the prevalence and impact of VAWG frequently goes unidentified in general practice unless clinicians have the knowledge to identify the symptoms and presentations, the skills and confidence to ask patients about abuse sensitively and the access to a simple referral pathway to for appropriate support. General practice and sexual health services are in particular a unique and strong position to help people who experience VAWG to get the support they need and have duties to safeguard vulnerable adults and their children.

A unique programme has been developed to address these issues; IRIS is a specialist domestic violence and abuse training, support and referral programme for general practices that has been positively evaluated in a randomised controlled trial. IRISi, the social enterprise who developed IRIS, also lead the ADViSE programme (Assessing for Domestic Violence in Sexual Health Environments) – which supports sexual health clinicians to identify, respond and refer patients affected by domestic abuse. IRIS has informed guidance by the National Institute of Clinical Excellence (NICE) on effective primary care responses to domestic abuse, but the programme is not funded or commissioned consistently across England and Wales.²³³

Following the Health and Social Care Act in 2022, Integrated Care Boards (ICBs) now lead on health commissioning and are essential partnerships that bring together NHS organisations, local authorities, and others to take collective responsibility for improving health and reducing inequalities across local areas. ICBs now have a direct responsibility to address the needs of survivors of domestic abuse and sexual violence in published guidance for ‘Joint Forward Plans’ – a five-year strategy to meet the local population’s health needs. This presents a huge opportunity to ensure the health system prioritises the health needs of survivors. Nevertheless, since these new duties came into effect in 2022, only 11 of the 40 available Joint Forward Plans include specific, time-based actions to ensure they fulfil the duty on ICBs to meet the needs of survivors of domestic abuse. Most of the published plans only briefly mention the duty, and include no new commitments made to address its requirements, or any measurable actions to achieve their stated aims.²³⁴ Without tangible and measurable actions, healthcare services will not fulfil their duties under the Convention to support survivors.

Given these responsibilities, and the requirement that ICBs name a strategic lead on domestic abuse and sexual violence, it is critical that health leaders responsible for implementing their respective Joint Forward Plans, draw on the expertise from specialist women’s services in their local areas, to deliver evidence-based health interventions for survivors. The available evidence of the effectiveness of mid to long-term specialist trauma counselling, emotional support, and psychoeducational support, which contextualises mental health within broader socio-political

²³⁰ Women’s Aid Federation of England, ‘Mental Health and Domestic Abuse: A review of the literature’, 2021. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2021/12/FINAL-WA-literature-review.pdf>.

²³¹ Women’s Aid Federation of England, ‘Investing to save: The economic case for funding specialist domestic abuse support’, 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/02/Investing-to-save-report-ResPublica-and-Womens-Aid.pdf>.

²³² Women’s Aid Federation of England, ‘Mental Health and Domestic Abuse: A review of the literature’, 2021. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2021/12/FINAL-WA-literature-review.pdf>.

²³³ NICE, ‘Domestic Violence and Abuse: Multi-agency Working’, 2014. Available online: <https://www.nice.org.uk/guidance/ph50>.

²³⁴ Women’s Aid Federation of England, ‘Analysis of Joint Forward Plans’, 2023.

systems and experiences,²³⁵ needs to be utilised by health commissioners in order to provide adequate care to women victims. To ensure all survivors have access to the same standard of care, specific provision should be made available to meet the needs of Black and minoritised, D/deaf, disabled and LGBT+ survivors.

In regard to social services, existing safeguarding processes often fail disabled women victims, and in some cases, increase their risk of harm. Raising a safeguarding alert can sometimes lead to a survivor obtaining a care package to mitigate risk of harm. However, D/deaf and disabled people's organisations highlight that adult safeguarding professionals lack the understanding of VAWG needed to safely support disabled survivors and signpost them to appropriate services. For instance, adult safeguarding professionals often fail to make referrals to Multi-Agency Risk Assessment Conference (MARAC), as demonstrated by the omission of disabled survivors from the data on referrals to adult social care and mental health services for disabled survivor. Similarly, the existing data shows a severe lack of referrals from adult safeguarding for disabled women victims to specialist domestic or sexual abuse services, including to by and for organisations. As a result, most disabled victims whose case is referred to adult safeguarding are denied access to advice, advocacy, re-housing, confidential access to therapeutic services and contact with organisations which understand their culture, faith, sexuality and support their identity as disabled women.²³⁶

Currently, much of VAWG experienced by disabled women is also hidden in safeguarding data, which is poorly disaggregated by sex.²³⁷ Dramatic changes are required for the collection of data on female survivors' access to health and social services in order to deliver a more accurate picture of the UK's effectiveness in the provision of these services for female survivors.

Recommendations:

- Roll out nationally-funded long term, trauma-informed, specialist counselling, therapeutic and psychoeducational support for all survivors of VAWG. There should be requirements on ICBs to commission local specialist VAWG services, and commit to only implementing evidence-based health interventions for female survivors, such as IRIS in General Practice and ADViSE in Sexual Health
- Ensure that health referrals to specialist Rape Crisis centres and other VAWG services are followed by appropriate funding pathways.
- Implement mandatory, regular and in-depth training for GPs and other health practitioners, including mental health professionals, on VAWG indicators, particularly in girls and in children more broadly, delivered by VAWG specialists. Training should include appropriate safeguarding and referrals to long-term specialist VAWG services.
- Place a duty on adult safeguarding professionals to follow basic safety protocols for victims of abuse by people known to them – such as speaking

²³⁵ Women's Aid Federation of England, 'Mental Health and Domestic Abuse: A review of the literature', 2021, page 47. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2021/12/FINAL-WA-literature-review.pdf>.

²³⁶ Stay Safe East, 'Stay Safe East Response to the Home Office Call for Evidence on the Violence against Women and Girls strategy 2021-2024', 2021. Available online: <https://www.staysafe-east.org.uk/wp-content/uploads/2021/03/Stay-Safe-East-response-to-the-Home-Office-VAWG-Strategy-2021-25-14-pt.pdf>.

²³⁷ Stay Safe East, 'Stay Safe East Response to the Home Office Call for Evidence on the Violence against Women and Girls strategy 2021-2024', 2021. Available online: <https://www.staysafe-east.org.uk/wp-content/uploads/2021/03/Stay-Safe-East-response-to-the-Home-Office-VAWG-Strategy-2021-25-14-pt.pdf>.

to the victim without the abuser present and referring victims to MARAC and specialist VAWG services.

- Introduce regulations that give victims an automatic right to be supported by an advocate within the safeguarding process, whatever the disabled person's level of capacity.
- Nationally resource and implement a review of outcomes for disabled survivors of abuse who go through the safeguarding process.
- ICBs to commit to adopting a 'social model approach' which addresses disability as a social and economic as well as health issue and does not assume that disability automatically equates to poor health.
- Disaggregate adult and children's safeguarding data must disaggregate fully, including type of abuse, the gender of the survivor and perpetrator, and relationship to victim (family member, paid or unpaid carer etc).

Article 21 – Assistance in individual/collective complaints

In our view, the UK government is not compliant with this article. The explanatory report to the Convention makes clear that this Article sets out the obligation of parties to ensure that victims have information on and access to applicable regional and international complaints mechanisms. The government's response refers to the Government Equality Office's Equality Advisory and Support Service, but we wish to note that this service does not provide formal legal advice, or specific advice about applying to the European Court of Human Rights, CEDAW or other international bodies. Similarly, the complaints mechanisms outlined for the Victims' Code are not specifically relevant. The government does not provide information on access to assistance in individual or collective complaints or promote the NGOs or individual lawyers who provide representation in such cases – where legal aid is not provided.

Article 22 – Specialist support services

We are concerned that the Government is failing to meet Article 22 which highlights the importance of *specialist* support "to address the different kinds of violence, and provide support to all groups of victims, including hard-to-reach groups". The Domestic Abuse Commissioner's mapping research highlighted that there is a 'patchwork' of provision for survivors of domestic abuse, with fewer than half of survivors able to access the community-based support they needed, and even higher barriers to support for survivors from marginalised communities. Notably, provision is highly variable across regions, and 'large swathes' of England and Wales do not have any specialist support at all for survivors who are Deaf and disabled and survivors from that LGBTQ+ community.²³⁸

Defining specialism

Since inception, VAWG sector/activists have pioneered, evolved, and defined what specialism means and what is effective in responding to women and children subjected to different forms of VAWG. What is considered to be a specialist VAWG response is rooted in well-established and evidenced principles which includes being led by women's organisations, survivor-centred and

²³⁸ Domestic Abuse Commissioner, 'A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales', 2022. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf.

informed, responsive to different typologies and interconnected forms of VAWG,²³⁹ operating within gendered, intersectional human rights-based framework, independence from the state; offering holistic package of wrap-around support which is VAWG trauma-informed and holistic (housing, health, therapeutic, finance, justice); accessible and available at the point of need and delivered by organisations that hold specialist knowledge and skills.

These principles form the basis of *the Violence Against Women and Girls Sector Shared Core Standards* developed by Imkaan, Rape Crisis England & Wales, Respect, SafeLives and Women's Aid Federation of England which provides a guiding framework for delivering high-quality support.²⁴⁰

In the UK, the specialist by and for sector has developed specific specialist approaches underpinned by intersectionality which provide a useful framework to define and address VAWG.²⁴¹ Intersectionality²⁴² suggests that all ways in which women mark their identity and define their experience of oppression are valid and reflective of the conditions they live, in other words, their lived experience, and that there is no hierarchy of oppression. Within the VAWG landscape, there are some organisations that have a history and expertise in providing support which is underpinned by intersectional practice, including services led by and for Black and minoritised women,²⁴³ Deaf and disabled women, and LGBT+groups.²⁴⁴

Understanding specialism

There is no UK government definition of 'specialist' VAWG services. The VAWG sector is concerned about a narrow and reductive understanding of VAWG specialism amongst commissioners and decision-makers and, as highlighted in our response to Article 8, there is a lack of publicly available information to provide a clear picture of the actual level of public funding invested into specialist provision. This narrow understanding leads to excessive focus on funding short-term, time-limited specialist support interventions, often when women are in immediate crisis, or funding interventions which are solely linked to their engagement with the police or courts.

Higher risk thresholds for accessing support have also been observed as an increasing trend within statutory services who then rely on under-resourced specialist sector to manage a higher, more complex workload. Funding is not designed to meet the core principles defined by the VAWG sector – independent and non-statutory, gendered, VAWG and trauma-informed, intersectional (across different forms of violence) and survivor centred. An example of this is the lack of specialist support for women in the community once they have moved from crisis-based accommodation. Another common example is the lack of provision for the depth of therapeutic work (longer than 12 weeks) to unpick the layers of VAWG-related trauma when the

²³⁹ There are a range of specialist VAWG organisations that have expertise and specialise in dedicated responses to domestic violence, rape and sexual violence, female genital mutilation (FGM), economic abuse, 'honour-based' violence, forced marriage, economic abuse, femicide, stalking, online abuse.

²⁴⁰ Imkaan, Rape Crisis England & Wales, Respect, SafeLives and Women's Aid, 'Violence Against Women and Girls Sector Shared Core Standards', 2016. Available online: <https://safelives.org.uk/sites/default/files/resources/Shared%20Standards%20Whole%20Document%20FINAL.pdf>

²⁴¹ Imkaan, 'The Alternative Bill: From the Margin to the Centre Addressing Violence Against Women and Girls', 2018. Available online: https://docs.wixstatic.com/ugd/2f475d_91a5eb3394374f24892ca1e1ebf2ea2e.pdf.

²⁴² Joint VAWG sector organisations, 'Comprehensive Spending Review', 2021.

²⁴³ See Imkaan: definition for 'by and for' Black, minoritised women <https://www.imkaan.org.uk/by-and-for>

²⁴⁴ Galop, 'Galop commissioning for inclusion', n.d. Available online: <https://galop.org.uk/resource/resource-ij/>.

VAWG specialist is only funded to deliver time-limited 12 weeks of counselling provision²⁴⁵ - with 44% of services running such critical services without any dedicated funding.²⁴⁶

By and for VAWG sector providers are concerned about the loss of specialism, unequal partnerships²⁴⁷ and reduction in self-determination and equity in leadership that result from the way in which funding is designed and allocated, even if it is described as by and for. The Home Office's recent VAWG Support and Specialist Services 2023-25 fund excluded small, specialist providers to bid on their own terms as leaders in the field because they were unable to meet the high-income thresholds set within the funding criteria.²⁴⁸ The by and for component of this fund enabled large mainstream and statutory organisations to self-identify as by and for organisations and thus the funding has been subsumed into generic provision.

The uncertainty and instability of VAWG specialist provision is also identified by statutory commissioners with a responsibility for VAWG on a local / regional level who feel that the political environment and election cycles are a key driver for funding VAWG work rather than service needs and commissioning cycles / processes.²⁴⁹ They comment on the significant disconnect between understanding of need by government departments and ministers, and the feedback from survivors. This perpetuates an unstable environment for specialist services to sustain and develop appropriate support.

Lack of specialist provision

The importance of funding organisations with specialist knowledge and skills is emphasised in the Convention. In practice, it is challenging for VAWG providers to secure full cost recovery from both government and non-government sources. Consequently, organisations often have to use their limited reserves, utilise in-kind support and generate donations to support infrastructure costs.

The government has emphasised the importance of specialist provision, including by and for provision as part of its guidance to Local Authorities on the funding and commissioning of VAWG provision (2016, updated 2022) which is accompanied by a National Statement of Expectations.²⁵⁰ Whilst we welcome this guidance and the development of a national standard, there are no accountability mechanisms at a national level to monitor its impact and implementation at a local level, and the definitions lack the specific criteria noted above. In the absence of appropriate scrutiny, the VAWG sector has serious concerns about fragmented and inconsistent nature of VAWG provision which contribute to stark regional differences in the availability of support. As recognised in the Convention, survivors need a range of holistic and integrated support. Recent research shows that only a minority of survivors can access the support they want.²⁵¹

²⁴⁵ Imkaan, 'Our sector, our voice, our work: A Participatory Evaluation of the Comic Relief Supporting and Sustaining Specialism Programme for the ending-VAWG Black & Minoritised women-led by and for sector', 2023. Available online: https://assets.ctfassets.net/zsfivwzfgl3t/6qMpiSDmePxx1YiYdwmtOc/84a18937cd7141386d60ac79e6984a01/Supporting_Sustaining_Specialism_Final_Evaluation_Report.pdf.

²⁴⁶ Women's Aid Federation of England, 'The Domestic Abuse Report 2023: The Annual Audit', 2023. Available online:

<https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>.

²⁴⁷ Imkaan, 'Uncivil partnerships? Reflections on collaborative working in the ending violence against women and girls sector', 2017. Available online: <https://static1.squarespace.com/static/5f7d9f4addc689717e6ea200/t/60be3e4af3fe3512ac611d9/1623080583851/2017+%7C+uncivil+partnerships%3F+reflections+on+collaborative+working+in+the+ending+violence+against+women+and+girls+sector+-+Good+Practice+Briefing.+London%3A+Ascent+%28London+VAWG+Consortium%29.pdf>.

²⁴⁸ Home Office et al., 'Funding boost for specialist victim support services', 2023. Available online: <https://www.gov.uk/government/news/funding-boost-for-specialist-victim-support-services>.

²⁴⁹ Ava, 'Funding for Support Services for Victims and Survivors of Violence Against Women and Girls in London', 2023. Available online: <https://avaproject.org.uk/wp-content/uploads/2023/05/1716-5-LC-London-Mapping-Report-WEB-03.pdf>.

²⁵⁰ Home Office, 'Violence Against Women and Girls - National Statement of Expectations', 2022. Available online:

https://assets.publishing.service.gov.uk/media/6244459dd3bf7f32a93d3b76/National_Statement_of_Expectations_2022_Final.pdf.

²⁵¹ Domestic Abuse Commissioner, 'A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales', 2022. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf.

In its GREVIO response, the Government highlight the importance of funding specialist accommodation provision, also noting that all safe accommodation commissioned under the Part 4 duty in the DA Act 2021 must be single-gender or single-sex and must meet either Department for Levelling Up, Housing and Communities (DLUHC), Women's Aid, Imkaan, or other nationally recognised quality standards for domestic abuse support services. However, there is no accountability mechanism for ensuring that local areas are both funding the statutory requirement and providing holistic, integrated pathways of specialist support. There is a lack of data to monitor and assess the extent to which national quality standards developed by different organisations are used to inform and influence commissioning.

Furthermore, in its GREVIO, response the government identified a funding commitment by the Ministry of Justice and Home Office of up to £6 million in ring-fenced grant funding for by and for services over two years, from 2023/24 to 2024/25. As highlighted in our response to Article 8, funding for VAWG represents 0.02% of current UK government spending and mechanisms primarily used to fund VAWG provision does not address the need for long term funding, supply and demand, regional gaps in by and for provision, the availability of holistic support (not only linked to accommodation-based services) and support for all survivors. Current approaches to funding structurally disadvantage by and for organisations who are working to represent and support communities subject to more statutory scrutiny, discrimination and exclusion.

Specialist provision in Wales

Welsh Women's Aid has highlighted in numerous reports that factors such as the UK's withdrawal from the European Union, inflation, austerity and a lack of sustainable funding are impacting specialist services in Wales.²⁵²²⁵³ Insecure funding and contracts for VAWDASV services, particularly core services, and the disparity between statutory and non-statutory sector pay means staff turnover and service costs are high. Many specialist services have reported that while their costs are rising and demand on their services is increasing, yearly funding cycles based on retroactive costs means grant funding is often insufficient to cover core costs, leaving them in a state of financial precarity.

While the Welsh government has set up a sustainable commissioning workstream as part of their high-level Blueprint action plan,²⁵⁴ designed to deliver the VAWDASV Strategy 2022-2026, the sector is yet to see the impact of this, and continues to operate largely from short, insecure funding cycles from a range of different pots. The cost of this for specialist services cannot be overstated, both in terms of preventing forward planning and the administrative hours for personnel when applying for funding, and this impact of this on the sector. In particular, competitive tendering processes actively disadvantage smaller, more specialist and by and for organisations.

Access to specialist provision for all survivors

There is a strong body of evidence to show that many survivors from Black and minoritised, LBGT+, disabled/deaf, young women and other minoritised groups safer receiving support from organisations in the VAWG sector that are led and represented by the communities they come from. By and for organisations offer support that addresses specific and distinct intersectional

²⁵² Welsh Women's Aid, 'A Perfect Storm: the Funding Crisis Pushing Welsh VAWDSV Services to the Brink', 2022. Available online: <https://welshwomensaid.org.uk/wp-content/uploads/2022/11/Perfect-Storm-Report-ENG-compressed.pdf>.

²⁵³ Welsh Women's Aid, 'The State of the Sector: a strategy for sustainable support', 2021. Available online: <https://welshwomensaid.org.uk/wp-content/uploads/2021/11/State-of-the-Sector-2021-ENG.pdf>

²⁵⁴ Welsh Government, Violence against women, domestic abuse and sexual violence: blueprint high level action plan, March 2023.

needs, and responds to the impacts of interpersonal violence and systemic discrimination, racism and secondary trauma which shape minoritised women's experiences of violence and pathways to accessing support. However, there are significant gaps in by and for provision. The National Domestic Abuse Commissioner²⁵⁵ reports that:

“Only 51% of Black and minoritised survivors who wanted access to specialist by and for support were able to [get it]. 19% of LGBT+ survivors who wanted specialist by and for support received it, and for disabled survivors, just 14 of the 190 people who wanted to access a specialist by and for organisation were able to (7%). For Deaf survivors, only two of the 30 people who wanted to access specialist by and for support were able to get it.”

The importance of by and for support is also starkly highlighted in a recent report on the femicides of Black and minoritised women, which found that most of the women had been in contact with agencies but not by and for organisations. The report concludes that a lack of police referral to by and for organisations and under/dis-investment in these services are likely to be contributory factors to the homicides.²⁵⁶

Deaf and disabled survivors

SignHealth offers one of the few holistic models of support for deaf women. Most agencies rely on outside agencies to provide individual BSL / English interpreters but with in-house expertise (including staff with lived experience) organisations can respond more quickly, build trust and address barriers to access. SignHealth runs the UK's first and only specialist service for deaf women subject to domestic violence and their families, highlighting significant gaps in support for disabled/Deaf women.

Provision is often commissioned in ways that homogenise the needs of all disabled/Deaf survivors and their contexts of violence and abuse. Responding to the Government's VAWG strategy, Stay Safe East identified the failure of commissioners to meaningfully integrate the experiences and expertise of Deaf and disabled women when planning service provision. Disabled/Deaf women and children are more likely to experience violence in and outside of the home from intimate partners and other individuals they rely on in their lives including paid carers, guardians, family members. However, specialist provision for those subject to abuse within domestic or institutional settings is not sufficiently prioritised, e.g. day centres, residential care, nursing homes. The lack of specific pathways of specialist support leads to violence and abuse in Deaf/disabled women's lives being rendered invisible by being labelled as a 'care' rather than violence and abuse.²⁵⁷

LGBT+ survivors

There is inconsistent support for LGBT+ survivors of the UK across the country, meaning inequitable outcomes based on place alone. There are a number of specialist services for LGBT+ survivors across the country, which are delivered by LGBT+ organisations, specialist VAWG organisations and as part of wider consortiums or partnerships. These services have had a long history of supporting LGBT+ survivors, providing a range of services and often

²⁵⁵ Domestic Abuse Commissioner, 'A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales', 2022. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf.

²⁵⁶ Imkaan and Centre for Women's Justice, 'Life or Death: Preventing Domestic Homicides and Suicides of Black and Minoritised Women, 2023. Available online: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/655639ddc55be306e7dfa5c5/1700149727418/Life+or+Death+Report+-+Nov+2023.pdf>

²⁵⁷ Stay Safe East, 'Stay Safe East Response to the Home Office Call for Evidence on the Violence against Women and Girls strategy 2021-2024', 2021. Available online: <https://www.staysafe-east.org.uk/wp-content/uploads/2021/03/Stay-Safe-East-response-to-the-Home-Office-VAWG-Strategy-2021-25-14-pt.pdf>

working beyond their capacity and geographical area to meet the needs of LGBT+ survivors.²⁵⁸ In England, they are largely based in London, Manchester, Brighton and Birmingham and, in Scotland, in Edinburgh and Glasgow. However, recent research by Galop has found the vast majority (81%) of LGBT+ survivors of abuse by a family member or intimate partner experienced this abuse in places outside of these cities — that is, in places in the UK where there are few or no specialist LGBT+ services. Most (73%) LGBT+ support seekers have to rely on non-specialist support services, which we know are not as effective as by-and-for services. Compared with those in the above cities (37%), LGBT+ survivors living in a village (54%) or any other city (50%*) at the time of the abuse were more likely to report being unaware that any support was available for them.

In comparison to the wider LGBT+ community, this research found that trans, non-binary and gender-diverse+, and pan/queer survivors also reported higher levels of fear of further discrimination from providers who may not understand their needs and their identities.²⁵⁹ A 2022 report by Galop found that a significant number of LGBT+ survivors who were subjected to abuse from their families think support would have been helpful, but did not, or were not able to access it. This includes advocacy (42%), practical assistance (40%), formal advice and information (38%) and therapeutic services (24%).²⁶⁰

Galop notes that the LGBT+ specialist helplines are historically the only nationally commissioned service, pointing to gaps in holistic provision. This is notable for support for survivors of forms of gender-based violence that are unique or predominantly experienced by minoritised survivors. For example, the National Conversion Therapy helpline is currently the only government funded provision for victims and survivors of so-called conversion practices. This is despite representative research finding that nearly one in five (18%) LGBT+ people in the UK have been subjected to someone trying to change, 'cure' or suppress their sexual orientation or gender identity. Trans (43%) and non-binary people (36%) were significantly more likely to be subjected to conversion practices.²⁶¹

Migrant survivors

The VAWG sector²⁶² has serious concerns about the continued two-tier system²⁶³ of support and hostile environment that continues to discriminate against and exclude migrant women from specialist VAWG support. Provision of services to facilitate recovery from violence depends largely on a person's immigration status. Although there are specialist by and for Black and minoritised women's services that provide support to migrant victims regardless of their immigration status, they are often under-resourced and in huge demand.

It is even worse for women who are undocumented, as they are subjected to the full force of the hostile environment and are unable to rent accommodation, work, access secondary healthcare and bank accounts. These hostile environment policies were introduced to make it intolerable for those migrants that were living in the UK unlawfully but have resulted in perpetrators being able to exploit women's insecure status as a form of coercive control, whilst support agencies use women's status to refuse support even if there are statutory obligations in place. Migrant women

²⁵⁸ Galop, 'Recognise and Respond: Strengthening advocacy for LGBT+ survivors of domestic abuse', 2021. Available online: https://galop.org.uk/wp-content/uploads/2021/05/Galop_RR-v4a.pdf

²⁵⁹ Galop, "An isolated place": LGBT+ domestic abuse survivors' access to support', 2023. Available online: <https://galop.org.uk/resource/an-isolated-place-lgbt-domestic-abuse-survivors-access-to-support/>

²⁶⁰ Galop, 'LGBT+ Experiences of Abuse From Family Members', 2022. Available online: [Galop-LGBT-Experiences-of-Abuse-from-Family-Members.pdf](#).

²⁶¹ Galop, 'There was nothing to fix', 2023, page 6. Available online: [Galop-Conversion-Practices-Report-Jan-2023.pdf](#).

²⁶² Step Up, 'Take action to ensure the Victims and Prisoners Bill protects migrant women', 2023. Available online: <https://stepupmigrantwomen.org/2023/11/14/take-action-to-ensure-the-victims-and-prisoners-bill-protects-migrant-women/>

²⁶³ Southall Black Sisters, 'Written evidence to the Joint Committee on Human Rights with reference to the Victims and Prisoners Bill', 2023. Available online: <https://southallblacksisters.org.uk/app/uploads/2023/10/sbs-evidence-to-joint-committee-of-human-rights.pdf>.

face higher risks of returning to violent perpetrators, and of experiencing destitution or deportation and further risk of violence and exploitation.²⁶⁴

These hostile environment policies run counter to the government's current strategy on eradicating VAWG and are a violation of the human rights of migrant women who have experienced it. The government did undertake a narrow review of their internal data as it relates to the hostile environment²⁶⁵, but we consider this review to be of limited value as there was no engagement or consultation process with relevant NGOs. The government's Victims & Prisoners Bill is seen as a significant piece of legislation, but migrant women are excluded from support and protection within it. The government will fail to deliver on its promise to improve protection and support unless all women are considered eligible for support.

In response to ongoing lobbying and advocacy from Southall Black Sisters, Latin American Women's Right Service and the Step-up Migrant Women campaign²⁶⁶ to address the gaps in protection for migrant women who are not on a spousal visa or who have complex cases linked to a spousal visa and do not qualify for any support under existing NRP rules, the Home Office funded the Support for Migrant Victims (SMV) pilots. Through the pilot women can access some costs for housing and subsistence, and receive advocacy support. The rest is provided in kind wrap around support and counselling) in a partnership project led by Southall Black Sisters. . The SMV pilot has been independently evaluated twice and there was also a previous evaluation of a similar scheme.²⁶⁷ The evaluations provide a robust evidence base^{268,269} supporting the effectiveness of this scheme. However, the Home Office has not announced a longer term solution, which Southall Black Sisters has argued should include legal reform giving victims access to public funds. The government has disregarded this evidence and the VAWG sector is hugely concerned about potential closure of the scheme and the risks that migrant women will face without access to public funds. Further information on gaps in protection for migrant women is provided in our response to Article 59.

Specialist support for children/young people

The VAWG sector has had ongoing concerns about the lack of parity in specialist support for child survivors of violence and abuse, who are directly harmed through witnessing and being subjected to this. It is essential that there is joint and parallel work with the non-abusive parent and the child to strengthen recovery from the harm caused to the relationship by the violence and promote recovery between the parent/guardian and the child.²⁷⁰ Children need access to safe housing, play therapy, specialist trauma-informed counselling, and age-appropriate advocacy, including support to access statutory interventions e.g., CAMHs.

The VAWG sector is concerned by the under-investment in support for children/young people. In May 2021,²⁷¹ 65.6% of refuge services had only one dedicated support worker for children and

²⁶⁴ Southall Black Sisters, 'Living at the Edge: CWASU Evaluation of the Support for Migrant Victims Programme', 2023. Available online: <https://southallblacksisters.org.uk/app/uploads/2023/08/final-cwasu-evaluation-of-the-support-for-migrant-victims-programme-12th-june-2023.pdf>.

²⁶⁵ Home Office, 'Developing an evaluation strategy for the compliant environment: Review of internal data and processes', 2023. Available online: <https://www.gov.uk/government/publications/developing-an-evaluation-strategy-for-the-compliant-environment-review-of-internal-data-and-processes/developing-an-evaluation-strategy-for-the-compliant-environment-review-of-internal-data-and-processes>.

²⁶⁶ Step Up Migrant Women UK, 'Step Up Migrant Women Campaign', n.d. Available online: <https://stepupmigrantwomen.org/resources/>.

²⁶⁷ Southall Black Sisters, 'Safe and Secure: The No Recourse Fund', 2023. Available online: <https://southallblacksisters.org.uk/app/uploads/2023/01/safe-secure-report.pdf>.

²⁶⁸ Southall Black Sisters, 'Safe and Secure: The No Recourse Fund', 2023. Available online: <https://southallblacksisters.org.uk/app/uploads/2023/01/safe-secure-report.pdf>.

²⁶⁹ Southall Black Sisters, 'Living at the Edge: CWASU Evaluation of the Support for Migrant Victims Programme', 2023. Available online: <https://southallblacksisters.org.uk/app/uploads/2023/08/final-cwasu-evaluation-of-the-support-for-migrant-victims-programme-12th-june-2023.pdf>.

²⁷⁰ City Bridge Trust, 'Meeting the needs of children living with domestic violence in London', 2021. Available online: https://craigbarlow.co.uk/_webedit/uploaded-files/All%20Files/Risk/meeting-needs-children-living-domestic-violence-london-report.pdf

²⁷¹ Women's Aid Federation of England, 'Annual Audit 2021', 2021. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>.

young people. A third did not have any support. Only 11.9% were able to provide dedicated counselling for children and young people, and 40% were able to deliver play therapy. The dearth in support for children/young people is further reinforced by Domestic Abuse Commissioner's mapping survey which found that about a third (29%) of victims and survivors who had needed support for their children had received it.²⁷² The disproportionate adultification of Black children/young people of African Caribbean heritage, who are more likely to be perceived as mature and therefore culpable for violence and abuse, has led to institutional discrimination, racism and harm through the interventions of police and social services. There is a need for specialist age-appropriate by and for interventions and intersectional advocacy for children/young people from Black and minoritised communities.²⁷³

Older women

There is a lack of specialist support provision designed to meet the needs of older women experiencing VAWG and respond to the specific barriers to reporting and accessing help that they face. The most recent Femicide Census Report showed that, in 2020, 20% of femicide victims were aged 66 and over, with the oldest victim being 89 years old.²⁷⁴ Older women's experiences of VAWG are largely absent within data collection, policy and decision making, resulting in severe gaps in appropriate specialist service provision.

Survivor living in rural areas

Survivors from rural communities are half as likely to report abuse despite similar rates of prevalence to survivors located in urban areas. Research has indicated that domestic abuse lasts longer and is more complex in these areas, due to the range of additional barriers women living in rural communities experience in accessing help. Rurality is used as a tool of coercive and controlling behaviour, increasing the physical isolation of survivors and restricting their ability to escape. A range of other factors, including the scarcity of support services, gun owning and traditional and patriarchal values within communities, have also been identified.²⁷⁵ A report by Welsh Women's Aid²⁷⁶ identified a number of barriers that need to be considered in the development of specialist support for survivors in rural areas. Being more easily identifiable and the challenges of accessing support discretely in small, tight knit communities were identified as barriers, as well as the costs and lack of accessible public transport to enable victims to travel outside of the local area to reach specialist. Support needs linked to rurality are given far less consideration compared to urban needs in policy, law, service design and commissioning.

Recommendations:

- Clarify the legal responsibilities of the government and public bodies to sustainably fund specialist support services, including for women and children, under Article 22 of the Istanbul Convention.
- Introduce national ring-fenced funding for specialist services led by and for Black and minoritised women, D/deaf and disabled women, and LGBT+ survivors.

²⁷² Domestic Abuse Commissioner, 'A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales', 2022. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Suivivors_Long-Policy-Report_Nov2022_FA.pdf.

²⁷³ Farrer & Co, 'Adultification bias of black children: Q&A with Jahnine Davis', 2022. Available online: <https://www.farrer.co.uk/news-and-insights/adultification-bias-of-black-children-qa-with-jahnine-davis/>.

²⁷⁴ Femicide Census, 'Femicide Census 2020', 2022. Available online: https://www.femicidecensus.org/wp-content/uploads/2022/02/010998-2020-Femicide-Report_V2.pdf.

²⁷⁵ National Rural Crime Network, 'Captive and Controlled: Domestic Abuse in Rural Areas', 2019. Available online: <https://www.northyorkshire-pfcc.gov.uk/wp-content/uploads/2019/07/Domestic-Abuse-in-Rural-Areas-National-Rural-Crime-Network.pdf>

²⁷⁶ Welsh Women's Aid, 'Welsh Women's Aid Briefing: Rurality and VAWDASV', 2021. Available online: <https://welshwomensaid.org.uk/wp-content/uploads/2021/11/Rurality-VAWDASV-Briefing-Recommendations.pdf>.

- Ensure sustainable ring-fenced funding for specialist sexual violence and abuse services which includes appropriate contributions from Health and Education bodies. The government must commit to re-commissioning of the Rape and Sexual Abuse Fund as a multi-year fund beyond 2025.
- Ensure that all public funding for VAWG support promotes gendered, trauma-informed, needs- and risk-led, holistic, accessible, and wrap-around support services as the sustainable way of addressing intersecting needs and preventing repeat victimisation and exposure to further risk. This requires moving away from a focus on funding through criminal justice outcomes, valuing women’s healing, and long-term recovery more holistically and comprehensively, and ensuring women have a voice in the support they can access.
- Conduct a transparent and robust review of the hostile environment and publish exactly how this will be achieved together with a timescale. This must include effective engagement and consultation with relevant NGOs during the entirety of the review process. The review must cover the full range of hostile environment policies – including the prohibitions in claiming public funds, accessing benefits and social housing, and in accessing employment and privately renting properties – considering their impact on equalities, particularly on Black and minoritised communities and other groups facing social marginalisation.
- Deliver a robust system of national accountability, based on established quality standards within the VAWG sector, to ensure survivors of all forms of VAWG can access the specialist support services they need – including services led by and for survivors with additional protected characteristics.

Article 23 – Shelters

Article 23 (Shelters) states that “*Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children*”. This includes access to immediate, 24-hour support and the Convention emphasises the importance of specialist accommodation rather than the use of temporary housing / generic homelessness provision.

In the Domestic Abuse Act 2021, the Government introduced a statutory duty on local authorities in England to address the gaps and inconsistency in the funding of refuge accommodation (Part 4 of the Act). The VAWG sector welcomes government funding of safe accommodation for survivors of domestic abuse under Part 4 of the DA Act 2021²⁷⁷, however there remain insufficient levels of refuge provision to meet needs and address issues of accessibility for women facing inequalities. Whilst the duty has enabled some providers to expand provision with dedicated funding, concerns remain about inconsistency in the way local authorities interpret the guidance, the fact that many specialist women’s refuges are not receiving funding or contracts as a result of the duty and concerns about the future due to short-term nature of local authority contracts e.g.

²⁷⁷ In 2020, the government committed to £276 million funding for support in shelters including £250 million to local authorities for the delivery of their duties to provide support within refuge accommodation to victims of domestic abuse and their children. In 2022, the Government committed to a further two years of funding: £127.3 million and £129.7 million for the delivery of these duties in 2023/24 and 2024/25, to enable local authorities to make longer-term commissioning decisions and give certainty to local specialist domestic abuse refuge providers.

one-year. These issues create great uncertainty for providers.²⁷⁸ Funding provided under the duty is not consistently delivered to specialist women's refuges; Women Aid's Annual Survey in 2022 found that only 49% of refuge services responding had received funding as a result of the statutory duty.²⁷⁹ Despite the statutory guidance limitations about what the money should be used for, local councils face little transparency in their allocation of funding for the duty. In some cases, we are aware of local authorities who have spent funding for safe accommodation on services that fall outside the scope of the guidance – for example, general support services within local authorities, or accommodation which is mixed sex/ gender.

Issues with meeting need based on existing supply are highlighted in Women's Aid data which found that 61.6% of all the referrals received in refuge services in England in 2021-22 were rejected, with 26.2% of rejected referrals being due to lack of space or capacity.²⁸⁰ Welsh Women's Aid report that of the 1,999 survivors who were referred into refuge services during 2021-22, 44% (n=876) were supported by a service whilst 42% (n=848) of survivors were not able to be supported for reasons such as availability of space, safety and individual needs.²⁸¹

Level of provision

Overall, refuge provision in England does not meet the number of bed spaces recommended by the Council of Europe, falling short by 1,257 (22.2%). On 1st May 2023, there were 271 refuge services in England listed on Routes to Support, the UK wide directory of refuge vacancies and VAWG services, which is part-funded by the UK government. These refuge services provided a total of 4,397 spaces. Women's Aid data shows that the number of refuge spaces increased by 53 from 2022-23 in England, however this does not take account of the fact that some areas saw an increase whilst other areas saw a decrease in the number of safe accommodation spaces²⁸². Even with the increase in spaces, local authority data²⁸³ shows that 20,000 households in England were unable to access support from a refuge. Amongst the reported reasons, 40% noted that it was a lack of sector capacity.²⁸⁴

In Wales, there are 272 refuge spaces, which is a shortfall of 39 spaces compared with the Council of Europe recommendation. Access to refuge is particularly difficult in parts of Wales where services are fewer and further between. Welsh Women's Aid has previously highlighted²⁸⁵ that inconsistencies in commissioning mean that funding for services across Wales is inconsistent. This is a particular issue for survivors in rural parts of Wales, particularly for disabled and older survivors, for whom the cost of and barriers to accessing services are greater.

²⁷⁸ Women's Aid Federation of England, 'The Domestic Abuse Report 2023: The Annual Audit', 2023. Available online:

<https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>.

²⁷⁹ Women's Aid Federation of England, 'The Domestic Abuse Report 2023: The Annual Audit', 2023. Available online:

<https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>.

²⁸⁰ Women's Aid Federation of England, 'The Domestic Abuse Report 2023: The Annual Audit', 2023. Available online

[:https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf](https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf).

²⁸¹ Welsh Women's Aid, 'Annual Membership Report: Data from specialist services in Wales 2021/22', 2022. Available online:

<https://welshwomensaid.org.uk/wp-content/uploads/2023/01/Annual-Membership-Report-2021-22.pdf>.

²⁸² Women's Aid Federation of England, 'Routes to Support Data', 2023.

²⁸³ Department for Levelling Up, Housing and Communities and Home Office, 'Annual progress report from the Domestic Abuse Safe Accommodation National Expert Steering Group 2021-22', 2023. Available online: <https://www.gov.uk/government/publications/delivery-of-support-in-domestic-abuse-safe-accommodation-annual-progress-report-2021-22/annual-progress-report-from-the-domestic-abuse-safe-accommodation-national-expert-steering-group-2021-22>.

²⁸⁴ Department for Levelling Up, Housing and Communities and Home Office, 'Annual progress report from the Domestic Abuse Safe Accommodation National Expert Steering Group 2021-22', 2023. Available online: <https://www.gov.uk/government/publications/delivery-of-support-in-domestic-abuse-safe-accommodation-annual-progress-report-2021-22/annual-progress-report-from-the-domestic-abuse-safe-accommodation-national-expert-steering-group-2021-22>.

²⁸⁵ Welsh Women's Aid, 'A call for information – Welsh Government Draft Budget proposals for 2023-24', 2022. Available online:

<https://welshwomensaid.org.uk/wp-content/uploads/2022/12/WW267A1.pdf>

Holistic, specialist support as part of safe accommodation

Article 22 identifies the importance of access to refuge accommodation as part of a larger holistic package of specialist provision to effectively support women and children with their recovery journeys, rebuild lives and community connections, reduce social isolation, and prevent future violence after leaving a refuge. However, very few refuges are able to offer a holistic support package.

Less than three-quarters (68%) could provide therapeutic support or skills-based group work and just over a third were able to provide formal counselling. Added to this, dedicated staff to support women with the traumatic impacts of VAWG are not available in most refuges; only 15% of refuge services could provide a mental health support worker and 9% had specialist staff to support with drug and alcohol.²⁸⁶

Accessibility

Multiple intersecting needs can create barriers to accessing safe accommodation linked to social identity, immigration status, socio-economic factors, and exacerbated by structural gaps and challenges. The Women's Aid Annual Audit data shows that during 2021- 22 most of the safe accommodation in England was not accessible to disabled women and their children and was difficult to access for women with larger families. The survey found that less than half of refuge vacancies posted on Routes to Support in 2021-22 could accommodate a woman with two children. Fewer than one in five could accommodate a woman with three children. Less than 1% of all vacancies were suitable for a woman requiring a wheelchair accessible space.²⁸⁷

The responsibility for housing and supporting women with NRPF is disproportionately felt by by and for services for Black and minoritised women and children. The barriers in access place migrant women with NRPF at significant risk and vulnerability of domestic, sexual violence, homicide ('honour'-based) and suicide.²⁸⁸ Data on refuge spaces from Routes to Support (2021-2022) shows that only 9.1% are open to women with NRPF.²⁸⁹ In many cases, women with NRPF will be housed on the condition that funding has already been secured to cover the costs of their stay in a refuge. These patterns are also found in research by the Angelou Centre:²⁹⁰ although women with NRPF make up most referrals to specialist by and for services (between 65% and 80%) who are best qualified to meet their needs, they face huge precarity in funding and are far less likely to receive statutory support.

Another significant barrier to accessing safe accommodation is the residency requirements attached to funding contracts. In a recent mapping survey, over a quarter of accommodation-based services noted that these services were only available to women and children who live, work and study in the local area.²⁹¹ This does not take account of the fact that not all women are

²⁸⁶ Women's Aid Federation of England, 'The Domestic Abuse Report 2023: The Annual Audit', 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>

²⁸⁷ Women's Aid Federation of England, 'The Domestic Abuse Report 2023: The Annual Audit', 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>

²⁸⁸ Southall Black Sisters, 'Safe and Secure: The No Recourse Fund', 2023. Available online: <https://southallblacksisters.org.uk/app/uploads/2023/01/safe-secure-report.pdf>.

²⁸⁹ Women's Aid Federation of England, 'The Domestic Abuse Report 2023: The Annual Audit', 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>

²⁹⁰ Domestic Abuse Commissioner, 'Safety Before Status', 2021. Available online: <https://domesticabusecommissioner.uk/wp-content/uploads/2021/10/Safety-Before-Status-Report-2021.pdf>.

²⁹¹ Domestic Abuse Commissioner, 'A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales', 2022. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf.

able to stay in the local area for their safety and protection. Relocation may initially be forced by the actions of the perpetrator and can then also be reinforced by external structural factors,²⁹² e.g. lack of available specialist support provision or lack of legal action against perpetrators. A large number of women travel to a refuge located within the same region as their previous home (67.5%), however, over one third of women travel to another region to access a refuge suitable for their needs / that was located in an area away from the perpetrator/s of abuse (32.5%).²⁹³

The journeys that women take to access safe accommodation provide a strong rationale for treating and funding refuges as regional and national provision to reduce women's barriers to access. However, successive governments have failed to address this.

Specialist refuge services led by and for Black and minoritised women are a vital part of our sector and are uniquely able to reach Black and minoritised women, tackle the barriers they face to support, and deliver expert support with an understanding of the dynamics of gender, racism and discrimination that shape their experiences of violence and abuse.²⁹⁴ Often specialist by and for refuge services may be covering a large area, as they are either the only specialist by and for organisation or one of very few in their region. For example, organisations supporting Latin American, African Caribbean women, LGBT+, disabled/Deaf communities may be situated in one area but will need to work nationally and even transnationally.²⁹⁵ Local Authority data²⁹⁶ shows that just twenty-seven local authorities reported commissioning specialist by and for services for either Black and minoritised, LGBT+ or disabled victims. Twenty-four of them have Black and minoritised services, five have services for disabled victims, and 11 have services for LGBT+ victims – reinforcing the gaps in by and for commissioning.

An example of the importance of specialist housing support is highlighted by Latin American Women's Aid's²⁹⁷ research which found that Black and minoritised women face more structural barriers and greater risks of being placed in unsuitable and unsafe forms of accommodation including mixed gender B&B style accommodation, for longer than the statutory maximum of six weeks before entering a refuge or following period of stay in a refuge. However, since 2007, over 50% of refuges developed for Black and minoritised women have been decommissioned, forced to close, or been taken over by generic/ non-specialist providers.²⁹⁸ Women's Aid data now shows that of the 271 refuge services in England in 2023, just 20 refuge services were delivered by Imkaan member organisations providing by and for Black and minoritised women's refuges.²⁹⁹ The failure to sustainably fund by and for women's refuges essentially cuts a vital lifeline of specialist support for minoritised survivors; by and for services are five times less likely to access

²⁹² Bowstead, J., 'Stay Put; Remain Local; Go Elsewhere: Three Strategies of Women's Domestic Violence Help Seeking', 2021. Available online: <https://digitalcommons.uri.edu/cgi/viewcontent.cgi?article=1268&context=dignity>.

²⁹³ Women's Aid Federation of England, 'The Domestic Abuse Report 2023: The Annual Audit', 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>.

²⁹⁴ Imkaan, 'Vital Statistics', 2012. Available online: <https://static1.squarespace.com/static/5f7d9f4addc689717e6ea200/t/61e6a6236285992a0aca6f0c/1642505778651/2012+-Imkaan+-Vital+Statistics+Two+%28Low+res%29.pdf>.

²⁹⁵ Imkaan, 'From Survival to Sustainability: Black Services Matter', 2018. Available online: <https://static1.squarespace.com/static/5f7d9f4addc689717e6ea200/t/621d22fd8548ef4509c01832/1646076691042/2018+%7C+Imkaan+%7C+From+Survival+to+Sustainability.pdf>.

²⁹⁶ Department for Levelling Up, Housing and Communities and Home Office, 'Annual progress report from the Domestic Abuse Safe Accommodation National Expert Steering Group 2021-22', 2023. Available online: <https://www.gov.uk/government/publications/delivery-of-support-in-domestic-abuse-safe-accommodation-annual-progress-report-2021-22/annual-progress-report-from-the-domestic-abuse-safe-accommodation-national-expert-steering-group-2021-22>.

²⁹⁷ Latin American Women's Aid, 'A roof, not a home: The housing experiences of Black and minoritised women survivors of gender-based violence in London', 2019. Available online: https://lawadv.org.uk/wp-content/uploads/Executive-Summary_Web-version-min.pdf.

²⁹⁸ Imkaan and Centre for Women's Justice, 'Life or Death: Preventing Domestic Homicides and Suicides of Black and Minoritised Women', 2023. Available online: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/655639ddc55be306e7dfa5c5/1700149727418/Life+or+Death+Report+-+Nov+2023.pdf>

²⁹⁹ Women's Aid Federation of England, 'Routes to Support Data', 2023.

statutory funding and have less opportunity to expand their services to deliver safe accommodation.³⁰⁰

Positively, under the statutory duty to fund safe accommodation, local authorities are required to report back on 'specialist characteristics' of those accessing safe accommodation. However, currently a large number (44%) do not have adequate systems for collating data. In addition to high rates of under-reporting, this means we can only build a partial picture of access.³⁰¹

Recommendations

- Strengthen national accountability for the Part 4 statutory duty in the Domestic Abuse Act to ensure that local authorities are consistently and sustainably funding specialist women's refuges and those led by and for Black and minoritised women, Deaf and disabled women, and LGBT+ survivors, and that appropriate action is taken when statutory guidance is not adhered to.
- Address gaps in existing provision regarding accessibility of safe accommodation, including women who are disabled, have NRPF, have two or more children and across the protected characteristics and intersectional needs that require a consideration of alternative models of safe housing
- Ensure safe accommodation providers can access public funding to expand and develop services that help women and children on entry, during move on and once they rebuild their lives in the community as part of a gendered, trauma-informed, needs- and risk-led, holistic, accessible, and wrap-around support services as the sustainable way of addressing intersecting needs and preventing repeat victimisation and exposure to further risk.

Article 24 – Telephone helplines

The service landscape for helplines in England and Wales is diverse, with a range of different VAWG types and different service user cohorts provided for, offering emotional support, advice and signposting. Most of these services are run by specialist VAWG organisations, but some are held within the children's sector.

The range of helpline services that exist include:

- Domestic Abuse – including:
 - The 24/7 National Domestic Abuse Helpline in England, commissioned by the Home Office, which offers free, confidential support to any woman experiencing domestic abuse via phone, webchat or webforms.
- Rape and Sexual Abuse

³⁰⁰ Domestic Abuse Commissioner, 'A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales', 2022. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf.

³⁰¹ 2022 data reports 11,742 instances of individuals supported with at least one specialist characteristic. The most common specialist characteristics were mental health difficulties (6,089 victims), drug (1,519) or alcohol support need (1,469), black and minoritised status (5,466), disabled victims (2,792), and victims aged 16-25 (2,879).

See Department for Levelling Up, Housing and Communities and Home Office, 'Annual progress report from the Domestic Abuse Safe Accommodation National Expert Steering Group 2021-22', 2023. Available online: <https://www.gov.uk/government/publications/delivery-of-support-in-domestic-abuse-safe-accommodation-annual-progress-report-2021-22/annual-progress-report-from-the-domestic-abuse-safe-accommodation-national-expert-steering-group-2021-22>.

- Including a new service, launched in 2022, commissioned by the Ministry of Justice as part of their action plan following the Rape Review. The service offers 24/7 telephone and webchat support for anyone aged 16+ affected sexual violence and abuse.
- The Live Fear Free Helpline in Wales
 - Funded by the Welsh government and operated by Welsh Women’s Aid, offers 24/7 support for survivors of all forms of VAWDASV as well offering advice for concerned others and professionals.
- Honour-based abuse
- Intimate image-based abuse
- FGM
- LGBT+ survivors
- Male survivors
- Perpetrators of domestic abuse
- Preventing child sexual abuse
- Stalking

While these helplines are not set up to provide ‘crisis counselling’, as suggested by the Convention, this is increasingly the role that they are playing due to severe gaps and limitations with the statutory response to VAWG. The burden of risk is placed on specialist helpline services, but they have little funding, and are not designed to replace emergency service provision such as police or ambulance services.

The large majority of helplines are designed to support women on a one-off basis. Despite this, operators are frequently going above and beyond to ensure women and children are safeguarded because of the ever-increasing pressures on public services. In some cases, this may include ad-hoc advocating to other agencies for the rights survivors are entitled to. Most helplines in England and Wales face significant demand, which is increasing year on year. For example, the Live Free Fear Helpline in Wales experienced a 16% increase in calls, a 34% increase in webchats and a 51% increase in emails between 2020 and 2022.³⁰² The charities that run them must balance high-quality responses to the immediate crises that frequently present from callers, acting to safeguard and attempt to prevent further harm or even homicide, with the need to speak to as many callers as possible.

A concern shared by all helpline providers is around expectations from the government funders, who expect a vast amount of data to be collected. Providers have seen challenges in some cases where they consider the requested data to be personal information. This makes running a confidential or anonymous service – which is critical for survivors in light of their distrust of statutory agencies – increasingly problematic.

A number of the services referenced recruit specialist workers who speak other languages, the Live Fear Helpline in Wales operates bilingually (English and Welsh) at all times, and some services work with interpreting services to ensure survivors who speak other languages can access support. However, several VAWG helplines state that they have no resource to offer additional languages, and that the language needs of victims and survivors are not always built into the commissioning of the service. Some providers have used voluntary fundraised income to ensure survivors can use their preferred language. This is increasingly unsustainable in an environment where many charities are seeing voluntary income reduce.

³⁰² Welsh Women’s Aid, ‘Annual Membership Report’, 2023. Available online: <https://welshwomensaid.org.uk/wp-content/uploads/2023/01/Annual-Membership-Report-2021-22.pdf>

Funding from the Welsh Government ensures the Live Fear Free Helpline in Wales is available to provide 24/7 support for survivors of all forms of VAWDASV in Wales, as well as offering holding support for survivors while they await support from other specialist services. Staff in the Live Fear Free Helpline are fully and robustly trained to support survivors of all forms of VAWDASV as well as concerned others and professionals.

For a number of other services, due funding constraints, it is difficult to recruit and retain operators who have experience of supporting women and the right specialism. Therefore, despite high levels of need, it is not currently realistic or possible for the majority of services to provide helplines that run for 24 hours every day of the week, given the cost of living crisis which continues to threaten the ability of services to work in the way that survivors want and need. Like with other services, AI in the forms of chatbots are seen as a possible part of the solution in delivering services to women and girls. However, there are significant risks to any digital pathways offered to survivors experiencing abuse and control – tech-facilitated abuse is extremely common, and many survivors have their devices, accounts and internet history monitored. Any automation of services that gather information about a survivor to direct them to a certain service pathway also risks losing the nuance of a woman’s experience. VAWG expertise in recognising and responding to the risks and dynamics of violence and abuse and women’s needs will always be vital for these services.

Recommendations

- Commissioners and funders to work alongside service providers before making demands around data collection for helplines, and to understand how data collection can undermine confidential and anonymous services.
- Create service specifications for helplines with the knowledge and expertise from the specialist VAWG sector.
- Commissioners and funders to include interpreting costs in tenders and grants for helplines.

Article 25 – Support for victims of sexual violence

The Government response to GREVIO stated that the Rape and Sexual Abuse Support Fund was recommissioned for the period August 2023 – March 2025. This fund remains the only ring-fenced core funding for sexual violence and abuse services, so it is much welcomed and needed funding. However, this fund was set up in recognition of the need for multi-year funding, and the fund currently only runs until March 2025. Although the fund was extended during the pandemic which greatly benefitted rape crisis centres who could focus on service provision, the lack of protection for the infrastructure of the fund means it is subject to government spending cycles, elections, and wider political instability. The short-term commissioning of the fund directly contradicts the governments intentions, as set out in the Victims Funding Strategy, to commit to longer term commissioning. Furthermore, although we have seen significant and much needed increases to ISVA funding to support survivors who access the criminal justice system, these funds far outstrip the provision for counselling, despite referrals for specialist counselling exceeding those of ISVA support. Without urgent action to reform the funding landscape for specialist sexual violence and abuse services, the government will not be compliant with Article 25 of the Istanbul Convention.

The Government response to GREVIO included mention of the newly established Integrated Care Systems (ICSs) and Integrated Care Boards (ICBs), which could provide an opportunity for greater understanding of local health needs of victims of abuse. Rape crisis services understand that ICBs are required to set out in their Joint Forward Plans how they will address the needs of victims of abuse, and that new commissioning bodies and health systems take time to embed and establish. Yet there are serious issues with even finding the contact responsible for sexual violence and abuse, as Integrated Care Boards remain opaque and inaccessible, creating serious barriers to building relationships and open consultation between local service providers and commissioners.

The Serious Violence Duty has also come about recently, and ICBs are under a duty to prevent 'serious violence' (which includes sexual violence) with partners such as local authorities and the police.³⁰³ Whilst there is recognition across the sector that ICBs are still establishing themselves after a very considerable restructure, there is still scant evidence of adherence to the new duty to prevent serious violence insofar as commissioning specialist sexual violence and abuse services are concerned.

The government response to GREVIO also mentions the Victims and Prisoners Bill. There were high hopes that the Bill, touted as "landmark", would indeed be transformative in scope. Yet it does not go far enough to enforce the compliance of statutory bodies with the Victims' Code and there is no resource committed within it so far for specialist sexual violence and abuse services, such as rape crisis centres.

Rape crisis centres

Specialist sexual violence and abuse services such as rape crisis centres offer holistic, wrap-around and specialist support in the form of counselling, therapies, psychoeducational support, emotional support, group work and advocacy. This trauma-informed, needs-led, and strengths-based approach meets the needs of victims and survivors, and supports them to re-establish life after being subjected to sexual violence and abuse.

The specialist sexual violence and abuse sector faces a funding crisis resulting in a postcode lottery for survivors, with many waiting multiple months and even years to access specialist sexual violence and abuse counselling. As noted in our response to Article 8, specialist sexual violence and abuse services are negatively impacted by competitive procurement processes and short term funding. There has been no statutory funding allocated to set up new rape crisis centres, and there continues to be very limited funds available to the sexual violence and abuse sector. Funds are small and short term, and the data monitoring is disproportionately intensive. Funds are also almost exclusively geared towards service delivery, with little or no funding available for administration, management or support functions that enable service delivery.

A relatively small proportion of VAWG funding goes to rape crisis centres. This is within a context where larger or more generic organisations and charities are awarded funding for work that should go to women's specialist organisations. ROSA, and other funders of the women and girls' sector commissioned research that showed: *"one third of all grants for 'women and girls' focussed activity – worth £24.7m – went to organisations with no specific focus on women and girls. This shows a worrying lack of priority for organisations tackling complex and systemic issues faced by women and girls in the UK."*³⁰⁴

³⁰³ Home Office, 'Serious Violence Duty', 2022. Available online: <https://www.gov.uk/government/publications/serious-violence-duty>.

³⁰⁴ Rosa, 'Mapping the UK Women and Girls Sector and its Funding: Where Does the Money Go?', 2023. Available online: <https://rosauk.org/wp-content/uploads/2023/04/Women-and-Girls-Sector-Research-Mapping-Report-Amended.pdf>.

This significantly affects specialist rape crisis centres, which see funding for sexual violence and abuse service provision go to generalist organisations with no specialism in sexual violence and abuse service delivery. Inherent to this issue is the increasing pressure for women and girls' services to deliver services to all survivors and become one-size-fits-all. We note with interest that specialist organisations for men and boys do not see the same pressures to deliver services to women and girls. These issues are exacerbated by the increasingly devolved funding structures; sexual violence and abuse services and resources are subject to political interest and favour and rely too heavily on good relationships.

In terms of specialist sexual violence and abuse services for children, the Independent Inquiry into Child Sexual Abuse, which concluded in 2022, recognised the lack of service provision and recommended “a guarantee of specialist therapeutic support for child victims of sexual abuse”.³⁰⁵ Rape crisis centres are very well placed to deliver (and continue to deliver) this work in a holistic, wraparound setting, given their many decades of experience; Rape Crisis England & Wales data (for year 2021-22) evidenced that the accredited network of 39 Rape Crisis Centres provided approximately 182,000 sessions of counselling and therapy to children and young people.³⁰⁶ In the last year (2022-23), over 20,000 children and young people received support from accredited member centres of Rape Crisis England & Wales.³⁰⁷

Despite this very significant output, the continued focus from funders and commissioners is on “innovation” and projects, rather than access to core costs for children and young people's services which remains a significant issue. There is a lack of urgency into the service provision required for child survivors of rape and sexual abuse, the need for a gender-specific approach to children's service delivery that considers the specific contexts of boys and girls. Some of the only considerations have been about establishing all-under-one-roof provision, such as Child Houses, which require very high levels of investment, making them impractical to establish. We also note the power imbalance and compromises made by the independent services who have to conform to statutory ways of working. Pre-existing services like rape crisis centres, who hold the skill in working with child survivors of rape and sexual abuse should be identified and resourced much more significantly in order to provide services for this cohort of survivors in particular.

Women and girls' often multiple and wide-ranging needs cannot be met by statutory services that are unable to deliver a bespoke service and commit to mid to long-term support. Despite this, many commissioners hold the view that rape and sexual abuse counselling can be delivered by generic statutory mental health services. Additionally, if rape crisis centres wish to receive (or do receive) statutory funding, they face pressures to provide services that are in alignment with the medical model despite evidence that victims and survivors most benefit from independent, community-based, long-term and non-medicalised services. Popular clinical modalities of therapy are preferred, but they are not effective for rape and sexual abuse trauma. This is evidenced by the high numbers of survivors who access rape crisis services after having received ineffective generic counselling that does not speak to the specificity of sexual violence and abuse trauma. Rape crisis services note, however, the significant numbers of referrals that come to them from GPs, statutory community mental health teams, psychiatrists, and others working in a clinical setting.

Sexual Violence Referral Centres

³⁰⁵ Independent Inquiry into Child Sexual Abuse, 'The Report of the Independent Inquiry into Child Sexual Abuse', 2022. Available online: https://webarchive.nationalarchives.gov.uk/ukgwa/20221215051709/https://www.iicsa.org.uk/key-documents/31216/view/report-independent-inquiry-into-child-sexual-abuse-october-2022_0.pdf.

³⁰⁶ Rape Crisis England & Wales, 'Summary of Member Centre 2021 - 2022 Rape and Sexual Abuse Support Fund', August 2023.

³⁰⁷ Rape Crisis England & Wales, 'Summary of Member Centre 2022 - 2023 Rape and Sexual Abuse Support Fund', October 2023.

In England and Wales, we have SARCs – “Sexual Assault Referral Centres”. SARCs can play an important role in offering care to the survivors who have reported their sexual offence, however, this constitutes a small minority of survivors, with only 16% female victims and 19% of male victims reporting it to the police.³⁰⁸ Although SARCs are not exclusively for the use of those who want to report, there are few survivors accessing support through the VAWG sector who want to undergo medical examination unless absolutely necessary.

The perception from the voluntary sector is that SARCs, which, in the majority of cases, are run by very large private contractors (multinationals and businesses in England and Wales) receive a disproportionate share of funding from the NHS.³⁰⁹ The apparent prioritisation of funding SARCs over and above other types of support has led to a perceived hierarchy of care, ensuring that those reporting into the criminal justice system have access to a timelier intervention. There is a clear need for SARCs to receive appropriate funding, but a matched level of statutory investment (at the very least) should go to community-based, specialist sexual violence services delivering mid to longer term wraparound support, given that the demand from survivors for these services are far higher. For accredited Rape Crisis England & Wales member Centres in the year 2021-22, there were approximately 14,000 survivors waiting to access a service.³¹⁰ In the last year, many Rape Crisis Centres made the very difficult decision to close waiting lists.

From the Department of Health and Social Care, as well as from NHS England, the focus – and therefore the commissioning - tends to remain on clinical interventions such as those provided by SARCs. There are also SARCs that hold ISVA contracts. Given that ISVAs are by definition independent, there are concerns around the appropriateness of ISVAs sitting within statutory services. Some funding from SARCs goes to local services, although this is not the norm. Sometimes NHS funding for counselling is contracted to the rape crisis centre on the basis that the survivor accesses the SARC.

During and after the pandemic, NHS England held a campaign to try and encourage more survivors to access SARCs because the footfall was so low.³¹¹ In contrast, rape crisis centres delivered millions of sessions of support to victims and survivors throughout the pandemic.³¹²

By and for sexual violence and abuse support

This report provides ample evidence of the value of specialist by and for organisations for Black and minoritised, Deaf and disabled, and LGBT+ survivors, which is outlined in our response to Article 22, and also applies to the provision of sexual violence and abuse support. For example, research with LGBT+ survivors of sexual violence in the UK identified that survivors often described interactions with professionals who did not have knowledge or expertise in working with LGBT+ people. This resulted in assumptions that they were heterosexual and/or cis. Respondents described having to educate professionals in order for them to understand certain aspects of their experiences, or having professionals make harmful suggestions.³¹³ The scarcity

³⁰⁸ ONS, 'Crime in England and Wales: year ending March 2020', 2020. Available online:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmarch2020>.

³⁰⁹ All-Party Parliamentary Group on Sexual Violence, 'Report into the Funding and Commissioning of Sexual Violence and Abuse Services', 2018. Available online: https://web.archive.nationalarchives.gov.uk/ukgwa/20221214222318mp_/https://www.icsa.org.uk/key-documents/29150/download/INQ006821.pdf.

³¹⁰ Rape Crisis England & Wales, 'Summary of Member Centre 2021 - 2022 Rape and Sexual Abuse Support Fund', 2023.

³¹¹ NHS England, 'Sexual assault and abuse', n.d. Available online: <https://www.england.nhs.uk/commissioning/sexual-assault-and-abuse/>.

³¹² Rape Crisis England and Wales, 'Holding it Together: The courage, resilience, and innovation of Rape Crisis Centres during the Covid-19 pandemic', 2021. Available online: https://rcew.fra1.cdn.digitaloceanspaces.com/media/documents/RCEW_HoldingItTogether_Digital.pdf

³¹³ Galop, 'Navigating the Criminal Justice System and Support Services as an LGBT+ Survivor of Sexual Violence', 2022, page 22. Available online: <https://galop.org.uk/wp-content/uploads/2022/05/Navigating-the-Criminal-Justice-System-Support-Services-as-an-LGBT-Survivor-of-Sexual-Violence.pdf>.

of available funding for sexual violence and abuse specific services within these organisations remains a major problem.

Recommendations

- Establish centralised ring-fenced funding for the expansion of existing rape crisis services and for the creation of new rape crisis services.
- Protect the infrastructure around ring-fenced specialist sexual violence funding, so that rape crisis centres can stabilise. This would support with the retention of experienced staff, and with meeting the high levels of demand from survivors.
- Health commissioners to recognise the value of holistic wraparound support and specialist sexual violence and abuse counselling and how the outcomes are more effective by modalities of medicalised support that pathologize normal and natural trauma responses.
- Ensure adherence to new commissioning frameworks and duties and consult with the specialist community-based sexual violence and abuse sector about the needs of the survivors accessing their service. This requires a fundamental change to how health commissioners view gender-based violence and their responsibilities to prevent and respond to it.
- Whilst funding for ISVAs is welcomed, funding this element of sexual violence service provision to the exclusion of trauma counselling does not address the longer-term needs of survivors of sexual violence and abuse. Core funding and funding for rape crisis counselling must be prioritised.
- Provide by and for services with distinct ring-fenced funding for their work, which includes sexual violence and abuse provision.

Article 26 – Protection and support for child witnesses

Following significant campaigning from the domestic abuse and children’s sector, the definition of domestic abuse within the Domestic Abuse Act 2021 makes clear that children who have seen, heard, or experienced the effects of domestic abuse (including sexual violence), and are related to either the victim, or the perpetrator, are now defined as victims ‘in their own right’.³¹⁴ The definition of child victims of domestic abuse is therefore distinct from child victims of sexual violence, who have been raped or sexually abused themselves. The support needs of child victims and survivors of sexual violence is also referred to within Article 25.

The specialist domestic abuse sector has always worked with children who have experienced domestic abuse as part of a whole-family response to protection, safety, and wellbeing, yet there are still major gaps in community-based provision for this particular cohort of survivors who require counselling and psychosocial and psychoeducational support. Funding pots and commissioning processes for support services do not integrate the needs of children and young people as a core part of service delivery, but an ‘optional extra’. Every year domestic abuse services in England

³¹⁴ Section 3, Domestic Abuse Act 2021. Available at: <https://www.legislation.gov.uk/ukpga/2021/17/enacted>

support more children than women,³¹⁵ yet too often commissioned contracts for these services do not provide adequate funding to enable services to deliver dedicated, specialist support for children and young people.

In May 2021, 65.6% of refuge services in England had one dedicated support worker for children and young people – meaning a third did not. Only 11.9% were able to provide dedicated counselling for children and young people, and 40% were able to deliver play therapy.³¹⁶ Just 29% of victims and survivors responding to the Domestic Abuse Commissioner’s mapping survey who had wanted support for their children had received it.³¹⁷ Welsh Women’s Aid’s recent report commissioned by Joyce Watson MS, found a ‘postcode lottery’ of support for children and young people experiencing VAWDASV in Wales, which is significantly impacting their ability to recover from abuse.³¹⁸

Rape crisis centres work with children and young people who have witnessed, or who have been exposed to sexual violence and abuse, as well as those who have been directly raped or sexually abused. Exposure to this can be a form of sexual grooming to normalise sexual abuse before inflicting it on the child. These disclosures are often made many years after the event, given the additional layers of taboo and confusion over witnessing sexual or sexually violent acts. Although services offer a wide range of services for children and young people, due to the commissioning landscape and short-term funding commitments, there are often oversubscribed and precarious. The statutory sector struggles to work with child survivors of domestic abuse and sexual violence, and so refer to the specialist women and girls’ services who manage lengthy waiting lists, despite often expediting the waiting times for vulnerable children and young people.

In terms of femicide, in October 2023, the government announced a new amendment to the Victims and Prisoners Bill so that a parent who has been found guilty of murdering the other parent, will have their parental rights and responsibilities automatically removed.³¹⁹ The Law has been named after Jade Ward, who was murdered by her ex-partner in 2021. The change in law will better protect children and ensure the parent convicted of murder is prevented from exerting control over the child or making decisions about their life.

Statutory agencies’ responses to children as victims remains problematic in many areas, which reflects the status of children in society more broadly. In both the criminal and family courts, children face the same attacks on credibility and truthfulness as adult women do. Children with learning differences and disabilities face additional layers of disbelief and are disadvantaged because of their communication needs. There is a major shortage of intermediaries, whose role it is to bridge communication difficulties. The role is crucial where there are very young children, non-verbal children/young people, those with speech or hearing disabilities, or those with learning difficulties. Witnesses have a right to an intermediary under the Victims’ Code, and it is a special measure.³²⁰ However, the shortages of intermediaries in conjunction with major issues around

³¹⁵ Women’s Aid Federation of England calculates that all refuge services in England supported an estimated 10,502 women and 12,602 children in 2021-22 and all community-based services supported an estimated 131,094 women and 170,422 children. See Women’s Aid Federation of England, ‘The Domestic Abuse Report 2023: The Annual Audit’, 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>.

³¹⁶ Women’s Aid Federation of England, ‘The Domestic Abuse Report 2023: The Annual Audit’, 2023. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2023/01/The-Domestic-Abuse-Report-2023-The-Annual-Audit-FINAL.pdf>.

³¹⁷ Domestic Abuse Commissioner, ‘A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales’, 2022, page 18. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf.

³¹⁸ Welsh Women’s Aid, ‘A Duty to Support: A Research Report Reviewing Support for Children and Young People Experiencing Violence and Abuse in Wales, 2022. Available online: <https://welshwomensaid.org.uk/wp-content/uploads/2022/06/CYP-FOI-Report-ENG-WWA.pdf>.

³¹⁹ Ministry of Justice, ‘Jade’s Law to be introduced to better protect children’, 3 October 2023. Available online: <https://www.gov.uk/government/news/jades-law-to-be-introduced-to-better-protect-children>, accessed 30 November 2023.

³²⁰ Special measures are designed to improve the quality of a witness’s evidence given in court, and are detailed in the Youth Justice and Criminal Evidence Act 1999.

scheduling or “listing” criminal trials has meant that children have not always been able to access this support when needed.

Recommendations

- Increase funding for gender-specific services for child victims of VAWG who already work with domestic and sexual violence-based trauma and its impacts. This needs to be long-term grant funding and consistently included in the funding of VAWG services as a core part of service delivery. Prevention programmes for children and young people must address sexual violence and abuse with accompanying rape crisis support provision to support disclosures generated from prevention education.
- As recommended by IICSA, the UK government should commission “*a joint inspection of compliance with the Victims’ Code in relation to victims and survivors of child sexual abuse, to be undertaken by His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services, His Majesty’s Crown Prosecution Service Inspectorate and His Majesty’s Inspectorate of Probation*”.

Article 27: Reporting

For Article 27 to be fulfilled, there are several major pre-existing issues to address. Firstly, there is the matter of women and girls’ confidence in the agencies they report to. Both social services and the police are not widely trusted.³²¹ As noted in chapter one, this was made significantly worse by the abduction, rape and murder of Sarah Everard by a serving police officer,³²² and the police response to the murders of Nicole Smallman and Bibaa Henry, who took “selfie” photos next to the women’s bodies and shared them on WhatsApp. Major reports and inquiries,³²³ as well as subsequent media attention detailing the extent of police perpetrated violence against women and girls in the last two years, have exposed the systemic issues of misogyny to the public. The Independent Office for Police Conduct has noted the drop in confidence, and the National Police Chiefs Council has acknowledged the problem of misogyny in policing and is embedding strategies to address it³²⁴, although the fruit of this long-term change has not yet been seen.

Trust and confidence in social services and police responses to gender-based violence are even lower for survivors with intersecting minoritised identities due to racism, sexism, homophobia,

³²¹ Imkaan and Centre for Women’s Justice, ‘Life or Death: Preventing Domestic Homicides and Suicides of Black and Minoritised Women, 2023. Available online: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/655639ddc55be306e7dfa5c5/1700149727418/Life+or+Death+Report+-+Nov+2023.pdf>

³²² End Violence Against Women Coalition, ‘Almost half of women have less trust in police following Sarah Everard murder’, 2021. Available online: <https://www.endviolenceagainstwomen.org.uk/almost-half-of-women-have-less-trust-in-police-following-sarah-everard-murder/>.

³²³ Examples of these in the last two years alone include: the ongoing Angiolini Inquiry, Baroness Casey of Blackstock, ‘An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service’, 2023. Available online: <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf>; College of Policing and the National Police Chief’s Council, ‘Review of themes, learnings and recommendations on police-perpetrated violence against women and girls’, 2022. Available online: <https://cdn.prgloo.com/media/07786b4ff5d848f88a22366aa7205b2f.pdf>; HMICFRIS, ‘An inspection of vetting, misconduct, and misogyny in the police service’, 2022. Available online: <https://hmicfrs.justiceinspectorates.gov.uk/publications/an-inspection-of-vetting-misconduct-and-misogyny-in-the-police-service/>.

³²⁴ National Police Chiefs’ Council, ‘First violence against women and girls benchmark published’, 2023. Available online: <https://news.npcc.police.uk/releases/first-benchmark-of-police-performance-on-tackling-violence-against-women-and-girls-published>

transphobia and ableism.^{325,326} LGBT+ survivors of gender-based violence report in even lower numbers, citing fear that the police would discriminate against them because of their LGBT+ identity (25%) and fear that they would not be taken seriously (51%).³²⁷ While institutional homophobia, misogyny and racism was identified in the Casey Report,³²⁸ there has been a notable absence of the acknowledgement of institutional transphobia within the police and criminal justice system in the UK. This is despite growing evidence from research and specialist services.

It is important to note both the over policing of minorities and the under-policing of VAWG. For Black and minoritised women and girls, and those facing multiple disadvantage, making reports can have far reaching impacts on their relationship to their communities. Migrant women face severe barriers to reporting to the police and other public services due to fears of information sharing and immigration enforcement, as detailed in our response to Article 4.3 and Chapter seven. The failure to create a safe space for migrant women to report abuse requires urgent remedial action. Migrant women presenting to the authorities as a victim of crime should not be subjected to any police action that seeks to investigate immigration-related offences, nor should any information be passed to the Home Office for the purposes of immigration enforcement. Research by the Domestic Abuse Commissioner in 2023 found that every police force in England and Wales has shared the data of a victim of domestic abuse with immigration enforcement over the period 2020-2023³²⁹. Migrant women will only come forward and seek help and support following the trauma of an abusive relationship if they are confident that they will receive the help and support that they need without adverse repercussions. It should also be acknowledged that reluctance to report and or seek help can also be attributed to previous experiences of discrimination at the hands of the police and/or other statutory agencies.

For many of the most marginalised and vulnerable women and girls, the only way to find routes to safety through reporting are through the provision of highly specialist support, provided by trusted, independent community based VAWG services.

It is important to note that Article 27 recognises the role that “*individuals – friends, neighbours, family members, colleagues, teachers or other members of the community – can play in breaking the silence that often closes in around violence*”. However, in regards to third party reporting from non-professionals to statutory services, it is often vital for highly vulnerable victims and survivors that such third parties try to ensure they obtain consent to report, to avoid further endangering them. It is also worth noting that many members of the public perceive VAWG as exceptional, and therefore some, especially those that are aware they have rights, expect these rights to be enforced after making a report. Reports by third parties very often result in no further action from the police, as the victim or survivor may not support the report due to the complicated dynamics within VAWG.

³²⁵ Imkaan and Centre for Women's Justice, 'Life or Death: Preventing Domestic Homicides and Suicides of Black and Minoritised Women', 2023. Available online: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/655639ddc55be306e7dfa5c5/1700149727418/Life+or+Death+Report+-+Nov+2023.pdf>

³²⁶ You Gov, 'Trust in the police has fallen amongst ethnic minority Britons', 2021. Available online: https://yougov.co.uk/politics/articles/40005-trust-police-has-fallen-amongst-ethnic-minority-br?redirect_from=%2Ftopics%2Fpolitics%2Farticles-reports%2F2021%2F12%2F15%2Ftrust-police-has-fallen-amongst-ethnic-minority-br

³²⁷ Galop, 'Navigating the Criminal Justice System and Support Services as an LGBT+ Survivor of Sexual Violence', 2022, page 5. Available online: <https://galop.org.uk/resource/navigating-the-criminal-justice-system-support-services-as-an-lgbt-survivor-of-sexual-violence/>

³²⁸ Baroness Casey of Blackstock, 'An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service', 2023. Available online: <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf>

³²⁹ Domestic Abuse Commissioner, 'Safety Before Status: How to ensure the Victim & Prisoners Bill meets the needs of all victims', 2023. Available online: https://domesticabusecommissioner.uk/wp-content/uploads/2023/11/FINAL-DOC_Firewall-Report_2023_V2.pdf

Case study provided by the Latin American Women's Rights Service

Lucia came to the UK on a visitor visa. She met her partner online and he said he would marry her before her visa expired. As time passed, he became aggressive and began isolating and controlling her. At the end of 2022, she ended the relationship. After that, he would send her messages and emails insulting and threatening her.

Lucia sought support from the Latin American Women's Rights Service. She was experiencing high-risk threats and stalking, which led to a deterioration of her mental health and the development of suicidal thoughts.

Lucia was fearful of contacting the police due to her lack of legal status, but her caseworker supported her to report him to the police. When the police came to her home, they asked for an ID and looked through her passport and expired visa. They then called Immigration Enforcement in front of her and told her that she should be ready to leave at any moment. This was the first time Lucia sought support from the police after three years of being in an abusive relationship. She felt let down by the police and fearful of removal from the country as a consequence of having reported the crime. The perpetrator continued to harass and threaten her. Lucia contacted her caseworker extremely distressed, saying she did not want to have any more contact with the police. As the abuse escalated again, her caseworker tried to convince her to make another report, which Lucia opposed as she was more afraid of deportation. Eight days after the police report, Lucia got an immigration enforcement letter. The letter exacerbated Lucia's fear and made her decide to disengage from LAWRS' support altogether.

Recommendations

- Establish a firewall between statutory authorities dealing with VAWG and immigration authorities to enable refugee and asylum-seeking women to access protection, support, and safety.
- Provide funding for both local and national services who, if funded to meet demand, can advertise their helplines and details for accessing support.
- Police forces to continue to root out police perpetrated VAWG in order to increase confidence in the long term, which will encourage appropriate reporting.

Article 28: Reporting by professionals

The issues around professionals reporting VAWG in England and Wales are many and are experienced by women and girls differently because of their intersecting identities, but the key issues broadly include:

- Lack of reporting due to a lack of identification and recognition of VAWG and how it manifests physically, mentally, behaviourally and socially.
- Reporting without due consideration for potential safeguarding consequences, and particularly without considering retaliatory violence, stigma and other significant safety planning requirements.
- Professionals not obtaining consent or centring the needs of women and girls.
- Inadequate safeguarding processes following reporting which make survivors less safe. Examples include: placing women and girls in dangerous housing; allowing alleged

perpetrators of child rape and sexual abuse to have ongoing contact with the children who alleged the abuse; arriving to a survivor's home in a marked police car within a sensitive locality; and exposing survivors and children to data sharing with immigration enforcement.

There are significant and distinct issues with statutory institutions identifying different kinds of VAWG and understanding how to respond appropriately. Identification of gender-based violence remains a large issue, particularly with sexual violence and abuse where there may not be visible signs of it. GPs in particular need to ask about root causes behind mental health issues to ensure that victims and survivors of VAWG can access the services they require.

However, it is central that the process of reporting and safeguarding is not considered one and the same. Whilst reporting can form a part of safeguarding, reporting without the broader consideration of what could happen for the victims and survivor without a safety plan can cause retaliatory violence and abuse from the perpetrator and potentially from their families and/or communities, as well as exposure to forms of state violence such immigration detention. There are particular concerns around the rights of migrant women and girls and the added risks they face around immigration abuse. Due consideration must also be given for racially and religiously minoritised women and girls, who may face ostracization, so-called honour-based abuse and other forms of violence, should a report be made without the appropriate safeguarding considerations. Independent by and for VAWG services that work with different cohorts of survivors are the best placed to advocate for and advise on the most appropriate ways to protect women and girls facing violence.

There are laws already in place for professionals to report when children and young people are being subjected to violence and abuse of all forms. However, there are still very significant issues with the safeguarding of children by child social care, by educational institutions and by health bodies. There is low recognition of the signs of child rape and sexual abuse, as well as with adult survivors of sexual violence and abuse. Furthermore, there are significant and dangerous problems of overriding the voices and wishes of children and young people, who are often not even kept informed about key decisions and processes undertaken by professionals. Much of this was captured in the government's consultation on Mandatory Reporting of Child Sexual Abuse, which took place between May and August 2023.³³⁰

We were surprised and disappointed to see that the government response to GREVIO did not include mention of the wide-ranging recommendations the Independent Inquiry into Child Sexual Abuse, of which a Mandatory Reporting duty was one.³³¹ This demonstrates the continued separation of the strategic aims/policies in the Home Office's Child Sexual Abuse strategy³³² and the Home Office's VAWG Strategy.³³³ Ultimately the VAWG sector agreed that the Mandatory Reporting duty that ultimately comes into force must be able to distinguish between:

- Those who do not make a report because they are a family member also subject to gender-based violence, and/or coerced and controlled.

³³⁰ Home Office, Mandatory reporting of child sexual abuse: call for evidence, 2023. Available online: <https://www.gov.uk/government/consultations/mandatory-reporting-of-child-sexual-abuse/mandatory-reporting-of-child-sexual-abuse-call-for-evidence#about-this-call-for-evidence>.

³³¹ The Independent Inquiry into Child Sexual Abuse, 'The report of the Independent Inquiry into Child Sexual Abuse', 2022. Available online: <https://www.iicsa.org.uk/index.html>.

³³² Home Office, Tackling Child Sexual Abuse Strategy, 2021. Available at: https://assets.publishing.service.gov.uk/media/605c82328fa8f545dca2c643/Tackling_Child_Sexual_Abuse_Strategy_2021.pdf

³³³ Home Office, Tackling Violence Against Women and Girls Strategy, 2021. Available at: https://assets.publishing.service.gov.uk/media/6194d05bd3bf7f054f43e011/Tackling_Violence_Against_Women_and_Girls_Strategy_-_July_2021.pdf.

- Professionals supporting children and young people, but do not make an immediate report for genuine safeguarding reasons, such as when they are engaged in organised crime groups such as gangs and more work is required to make a safety plan.
- Professionals who have not had the required training to recognise and respond to disclosures of sexual violence and abuse.
- Those who are trying to actively conceal or minimise child sexual abuse to protect a perpetrator or the reputation of their organisations.

For all forms of VAWG, professional discretion remains of fundamental importance. It remains crucial to recognise victims and survivors as experts in their own lives, respect their wishes and get consent wherever possible.

Recommendations

- A firewall between statutory authorities dealing with VAWG and immigration authorities must be established to enable refugee and asylum-seeking women to access protection, support, and safety.
- Significant Train healthcare professionals on how to identify signs of abuse, and child rape and sexual abuse in particular, so that children and young people are protected from further violence.
- Ensure the government units dealing with child sexual abuse and VAWG should be part of the same team with strategic join-up.

Chapter Five: Substantive Law

Article 29 – Civil lawsuits and remedies

Question C (2) in the questionnaire for the state’s baseline evaluation asks about the procedures available to women victims, to provide them with civil remedies, where applicable, against state authorities that have failed in their duty to take necessary preventive or protective measures within the scope of their powers. The UK government’s response to GREVIO states that it is open to victims seeking to bring a claim for damages under the civil law of negligence. This is inaccurate, given that the UK’s highest court has repeatedly found the law of negligence does not cover failings by the police (and some other statutory bodies) for *omissions*, as opposed to positive acts that have caused harm (with some very limited exceptions). The law was most recently clarified by the Supreme Court in a case involving a domestic homicide *Michael v Chief Constable of South Wales Police* [2015] UKSC 2.³³⁴

However, it is open to survivors and bereaved families to bring claims under the Human Rights Act where a breach of positive obligations can be established, whether systemic or operational obligations, under Articles 2 and 3 of the European Convention on Human Rights. The questionnaire asks the Government to provide data on the number of civil law remedies applied for against state authorities. The state’s baseline report does not address this, and only provides data for civil law remedies against perpetrators.

This is a matter of serious concern because, to the best of our knowledge, there is no data collected on the number of civil claims in VAWG cases brought against the police or other state bodies for failures in their duties to take preventative or protective measures. We are aware that an unknown number of such claims are brought by survivors and bereaved families, represented by specialist lawyers, against police forces around the country, but most end with out of court settlements and do not go to trial. Police forces do not make data available on such claims brought successfully against them, and neither is such data collated nationally to the best of our knowledge. This means that lessons are not being learnt from the issues arising in such cases, and we do not believe that civil claims are feeding into policy considerations at a local or national level.

Recommendations

- Collect and publish national data on the number of civil claims brought against the police and other statutory agencies for failures in the duties to take preventative or protective measures in response to VAWG

Article 30 – Compensation

State compensation is provided by the Criminal Injuries Compensation Scheme.³³⁵ However, the definition of eligible crimes excludes compensation for impairment of mental health as a result of crimes that do not meet the definition of a “crime of violence”. This means that certain

³³⁴ Supreme Court, ‘Michael and others (FC) (Appellants) v The Chief Constable of South Wales Police and another (Respondents)’, 2015. Available online: <https://www.supremecourt.uk/cases/uksc-2013-0043.html>

³³⁵ Ministry of Justice, Criminal Injuries Compensation Scheme, 2012.

where there is no physical violence or threat of immediate violence or physical contact, some forms of abuse are excluded, such as:

- controlling or coercive behaviour
- harassment and stalking
- online sexual offending for example where children are groomed to carry out sexual acts viewed by perpetrators
- disclosing private sexual photographs and films with intent to cause distress
- malicious communications offences

In September 2023 a government consultation took place to consider whether the definition of a “crime of violence” should be broadened. This presents an opportunity to expand the scheme to make it compliant with the Convention by including all VAWG offences where the criteria for mental injury are met, regardless of whether they include physical violence, threat of immediate violence or physical contact.

Paragraph 26, Annex D of the Criminal Injuries Compensation Scheme 2012³³⁶ denies compensation to victims of crime who have unspent convictions at the time they apply. There is no discretion for decision makers to award compensation to victims, even where there are good reasons to do so. Such discretion existed in every iteration of the Scheme prior to 2012.

We believe this unfairly impacts victims of child sexual abuse - who are more likely to be women and girls - as they often make applications for compensation many years after they were abused. It is widely accepted that such victims are more likely to commit offences and be criminalised when they are older as a direct consequence of being victims of abuse.

Although IICSA recommended that the government reconsider this position based on the evidence they had gathered, it was only following a successful judicial review by a victim of child sex abuse that the government agreed even to consult on the rule. This short consultation ended on 5 August 2022, yet the government has not published the responses nor their decision regarding whether the Scheme will be amended.

Recommendations

- Ensure the Criminal Injuries Compensation Scheme is compliant with the Convention by expanding its scope to cover all VAWG offences where the criteria of mental injury is met.
- Return discretion to the scheme to enable decision makers to award compensation to victims of child sexual abuse.

Article 31 – Custody, visitation rights and safety

The government’s response to GREVIO details the legal framework which should be used by the family courts in England and Wales to consider allegations of domestic abuse when making contact orders. In our view, VAWG continues to be minimised, ignored and undermined in the family court system and these proceedings are the source of significant trauma for the women we work with. In England and Wales the family courts strongly promote ongoing relationships between children and both their parents following separation, even in circumstances of VAWG – we define this as a ‘pro-contact’ approach. Extensive evidence demonstrates that the strong

³³⁶ Ministry of Justice, Criminal Injuries Compensation Scheme, 2012.

presumption of contact leads to VAWG being marginalised, misunderstood, and downgraded within private law children's proceedings, which undermines the court's ability to prioritise children's rights and safety.³³⁷ Numerous research studies undertaken in England and Wales, and evidence from Women's Aid,³³⁸ demonstrates how perpetrators of domestic abuse use family court proceedings as part of an ongoing pattern of control and abuse, which many women report to be, as bad as, or worse than the abuse itself.

In 2020, the Government accepted the findings of the Ministry of Justice (MoJ) Harm Panel report,³³⁹ which identified 'unveiled deep-seated and systemic problems with how the family courts identify, assess and manage risk to children and adults'. There were four key barriers identified in the family court's response to domestic abuse and other forms of harm:

- the court's pro-contact culture;
- the adversarial nature of the court system;
- resource limitations affecting all aspects of private law proceedings;
- the lack of coordination with other courts and organisations dealing with domestic abuse.

In the implementation plan for the Harm Panel Report, the MoJ announced that it was 'committed to both immediate action and longer-term reform, to ensure the system fully supports those who are victims of domestic abuse or otherwise vulnerable, and delivers the right outcomes for them and their children'.³⁴⁰ The MoJ reiterated this commitment in its recent Harm Panel progress report.³⁴¹

Our organisations note that some of the recommendations have been implemented, but without appropriate resourcing or monitoring in relation to their effectiveness, and there remain major concerns about the lack of progress in the implementation of these recommendations in full. For example, the Harm Panel stated that 'a review of the presumption of parental involvement in s.1(2A) of the Children Act 1989 is needed urgently in order to address its detrimental effects'; three years later this review has not concluded.

Women report that the understanding by family court professionals, and the judiciary, of coercive and controlling behaviour, its impact on children, and how perpetrators use family proceedings as a form of post-separation abuse, remains inadequate. The pro-contact culture in the family courts is as strong as ever and children's voices, wishes and feelings continue to be ignored. Children continue to be traumatised and harmed by being forced to have unsafe contact with an abusive parent. This trauma can be long lasting and severe in its impact.³⁴²

There is a particularly urgent concern in relation to the use of 'parental alienation' as a counter allegation to domestic abuse in the family courts, and the appointment of unregulated experts in the family courts; an issue which was highlighted by the UN Special Rapporteur on VAWG who

³³⁷ Ministry of Justice, 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Implementation Plan, 2020. Available online: <https://consult.justice.gov.uk/digital-communications/assessing-harm-private-family-law-proceedings/results/implementation-plan-assessing-risk-children.pdf>

³³⁸ Women's Aid Federation of England, 'Two Years Too Long, 2022. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2022/06/Two-Years-Too-Long-2022.pdf>.

³³⁹ Ministry of Justice, 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Final Report', 2020. Available online: <https://consult.justice.gov.uk/digital-communications/assessing-harm-private-family-law-proceedings/results/assessing-risk-harm-children-parents-pl-childrens-cases-report.pdf>.

³⁴⁰ Ministry of Justice, 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Implementation Plan, 2020. Available online: <https://consult.justice.gov.uk/digital-communications/assessing-harm-private-family-law-proceedings/results/implementation-plan-assessing-risk-children.pdf>

³⁴¹ Ministry of Justice, 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Delivery Update', 2023. Available online: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1158906/harm-panel-delivery-update.pdf

³⁴² Women's Aid Federation of England, 'Two Years Too Long, 2022. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2022/06/Two-Years-Too-Long-2022.pdf>.

specifically cited research and evidence on this issue from England and Wales.³⁴³ As the Domestic Abuse Commissioner's recent report on the family courts in 2023 stated,³⁴⁴ 'parental alienation' is being used as a counter allegation to domestic abuse, drawing the court's focus away from the perpetrator and undermining the child's wishes. The Commissioner concluded that the impact of successful claims of so-called 'parental alienation' by perpetrators can be devastating on both adult and child victims and survivors - with children being intentionally removed from their primary carers to facilitate a relationship with the non-resident perpetrator parent.

There also remain significant concerns that family courts are appointing people who call themselves 'psychologists' to assess adults and children in Family Court proceedings, but who are not qualified to provide such assessments. This is particularly the case for 'psychologists' who are assessing children with 'parental alienation'; as the UN Special Rapporteur stated, such 'experts' "may submit child and adult survivors to intrusive and re-traumatising psychological assessments (...) in some cases, they maximise their income by playing both a diagnostic and therapeutic role. The issue was recently subject to a judgement from the President of the Family Division, *Re C* ('parental alienation'; instruction of expert) [2023] EWHC 345 (Fam), who stated that regulation of the term 'psychologist' was a matter for Parliament.

Recommendations:

- Full implementation of the MoJ Harm Report recommendations.
- Introduce legislation that psychologists appointed to assess adults or children in the family court must be regulated by the Health and Care Professions Council.
- Prohibit the use of parental alienation or related pseudo-concepts in family law cases and the use of so-called experts in parental alienation and related pseudo-concepts, in line with recommendations by the UN Special Rapporteur on VAWG.
- The government should urgently amend Section 1(2A) of the Children Act 1989 to make clear that the presumption of parental involvement does not apply in cases involving allegations of domestic abuse or other forms of serious harm.

Article 37 - Forced Marriage

The Forced Marriage (Civil Protection) Act 2007, followed by the Anti-social Behaviour, Crime and Policing Act 2014 made it a criminal offence in England, Wales and Scotland to force someone to marry, and the government has published multi-agency guidance for responding to forced marriage. Organisations led by and for Black and minoritised women have recommended that the statutory definition of forced marriage should be extended to include marital captivity - being forced to remain within a marriage. Recent changes to divorce law, to introduce 'no fault divorce' have recognised that no-one should be trapped within a marriage they no longer wish to remain in - but this form of abuse is not reflected in the definition of forced marriage.³⁴⁵

³⁴³ Alsalem, R (2023). 'Custody, violence against women and violence against children, Report of the Special Rapporteur on violence against women and girls, its causes and consequences', 2023.

³⁴⁴ Domestic Abuse Commissioner, 'Domestic Abuse Commissioner calls for wide reaching reforms to ensure safety of children in the Family Courts and accelerate government plans', 2023. Available online: <https://domesticabusecommissioner.uk/domestic-abuse-commissioner-calls-for-wide-reaching-reforms-to-ensure-safety-of-children-in-the-family-courts-and-accelerate-government-plans/>

³⁴⁵ Iranian and Kurdish Women's Rights Organisation, 'Written evidence from IKWRO – Women's Rights Organisation', 2023. Available online: <https://committees.parliament.uk/writtenevidence/114500/html/>.

The Forced Marriage Unit (FMU) was set up in 2005 to support British nationals being forced into marriage overseas and to assist anyone in the UK, regardless of nationality, faced with the prospect of being forced into a marriage.

However, victims of forced marriage often face hurdles in accessing timely and critical support through the FMU which are exacerbated by the existing FCDO policy, guidance, and procedural directions. This enduring issue, underscored by the judiciary, especially in cases involving vulnerable children at risk of child marriage, reflects serious procedural flaws within the FMU. Through the work of specialist VAWG organisations, it can be seen how the FMU is limited by its own policies and procedures in how it carries out forced marriage repatriations.

The changes to the recording practices of the FMU in 2021, without a thorough assessment of their impact on data comparability, has raised concerns about the government's ability to draw annual comparisons and track trends in forced marriage cases. Annual data comparisons are crucial, especially considering the introduction of new legislation recognising all forms of child marriage as forced marriage. While these concerns have been communicated to the FMU, there is a lack of reassurance regarding steps the government is taking to produce statistics that can be monitored and compared annually. The absence of regular and meaningful statistical releases from the FMU raises concerns about the government's ability to understand the problem of forced marriage in England and Wales. These concerns are particularly alarming considering the reported 22% increase in forced marriage offences, as indicated in the policing Annual Data Requirement (ADR) return for Honour-Based Abuse in 2022-2023, against a decline in the number of forced marriages reported to the FMU.³⁴⁶

In October 2010, the FMU conducted a review of the implementation of statutory guidance on forced marriage across public agencies in England and Wales.³⁴⁷ While awareness of forced marriage had improved over the years, the review revealed that in 2010, many agencies had not fully integrated forced marriage considerations into their existing safeguarding structures and practices for both adults and children. The review identified key issues, including a lack of commitment within agencies to address forced marriage; inconsistent training practices; and variations in how different departments handled and monitored forced marriage cases. While the police recognised the need to proactively address forced marriage, their implementation of the guidance has been inconsistent. Schools, colleges, health services, local authorities, and housing departments were urged to do more to respond effectively to forced marriage, with the review emphasising the need for greater senior management commitment in each agency to fully implement the Statutory Guidance. Despite the 2010 review, subsequent reports published by the Women and Equality Committee in 2023 and His Majesty's Inspectorate of Constabularies in 2015 indicate that public authorities continue to face significant challenges in adequately responding to forced marriage.³⁴⁸

The progressive decline in the FMU's standing and efficacy over the years is deeply disconcerting, leading to a notable hesitancy within the VAWG sector to refer cases to the unit. The FMU, a pivotal player in providing assistance to victims of forced marriage, stands at a crossroads where rebuilding trust and re-establishing its reputation is imperative. The sector's confidence in the

³⁴⁶ Home Office, 'Statistics on so called 'honour-based' abuse offences, England and Wales, 2022 to 2023', 2023. Available online:

<https://www.gov.uk/government/statistics/so-called-honour-based-abuse-offences-2022-to-2023/statistics-on-so-called-honour-based-abuse-offences-england-and-wales-2022-to-2023>

³⁴⁷ Home Office, 'Report on the Implementation of the multi-agency statutory guidance for dealing with forced marriage (2008)', 2010. Available online: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/136371/Guidance_for_dealing_with_forced_marriage_A4_v1.6_WEB.PDF

³⁴⁸ Women and Equalities Select Committee, 'So-Called Honour Based Abuse', 2023. Available online: <https://committees.parliament.uk/publications/40929/documents/200424/default/>.

FMU's reliability and effectiveness is indispensable for the unit to fulfil its vital role in safeguarding victims.

Recommendations:

- The Forced Marriage (Civil Protection) Act 2007, the Anti-social Behaviour, Crime and Policing Act 2014 and the multi-agency guidance on forced marriage should be extended to cover marital captivity.
- There should be a comprehensive and transparent review of the FMU's operations, engaging stakeholders to identify and address systemic issues or areas needing improvement.
- Ensure that FMU's statistical releases directly inform government activities to combat forced marriage, shaping policies, allocating resources, and implementing targeted interventions.
- Maintain transparency in FMU's activities, regularly publishing reports on its outcomes, and ensure accountability for responding to concerns and feedback from stakeholders.
- Ensure effective implementation of statutory guidance on forced marriage across public agencies, addressing challenges highlighted in previous reviews.
- Undertake strategic actions identified through the comprehensive review to improve FMU's operations, effectiveness, and overall standing within the sector.

Article 42 - Unacceptable justifications for crimes, including crimes committed in the name of so-called 'honour'

As noted in the introduction of this report, police-recorded offences relating to so-called honour-based abuse (HBA) are increasing,³⁴⁹ but there remains a great deal of work still to do to increase understanding of HBA and its intersections with other forms of VAWG, and critically to improve access to support, safety and justice for survivors. The Women and Equalities Committee recently conducted an inquiry into so-called honour-based abuse to which many VAWG sector specialists submitted evidence. The report highlighted:³⁵⁰

- the limited and inconsistent data collection by police forces
- significant variation in the understanding of so-called honour-based abuse, not least across statutory agencies
- the issue of abusers using a victim's insecure immigration status as a tool of control.

The recent Imkaan and Centre for Women's Justice report on preventing domestic homicides and suicides of Black and minoritised women includes vital evidence on so-called honour-based abuse and the current failings of the police and statutory agencies to identify it and assess the risks to women effectively.³⁵¹

³⁴⁹ Home Office, 'Statistics on so called 'honour-based' abuse offences, England and Wales, 2021 to 2022', 2022. Available online: <https://www.gov.uk/government/statistics/statistics-on-so-called-honour-based-abuse-offences-england-and-wales-2021-to-2022/statistics-on-so-called-honour-based-abuse-offences-england-and-wales-2021-to-2022>.

³⁵⁰ Women and Equalities Select Committee, 'So-Called Honour Based Abuse', 2023. Available online: <https://committees.parliament.uk/publications/40929/documents/200424/default/>.

³⁵¹ Imkaan and Centre for Women's Justice, 'Life or Death: Preventing Domestic Homicides and Suicides of Black and Minoritised Women', 2023. Available online: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/655639ddc55be306e7dfa5c5/1700149727418/Life+or+Death+Report+-+Nov+2023.pdf>.

Recommendations:

- So-called honour-based abuse should be regarded as an aggravating factor for sentencing in violence against women and girls cases. Campaigners refer to this as Banaz’s law named in memory of Banaz Mahmood, who was subjected to a so-called ‘honour’ killing in 2006. The law is advocated by Banaz’s sister, Bekhal Mahmood, and supported by Southall Black Sisters.³⁵²
- A statutory review of each key statutory service (including police, social services, housing, health, education) on their recognition and responses to so-called honour-based abuse. Following the findings of failings and the recommendations in successive Homicide Reviews, the statutory reviews must address data collection and information sharing across and between the services.

Article 48 – Prohibition of mandatory alternative dispute resolution processes

Mediation is currently not compulsory in family courts in England and Wales. However, the Government strongly encourages mediation as an alternative to court – and therefore requires a person applying for a family court order to attend a MIAM (Mediation Information and Assessment Meeting). The purpose of this MIAM is for the parties in the case to discuss what the issues are, for the mediator to provide information about the mediation process and whether it could resolve matters, and for the mediator to consider whether the case is suitable for mediation – including by screening for domestic abuse. There are also a number of exemptions for the MIAM system – including for domestic abuse and other child protection concerns.

The evidence requirements to access an exemption to a MIAM currently mirror those required for accessing legal aid under the domestic violence gateway– including convictions for domestic violence offences, protection orders, findings in court, and evidence from third party professionals. Survivors can face significant barriers to providing such evidence – in particular because many have never disclosed the abuse to a professional. Any exemption relying on evidence will always exclude some survivors, particularly the most isolated and minoritised. In particular, organisations led by and for Black and minoritised women and Deaf and disabled survivors have highlighted that the women they support face significant challenges in navigating the existing system and accessing MIAM exemptions, particularly where they do not have legal representation and have unmet language and communication needs.

As a result, even though there is a MIAM exemption for domestic abuse, survivors may still end up attending a MIAM and going into mediation with an abuser. Of 15 VAWG organisations and survivors surveyed by the Women’s Resource Centre in 2023, 53% stated that the current evidence requirements for accessing a MIAM exemption were not working, with a further 27% believing it only worked ‘sometimes’.³⁵³

A participant in Women’s Aid’s research with Queen Mary University of London stated:

‘the problem is the courts are saying you really should go to mediation before you launch court proceedings. Well how can you mediate with someone who intimidates and frightens you? If you’ve got no previous evidence that that person has intimidated and frightened you, ‘cause you’ve never reported it, ‘cause you’re too frightened and

³⁵²Siddiqui, H. and Mahmood, B., ‘Far and Beyond: addressing failures in state and community protection and accountability in the ‘honour’ killing of Banaz Mahmood’, 2021; and Mahmood, B. and Siddiqui, H., ‘No Safe Place: Murdered by Our Father’, 2022.

³⁵³ Women’s Resource Centre, ‘Mediation in the family courts’, 2023. Available online: <https://www.wrc.org.uk/blog/new-report-mediation-in-family-courts>.

*intimidated? [...] and the legal system wants you to go and sit in a room with that person and a mediator who is not trained to deal with that level of coercive control.*³⁵⁴

Even with evidence of domestic abuse, survivors are still pushed into mediation against their preferences. This was found by the Ministry of Justice's Harm Panel Report, which stated that:

*'Many mothers responding to the call for evidence reported being advised and, they felt, required or directed to engage in conciliation by Cafcass/Cymru at court or to attend mediation, and being criticised for not attempting mediation, despite having provided information about domestic abuse.'*³⁵⁵

When survivors end up in mediation, the experience of Women's Aid shows that mediators are not all adequately trained to identify and respond to abuse, which risks giving perpetrators more tools and power to abuse, and ultimately, results in unsafe court decisions.

In March 2023 the Ministry of Justice launched a consultation on 'supporting earlier resolution of private family law arrangements'. This proposed to:

- Introduce compulsory pre-court mediation in the family courts, with exemptions for DA cases and other child protection cases
- Make attendance at a co-parenting programme offered by Cafcass and Cafcass Cymru compulsory before an application can be made to court

VAWG organisations in England and Wales have raised serious concerns about these proposals, on the grounds that they would threaten the safety of survivors.³⁵⁶ Whilst again an exemption for domestic abuse cases was proposed, organisations highlighted that issues with the current evidence test for the MIAM exemption would again apply. At the time of submitting this report, the Government has not published its response to the consultation.

Recommendations:

- Reverse plans to introduce 'compulsory' mediation and co-parenting programmes in the family courts
- Reform the current exemption system for MIAMs, ensuring that it tackles the barriers which survivors face to disclosing and reporting VAWG
- Deliver multidisciplinary training on domestic abuse delivered by specialist VAWG organisations, to be rolled out across all family justice related professions, including for mediators, as per the recommendation in the Harm Panel report.

Deaths of women

The UK Government was asked a question relating to deaths of women in question O of the baseline GREVIO evaluation survey. The disaggregated data requested is not available, which

³⁵⁴ Women's Aid Federation of England, 'What about my right not to be abused?', 2018. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2018/05/Domestic-abuse-human-rights-and-the-family-courts-report.pdf>.

³⁵⁵ Ministry of Justice, 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Final Report', 2020. Available online: <https://consult.justice.gov.uk/digital-communications/assessing-harm-private-family-law-proceedings/results/assessing-risk-harm-children-parents-pl-childrens-cases-report.pdf>.

³⁵⁶ Joint VAWG sector organisations, Letter to Alex Chalk MP: 'Compulsory pre-court mediation and co-parenting programme', 2023. Available online: [Joint-letter-to-Alex-Chalk-on-MoJ-proposals-to-support-earlier-resolution-of-private-law-family-arrangements.pdf](https://www.womensaid.org.uk/wp-content/uploads/2023/03/Joint-letter-to-Alex-Chalk-on-MoJ-proposals-to-support-earlier-resolution-of-private-law-family-arrangements.pdf) (womensaid.org.uk).

reflects a wider problem with the disaggregation of data relating to domestic homicides.³⁵⁷ The key analysis of domestic homicides is the Home Office analysis of Domestic Homicide Reviews (DHRs), however it fails to distinguish between intimate partner killings and other killings by family members. Many of the family member deaths involve male victims and male perpetrators, such as sons and fathers, and brothers, and are not relevant to VAWG. Therefore, disaggregation of the total by sex or ethnicity or other criteria does not provide relevant data for analysis of VAWG. A national DHR repository is being built by the Home Office, which allows breakdowns by a broad range of criteria. This is useful for researchers, but it does not represent annual data gathered and provided by the state authorities, nor does the proposed repository necessarily include all relevant cases.

Recommendations:

- The Home Office produce data for intimate partner killings of women as a distinct group - disaggregated by sex, ethnicity and other protected characteristics, as an essential part of a national strategy for addressing such deaths.
- Further disaggregation should be provided by the criteria in the Questionnaire (in Section I Introduction) with the addition of ethnicity and disability.

³⁵⁷ Imkaan and Centre for Women's Justice, 'Life or Death: Preventing Domestic Homicides and Suicides of Black and Minoritised Women', 2023, annex 3. Available online: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/655639ddc55be306e7dfa5c5/1700149727418/Life+or+Death+Report+-+Nov+2023.pdf>.

Chapter Six: Investigation, prosecution, procedural law and protective measures

Article 49 – General obligations

Whilst the Government’s baseline report provided figures of prosecutions for the years 2020 to 2022, what it does not disclose is severe inadequacies in the prosecution of a range of VAWG offences. Overall, prosecution rates are at such low levels that it cannot be said that due diligence is being applied to ensure that acts of violence are being investigated and prosecuted in an effective manner. Where prosecutions do take place, court delays particularly in the Crown Court are at unprecedented historic levels, hugely impacting on the experience of survivors and in some cases resulting in cases not being brought to justice at all.

Whilst the UK’s baseline report states that in 2023 VAWG was added to the Strategic Policing Requirement, placing it in a priority offending category, we question whether this has been accompanied by any increased funding. Without adequate funding policing is ineffective, victims and survivors feel let down and drop out of the process, and the UK’s commitments under the Convention are not fulfilled in practice.

GREVIO members are invited to consider the Final Inspection Report into the Police Response to VAWG published in September 2021 by HM Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS).³⁵⁸ Its first recommendation (page 13) was that:

“There should be an immediate and unequivocal commitment that the response to VAWG offences is an absolute priority for government, policing, the criminal justice system, and public-sector partnerships” and that “there needs to be an immediate upwards shift in the prioritisation of VAWG offences in policing”.

HMICFRS stated that the current response to VAWG offending is “*unsustainable*” and called for sufficient funding and a “*radical re-focus and shift*” reflecting the fact that VAWG is not a high enough priority in policing, and therefore not meeting the needs of victims and survivors.

Domestic abuse

In 2014, the policing oversight body HM Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS), or ‘Inspectorate’, published a ground-breaking inspection of the policing of domestic abuse across England and Wales.³⁵⁹ The report was uncompromising and frank in its criticism of the state of policing of domestic abuse. Yet since 2014, falling prosecution rates show that there has been a decline in the performance of policing of domestic abuse, rather than an improvement. This is despite the fact that the Inspectorate conducted inspections of numerous individual police forces to follow up the 2014 national report, and produced a series of update reports on the policing of domestic abuse in 2015, 2017, 2019 and 2021 (the latter focusing on the period during the Covid19 pandemic).

³⁵⁸ HMICFRS, ‘Police response to violence against women and girls: Final inspection report’, 2021. Available online: <https://assets-hmicfrs.justiceinspectorates.gov.uk/uploads/police-response-to-violence-against-women-and-girls-final-inspection-report.pdf>

³⁵⁹ HMICFRS, ‘Everyone’s Business: Improving the Police Response to Domestic Abuse’, 2014. Available online: <https://assets-hmicfrs.justiceinspectorates.gov.uk/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf>

Crown Prosecution Service (CPS) figures published in July 2023³⁶⁰ show that the annual number of prosecutions for domestic abuse offences has almost halved between 2016/17 and 2022/23:

2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
93,593	89,095	78,624	61,169	54,515	53,207	51,288

The same CPS figures also indicate that the number of cases received by prosecutors from the police has dropped by a similar proportion, whilst the charging rate by CPS has remained roughly similar. Therefore, there has been a very steep decline in the police taking action and building cases to be prosecuted. Under UK guidance all cases flagged as domestic abuse can only be charged by CPS and not directly by the police, therefore these figures represent the total for such prosecutions.

Over the relevant years during which prosecution rates have plummeted, the levels of recorded domestic abuse crimes reported to the police have doubled. The Office for National Statistics shows a steady increase from just over 400,000 domestic abuse crimes reported to the police in the year ending March 2016, up to over 900,000 such crimes reported in the year ending March 2022³⁶¹ (limited to recorded crimes and not including domestic abuse related incidents). This increase likely represents an increase in reporting and recording of offences, rather than an increase in the incidence of domestic abuse.

Taken together, these figures show a devastating drop from 2016 to 2022, whereby twice as many crimes reported result in only half as many prosecutions, i.e., approximately one quarter the rate of prosecutions. This indicates that the shortcomings identified by HMIC in 2014 have not been addressed.

Sexual offences

A similar pattern of steeply rising reports to police alongside falling prosecution levels can be seen for sexual offences, but with some remedial action in the last two years. We focus on rape prosecutions as these are readily available figures.

Between 2016 and 2019 there was a sudden and an extremely steep, ‘cliff edge’ drop in rape prosecutions. This has been attributed by a number of women’s sector organisations to a change in approach to rape charging within CPS.³⁶² Concerns led to a two year ‘Rape Review’ by the Government in 2020³⁶³ with findings that the prosecution of rape was unsatisfactory and needs radical improvement. Its forward by Ministers stated that rape victims were being failed and that the Government was “deeply ashamed”.

Since 2019/20 there has been a slow increase, whereby prosecution numbers for 2022/23 are approaching those of 2016.³⁶⁴ However, during this period of time, the number of rapes reported

³⁶⁰ End violence Against Women Coalition, ‘Latest data shows the criminal justice system isn’t working for women’, 2023. Available online: <https://www.endviolenceagainstwomen.org.uk/latest-data-shows-the-criminal-justice-system-isnt-working-for-women/>

³⁶¹ ONS, ‘Domestic abuse prevalence and trends, England and Wales: year ending March 2022’, 2022. Available online: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseprevalenceandtrendsenglandandwales/yearendingmarch2022>

³⁶² Centre for Women’s Justice, End Violence Against Women Coalition, Rape Crisis England and Wales, and Imkaan, ‘The Decriminalisation of Rape’, 2020. Available online: <https://rcew.fra1.cdn.digitaloceanspaces.com/media/documents/c-decriminalisation-of-rape-report-cwj-evaw-imkaan-rcew-nov-2020.pdf>

³⁶³ Ministry of Justice, ‘End-to-End Rape Review Report on Findings and Actions’, 2021. Available online: <https://www.gov.uk/government/publications/end-to-end-rape-review-report-on-findings-and-actions>

³⁶⁴ Figures are counted differently by CPS and by the Ministry of Justice. Here we refer to CPS figures which show a higher number of prosecutions.

to the police has doubled. When publishing its Rape Review, the Government committed to aiming for a return to 2016 charging levels, however crucially, this would amount to a significant decrease in real terms given the increase in reporting since 2016. An improved public conversation about sexual violence, and including successful prosecutions of high-profile offenders, has sparked social change and an increased willingness by survivors to come forward to the police. However, this has not been matched by an effective state response from criminal justice agencies. The Government Rape Review noted that charge rates dropped from 13% in 2015/16 to 3% in 2019/20. Given the continuing steep increase in reports this figure has changed to as little as 4.5%, which falls far short of an adequate criminal justice response to rape.

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Rapes reported	30,000	38,000	42,000	60,000	58,000	55,000	70,000	67,000
Prosecutions	3,900	3,600	2,900	1,758	1,867	1,995	2,223	3,004

Women’s sector organisations have long identified fundamental problems with the approach to sexual violence amongst criminal justice agencies, especially the police, where survivors are treated with disbelief, subjected to intrusive data requests for credibility trawls, and suspects are not subjected to rigorous scrutiny. The Joint Thematic Inspection of the Police and CPS Response to Rape published in June 2021³⁶⁵ raised concerns about rape myths and stereotypes and identified an overly cautious approach, with some officers and prosecutors focused more on weaknesses than building strong cases. A recent survey of over 2,000 rape survivors found that 75% said that their mental health had worsened as a result of the police response to their report of sexual assault.³⁶⁶

Operation Soteria has been a positive development identifying an improved approach to rape investigations, however the implementation of the new National Operating Model that was produced by it has only just begun. We do not yet know whether it will become embedded within police forces around the country. The effective implementation of Operation Soteria will require significant investment in training of officers and increased specialisation.

The Joint Thematic Inspection of June 2021³⁶⁷ identified multiple problems with the way forces investigate rape, with resourcing at the heart of the problem. They found that without a doubt, specialist police teams for RASSO cases provided a more effective service, but some forces did not have specialist teams, which was mostly due to resourcing. The inspection report states that most investigators, including those on specialist teams, had not completed the Specialist Sexual Assault Investigators Development Programme, and some didn’t even know about it. Some rape cases were being dealt with by inexperienced generalist officers without relevant training. The thematic inspection also identified a lack of detectives in rape cases and inadequate supervision. For police forces to effectively implement Operation Soteria they will need to overcome deeply embedded shortcomings around expertise and capacity.

³⁶⁵ HMICFRS, ‘A joint thematic inspection of the police and Crown Prosecution Service’s response to rape - Phase one: From report to police or CPS decision to take no further action’, 2021. Available online:

<https://hmicfrs.justiceinspectorates.gov.uk/publications/a-joint-thematic-inspection-of-the-police-and-crown-prosecution-services-response-to-rape/>

³⁶⁶ Hohl, K. et al., ‘Rape and sexual assault survivors’ experience of the police in England and Wales. Survey Report I: January – June 2023’, 2023. Available online: <https://openaccess.city.ac.uk/id/eprint/31310/>.

³⁶⁷ HMICFRS, ‘A joint thematic inspection of the police and Crown Prosecution Service’s response to rape - Phase one: From report to police or CPS decision to take no further action’, 2021. Available online:

<https://hmicfrs.justiceinspectorates.gov.uk/publications/a-joint-thematic-inspection-of-the-police-and-crown-prosecution-services-response-to-rape/>

The thematic inspection found that police and prosecutors were struggling with very high caseloads, and the result is very long delays for survivors waiting for investigations to be concluded. Official figures for average length of investigation bear little relation to what many survivors experience in practice, presumably because they are averages which include those cases that are dropped very early on. In practice women's support services see a great many rape cases taking around two years to reach a decision on whether a case will be closed or referred to CPS, sometimes much longer. We are aware of cases of childhood sexual abuse that have taken five years to investigate due to lack of adequate resourcing in the relevant unit.

We invite GREVIO members to consider the thematic inspection report of June 2021 in detail and seek an explanation as to how the difficulties it identifies in the investigation of rape will be overcome through Operation Soteria, including the issue of significant input of resources.

Harassment and stalking

Whilst harassment and stalking can occur in a range of situations, a high proportion constitutes 'violence against women' offending. The Suzy Lamplugh Trust, which runs the UK's National Stalking Helpline, has found that 80% of victims are women and 45% of cases involve an ex-partner.³⁶⁸

As for domestic abuse and sexual offences, charging rates for harassment and stalking offences remain critically low, indicating a lack of robust response by criminal justice agencies. A joint inspection by the police and CPS Inspectorates in 2017³⁶⁹ into the police and CPS response to harassment and stalking was highly critical. They found that stalking, in particular, was misunderstood by police and CPS and often went unrecognised. Stalking was sometimes mis-recorded or not recorded at all by police. Prosecutors sometimes under-charged with a lower level offence of harassment, and stalking specific powers not used. The report should be considered in detail for a deeper understanding of the findings. Following this report a new police-CPS joint protocol³⁷⁰ was introduced in 2018 with the intention strengthening the response to harassment and stalking.

However, despite these initiatives, the situation has not improved significantly, as demonstrated by a police 'super-complaint' submitted by the Suzy Lamplugh Trust on behalf of a consortium of anti-stalking charities in 2022.³⁷¹ Four years after the introduction of the Protocol, the super-complaint raised complaints about police failing to identify behaviours as stalking, minimising and trivialising behaviours, flawed investigations, failure to recognise the link between stalking and serious harm or homicide, failure to recognise the impact of online stalking and cases inappropriately closed. In the year to March 2022 a quarter of stalking reports were closed due to "evidential difficulties" where the suspect was identified and the victim supported action. Again, the super-complaint should be considered in full for detailed analysis. Data in the super-complaint at pages 9-10 demonstrate that the charge rate for stalking had dropped from 11% of cases reported to police in 2019/20 to 7% in 2020/21 and 5% in 2021/22. (We note that figures cited in the super-complaint are 5,948 stalking charges in year ending March 2022 whereas the Government baseline report provides a figure of 8,225 for 2022, which may be a calendar year).

³⁶⁸ Suzy Lamplugh Trust, National Stalking Helpline figures, 2019-2020.

³⁶⁹ HMICFRS, 'Living in fear – the police and CPS response to harassment and stalking', 2017. Available online: <https://assets-hmicfrs.justiceinspectorates.gov.uk/uploads/living-in-fear-the-police-and-cps-response-to-harassment-and-stalking.pdf>

³⁷⁰ Crown Prosecution Service and Association of Chief Police Officers, 'Protocol on the appropriate handling of stalking offences between the Crown Prosecution Service & ACPO', n.d. Available online: https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/stalking-protocol.pdf

³⁷¹ Suzy Lamplugh Trust, 'Super-complaint on the police response to stalking: Submitted by the Suzy Lamplugh Trust, on behalf of the National Stalking Consortium', 2022. Available online: <https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=cf3fdc8b-f958-4cc0-9fc7-9ce6de3e9137>.

Whichever figure is used, this represents a very small proportion of the 118,411 reports of stalking to the police in the year ending March 2022. Overall, the problems identified with the policing and prosecution of stalking in 2017 persist five years later.

Delays and court backlogs

Another critical aspect of the UK's obligations under Article 49 to ensure that judicial proceedings are carried out without delay is the current Crown Court backlog. This has been expanding at an unprecedented rate over recent years, and has not been addressed since the end of the pandemic. In September 2023, Ministry of Justice figures showed the highest backlog on record, with 64,709 cases.³⁷² Rape Crisis England & Wales reported in July 2023 that there were 8,741 sexual offences in the Crown Court backlog, an increase of 29% from the same quarter the previous year. We refer to the report 'Breaking Point' published in March 2023 by Rape Crisis England & Wales³⁷³ which describes the re-traumatisation of rape and sexual abuse survivors as a result of the backlog, and provides a detailed analysis of the reasons behind it.

Legal practitioners and NGOs have been protesting the fact that chronic underfunding has brought the criminal court system to its knees, with highly damaging delays, for victims and defendants, a huge shortage of judges and lawyers, and spiralling numbers on remand overwhelming the prison system. We see the impact on survivors regularly, with trials adjourned for dates a year or even longer away (for example one case involving a serious sexual assault adjourned in October 2023 was re-listed for June 2025). For some survivors the result is that justice is never done. For example, in one recent case of childhood sexual abuse involving two sisters, a prosecution barrister could not be found despite numerous attempts up to three days after the start of the trial, resulting in the judge terminating the prosecution. In another childhood sexual abuse case which had taken seven years to reach trial, the case was adjourned for a year and the defendant died before the next trial date.³⁷⁴ Recent FOI data found that more than 300 outstanding crown court cases in England and Wales have been waiting four years or more for a conclusion, while 173 outstanding cases have not yet concluded after waiting six years³⁷⁵. Many survivors' mental health is hugely impacted by waiting years for cases to come to trial, unable to progress their lives, whilst some decide that the price is too great and drop out of the process.

The UK Government has failed to put forward a plan that will address the continuing crisis in the criminal courts, caused by years of under-investment, and its target of bringing the backlog to 53,000 by March 2025, is in itself, not an acceptable level. The backlog is predicted to remain far above pre-pandemic levels for many years.³⁷⁶ As rape charging has increased, fresh cases are stuck in the backlog. Whilst pre-recorded evidence for victims-survivors under s.28 does assist³⁷⁷, it does not mean that cases are resolved, and not all survivors want to take up this option, some preferring to give evidence in person, which may be more effective for communication with the jury.

³⁷² The Law Society Gazette, 'Criminal court backlog hits record high of almost 65,000 cases', 2023. Available online: <https://www.lawgazette.co.uk/news/criminal-court-backlog-hits-record-high-of-almost-65000-cases/5117383.article>

³⁷³ Rape Crisis England and Wales, 'Breaking Point: the re-traumatisation of rape and sexual abuse survivors in the Crown Court backlog', 2023. Available online: https://rcew.fra1.cdn.digitaloceanspaces.com/media/documents/RCEW_-_Breaking_Point_report_-_March_2023_E4uqKBL.pdf

³⁷⁴ Examples in this paragraph are cases dealt with by Centre for Women's Justice.

³⁷⁵ BBC, 'Justice Postponed', 2023. Available online: <https://www.bbc.co.uk/programmes/m001tstr>.

³⁷⁶ Institute for Government, 'Performance Tracker 2022/23: Spring update - Criminal courts', 2023. Available online: <https://www.instituteforgovernment.org.uk/performance-tracker-2022-23/criminal-courts>

³⁷⁷ Section 28 (s. 28) of the Youth Justice and Criminal Evidence Act 1999 (YJCEA) allows vulnerable and intimidated witnesses to video record their cross-examination before the trial.

Delays take place not only at the court stage, but also at the investigation stage, particularly in sexual offences. The Joint Inspection by the police and CPS inspectorates into the police and CPS response to rape (phase 1 published June 2021)³⁷⁸ highlighted delays and chronic lack of resources throughout the report, stating: “*Unacceptable delay is a constant theme throughout this inspection. Previous reports have also highlighted the need to reduce excessive delays, so it is frustrating that so little progress has been made and delay remains one of the main problems.*”

For migrant victims the right to provide oral testimony is being denied as they are on short-term visas, which are due to expire before the trial date. We have heard of criminal cases being discontinued because the main witness, the victim of abuse, is not able to participate in the trial. It is imperative that women victims can give evidence in Court to ensure that justice is served and perpetrators of violence are punished for their crimes.

Recommendations:

- A Home Secretary panel or board to oversee the criminal justice response to VAWG, ensuring that all police forces, PCCs, CPS and other agencies are held accountable for action, which involves the expertise of specialist VAWG services.
- The Home Office to require all police forces to commit dedicated funding to specialist units for domestic abuse and sexual offences at similar funding levels to other Strategic Policing Requirement areas, committing to reverse the declines and achieving continuous increases in prosecutions and prosecution rates for VAWG offences and to full implementation of the recommendations of the HMICFRS Final Inspection Report into the Police Response to VAWG published in September 2021.
- Ensure access to Specialist Domestic Abuse Court measures for all victims, particularly effectively clustering cases to ensure culturally-sensitive victim advocacy in court.
- Ensure fast-tracked, priority listing and guaranteed fixture of rape and sexual offences trials.
- Ensure availability of specialist sexual offence courts where all staff receive trauma-informed training and special measures as default.
- Commission independent research into who and who does not access the justice system, and the reasons for this.
- Make robust, in-depth training on VAWG - including coercive and controlling behaviour, economic abuse and the specific intersectional and the cultural contexts for Black and minoritised women - mandatory for the police, judges and other criminal justice agencies. This should be developed and delivered by specialist VAWG organisations, including by and for services, building on the College of Policing DA Matters programme which provides initial training on domestic abuse and coercive control and has been rolled out to most forces.
- Ensure greater gender, age and trauma-responsiveness throughout the justice system - from policing through prison and probation -

³⁷⁸ HMICFRS, 'A joint thematic inspection of the police and Crown Prosecution Service's response to rape - Phase one: From report to police or CPS decision to take no further action', 2021. Available online: <https://hmicfrs.justiceinspectorates.gov.uk/publications/a-joint-thematic-inspection-of-the-police-and-crown-prosecution-services-response-to-rape/>.

accounting for the ways in which experiences of VAWG and domestic abuse can drive offending.

Article 50 - Immediate response, prevention and protection

We have concerns about the adequacy of the immediate response by the police to VAWG in England and Wales. VAWG accounted for at least 15.8% of all recorded crime between 1 October 2023 and 31 March 22. The National Police Chiefs Council (NPCC) state that demand exceeding capacity is consistently raised as a concern across policing and that VAWG is a major contributor to this demand.³⁷⁹ In 2019 HMICFRS raised concerns that “the police are sometimes too slow in getting to domestic abuse incidents (...) we found delays in responding to cases in over a quarter of forces. In a small number, the delays are because the forces do not have enough officers available to attend.” This inspection of police forces’ response to domestic abuse also found that reassessments of a victim’s risk whilst they waited for the police to attend were not consistently taking place and they were therefore “concerned to find that delays were potentially putting victims of domestic abuse at serious risk of harm”.³⁸⁰

HMICFRS have stated that following this 2019 inspection, police forces have made progress in the immediate police response to domestic abuse, however there remain outstanding concerns. ‘Demand management’ approaches, such as interviewing and risk assessing victims by video, have emerged as solutions but have not been consistently or nationally evaluated for their impact on victims. In their 2021 inspection of police forces’ response to VAWG, HMICFRS considered how long it took for officers to respond to reports of breaches of non-molestation and restraining orders and found that “in just over half of cases the police didn’t respond to the breach in under 24 hours of receiving the report.”³⁸¹

The delays to attending cases have inevitable consequences for effective investigation, evidence gathering, the use of police powers and implementation of safeguarding measures and protection orders in VAWG cases.

Article 51 - Risk assessment

The standard risk assessment tool in use by professionals in both statutory and voluntary sectors for domestic abuse is the Domestic Abuse, Stalking and Honour Based Violence (DASH) risk assessment checklist,³⁸² which is made up of 27 questions where answers are counted, along with professional judgement, to arrive at a risk assessment of either standard, medium or high risk. Those assessed at high risk are referred to a Multi-Agency Risk Assessment Conference (MARAC), made up of a range of professionals, with support from an Independent Domestic Violence Advocate (IDVA). We understand that the Home Office is shortly to commence a review of the operation of MARACs across the country.

³⁷⁹ National Police Chief’s Council, ‘Violence against women and girls strategic risk assessment’, 2023. Available online: <https://www.npcc.police.uk/SysSiteAssets/media/downloads/our-work/vawg/violence-against-women-and-girls---strategic-threat-risk-assessment-2023.pdf>.

³⁸⁰ HMICFRS, ‘The police response to domestic abuse: An update report’, 2019. Available online: <https://assets-hmicfrs.justiceinspectorates.gov.uk/uploads/the-police-response-to-domestic-abuse-an-update-report.pdf>.

³⁸¹ HMICFRS, ‘Police response to violence against women and girls: Final inspection report’, 2021. Available online: <https://assets-hmicfrs.justiceinspectorates.gov.uk/uploads/police-response-to-violence-against-women-and-girls-final-inspection-report.pdf>.

³⁸² SafeLives, ‘SafeLives Dash risk checklist’, n.d. Available online: <https://safelives.org.uk/sites/default/files/resources/Dash%20risk%20checklist%20quick%20start%20guidance%20FINAL.pdf>.

Concerns have been raised that the existing approach - focusing on managing those assessed at 'high risk', in the context of reduced resources – was not designed to effectively meet the needs of all women experiencing domestic abuse – including needs relating to housing, finances and health. Rather, this approach was designed specifically to address the immediate safety of those at high risk of murder or serious harm, who needed a response tailored to that situation. Such concerns were highlighted in a finding from a 2013/14 study carried out by a domestic abuse service My Sister's Place in Middlesbrough.³⁸³ Middlesbrough had a MARAC high rate (of over 50%) of repeat victims for a five-year period, despite multi-agency efforts to reduce this. This compared to a national average of around 35%. My Sister's Place delivered needs-led - rather than risk-based - support to the women engaged in the MARAC. In the 45 cases included in the study, their approach delivered significantly greater positive outcomes for women and children in Middlesbrough than the MARAC process previously had. Around 110,000 cases are heard at MARAC each year. A larger scale study of how a needs-led approach would interact with MARAC and wider safeguarding approaches has not yet been conducted.

A College of Policing study in 2016³⁸⁴ on the risk-based approach found that the DASH risk tool was not applied consistently at the frontline. Officers sometimes used discretion not to submit a form, specific questions were altered or omitted, and information was sometimes recorded in an inconsistent or incomplete way. Police officers and staff appeared to prioritise criminal offences and especially physical violence and injury at the current incident at both the initial and secondary stages of risk assessment. This led to the development of a new risk assessment tool, the Domestic Abuse Risk Assessment (DARA) by the College of Policing, which has been evaluated at increasing frontline officers identification of coercive and controlling behaviour. However, this hasn't yet been rolled out across the country.

Black and minoritised women's organisations have noted that the DARA does not contain any triggers for frontline officers to identify potential so-called honour-based abuse (HBA), unlike the DASH. The DASH contains a question intended to elicit information about multiple perpetrators, as a way of identifying potential HBA which has been removed, and has not been replaced with any other avenue for exploring potential HBA.

An analysis of Domestic Homicide Reviews (DHRs) by Standing Together³⁸⁵ in 2016 found:

- A lack of understanding around the risks of non-physical coercive controlling behaviours has meant that some domestic abuse cases that were assessed as medium/standard risk remained below the radar of services and threshold for intervention.
- Inconsistencies in professionals' use of the DASH, with practitioners across different services 'weighting' different parts of the risk assessment differently and this impacts problematically on their professional judgement of the risk posed to the victim.
- There were 17 cases where the DHR reports noted that risk assessment tools were used, all were assessed as standard risk apart from two cases where medium risk was graded.
- Risk identification, assessment and management is often one-sided and is almost exclusively used with survivors/victims. The presence of some of the risk factors, or their frequency/severity, may only be known by talking to a perpetrator directly.

³⁸³ Women's Aid, 'How a needs-led approach to MARAC cases delivers effective outcomes: the evidence', 2015. Available online: <https://www.womensaid.org.uk/wp-content/uploads/2015/10/SAFE-52-Becky-Rogerson.pdf>.

³⁸⁴ Robinson, A. et al., 'Risk-led policing of domestic abuse and the DASH risk model', 2016. Available online: <https://library.college.police.uk/docs/college-of-policing/Risk-led-policing-2-2016.pdf>.

³⁸⁵ Standing Together, 'Domestic Homicide Review (DHR) Case Analysis Report for Standing Together', 2016. Available online: https://coercivecontrol.rpfa.org.uk/wp-content/uploads/Standing_together_dom_homicide_review_analysis.pdf.

Other studies have commented on limitations in the ways that risk assessment operates on service delivery. Domestic abuse services continue to state that there is no funding for support in the community where women are not assessed at 'high risk'. In particular, it is concerning that PCC funding is often restricted for IDVAs, supporting those at high risk alone for a time-limited period.³³ This results in major gaps in for those assessed at "medium and low risk" and restricts funding for women's community based services that deliver early intervention and long term support.

An evaluation of two approaches to developing domestic abuse interventions in England found that the current risk-based service criteria is a barrier to accessing domestic abuse support, and concluded that reforming this would increase consistency of support for survivors and their families. It recommended that commissioners should look at reforming these criteria to reflect survivors' lived experiences.³⁴

Recommendations:

- Review the effectiveness of current risk assessment for domestic abuse by statutory agencies, as part of the forthcoming Home Office review of MARACs
- Ensure that VAWG funding streams, at both national and local level, promote gendered, trauma-informed, needs- and risk-led, holistic, accessible, and wrap-around support services as the sustainable way of addressing intersecting needs and preventing repeat victimisation and exposure to further risk. This requires moving away from a focus on funding through criminal justice outcomes, valuing women's healing, and long-term recovery more holistically and comprehensively, and ensuring women have a voice in the support they can access.

Article 52 – Emergency barring orders

Domestic Violence Protection Notices (DVPNs) and Orders (DVPOs) are available for the police to use in emergency situations, and these are due to be replaced in the future by Domestic Abuse Protection Notices and Orders (DAPN/Os).

The powers therefore exist for the police to take prompt action to protect survivors, which can be used with or without the support of the survivor where officers perceive there to be a risk. However, in practice, the use of such orders is negligible, at only approximately 1% of domestic abuse offences. Concerns about the lack of use of these orders was raised in a police 'super-complaint' by Centre for Women's Justice, which was submitted in March 2019.³⁸⁶ At that time the most recent figures showed that on average across England and Wales use of DVPOs was around 1% of domestic abuse crimes (not including domestic abuse incidents), whilst some forces were not using them at all. Evidence submitted with the super-complaint included a report from one domestic abuse service in the north of England which estimated that DVPOs were recommended in approximately 100 cases per month by the local MARAC (Multi-Agency Risk

³⁸⁶ Centre for Women's Justice, 'Centre for Women's Justice Super-complaint: Police failure to use protective measures in cases involving violence against women and girls', 2019. Available online: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/64abf2e2f024747dd0e22857/1688990435842/Super-complaint%2Breport.FINAL.pdf>

Assessment Conference) yet on average only three DVPO applications per month were made by the local police force.³⁸⁷

The super-complaint was investigated by HMICFRS and their outcome report in August 2021³⁸⁸ presented updated figures which showed use of orders remaining at 1%. The complaint was upheld and HMICFRS made recommendations to police forces to improve use of these orders, however follow-up from the super-complaint recommendations does not indicate that there has been any significant change. The last available figures for use of DVPOs from the Office of National Statistics for the year ending March 2022³⁸⁹ still shows a figure of around 1%, with 10,849 DVPOs applied for in England and Wales, and 910,980 domestic abuse related crimes recorded by the police.³⁹⁰ Figures show significant variability amongst police forces, with some applying for several hundred DVPOs, and some for fewer than 50 in a whole year.

This lack of progress in increasing the use of DVPOs is extremely disappointing given the wide-ranging recommendations in the super-complaint outcome report. The response from police forces was collated by the NPCC³⁹¹ and did not contain any indications that clear actions were being taken, nor have policing oversight bodies indicated any assessment of what an appropriate level of use of these orders would be. It seems that limited resources and limited specialist knowledge amongst police officers are two significant causes of low use of these orders. Some forces make use of their legal department for applications, but in response to a recommendation (no.14) in the super-complaint outcome, every force said that it did not need to increase its resourcing for legal support, showing a lack of commitment to expand this work. A recommendation that all forces ensure that their officers understand the suite of protective measures (no.13) also did not elicit any clear commitments to ensure that there is training for all frontline officers on use of protective orders. Overall, the police response to the super-complaint recommendations does not indicate that fresh action has been taken, as opposed to merely repeating the work that forces already do, which the super-complaint found to be inadequate. If the level of use of these orders remains at around 1%, the fact that the new DAPN/Os have greater powers attached to them will be of only limited relevance.

A further concern arises about enforcement of breaches of DVPOs. A breach is not a criminal offence, but it does amount to a contempt of court, so that the perpetrator who has breached can be brought before the Magistrates Court and potentially receive a period of imprisonment of up to two months. We are aware of one police force that routinely enforces breaches of DVPOs in this way, but many other forces do not. When no action is taken if orders are breached, survivors feel that the orders have no value, and can be ignored with impunity. (We note that the Government's baseline report does not even refer to enforcement through contempt of court at Question C2 e. and f.) DVPOs are likely to be in use for several more years, as the pilot for DAPOs will not start until 2024, and likely to last for two years.

Finally, we note that the Government's baseline report states that legal aid is available for victims of domestic abuse seeking DVPNs and DVPOs. This is incorrect, as such applications

³⁸⁷ Leeds Domestic Violence Service, 'LDVS Response: CWJ super-complaint – police failures to use protective measures', 2019. Available online: https://assets.publishing.service.gov.uk/media/5cc093d7ed915d056bbe5483/Leeds_Domestic_Violence_Service.pdf

³⁸⁸ HMICFRS et al., 'A duty to protect Police use of protective measures in cases involving violence against women and girls', 2021. Available online: <https://assets.publishing.service.gov.uk/media/612397528fa8f53dcb947882/a-duty-to-protect-police-use-of-protective-measures-cases-involving-violence-against-women-and-girls.pdf>

³⁸⁹ ONS, 'Domestic abuse and the criminal justice system', 2022. Available online: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseandthecriminaljusticesystemappendixtables>

³⁹⁰ ONS, 'Domestic abuse in England and Wales overview: November 2022', 2022. Available online: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2022>

³⁹¹ A copy of the NPCC response and the reply from Centre for Women's Justice can be provided on request.

are made by the police, and not by victims themselves, and legal aid is not relevant to these applications.

Recommendations:

- Significant investment of resourcing, including police legal resource, officer training and specialist units, to ensure that all forces use protective orders as a matter of routine and enforce breaches of DVPOs through the Magistrates Courts.
- National policing bodies to conduct research on the appropriate level of use of such orders, which indicates routine use for all survivors who would benefit, to enable benchmarking and monitoring.

Article 53 – Restraining or protection orders

Non-molestation orders (NMOs) are the main protection orders available to victims, and are applied for in the Family Court. In relation to Article 53(3) there are significant concerns about failure to ensure that breaches are subject to effective legal sanctions.

A breach of a non-molestation order is a criminal offence, however many domestic abuse support services report that, in practice, robust action is often not taken by the police when breaches are reported. There is a concern that breaches are trivialised by police officers, who focus only on the latest event, which may seem relatively minor in itself, but without understanding the history of abuse that led to the order being granted. When breaches are not acted on survivors stop reporting them and feel that such orders are ‘not worth the paper they are written on’ leaving them feeling unprotected. This issue was raised within the police super-complaint made by Centre for Women’s Justice about use of protective orders,³⁹² and the outcome report by HMICFRS³⁹³ made a recommendation (no.10) that the National Police Chief’s Council (NPCC) should consider data on the number of reported breaches of NMOs and provide a report to HMICFRS on national guidance and actions required as a result. The NPCC response entirely failed to address this, referring to data on the number of *prosecutions* for breaches of NMOs, rather than the number of *reports* of breaches. The NPCC response notes that the number is relatively small, but attributes this to under-reporting or issues with data collection. The response simply fails to engage with the issue of the number of reports, disparity between this and the number of prosecutions, and no report on guidance and actions has been produced.³⁹⁴ There simply has not been any action taken to address this issue.

A further recommendation in the super-complaint outcome report related to communication between the Family Court and the police when a NMO is granted, so that this emergency order can be swiftly recorded on police electronic systems. If breaches are reported, police will not take action unless they have evidence that an order is in place, and has been served on the respondent. Therefore an emergency order is not effective if police are not aware of its

³⁹² Centre for Women’s Justice, ‘Centre for Women’s Justice Super-complaint: Police failure to use protective measures in cases involving violence against women and girls’, 2019. Available online: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/64abf2e2f024747dd0e22857/1688990435842/Super-complaint%2Breport.FINAL.pdf>.

³⁹³ HMICFRS et al., ‘A duty to protect Police use of protective measures in cases involving violence against women and girls’, 2021. Available online: <https://assets.publishing.service.gov.uk/media/612397528fa8f53dcb947882/a-duty-to-protect-police-use-of-protective-measures-cases-involving-violence-against-women-and-girls.pdf>.

³⁹⁴ A copy of the NPCC response and the reply from Centre for Women’s Justice are provided separately.

existence and its terms. This lack of effective recording of NMOs on police systems has arisen in a number of domestic homicides.

In 2016, a Domestic Homicide Review (DHR) made a recommendation in a case known as Newham ZA³⁹⁵, in which a woman was murdered by her partner whilst her children were in the house, following a litany of failures by police to take action on her reports, where the existence of a NMO was not placed onto police systems or identified by officers. The DHR recommended that the Home Office and Ministry of Justice implement a system whereby NMOs are placed directly onto police systems.

A similar recommendation was made in 2021 by a Coroner following an inquest in another domestic homicide, the murder of Emma Day whilst collecting her children from school³⁹⁶. Another inquest concluded in 2022, into the murder of Raneem Oudeh and her mother Khaola Saleem by Raneem's husband³⁹⁷. Raneem had obtained a NMO but ten days later it had still not been recorded on police systems when she rang 999 to report that the perpetrator had approached her in a public place and slapped her. The police could not arrest him for a breach without seeing the NMO, and made an arrangement to see Raneem the next day, but later that night she and her mother were stabbed to death outside her mother's house. The importance of establishing an effective national system for electronic communication of orders to the police is all too clear.

In August 2021 the super-complaint outcome made a recommendation (no.6) that the Ministry of Justice (MoJ) and the Home Office should review the mechanism for informing the police of NMOs and propose remedies for improvement. A number of NGOs, and the Domestic Abuse Commissioner, received a commitment from the MoJ at a meeting in September 2022, that action would be taken to cease reliance on emails for communication of NMOs to the police, and install a direct electronic link. This would follow the creation of a new electronic case management system in the Family Courts, which is currently underway. However to date, by late 2023, we are still not seeing any concrete progress on plans to introduce electronic communication of NMOs as part of this new system.³⁹⁸

Stalking Protection Orders (SPOs) have been available since January 2020, but so far their use by the police has been extremely low and victims report that officers are unaware of them, or refuse to make applications. The police super-complaint by the Suzy Lamplugh Trust submitted in late 2022 describes the first published figures for use of SPOs as a "drop in the ocean" after a Government review published in February 2022 showed that in the year to January 2021 only 431 interim and full SPOs were granted (many interim and full orders relate to the same case so the number of victims assisted is significantly lower) whilst 98,534 reports of stalking were made to the police, equating to only 0.5% of stalking crimes.³⁹⁹ There was very little increase the following year February to December 2021, with only 232 SPOs and 308 interim SPOs⁴⁰⁰ issued

³⁹⁵ Standing Together, 'Domestic Homicide Review: London Borough of Newham Case of Adult ZA', 2016. Available online: <https://www.newham.gov.uk/downloads/file/63/dhroverviewreportza>.

³⁹⁶ Harris, A., 'Prevention of Future Deaths Report: Emma Day', 2021. Available online: https://www.judiciary.uk/wp-content/uploads/2021/08/Emma-Day-Prevention-of-future-deaths-report-2021-0263_Published.pdf.

³⁹⁷ Independent Office for Police Conduct, 'IOPC investigation finds missed opportunities over prior police contact with Birmingham murder victim', 2022. Available online: <https://www.policeconduct.gov.uk/news/iopc-investigation-finds-missed-opportunities-over-prior-police-contact-birmingham-murder>.

³⁹⁸ Further details on this can be provided by the Centre for Women's Justice.

³⁹⁹ Suzy Lamplugh Trust, 'Super-complaint on the police response to stalking: Submitted by the Suzy Lamplugh Trust, on behalf of the National Stalking Consortium', 2022, page 25. Available online: <https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=cf3fdc8b-f958-4cc0-9fc7-9ce6de3e9137>.

⁴⁰⁰ Most interim orders are followed by full orders, so many of these orders will relate to the same case.

in the whole of England and Wales.⁴⁰¹ Half of stalking advocates on the National Stalking Helpline reported in the super-complaint that police officers were hardly ever or never aware of, or considered, an SPO before being prompted by an advocate. There is a long way to go before SPOs are put to use effectively to combat stalking behaviours across the country.

The Suzy Lamplugh super-complaint also raised a concern that arises across breaches of all protection orders and bail conditions, which is a failure by the police to treat repeat breaches as a fresh offence of harassment or stalking. This is a widespread failure to use the criminal law to ensure that protection orders have teeth and provide meaningful protection. For example, the HMICFRS report into the policing of VAWG published in 2021 found in case file reviews that of 83 breaches of orders, in 52 there should have been an additional charge of harassment, stalking or controlling or coercive behaviour.⁴⁰²

Forced Marriage Protection Orders are available, but there have been problems around their use, in particular the Forced Marriage Unit (FMU, which is part of the Foreign and Commonwealth Office) has been criticised for not making applications itself, and instead requiring the police to make applications on their behalf. This approach was criticised by Mr Justice Holman in 2019 in *Metropolitan Police Service v Bile and Hassan*⁴⁰³ as creating serious procedural problems. The FMU however is still not making its own applications for orders.

Recommendations:

- The number of reported breaches of NMOs, as compared to the number of breaches prosecuted, should be collated by the National Police Chiefs Council, and subject to monitoring by police forces, alongside wider training and resourcing of use of protection orders in VAWG cases
- The Family Courts electronic systems to establish an electronic link to provide early notification of NMOs direct to police systems, with consent of NMO applicants
- Forces promote and monitor the use of SPOs and the use of harassment and stalking charges in cases of repeat breaches of bail conditions and protection orders to ensure routine use of these powers
- The Forced Marriage Unit to commit to making its own applications for Forced Marriage Protection Orders

Article 54 - Investigations and evidence

⁴⁰¹ UK Government, 'Report submitted by the United Kingdom pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)', 2023, page 53. Available online: <https://rm.coe.int/state-report-uk-baseline-evaluation/1680abd6d3>.

⁴⁰² HMICFRS, 'Police response to violence against women and girls: Final inspection report', 2021, page 12. Available online: <https://assets-hmicfrs.justiceinspectorates.gov.uk/uploads/police-response-to-violence-against-women-and-girls-final-inspection-report.pdf>.

⁴⁰³ High Court, 'The Metropolitan Police Service v Bile & Anor [2019] EWHC 1868 (Fam) (01 July 2019)', 2019. Available online: [https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Fam/2019/1868.html&query=\(%22forced\)+AND+\(marriage\)+AND+\(unit%22\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Fam/2019/1868.html&query=(%22forced)+AND+(marriage)+AND+(unit%22)).

The specialist VAWG sector⁴⁰⁴ has voiced significant and on-going concerns pertaining to the admission of victims and survivors' sexual behaviour evidence (SBE) within the trial process. Sexual history evidence has been subject of the on-going Law Commission inquiry, which is considering proposals for reform of that way that evidence is used in sexual offence prosecutions.⁴⁰⁵

Sexual behaviour evidence relating to a complainant's sexual history is very rarely relevant to a case. Reliance on misogynistic and moralistic arguments are the basis for using this supposed evidence, which can be extremely damaging and having the aim and effect of prejudicing the trial. The admittance of SBE contributes to the continuation of rape myths and stereotypes, as SBE is used to reinforce myths and stereotypes, and ultimately to misrepresent a survivor as lacking in credibility, or as a liar. Cross-examination on sexual history at trial present a major barrier to women accessing the justice system, as survivors have expressed that they frequently feel as though they are subjected to a further victimisation during the trial process.

Furthermore, despite clear restrictions on the use of previous sexual history evidence in sexual offence trials, there remain legitimate fears around the ways that defence advocates manage to get this admitted sometimes indirectly. Rape crisis workers have concerns that although there is a formal complaints process that could be used when sexual history evidence has been mishandled, this places the onus on survivors to address such systemic issues after the point of harm. This strengthens the argument for access to independent legal advice, which will ensure decision making is lawful, and if it is not this will be easier to challenge. It would also be beneficial in this regard to require judges to provide decisions in writing to enable organisations to better advocate for survivors when needed.

SBE must be heavily restricted in order to ensure victims and survivors feel able to access the criminal justice system. It would also be beneficial in this regard to require judges to provide decisions in writing to improve transparency and scrutiny of the decision-making process. Only with a very high threshold for admission, as well as the provision of independent legal advice and representation, can the current issues with the misuse of SBE be resolved.

Article 55 (1) – investigation and prosecution shall not be wholly dependant on a report or complaint filed by a victim

Where a victim-survivor declines to support a prosecution, the Crown Prosecution Service (CPS) should, according to their policy, consider the possibility of an 'evidence-led prosecution' that can proceed without testimony from the victim-survivor. However, a joint inspection by the police and CPS inspectorates⁴⁰⁶ in 2020 into such prosecutions was critical of how this was implemented in practice. They found that there were no police or CPS systems to flag such cases; no mechanisms in place to measure the effectiveness of such prosecutions; and that prosecutors could do more to develop cases, which would allow them to proceed on an evidence-led basis.

⁴⁰⁴ End Violence Against Women Coalition, Rape Crisis England and Wales, Imkaan and the Centre for Women's Justice, 'The Decriminalisation of Rape: Why the justice system is failing rape survivors and what needs to change', 2020. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/C-Decriminalisation-of-Rape-Report-CWJ-EVAW-IMKAAN-RCEW-NOV-2020.pdf>

⁴⁰⁵ Law Commission, 'Evidence in Sexual Offence Prosecutions', n.d. Available online: <https://lawcom.gov.uk/project/evidence-in-sexual-offence-prosecutions/#:~:text=The%20consultation%20paper,-in%20our%20consultation&text=The%20proposed%20reforms%20have%20three,defendants%20receive%20a%20fair%20trial.>

⁴⁰⁶ Criminal Justice Joint Inspection, 'Evidence led domestic abuse prosecutions', 2020. Available online: <https://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2020/01/Joint-Inspection-Evidence-Led-Domestic-Abuse-Jan19-rpt.pdf>

Article 56 – measures of protection

There are concerns around persistent breaches of the Victim's Code,⁴⁰⁷ which the Government has failed to address such as:

- Being told by the police that there is insufficient evidence to prosecute their abuser without being given any further reasons or explanation for the decision not to prosecute including pro forma letters being used to notify victims of outcomes
- Not being informed until many months after a decision not to prosecute has been taken
- Not being informed of the circumstances of the abuser's release
- Not being informed when their abuser is released from prison following the end of their sentence

(b) ensuring victims are informed when the perpetrator is released

Arrangements currently exist for victims to be informed of a perpetrator's release from prison or hospital by a Victim Liaison Officer, only in cases where the perpetrator receives a custodial sentence of 12 months or over. However, for sentences of under 12 months victims and survivors have no right or mechanism for communication of this information to them, which includes a great many domestic violence and abuse cases. This means that they are often surprised by a perpetrator re-appearing, and in some cases putting them at risk, without an opportunity to make decisions about their safety in advance of release. This 12-month sentence limit is arbitrary and does not reflect victims' needs. It is based on the Victim Contact Scheme which is part of the Victims' Code:

The Victim Contact Scheme

*11.1 If you are the victim or a bereaved family relative and the offender was convicted of a specified violent or sexual offence, and **sentenced to 12 months or more in prison** (or detained in a hospital for treatment under the Mental Health Act 1983 with or without a restriction order), you have the Right to be automatically referred within 10 working days of sentencing to the National Probation Service Victim Contact Scheme and **be assigned a Victim Liaison Officer**. The Victim Liaison Officer will contact you within 20 working days of the referral.*

Para 11.3 of the Victim's Code: *The Victim Liaison Officer will tell you:*

- *when an offender in prison becomes eligible to be considered for transfer to open conditions*
- *if a prisoner moves to open conditions*
- *when an offender is being considered for release or for conditional discharge;*
- *when the offender is released, or discharged from hospital, and if they are recalled to prison or hospital;*
- *if the offender escapes or absconds from custody*

g) ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;

There are currently no arrangements in place in the vast majority of criminal courts to ensure a separation to prevent contact between victims and perpetrators, such as separate entrances and exits. A pilot announced in 2022 of specialist rape courts in three courts in England was

⁴⁰⁷ Ministry of Justice, 'The Code of Practice for Victims of Crime in England and Wales and supporting public information materials', 2005. Available online: <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>.

said to include separate entrances and exits, but it is not known whether this has been implemented.

(h) providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence:

We note that the Istanbul Convention Explanatory Report states that the provision of interpreters is ‘an essential measure for access to justice’ (paragraph 291), and that the duty to provide an independent and competent interpreter arises at all stages of the proceedings, including during investigations (paragraph 291).

The Convention’s requirements for state authorities, particularly the police, to provide interpreters is not met by the provisions of the Victim’s Code and in practice, particularly when victims first make contact with the police. Friends and family members, including children, are sometimes used as interpreters. This initial contact and on-going communication can have a critical effect on investigations. We give two examples from domestic homicides analysed in a recent report published by Imkaan and Centre for Women’s Justice⁴⁰⁸:

- In a Domestic Homicide Review known as L (Birmingham), the deceased was killed by her husband four months after making an emergency 999 call to the police. L rang 999 and asked for an interpreter. She told the call handler that she was separated from her husband who was on a visit to Bangladesh and he had told her he would kill her if she separated from him. At the police call centre a request was made over police radio for a Bengali speaking officer to make contact but there was no response. A sergeant spoke to her in English, obtained some background facts and suggested that a friend could interpret for her the next day and that L should get in touch then. The police did not act as if they had a legal duty to arrange a professional interpreter, in a situation where a person is reporting a potential risk to her life. L did not contact the police again before her death.
- Aliny Godinho was killed by her husband whilst collecting their children from school. At the inquest into her death the Coroner concluded that two key officers had failed to follow police procedures to protect her because they took the view that it was a “weak case”, completely disregarding the indicators of high risk and Aliny’s account that she was terrified that her husband was going to kill her. The Coroner found that a relevant factor was that Aliny’s lack of English meant that her account was taken less seriously than that of her husband who spoke good English, and officers accepted his narrative over hers. The officers never spoke to Aliny directly, but only received information second-hand via a friend of Aliny’s who called on her behalf.

Please also see evidence of other communication barriers faced by survivors noted in Chapter One and Chapter Four, and the joint VAWG sector report – ‘*Listen to us! Communication barriers: how statutory bodies are failing Black, minoritised, migrant, Deaf and disabled women and girls.*’⁴⁰⁹

The Victim’s Code states at Right 1.3:

⁴⁰⁸ Imkaan and Centre for Women’s Justice, ‘Life or Death: Preventing Domestic Homicides and Suicides of Black and Minoritised Women’, 2023. Available online: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/655639ddc55be306e7dfa5c5/1700149727418/Life+or+Death+Report+-+Nov+2023.pdf>.

⁴⁰⁹ Joint VAWG Sector Organisations, ‘Listen to Us! How Communication Barriers: How Statutory Bodies are Failing Black, Minoritised, Migrant, Deaf and Disabled Women and Girls Victims/Survivors of VAWG, 2023’. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/04/Listen-to-us.pdf>.

'If you have difficulty understanding or speaking English, you have the right to use an interpreter to help you understand, when:

- *reporting a criminal offence;*
- *being interviewed by the police; and*
- *giving evidence as a witness.'*

The Victim's Code therefore includes the right to use an interpreter but not the right to require the police to arrange an interpreter. Therefore, it can be fulfilled by the survivor arranging her own interpreter, or a non-professional person interpreting. Footnote 20 similarly states that "You have the Right to report the crime in a language you understand or with the necessary linguistic assistance if you do not speak English" in abstract terms without specifying a duty on the police or other statutory body to supply the interpreter, such as one of the available telephone interpreting services. There is nothing in the Victim's Code that requires a professional interpreter to be used, as opposed to any person who speaks a particular language, or to ensure that friends and family, and even children, are not used as interpreters.

Use of family members, especially children, and also friends and neighbours, is wholly inappropriate in VAWG cases. Reporting such offences means disclosing intimate abuse which is highly sensitive, and sometimes seen/felt by survivors as embarrassing, humiliating and shameful. Women should not be put in a position of having to disclose in front of other people they know well, and the presence of others who are personally involved can inhibit or distort an account, and potential increase risk. For example, the woman may not want to expose the child to full knowledge of the abuse, or the person interpreting may have their own opinion of the perpetrator which may colour the way they explain things when they interpret.

A further problem with the Victim's Code provisions regarding interpreters is that there is no right for survivors of VAWG to request a female interpreter. This contrasts with the right under the Victim's Code (Right 2.8) for a survivor to request a female interviewing officer, a request the police should usually meet in domestic abuse, sexual violence and other gender-based violence cases. For a Black or minoritised woman to disclose abuse to a male interpreter from her own community can create a greater, more insurmountable barrier than for a white woman to disclose abuse to a white male officer. She may feel judged by him, that her disclosures will shame her in his eyes, and/or simply feel unable to bring herself to say the words she needs to convey to the interviewer. For migrant women to have the same and equal access to safety as other members of society, that right must include a right to require a female interpreter, otherwise many women simply cannot avail themselves of the protection of the criminal law.

Access to female interpreters wherever practicable is not an impossibly onerous requirement. Interpreting services for criminal justice agencies are provided via approved provider companies and a sufficiently large pool of female interpreters can be created. The right to a choice of gender of an interpreter where operationally possible is underpinned by Article 49 which requires a 'gendered understanding' in criminal investigations which 'recognises the gendered dynamics, impact and consequences' of violence against women' and noted in paragraph 115 of the Convention's Explanatory Report.

Case study provided by the Latin American Women's Rights Service

Laura has a very high-risk case of domestic abuse. Her perpetrator is her husband and the father of her children. Laura and the perpetrator married in Latin America in 2014, and a few months later, they moved to the UK. Laura suffered different forms of domestic abuse: sexual

exploitation, emotional, financial, physical, verbal and tech abuse, as well as coercive control and manipulative behaviour. The perpetrator also physically abuses their children by pushing and strangulation and threatens to throw them out in the street, leaving them homeless. The perpetrator works as a system engineer; he created an app to control Laura, an app that permits him to have access to all her passwords and notifies him if she tries to change them. He isolates her from the outside world, restricting her access to the internet on the street and does not provide her with any money, sometimes, he deposits the exact quantity that she needs, i.e £3 for the bus, so she cannot leave the house. As a result of the psychological abuse, Laura was afraid of losing her children if the police and social services were involved. When Laura did call the police after the perpetrator physically assaulted one of their children, the police arrested him but then realised him and told Laura it was because he pays the rent.

Whilst the perpetrator was in prison for the second time, Laura and her caseworker from LAWRS tried communicating with the officer in charge to find out the details of the bail conditions as there was a possibility that it could be extended. The perpetrator is a very controlling individual; exerting high levels of abuse. It was in the best interest of Laura and children to be protected and to remain safe in their home. Laura's caseworker contacted the officer in charge multiple times and never received a response. As a result Laura and her children were forced to flee their home on the same day the perpetrators bail conditions ended. The officer in charge instead suggested that he would charge Laura with animal cruelty for leaving their fish and hamster in the house on the day that they fled domestic abuse. The officer in charge did not respond to the caseworker until after the original bail condition date had already passed and was informed that there was no need for Laura to leave the house as the bail conditions had been extended.

Recommendations

- Extend the rights in the Victims Contact Scheme to include cases with sentences of under 12 months in all domestic abuse cases
- Establish arrangements for separation at court premises between the parties for VAWG cases
- Require police forces to obtain professional interpreters when requested by victims and survivors, including all emergency calls, and amend the Victims' Code to clarify this duty
- Amend the Victim's Code to include a right to an interpreter of a specified gender, similar to the right in relation to the interviewing officer
- Establish an immigration route to enable victims of sexual abuse and rape and other forms of VAWG to give evidence at the hearing of the perpetrator in person if they so desire. Alternatively, for women who do not wish to remain in the UK or are unable to remain in the UK, facilitate the giving of evidence remotely.

Article 57 – Legal Aid

Family law

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) made significant changes to access to legal aid for survivors of domestic abuse in England Wales. Now, in private law cases which involve child contact cases and applications for protection orders,

survivors must provide evidence of abuse they experienced to access legal aid. They must also undergo a means test. As a result, LAPSO has led to a growing number of perpetrators and survivors trying to resolve complex and disputed child arrangement cases without legal advice or representation, which survivors report is traumatic, stressful and overwhelming.⁴¹⁰

Survivors of domestic abuse face many barriers when it comes to accessing legal aid, including not being able to provide acceptable forms of evidence of abuse, like letters from a professional. Control by a perpetrator, fear, shame or previous negative experiences can all stop survivors from reporting abuse and being able to provide evidence of their experience. Survivors might also not meet the means test, falling in the gap between qualifying for legal aid and having the money to hire a lawyer, which means they must represent themselves in court. For survivors who do not speak English as a first language, this can be particularly difficult and intimidating.

Even where survivors are eligible for legal aid, they can have problems finding a legal aid lawyer to represent them. Because of cuts to legal aid by LASPO, many law firms have stopped taking on legal aid work, resulting in a limited supply of experienced lawyers with the knowledge to represent survivors effectively in the family courts.

Furthermore, the means test for legal aid continues to harm survivors. As research published by Surviving Economic Abuse in 2021⁴¹¹ showed, the legal aid system in England and Wales is failing survivors of domestic abuse and needs urgent reform. The research found that the means test is preventing survivors from accessing legal aid when they need it most, with more of the survivors who participated in the research having to self-represent in legal proceedings (33%) than were able to access legal aid (20%).

Earlier this year, the Government published its response to the Legal Aid Means Test Review Consultation.⁴¹² Changes relevant to survivors included:

- Raising the civil legal aid income thresholds so that more people are eligible for legal aid.
- Introducing provisions to identify inaccessible capital and remove it from the means test, ensuring that e.g. assets in the survivor's name which are not available due to economic abuse are not taken into account in the capital means test.

The Government stated: 'We will also continue to give further thought to how means testing processes for legal aid can be delivered in a manner which ensures support for victims of domestic abuse. We will publish an update on this policy area within the next six months.' This was in May 2023 and there has been no update yet."

Whilst these changes are welcome, they do not go nearly far enough. For instance, by the time the updated income thresholds are implemented, they will already be out of step with the cost of living due to the ongoing rate of inflation – as they are based on 2019/2020 figures.

⁴¹⁰ Ministry of Justice, 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Final Report', 2020. Available online: <https://consult.justice.gov.uk/digital-communications/assessing-harm-private-family-law-proceedings/results/assessing-risk-harm-children-parents-pl-childrens-cases-report.pdf>.

⁴¹¹ Surviving Economic Abuse, 'Denied Justice: How the legal aid means test prevents victims of domestic abuse from accessing justice and rebuilding their lives', 2021. Available online :<https://survivingeconomicabuse.org/wp-content/uploads/2021/10/Denied-justice-October-2021.pdf>

⁴¹² Ministry of Justice, 'Government Response to Legal Aid Means Test Review', 2023, CP 842. Available online: [Government response to Legal Aid Means Test Review - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/legal-aid-means-test-review).

We believe that legal aid should be made available to all survivors of domestic abuse, with no means test. This is in line with the recommendations of Harm Panel,⁴¹³ an expert review set up by MoJ to consider how the family courts respond to domestic abuse. The Harm Panel concluded that legal aid should be made available without restriction to both alleged perpetrators and survivors of domestic abuse, in the best interests of the child. This would help ensure that allegations of domestic abuse can be properly investigated, and survivors and their children are properly protected by the family court.

Housing law

Whilst certain areas of housing law advice were preserved by LASPO, in particular on homelessness provisions, which are highly relevant to victims and survivors of domestic abuse seeking emergency accommodation, access to such advice is extremely limited in many parts of the country. This is because ‘advice deserts’ have developed as a result of chronic underfunding of the legal aid scheme, so that increasing numbers of solicitors have pulled out of legal aid work, which is no longer profitable, leaving very limited numbers of providers. The Law Society states that:⁴¹⁴

Access to legal aid and early advice can be the difference between a safe home and homelessness. However, many people across the country on low incomes and facing serious housing situations – sometimes on the cusp of eviction – are struggling to get the local face-to-face advice they’re legally entitled to.

[They] analysed data from the Legal Aid Agency directory of providers (March 2023) and the Office of National Statistics (2022) and found that in England and Wales:

- *42% of the population of England and Wales do not have a housing legal aid provider in their local authority area, a figure that has grown by around 5% since 2019*
- *only 33% of the population have access to more than one provider in their local authority area.*

An article in Inside Housing from November 2022 states that more than half of all local authorities in England have housing ‘advice deserts’, with 12.5 million people without access to this service.⁴¹⁵ The legal company LexisNexis carried out research on ‘legal aid deserts’ in housing, family and criminal law showing their geographical locations, particularly outside the major towns and cities.⁴¹⁶

We are aware that some Independent Domestic Violence Advocates (IDVAs) supporting survivors who are refused accommodation by local authorities are unable to find a housing solicitor in their area to take up legal challenges. Local authorities often back down following a threat of legal challenge from a lawyer, initially rejecting homelessness applications within a pattern of so-called ‘gatekeeping’ due to housing and funding shortages. However when no lawyers are available to present or carry out legal challenges, local authority housing departments can act with impunity and turn survivors away unlawfully.

⁴¹³ Ministry of Justice, ‘Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Final Report’, 2020. Available online: <https://consult.justice.gov.uk/digital-communications/assessing-harm-private-family-law-proceedings/results/assessing-risk-harm-children-parents-pl-childrens-cases-report.pdf>.

⁴¹⁴ The Law Society, ‘Housing – legal aid deserts’, 2022. Available online: <https://www.lawsociety.org.uk/campaigns/civil-justice/legal-aid-deserts/housing>.

⁴¹⁵ Inside Housing, ‘Housing legal aid ‘deserts’ revealed as more than half of councils in England left without provision’, 2022. Available online: <https://www.insidehousing.co.uk/news/housing-legal-aid-deserts-revealed-as-more-than-half-of-councils-in-england-left-without-provision-79014>.

⁴¹⁶ Lexis Nexis, ‘The LexisNexis Legal Aid Deserts report’, (n.d.). Available online: <https://www.lexisnexis.co.uk/research-and-reports/legal-aid-deserts-report.html>.

For gaps on legal aid for migrant women, please see Chapter Seven.

Recommendations:

- Improve legal aid funding to levels that can sustain a sufficient national base of legal aid providers to meet need in all areas of the country, with a commitment to eliminate advice deserts.
- Family law legal aid in private law cases involving domestic abuse to be available to all parties, without a means test, in the best interests of the child.

Chapter Seven: Migration and asylum

Article 59 – Residence Status

The impact of the No Recourse to Public Funds policy on victims of VAWG

The main barrier to accessing support and accommodation are the multi-faceted hostile environment policies, the most damaging of which is the No Recourse to Public Funds condition. The NRPF policy is routinely imposed on a person's grant of leave with very few exceptions. The impact of this policy on migrant women fleeing VAWG is their inability to access the safety net of the welfare state and, as a consequence, be denied safe accommodation such as a refuge – the housing costs of which are met through welfare benefits. The Domestic Violence Indefinite Leave to Remain (DVILR) Rule and Destitute Domestic Violence Concession (DDVC), which provide a solution to this barrier, are currently only accessible for some victims of domestic abuse,⁴¹⁷ as the following paragraphs illustrate.

The NRPF policy has also had a knock-on effect for statutory services. Women who are fleeing VAWG with their children often have to seek assistance from children's social services, who have an obligation to provide support to children in need under section 17 of the Children's Act 1989.⁴¹⁸ Families are being denied support in breach of the local authority's obligations because statutory services have become increasingly overstretched due to austerity measures since the NRPF policy was introduced. In our experience, women victims of VAWG are often told that:

- only their children can be supported and/or put into care;
- their children can go and live with the perpetrator, and the woman can fend for herself threatened with immigration enforcement A one-way travel ticket can be purchased at local authority expense for her and/or her children to return to her country of nationality or origin.

These policies have only succeeded in reinforcing power imbalances in the context of an abusive relationship, giving perpetrators the necessary tools to abuse women with impunity and presenting multiple barriers for migrant women to access the necessary support and protection.

Case study provided by Southall Black Sisters (SBS)

Ana* met her partner in 2011 in Mozambique and gave birth to her son in 2017. She was disowned by her family for becoming pregnant outside of marriage. Her partner had settled status in the UK and so persuaded Ana to join him. He also promised to regularise their stay in the UK. Ana arrived in London with their child in September 2018 on a student visa - which expires at the end of 2020 - and began her studies at a university. Their son arrived on a visitor visa, which expired a few months after their arrival. Ana's partner began another relationship and told her that he had no intention of regularising their child's immigration status. As Ana was financially dependent on her partner, she could not afford to challenge or leave him. Ana's partner became increasingly controlling and was sexually and physically violent towards her. He often assaulted her so severely that he left scars on her face. Ana felt

⁴¹⁷ Southall Black Sisters, 'Protection for all: The Domestic Abuse Bill and Migrant Women', 2020. Available online: <https://southallblacksisters.org.uk/app/uploads/2023/05/da-bill-briefing-paper-2.pdf>.

⁴¹⁸ Children Act 1989, c. 41. Available online: <https://www.legislation.gov.uk/ukpga/1989/41/section/17>.

unable to report her partner for a long time because he told her that their son would be taken away because his visa had expired. Ana was unable to turn to her family, who told her that they wanted nothing more to do with her. Eventually, Ana and her son were thrown out of the marital home by her partner. On this occasion, Ana called the police and her partner was arrested and given a caution. However, he later returned to the house and threatened her until she left. Having nowhere to go, Ana turned to her local authority for help with accommodation. She and her son were provided with temporary accommodation, but for less than a month. They were told that after 28 days, their support with accommodation was going to be withdrawn. Ana was advised that her only option was to either give her son to her partner or to return to Mozambique, both of which were unrealistic and extremely risky options for Ana to take. SBS has been supporting Ana since April 2019. We have assisted her with her complex immigration matters which are taking a considerable length of time to resolve. In the meantime, in a context where her local authority is regularly threatening to withdraw support, we have found ourselves constantly threatening legal action as Ana and her child remain vulnerable and in need.

The DDVC and DVILR

Destitution Domestic Violence Concession (DDVC)

This concession has been in force since 2012 and has provided a lifeline to some migrant women fleeing an abusive relationship, enabling access to public funds for three months which is necessary to fund financial support and refuge spaces. However, the DDVC⁴¹⁹ is only available to a select few migrants whose perpetrator partners are British, settled, refugees or a partner of a serving or discharged member of HM armed forces who is British or has served at least 4 years. The DDVC operates as an effective emergency escape because it is connected to a category under the immigration rules (the DVILR - see below) that allows victims of domestic violence to obtain indefinite leave to remain in the UK if their relationship has broken down as a result of domestic abuse.

Domestic Violence Indefinite Leave to Remain (DVILR) Rule

The DVILR⁴²⁰ is a route to settlement for victims of VAWG and is again limited to migrants whose partners are British, settled, refugees, have limited leave under appendix EU or are members of HM armed forces. The DVILR is inserted in Appendix F/M of the immigration rules. The provisions relating to partners of HM armed forces are contained in appendix armed forces of the rules.⁴²¹ A person granted the DDVC would be expected to apply for settlement under the DVILR within the three months validity period of the concession.

Both the DDVC and the DVILR are inaccessible for the majority of migrant women experiencing domestic abuse. In particular, migrant women whose status is dependent on the perpetrator under other immigration routes do not benefit from the DDVC or the DVILR, and neither are those women who have permission to be in the UK, in their own right, independently of the perpetrator. The DDVC and the DVILR are also not accessible to undocumented women.

⁴¹⁹ Home Office, 'Victims of domestic violence (DDV) concession', 2019. Available online:

<https://assets.publishing.service.gov.uk/media/5da44193e5274a5a148b415d/dv-notification-form-08-19-user.pdf>.

⁴²⁰ Home Office, 'Immigration Rules', 2016. Available online: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-fm-family-members>.

⁴²¹ Home Office, 'Immigration Rules Appendix Armed Forces', 2023. Available online: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-armed-forces>.

Gaps in protection from the DDVC and DVILR

In 2020, the UK government set out its position regarding victims of VAWG and their justification for gaps in protection in its *Migrant Victims' of Domestic Abuse Review Findings*⁴²². They said that the DVILR route was to protect migrant victims who had a 'reasonable expectation of settlement' in the UK. This was factually incorrect as their other categories under the immigration rules can lead to settlement. Many victims of abuse may have entered the UK with a reasonable expectation of settlement or formed this view after building a life in the UK. Many VAWG organisations responded to the Home Office Review findings including Rights of Women⁴²³, Southall Black Sisters (SBS) and the Latin American Women's Rights Service.⁴²⁴ VAWG organisations disagreed with the UK Home Office, submitting that all women victims of VAWG deserve to be protected, access support and live free from violence regardless of whether they have a 'reasonable expectation of settlement'.

The Government, in their Migrant Review document⁴²⁵, justified their lack of protection for victims of VAWG who enter as visitors or on other short-term routes. However, they have failed to recognise that perpetrators of abuse often control their partner's immigration applications, deliberately applying under short-term visa categories for the purposes of exerting long-term control over their victim partners. There is a lack of awareness of the gendered nature of VAWG and that many women may have entered the UK under duress or been trafficked into the UK.

Groups that remain unprotected by the DVILR and DDVC

1. Women who have been granted temporary leave/permission based on their family relationship with their perpetrator sponsor include:
 - a. fiancés under Appendix FM as fiancé of British citizen;
 - b. dependents of a points based system (PBS) migrant under Part 8 of the immigration rules when their PBS sponsor has already obtained indefinite leave or British citizenship;
 - c. dependents of a skilled worker who has limited leave;
 - d. dependents of a person with humanitarian protection.
2. Women who have been granted temporary leave/permission in their own right:
 - a. as students;
 - b. as skilled workers;
 - c. as visitors.
3. Women who have been granted permission in their own right but also have a family relationship with the perpetrator who is resident in the UK, including:
 - a. a visitor who is the wife of a British citizen;
 - b. a student who formed a durable partnership with a settled person.

⁴²² Home Office, 'Migrant Victims of Domestic Abuse Review Findings', 2020. Available online: <https://www.gov.uk/government/publications/migrant-victims-of-domestic-abuse-review>.

⁴²³ Rights of Women, 'Response to the Migrant Victims of Domestic Abuse - Review Findings of July 2020 Domestic Abuse Bill 2020', 2020. Available online: <https://www.rightsofwomen.org.uk/Handlers/Download.ashx?IDMF=872e3437-465a-4b2c-83c0-fff511773a9f>.

⁴²⁴ Southall Black Sisters and the Latin American Women's Rights Service, 'Migrant Victims of Domestic Abuse Review Findings. A response by Southall Black Sisters and Latin American Women's Rights Service', 2020. Available online: <https://drive.google.com/file/d/16dMZwV8bWZ56viyhA0icKuxIhbVAHlzu/view>.

⁴²⁵ Home Office, 'Migrant Victims of Domestic Abuse Review Findings', 2020. Available online: <https://www.gov.uk/government/publications/migrant-victims-of-domestic-abuse-review>.

4. Women who have irregular status, including those who entered the UK with permission or a visa and no longer have permission to stay in the UK, or women who entered the UK illegally and have remained in the UK without permission.

Victims with permission to be in the UK may not be able to meet the conditions of their visa or leave due to trauma and they should have the option of being able to apply for the prohibition on accessing public funds to be lifted, on the grounds that they have suffered VAWG.

VAWG does not just happen to migrants in certain visa categories. It can happen to all migrants, and the government's response to it must address all their circumstances, even if this means developing new policy or legislative solutions. Our recommendations ensure that all migrant victim's immigration status is not tied to the perpetrator and they can access housing assistance, financial support and legal advice to escape and make informed choices about their future.

The UK Government's response to GREVIO⁴²⁶ refers to the current 'Support for Migrant Victims Pilot' (SMV) as a solution to address gaps in support and accommodation to women without recourse to public funds. The SMV, although a lifeline to vulnerable victims, only addresses the problem of access to housing assistance and financial support for a period of 12 weeks, which is insufficient. The scheme does not address the lack of avenues available for victims of VAWG to regularise their immigration status. SBS, which leads the SMV partnership pilot, have reported that migrant victims are denied safety if they are denied legal status in the UK. Indeed, two evaluations of the pilot have shown that the funds paid to victims are insufficient and that the right to support and settlement would significantly improve outcomes for victims of abuse.⁴²⁷

It is imperative that all victims of VAWG are able to regularise their status independently of the perpetrator and be given access to public funds and legal advice. This solution is supported by the Domestic Abuse Commissioner for England and Wales.⁴²⁸ The following recommendation would meet our obligations under article 59 (1) and (2):

Recommendations:

- Expand the scope of the DDVC and DVILR to all migrant victims of domestic abuse.

In order for the UK to meet its obligations under article 59 (3) consideration could be given to a new immigration route. This would be valuable for victims who are cooperating with an investigation or participating in criminal proceedings.

Recommendations:

- Temporary status on a renewable basis where their stay in the UK is necessary owing to their personal situation, an example could be where a victim is a key witness in criminal proceedings, see recommendations in relation to article 56.
- Status should be granted with no prohibition on accessing public funds with the option to apply for ILR after five years.

⁴²⁶ Group of Experts on Action against Violence against Women and Domestic Violence, 'United Kingdom response to GREVIO's questionnaire on the legislative and other measures giving effect to the provisions of the council of Europe convention on preventing and combating violence against women and domestic violence: June 2023', 2023. Available on <https://rm.coe.int/state-report-uk-baseline-evaluation/1680abd6d3>.

⁴²⁷ Southall Black Sisters, 'Support for Migrant Victims Fund Evaluation', 2023. Available online: <https://southallblack SISTERS.org.uk/news/support-for-migrant-victims-fund-evaluation/>.

⁴²⁸ Domestic Abuse Commissioner, 'Safety Before Status: the Solutions', 2022. Available online: <https://domesticabusecommissioner.uk/wp-content/uploads/2022/12/Safety-before-status-The-Solutions.pdf>.

- Consideration should be given to the need for bridging support whilst a person is making and awaiting the outcome of an immigration application.

Case study provided by the Latin American Women's Rights Service (LAWRS)

Gabriela* met her perpetrator in 2022; a couple of months later, she became pregnant. Gabriela suffered economic, emotional and verbal abuse as well as controlling coercive behaviour. When she became pregnant, the abuse escalated. The perpetrator would verbally insult her, threaten to kill her and use physical violence, such as breaking the furniture and other objects around their home, to threaten and intimidate Gabriela. Due to her immigration status, he would threaten Gabriela with destitution and homelessness, knowing she had nowhere else to go. When LAWRS became aware of Gabriela's situation, she was in hospital eight months pregnant, homeless, undocumented and NRPF. Gabriela could not go back home due to the domestic abuse. The hospital wanted to discharge her, but social services didn't want to take responsibility and find accommodation for her; instead, she was advised to return home where the perpetrator lived despite Gabriela's case being high risk. Eventually, Gabriela was provided accommodation under section 17 of the Children Act 1989. However, she wasn't provided with any subsistence. When her caseworker advocated for her to social services, she was told Gabriela could use her personal account until her NRPF assessment came through. However, as a survivor of economic abuse, Gabriela had only £30 to rely on for her food, transport and other basic provisions. Gabriela was heavily pregnant, undocumented and had no other means to support herself and her unborn child; eventually, she was left with £3 in her bank account before finally receiving subsistence. Throughout the process, social services put Gabriela's immigration status before her safety and the wellbeing of her unborn child.

Case study provided by the Latin American Women's Rights Service (LAWRS)

Teresa* is from Latin America. She arrived in the UK in 2022 on a student visa. After a few months of arriving, she met her perpetrator and soon became pregnant and moved in with him and his mother. She suffered from physical and emotional abuse. Whilst pregnant, the abuse did not stop. The perpetrator punched, strangled and dragged Teresa around the house. She tried to call the police, but the perpetrator took her phone, leaving her vulnerable to access any form of help. The perpetrator was extremely controlling and manipulative. He kept hold of her belongings, including her passport and keys and controlled her use of her mobile phone. In one of the attacks, the perpetrator caused Teresa to bleed. She feared losing her unborn child. Teresa went to the hospital, and there she made a domestic abuse disclosure to the midwife. Teresa has no family in the UK. She became undocumented with no right to work or to public funds. The perpetrator has threatened Teresa with deportation, destitution as well as keeping their child. Teresa is afraid of her situation and fears further violent, vicious attacks. Although Teresa has some support from the perpetrators' mother, the abuse has continued and escalated. The perpetrator has threatened to kill her. Due to her immigration status and lack of recourse to public funds, she has very few options. Teresa feels trapped, like a prisoner. She is afraid of deportation and having her child taken away from her, especially as social services suggested she give her child up for adoption and return to her home country as a solution to resolve the abuse she is suffering.

Case study provided by Southall Black Sisters (SBS)

“I came to this country in 2018. The last four years have been the scariest and most difficult of my life. From having sleepless nights worrying about how my future will look to mentally preparing myself for my abuser’s next outburst over smallest of things, I hope and pray that I can get through it if not for myself then for my children. I’ve become anxious and depressed throughout this process. This predicament has caused me financial as well as bodily harm.

I have so much to say, yet nothing comes out of my mouth, its as if my mind refuses to let go. My children were constantly surrounded by extremely toxic behaviour of my husband, he would curse me all day and night, threatening to throw me out, at times he would start cursing the kids. I was treated like a prisoner and wasn’t allowed to leave the house. Always been told that “I don’t know anything” or I’ll get lost and it will never be safe. He duped me into believing that I would be nothing without him.

When my children and I first came to the country we were denied the basic necessities such as; a bed to sleep in or blankets to keep us warm. We slept on the floor instead. The house was falling apart but he didn’t care. One day the ceiling came down but thankfully my children were not in that room. I still shiver at the memory of that.

I finally left my husband when he reacted very aggressively to the news that I had found a job, that I was able to do something on my own. He started verbally and physically assaulting both my kids and me. I knew that there was no going back after this. I wonder what might have happened to me and my children if I had not decided to leave, especially as we were all in small place during Covid.

The police helped me to contact SBS after a family friend, who is British, called the police as I was too frightened to do so. I was worried that I did not have a passport to show my visa. The police listened to the British person. I told SBS about my situation and I later learnt that I was a dependant on his work visa. But later he somehow got indefinite leave to remain, but not for me or the children. It’s also then I came to know about NRPF and what it means and how it works. To say I was shocked would be an understatement. Reality hit me really hard.

My husband was an immigration solicitor and he know the law and all the loopholes. I remembered his threats that nobody would help me if he threw us out of the house. That I had no rights and would be deported.”

Issues with the implementation of the DDVC and DVILR

Extension of DDVC from three to six months

The DDVC operates as a bridge to the DVILR and enables victims temporary access to benefits, refuges and other safety and support whilst their DVILR application is processed. The issue of the duration of leave granted under the DDVC should, therefore, be assessed with regard to the needs of DVILR applicant’s pre-application. Specialist organisations supporting migrant victims state that three months is not long enough for migrant victims to prepare and submit a DVILR application.⁴²⁹

⁴²⁹ Southall Black Sisters, ‘Protection for all: The Domestic Abuse Bill and Migrant Women’, 2020. Available online: <https://southallblacksisters.org.uk/app/uploads/2023/05/da-bill-briefing-paper-2.pdf>.

Women victims of VAWG are often too traumatised to speak to outsiders about their experiences immediately after separation. It can take time for women to be confident enough to contact VAWG support organisations to seek help. Specialist by and for VAWG organisations provide women victims with a holistic package of support such as finding safe accommodation, counselling or referrals for counselling, help with accessing benefits, changing schools and accessing health care. They can also help with securing legal representation and may have established immigration advisers that they refer to on a regular basis. This can be important given the increasing challenges in finding legal aid lawyers for DVILR applications. Lawyers would also require a reasonable period of time to collate evidence to support their clients' applications.

Recommendation:

- Extend leave under the DDVC from three months to six months.

Assessment of evidence of VAWG for DVILR applications

The evidence required, which is set out in the current 'Victims of Domestic Violence' guidance⁴³⁰, is heavily weighted towards evidence that is likely to benefit victims who have experienced physical abuse i.e. criminal convictions and protection orders. This makes it much more difficult for victims who are asserting that they have experienced other forms of VAWG to access this protection. It is also noteworthy that there is a presumption that victims will always seek criminal justice remedies and report crimes to the police when this is simply not true. Many migrant victims of VAWG do not report to the police and do not disclose their abuse to third parties for multiple reasons, such as fear of immigration enforcement action,⁴³¹ mistrust of authorities, a sense of shame, guilt or fear of re-traumatisation.

In contrast, victims reliant solely on their statement as evidence are likely to be refused because the government attaches limited weight to the applicant's statement, which can result in victims – particularly those who have not had the benefit of legal advice – being refused. The Home Office's blanket approach that a victim's own testimony cannot persuade it, on the balance of probabilities, that they have been a victim of abuse is fundamentally wrong, because it does not allow for individualised consideration of the evidence on a case-by-case basis.

This approach to a victim's own testimony is most harmful in DVILR cases because the ability to appeal before an independent tribunal, where the applicant would have the opportunity to provide oral evidence or otherwise provide a response to any questions the Home Office has regarding their testimony, has been denied to those refused under the DVILR route.

Recommendations:

- Remove the 'weak' value rating set out in guidance regarding the applicant's statement and remove guidance that caseworkers should 'expect' to see other evidence.
- Undertake a review of the assessment of evidence in consultation with specialist by and for VAWG organisations to add further examples of evidence.

⁴³⁰ Home Office, Victims of Domestic Violence Guidance, Version 15.0, November 2021

⁴³¹ Latin American Women's Rights Service, 'The Right to be Believed', 2019. Available online: <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>.

Appeal rights

On refusal of a DVILR application, there is no right of appeal to an independent judge. Although it is possible to administratively review a refusal of a DVILR application, this remedy is ineffective as it is a paper exercise only. Appeals provide an additional opportunity to provide evidence that might not otherwise have been available at the time of the application and are particularly beneficial to women relying on non-physical violence.

Recommendation:

- Re-instate the right of appeal against refusal of a DVILR application. Where there is opposition to such a measure, consideration should be given to a policy of notifying an applicant when the Home Office is minded to refuse an application on the basis they are not satisfied that the applicant is a victim of VAWG based on the evidence provided. In such cases the Home Office should provide the applicant with an opportunity to submit further evidence and information and a restricted right of appeal against refusal of a DVILR application, where refusal is on the basis that the applicant has been found not to be a victim of VAWG.

One application at a time policy

A person is not permitted to raise multiple reasons as to why they ought to be allowed to remain in the UK in one application. This means that when receiving a refusal of a DVILR application, an individual is expected to make a fresh application raising alternative human rights grounds. This policy also disproportionately impacts women as the most common alternative ground that a DVILR applicant is likely to raise is as a single parent of a dependent child. This policy is yet another barrier for victims to overcome. A common scenario is for a single mother to make a parent of a child application, but only once her DVILR has been rejected and she has become an overstayer. The impact of overstaying is significant as it brings with it the loss of any benefits that the individual was entitled to under their previous grant of leave i.e. such as right to work and right to access public funds. The woman will not be able to access support for the period her application is under consideration and would fall foul of the hostile environment.

In addition, there are no service standards⁴³² published for a parent of a child application from inside the UK and the migrant advice and VAWG sector report that these applications can take around 12 months to process. We understand that the waiting period is currently even longer as these are not considered to be priority applications, with government resources being redirected to clear the mammoth asylum backlog.

The one application at a time policy is unjust and unfair. It should be removed from the rules to enable those refused under the DVILR route to safely raise alternative grounds to remain in the UK, without losing their right to work or access public funds.

Recommendation:

- Amend immigration rules and policy to enable an individual to raise all bases of their stay in one application - i.e. applying under the DVILR rule but also being permitted to raise alternative grounds to remain in the UK within the same application.

⁴³² Home Office, 'Family: customer service standards', 2023. Available online: <https://www.gov.uk/government/publications/family-customer-service-standards/family-customer-service-standards>.

Other family members, including children, are not protected under DVILR

Unlike the EUSS route, which offers protection for all family members whose status depends on a sponsor, the DVILR route has only ever protected partners. This means that migrant children within the family, whose status is also affected by relationship breakdown, have no formal route to access protection as a victim of domestic abuse. This is despite the fact that the Domestic Abuse Act 2021 recognises that children are victims of domestic abuse in their own right.

Additionally, the definition of domestic violence and abuse within the related Home Office guidance on Victims of Domestic Violence⁴³³, does not take into account that a relationship between intimate partners may break down due to abuse from one partner to a child of the family.

Recommendations:

- Implement changes to allow children to access protection under the DVILR route.
- Amend DVILR route guidance to make clear that domestic abuse can be suffered by a partner or by a child of the family.

Victims of transnational marriage abandonment (TMA)

The DVILR route is only open to applicants who are in the UK, excluding victims of TMA - women who have been abandoned overseas by their perpetrator partners and would be eligible for protection under the DVILR route if they had not been abandoned. This is not equivalent to the EUSS route, which offers protection for victims of domestic abuse whether they are inside or outside the UK. The High Court held in the recent case of AM⁴³⁴ that victims of domestic abuse abandoned overseas like AM are in a similar situation as victims of domestic abuse who remain in the UK. The only difference between them, when it comes to applying under the DVILR, is that one is outside the UK, and the other is inside the UK. The Home Office accepted that victims of domestic abuse abandoned overseas should receive the protection of the DVILR and stated that they were reviewing their policy with respect to victims of TMA.

Recommendation:

- The Home Office should expedite its review of the lack of protection for victims of TMA and implement changes to allow them to re-enter the UK and access protection under the DVILR route.

Gaps in legal aid/access to legal advice

The Legal Aid Sentencing and Punishment of Offenders Act 2012⁴³⁵ (LASPO) has not been amended to reflect the expansion of the DVILR to partners of refugees in January 2019 and to those with limited leave under appendix EU of the immigration rules⁴³⁶, which came into effect at 11 pm on 31.12.2020.

Recommendation:

- Amend paragraph 28 of Part 1, Schedule 1 of LASPO to allow civil legal aid to an individual in relation to their application for indefinite leave to remain where they were granted leave as a partner under any of the relevant categories - including as the partner of a refugee, or as the partner of a person with limited

⁴³³ Home Office, 'Victims of domestic violence and abuse', 2021, page 6. Available online:

https://assets.publishing.service.gov.uk/media/619fbed98fa8f5037cc5e046/Victims_of_domestic_violence.pdf.

⁴³⁴ High Court, 'AM, R (On the Application Of) v Secretary of State for the Home Department [2022] EWHC 2591 (Admin) (14 October 2022)', 2022. Available online: <https://www.bailii.org/ew/cases/EWHC/Admin/2022/2591.html>.

⁴³⁵ Legal Aid, Sentencing and Punishment of Offenders Act 2012, c. 10. Available online: <https://www.legislation.gov.uk/ukpga/2012/10/schedule/1>.

⁴³⁶ Home Office, 'Immigration Rules', 2016. Available online: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-eu>.

leave under Appendix EU, where their relationship with their partner has broken down permanently as a result of domestic abuse.

EU Settlement Scheme (EUSS) retained rights for victims of domestic violence (EUSS route)

This route to settlement is contained within appendix EU of the immigration rules and is available to family members of EU nationals whose relationships were established pre-Brexit and have broken down due to domestic abuse.

There are two types of EUSS status: settled/indefinite leave or pre-settled/limited leave to remain. Individuals who have been granted pre-settled status are not automatically entitled to public funds and will have to undergo a 'right to reside' test, which is often dependent on the perpetrator's economic activity in the UK. The individual will not be able to access public funds if the 'right to reside' test is not met.

On a positive note, the Court of Appeal held in the case of AT⁴³⁷ on 8th November 2023 that claimants with pre-settled status who come within the withdrawal agreement, with no qualifying free movement rights, who would otherwise be unable to live in dignified conditions should not be denied Universal Credit as it is a violation of their fundamental rights. Benefits experts in the UK are of the view that this judgment applies to EU nationals and family members of EU nationals who can establish the core facts as set out in the judgment. It is possible that the Secretary of State for Work and Pensions may appeal this decision.

Recommendation:

- We would urge the Government to respect the judgement of the Court of Appeal and not appeal the decision as UC can be a lifeline for many vulnerable migrant women escaping VAWG.

It was parliament's intention under paragraph 29⁴³⁸ of Part 1, Schedule 1 of LASPO, to give migrant victims access to 'in scope' legal aid when making an application for a residence card under the now revoked Immigration (EEA) Regulations 2006 in specified circumstances. Since the end of free movement at 11pm on 31 December 2020, paragraph 29 has become redundant as it is no longer possible to apply for such a residence card. Instead, the same cohort of victims of domestic abuse that parliament intended under paragraph 29 to have access to legal aid are now having to apply to the EU Settlement Scheme but without access to legal aid.

Recommendations

- Exempt victims of VAWG with pre-settled status from the 'right to reside' eligibility test for public funds.
- Amend paragraph 29 of Part 1, Schedule 1 of LASPO to allow civil legal aid to an individual in relation to their application to the EUSS (including any administrative review or appeal) where the individual is 'a family member who retained the right of residence' (as defined by EUSS rules) and they or another family member was the victim of domestic abuse.

⁴³⁷ Court of Appeal, 'Secretary of State for Work and Pensions and - AT and (1) Advice on Individual Rights in Europe (AIRE) Centre (2) Independent Monitoring Authority for the Citizens' Rights Agreements, 8th November 2023. EWCA Civ 1307', 2022. Available online: <https://cpag.org.uk/sites/default/files/files/Final-Judgment-CA-2023-000085-SSWP-v-AT-08.11.2023.pdf>.

⁴³⁸ Legal Aid, Sentencing and Punishment of Offenders Act 2012, c. 10. Available online: <https://www.legislation.gov.uk/ukpga/2012/10/schedule/1>.

Access to legal aid and legal advice for all victims of VAWG

Migrant victims of VAWG require access to independent legal advice to enable them to secure their rights and entitlements. There are only a limited group of victims of VAWG that can access legal aid automatically under LASPO⁴³⁹, subject to meeting the financial means test. Anyone not in the scope for legal aid would need to make an application for exceptional case funding (ECF), which is very time-consuming and challenging. Legal aid providers and NGO's have reported that the ECF scheme in its current form is not fit for purpose due to the many hurdles that need to be overcome to apply.

There are not many legal aid providers that are prepared to make ECF applications, which often means that women victims of VAWG are unable to access legal aid to make complex family-based applications. Legal aid should be available to all victims of abuse to enable them to understand their options. Legal aid assistance should be further made available to enable victims to make any immigration application they may be eligible for.

Recommendation:

- Extend the scope of legal aid to all victims of VAWG.

Article 59 (2) - revocation of leave on relationship breakdown

The immigration rules give the UK government discretion to cancel or revoke a person's leave where they cease to meet the requirements of the rules i.e. on relationship breakdown. A woman who has leave as a dependant should not have her leave revoked when her relationship ends due to VAWG. A woman who has leave in their own right, for example as a student or worker, should not have their leave revoked if she ceases to meet the conditions of her leave for a reason relating to VAWG.

While these categories of leave are not directly tied to a perpetrator of abuse, they carry conditions which mean that, for example, stopping attending a course or leaving a job would lead to revocation at present. VAWG can interfere with a person's ability to comply with conditions of study or work in a number of ways including:

- victims subject to coercive and controlling behaviour may be prevented from study/work by a perpetrator;
- victims fleeing abuse may need to cut ties with their previous educational establishment, workplaces and places of residence for safety reasons;
- victims experiencing and fleeing abuse may suffer adverse effects on their mental health and wellbeing such that they are unable to continue with their studies or work;
- victims fleeing abuse may become sole carers of children limiting their ability to continue their studies/work.

Where consideration is being given to revoking an individual's leave - in particular, where the individual has leave as a partner, child or otherwise dependent on a family member -the Home Office should notify the individual that consideration is being given to revoking their status and provide the opportunity for them to notify the Home Office of any relevant information.

⁴³⁹ Legal Aid, Sentencing and Punishment of Offenders Act 2012, c. 10. Available online: <https://www.legislation.gov.uk/ukpga/2012/10/schedule/1>.

This is being suggested given it is known that perpetrators of abuse commonly inform the Home Office of the breakdown of a relationship in a bid to have the immigration status of their partner revoked when, for the reasons set out above, a victim may not be able to immediately notify the Home Office of the breakdown of their relationship due to domestic abuse.

Recommendations:

- The Home Office should cease the practice of revoking a migrant woman's leave to remain on receipt of a unilateral declaration from the perpetrator that their relationship has broken down.
- When the Home Office is considering revoking a migrant woman's leave, they should give her notice of their intention and give her the opportunity to make representations why leave should not be revoked.

Article 60 – Gender based asylum claims

Support for asylum seekers victims of VAWG in receipt of asylum support

In 2019 the government published their much-awaited policy⁴⁴⁰ regarding their response to asylum seekers victims of domestic abuse who were in receipt of asylum support. The policy enables asylum seekers to access safe accommodation and support when fleeing abusive relationships, specifically committing the government to fund eligible victims' housing costs within a refuge. The difficulty is that there remains a significant lack of awareness about this policy and as a result, it is under-utilised. We call on the Home Office to publish data on how many women have been supported under this policy since it came into force. There have also been concerns from refuge providers about accessing housing costs from the Home Office and as a result of these concerns women are being turned away from refuge spaces, even though they are eligible for support and accommodation under the policy.

Recommendation:

- Raise awareness of the policy and funding to enable more women who are eligible to benefit from it to access support and protection, including by publishing details of the funding mechanism for refuges to be paid housing costs on the Home Office website.

Well-founded fear test

Article 1 (A) 2 of the Refugee Convention⁴⁴¹ sets out the definition that would need to be met for a person to be recognised as a refugee. One element of the definition is the 'well-founded fear' test. Section 32 of the Nationality and Borders Act 2022⁴⁴² (NABA) has made it much harder for a claimant to be recognised as a refugee because of the higher standard of proof required to demonstrate a well-founded fear of persecution.

⁴⁴⁰ Home Office, 'Domestic abuse: Responding to reports of domestic abuse from asylum seekers', 2022. Available online: https://assets.publishing.service.gov.uk/media/61eebda18fa8f5058667842a/Asylum_support_domestic_abuse.pdf.

⁴⁴¹ UNHCR, 'Convention and Protocol Relating to the Status of Refugees', 2010. Available online: <https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees>.

⁴⁴² Nationality and Borders Act 2022, c. 36. Available online: <https://www.legislation.gov.uk/ukpga/2022/36>.

Prior to June 2022, UK asylum decision-makers were instructed to undertake a holistic assessment of relevant factors to reach a decision as to whether a claimant qualified for refugee status. This would include taking into account the applicant's statement information provided at screening, as well as asylum interviews and country information. The test that the applicant had to satisfy was that there was a 'reasonable likelihood of persecution', which is a low standard of proof.

Since NABA came into force asylum decision makers have had to apply different tests at different points of the asylum process.⁴⁴³ In stage one, the decision-maker must determine if it is more likely than not that the claimant has a subjective fear of persecution for one or more of the Convention reasons based on relevant characteristics. This is the higher 'balance of probabilities' test and not the lower standard. The decision maker will then progress to stage two if stage one is satisfied. The stage two test is whether or not the claimant would face a 'real risk of harm' or a 'reasonable likelihood of persecution' if returned to their country of origin/residence.

Definition of a 'particular social group'

Membership of a 'particular social group' is a ground that is heavily relied on by women who are escaping from gender-based violence. Neither sex or gender are listed as a grounds for claiming asylum in the Refugee Convention. Therefore, victims of VAWG – including so-called Honour Based Violence (HBV), Female Genital Mutilation (FGM) / cutting, forced marriage, dowry abuse, forced sterilisation and abortion - will often rely on being a member of a 'particular social group' to claim asylum. Claimants relying on sexual orientation and those who do not identify with the gender assigned to them at birth can also rely on their membership of a 'particular social group' as an asylum ground.

UNHCR definition and UK courts have defined a 'particular social group' as a group which meets at least one of the following conditions:

- A group of persons who share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it;
- A group that has a distinct identity in the relevant country because it is perceived as being different by the surrounding society.

The provisions in section 33 of NABA⁴⁴⁴ have introduced a higher threshold, and **both** of the above conditions must be met in order for a claimant to qualify for asylum.

The post June 2022 guidance instructs caseworkers to depart from previous UK case law and instead follow the new test set out in NABA⁴⁴⁵. Their justification is they say that in practice the two features go together. VAWG charities report that in their experience this is not strictly accurate. Women have in the past relied on one of the limbs of the test to demonstrate that they should be recognised as a refugee and, in some cases, they would have failed to satisfy that they were a member of a particular social group if they had been required to meet both limbs of the test. A woman will be able to meet the first condition because of her gender but may not be able to meet the second condition because of the challenges in proving that her group will be perceived as a distinct group in their country of origin/residence. A person's ability to meet the second limb

⁴⁴³ Home Office, 'Assessing credibility and refugee status in asylum claims lodged on or after 28 June 2022', 2023. Available online: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1186715/Assessing+credibility+and+refugee+status+post+28+June+2022.pdf.

⁴⁴⁴ Nationality and Borders Act 2022, c. 36. Available online: <https://www.legislation.gov.uk/ukpga/2022/36>.

⁴⁴⁵ Nationality and Borders Act 2022, c. 36. Available online: <https://www.legislation.gov.uk/ukpga/2022/36>.

of the test will very much depend on up-to-date country information and will vary from one country to another, or even regions within the same country. Many forms of VAWG are committed by family members in a private sphere and are hidden from society at large, which makes it extremely challenging for a woman victim to demonstrate that her group will be perceived as a distinct group.

Women for Refugee Women (W4RW) campaigns to bring about positive changes to the asylum system to benefit asylum seeking women. W4RW's letter to the Home Secretary in 2022 sets out the serious harm that the NABA will cause to women escaping gender-based violence and sets out how the Act undermines the UK's tackling VAWG strategy and action plan.⁴⁴⁶

In particular, women who are unable to speak about experiences due to the impact of trauma, and those with impaired cognitive function or other learning disabilities, will be penalised for not being able to express or articulate their fears which could result in a negative assessment of their credibility and a refusal of their asylum claims. This would render the UK government's so-called gender-sensitive policy, 'Gender issues in the asylum claim',⁴⁴⁷ worthless because asylum decision-makers would need to have regard to regressive primary legislation in the decision-making process.

Illegal Migration Act (IMA)

The IMA⁴⁴⁸ was condemned by the migrant advice sector as one of the most inhumane and abhorrent pieces of legislation introduced by the current UK government. It effectively prevents a person from claiming asylum if they have entered the UK illegally. The government's justification is to deter illegal migration and break the smuggler's business model. We are of the view that the government will not achieve its intended objectives and instead will punish genuine victims of trafficking and asylum seekers fleeing their countries of origin to escape war, oppression and persecution. It will give smugglers and traffickers impunity to continue with their harmful and illegal practices. The provisions in the IMA infringe our obligations under international law and run counter to the provisions of the Modern Slavery Act 2015, which was ground-breaking in its objective of providing support and protection to victims of modern slavery. A joint civil society statement led by W4RW sets out the potentially devastating impact of this cruel Act.⁴⁴⁹ The UK government have stated in the introductory text of the IMA that they cannot confirm that the Act is in compliance with the provisions of the European Convention on Human Rights (ECHR).

The IMA will also deny protection to thousands of victims of modern slavery and trafficking and is a blatant violation of Article 4 of the ECHR and the Council of Europe Convention on Action against Trafficking in Human Beings. Charities supporting victims of trafficking and modern slavery have described this act as a charter for exploitation, trafficking and modern slavery.⁴⁵⁰

Page 8 of the UK government's policy document of September 2023 'Assessing credibility and refugee status'⁴⁵¹ states:

⁴⁴⁶ Women for Refugee Women, '52 organisations unite to tell Priti Patel that the Nationality and Borders Bill will have a 'cruel and discriminatory' impact on women', 2022. Available online: <https://www.refugeewomen.co.uk/womens-charities-condemn-government-asylum-plan/>.

⁴⁴⁷ Home Office, 'Gender issues in the asylum claim', 2018. Available online: <https://assets.publishing.service.gov.uk/media/5acf9250ed915d32a65dba29/gender-issues-in-the-asylum-claim-v3.pdf>.

⁴⁴⁸ Illegal Migration Act 2023, c. 37. Available online: <https://www.legislation.gov.uk/ukpga/2023/37/contents>.

⁴⁴⁹ Women for Refugee Women, 'Passage of the 'Illegal' Migration Act', 2023. Available online: <https://www.refugeewomen.co.uk/passage-of-the-illegal-migration-act/>.

⁴⁵⁰ Mullan-Feroze, B. et al., 'Leave in Limbo: Survivor of trafficking with uncertain immigration status', 2023. Available online: <https://www.helenbamber.org/resources/reportsbriefings/leave-limbo-survivors-trafficking-uncertain-immigration-status>.

⁴⁵¹ Home Office, 'Assessing credibility and refugee status in asylum claims lodged on or after 28 June 2022', 2023. Available online: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1186715/Assessing+credibility+and+refugee+status+post+28+June+2022.pdf.

'The principal obligation of states who are signatories to the Convention is not to return (or 'refoule') refugees to a territory where they may be at risk of persecution. Given the potential risks a claimant may face if they are returned to their country of nationality (or former habitual residence), the consideration of their asylum claim deserves the greatest care, or as described by the UK Courts, 'anxious scrutiny', so that just and fair decisions are made and protection is granted to those who need it'.

The provisions of NABA and IMA set out above will make it virtually impossible for the UK Home Office to comply with its own guidance and to act within the spirit of the Refugee Convention.

Late disclosure of VAWG/exploitation

We are also concerned about the provisions in section 26 of NABA⁴⁵² that deal with late disclosures of gender-based violence. In particular, we are concerned about women who make late disclosure for good reasons. Late disclosure is made for multiple reasons including feelings of shame, guilt, stigma from victims' families and communities, fear of being retraumatised and fear of the authorities. Late disclosure will impact on a person's credibility and any evidence produced relating to VAWG will be given minimal weight unless a good reason is given for the late disclosure. There is no guidance as to what a 'good reason' is likely to be and how it will be interpreted by decision-makers. We are disturbed that given the current culture of disbelief within the Home Office and the rigid application of the test. A consequence of not having late evidence considered could result in a refusal of an asylum claim which could be catastrophic for vulnerable women who are experiencing trauma. Section 26 is inconsistent with the UK Home Office policy guidance, 'assessing credibility and refugee status'⁴⁵³ - the policy sets out how trauma is manifested in victims of VAWG and we are concerned that the policy will be disapplied following the introduction of NABA and the IMA. Page 32 of the 'Gender issues in an asylum claim guidance'⁴⁵⁴ also sets out why a claimant may disclose relevant evidence late and that late disclosure should not automatically count against their credibility.

Trafficking and modern slavery victims

The provisions in part 5 of NABA are in direct conflict with the Modern Slavery Act 2015 and undermine the UK government's commitment to correctly identifying victims of trafficking and modern slavery and providing them with appropriate support. The Modern Slavery Act 2015 sets out the two-stage test that needs to be met for an individual to be recognised as a victim of modern slavery. The first stage is for the decision maker, the 'single competent authority', to make a reasonable grounds determination with the threshold that the decision maker suspects but cannot prove that the individual is a victim of trafficking. The second stage was to be issued with a conclusive grounds decision with the individual having to show on a balance of probabilities - i.e. more likely than not' - that they are a victim of trafficking. The NABA has heightened the first stage of the test and now potential victims are required to show objective factors – such as that there is a reasonable belief that they 'are' a victim of trafficking and not the lower standard that they 'may' be a victim of trafficking. The impact of this provision which came into force in January 2023 has resulted in a significant decrease of individuals being recognised as victims of modern slavery. The statistics show the number of individuals with a positive reasonable grounds determination

⁴⁵² Nationality and Borders Act 2022, c. 36. Available online: <https://www.legislation.gov.uk/ukpga/2022/36>.

⁴⁵³ Home Office, 'Assessing credibility and refugee status in asylum claims lodged on or after 28 June 2022', 2023. Available online: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1186715/Assessing+credibility+and+refugee+status+post+28+June+2022.pdf.

⁴⁵⁴ Home Office, 'Gender issues in the asylum claim', 2018. Available online: <https://assets.publishing.service.gov.uk/media/5acf9250ed915d32a65dba29/gender-issues-in-the-asylum-claim-v3.pdf>

has dropped from 85% in quarter four of 2022 to 58% in quarter one of 2023⁴⁵⁵ due to this elevated test.

The UK government have also introduced additional criteria which need to be met in order for victims of modern slavery to receive appropriate support. The new test states that the Secretary of State can only provide support and assistance if he/she considers it necessary for recovery, mental health and wellbeing purposes and only if the recovery is from harm arising directly from the trafficking. This will mean that many genuine victims of modern are denied support to aid in their recovery. The Anti-trafficking and Labour Exploitation Unit (ATLEU) briefing to parliament sets out in detail how the provisions of NABA will punish genuine victims and give impunity to traffickers to continue with their exploitation undetected.⁴⁵⁶

The NABA and IMA will not fix the UK asylum system, which is on the verge of collapse. Instead, these Acts will create more backlogs, increase in litigation and costs to the public purse, whilst simultaneously destroying the dignity and mental health of genuine asylum seekers. Women and other claimants with protected characteristics will be disproportionately impacted by these two pieces of legislation - facing the risk of either being returned to their country of origin to face further persecution and/or harm directly or indirectly, or being indefinitely detained by the UK authorities without the prospect of being granted any form of status.

It is also concerning that the UK government failed to undertake robust equality impact assessments prior to the coming into effect of the NABA⁴⁵⁷ and the IMA⁴⁵⁸ - in what we consider to be an admission that there will be disproportionate impact on some groups with protected characteristics, particularly on the grounds of race. With respect to the IMA, the UK government asserts that the differential treatment with respect to those that enter the UK illegally is justified on account of the migrant's conduct and is proportionate to achieve their legitimate aims of reducing illegal migration and reducing crime. In our view this current government has not learned anything from the Windrush scandal and have breached their commitment to implement the recommendations in the Windrush report as set out in their comprehensive improvement plan⁴⁵⁹.

Recommendations:

- Ensure all women who claim asylum have access to a fair and timely decision which recognises the specific experiences of women, including those who have suffered sexual and gender-based violence and women from the LGBTQ+ community.
- Ensure proper support for women who are in the asylum system, including, but not limited to, access to high-quality legal advice.
- Repeal the damaging provision in the Nationality and Borders Act 2022.

Repeal the Illegal Migration Act. As a minimum, the UK government should commit to monitoring the impact of both the NABA and IMA on women survivors of VAWG,

⁴⁵⁵ Home Office, 'Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, January to March 2023', 2023. Available online: [https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-january-to-march-2023/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-1-2023-january-to-march#:~:text=In%20January%20to%20March%202023%2C%20the%20NRM%20received%204%2C746%20referrals.to%20March%202022%20\(3%2C773\).](https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-january-to-march-2023/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-1-2023-january-to-march#:~:text=In%20January%20to%20March%202023%2C%20the%20NRM%20received%204%2C746%20referrals.to%20March%202022%20(3%2C773).)

⁴⁵⁶ Anti Trafficking and Labour Exploitation Unit, 'ATLEU's Briefing for Committee Stage of the Nationality and Borders Bill', 2021. Available online: <https://bills.parliament.uk/publications/43411/documents/861>.

⁴⁵⁷ Home Office, 'Nationality and Borders Bill: Equality Impact Assessment', 2021. Available online: <https://www.gov.uk/government/publications/the-nationality-and-borders-bill-equality-impact-assessment>.

⁴⁵⁸ Home Office, 'Equality Impact Assessment - Illegal Migration Bill', 2023. Available online: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1155534/2023-05-03_Illegal_Migration_Bill_-_Overarching_EIA_FINAL.pdf.

⁴⁵⁹ Home Office, 'The Response to the Windrush Lessons Learned Review: A Comprehensive Improvement Plan', 2020, CP293. Available online: <https://www.gov.uk/government/publications/windrush-lessons-learned-review-response-comprehensive-improvement-plan>.

and publish the steps they will take to mitigate these and the timeframe within which these steps will be undertaken. This information should then be published, and a review undertaken with options to repeal the IMA and the damaging provisions of NABA dependent on the outcome of the review.

Article 61 – Non refoulement

On 15th November 2023 the Supreme Court declared the government’s proposed policy to relocate illegal immigrants or asylum seekers to Rwanda for processing, asylum and resettlement to be unlawful.⁴⁶⁰ In a unanimous ruling, the Supreme Court held that the UK-Rwanda scheme does not abide by the principle of non-refoulement under international human rights law. Women for Refugee Women have highlighted that women escaping gender-based violence and persecution would be further harmed and traumatised by this policy.⁴⁶¹ We are now highly concerned about the UK government’s proposals to seek to circumvent international law by introducing new domestic legislation which seeks to confirm Rwanda as a ‘safe country’.

The Supreme Court’s decision identified a range of reasons why Rwanda is not a safe country to process asylum claims, including: the country’s poor human rights record; serious and systematic defects in its procedures and institutions for processing asylum claims; its own practice of refoulement and of returning high numbers of claimants to known conflict zones; the government’s poor level of understanding of its obligations under international asylum law; and its failure to comply with an obligation of non-refoulement in a previous agreement with Israel. It is clear that simply changing UK law to state that Rwanda is ‘safe’ will not change these practical concerns.

Recommendations:

- End the UK’s plan to process immigration and asylum claims in Rwanda.

⁴⁶⁰ Supreme Court, ‘R (on the application of AAA (Syria) and others) v Secretary of State for the Home Department (Appellant/Cross Respondent)’, 2023. Available online: <https://www.supremecourt.uk/cases/docs/uksc-2023-0093-etc-judgment.pdf>.

⁴⁶¹ Women for Refugee Women, ‘Offshoring-to-Rwanda’, n.d. Available online: <https://www.refugeewomen.co.uk/offshoring-to-rwanda/>.