

From the Margin to the Centre¹

Addressing Violence Against Women and Girls

Alternative Bill

October 2018

Background Paper

¹ The title of this document is adopted from hooks, b. 1984. *Feminist Theory: From Margin to Center*. London. Pluto Press.

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Glossary Note

We call for a transformative lens through which to view violence against women and girls (VAWG), moving from the margin to the centre, we select our language specifically and purposefully to infer a changed dynamics aiding deep understanding, placing women and girls on equal footing through their representation in all spaces they inhabit and in which they seek to locate themselves. Language is critical to this process because it can be used to create new visions where equality is possible. The transformative language in the Alternative Bill includes the following:

By and For Expert Sector

We define women only VAWG specialist organisations as the by and for expert sector (sometimes written as by and for expert services or organisations). This term refers to specialist services that are designed and delivered by and for the users and communities they aim to serve.² In the context of VAWG we refer to women only ending VAWG services as manifesting specific expertise designed and developed to address VAWG.

Intersectionality

“Intersectional paradigms remind us that oppression cannot be reduced to one fundamental type, and that oppressions work together in producing injustice.”³

Intersectionality provides a framework for conceptualising, articulating and responding to the ways that differently positioned women and girls are subjected to oppression. Intersectionality calls on us to recognise that women’s and girls’ identities and social positions are uniquely shaped by several factors at the same time, creating unique experiences and perspectives. These factors include among others ‘race,’ ethnicity, sexuality, gender identity, disability, age, class, immigration status, caste, nationality, indigeneity, and faith. Thus, *“Women and girls are not all the same* i.e. linked by biology and at the effect of a single patriarchy. Many of us are required to navigate other systems of inequality based on phenomenon such as ‘race’, class, disability and sexuality; and this

² “Specialist services are designed and delivered by and for the users and communities they aim to serve.” Voice4Change England and NAVCA Specialist Services: A Guide for Commissioners 2012, accessed online at <http://www.navca.org.uk/news/view-article/equalities-new-report>

³ Collins, Hill, Patricia (2000) *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment*. New York and London: Routledge

has an effect not only on how we experience and understand violence, but also how and where we access support and justice.”⁴

‘Honour-Based Violence’

When making reference to ‘honour-based violence’ we write this term using colons or it is written as so-called honour-based violence. This and other such terms are contested because they target specific communities disproportionately where a consequence can be increased surveillance and policing of communities, they link communities to agendas that are not related to an effective VAWG response, they rely on stereotyping and other discriminatory categorisations targeting individuals and communities, and separate laws are applied to address the problems with specific punitive measures that are disproportionately applied and that do not align with other VAWG-related laws.

Minoritisation

Minoritisation effectively creates and maintains the social, political, economic and other conditions that lead to groups of people being treated and defined as minorities e.g. ‘ethnic minority’ and ‘minority ethnic’. Imkaan views minoritisation as an ongoing, active process which marginalises particular groups on the basis of ‘race’, ethnicity and other grounds.

Racial, Racialised

We use the terms racial and racialised to refer to racism; to mean placing in a context defined by ‘race’ and/or to impose a category of race. This means that we view the wider structures, institutions and cultures as creating the circumstances and functions for these categories in our society and as such, we recognise the historical relevance of this form of discrimination against people as related to institutional discrimination and structural inequality. The use of the term ‘imposed’ within the definition means imposition through structures and systems such as colonialism, imperialism and others causing divide.

Violence against Women and Girls

We use the terms violence against women and girls (VAWG) because it reflects the gendered nature of the problem, the disproportionate impact of violence on women and girls, and covers all forms of violence to which women and girls are subjected. By using this term, we define specific forms of violence so that we are better able to articulate a

⁴ Imkaan (2017) safe pathways? exploring an intersectional approach to addressing violence against women and girls – Good Practice Briefing. London: Ascent (London VAWG Consortium)

response to addressing these forms. We do not assume that one type of response is appropriate for all forms of violence. The term also helps us to locate violence historically, structurally and socially. We are clear that VAWG is gendered and rooted in gender oppression which is patriarchy.

Women and Girls

The term women is used in the Istanbul Convention to refer to all women and girls regardless of age. However, in recognition of the specific ways that the girl child may be targeted for victimisation, we have chosen to use the term women and girls, which is in line with the government's existing strategic framework. We propose that this is retained in the definition.

Acknowledgements

During the consultation for the government's proposed Domestic Abuse Bill 2018, and for the development of this Alternative Bill, we undertook extensive consultation to obtain feedback and inform the proposals of this bill. We wish to acknowledge and thank all those who supported this initiative.

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Introduction

This background paper proposes an Alternative to the government's forthcoming Domestic Violence and Abuse Bill⁵. The consultation for the government's Bill ended in May 2018 and while we await feedback on next steps, we propose an Alternative Bill which addresses not only the key concerns we raised in our response, but also the need for framing a response that is gendered, intersectional, reflective of the lived experiences of women and girls and that is embedded in an equalities and human rights framework. The Alternative Bill is called From the Margin to the Centre – Addressing Violence Against Women and Girls

Our concerns with the government's Bill can be summarised as follows:

- The domestic abuse definition of the government's Bill does not go far enough to cover all forms of Violence against Women and Girls (VAWG) as consistent with international convention and other agreements to which the UK government is signatory. There was no recognition of VAWG as being gendered. This omission meant that the root causes of violence – patriarchy and inequality – were not covered by the definition. In policy terms, the government assumed a gender-neutral stance to the problem of VAWG which we believe to be an ineffective framework for understanding VAWG and addressing it through a comprehensive policy response.
- The overarching emphasis was on the criminal justice system with very little reference to the need to sustain frontline support services and emergency provision for women and girls which we refer to as the by and for expert sector. This concern highlights the importance of a response embedded in prevention, provision and protection in a holistic way and which ensures the state's responsibility for ending VAWG through the initiatives it engages with.
- There was no reference to robust and sustainable funding to the by and for expert sector, or any reference to funding at all. It is the state's responsibility to ensure that a robust framework of services is provided to women and girls and this means

⁵ Between 8 March - 31 May 2018, the government opened a consultation: 'Transforming the Response to Domestic Abuse'. Available here:

https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation/supporting_documents/Transforming%20the%20response%20to%20domestic%20abuse.pdf

locating services in women specific VAWG provision known as the by and for expert sector.

- The language of the government's Bill did not reflect gendered responses or interventions. This essentially paves the way for generic, non-gender specific services and creates a conceptually limited gender-neutral framework that disregards the full context of prevention, provision and protection in addressing VAWG in contemporary UK society.
- While there has been significant attention regarding sexual harassment in the media and across sectors and industries, the government's Bill proposed that there would be no change to existing legislation to protect women and girls, ignoring a critical need across sectors and industries at this time. More broadly, this omission highlights the government's inability to understand the full context of VAWG, with sexual harassment being one of the most common forms in which women and girls are subjected to violence, making the present system of laws in addressing VAWG outdated.
- Equally, there was no new provision for women with no recourse to public funds (NRPF), insecure immigration status or migrant women and girls, reinforcing a hostile environment and a state of impunity through non-action.
- The Bill was predominantly focused on the criminal justice system and policing. For example, it supported the creation of a new order called Domestic Abuse Protection Notice however rejected sufficient response for prevention and provision creating very narrow and criminalised frameworks. Without support for women and girls to access the criminal justice system in safe ways, VAWG remains under-reported.

We aim to move from margin to centre. With the Alternative Bill, we propose a document that provides a deep understanding of the lived experiences of women and girls subjected to VAWG. We call for a transformation in response that is embedded in an equalities and human rights-based approach, as consistent with international and regional conventions and the laws of this country that are reinforced by the Public Sector Duty against discrimination of any kind. As such, the Alternative Bill addresses girls' and women's experiences across sectors and industries, challenging government notion of vulnerability as defined in the social policy context as a circumstance based in individual status (whether defined socially, culturally, politically and/or economically). We posit that vulnerability is a wider category of oppression that affects all women and girls across sectors and industries with the main circumstance being that women are subjected to

inequality. This can manifest in their unequal representation and participation and/or as a condition of the structures and institutions they come into contact with, which are men-dominated.

We need the Alternative Bill to ensure a gendered response to women and girls subjected to VAWG because women and girls are disproportionately affected by violence.

We are clear that the response framework must address inequality rooted in patriarchy, applying a broad framework involving the structures, institutions and cultures of society.

We are clear that the rights of all women and girls to live their lives free from violence and harm must be protected so that they can achieve their life chances and live in full enjoyment.

We are clear that women and girls are not a homogenous group. Differently positioned women and girls are treated less or more favourably across our society, and this has a direct impact on our lives and experiences. By locating policy in such experiences, and in a robust analysis of structural oppression, we aim to transform the very context in which VAWG occurs. We promote the lens of intersectionality which enables us to fully identify the lived experiences of women and girls vis-a-vis the oppressions they face and how they address such struggles. It is therefore critical that we recognise these experiences context and content of the Alternative Bill.

We recognise that VAWG affects women and girls disproportionately, in the public and private spaces they inhabit, in the livelihoods and opportunities they pursue, and in many other ways. This means that women and girls are affected by VAWG in business, media, entertainment, sports, technology, science, academia and in many other sectors and industries as well as in the private sphere.

The Alternative Bill aims to address inequality experienced by women and girls, which is a manifestation of power and control and the state of patriarchy. In this way, the Alternative Bill addresses all forms of VAWG to which women and girls are subjected across spheres, sectors and industries due to intersecting inequalities.

The Alternative Bill requires us to conceptualise *vulnerability* as a condition that is produced by structural oppression and inequality. This represents a change in the view on vulnerability from the notion that a girl's / woman's individual circumstances make her vulnerable; to one which recognises vulnerability as a condition imposed on her status as a girl/woman by the structures of society where power and control dynamics sit. *Vulnerability, in the context of the Alternative Bill, is viewed as a condition of patriarchy.*

We propose the Alternative Bill because we need to transform the response to VAWG. We are committed to ensuring that in our proposals, we not only address the perpetrators of VAWG but also the structures, the state of control and surveillance, the institutions and cultures.

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Why Do We Need an Alternative Bill?

To alleviate harm, disadvantage and inequality, policies must address women and girls' lived experiences by reflecting the reality of those experiences in the measures and initiatives proposed. This implies that policies must be inclusive in content and intentions of such experiences ensuring a just and fair response to women and girls subjected to violence. In the past, policy frameworks have fully recognised the limitations of approaches such as 'one size fits all' or 'generic only provision' as these perpetuate barriers for women and girls, create further obstacles that deny women and girls equal access to services and are exclusive in nature. The Alternative Bill is based on addressing the exclusion of women and girls in current policy, as reflected in the proposed Domestic Abuse Bill 2018. We recognise that historically policies have not been responsive to, or centred around the intersecting oppressions that many women and girls are subjected to. However, the VAWG policy framework requires a different approach, identifying the specific ways in which women and girls are subjected to violence across the political, economic, social and cultural spectrum and ensuring that the policy framework reflects diverse voices and representations.

From a policy perspective, this Alternative Bill identifies these cumulative and collective experiences, which are equally unique to individual girls' and women's journeys, to avoid the erasure of such experience in policy and to ensure that proposals are designed to ensure that *no woman and girl is left behind*.⁶ with women and girls in mind. To frame this proposal appropriately, it is important that we define three critical concepts – structural

⁶ "Leaving no one behind means prioritizing human beings' dignity and placing the progress of the most marginalized communities first – women and girls being all too often at the top of the list. It urges us to address the structural causes of inequality and marginalization that affect them." Fund for Gender Equality (2017) "Leaving no one behind" in action: Observations from FGE's seven-year experience working with civil society"

inequality, the related concept of patriarchy and the response to both these concepts, intersectionality. By defining these concepts, we ensure a common understanding of the key ideas framing this Alternative Bill.

A good example of structural inequality as referred to above is the set of conditions embedded in policy that lead to exclusion, such as for minoritised women and girls subjected to violence. The nature of exclusion perpetuates inequality in a number of ways. For example, in unequal access to services, in failing to address existing barriers that lead to discrimination (enhancing the experience of minoritisation) in creating or reinforcing narrowed pathways to support through initiatives like single referral and reporting pathways, and by limiting women and girls' access to by and for expert organisations. In reference to this, addressing structural inequality means clarity of the identity demarcations for minoritised women and girls for the purpose of inclusion and to eradicate barriers that cause their discrimination. On the contrary, a position that interprets the concept of 'identity' in a policy context, that is by subsuming identity, results in initiatives like 'one size fits all' or 'generic only provision' that exclude many women and girls, including minoritised women and girls.

Structural inequality is also historical, evident in policy frameworks that restrict equal participation and reinforce the status quo, or in this context, deny women and girls representation within policy in ways that address their structural exclusion. For example, the definition of domestic abuse in the government's proposed bill is based on individual circumstances without a broader VAWG framework. It fails to recognise the gendered dimension of abuse and the patriarchal context that works to legitimise and normalise it in everyday life of women and girls, creating the institutional mechanisms of acceptance, tolerance and normalisation. Specific issues relating to minoritised women and girls are either excluded through non-identification or identified without appropriate context. For example, issues such as female genital mutilation, forced marriage and so-called honour-based violence are addressed as 'specific to certain communities' and subject to surveillance and policing regimes which focus on whole ethno-cultural or faith communities. However, this response does not apply to other forms of domestic violence, or VAWG, creating disjointed policy addressing VAWG. Women from diverse sectors and industries experience structural inequality because structural inequality has no bearing on affluence, status and position. For example, a woman who is economically well-off can be subjected to inequality within her sector and industry where she confronts a system of men's privilege that creates the conditions for her inequality. All of these situations ignore the lived experience and/or identify it in ways that lead to further barriers for women and girls. The Alternative Bill addresses the nature of structural inequality directly as related to a comprehensive VAWG response by the state and as an issue that must be resolved through policy formulation.

Patriarchy is found within structural inequality. Patriarchal oppression must be identified clearly in any set of policies aimed at gender equality, including policies around VAWG inclusive of all women's and girls' experiences. A policy framework that falls short on identifying patriarchy will not achieve an end to VAWG. Patriarchy refers to men's power and privilege which is the same process that leads to women and girls being devalued. This unequal status of women and girls is reflected in the institutions, structures and cultures of society in the UK. In the lived experience, this type of discrimination could mean women and girls are denied opportunities in education and employment across sectors and industries. From a VAWG perspective, this could refer to the daily experience of sexual harassment to which women and girls are subjected when they access spaces outside the home and seek opportunities to improve their life chances and achieve independence, or other dreams they may have. The Alternative Bill addresses patriarchy by including a gendered perspective embedded in the definitional framework of VAWG and reflected in VAWG policy. We are clear that any proposal that is not gendered and inclusive will fail structurally, institutionally and culturally to address VAWG, leading to the ineffective investment and use of public resources and a long-term policy perspective that continues to legitimise patriarchy.

To address structural inequality and patriarchy, the Alternative Bill proposes a framework grounded in intersectionality. At a definitional level, intersectionality defines specific oppressions rooted in gender, race, class, caste, sexuality and discrimination among others.⁷ These oppressions result from structural inequality that is historically embedded and based on power dynamics rooted in colonial history. Therefore, race is a critical category in intersectionality.

The overall under-representation of minoritised women in senior decision-making positions contributes to the prevalence and persistence of hostile environments for minoritised women and girls. From barriers at local level to experiences in media, sports, academia and entertainment (among other sectors and industries) minoritised women and girls are forced to negotiate systems and structures which are largely white and hetero-patriarchal. It is therefore critical that meaningful representation in power structures is treated as a priority in work to address structural inequality.

For the purpose of the term in the context of the Alternative Bill, intersectionality is used to apply to specific situations that create and/or exacerbate vulnerability for women and girls. These situations can relate to the lived experience, as well as the roots of oppression as stated above. By using the term 'intersectionality' in this way, we are clear that the

⁷ Hill Collins, P. 1999. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. New York. Routledge. Hill Collins, P. and S, Bilge. 2016. *Intersectionality*. New York. Polity Press.

purpose is to include all women and girls who are located outside the policy frame in the UK, through specific initiatives as proposed in the Alternative Bill. The intersectional categories that define the term 'minoritised women and girls' in the UK context, and for the purpose of the Alternative Bill, are commonly referred to as having multiple intersectional need. As we include women from across sectors and industries, we suggest that the notion of need extends to the nature of inequality; that is, unequal status results in the need for equality.

Intersectionality suggests the experience of interlocking oppression⁸, for example, because a woman / girl is black, and because she is woman / girl and subjected to multiple oppression as diverse identities and situations intersect. As such, the Alternative Bill recognises intersectionality as a definitive framework for oppression based on specific experiences of minoritised and marginalised women and girls in this country such as those subjected to online abuse, sexual abuse and exploitation, racialised experiences of sexual harassment of young minoritised women and girls, victimisation of disabled women and girls, abuse experienced by women and girls due to their sexuality and specific abuse experienced by transgender women and girls, and all of the above.

The Alternative Bill focuses on the role, within VAWG policy and provision, of the by and for expert sector. In this proposal, by naming specific oppressions experienced by women and girls under the critical lens of intersectionality, we address women and girls in open, transparent and direct ways, resisting exclusionary policy frameworks and practices that aim to silence and make invisible, minoritised women and girls. While intersectionality offers a valid framework of inclusion by naming oppression as a critical focus, it cannot be appropriated and applied generically as this would lead to the exclusion of minoritised women and girls perpetuating once again, a state of patriarchy residing within structural inequality and its legitimising institutions and cultures.

As such, the by and for expert sector must ensure that it is critical of structural inequality and its detrimental impact on minoritised women and girls. This Alternative Bill brings us to a critical historical juncture towards freedom from VAWG and liberation for women and girls; that there must not be anything about minoritised women and girls without the inclusion of minoritised women and girls in policy, in practice and in our democracy.

The Legal and Normative Framework for the Alternative Bill

The international and regional conventions and laws provide an important framework recognising the dimension of gender-based violence against women and girls and the UK

⁸ Ibid.

government is a signatory to these conventions. The Alternative Bill is framed within these conventions and laws and the ones that specifically apply are summarised in this section.

Identifying Violence against Women and Girls

It is important that we have a clear definition and understanding of VAWG. Violence against women is the term used in international convention such as the Convention on the Elimination of Discrimination against Women (CEDAW) 1979⁹, known as the international bill of women's rights and in regional instruments such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence 2011¹⁰, known as the Istanbul Convention. CEDAW General Recommendation No. 19 includes gender-based violence in the definition of discrimination and states that gender-based violence against women impairs or nullifies the enjoyment by women of human rights and fundamental freedom. CEDAW recognises that women experience such violence because they are women thus recognising disproportionate impact and the need for specific measures ensuring equality in all realms of life. CEDAW considers all forms of violence against women as falling within the definition of discrimination and that discrimination is a major cause of such violence, thus linking gender violence to discrimination experienced by women and gender inequality. The Istanbul Convention recognises domestic violence in separate clauses, making specific reference to physical, sexual, psychological or economic violence that occur within the family or domestic unit, or between former and current partners and spouses. This means that the convention recognises the overall and broader definition of violence against women with domestic violence being one form of violence that women experience.

State Responsibility for Ending Violence against Women and Girls

As clearly stated from the above definitional framework, the state's responsibility in addressing violence must meet the following: ensure a gendered approach and cover all forms of violence against women and girls. The state is also responsible for addressing impunity. CEDAW General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19, states that a state is responsible for acts and omissions by its organs and agents that constitute gender-based violence

⁹ UN General Assembly (1979). The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). [online] Available at: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm> [Accessed 29 Oct. 2018].

¹⁰ Council of Europe (2011). Council of Europe Convention on preventing and combating violence against women and domestic violence. [online] Council of Europe. Available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008482e> [Accessed 29 Oct. 2018].

against women and requires the state to refrain from engaging in acts and practices of direct or indirect discrimination against women. The recommendation requires state parties and agents to have effective and accessible frameworks. The Declaration on the Elimination of Violence against Women 1993 identifies that while violence against women occurs within families and communities, it can also be perpetuated and/or condoned by the state. It sets out measures for states to prevent and eliminate violence against women which include economic deprivation, isolation, and situations that create vulnerability that can damage the safety, health and wellbeing of women. The Istanbul Convention provides that the state shall take necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for violence against women.

The Alternative Bill presents an opportunity to ensure adequate implementation of laws and policies as consistent with international and regional convention. The following is highlighted as examples where the Alternative Bill addresses current shortcomings and gaps in policy. Article 1a of the Istanbul Convention requires that states protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence. For minoritised women and girls, the law is often a barrier to reporting crime for a number of reasons. These include the burden of proof being on women and girls, protection from perpetrators where a system of impunity operates, lack of acceptance as evidence on non-physical forms of abuse, and additional barriers faced by minoritised women and girls including inaccessibility of the criminal justice system and re-victimisation through the system. Article 1c of the Istanbul Convention requires that states design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and girls and domestic violence. In the UK, such requirements are not met because government policy on addressing VAWG does not recognise VAWG (as in the Domestic Abuse Bill 2018) and is therefore disjointed. Policy and practice, as well as local authority conduct, does not align under a comprehensive strategic approach and minoritised women's organisations (as well as the by and for expert sector) experience systemic and structural divestment thus perpetuating inequality. Article 1e of the Istanbul Convention requires that states provide support and assistance to organisations and law enforcement agencies to effectively cooperate in order to adopt an integrated approach to eliminating violence against women and domestic violence. We have witnessed the closure of minoritised women's services in many local authority areas. This has paved the way for statutory services to operate in isolation without any accountability and representation to the communities that make up boroughs, while law enforcement has been used to accelerate the state of

policing and surveillance of minoritised communities, thus criminalising minoritised communities.¹¹

The Beijing Declaration and Platform for Equality, Development and Peace 1995¹² identified state action and accountability for preventing violence against women and girls as critical to achieving equality, development and peace. It stated that violence against women and girls was both a violation of women and girl's human rights and an obstacle to the full enjoyment by women and girls of all human rights. In creating inadequate protections that present barriers to women and girls, such as policies aimed at control and surveillance, states could be viewed as acting counter to such rights.

The UK has made commitments in line with the Global Goals for Sustainable Development¹³ (SDGs). The SDGs call on states to ensure that their development agendas have a domestic as well as international focus, and that this includes a commitment to 'leave no one behind'. The UK government has pledged to ensure that, *"people who are furthest behind, who have least opportunity and who are the most excluded will be prioritised"*¹⁴. The commitments include:

- *challenging the social barriers that deny people opportunity and limit their potential, including changing discrimination and exclusion based on gender, age, location, caste, religion, disability or sexual identity and*
- *achieving gender equality, prioritise the empowerment of girls and women and end violence against girls and women, and stop modern slavery*

The Equality Act 2010¹⁵ states that local authorities must undertake an equalities impact assessment prior to strategic decisions regarding tendering and commissioning. Many local authorities have not been held accountable for the failure to meet this requirement. The Public Sector Equality Duty of the Equality Act 2010¹⁶ states that public authorities

¹¹ The three articles of the Istanbul Convention were identified by EVAW's Response to the Domestic Abuse Bill 2018 and are used here as reference to exemplify the experiences of minoritised women.

¹² http://beijing20.unwomen.org/~media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf

¹³ Department for International Development (2017). *Leaving no one behind: Our promise*.

¹⁴ *ibid*

¹⁵ Government Equalities Office and Equality and Human Rights Commission (2010). Equality Act 2010.

¹⁶ The Public sector equality duty (PSED) came in to force in April 2011 (s.149 of the Equality Act 2010). The PSED requires public authorities, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant

must comply with the Public Sector Equality Duty. This is in addition to their duty not to discriminate against individuals. The duty aims to make sure public authorities think about the needs of people who are disadvantaged or experience inequality (and are protected under the Equality Act 2010) when they make decisions about how they provide their services and implement policies. When public authorities carry out their functions, the Equality Act states they must have due regard or think about the following needs and situations: eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not and foster or encourage good relations between people who share a protected characteristic and those who do not. Advancing equality of opportunity within the same Act, and as an underlying principle guiding the work of local authorities, suggests some groups of people who share a protected characteristic, like race, may experience particular disadvantage or have particular needs. The Public Sector Equality Duty means public authorities must think about whether they should take action to meet these needs or reduce the inequalities. In doing this, public authorities are allowed to treat some groups of people more favourably. The Equality Act 2010 states public authorities must think about the need to remove or reduce disadvantages experienced by people because of a protected characteristic, meet the needs of people with protected characteristics, and encourage people with protected characteristics to participate in public life and other activities. Minoritised women and girls are disproportionately impacted and seldom see justice rendered. The Istanbul Convention, CEDAW, the Equality Act 2006 and 2010 and the Public Sector Equality Duty 2010 all function as aligned legal and normative instruments towards a coordinated response to producing a comprehensive holistic VAWG approach.

Gendered Approach Addressing Violence against Women and Girls

CEDAW General Recommendation No. 35¹⁷ makes it clear that policy and legal frameworks must be based on the implicit understanding of violence against women as gendered and that this understanding, that is expressed in defining the problem, is evident in government policy making and the establishment of any framework protecting the rights of women. Article 3 of the Istanbul Convention states that violence against

protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

¹⁷ According to the Office of the United Nations Human High Commissioner for Human Rights (OHCHR), on 14 July 2017, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) adopted General Recommendation No. 35 on gender-based violence against women. This recommendation elaborates on the gender-based nature of this form of violence, building on the work of the Committee and other international human rights mechanisms, as well as developments at national, regional and international levels.

women is understood as a violation of human rights and a form of discrimination against women. In this context, the convention considers that all acts of gender-based violence must be addressed whether occurring in public or private life. For example, sexual harassment occurring across sectors and industries and in public and private spaces is viewed as a violation and a form of discrimination for the purpose of this Act.

In the Alternative Bill, we propose that the definitional framework is gendered. The Istanbul Convention and CEDAW defines gender-based violence as “violence that is directed against a woman because she is a woman or that affects women disproportionately”. This means the framework accepts that in the majority of cases, gender-based violence will affect women disproportionately to men. As such, prevention, provision and protection, among other responses, must equally reflect the gendered perspective of the problem of violence against women and girls, include direct and specific reference to the gendered nature of the problem, and ensure the overall response framework addresses girls’ / women’s specific needs across sectors and industries. This includes the needs of minoritised women and girls by ensuring they receive gender specific support in the organisations that represent them.

Support to Minoritised Women and Girls

The Declaration on the Elimination of Violence against Women 1993¹⁸ recognises the link between gender-based violence and gender discrimination and identifies that some groups of women and girls, such as disabled women and girls minoritised women and girls, are more likely to be targeted by violence. The Human Rights Act 1998 contains several articles prohibiting racial discrimination, eliminating practices that would amount to ineffective protection and remedies, promoting equal treatment and ensuring public authorities and institutions act in ways that protect the rights of women, including laws to address gender-based violence against women and girls. The idea of safety including safe reporting are imbedded in the key articles of the Human Rights Act.

The Istanbul Convention states that measures to protect include the human rights and safety of victims, avoiding secondary victimisation and addressing specific needs arising from vulnerability. Inherent within Articles 18 and 22 is the need for specialist support in accessing adequate services and safe reporting. This implies that statutory agencies must work in conjunction, collaboration and in cooperation with by and for expert

¹⁸ United Nations General Assembly (1993). *The Declaration on the Elimination of Violence against Women 1993*. [online] Available at: <http://www.un.org/documents/ga/res/48/a48r104.htm> [Accessed 29 Oct. 2018].

organisations to improve adherence to guidance, ensure safe reporting and in the provision of support.

Chapter 4 of the Istanbul Convention covers protection and support for victims/survivors of VAWG. It requires parties (states) to ensure that measures are taken based on a gendered understanding of violence against women and domestic violence and shall focus on human rights and safety for victims. Such measures are based on an integrated comprehensive approach; aim to empower and provide for economic independence of women victims of violence; provide a range of protection and support services; and, address specific needs of vulnerable women and girls and child victims.

Articles 19 to 25 of the Istanbul Convention cover specific support that must be made available covering the following: specialist support services providing the full range of women's support services referred to in the Alternative Bill as by and for expert sector (services or organisations); accommodation services in women's refuges ensuring sufficient number of bed spaces are available to provide safe accommodation to women and children; and support for women subjected to sexual violence, including trauma-informed counselling and therapeutic intervention among other provisions (recognising racialised experiences of such violence on minoritised women).

It is the clear and implicit intention of both CEDAW and the Istanbul Convention to clearly define the context of violence against women and girls as one based on women and girls' unequal status in all realms of life and based on patriarchy. This suggests that patriarchy (where inequality results) must be addressed structurally, at institutional level, and as a cultural manifestation across society and in other ways.

The Istanbul Convention recognises that the "realisation of de jure and de facto equality between women and men is a key element in the prevention of violence against women". This clause affirms that the nature of inequality, including structural inequality contributes, and causes the unequal status and condition of women and girls in society with the inference being the need for the state to act, through its legislative powers and policy mechanisms in ways that address inequality.

The Istanbul Convention recognises that violence against women is a "manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women". Within the scope of the definition, the need for a gendered focus in the definition and hence, in policies, rights and protections that follow, is paramount to addressing inequality experienced by women and girls.

The Istanbul Convention further identifies the “structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial mechanisms by which women are forced into a subordinate position”. The Istanbul Convention recognises that women are disproportionately affected by violence and that women face higher risk of gender-based violence. Hence, a definitional framework that is gendered is critical to defining, preventing and responding to the problem. Article 3 of the Istanbul Convention states that violence against women is understood as a violation of human rights and a form of discrimination against women. In this context, the convention considers that all acts of gender-based violence must be addressed whether occurring in public or private life.

Funding to By and For Expert Sector

Articles 12 and 18 of the Istanbul Convention covers measures for the protection of victims including placing human rights of victims at the centre of all measures. Article 23 of the Istanbul Convention states that government must commit to providing appropriate, easily accessible shelters, in sufficient numbers, to provide safe accommodation for victims; especially women and their children. The Equality Act 2010 places duty on local authorities to make decisions of a strategic nature about how to exercise its functions to reduce inequalities which result from socio-economic disadvantage. This makes explicit the conduct of the local authority to ensure appropriate provision of services addressing the needs of those falling within the protected characteristics of the Equality Act 2010 and the Istanbul Convention, which specifically highlights the gendered nature of VAWG and identifies it as a specific discrimination against women. CEDAW General Recommendation No. 35 on Gender-based Violence against Women outlines prevention and protection among other measures as critical to a robust and comprehensive approach to VAWG. These measures include the provision of protective and support services in relation to gender-based violence including the full participation and cooperation of non-government women’s organisations (this means by and for expert organisations). Refuges are protected for women as these are emergency lifelines. Both the Istanbul Convention and the Human Rights Act 1998 include an understanding of specific forms of VAWG and discrimination faced by women that must be addressed through specialist and dedicated provision. Therapeutic support, advocacy work, and other intensive individualised and group support in women only safe space is essential. Funding priorities must consider healing and recovery more holistically and comprehensively, where women have a voice in intervention away from clinical and

institutional approaches embedded in local government structures. The by and for expert sector forms a part of the economy of provision.¹⁹

Statutory Duty Regarding Violence against Women and Girls

The Code of Practice for Victims of Crime 2015 as part of the Domestic Violence, Crime and Victims Act 2004 covers extensive measures on entitlements and protections for victims of crime. While protective orders are adequately covered by existing regimes, measures regarding prevention and provision require strengthening. The code states that victims of crime are entitled to receive services under the Victims' Code. In the Alternative Bill, we propose that government create a statutory VAWG duty instead of introducing additional protective orders. The VAWG duty will ensure protection of access to services by victims of crime and women subjected to VAWG, ensuring safe pathways to support under a multi-agency approach. Article 4 of the Istanbul Convention covers fundamental rights, equality, and non-discrimination. This article is about the promotion and protection of rights, particularly women's rights to live free from violence, and states must act to eradicate all forms of discrimination against women "without delay". Article 6 of the Istanbul Convention covers gender sensitive policies based on empowerment of women and equality.

The Alternative Bill proposes a VAWG definition as consistent with the above, alongside a statutory VAWG duty that is fully accountable to women and girls and maintains their wellbeing at the heart of all initiatives and actions to address VAWG.

Women and Girls' Human Rights Towards Ending the State of Control and Surveillance

The Human Rights Act 1998 states that police practice should incorporate 'no immigration enforcement' and 'no data sharing' rules. Police must not act as immigration enforcement officers. Police must ensure that they are fully compliant with the Code of Practice for Victims of Crime 2015. Regarding this Code, it is important that victims receive the support they need. Presently, victims with insecure immigration status including NRPF and other migrant status are denied their rights.

To ensure that police are fully compliant, local police must work with local by and for expert organisations and view these organisations as providers of critical life-saving

¹⁹ Imkaan. 2015. State of the Sector. London. Imkaan.

pathways, ceasing the state of surveillance and policing that is carried out disproportionately and in targeted ways in minoritised communities.

The Social Policy Framework for the Alternative Bill

The proposal for an Alternative Bill is being made at a time when there is significant change in the social and public policy landscape in the UK not to mention the impact of Brexit on specific rights and protections covered in European Union law that will be affected. This section considers some of the policy level changes that we must consider under a more comprehensive approach to ensuring that women subjected to VAWG, gender rights and protections in general, and the specific needs of minoritised women are framed appropriately in the Alternative Bill. It is important in considering an alternative VAWG bill that comprehensive protection is offered and that what is provided under one policy does not detrimentally affect rights under another, thus creating conditions for further vulnerability. The frameworks considered here, as well as some concerns regarding these policies, are identified as examples of the need for a broader, more integrated approach that offers maximum protections and fully addresses the needs of women. The examples used here include housing, welfare, human rights, health, equal protections and gender. However addressing VAWG is a cross-departmental, cross-societal issue which has implications beyond the specific social policy references which have been included in this background paper.

The Homelessness Reduction Act 2017²⁰ establishes the duties of local authorities to someone who is homeless or threatened with homelessness. Under Section 175 of the 1996 Act, a person is threatened with homelessness if they will become homeless within 28 days. The Homelessness Reduction Act extends the number of days from 28 to 56. A threat of homelessness can derive from violence even though domestic violence or VAWG is not specifically defined in the Act. In addition, people who have received notice under Section 21 of the Housing Act 1988 and the expiry date is within 56 days, will be treated as being threatened with homelessness. Local authorities must provide advice and information to prevent homelessness in such cases. Further, the Act covers responsibilities by the applicant who is homeless, or threatened with homelessness, to cooperate with the local authority in meeting their housing needs. A person can be held to breach the conditions of cooperation if they deliberately and if they unreasonably refuse a housing offer. There are a number of areas of concern regarding the Act.

²⁰ Ministry of Housing, Communities & Local Government (2017). Homelessness Reduction Act 2017. [online] Available at: http://www.legislation.gov.uk/ukpga/2017/13/pdfs/ukpga_20170013_en.pdf [Accessed 29 Oct. 2018].

Forms of domestic violence can include verbal abuse, emotional and psychological abuse, coercive control and other forms of abuse that are non-physical forms. Presently, housing authorities have difficulty understanding domestic violence and its impact on women and children leading to a 'luck of the draw' when women present as homeless due to domestic violence. This is complicated further when their homelessness status is dependent upon the arbitrary interpretation of their situation by the housing officer on duty. Many minoritised women's experiences of domestic violence where housing becomes threatened, and/or where homelessness occurs, are simply not believed by housing authorities. The Act does not address existing weaknesses within housing and homelessness policy that denies women access to affordable and sustainable housing and choice within the 'choice-based system'. The above is not a simple question of training for housing authorities but rather, a question of institutional culture that remains resistant to addressing women's housing needs especially when presented with the needs of minoritised women and single minoritised women without children.

The use of Section 21 within the Act has already been interpreted by housing authorities as a 'fast track' to the system. This means that if a woman asked her refuge provider to issue Section 21 notice, then the authority could deem her homeless. This reinforces a state of legal action to be taken against women before they can secure their rights. Further, it is a costly measure for the refuge provider to take legal action in each case for a woman to be assessed as homeless. It is clear from initial implementation of the new legislation that certain interpretations by housing authorities regarding a woman's access to the system and to be 'fast tracked' could result in additional barriers that could be detrimental to a woman's long-term housing prospects. Legal action under Section 21 could potentially damage future housing prospects as she will be checked for prior court action.

The Act highlights deliberate and unreasonable refusal of a housing offer. However, recent experience of women and children being offered accommodation with insufficient bedrooms, and/or being offered housing outside of the areas where reasonable social support networks exist, and/or can be established by women, highlight the need for additional guidance on the housing offer. The experiences of women suggest that they could easily find themselves deliberately and unreasonably refusing housing and therefore, deemed as lacking cooperation with housing authorities under the Act, obstructing the local authority's 'intent' to meet their housing needs.

Racialised experiences of minoritised women also require women to be housed in areas where they can live safely in the local community. This means that the interpretation of the terms 'deliberate' and 'unreasonable' need to account for the experience of racism and other discrimination. The focus on such law should be on addressing the full needs

of women, and their children, and single women, and that of minoritised women regarding locality. Therefore, specific guidance is needed around legislation. Such guidance would be useful regarding the specific conditions of a homelessness application, as experience suggests that the law is applied arbitrarily and open to interpretation. For example, minoritised women are often told that they are intentionally homeless and do not meet priority need. Housing authorities often shift the 'goal posts' in the application of these conditions and minoritised women are disproportionately affected.

The early intervention and prevention approach within the Act is not funded. By and for expert organisations are the first line of support for women accessing housing from refuge accommodation.

By and for expert organisations should be funded to support women to move on from supported accommodation to housing of their own under their resettlement support services.

Early intervention and prevention measures within the Act, without appropriate funding and strengthening of women's housing expertise invested in the by and for expert sector, is a critical oversight that weakens the government's approach to addressing homelessness.

The Act must take a realistic account of the cost of rented accommodation whether through local authority provision or in the private housing market.

At the time of writing the Alternative Bill, government had called for caps on housing benefit for supported accommodation to be lifted. This needs to be extended to include caps on local housing allowance for women in refuge accommodation as they do not meet real housing costs for women, with or without children.

Such restrictions limit women's housing options and choices and where women are recovering from VAWG, such restrictions create risk of repeat victimisation. The cycle is perpetual and inevitable and tied to a woman's socio-economic conditions. For minoritised women, there is a disproportionate representation in unemployment and underemployment, a higher number on zero hours contracts, and other barriers directly affecting their socio-economic mobility in society, exacerbating conditions of inequality for them. The cap on such benefits represents poverty which is more severe for minoritised women. In line with this, the Targeted Affordability Fund does not go far enough to meet needs as it is not expressed in 'real' economic terms and would be affected by the same system of inequality as described above. While government intends to use such initiatives to move people out of the benefits system and into employment,

the poverty experienced by women, especially where they are subjected to VAWG, needs to be appropriately considered within a set of policies that address inequality and that prevent the feminisation of poverty.

Housing for single women, women with insecure immigration status, women leaving the prison system, women with mental health needs, among other groups of women, is not addressed in the Act mainly because homelessness is viewed as a lack of abode. For women subjected to VAWG, and for minoritised women in particular, housing issues relate to structural inequality. Therefore, parameters regarding homelessness, or deliberate and unreasonable refusal, must take appropriate account of women's lived experiences. This implies the need for advocacy and move-on support through by and for expert organisations.

At the time of writing this Alternative Bill, government reversed its decision to change the funding to women's refuges, which it had intended to do by removing housing benefit out of the welfare system. For by and for expert organisations, income from housing benefit for women's refuge accommodation also represented a secure income source, enabling these organisations to deliver much needed and life-saving services to women and their children. In other words, the government's intended plans targeted not only women survivors of VAWG by denying their access to refuges, but also women providers of services by undercutting their revenue income to provide such services. While the reversal is welcomed, women with NRPF and other insecure immigration status, as well as working women, are still not covered by housing benefit. Regarding the Homelessness Reduction Act, this means that many women subjected to VAWG who do not have access to housing benefit, who become homeless, will comprise the hidden homeless and will face further risk of repeat victimisation. The housing policy framework needs to align with the lived experiences of women subjected to VAWG.

In the Alternative Bill, we propose an end to restrictions to housing benefit for women with NRPF and other insecure immigration status, as such rights are protected under legal and rights-based frameworks to which the UK is signatory.

We also call for immediate consideration to be given to working women as the majority are in low paid and/or zero hours contracts that do not offer sufficient income to sustain livelihoods. Minoritised women who are in work tend to be over-represented in such conditions.

It has been highlighted since the introduction of the Homelessness Reduction Act that the planning framework is insufficient to meet needs for affordable housing. Housing associations have also failed to develop sufficient housing stock or build affordable

housing. Provision for women that meets the needs of children, that is affordable and sustainable, that is safe and secure, and that ensures provision of support networks led by the by and for expert organisations are not part of local planning frameworks. This leads to exclusion for women, specifically for minoritised women.

The planning framework itself must consider gender sustainability in housing provision as a key criteria and must partner with the by and for expert organisations.

Finally, the Act must ensure diverse forms of housing provision and this includes move-on support to women subjected to VAWG, and specific support for minoritised women from organisations representing them, to ensure that homelessness targets are achieved under the Act.

The introduction of Universal Credit²¹ has raised a number of issues for women including minoritised women who, as stated above, are over-represented as unemployed and underemployed, receiving zero hours contracts and with reduced capacity to access services on equal footing. To date, the system has been unable to manage complex cases and most women subjected to VAWG will fall into this category. The system also operates in arrears with waiting times for first payments reaching six weeks on average. During this six-week period, women face arrears and other financial pressures which potentially increase their risk. In this context, considering overall employability circumstances, conditions of employment and access to Universal Credit, all poverty indicators are increased for women and exacerbated for minoritised women. The system itself makes no distinction in circumstances of women and the particular needs of women subjected to VAWG.

Under Universal Credit, housing benefit is paid directly to women into their accounts, which means that household pressures can place them into arrears and reduce the capacity of organisations to recover income. There is a structural barrier affecting women and the organisations that support them in that, arrears occur where women experience pressure on household budgets due to the socio-economic conditions characterised by the feminisation of poverty. Where there is a shortfall in collecting housing benefits under Universal Credit by provider organisations, then future housing prospects of women are affected as well as the ability of the organisation to recover debt. It is important to note that the reason this occurs is not due to individual behaviour in managing household

²¹ A [2017 briefing by the Women's Budget Group](#) noted that "The main goals in introducing [Universal Credit] were to simplify the benefits system and to 'make work pay'".

budgets but rather, the situation is perpetuated by a state of poverty and vulnerability which leaves women with limited choices on how to budget limited income.

At the time of writing the Alternative Bill, the Department of Work and Pensions (DWP) accepted that women subjected to VAWG could be detrimentally impacted by the way the system of Universal Credit operates, leading to economic abuse where the accounts are in the name of the perpetrator²². DWP recognised that there are not enough safeguards within the system to protect women and that an alternative must be sought.

The Alternative Bill proposes that there is sufficient evidence from the by and for expert sector to call for an end to Universal Credit as it creates further poverty for those requiring benefits and exacerbates risks for women subjected to VAWG.

The health impacts of VAWG means that women's lives are put at tremendous risk. According to research by the Women's Health and Equality Consortium (WHEC), more than one in four women aged between 16 and 59 have been affected by domestic violence, over 50% of women affected by domestic violence experience rape within the abusive relationship, and 23% of women have been sexually assaulted. Figures for young women and girls are under-reported however, young women and girls are at particular risk of sexual abuse, rape and domestic violence and young women aged 16 to 19 are in the highest risk group. This results in other health issues such as self-harm, body image issues, eating disorders, depression and substance use. For minoritised women, the data is staggering as they face multiple barriers to support leading to delayed access to health services when health issues are more severe and potentially life threatening. Recent NHS reforms led to a restructuring of health services. For example, NHS Commissioning Boards were created to oversee resource allocation and Clinical Commissioning Groups were responsible for local commissioning including ending VAWG services. It is important to reiterate however, that the reforms should strengthen coordination efforts addressing multiple intersectional need under a comprehensive VAWG strategy and that effective joint working includes the by and for expert sector. Further, it is critical that the links between health and VAWG and other inequalities are recognised including the gendered nature of such inequalities.

We have been alarmed that the proposed Domestic Violence and Abuse Bill outlines that GPs, nurses, health interventions, problematic substance use treatments, and benefits and financial services are available directly in women-only services and accommodation

²² House of Commons Work and Pensions Committee (2018). *Universal Credit and domestic abuse*. Seventeenth Report of Session 2017–19. [online] Available at:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/1166/1166.pdf> [Accessed 29 Oct. 2018].

provision. The Bill did not clarify whether these resources would be women-only organisations. Further, by locating these external services and resources within women-only organisations the nature of the by and for expert sector is changed, moving organisations away from empowerment-based approaches where women are encouraged to access the provision especially if based in accommodation services. In accommodation services, women's empowerment is about ensuring she is able to survive independently. Therefore, it is about building and strengthening life skills by ensuring holistic support developed through a human rights-centred approach is available. Critical to this is advocacy and intensive provision around non-clinical and non-institutional approaches. The trajectory of the Domestic Abuse Bill 2018 implies that women staff within women's services could be replaced and the service provision model altered to reflect institutional clinical responses. The organic model of recovery and healing under such would be at risk of disappearing.

Funding regimes have not benefited from tendering and commissioning and the future of the Supporting People grant is unknown at the time of writing this document. Women and the organisations that support them are directly affected by this situation as it operates on faster resettlement time without addressing women's housing needs. Faster resettlement places pressure on the system of support and does not recognise potential increased risk women experience at resettlement stage due to insecurity within housing provision. For minoritised women, who have access to fewer external resources, housing prospects are damaged by the structural imbalance caused by limited emergency support, the absence of move-on support and faster resettlement to insecure housing further pressured under the new Homelessness Reduction Act 2017.

The future of equalities and human rights legislation is unclear, however the Alternative Bill is grounded in full recognition of the rights and protections offered under these legal frameworks specifically in addressing inequality for women. It is important to have a better understanding of what Brexit will mean for equality and human rights. While the UK will remain protected under the Charter of Fundamental Rights of the European Union, this Charter will be removed from national law. Aspects that will be removed include the rights of the child, the general right to non-discrimination, and reinforcement of human rights. There is concern that equal rights and human rights laws could be repealed or weakened. The rights of women who are trafficked into this country, women who are subjected to VAWG, disabled women, women in the workplace experiencing pay discrimination which leads to further sexual harassment, and LGBTQ women are potentially at risk. All these groups of women, and others, fall within the minoritised categories as stated above. Where protections are not offered for minoritised women, the additional barriers they face and the inequality that is reinforced, remains unchecked creating unsafe conditions for women. Inequality, vulnerability and insecurity are

conditions that can be alleviated through a rights-based approach which must be strengthened in the Brexit and post-Brexit period.

While we call for an Alternative Bill to address VAWG, such a proposal must be supported through a comprehensive, integrated and aligned social policy framework addressing and alleviating structural inequality. It must adopt a transformative perspective highlighted throughout this document through the integration of an intersectional approach. The whole framework of rights and protections, under a broader social policy approach, must serve to elevate women by addressing barriers that prevent equal access to services, safeguarding services that reflect and represent women, and ensuring a holistic approach to rights protections. This will help ensure that all women and girls and their circumstances are included plans, policies and strategies and that any gap or exclusion they face, is addressed by extending their rights and protections, and not by inhibiting them. While the policy framework referenced here is not exhaustive, the Alternative Bill is grounded in the following:

- A comprehensive understanding and response to women's housing needs, starting with the prevention of homelessness to a sustainable and affordable offer of housing being made.
- Consideration of the specific housing needs of minoritised women including a policy-level account of experiences of racism and other discrimination minoritised women have, so that they are not disadvantaged in the way housing authorities apply housing policy, especially in areas that are open to their discretion.
- A policy-level response to economic poverty alongside preventative measures experienced by women with specific responses to minoritised women. This goes beyond lifting the caps on housing benefit to a policy-level understanding of the structural nature of inequality as experienced through feminisation of poverty. This means a broader set of policy measures that address women's workplace conditions, specifically those subjected to multiple intersecting oppressions, that expose them to additional risk and exploitation.
- More intensive review of women's socio-economic conditions, in line with the inclusion of economic abuse within a broader VAWG definition. This should include specific reference to the conditions experienced by women and girls who are subject to multiple, intersecting discrimination.
- Consideration of gender sustainability planning that includes recognition of the experiences of minoritised and marginalised women and girls within an overall planning framework.

- Specific measures strengthening the equalities and human rights frameworks starting with responses addressing minoritised and marginalised women following Brexit.

We are clear that the whole protection system operates through an approach which is criminalising rather than supportive e.g. through the surveillance and policing of communities. The state of control and surveillance is implemented through government's responses which specifically and disproportionately target minoritised women. Within this undeniable state of affairs, it is important to remember that the welfare state is not part of the criminal justice system or policing. A different approach is needed to the welfare state because it is not designed to support minoritised women and communities but rather, acts to criminalise, deport and control through various means to maintain women and communities in a state of 'undesirability', under oppressive situations that deny the full enjoyment of human rights. The Alternative Bill has framed minoritised women's rights in particular with this in mind, a need for a transformative approach to social policy away from surveillance and control. In this context, VAWG must be positioned across government departments. VAWG provision itself must desist from a single referral and statutory pathway approach, as this is unsafe for women, and move towards safe reporting for all women and girls regardless of their immigration status; safeguard refuge provision; ensure preventative work is embedded in the grassroots of by and for expert organisations; and, that localism is only valid where by and for expert organisations are identified as local VAWG providers. Welfare reform is a task bigger than the remit of this Alternative Bill. However, in this bill we call for a shift in dialogue that is rights-based and gendered at the heart of all provision and policy. We must also think about children and young women and girls subjected to VAWG and call for a review of safeguarding practices and policies that are administered in racialised, ableist, heteronormative and gender-neutral ways. We make a proposal for an Alternative Bill and a comprehensive review of policy beyond that which is found in this document as we are conscious that we are on the precipice of a state of impunity in addressing VAWG.

The Alternative Bill

Chapter 1: Promoting Awareness of VAWG

All women and girls can be affected by VAWG regardless of their race, class, caste, sexuality, disability, religion or belief, and sexuality. The CEDAW Convention and the Istanbul Convention identify gender-based violence against women as “violence that is directed against a woman because she is a woman and that affects women disproportionately”. Women are affected by gender-based violence within a framework of power and inequality resulting in their discrimination. Discrimination against women in the CEDAW Convention is defined as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”. The Alternative Bill recognises that all women and girls can be affected by VAWG in any realm of life. It is often suggested that women and girls who face particular inequality and disadvantage are the most affected by VAWG because they have access to limited resources. However, in recent months, we have seen a wide cross-section of women, regardless of their socio-economic status, disclose their experiences of sexual violence. Despite high profile, wealth and influence women have been targeted because they are women. In proposing a definition regarding VAWG, the Alternative Bill recognises the need to base such a definition in women’s lived experiences regardless of the backgrounds from which they come, the work they do and the opportunities they seek, whether in public or in private spaces. The Alternative Bill recognises that it is the function of patriarchy, that produces inequality that impacts women disproportionately across the social, economic, political and cultural spectrum. The proposed bill identifies the following groups of women affected by VAWG as examples of who is affected and how the response must ultimately be framed (this list is not exhaustive):

- Minoritised women and girls (defined as Black and ‘minority ethnic’ (BME) women and girls in public policy terms)
- Disabled women and girls (defined as women and girls with disabilities within the international normative frameworks)
- Lesbian, bisexual and transgender women and girls
- Women and girls who are marginalised on the basis of class and /or caste

- Women and girls who are marginalised on the basis of age
- Women and girls who are marginalised on the basis of faith / religion
- Older women Women and girls trafficked into this country
- Women and girls with insecure immigration status including NRPF
- Women and girls subjected to caste oppression
- Women and girls with mental health needs
- Women involved in and exiting prostitution
- Women and girls in, and exiting the prison system
- Women and girls in the care system
- Women and girls from gypsy and traveller communities
- Women and girls who use substances problematically
- Young women and girls groomed and/or subjected to any form of online abuse
- Women and girls subjected to harassment affecting their safety in public spaces
- Women and girls subjected to sexual harassment in the workplace, education and other spaces they access to maximise their life chances and choices
- Women and girls at risk or subjected to violence from 'gang' association and/or involvement
- Women and girls subjected to so-called 'harmful practices'
- Among other groups and categories of women subjected to VAWG across sectors and industries (in the home and community, in industries such as media, entertainment, business, science, technology, sports and academia among others).

We use the term intersectionality as a way to frame oppression in the context of the Alternative Bill. Intersectionality suggests that all ways in which women mark their identity and define their experience of oppression are valid, truthful and reflective of the

conditions they live, in other words, their lived experience, and that there is no hierarchy, or selection process dissecting, invisibilising and minimising such experiences. A response that is intersectional suggests all experiences must be addressed comprehensively, holistically and through woman-centred, trauma-informed, needs-led wrap-around support recognising the very essence of women as whole human beings and with full enjoyment of human rights. As such, the piecemeal approach addressing one set of needs such as problematic substance use, or mental health, without addressing the full context of VAWG, in cases where these issues are linked, is an inappropriate and inadequate response.

Not all women and girls subjected to VAWG have the same experiences. The context in which they are subjected to violence will differ according to their background, access to resources, the sectors and industries in which they work and other factors that define their participation in society. The Alternative Bill recognises that some women will be affected disproportionately due to the specificity of their identify however all women and girls are affected by patriarchy, inequality and discrimination.

The Alternative Bill proposes that if we get it right for minoritised and marginalised women and girls, we get it right for all women and girls. As such, the Alternative Bill makes references to how particular groups of women are subjected to VAWG and these experiences include, but are not limited to the following:

- Women who have faced specific discrimination based on their socio-economic status, sexuality, and other identities when approaching statutory services.
- The identities they manifest can place them in the category of 'other' which denotes their experience of exclusion, which can manifest as systemic and perpetual given institutional biases they face due to the 'othering' of their existence.
- The cumulative impact of the experience is that it creates conditions of vulnerability for them and the nature of this vulnerability stems from institutional and social practices embedded in the structures of society.
- They have received inadequate provision from statutory services or have been turned away from services feeling judged and discriminated.
- They have experienced repeat victimisation and trauma based on the treatment from statutory services and this treatment leaves them more vulnerable to further violence and abuse and exposes them to greater risk.

- They face greater fears that if they report to statutory services, their children will be taken from them, or they may face deportation, detention and/or other 'policing' and surveillance controls.
- Their accounts of VAWG have not been believed, interpreted by statutory services as 'just wanting housing' or access to the welfare system leaving them further exposed to risk and labelling them as 'undeserved'.

Minoritising and marginalising experiences come from state and institutional structures that 'other' women. The term 'other' in this context refers to the perpetual state of exclusion and discrimination to which women are subjected when treated as 'outsider'. This term has many connotations, for example, within the welfare system it may be referred to as the 'undeserved' accessing the system for benefits and within the immigration system, terms such as 'illegal' or 'alien' are applied. Nonetheless, such terms create outsider positions that exclude and discriminate women. These groups of women have multiple intersecting need. They are exposed to particular oppressions which create further conditions that make them vulnerable, due to the structural and institutional barriers they face, especially when reporting to statutory services.

1A: Introducing a New Statutory Definition of Violence against Women and Girls

- (1) We propose a definition which explicitly names violence against women and girls, and which is consistent with the definition provided by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence 2011 (Istanbul Convention) to which the UK government is signatory. The definition states:

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

The Istanbul Convention identifies that all forms of violence against women must be condemned by states. This means that in defining violence against women, the definition recognises all forms of violence within the definition. The Istanbul Convention defines domestic violence within this context as:

“Domestic violence shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former and current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim,”

The Istanbul Convention clarifies the following terms regarding the definition which are proposed for inclusion in the Alternative Bill:

- Gender to mean ‘the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.’
- Gender-based violence against women and girls to mean “violence that is directed against a woman [or girl] because she is a woman [or girl] or that affects women [or girls] disproportionately.”
- Victim to mean “any natural person who is subject to the conduct specified” in the above definition of violence against women and girls and domestic violence.
- Women includes “girls under the age of 18.”

In the context of VAWG work in the UK, we propose that the definition includes girls in the title reference to recognise specific forms of violence experienced by young women and girls under the age of 18 therefore reading – violence against women and girls.”

Chapter 2: VAWG Prevention

In addressing VAWG, the Alternative Bill recognises three categories of prevention²³:

Primary prevention includes responses before the violence starts which could include training and awareness raising, public campaigns and early intervention and prevention working with young people in education settings. Primary prevention is embedded in addressing the root causes of VAWG; patriarchy and inequality in structures, institutions and cultures. These themes are reflected in all levels of prevention. As such, primary prevention includes deconstructing gender norms that lead to and perpetuate gender inequality and the devaluing of women and girls in society, gender equality education and

²³ EVAW. 2011. A Different World is Possible.

addressing power and control in all dimensions and manifestations. Early intervention through awareness raising and education is central to primary prevention.

Secondary prevention is the provision of adequate direct response and intervention once the violence has begun and this could be through refuge accommodation for women and children, frontline support provision, counselling and therapeutic intervention, advice and information services, among other provision. The purpose of secondary prevention is to safeguard her from harm by making available safe pathways to support, to prevent escalation and repeat victimisation. Throughout this document, reference is made to different groups of women subjected to violence. All groups of women and girls referred to in this document require all three levels of prevention. The three levels of prevention related to specific groups of women such as women and girls subjected to sexual violence and sexual harassment; women with insecure immigration status, NRPF and migrant women; women law breakers and women leaving prison; and women involved in and exiting prostitution are discussed in separate sections under secondary prevention (and various provisions include primary, secondary and tertiary prevention). This section also includes working with children subjected to VAWG and working with men survivors of violence.

Tertiary prevention occurs after the violence and includes long-term care and aftercare to support women to reduce the harmful effects of violence over time. This could include aftercare in the form of health and mental health provision, legal advice, safe and sustainable move-on accommodation, support through the police, criminal justice and legal systems, and responses to perpetrators to keep women and their children safe. Proposals for tertiary prevention are also made above in the social policy context.

2A: Primary Prevention

Our approach to primary prevention focuses on early intervention and prevention in schools, addressing children and young people. It also focuses on awareness raising campaigns including general campaigns across public space and specific campaigns addressing the needs of certain sectors and industries, and ongoing training and development across professional sectors. This includes industries comprising the private sector that include business, sports, academia, technology, science, media and entertainment.

- (2) The Alternative Bill proposes that an approach to primary prevention is based on the following underlying principles in all work delivered:

- (a) It is VAWG focused based on an intersectional feminist framework as this is most appropriate in addressing gender violence and related categories (patriarchy, privilege and inequality and how these operate in our society).
- (b) Recognises the impact of VAWG on women and girls who are disproportionately subjected to violence. A gendered approach is critical. The Alternative Bill recognises that men and boys can be subjected to violence; however data in this country and around the world continues to indicate that women and girls are disproportionately subjected as 'victims/survivors' of violence perpetrated against them by men and boys.
- (c) Addresses gender inequality and the unequal balance of power, including men's dominance and privilege, and how this impacts on gender relations and power dynamics.
- (d) Deconstructs harmful gender norms, social roles and attitudes, and the cultures they promote.
- (e) Recognises the dimensions of equality and diversity as essential to construction of safer cultures promoting representation and visibility in diverse space.
- (f) Promotes a social justice and rights-based framework.

Primary prevention is not stand-alone awareness raising or training (or other primary prevention initiatives). It goes beyond a focus on relationship education and seeks to change and shift cultures, institutions and structures where inequality and other such patterns are found.

Primary prevention must ensure age appropriate and sector and industry specific messaging, clarity of definitions and categories, and reject racialised biasing.

Regarding prevention in schools, the Report on Sexual Harassment and Sexual Violence in Schools²⁴ found that teachers and education staff were challenged to address sexual violence and sexual harassment. They were prone to victim blaming and viewing sexual harassment as 'horseplay'. They did not recognise it as a problem. The report found that

²⁴ House of Commons Women and Equality Committee (2016). *Sexual harassment and sexual violence in schools*. Third report of session 2016-17. [online] House of Commons. Available at: https://publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/91/91.pdf?utm_source=91&utm_medium=module&utm_campaign=modulereports [Accessed 29 Oct. 2018].

there was a need to understand the root causes of the issues such as grooming, sexting among others, through training and education, to support children and young people. Under a whole school approach²⁵, a partnership with frontline third sector organisations, which we refer to as the by and for expert organisations, is recommended to address the scale of the problem through adequate training and awareness raising. We believe that the whole school approach needs to be realistically embedded in the problem and that the by and for expert sector can deliver an early intervention and prevention programme to education staff.

Relationship education is not the way to go and 'one size fits all' will not work. The specificity of issues affecting minoritised young women and girls including racialised forms of sexual harassment, young disabled women including those with learning disabilities, LGBTQ young women, and young women and girls in families recently migrated or where there are members with insecure immigration status, among other categories, must be addressed in such education in safe women only confidential space. The opportunity to address VAWG in relationship education must consider the specificity of this education, safe gendered space and confidentiality enabling disclosures to be made so that early help and prevention can be provided.

- (3) The Alternative Bill proposes an early intervention and prevention education programme and incorporates the following elements under the whole school approach,²⁶ in addition to the underlying principles stated above:
 - (a) Involves the by and for expert sector as a sector that works around the underlying principles, supports women, children and girls on the frontline and develops good practice standards.
 - (b) It is available throughout the education experience of children and young people focusing on change in knowledge and attitudes.
 - (c) Addresses and supports factors that will enable change as children and young people move through the education system.
 - (d) Ensures gender specific safe and confidential space as and when needed.

²⁵ The whole school approach model is based on research conducted by AVA (Against Violence and Abuse) and identifies that diverse activities need to be developed and implemented in education settings, working in a multiagency way to address VAWG.

²⁶ As developed by AVA.

- (e) Considers VAWG in the widest context and broadest application. The approach should be a comprehensive integrated VAWG approach addressing and challenging bullying behaviour; especially bullying because of sexuality, sexual harassment and racialised forms of sexual harassment, honour-codes, and other related behaviour. This implies the direct involvement of the by and for expert sector.
- (f) Includes equalities strands to the work avoiding the stereotyping and stigmatising of communities.
- (g) Programmes are accompanied by qualified staff to be available to support children and young people, creating a safe environment for programme delivery.
- (h) Undertakes an analysis of common factors and themes creating a learning environment through the evaluation of content inputting to ongoing programme development. This will help ensure programmes maintain up-to-date and topical knowledge on the issues vis-a-vie the lived experiences of children and young people.

Education must extend to school staff so that there is change at systemic and structural level that is supportive of education and in creating a culture where VAWG is not tolerated. Schools must be supported to be more proactive when young women and girls experience VAWG. Presently, very little action is taken, and often young women and girls subjected to VAWG are placed in the same settings (classrooms, lunch rooms and playgrounds) with perpetrators. (In this context we use the term perpetrator referring to young men and boys who perpetrate VAWG. We are aware that young men and boys will have issues requiring attention and that such behaviour could be symptomatic. However, under the whole school approach and through the above stated principle, we will be able to ensure support as needed). Currently, safety is ignored, and young women and girls are exposed to further harm and risk with the potential of repeat victimisation being likely. Young women and girls have experiences of VAWG at home, in public space outside the school/home environment and while they are at school. This means schools must do more to create safe environments.

An approach focused on relationship education will have very little positive impact if safety is not equally prioritised. Any early intervention and prevention programme must be adjusted to include training to teachers and education staff for the purpose of raising their awareness and recognition of VAWG; developing their capacity to support children and young people; ensuring that they are addressing VAWG in safe ways; and responding

to the detrimental impacts of VAWG on the lives of children and young people. Teachers have reported on the observed gendered impacts of VAWG. They state that girls were “even more unwilling to take risks even in academic areas”, girls were less likely to participate in activities or “do anything that will make them stand out and attract attention” and were “more self-conscious about appearance”. Sexual harassment in schools and education systems negatively impacted on girls’ participation in class with 25% of 11 to 16 year old girls saying that concerns over potential sexual harassment made them consider whether or not to speak out in class.²⁷ Relationship education (as proposed in the government’s Domestic Abuse Bill 2018) will not go far enough to address these forms of behaviours and attitudes and the more severe forms of abuse and exploitation that they lead to. It is therefore crucial that any programme within schools addresses the issues more directly.

- (4) The Alternative Bill proposes an awareness raising campaign which has the following elements in addition to the underlying principles:
 - (a) Clarity of messaging by defining issues and categories, especially around sexual harassment and taking into account the ways that differently positioned women and girls are targeted for harassment e.g. on the grounds of disability, ethnicity, faith, class and caste.
 - (b) Significantly altering messaging to ensure perpetrator accountability for the violence and harassment occurring. This directly challenges attitudes around victim-blaming that many women and girls have expressed feeling, that could also lead to under-reporting.
 - (c) Identify multi-agency approaches to sign-post women and girls to support agencies which includes the by and for expert sector (rejecting the notion of single referrals pathways located within statutory services).
 - (d) Undertake equality impact assessment on messaging and campaigning to address stereotyping, stigma and other discriminatory concerns, and further challenge initiatives around surveillance and policing in VAWG prevention.
 - (e) Ensure representation and reflection of UK society as diverse. Ensure that such representation is fair (rejecting the targeting of communities around

²⁷ Women’s Equality Committee. 2016. Report on Sexual Harassment and Sexual Violence in Schools referencing research conducted by UK Feminista.

specific forms of VAWG) creating pathways, and not barriers, for women subjected to VAWG.

- (5) The Alternative Bill proposes that a training and development programme to professionals has the following elements in addition to the underlying principles:
- (a) Ensuring reach to the appropriate professionals across the spectrum by undertaking needs analysis on a regular basis.
 - (b) Gain full support of senior and executive level leadership across sectors and industries supporting a systemic approach to capacity development.
 - (c) Backed by standards of professional conduct developed through policies and reinforced through contract compliance and other frameworks.
 - (d) Ensure there are identified ways of measuring potential backlash especially in industries and sectors that have only recently started addressing concerns regarding VAWG and/or where VAWG concerns have been inappropriately addressed in past.
 - (e) Identify by and for expert sector in local areas to ensure appropriate referral and signposting.
 - (f) Implement regular training so that learning and development is not stand-alone or one-off.
 - (g) Integrate participatory elements to training and development to ensure a system-wide change.

2B: Secondary Prevention (Support and Risk)

Under the approach to secondary prevention, the following measures are achieved:

- The full risk imposed to women is identified through ongoing assessment of need under a comprehensive process that is needs-led.
- Specific actions are identified to minimise or mitigate against risk, including repeat victimisation, that could occur from a number of circumstances including unsustainable housing.
- Services are provided to meet women's needs as well as the needs of their children.

- Ongoing awareness raising and training for housing services, health services, the police, the criminal justice system, judges, social services, children's services, commissioners among others who are partners in the response to women subjected to violence.

Risk Assessment

There are a number of protective laws that cover risk to women. The Domestic Violence and Matrimonial Proceedings Act 1976 enabled married women to obtain a court order against their violent husbands without divorce or separation proceedings. A court could order a man out of the matrimonial home, whether or not he owned it or the tenancy was in his name. However, this protection did not apply to unmarried women living with their violent partners in a cohabitation arrangement. Further, for some women, the matrimonial home was considered unsafe therefore, they would have to be moved to safe accommodation; often women only refuge accommodation. While this law offered protections for some women, many women were excluded either due to their legal relationship status or because of community and migration factors. Protection from further abuse and repeat victimisation offered through support provision meant that both protection and risk had to be considered in an integrated way. In 2014, Clare's Law was introduced allowing police to disclose details of an abusive partner's past. Clare's Law went further in offering women protection and in risk mitigation or in preventing risk.

In 2015-16, 117,568,²⁸ violence against women crimes were reported to police with many more crimes still being unreported. Most of these crimes are reported in the following circumstances: when risk becomes lethal, and/or when all other recourse and interventions have not worked, and/or when the violence escalates and there is no other recourse. However, managing risk at this stage also means that women, their children and girls are exposed to significant abuse and violence over many years. The current system of risk management does not work. The report *'Key Findings from Analysis of Domestic Homicide Reviews 2016'*²⁹ identified issues with risk assessment. The following agencies were mentioned most frequently for inconsistent practice and/or poor knowledge, and/or lacking appropriate response: health (GP, hospital, health visitor and mental health), police, social services, local authority housing and youth offending. In 14 of 27 cases, the risk assessment was incomplete or had been lost. In 5 cases the risk assessment was of poor quality with some failing to consider risk associated with sexual abuse, and 5 DHRs had an incorrect risk assessment rating. Risk assessment must be

²⁸ Crown Prosecution Service (2016). *Violence against Women and Girls Crime Report 2015-16*.

²⁹ Home Office (2016). *Domestic Homicide Reviews: key findings from analysis of domestic homicide reviews*.

considered within the holistic service framework. An approach that is based solely on risk, or where risk is given primacy over an integrated framework, is limited and prevents full disclosure. This occurs not only because of insufficient training but also, the risk assessment itself is not done under an approach that is consistent with responding to VAWG where women's voices and women's needs are central.

- (6) The Alternative Bill proposes the following approach to a risk assessment framework:
 - (a) All levels of prevention are integrated to the approach including prevention of violence and abuse through early identification and intervention; prevention of escalation through appropriate and targeted support; and prevention of repeat victimisation through empowerment outcomes achieved through healing and recovery.
 - (b) The approach addresses patriarchy, and the intersections of other structural inequality, as significant risks because they have impact on women and girls' lived experiences expressed through voice, representation and visibility in every aspect of support. The language of risk can be defined narrowly from the perspective of perpetrator risk. While this is an important risk to address, the language of the holistic approach is gendered, managing risk from her perspective.
 - (c) The approach is open to non-clinical and non-institutionalised prevention, intervention and support where the narrative is constructed through the lived experience and led by women and girls.
 - (d) It is cost effective because the three categories of prevention work are included in the approach.
 - (e) It delivers improved outcomes for women and girls which are sustainable and lead to independent living free from violence and harm.

The Alternative Bill proposes that the following categories of risk are comprehensively included in the assessment of risk:

The Alternative Bill proposes a complete departure from the dominant frameworks of risk analysis, which are restrictive and limiting. From experiences of minoritised women's organisations, women and girls do not identify the full content and experience of risk, using the most commonly used frameworks. The very processes are themselves flawed (tick-box, broad categorisation and systematised) and the manner in which questions are

designed can be disengaging for survivors. For many groups of minoritised women, key risks in addition to VAWG victimisation and re-victimisation are intersectional. They could be caused by experiences of racism, disability discrimination, discrimination due to sexuality, fear of detention and deportation among other oppressions and circumstances which create vulnerability. This is exacerbated by an over emphasis on the criminal justice system, which results in the criminalisation of minoritised communities and women subjected to VAWG within those communities, resulting in accurate risk identification actually being overlooked. It is important to clarify here that it is not the woman's individual experience of engagement with the risk assessment framework but rather, the nature, design and content of the framework itself that prevents disclosure of risk. Minoritised women's organisations have found that improved risk identification occurs through engagement with support which is woman-centred, trauma-informed, needs-led, holistic outcomes-based, wrap-around support.

The Alternative Bill, in calling for a transformative approach, proposes a move away from a criminal justice focus towards measures to address patriarchy and other oppressions as highlighted throughout this document. This is the correct and most adequate frame for addressing risk because it is gendered, and intersectional, allowing for risk assessment within an integrated framework. This also covers all forms of VAWG, whether occurring in private or public, in the home or workplace, and/or in the overall situation of inequality women face.

In this context, the Alternative Bill proposes that assessments identify state violence against women and girls and the risk posed. As per international and regional conventions, state violence is that which is perpetuated and condoned by states and could result in economic deprivation and isolation, and negatively impact safety and wellbeing. Situations where state violence is evident can include migrant women and girls and all women and girls with insecure immigration status, women in or exiting the prison system, women involved in or exiting prostitution, sexual violence, sexual harassment and any situation affecting women facing detention and deportation and other forms of institutional discrimination. While risk, even in integrated ways, is addressed on an individual case by case basis, state violence is a collective risk against women.

The Alternative Bill introduces a new category of risk within an integrated assessment framework – risk from state violence – which has the following aspects:

- A form of collective risk that can be experienced by women and girls, known as gender risk.
- A risk resulting from a policy gap, limitation or failure, where a policy fails to protect women and can include risk from situations such as economic deprivation,

isolation, risk to safety and risk to wellbeing thus encompassing the broader VAWG categories.

- A risk resulting from the way public institutions respond to women which results in any form of institutional discrimination against them.
- The overall impact is disproportionate on women as a group, including where one woman is affected, since the nature of the impact can include all women, and girls thus requiring a change in policy and practice.

Where state violence has been identified, the adequate framework to identify the impact of that violence is the Public Sector Equality Duty 2010 and the Code of Practice for Victims of Crime 2015 and other legal remedies.

Private institutions where women work and risks to women in public spaces such as the broad categories that make up sexual harassment (name calling, catcalling, and other unwelcome sexual comments, jokes and gestures among other examples) are not covered by laws informing the framework of the Alternative Bill. However, measures being proposed must address all forms of VAWG and in all spaces that women inhabit where they could become subjected. Therefore, sector and industry specific assessment, that is appropriate to the following fields: business, science, technology, sports, media, entertainment and academia among others, is proposed because of the prevalence of risk of VAWG.

Support Provision

The by and for expert sector has been on the frontline of service delivery for well over 40 years and contains a strong knowledge base, expertise and experience of delivery under the three categories of prevention. This includes managing risk and working in partnerships with an array of providers to achieve the best results for women. These organisations have developed responses to all forms of VAWG, working with diverse groups of women subjected to violence, in public and private space and responding to specific needs. For example, women subjected to harassment in public spaces, sexual harassment in the workplace or women law-breakers and those leaving the prison system. Under this category of prevention, a diverse group of women are considered in this bill.

Minoritised women's organisations have developed approaches using intersectional need that is useful in addressing secondary prevention. These organisations found that it was not possible to simply support minoritised women in isolation of all of the circumstances that discriminated women because the lived experience could not be subdivided. The breadth and depth of minoritised women's experiences needed to be

addressed as part of the overall VAWG approach. For example, many accounts by minoritised women suggest that they were often not believed when they reported VAWG or were judged for coming from 'cultures where VAWG was normalised and accepted' (a viewpoint ingrained in institutional cultures of statutory services). They were also treated as housing and immigration cases leaving them feeling less secure and more vulnerable due to the treatment they received from statutory services.

Minoritised women faced racial discrimination when approaching statutory services for support that led to under-reporting by minoritised women, thus perpetuating inequality in access for minoritised communities. This was often interpreted in policy as 'hard to reach'. However, minoritised women re-wrote this language as 'services being difficult to access', thereby changing perceptions of communities and creating targeted and specific support to address this barrier. Minoritised women's organisations created safe pathways for minoritised women to statutory services and advocated on their behalf. This approach strengthened collaboration efforts between statutory services and the by and for expert sector.

The groups of women who benefited from strengthened collaboration between the sector included women with insecure immigration status who had limited options available to them but mostly fell under the radar because of the risk of detention and deportation. It also included women with NRPF who were often stuck in overly bureaucratic state apparatuses and court systems with no protection and in need of appropriate legal remedies, and migrant women facing economic abuse in the workplace. Further, young minoritised women and girls facing racialised sexual harassment, women with experiences of so-called 'harmful practices', finding that their experiences of domestic violence were treated as forced marriage where forced marriage never occurred but rather served as a way to 'police' families and communities they came from, and women experiencing barriers due to race and other who had limited access to support because of ongoing institutional and social discrimination. Minoritised women's organisations supported them to address vulnerabilities caused by institutional, structural, and social barriers that affected their lives and along the way, created diverse pathways enabling their access to other services.

The overall work of the by and for expert sector led to a comprehensive approach to secondary prevention. Services recognised the importance of presence and visibility of minoritised women who accessed support because the workers and management within these organisations looked like them. This meant that they were no longer occupied locations of 'the other', or 'outsider' or 'non-citizen' within these spaces. This created a critical layer of safety because it directly addressed the discrimination they faced thus creating the framework for equal treatment within VAWG prevention, provision and

protection. Minoritised women's organisations were not 'add-ons' or exclusive or lacking in value for money. These organisations and the practices developed were crucial to the VAWG response.

The approaches to secondary prevention were transformative because women were not judged, and/or having to repeat themselves, and/or not being believed, and/or having to educate the workers about their lived experiences. The by and for expert sector simply reflected the lived experience in policy, structure and organisational culture. It is the transformative aspect of secondary prevention that can be transferred to addressing all forms of VAWG. For example, women subjected to workplace sexual harassment experience diminished power whether she is a migrant woman on a zero hours contract or a woman in the media industry facing discrimination. Her resources may be different however, where she is subjected to harassment, the workplace becomes unsafe and her ability to respond to harassment is diminished because of the threats she faces. The approach to secondary prevention developed through the by and for expert sector addresses these and other situations where discrimination occurs.

Critical for secondary prevention is a woman-centred assessment enabling a more holistic and comprehensive disclosure of need to identify the wrap-around outcomes-based service. Disclosure of this type helps to identify various forms of discrimination, issues regarding community and family dynamics and other intersectional factors or diverse oppressions existing together. This level of disclosure is necessary to reducing, mitigating and preventing secondary risk.

Support provision delivered through diverse intervention included intensive frontline provision, specialist advocacy designed to address barriers and other intensive individualised or group intervention.

- (7) In the Alternative Bill, we propose that the assessment to identify risks and needs is clearly girl/woman-centred, trauma-informed, needs-led, holistic, outcomes-based, wrap-around support, and that it is implemented as a response to secondary prevention because it achieves the following:
 - (a) Creates safe reporting pathways that women and girls identify for themselves whether these reporting pathways are to the by and for expert sector, statutory agencies or in other ways made possible through diverse media.
 - (b) Ensures early intervention and prevention, avoiding escalation. This equates to cost-saving measures and forms of intervention that reflect the

lived experience of women and girls and place them at the centre of all provision.

- (c) Reduces repeat victimisation through full disclosure of need where diverse responses are identified including responses by local public services, the police and criminal justice system through coordinated, rights-based protections.
 - (d) Reduces repeat victimisation through full disclosure of need where diverse responses are identified including responses by local public services, the police and criminal justice system through coordinated, rights-based protections.
 - (e) Reduces vulnerability by addressing the structural factors producing vulnerability such as the experience of discrimination.
 - (f) Enables women and girls to access further services on their own such as education, training and employment opportunities, and other life chances.
 - (g) Improves outcomes for communities by supporting girls, and women to support themselves and their children in ways that promote their independence and liberty.
- (8) The Alternative Bill proposes a diverse framework of provision grounded in the following:
- (a) Longer-term engagement with women and girls through woman-centred, trauma-informed, needs-led, holistic outcomes-based, wrap-around support.
 - (b) The above is appropriate for responding to multiple intersecting needs.
 - (c) Choice for women and girls, beginning with safe referral pathways to support provision, enabling women to access an array of services they choose to use.
 - (d) Fully costed aftercare. While this is identified as tertiary prevention, the assessment frames as stated above enable early identification of aftercare in an integrated way.

Sexual Harassment

Sexual harassment is unwanted behaviour of a sexual nature that violates the dignity of a person; makes them feel intimidated, degraded or humiliated; and creates a hostile or offensive environment for them. Sexual harassment, like all forms of VAWG, is gendered. While there are men and boy victims of sexual harassment, the majority are women and girls. Under the Equality Act 2010, sexual harassment is a form of unlawful discrimination. Response to sexual harassment in the Act covers a range of actions including internal investigation, employment tribunal and reporting to police in cases of physical attack or stalking.

Sexual harassment is the most common form of abuse to which women are subjected as suggested by the data. 96% of reports regarding sexual harassment and sexual assault made to British Transport Police are made by women. British Transport Police report a 70% increase in sexual harassment, sexual assault and indecency on public transport. Two thirds of women experience sexual harassment at work.³⁰ These figures are considered in the context of VAWG that is, sexual harassment results from men's privilege and the situation of inequality experienced by women across the sectors and industries. For example, the gender pay gap in the UK is 18% and in business, only 7 of the FTSE 100 companies are headed by women. These situations devalue women and create societies and cultures that are dominated by men in work, education, in public and private spaces and elsewhere.

Examples of sexual harassment faced by women and girls include lewd and unwanted sexual comments, including comments directed at her appearance, sexual jokes and gestures, propositioning for sexual acts, indecent exposure, public masturbation as harassment, fondling and massaging among other examples. When speaking out about sexual harassment, especially in the workplace, women are often either publicly disgraced, their confidentiality breached, or they are subjected to further harassment and intimidation. Most women indicate that sexual harassment is part of a perpetual cycle which continues unpunished unless the systems and cultures that protect perpetrators are dismantled.

In a YouGov 2017 survey exploring how women would respond to experiences of sexual harassment, the majority said they would report flashing and upskirting to police. Other forms of sexual harassment such as sexual jokes, sexual favours, physical contact, unwanted touching, among other forms, would be less likely to be reported to police. This

³⁰ 'Street Harassment Across the United Kingdom' In the Correspondent. 27 January 2017.

suggests the need for a multi-agency approach that is woman-centred and empowering and made up of support agencies including the by and for expert sector.

A 2018 inquiry conducted by the Women and Equalities Committee³¹ documented that for minoritised women and girls, sexual harassment both in public spaces and online commonly intersects with other forms of abuse such as ableist and racist sexual harassment. Research conducted by Imkaan's Purple Drum (2016)³² found that for young BME women and girls subjected to sexual harassment, their experiences were compounded by racial abuse, taken less seriously, and often not believed because of negative and racial stereotyping that occurred. Their experiences highlighted that everyday instances of sexual harassment added to the cumulative experiences of women and girls. Further, such experiences could include other forms of VAWG. There was a need to challenge and change attitudes around sexual harassment as emphasis was placed on young women themselves to 'police' their own behaviour in terms of places they frequented, what they wore, and how they conducted themselves. Victim-blaming played a big part and added to repeat victimisation.

Minoritised girls' / women's experiences of sexual harassment are exacerbated by the conditions of life and work they often confronted. For example, their migrant status creates unsafe work conditions for minoritised women exposing them to sexual harassment as an everyday occurrence but with little access to protection and support. As part of the experience of sexual harassment they were told that if they spoke, they would lose their jobs. The hostile immigration environment in the UK means that women fear detention and deportation because they are treated as immigration cases thus falling under surveillance when they should be afforded human rights protections.

There has been significant concern raised in the media about sexual harassment recently leading to mobilisation of diverse communities around the issue, addressing diverse forms of sexual harassment and its impact. This includes attainment of opportunity in employment and education outside the home, restrictions on movement in public space, increased intimidating, coercive and controlling behaviour among other factors.

Sexual harassment is an everyday experience for women and girls going to school, college or university, or to work, or participating in any activity outside the home. Upskirting is

³¹ House of Commons Women and Equalities Committee (2018). *Sexual harassment of women and girls in public places*. Sixth Report of Session 2017–19. [online] Available at:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/701/701.pdf> [Accessed 30 Oct. 2018].

³² "I'd just like to be free" - young women speak out about sexual harassment. (2016). [video] London: Imkaan/Purple Drum/EVAW.

the taking of a photograph up someone's skirt without their permission. This is a sexually invasive act and girls as young as 10 have been subjected to upskirting. Incidents of upskirting are increasing due to the availability of technology with many reports of incidents on public transport and other public spaces. Measures were introduced in a Private Members Bill inserting a new offence under Section 67 of the Sexual Offences Act 2003. Upskirting will now become a specific criminal offence with perpetrators facing up to two years in prison and more serious offenders being placed on the sex offenders register.

There is a cultural problem as girls and women's bodies are viewed as public property in a patriarchal system where inequality resides. In a YouGov study commissioned by the End Violence against Women Coalition, 85% of women had been subjected to sexual harassment in public space and 45% of young women were subjected to sexual touching. 65% of all women, regardless of age, said they had been subjected to sexual harassment. 75% of women also reported that they were under the age of 21 the first time that it happened. Research in the Girls Attitude Survey 2016³³ commissioned by GirlGuiding UK found that 37% of girls aged 11-16 experienced harassment in public spaces. The survey identified ways young women and girls were affected by sexual harassment with three quarters of girls aged between 11 and 21 saying they felt anxiety about experiencing sexual harassment which affected them negatively. For example, being self-conscious about what they wore, the public spaces they navigated and how they felt about their bodies. Sexual harassment in public spaces is racialised as stated above for example, the Fawcett Society's report 'Sounds Familiar'³⁴ found high levels of hostility and disproportionate targeting of Muslim women.

Sexual harassment is also faced by women in media and entertainment industries. A study commissioned by Women in Advertising and Communications London and the Advertising Association found rampant sexual harassment in the media industry with 1 in 5 women between the ages of 18 and 24 having been subjected to sexual harassment in the first few years of working in the media and advertising industry and 26% saying they were harassed in work. Those who had been subjected to sexual harassment refrained from reporting it out of fear of being fired or demoted.

³³Girls' Attitudes Survey 2016. (2016). [online] Available at: <https://www.girlguiding.org.uk/globalassets/docs-and-resources/research-and-campaigns/girls-attitudes-survey-2016.pdf> [Accessed 29 Oct. 2018].

³⁴ Fawcett Society (2017). *Sounds Familiar?*. [online] Available at:

<https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=fbf75b5f-ae4-4624-8df4-833ffcc1a2d7> [Accessed 26 Oct. 2018].

Gender discrimination manifests in many ways in the media and entertainment industries (including private business, science and technology). There is a lack of representation by women generally in various jobs in these industries and minoritised women are specifically underrepresented. Media and entertainment are industries where participants have a high public profile with job security and success being tied to the public profile. These are industries dominated by men with power, who are mainly white, and who have control of a vast amount of resources and studios with far reach to every element that comprises media and entertainment. For example, casting agents, producers, media outlets, and the publicity machinery among others. Recent highly publicised cases of sexual harassment and sexual violence have revealed that this power is wielded in oppressive ways to collude people within these industries, creating a culture of impunity for powerful perpetrators; to silence women and girls and to sideline, disrupt and dismantle careers and job prospects by labelling those who speak out as 'problematic' and 'difficult'. Women and girls in these industries experience a range of responses when discussing sexual harassment, amounting to backlash. The 'glass ceiling' within these industries, mirrors society, and it is not only gendered but also racialised, heteronormative and ableist. The significant difference is the public profile within these industries which challenges confidentiality practices when reports are made.

Minoritised women and girls within these industries not only face intersectional discrimination which creates invisibility for them, but they are subjected to ongoing harassment. The overall perception for minoritised women is that they are not taken seriously, and these concerns are mirrored in society generally. When sexual harassment is disclosed, the general attitude is 'business as usual'. Racialised attitudes to sexual harassment fit into a mindset in the industry that denies minoritised women roles and other jobs, that is based on promoting negative stereotypes and perpetuating other racialised myths based on inequality. The treatment of minoritised women and girls within the industry is parallel to minoritised women and girls everywhere with the only difference being that the industry is a microcosm of society more broadly. The power shift that is needed must address underrepresented, unheard voices of minoritised women and girls. A good example of how this is being done in the #TimesUp movement is by organising separate space for minoritised women to discuss their particular experiences of racialised harassment and exclusion in the context of wider structural issues, within the industry and in society more broadly.

In a comprehensive article by the Huffington Post called 'For Women Behind the Camera, Sexual Harassment is Part of the Job'³⁵, many employed by the industry move from job

³⁵ Fallon, C. and Gray, E. (2018). *For Women Behind The Camera, Sexual Harassment Is Part Of The Job*. [online] Huffington Post UK. Available at:

to job and jobs last short periods of time. This means that there are many elements that are contracted, from production and finance companies to legal representation and catering, which make the risk of sexual harassment higher because policies and guidance cannot be easily located in a single place of employment - making it difficult to implement single reporting structures. Accountability within these industries requires leadership within unions and other representative structures implementing a range of policies, guidance, training on sexual harassment and safe reporting and disclosure. This is necessary for a dramatic shift in culture, avoiding an approach defined as 'piecemeal' promoting a diffuse culture of enforcement.

In media and entertainment, the way that power is manifested needs to be considered in order to bring about a shift in culture. As these are industries with high public profiles, individual reputation of both the women and girl subjected to sexual harassment and the perpetrator are factors that come into play. For women subjected to sexual harassment, even if a disclosure is made, she faces intimidation, loss of livelihood and a permanent label on her public image that can affect her negatively and positively (depending on how she is perceived by the public). This makes confidentiality an important consideration so that even after the report is made, women and girls can continue to work and be protected from further discrimination, harassment, intimidation and backlash. Current guidance regarding confidentiality is weak. For example, women and girls in theatre can be exposed to ongoing sexual harassment. As theatre companies tend to be close-knit, all issues can be potentially out in the open which means that a woman raising a sexual harassment concern could easily be exposed to further behaviour that could potentially damage her 'reputation' and public persona in the industry.

While we have focused on examples in media and entertainment, we equally recognise that sexual harassment occurs across sectors and industries as stated above. In the sports sector for instance, the International Olympic Committee issued a Consensus Statement in 2007 that read, *"sexual harassment and abuse happen in all sports and at all levels. Prevalence appears to be higher in elite sport. Members of the athlete's entourage who are in positions of power and authority appear to be the preliminary perpetrators. Peer athletes have also been identified as perpetrators. Males are more often reported as perpetrators than females ... sexual harassment and abuse in sport seriously and negatively impact on athletes' physical and psychological health ... result in impaired performance and lead to athlete drop-out. Clinical data indicate that psychosomatic illnesses, anxiety, depression, substance abuse, self-harm and suicide are some of the serious health consequences."* In business, the Financial Reporting Council is currently consulting on a

corporate governance code with greater transparency on sexual harassment. Across sectors and industries, there are calls for a culture change towards achieving a gender balance and dismantling the 'boy's club', greater reporting and transparency, and improved monitoring and reporting of cases. These measures extend to all sectors and industries such as technology, science, academia among others, that are recognised as spaces where sexual harassment occurs, and disproportionately affecting women.

Sexual harassment is not illegal in the UK, but elsewhere there have been some good examples of legislation passed protecting women from sexual harassment. Peru passed a bill which categorises harassment as anything that affects another person's freedom and dignity of movement. It is intended to protect people from sexual harassment in public spaces. In 2014, Belgium passed a law posing fines and potentially imprisonment on those committing sexual harassment in public spaces; writing in law that sexism would be understood as "any gesture or act that, in the circumstances of Article 44 of the Penal Code, is evidently intended to express contempt for a person because of gender or that regards them as inferior, or reduced them to their sexual dimension, and which has the effect of violating someone's dignity".³⁶ Currently, in the UK, we have legislation which means it is a crime to expose oneself to another person in public, but there is no specific law that relates to sexual harassment and verbal harassment in public places.

- (9) The Alternative Bill proposes that sexual harassment be made a criminal offence. While the Equality Act 2010 covers sexual harassment in the workplace as a civil offence, it does not have any scope outside of work. Currently, there is a gap in legislation. This means that there is no proper legislation in the UK covering sexual harassment as a criminal offence. A specific criminal offence would define sexual harassment behaviour with clear guidelines, the identification of a dedicated safe person across industries and sectors with a specific remit, and guidance covering safeguarding, protection, safe reporting, safe disclosure, appropriate response, and consequences (whether to impose penalty and/or imprisonment with guidance to appropriate authorities). The law would make clear policies regarding confidentiality, safeguarding and safety for women subjected to sexual harassment especially in industries and sectors where a dedicated person, or safeguarding lead, is not conventionally found. As such we propose that there is a specific law regarding sexual harassment.

³⁶ 'Sexual Harassment is not Illegal in the UK' In Grazia Daily. 25.02.16.

(10) The Alternative Bill proposes that the following types are to be included in existing legislation:

- (a) Unwanted phone calls and messages, visits to the home and work, taking personal photographs, unwanted advances and persistent and distressing comments to be covered under the Protection from Harassment Act 1997 as this Act, in its current form, does not go far enough to protect women from sexual harassment.
- (b) Sending indecent, offensive and threatening letters, emails and messages on social media and text to be covered under the Malicious Communications Act 1998.
- (c) Unwanted touching by someone on public transport, to be covered under the Sexual Offences Act.

The Alternative Bill does not propose that changing the law alone will address sexual harassment. Changing the law must be part of a coordinated and combined approach fundamentally aimed at a change in the culture of society, and institutions and structure, and a shift in the balance of power in public and private space and in the workplace under a rights-based approach.

(11) The Alternative Bill therefore proposes that in addition to a new law criminalising sexual harassment, the following also occurs:

- (a) No such law should be implemented in a way that targets particular communities or that could be racialised or bring about increased policing of minoritised communities. This means that the law should include clear guidance to police and other agencies on the definition and categories of sexual harassment, an enforcement structure based on equal treatment and a framework assessing disproportionate impact. Without these provisions, such a law could potentially replicate inequality, exacerbate racialised experiences and unequal access of minoritised women and girls and result in further intimidation through the state. The proposed law should therefore comply with the following:
- (b) Specific measures within new legislation must address racialised experiences of sexual harassment (and any other forms of VAWG). This is in line with the Convention on the Elimination of all Forms of Racial

Discrimination Article 2(1)(c)³⁷ which clarifies that the state has the obligation “to review government, national and local policies and to amend or repeal any laws or regulations which have the effect of creating or perpetuating racial discrimination”. Measures must also offer support and redress for women and girls with protected characteristics as per the Equality Act 2010 who are subjected to harassment on the basis of experiencing intersecting oppressions, including for example disabled women and girls who experience ableist sexual harassment, and who in line with international convention³⁸ are entitled to protection from this harassment.

- (c) Human rights as ethical principles with legal dimensions create a mechanism for government to embed an approach to addressing sexual harassment. According to the human rights obligations of the UK state, the protection of rights and fundamental freedoms must be a governing principle in legislation. For example, sexual harassment prevents the full advancement of women and girls for the purpose of guaranteeing them the full and equal enjoyment of human rights. Rights, resources and opportunities for women and girls are guaranteed under the ethical principles. Human rights practices ensure that human rights violations are addressed through formal structures and that remedies as stated above, are secured for women and girls.
- (d) Within the proposed new law, advocacy addressing sexual harassment is included. In this context, advocacy means work that promotes and protects women’s rights, ensures that they are adequately represented and that their accounts of their experiences are listened to, believed and acted upon. The role of the by and for expert sector in this context is to provide women and girls with the advice, guidance and information they need and to serve as advocates in further promoting their needs, rights and protections.
- (e) Support provision addressing sexual harassment which can take many forms within by and for expert sectors.

³⁷ International Convention on the Elimination of All Forms of Racial Discrimination. (1965). [online] United Nation Office of the High Commissioner for Refugees. Available at: <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx> [Accessed 29 Oct. 2018].

³⁸ United Nations (2006). *Convention on the Rights of Persons with Disabilities and Optional Protocol*. [online] United Nations. Available at: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> [Accessed 29 Oct. 2018].

- (f) Awareness raising across the spectrum with public campaigns on sexual harassment as stated under primary prevention.
- (g) Compulsory education and awareness raising in schools beyond sex and relationship education. This should include the following elements: VAWG focused, human rights-based, addressing inequality and power dynamics and based on shifting attitudes and cultures of tolerance, normalisation and acceptance under a comprehensive VAWG early intervention and prevention approach. This could be led by the by and for expert sector.
- (h) Legal support to women to facilitate safe reporting and safe disclosure and offering workplace protections and safeguarding against further detrimental impact.
- (i) Making it easier to report sexual harassment to police which requires police training so that those subjected do not have to explain what sexual harassment is. This is backed by laws so that police have an appropriate framework for recording offences.
- (j) Within industry, to encourage governance codes and/or to improve and strengthen codes of ethics and conduct towards greater transparency on sexual harassment with clear indication of action to be taken to hold perpetrators to account.
- (k) Protection from sexual harassment in independent arrangements with contractors across the spectrum through a Code of Practice guidance agreed in law.
- (l) Where there is public money invested, there must be standards in place regarding sexual harassment, including inclusion and equality. These should be similar to current government contracts framework covering human trafficking.
- (m) Technology can be easily used to harass women and girls. Women and girls working in media and entertainment can be easy targets of anonymous posts and other campaigns to discredit them. Technology companies have corporate social responsibility to end a culture of complacency, complicity and impunity. Increased monitoring and direct action are proposed for technology companies to respond quicker to sexual harassment, introduce tighter restrictions on social media platforms and promote awareness raising to the general public. The government is required to penalise such

companies where failure to protect against sexual harassment, and other forms of VAWG, are evident.

Sexual Violence

There have been a series of laws addressing sexual violence and some of its impacts. The Abortion Act 1967 gave women abortion rights under certain conditions but excluded Northern Ireland. In 2016, women in England, Scotland and Wales still needed the approval of two doctors before they could get an abortion. Women in Northern Ireland could only have an abortion if they were at risk of death. In 1973, Rape Crisis Centres emerged across the UK providing coordination and support to affiliated member groups, to raise awareness of the issues of sexual violence in the wider community and with local, regional and national government. In 1994 the government recognised that rape in marriage was a crime and made it a criminal offence. In 1997, the Sexual Offenders Act was passed requiring sex offenders to notify police of personal details and any subsequent changes to them, resulting in a register of sexual offenders. In 2003, the Sexual Offences Act was passed creating 71 new offences including rape, sexual assault, child sexual offences, abuse of a position of trust, familial child sexual offences, offences concerning persons with a mental disorder, indecent images of children, 'child prostitution' and pornography, preparatory offences, exposure, voyeurism, and offences outside the UK. While not exhaustive, these laws defined the offences regarding sexual violence and key concepts aiding a deeper understanding of the circumstances in which sexual violence occurs. Despite these laws, there is significant protection to be considered.

The data below provides an indication of the problem of sexual violence in UK society referencing a number of different sources:

- London accounts for 15% of all recorded sexual offences in England and Wales.³⁹
- 75% to 95% of those subjected to sexual violence and harassment never report incidents to the police.⁴⁰
- Most women in the UK do not have access to a Rape Crisis Centre.⁴¹

³⁹ ONS. 2016. Crime in England and Wales.

⁴⁰ Ibid.

⁴¹ End Violence Against Women Coalition (EVAW) (2007). *Map of Gaps: the Postcode Lottery of Violence Against Women services*.

- Conviction rates for rape are far lower than other crimes, with only 5.7% of reported rape cases ending in conviction of the perpetrator⁴².
- Approximately 85,000 women and 12,000 men are raped in England and Wales each year equating to 11 rapes (of adults) every hour. Nearly half a million adults are sexually assaulted in England and Wales each year.⁴³
- Around 15% of those who experience sexual violence choose to report to the police.⁴⁴
- Approximately 90% of those who are raped know the perpetrator prior to the offence.⁴⁵
- 31% of young women aged 18 to 24 reported having experienced sexual abuse in childhood.⁴⁶
- In 2012-2013, 22,654 sexual offences against under 18s were reported to police in England and Wales with four out of five cases involving girls.⁴⁷
- 59% of girls and young women aged 13 to 21 said that in 2014 they had been subjected to some form of sexual harassment at school or college.⁴⁸
- Almost a third (29%) of 16 to 18 year old girls say they have been subjected to unwanted sexual touching at school.⁴⁹
- 41% of UK girls aged 14 to 17 who reported an intimate relationship were subjected to some form of sexual violence from their partner.⁵⁰

⁴² Kelly, Lovett and Regan. 2005. A Gap or a Chasm? Attrition in Reported Rape Cases.

⁴³ MoJ, HO, ONS. 2013. An Overview of Sexual Offending in England and Wales.

⁴⁴ Ibid

⁴⁵ Ibid.

⁴⁶ NSPCC. 2011.

⁴⁷ NSPCC. 2014.

⁴⁸ Women's Equality Committee. 2016. Sexual Harassment and Sexual Violence in Schools.

⁴⁹ Ibid.

⁵⁰ Ibid.

- 22% of young girls aged 7 to 12 have been subjected to jokes of a sexual nature from boys.⁵¹
- Nearly three-quarters (71%) of all 16 to 18 year olds (boys and girls) say they hear sexual name-calling with terms such as “slut” or “slag” used towards girls at schools on a daily basis or a few times a week.⁵²

The impact of sexual violence includes trauma and long-term mental health issues including post-traumatic stress disorder (PTSD) and anxiety. It also impacts retention, whether in education or work, as sexual violence disrupts everyday life circumstances and activity outside the home, and other participation activities and life chances.

The majority of sexual abuse that occurs is not reported to police because of the following factors: many women have experienced victim blaming and abuse minimisation with the overall experience with police being that they were ill-equipped to support their needs. Women reported that police tended to focus on her reporting the crime rather than the perpetrator’s conduct.

Schools have been particularly slow to respond to the number of incidents of sexual violence that occur against young women. They often fail to undertake investigation, fail to protect the young woman or girl, lack knowledge and confidence about what to do or to identify the issue, fail to report to outside agencies who can deliver support, and refer instead to the pastoral team which are equally ill-equipped to respond to sexual violence, treating incidents as disciplinary matters.⁵³ Further, experience from the by and for expert sector suggests that young women do not view schools as the appropriate place to deal with issues regarding sexual violence, preferring instead to report to local specialist women’s organisations for support. The reason for this is fear of further retaliation and becoming targeted if disclosures become known.

The above is supported by research on minoritised women which found that the range of sexual violence that minoritised women were subjected to is often hidden. Minoritised women feel that they only get the response they need when accessing specialist minoritised women’s ending VAWG services. Services for minoritised women subjected to sexual violence were seen to be extremely limited with none reported in many areas⁵⁴.

⁵¹ Ibid.

⁵² Ibid.

⁵³ The Women’s Equality Committee. 2016. Sexual Violence and Sexual Harassment in Schools.

⁵⁴ Imkaan and University of Warwick (SWELL) 2015. Between the Lines Research Briefing. Service Responses to Black Minority Ethnic Women and Girls Experiencing Sexual Violence.

Most provision was considered to still focus on domestic violence or incorrectly assume that the two issues could be responded to in the same way with the same tools and expertise. The engagement of minoritised women with mainstream services was identified as a concern and services were viewed as generally inaccessible. Some of these services believed that minoritised women could access all existing services, portraying a lack of insight into the complex issues that prevent women from disclosing sexual violence and accessing support. Others strived to offer support but recognised that specialist services for minoritised women locally and nationally, were currently not well developed. Research concluded “poor responses from statutory agencies, such as the police, health and social services, which were seen, too often, to be driven by personal beliefs and assumptions, which led to ‘victim’ blaming rather than support and protection. Young women and women under immigration/asylum control were considered more likely to encounter victim-blaming attitudes. The continuing tendency for some agencies to categorise survivors within a binary of innocent or blameworthy, for example, was viewed as a problem, which resulted in a ‘hierarchy of victims’, increasing the likelihood of discriminatory responses.”⁵⁵

Tech abuse is abuse done through mobile and internet sites, social networks, instant messaging and chat rooms among other online platforms used in abusive and exploitative ways. Examples of tech abuse include the following:

- Grooming of a child or young person undertaken by an adult by befriending and establishing an emotional connection to prepare the child for sexual exploitation and abuse by themselves or by other adults.
- Cyberbullying done on internet sites to threaten, harass and intimidate someone impacting their behaviour, participation in school and work and in other activities that would otherwise be normally enjoyed.
- Sexting in cases where mainly young women and girls are forced or coerced into situations where nude or semi-nude photographs are taken and distributed on social networks, mobile phones and other technology without their knowledge or consent. Sexting is a criminal offence if the person involved is a minor.

Online abuse, control through technology, technology misuse contributing to VAWG including grooming and sexual exploitation have been documented. The cases have the following common characteristics: young women and girls are not aware of the abuse

⁵⁵ Ibid.

occurring until it is too late and they have passed on personal information, photos and other information leaving them vulnerable. There is significant coercive and controlling behaviour occurring in such cases including emotional manipulation to force and coerce young women and girls to become involved in such acts leading to abuse and exploitation and this is essential in grooming behaviour. There is evidence of entrapment usually with a photograph that is used by the perpetrator to exercise control. There could also be a significant age gap between the victim and the perpetrator although this may not always be the case. In all of the examples above, the perpetrator may not have had any prior physical contact in order to perpetrate abuse or any contact at all during the period of the abuse. In some forms of tech abuse, for example sexting, images resurface resulting in repeat abuse over an indefinite period of time. Current safeguards on email, internet and on mobile phones have not been sufficient to address how the abuse occurs because technology moves very quickly and because of the existence of the dark web. Young people and children are particularly at risk because the safeguards are inadequate and because of the emotional and psychological nature of abuse and grooming that occurs.

- (12) The Alternative Bill proposes a clear policy stance on sexual violence that is part of a response to VAWG. It is important that sexual violence is not conflated with domestic violence or other forms of VAWG because of the specific ways in which the abuse occurs and the consequences on women and girls.
- (13) This also means that sexual violence must be resourced with specific funding to the by and for expert sector. Significant research has suggested that women prefer women only ending VAWG organisations for support, including young women and girls who prefer support in these agencies outside their school environment.
- (14) Appropriate support provision must be embedded in VAWG and delivered by the by and for expert organisations. The reason for this is that VAWG is a 'push' factor creating further vulnerability for young women and girls. For example, if there is domestic violence in the household, then this potentially creates vulnerability for the young woman which is detected by perpetrators who use her situation to perpetrate sexual violence. Incidents of online abuse and exploitation increase where these factors exist.
- (15) Ongoing training and awareness raising as part of a comprehensive prevention strategy. This should address attitudes of victim blaming across agencies, sectors and industries and highlight a clear definitional framework of sexual violence and appropriate responses.

- (16) Prevention and awareness and increased protection through e-safety from tech abuse. This must include all sectors and industries with clear guidance to specific sectors like education, on security and safety risks.
- (17) Technology companies have a role to play in preventing VAWG through detection, improved monitoring, understanding how technology can be used in abuse, and putting in place safeguards to protect, often very young, victims. Technology companies do not have free reign in the Alternative Bill through the lack of accountability and responsibility for the way their product is used.
- (18) Professionals across the sectors and industries need to improve their response to sexual violence in all of the ways that it occurs. Training and professional development must include prevention, provision and protection. This is extended to governance arrangements whether formulated as codes of ethics and conduct, or other governance statements making it clear of the zero-tolerance position and effective response, dismantling the institutional culture of impunity that exists.

There must be closer working inclusive of the by and for expert sector addressing sexual violence. In fact, the by and for expert sector are viewed as critical to all aspects of response to sexual violence, including frontline provision to women, as all research points to the need for adequate and appropriate support.

Women are not reporting sexual violence because of the inappropriate treatment they receive when they report, which amounts to their repeat victimisation by the system (hence the state under current convention). To address this, we have already highlighted the need for training and awareness raising, and safe reporting and safe disclosure. However, change will occur gradually. The by and for expert sector is proposed as safe reporting and safe disclosure sites because they are able to provide holistic woman-centred support that aids in recovery as highlighted elsewhere in this document. This proposal can exist alongside a wider partnership and multi-agency approach that is VAWG embedded. This means that police are not support agencies and must refer to the frontline providers as stated above in order to have a coordinated and appropriate response framework which will enhance reporting.

The Alternative Bill proposes a new VAWG Duty to be introduced. The new VAWG Duty along with the Public Sector Duty of the Equality Act 2010 must work in alignment. That is, addressing discrimination when it occurs and VAWG as a form of discrimination as described in this document. Regarding sexual violence, discrimination is institutional,

functioning to prevent reporting. The above proposals are therefore embedded in equalities and supported by a robust VAWG Duty.

Women with Insecure Immigration Status, No Recourse to Public Funds and Migrant Women

We propose a strengthened rights-based approach to apply to all women and girls subjected to VAWG regardless of their immigration status. This group includes all women and girls with insecure immigration status, women with NRPF and migrant women, ending once and for all the discriminatory practices that deny women the support they need. Currently, when women have presented to statutory agencies, they have feared detention and deportation. Notions of the 'deserved' and 'undeserved' that create bias and prejudice in our social policies and perpetuate a hostile environment must be addressed.

Section 115 of the Immigration and Asylum Act 1999 states that a person will have "no recourse to public funds" if they are "subject to immigration control". This includes people resident on the basis of a spousal visa, student visa, or with limited leave granted under family or private life rules. For women with NRPF who have been subjected to VAWG, this rule restricts their access to statutory duty of care including housing because they do not qualify for housing benefit. In these cases, the immigration status of the woman is considered to have primacy over the experience of VAWG to which she has been subjected in this country. For women with other insecure immigration status, they have equally been viewed as immigration cases. A good example of how this occurs is with the 'right to rent' checks that were rolled out in 2016, under the Immigration Act 2014. This means that landlords and estate agents are duty bound to check the immigration status of prospective tenants and lodgers, and failure to do so results in fines and imprisonment. The impact of this, as documented by the Joint Council for the Welfare of Immigrants (JCWI) is that landlords are less likely to rent a property to someone without a British passport, or who had a 'foreign sounding name'. This legislation impacts migrant women seeking to leave situations of violence as they faced additional barriers to housing.

Multi-Agency Risk Assessment Conferences (MARAC) were established following the implementation of the Domestic Violence, Crime and Victims Act 2004. The purpose of MARACs was to share information regarding the safety, health and wellbeing of survivors of violence and their children; to address risk and potential risk including perpetrator risk to the community; and to prevent repeat victimisation. In some local authority areas MARACs is being used as a forum to disclose women's immigration status. Such disclosures have been justified as a safety consideration with agencies and the police

stating that deportation is a safety measure, removing the woman from the country where she is subjected to abuse. In some MARACs and at One Stop Shops, immigration officials and Home Office staff are present to receive reports of women with insecure immigration status.

Information sharing that is detrimental to women's safety, preventing women from reporting violence and seeking support is also occurring by police. The [Step Up Migrant Women](#) UK campaign found, through a Freedom of Information request, that from 45 police forces around England, more than 50% shared victims' details with the Home Office for immigration control purposes and only 3 avoided handing over such information. These measures have created an unsafe culture of reporting to police and statutory agencies because women fear detention, deportation and greater policing, reinforcing a hostile environment against women in particular circumstances. Rule 35 of the Detention Centre Rules 2001⁵⁶ covers the release from detention of torture survivors and vulnerable people viewing this as a primary safeguarding measure. This Rule advises that people who have been subjected to VAWG "should not normally be detained" or "can only be detained when immigration factors outweigh their indicators at risk". In practice, adherence to Rule 35 is inconsistent and many women subjected to VAWG remain detained and at risk of deportation.

Immigration status checks in the health sector were rolled out in under the NHS Charging Regulations 2015⁵⁷ and the 2017 Amendments⁵⁸. These regulations require people seeking non-urgent care to prove their entitlement to free NHS care at the point of delivery. People who cannot prove eligibility will be charged up to 150% of the cost to the provider for services. The impact of this legislation is that migrant women are deterred from accessing vital health services - including contraceptive and maternal care - which are often a crucial point of identification and referral for survivors of violence.

The rights of women after Brexit is an issue of additional concern. Currently, if a migrant woman's relationship with a mobile EU citizen breaks down because of domestic abuse and the woman concerned is herself an EU citizen, she can remain in the UK (and continue to work and potentially access welfare benefits) on the basis of her own European free movement law rights. If the woman concerned is a third-country national (from outside the EEA) and she is married/in a civil partnership with the mobile EU citizen then, while she remains married/in a civil partnership, she continues to benefit from the rights that

⁵⁶ Home Office (2001). *The Detention Centre Rules 2001*.

⁵⁷ The National Health Service (Charges to Overseas Visitors) Regulations 2015.No. 238.

⁵⁸ Explanatory Memorandum To The National Health Service (Charges To Overseas Visitors) (Amendment) Regulations 2017.no. 756.

the mobile EU citizen has, even if she is living separately from him/her. If the third-country national's relationship with the mobile EU citizen ends in divorce/dissolution and she experienced domestic violence then, under Article 13 Citizens' Directive/Regulation 10 of the Immigration (European Economic Area) Regulations 2006, she may be able to retain her rights of residence. There are concerns about the government's approach to equality and the protection of rights, in particular relating to the funding of women's services, after Brexit. According to a report published by the Oxford Human Rights Hub "unlike other jurisdictions, the right to equality in the UK is not protected by a constitutional bill of rights but is instead governed entirely by parliamentary legislation. Currently, this is remedied by EU law, which treats the principle of equal treatment as a fundamental legal norm. Without the binding force of EU law, there is no obstacle to Parliament repealing or undermining the right to equality, currently largely contained in the Equality Act 2010. With the financial pressures that could arise upon leaving the EU, there is deep concern among equality-seeking groups that equality rights will be sacrificed for political and economic interests."

Failing to support the needs of these women, fails society. Article 59 of the Istanbul Convention states that victims whose residence status depends on that of the violent spouse or partner, in the event of marriage dissolution should be granted autonomous residence permit (or independent residence status). No woman should be turned away and her immigration status must not dictate her treatment by local authorities and before any government agency. The immigration policy of this country does not create the perception of safe reporting or trust for women with insecure immigration status, NRPF or migrant women.

(19) The Alternative Bill proposes the following:

- (a) Create a single VAWG policy framework as proposed in this Alternative Bill that protects and supports all women and girls regardless of their immigration status.
- (b) Put an end to data sharing policies when victims approach the police as this acts as a deterrent for many women in need of support and places women at risk of detention and deportation.
- (c) Strengthen and reinforce Rule 35 of the Detention Centre Rules 2001 ending the detention of women subjected to VAWG and ensuring her access to safe pathways and the support she needs without obstacle.
- (d) Reinforce Article 59 of the Istanbul Convention to grant women who have been subjected to VAWG with independent resident status enabling her

access to all that this implies including access to healthcare, housing and benefits that will offer her the protection and safeguarding she needs.

- (e) Ensure that women and girls have access to safe reporting pathways which are made up of the by and for expert sector, statutory pathways including the police, GPs and health services among others enabling women to 'choose' where and how they report.
- (f) Reporting and community profiling occur together, as women from specific communities are racially profiled and targeted by law enforcement bodies without any regard for their safety and security from the experience of violence. The act of profiling is racialised and prevents women subjected to VAWG from accessing support. This act must stop altogether replaced by a safe pathways approach.
- (g) Abolish the No Recourse to Public Funds Rule for women subjected to VAWG. Women in this country should have access to safety from violence and abuse regardless of their immigration status. The Alternative Bill embraces a human rights-centred focus for women and girls subjected to VAWG so that all women and girls with any form of insecure immigration status are supported. Women with insecure immigration status inclusive of NRPF have been viewed as immigration cases by local authorities and central government. Their needs have been neglected and their human rights violated. The Alternative Bill calls for an end to such practice and an end to any state mechanism that could potentially result in such practice. This implies that policy must be impact assessed to ensure that it is safe for all women and this practise is in line with equality impact assessments.
- (h) Secure pathways to safe refuge accommodation supported through housing benefit.
- (i) Introduce additional safeguards for women under the 'right to rent' checks scheme so that women in need of housing subjected to VAWG are not denied access due to their immigration status. In addition to these safeguards, minoritised women generally must not be discriminated by this scheme due to their race, ethnic, and cultural backgrounds, among other backgrounds that could be arbitrarily scrutinised by landlords.

- (j) Reverse the requirement for health checks under the NHS Charging Regulations 2015⁵⁹ and the 2017 Amendments ensuring women are provided with access to vital health services within the publicly funded NHS without the imposition of user fees. This is crucial for women, regardless of their immigration status, who have been subjected to VAWG.
- (k) Provide rights-based information, guidance and support in the visa application for foreign spouses so that they are equipped with the information they need, when they need it. This includes information about their partner's previous marriages, or where their partner has supported any previous spousal visa applications through the visa application process.
- (l) Improve the assessment and response to curtailing spousal visas for foreign spouses when a partner claims that a marriage has ended due to domestic abuse.
- (m) Provide temporary visas to protect women's re-entry to the UK in cases where women who have entered the UK on a spousal visa and then are taken to another country and abandoned.
- (n) Allow easier evidence gathering processes that involve the by and for expert sector, as well as other agencies comprising the statutory sectors. The by and for expert sector is well-equipped and experienced in receiving disclosures and can provide the necessary advocacy to women to ensure that they get the protection, safeguarding and services they need.
- (o) Provide safe pathways to legal frameworks without creating undue pressures on women. Police are not support agencies. Police can liaise with the by and for expert sector and statutory services to support women while focusing their energies on their investigative powers when reports are made.

Women Law-breakers and Women Leaving Prison

The Alternative Bill proposes a number of measures to address the needs of women law-breakers under a comprehensive VAWG framework. The Alternative Bill recognises the links between crimes committed by women who break the law and how they are subjected to VAWG, as there is evidence that VAWG could lead to offending behaviour.

⁵⁹ The National Health Service (Charges to Overseas Visitors) Regulations 2015.No. 238.

The Lammy Review 2017⁶⁰ was an independent review of BME representation in the criminal justice system with the following findings:

- There was a high proportion of women prisoners who had been subjected to violence “with resulting trauma and psychological damage”.
- The majority of women law-breakers tended to commit non-violent crimes that could be addressed through means other than imprisonment.
- Law breaking was also viewed as a form of coping with VAWG, therefore it needed to fall within a wider coping strategy recognising the function of the behaviour as survival from VAWG.
- Women law-breakers are punished with imprisonment and the contributing factors are not considered, leaving them without the support they need, making them more vulnerable, leading to mental and emotional health problems and silencing them through barriers including stigma.
- Women law-breakers also experience loss of child contact where the child is removed from their care, creating added pressures and anxieties about the welfare of the child.
- Children of women law-breakers can experience neglect because her parenting capacity is diminished. Under a VAWG approach, parenting capacity needs to be supported through positive coping and building her confidence.
- Economic abuse is also a common feature as part of VAWG which can occur through benefit fraud, both actual and false reporting by perpetrators, and exposure to financial arrangements that are harmful to her, leaving her destitute and vulnerable. As such, some offending behaviour may be related to addressing economic poverty.

A 2018 report by INQUEST⁶¹ highlights the inaction from successive governments on preventing deaths in prison. The report proposes a series of recommendations for

⁶⁰ The Lammy Review An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System. (2017).

⁶¹ INQUEST (2018). *Still dying on the inside: examining deaths in women's prisons*. [online] Available at: <https://www.inquest.org.uk/Handlers/Download.ashx?IDMF=8d39dc1d-02f7-48eb-b9ac-2c063d01656a> [Accessed 30 Oct. 2018].

closing women's prisons by redirecting resources from criminal justice to community-based services.

Law breaking by women and girls is linked to VAWG and part of the power and control dynamic exercised by perpetrators that lead to her offending. While there has been an escalation in the women's prison population, community services have reduced due to austerity cuts. This means that women are not offered the adequate level of support they need whether in prison or upon release.

For women who break the law, there has to be comprehensive assessment that takes place in line with woman-centred, trauma-informed, needs-led, holistic, wrap-around support. This will enable organisations to determine her level and degree of vulnerability and need, to better understand the reasons for her behaviour, to address trauma from sexual abuse and exploitation, and to support her with child contact and custody following her release.

Women law-breakers need to be viewed differently, taking account of all factors specifically related to VAWG. While this calls for multi-agency working, the by and for expert sector is vital to provision. These organisations can de-institutionalise her experiences of intervention as she would have had sufficient formal institutional contact in prison which would amount to reinforcement, criminalisation and punishment. The by and for expert sector can break this cycle of intervention occurring through institutionalisation and ensure prevention through adequate support.

- (20) There needs to be improved links between family and criminal courts so that women are better supported, their family context taken into consideration and the needs of their children are addressed. Other links that would be appropriate to consider will be between the courts and immigration authorities to prevent repeat victimisation through the system. This is important as many women held in detention are released but experience trauma after release because of the abusive nature of the system leaving her vulnerable and at risk to further violence against her.

Regarding early assessment, the Offender Health Research Network at the University of Manchester developed the Comprehensive Health Assessment Tool (CHAT), a standardised approach to screening and assessment for all young people (11 to 18), used to build up a comprehensive picture of any health problems they face. The Lammy Review 2017 recommends that "the prison system, working with the Department for Health (DH), should adopt a similar model [to CHAT] for both men and women prisoners, giving

prisons a greater chance of identifying the multiple and complex problems that prisoners arrive with, whatever their ethnicity”.

The Prison Reform Trust 2017 report '*Counted Out: Black, Asian and Minority Ethnic Women in the Criminal Justice System*'⁶² highlights that failures in data collection and data disaggregated by both gender and race continues to be a barrier to improving provision for BME women in the criminal justice system. As such, these women are falling under the radar and not receiving the adequate support that they need. As the system fails to support their specific needs, it also fails to address them equally under the law.

The Female Offender Strategy 2018⁶³ sets out a vision that custody should be a last resort, and that women should be supported to address 'offending behaviour' in community settings. The 2018 strategy outlines a need to see "more support for vulnerable women in the community and more measures to divert women from coming into contact with the CJS". The strategy includes funding under the Female Offender Community Investments Fund and funding to support women lawbreakers who have been subjected to domestic violence. The 2018 strategy includes a commitment to replacing Prison Service Order (PSO) 4800 with a Women's Policy Framework. The aim will be to expand the focus from working with women in prison to guidance for working with women throughout the CJS. The strategy places emphasis on the need for Pre-Sentence Reports (PSRs) to capture the complexity of an offender's circumstances, and to "include details of an offender's circumstances, such as any dependents, and mental health or domestic abuse issues." The Strategy notes: "to improve our own assessment processes, we have developed a new PSR interview checklist (built upon the Republic of Ireland gender-informed tool and the NPS North East divisional pilot) for probation court staff, which aims to ensure that the right questions are asked so that good assessments are made." Her Majesty's Prison and Probation Service (HMPPS) is already committed to working with BME oriented organisations on implementing the 2017 Lammy Review's Recommendation 31⁶⁴ to overcome barriers to subcontracting between Community Rehabilitation Companies (CRCs) and BME communities to help share good practice. The Strategy acknowledges that the necessity for tailored approaches is even more acute for BME women, or women with experience of trauma. Given the overrepresentation of BME women in the criminal justice system, CJS and the proportion of women law-breakers subjected to domestic violence, the prison workforce, environment and interventions must respond more effectively to their individual needs (this includes a move towards

⁶² Prison Reform Trust (2017). *Counted Out: Black, Asian and Minority Ethnic Women in the Criminal Justice System*. [online] Available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Counted%20Out.pdf> [Accessed 29 Oct. 2018].

⁶³ Ministry of Justice (2018). Female Offender Strategy.

⁶⁴ Ibid.

piloting 'trauma-informed' approaches to working with women law-breakers). Imkaan supports the proposals put forward by INQUEST in their 2018 report, *Still Dying on the Inside*, including, *"INQUEST's work has led us to the conclusion that prison should be abolished as a response to women who break the law, save for a minute and wholly unrepresentative micro-minority of women, who even then need a dramatically new form of intensive disposal and treatment. Instead, investment should be made in community-based alternatives to criminalisation and punishment"*⁶⁵

(21) The Alternative Bill proposes the following:

- (a) Training for all those involved in addressing women's offending from the police, criminal justice system, Crown Prosecution Service (CPS), judges and probation, among others. This should provide a better understanding of offending behaviour by women, following recent research as highlighted above, links to VAWG and an account for multiple intersectional need.
- (b) Improved sentencing guidance taking the full breadth and depth of her experience into account including support needs, vulnerability factors and others.
- (c) A more comprehensive approach to assessment of multiple intersectional needs that could build off the early stage CHAT approach and woman-centred, trauma-informed, needs-led, holistic, wrap-around support approach with a view to preventing imprisonment and strengthening support provision.
- (d) Link family and criminal courts when there are women lawbreakers to ensure that maximum protection for women and their children is considered in sentencing
- (e) Safety planning recommended by courts with clear oversight protecting women and children and exercising the orders under the existing regime as these are already available and cover protective provisions adequately.
- (f) Safety planning at release stage under a multi-agency approach inclusive of the by and for expert sector.

⁶⁵Still Dying on the Inside: Examining deaths in women's prisons (INQUEST, May 2018) <https://www.inquest.org.uk/still-dying-on-the-inside-report>

Women Involved in and Exiting Prostitution

Prostitution remains a highly contested and polarising issue, including amongst ending violence against women and girls experts. While the debates about prostitution vs. sex work continue, we are mindful that women and girls are routinely harmed within the 'sex industry'. For many women prostitution is an exploitative and oppressive activity which is linked to poverty and other inequality. Many women involved in prostitution experience violence which has long-term physical health, mental health and socio-economic consequences. It is therefore critical that women are able to access safety, support and justice.

For a better understanding of the scale and scope of the issue, we refer to the work of the [End Violence Against Women Coalition \(EVAW\)](#), which has pulled together research⁶⁶, which demonstrates that the UK is a significant site of international and internal child trafficking with the majority of trafficked children in the UK aged 14 to 17. Girls who are trafficked to the UK are trafficked for sexual abuse and exploitation.⁶⁷ 19% of women involved in prostitution in flats, parlours and saunas are originally from the UK.⁶⁸ 80,000 women involved in 'on-street' prostitution in the UK with the average age of women becoming involved being just 12 years old.⁶⁹ 85% of women involved in prostitution report physical abuse in the family and 45% report familial sexual abuse.⁷⁰ 75% of children abused through prostitution had been missing from school.⁷¹ As many as 60 women involved in prostitution have been murdered in the last 10 years.⁷² From this data, a common experience is women subjected to VAWG including child sexual abuse and exploitation. According to WHEC, many women involved in prostitution experience a range of complex multiple intersecting issues including problematic drug use. Overall, many women involved in prostitution report having poor access to health services of any kind but have a history of sexual and domestic violence.

It is important to recognise that the boundaries between childhood and adulthood are routinely blurred in much of the 'sex industry'. For example, child sexual exploitation is

⁶⁶ The data here is referenced to the EVAW website which has brought together an array of resourced highlighting the problem. Each source is individually referenced, as per the website, to signpost the reader to further information.

⁶⁷ CEOP. 2009. Strategic Threat Assessment: Child Trafficking in the UK.

⁶⁸ The Poppy Project. 2004. Sex in the City: Mapping Commercial Sex Across London.

⁶⁹ Home Office. 2004. Paying the Price. A Consultation Paper on Prostitution.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

often a route into prostitution. In addition the violence inflicted on women involved prostitution can also have impact on their children (both directly and indirectly).

- (22) The Alternative Bill proposes a comprehensive framework of support to women involved in, and wishing to exit prostitution and other activity that falls into the 'sex industry'. This framework must cover judgement-free delivery of services under a VAWG focused approach (as described elsewhere in this document) regardless of a woman's migrant status. The service delivery framework must include emergency medical treatment, ongoing health and sexual health provision, mental and emotional health provision, treatment to address problematic substance use, legal advice, advocacy, safe provision for immigration and asylum-seeking women that does not involve detention and/or deportation, education and employment services to break the cycle, financial assistance, and services for children affected by prostitution and trafficking. The by and for expert sector must be included in the economy of provision. The needs of minoritised and marginalised women is paramount to the whole provision of support.
- (23) The Alternative Bill proposes the delivery of an awareness raising campaign, alongside supporting women involved in, and seeking to exit, prostitution. These messages must be available in public spaces; this is incumbent upon the state understanding the exploitation which exists within the industry, which affects women and children.
- (24) The Alternative Bill proposes an improved understanding in policy and local strategy about the experiences of women involved in prostitution and the broader 'sex industry'. This requires awareness raising and training among professionals to re-focus the system on addressing the needs of women, ensuring that authorities understand the ways in which women and children can be forced into this industry, including where insecure migration status can cause the conditions of vulnerability.
- (25) The Alternative Bill proposes that local authorities develop services that help women involved in and seeking to exit prostitution.
- (26) The Alternative Bill proposes enhanced awareness for the police and criminal justice system, affording women involved in and exiting prostitution with safe pathways to support and preventing criminalisation and repeat victimisation through the system. This calls for a comprehensive training and awareness raising programme for authorities.

- (27) The Alternative Bill proposes sustainably funded refuges and safe houses for women exiting prostitution delivered by the by and for expert organisations.

Children Impacted by VAWG

There is significant legislation and policy that covers the state's responsibilities towards the child. In 1991, the UK government ratified the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) adopted by the United Nations General Assembly in 1989 as an international agreement that protects the rights of children and provides a child-centred framework for the development of services to children. Covered in the articles of the Convention is the child's right to protection. This includes safeguarding against all forms of abuse, neglect and exploitation including special care for refugee children, children in the criminal justice system, protection for children in employment, and protection and rehabilitation for children who have experienced exploitation and abuse of any kind. The degree and level of protection identified in the Convention suggests a comprehensive approach protecting children from all kinds of violence as would be consistent with a VAWG approach.

While we have presented the need for a broad definition of *violence against women and girls*, most law covering the rights and protections of the child in the UK makes specific reference to domestic violence. This term is used in this section as it is referenced in existing legislative and policy frameworks. However, it is clear that children are affected by all forms of what is called gendered violence as suggested in the Convention stated above and all safeguarding and protection measures need to adequately account for the impact of harm on the child, under the broader definition of VAWG as applied in this bill. This includes the specific ways that girls and young women are targeted through different forms of sexual violence (including sexual harassment and child sexual exploitation), female genital mutilation, forced marriage and 'teenage relationship abuse'.

Examples of protections and safeguarding include the Children Act 1989 which was the first childcare legislation to take into account the child's religious, ethnic, cultural and linguistic background. The aim of taking such backgrounds into account was to ensure appropriate protections for children and non-discrimination. The guiding principle of the Children's Act 1989 is that the child's welfare is paramount as contained in Section 47 of the Act, placing a duty on agencies to help the local authority social services with its enquiries in cases where there is reasonable cause to suspect a child is suffering or likely to suffer significant harm. The Children's Act 1989 also identified that a child witnessing domestic violence is likely to be at risk of suffering significant harm. However, funding to support children affected by domestic violence especially to the by and for ending VAWG sector has fallen short. In addition, funding for specialist women's organisations

delivering services to girls and young women subjected to VAWG has also been piecemeal or non-existent. Changes in legislation e.g. creating a specific offence of forced marriage, or extending the definition of domestic violence to include 16 year olds, have not been met with appropriate levels of funding.

Evidence from frontline work of the by and for expert organisations have documented that children affected by domestic violence experience the following impacts: trauma from observing violent events in their home, risk of being abused themselves, and neglect because the primary caregiver who is usually the mother experiences diminished parental capacity as a result of the violence she suffers. For the mother, among other impacts of domestic violence, she may experience a loss of confidence, depression, feelings of degradation, problems with sleep, isolation, and increased use of medication and alcohol which affect her parenting ability. If she is physically injured, then this is likely to affect her physical ability to meet the child's needs. Parenting capacity may also be reduced due to the negative effects of domestic violence on the mother's mental health. Children living with domestic violence have higher rates of depression, distress, trauma symptoms, and behavioural/cognitive problems than other children. Evidence suggests that witnessing domestic violence may be as harmful to children as suffering physical abuse. The definition of 'harm' used in care proceedings under the Children Act 1989 includes all of the above as examples of impairment caused by seeing or hearing the abuse of another person. Therefore, merely witnessing an act is likely to be harmful to the child. Children may also be directly affected if caught up in domestic violence if they are physically or verbally assaulted. Further, domestic violence in a home can be an indication that child abuse is also taking place under the same roof. Research has consistently shown that a significant proportion of children living with domestic violence are themselves being abused - either physically or sexually - by the same perpetrator. Nearly three-quarters of children subject to a Child Protection Plan live in households where domestic violence is occurring. An analysis of Serious Case Reviews found evidence of past or present domestic violence in 53% of cases of children.

Under Section 11 of the Children Act 2004, government bodies and agencies must "make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children". This applies to a wide range of bodies, including children's services, Strategic Health Authorities, Primary Care Trusts, NHS Trusts and Foundation Trusts, and police authorities (including transport police). However, the by and for expert organisations are often on the frontline in providing support to children affected by domestic violence and as local VAWG providers, have a significant role to play in early identification, notification and support provision. These agencies are also well placed to navigate a child and their mother through the safeguarding and child protection

system by delivering support to prevent repeat victimisation and/or ongoing occurrence of trauma that could result when interacting with public bodies.

Legislation covering protection for the child extends beyond the Children's Acts 1989 and 2004. For example, Section 5 of the Domestic Violence, Crime and Victims Act 2004 makes it a criminal offence for a person to cause or allow the death of a child or vulnerable adult in the household. Chapter 11 of Working Together to Stay Safe 2010 sets out government guidance on how organisations and individuals should work together to safeguard and promote the welfare of children and young people in accordance with the Children Act 1989 and the Children Act 2004 and calls on services for children and families and young people to take a proactive, collaborative approach to identifying and responding appropriately to domestic violence. Children and families and adolescents experiencing domestic violence are likely to need well targeted support from a range of different agencies. This makes explicit the need for by and for ending VAWG including minoritised women and girls' organisations. Revised guidance on Working Together to Safeguard Children 2013⁷³ strengthened provision for a child-centred approach. The Equality Act 2010 places responsibility on public authorities to have due regard to the need to eliminate discrimination and promote equality of opportunity. This applies to the process of identification of need and risk faced by the individual child and the process of assessment. No child or group of children must be treated any less favourably than others in being able to access effective services which meet their particular needs.

The Alternative Bill recognises the significant body of legislation and other measures to safeguard the child however there are significant gaps in the child protection and safeguarding system. There are barriers to support that have not been addressed under the current framework of legislation. It is equally recognised that such barriers may exist due to the following reasons:

The impact of domestic violence on children is often overlooked especially at early stages where through early intervention and prevention, harm to the child can be reduced and the child's safety can be considered as 'paramount' under the Children's Act 1998. The Working Together to Stay Safe 2014 guidance recognised that safeguarding systems were not child centred and failings resulted from losing sight of the needs and views of the children or placing the interests of the adult in the household ahead of the needs of children. In the context of domestic violence, this means that the system was geared to

⁷³ Department for Education (2013). *Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children*. [online] Available at:

<http://webarchive.nationalarchives.gov.uk/20130403204422/https://www.education.gov.uk/publications/eOrderingDownload/Working%20Together%202013.pdf> [Accessed 30 Oct. 2018].

placing the interests of the perpetrator ahead of women and children hence the need for a VAWG approach.

Due to racism and other discrimination, children are made invisible by statutory agencies and institutions that should offer support under their duty. For children from minoritised groups, they experience abuse due to gender differences which were not just found in family and community structures but also reflected in safeguarding systems, racism and experiences of 'othering' when approaching or being approached by statutory services, not being believed when reporting abuse, and exacerbated by the 'hostile' environment. The idea of cultural nuance and cultural specificity, when misunderstood by statutory services, resulted in a system of over and under—representation of children in the looked after system or children in care.

Local authorities, under section 10 of the Children Act 2004, are required to promote effective early intervention. However, the emphasis on the criminal justice system, community policing and surveillance make such a system difficult in safeguarding children.

The lack of culturally literate services for example, due to weak local authority adherence to positive partnerships with minoritised women and girls' organisations, means that children are isolated and alienated within the care system.

Many provisions within legislation such as the welfare checklist introduced in the Children's Act 1989 can be used in ways that further exclude the voice of the child or marginalise the child due mainly to professionals' lack of understanding about the family context and experiences of the child.

The concept of parental responsibility in the Children's Act 1989 may not fully consider the impact of domestic violence on the primary caregiving parent who is usually the mother, who herself may be affected by domestic violence and experience diminished parental capacity.

The emphasis on the criminal justice system and prosecution means that children are left with limited options for support and can fall under the radar. It is critical to adopt a VAWG focused response to children. Sentencing guidelines of perpetrators alone will not ensure that children are protected and safeguarded. Most children are at risk after separation of parents and during child contact arrangements where the most serious case reviews have revealed physical and sexual abuse of children, manipulation, controlling and coercive behaviour and other harmful behaviour by the father towards the children. The protections for children cannot start with sentencing guidelines but must be available along the way, especially when women leave violent relationships. The whole of the child

care, safeguarding and protection system must be based around a VAWG focused response.

- (28) The Alternative Bill proposes the following measures to strengthen the child protection and safeguarding system in line with a comprehensive approach to VAWG in the context of this document:
- (a) Children's social services adopt the VAWG definition as a comprehensive and holistic framework.
 - (b) Funding for children's services delivered by the by and for expert organisations. This includes funding for specialist provision for girls and young women in BME led ending VAWG organisations and in Rape Crisis centres. This also includes funding for children's and young women's services in for by and for refuge provision. These organisations support women and children experiencing VAWG, deliver refuge accommodation services which also accommodate children, and have developed integrated systems that can incorporate the needs of the child.
 - (c) The impact of violence on children is not understood in policy, especially minoritised children whose experiences of discrimination outside the family are made invisible by the system. A children's rights-focused public policy is needed that safeguards children from harm. This must be aligned with a comprehensive approach to VAWG as outlined in this Alternative Bill.
 - (d) There is considerable research on emotional abuse, neglect and harm to children in households where there is domestic violence and the vulnerabilities that this situation produces for children. The response to VAWG must not be focused on the criminal justice system only, there must be preventative and early intervention work along the way. The by and for expert organisations should be viewed as local VAWG providers in this context. These organisations work under support frameworks that prevent escalation. This will enable society generally to prevent such harm to children rather than dealing with the after effects and consequences (which is the way the current child protection and safeguarding system is designed) which can have a lifelong impact.
 - (e) We continue to see an over representation of BME children in care and an under-representation of these children receiving effective intervention. BME children are still pathologised, institutionalised and criminalised. These practices are damaging to children. We therefore recommend a

system-wide review placing children at the centre of the review and ensuring their voices are heard. We are equally concerned about children who are carers, children experiencing any form of diminished parenting capacity due to VAWG, and children in other situations of vulnerability due to VAWG. There are two critical responses here as stated above – a children centred approach and a role for by and for expert organisations which would result in more efficient use of resources.

The Alternative Bill considers that addressing the above will take time and will require a separate review. In the context of the Alternative Bill, we consider the rights of the child paramount in children's experiences of VAWG. We consider it appropriate that until such a review framework is agreed and implemented, that the by and for ending VAWG organisations are fully funded. This will enable them to support children and intervene with statutory child protection and safeguarding as local VAWG providers to avoid any delays for children.

Working with Boys and Men Survivors of Violence

The by and for expert sector already works with boys who are survivors of all forms of VAWG, including domestic violence, in refuge accommodation. As stated above, children are harmed when domestic violence occurs within the home and they flee domestic violence with their mothers to safe accommodation in refuges. A high percentage of all children accommodated in refuges are boy survivors. Further, children are at ongoing risk where child contact arrangements and child custody are in place, as perpetrators can act against the mother by perpetrating abuse against the child during such arrangements. This can include manipulation, emotional abuse, psychological control, coercion, physical abuse, and sexual violence. Women's refuges provide support at emergency stage when the child flees domestic violence, ongoing emotional and other support to protect the child and address their needs during contact arrangements and housing related support specifically focusing on the needs of the child. The by and for expert sector providing these vital support services already support boy survivors and funding to refuges should ensure this support provision continues to exist.

In 2014 the government announced that over £1m was being provided to specialist rape support organisations across England and Wales as part of the first ever fund to help male victims of rape and sexual violence. In May 2018 the CPS published Male Victims of the Crimes Covered by the CPS Violence Against Women and Girls Strategy. In this paper, the CPS outlines its commitments in this area, which includes: challenging myths and stereotypes; understanding the experience of male victims within the criminal justice system and providing details of support services for male victims; ensuring that all

relevant policies, guidance, training and case studies for prosecutors contain details on the experience of male victims and outline any unique barriers to reporting; establishing a stakeholder forum on child sexual abuse to specifically ensure that work expressly includes boys as well as girls, and providing data on male victims where possible.

Gay, bisexual and transgender men can be subjected to violence in their relationships. While we are unable to provide data on prevalence given significant under-reporting and the lack of safe reporting and referral pathways, we recognise that violence exists. There are a number of situations surrounding the violence, for example, violence can occur by 'outing' a person's sexuality, or threat of outing which can be used to exercise control over the person. A person's sexuality and sexual identity may create isolation for them and if that person is subjected to violence, there may be very few resources and support available to them. A person can also experience stigma and shame, attitudes perpetuated by discrimination against gay, bisexual and transgender men which can create additional barriers and increase the isolation experienced.

It is important that boys and men who have experienced violence are effectively supported. However, support to men and boys must be developed through an intersectional feminist framework which recognises the gendered, structural nature of violence, and which does not seek to promote gender neutrality or to compromise women's ending VAWG work at in policy, practice or social justice. This alternative bill calls for the development of proportionate, appropriate responses to men and boys which ensures that they are able to access effective support. It is essential that this includes specialist support for those men and boys who are subjected to marginalisation including racism, homophobia and ableism

- (29) Any form of support must not compromise the integrity of women-only safe space or women's access to such spaces. Therefore, by and for expert organisations must be protected as women only safe spaces in funding and tendering.
- (30) Women's refuge accommodation should be recognised and protected as an important source of support for boy survivors. These refuges provide support after emergency provision and ensure that boys are kept safe from harm and recognise the increased risk children are subjected to in the post-separation period.
- (31) Tailored services for men survivors of violence which includes refuge accommodation, specialist sexual violence provision, community-based services and ethno-cultural specific support.

2C: Tertiary Prevention

The aim of tertiary prevention is immediate and long-term care and aftercare to support women to reduce the harmful after effects of violence over time. This could include aftercare in the form of health and mental health provision; legal advice; safe and sustainable move-on housing accommodation; support through the police, criminal justice and legal systems; response to perpetrators to keep women safe; and children's safety through protective child contact and custody arrangements under a child-centred and human rights VAWG focused approach. Proposals for tertiary prevention are made throughout this Alternative Bill and included in the analysis of social policy. The key idea is that the social policy framework must work in alignment with the Alternative Bill for example, where women's housing and homelessness issues are not addressed, tertiary VAWG prevention is negatively impacted. Where women feel the pressure of increased policing affecting decisions for early reporting of VAWG, tertiary prevention can be a more costly initiative. There are many examples of how all levels of prevention need to work together and in alignment with the broader social policy frameworks.

The Alternative Bill recognises that women's refuge provision is critical in addressing VAWG. Under current support approaches, under Supporting People, women are required to move on from refuge accommodation before they are able to secure the full support they need. This is because move-on is linked to homelessness reduction, even though housing offers may not be appropriate to addressing women's needs and that of their children.

- (32) The Alternative Bill proposes that women's move on support be provided and fully funded for women leaving refuge provision as a crucial part of 'aftercare' and tertiary prevention.
- (33) The Alternative Bill proposes that move on support is linked to wider structural factors that can affect women's housing options and that women are not penalised where such factors exist. Instead, under the Alternative Bill, an indefinite period of move on support is proposed. We are mindful that under the human rights empowerment-based approach, women will move on from services once needs are met.
- (34) As part of 'aftercare', by and for expert organisations must be able to provide ongoing access to services through secured funding to women subjected to VAWG who have needs for additional care. Such support must be available as wrap-around addresses her needs as they arise. This could occur at resettlement stage for women moving on from refuge accommodation and for other women at various points in their support journey. 'Aftercare' in this respect must have

the following elements: woman-centred, trauma-informed needs-led wrap-around support that is tied to women's pathways and journeys through services. This means that she will need different elements of support at different times aiding her recovery. A programmatic approach must therefore address women's lived experiences including the experiences of prevention, provision and protection. The lack of alignment can negatively impact on tertiary prevention.

Chapter 3: Protection from VAWG

3A: Safe Reporting and Disclosure Pathways

For many women and girls disclosure is a process rather than a single event. As such women and girls should be able to seek support and disclose their experiences in ways that are appropriate to their needs. In order to facilitate this, it is critical that women and girls are offered a range of pathways. This includes independent ending VAWG specific services made up of the by and for expert sector. This sector has worked closely with women and in communities, creating safe pathways to services. The sector is experienced in receiving reports and disclosures, undertaking assessment and providing support to women. The sector is also experienced in liaising with police and statutory services and advocating for women.

This also includes an array of statutory services comprised of the following:

- Children's services
- Providers of adult social care
- Health professionals
- Housing staff
- Educational professionals including teachers and school staff
- Armed forces
- Court staff
- Fire and rescue services
- Jobcentre Plus

- Probation and criminal rehabilitation staff
- Prosecutors
- Social workers
- Commissioners
- Police

The Alternative Bill recognises that there are online social platforms where online movements expressed using hashtags such as [#MeToo](#) and [#TimesUp](#) provide a space of solidarity, enabling some women and girls to feel more confident about disclosing. These spaces continue to emerge and evolve because women are silenced in various situations. For example, women sexually harassed in the workplace are unable to make disclosures out of fear of losing their jobs and hence their livelihoods. If she is a migrant woman working on the basis of a zero hours contract, then she is further exposed to the risk of sexual harassment with fewer avenues available to her to make safe reports. Some women also face backlash across the sectors in which they work such as media and the entertainment industry where there is a high degree of public exposure which can prevent future employment in these industries where disclosures are made.

Understanding and identifying safe reporting and disclosure pathways is critical to women's safety. Equally important to understand is how women access such pathways; implying the choices they make to ensure their safety when they report, to whom they report or where such reporting and disclosures are made. The notion of solidarity for women, knowing that she is not alone, or the only one and feeling assured that the information she shares will be heard and her needs addressed through support is important for women. The report *'Key Findings from Analysis of Domestic Homicide Reviews 2016'*⁷⁴ reviewed where victims and perpetrators presented to the police with possible sign of domestic violence and abuse, but this was not recognised or explored further. 16 such reports were made to health services, 10 to police and 8 to social services. 13 of 24 Domestic Homicide Reviews (DHRs) documented elements of domestic violence and abuse and risk that were not explored further. In 9 DHRs, issues regarding vulnerability were overlooked and elements of non-physical violence were not taken seriously. In 7 DHRs there were missed opportunities to investigate or intervene further. In 6 DHRs, the need for routine enquiry was identified but this did not take place. While this is an issue of training and awareness raising within statutory and other sectors, the review found

⁷⁴ Ibid.

that ending VAWG requires a diverse and alternative array of pathways accessible to women and that single reporting pathways through statutory services alone will not address the problem and can act as a barrier.

Decisions about disclosure are paramount in the rights-based empowerment approach which leads to recovery and healing and prevention of repeat victimisation. Women should choose when, how and where they make disclosures about the violence to which they are subjected however for many women, these choices are not offered. For some women, disclosures are made on their behalf by others reporting violence whether they have been informed or not and for other women, external factors force disclosures. These situations exist because of gaps in safe reporting. The by and for expert organisations and statutory services must be available and able to support women when disclosures are made. Social media platforms have to be made safer for women should disclosures be made through them. As these are public platforms, women risk being victimised and targeted by online bullying because there is no provision for confidentiality when disclosures are made. All parties must be held responsible and technology companies have a role to play in preventing VAWG through detection, improved monitoring, understanding how technology can be used in abuse, and putting in place safeguards to protect women (including safeguards for young women subjected to violence on online sites). Technology companies do not have free reign through the lack of accountability and responsibility for the way their product is used. Equally, the dark web and other perpetrator sites must be dismantled.

Women not using online platforms for disclosure tend to prefer by and for expert sector pathways as they serve as critical advocates providing safe pathways for women. They can receive reports in safe and supportive ways; facilitating women's access to services and other provision as needed. Consultation with minoritised women's organisations found that *"not all BME women want to report to police or statutory services and should not be pressured to report as pressure can constitute ongoing abuse against them"*. Further, the consultation found that *"BME women should be provided with the support they need and eventually, they can make the decision about how, when and where to report"*. Empowerment-based approaches ensuring safe access to services for BME women is important. The consultation suggested that to enable reporting, *"there is a need for advocacy in BME women's organisations to enable BME women to report"*. Safe confidential space that is women only is needed that protects women, promotes their rights and is empowerment based. In the same way that online social platforms create solidarity communities for women, pathways made available by the by and for expert sector also create space for solidarity with the message being that a woman is not alone. Women's space, in all its configurations must be protected. We must move away from cultures that take away basic rights and dignities and women's voice. Women must make these decisions for

themselves because voice and decision-making are part of the process of recovery. We are mindful that not all women have been afforded the capacity for such decision making and this situation is addressed through the proposals for safe reporting in the Alternative Bill.

The police have a role to play. They receive reports from women and girls who have gone to the police often at a time when they have no other recourse or when the violence to which they are subjected has increased. Police have taken such reports and made referrals to either the by and for expert sector or to statutory services like adult social care. The police have then investigated reports by women with the aim to hold perpetrators to account. This role is viewed as the correct and appropriate role of the police. Policing should ensure the protection of the woman/girl and should not be focused on immigration enforcement.

(35) The Alternative Bill proposes:

- (a) Training and awareness raising to agencies across the statutory sector including the police, the CPS and the criminal justice system; media and technology companies, the entertainment industry and other private companies; Community Safety Partnerships; and others, regarding identification, safe reporting and disclosure. Such training and awareness raising should cover all forms of VAWG under the proposed statutory definition.
- (b) Protection of diverse and safe pathways for women when they make reports and disclosures, comprised of the conventional (by and for expert sector and statutory pathways) and new pathways, recognising that feelings of solidarity for women are important in the reporting and disclosure experience.
- (c) Safe reporting and disclosure pathways are developed as integrated parts of service delivery. This means that women who report are provided with integrated services addressing multiple intersectional need inclusive of sexual violence and abuse, sexual harassment, state violence, economic violence, and all definitions and categories that apply to VAWG for all women regardless of their immigration status.
- (d) Partnership approach with the cessation of single reporting and referral models by adopting a diverse approach to reporting and disclosure involving all providers and industries.

- (e) Safe reporting and disclosure for private companies and industries made a requirement under any public contract and/or in cases where there is a public impact.

3B: Safe Information Sharing

Safe reporting and disclosure pathways are being dismantled where the police or GPs and health services or education services and other statutory services have been used to report immigration cases. This has created surveillance in communities and increased policing. These practices are being formalised and normalised across the board. The Alternative Bill reiterates that the current state of affairs must not be perpetuated. Agencies must be aware that any call for forced reporting through a single referral pathway can potentially replicate ‘perpetrator’ behaviour because it forces women to report. Agencies should be ready and prepared when reports are made. For example, women have stated that when they report, they often feel judged by statutory services, abuse is minimised, and their accounts are often not believed. This is a barrier to reporting and services must address this. We strongly advise that the by and for expert sector should be equally included as organisations where reports and disclosures can be made and where referrals can be received.

Regarding data sharing, the [Step Up Migrant Women UK campaign](#) calls for clear rules and guidance that ‘victims’ must not be questioned over nationality or immigration status as this type of questioning intersects with racial profiling of victims. Police must stop practices of data sharing as this impacts upon women detrimentally. The [College of Policing Major Investigation and Public Protection 2016](#) considers safety planning recognising specific barriers to reporting linked with insecure immigration status. Police must not act as immigration enforcement officers and ensure that they are fully complying with the Code of Practice for Victims of Crime 2015⁷⁵. Regarding this Code, it is important that victims receive the support they need. To ensure that police are fully compliant, local police must work with by and for expert organisations to safeguard critical life-saving pathways.

[The Human Rights Act 1998](#) contains several articles prohibiting racial discrimination, eliminating practices that would amount to ineffective protection and remedies, promoting equal treatment and ensuring public authorities and institutions act in ways that protect the rights of women including laws to address gender-based violence against

⁷⁵ Code of Practice for Victims of Crime. (2015). [online] Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF [Accessed 29 Oct. 2018].

women and girls. The provisions under the Act state that police practice should incorporate “no immigration enforcement” and “no data sharing” rules. The idea of safety including safe reporting are imbedded in the key articles of the Act. The Istanbul Convention states that measures to protect include the human rights and safety of victims, avoiding secondary victimisation and addressing specific needs arising from vulnerability. Inherent within Articles 18 and 22 is the need for specialist support in accessing adequate services and safe reporting. Statutory agencies must work in conjunction, collaboration and in cooperation with the by and for expert sectors to improve adherence to guidance, ensure safe reporting and in the provision of support. These practices must be reflected by technology companies ensuring that they are being mirrored in protecting women online.

Another issue regarding information sharing is poor and inadequate record keeping. The report *'Key Findings from Analysis of Domestic Homicide Review 2016'* found that record keeping was a common issue in health agencies (GP, hospitals, health visitors and mental health), the police, social services, schools, housing and prison where poor quality and inadequate records were kept. These cases were linked to issues of information sharing and communication across agencies.

(36) The Alternative Bill proposes the following to ensure safe information sharing:

- (a) Cessation to information sharing practices aimed at surveillance and increased policing for women and girls subjected to VAWG. These practices present barriers to reporting and disclosure and prevent women and girls from getting the support they need.
- (b) Cessation of information sharing practices under immigration controls as such practices lead to racialised and discriminatory practices for women and girls.
- (c) The police, Home Office and other surveillance agencies are not frontline service providers. Such agencies must liaise with and create healthy partnerships with the by and for expert sector to ensure women and girls get the support they need in safe and confidential spaces.
- (d) Reinforce adherence to the protected characteristics as per the Equalities Act 2010 and the Public Sector Equalities Duty.

3C: The Role of Policing and the Criminal Justice System

The current system of protective orders includes Domestic Violence Protection Order (DVPO), restraining order, occupation order, and the non-molestation order which can be made available to women. These different orders provide protection to women in situations that fall under the broader VAWG definition and not just in cases of domestic violence. These orders can be applied by women, agencies and the police depending on the order that is needed and also, giving women some degree of decision-making. The existence of these orders creates a flexible pathway for women, the police and providers of services. Findings from *'Evaluation of the Pilot of Domestic Violence Protection Orders 2013'*⁷⁶ found that the current DVPOs were viewed positively by practitioners, the police and participants (victim-survivors) but recommended a review of the length of the order and greater tailoring on a case by case basis. The police warned against such orders becoming a 'catch-all for all cases. Victim-survivors welcomed that police have the powers to remove perpetrators from the home which built their confidence in calling the police. However, the report was inconclusive that DVPOs were effective in reducing domestic violence and abuse or repeat victimisation.

We understand that there is no single order that is applicable across the family, civil and criminal courts. For breach of such orders, stronger sanctions are proposed. The existing orders are sufficient as protective orders and no new orders are proposed in the Alternative Bill. Instead, the Alternative Bill proposes a review of the existing protection orders to assess impact on the safety, wellbeing and protection for women and their children. This review should include consultation with women subjected to VAWG across public and private spaces and across sectors they access, the by and for expert sector, and statutory agencies and cover the degree of protection offered to women by these orders.

We support proposals extending the prohibition on cross-examination in criminal proceedings for the following reasons: it would prevent the perpetrator from victimising the woman under cross-examination and prevent him from exercising power and control over her affecting her testimony. It would create safety and security for her so that her voice is not inhibited, and it would ensure that the courts remain victim-focused in their approach to addressing VAWG and in rendering justice. It could support evidence giving however there are two crucial factors that would strengthen her presence and evidence in court: (1) that she is provided with an appropriate advocate from a support organisation that is selected by her and (2) that she is assured ongoing support from the

⁷⁶ Home Office (2013). Evaluation of the Pilot of Domestic Violence Protection Orders.

same organisation. Here, we are referencing the need beyond IDVAs to the by and for expert sector.

In ensuring safe access to the criminal justice system, the following has worked well: (1) support from a by and for expert organisation so that her immediate and long-term needs are being addressed because the court case is only one aspect of her experience and the courts are not support agencies; (2) advocacy from the same organisation from prosecution stage to conclusion that can address anxieties from the process, ensure safety planning and ensure she is adequately represented; and, (3) addressing barriers that cause her to disengage such as language, the fact that the court environment is an 'alienating' one and the lack of victim-centred approach by courts.

Some minoritised women's experiences have suggested that the police have tended to criminalise the 'victim' e.g. "What is her immigration status?", "What community does she come from?", "Is the VAWG she has experienced 'radicalised'?", "How is she a threat to UK security?". The police role is best served through their investigative powers of the perpetrator. The state of surveillance removes police from their investigative powers. In the Alternative Bill we call for an end to excessive policing of communities and an end to surveillance. We recognise that surveillance occurs through various regimes and that when attached to VAWG, it has devastating consequences for minoritised women and their families and communities who become criminalised, marginalised and discriminated against.

- (37) We support proposals extending the prohibition on cross-examination in criminal proceedings.
- (38) When women and girls report to police, the following must happen: she must be treated with respect, she must be believed, she must not be judged, she must be listened to, and a woman officer must be available and present. Police must refer to the by and for expert sector which can support and advocate on her behalf, while the police undertake investigation of the perpetrator(s).
- (39) VAWG and the Prevent / Counter-Extremist agenda must be treated as separate issues, to ensure women and girls are able to safely report and disclose violence without exposing her to further harm, risk and repeat victimisation.

The Prevent⁷⁷ radicalisation agenda and VAWG are two very separate issues that are unfortunately linked through the increased community policing approach. There is a long

⁷⁷ A 2016 report by Human Rights Watch UK defines Prevent as: "a policy which seeks to pre-empt terrorist attacks by identifying those at risk of becoming terrorists. Recent legislation in the form of the Counter-Terrorism and Security Act

history of discriminatory police practices against communities, community and individual profiling that takes place and the disproportionate targeting of communities with policing and enforcement measures. In addressing VAWG, there must be positive rebuilding of relations with police which is based on clarity in the role of the police as investigative and enforcement agencies.

3D: Working with Perpetrators

We believe that working with perpetrators is about addressing and challenging power and control. Attitudes and behaviours around power and control and domination by men, producing inequality for women, are ingrained in society and present in many spaces and industries across sectors. This means that working with perpetrators is not just about working with men through the criminal justice system. It is also about working with men in business, media, entertainment, sports, academia, science and technology among other spaces where VAWG occurs but is silenced; preventing women from making disclosures, threatening livelihoods and contributing to a culture of silence based on colluding behaviours by men, for the purpose of their ongoing power consolidation. Within this context, VAWG continues to occur and in most cases, escalates because it is unchecked, because perpetrators are treated with impunity, and because the predominant institutional and organisational cultures become defined from a position of power and control. In this document we have highlighted the need for early intervention and prevention that is VAWG focused. That is, addressing power and control not just as a relationship dynamic but as a structural manifestation. This perspective must resonate across industries and sectors to prevent VAWG. Where this is a central tenet in VAWG response, then the criminal justice system, police, housing, social services, among other sectors (addressed throughout this document), and in vast industry, adopt a transformative approach to VAWG which dismantles the state of impunity, holding perpetrators to account but also ensures that the state of surveillance and policing of communities is equally dismantled. The Alternative Bill reiterates the need for such a focus, as stated above, in order to effectively address all perpetrators of VAWG across all sectors and industries ensuring that there is 'no place to hide'. As such, we view the Alternative Bill as an opportunity to end VAWG across all industries and sectors because there is no safe space for women unless the response to VAWG is widespread.

[Respect](#), a charity based in the ending VAWG sector runs programmes and helplines for men and boy survivors of domestic violence, as well as programmes for perpetrators of

2015 now enlists public sector workers such as teachers to carry out the government's work, requiring teachers from the child care sector up to university level to identify apparent signs of student extremism, and to refer students to the government's deradicalization programme, known as Channel."

domestic violence. Respect run an accreditation scheme called the Respect Standard which is designed to ensure safe, effective, accountable and gender-informed work with perpetrators of domestic violence and abuse. Respect have developed standards and accreditation for services working with perpetrators. The Respect Accreditation Standard is the benchmark for the provision of quality interventions with men and boys who use violence against women and girls partners. It sets out all the requirements a good quality domestic violence prevention programme needs to meet to become accredited.

- (40) The Alternative Bill proposes that any agency or organisation working with perpetrators should be accredited by the Respect Accreditation Standard as this will ensure a VAWG focused response to working with perpetrators as above defined in the context of addressing power and control.

In March 2018, the [Mayor's Office for Policing and Crime \(MOPAC\)](#) published the 2018-2021 VAWG Strategy. The strategy includes reference to 'tackling perpetrators' which is called Drive. Drive challenges perpetrators of domestic abuse in order to fundamentally change their behaviour to make victims and families safe. Its first principle is to move the response to a crime from 'why doesn't she leave?' to 'why doesn't he stop?' Drive provides a case manager who acts as a single point of contact for perpetrators. Liaising closely with local police and support agencies, case managers seek to use the criminal justice service to disrupt offending behaviour and bring in other support services to address any unresolved personal issues that increase the likelihood of a perpetrator reoffending, such as problematic substance use or mental health needs. The service has been developed to knit together existing services, complementing and enhancing existing interventions. Perpetrators of domestic abuse may experience a number of complex issues predominantly characterised by mental health issues, drug dependency and alcohol abuse. [The Stella Project](#) had originally brought these strands of work together through the Mental Health Initiative in 2010; supporting a range of services to develop more effective, joined-up responses to survivors and perpetrators of domestic and sexual violence who are also affected by problematic substance use and/or mental ill-health.

Another example of the above comes from research into charged stalking cases. The Metropolitan Police Service (MPS), working in partnership with other police forces, have identified that half of stalking offenders have underlying mental health needs⁷⁸. Legal sanctions alone do not address the fundamental problem of fixation and obsession. There is a need to treat the underlying mental health issues in perpetrators if reoffending is to be prevented. MOPAC and the MPS, in collaboration with the Police and Crime

⁷⁸ Suzy Lamplugh Trust. (2018). *Managing Stalking Offenders*. [online] Available at: <https://www.suzylamplugh.org/managing-stalking-offenders> [Accessed 29 Oct. 2018].

Commissioners and police forces in Hampshire and Cheshire, together with the National Probation Service and CPS, have come together to improve the response to stalking perpetrators. We are aware that in many cases of stalking, women have been killed by the perpetrator or left with serious injuries and lifelong disfigurements as in the case of acid attacks. Women have also been affected in other ways, especially where stalking behaviour has occurred over a period of time. Their mental health and wellbeing has been affected leaving them in need of support to deal with the harmful effects of stalking on their lives. Their livelihoods have been affected as the behaviour has caused disruption to their employment, to education and other opportunities where their ability to concentrate, feel safe and/or cope with the everyday harmful effects of the behaviour have been impacted. Their relationships with family, friends and support networks have been equally affected, leading to isolation and other disadvantage.

While we understand that there are links between problematic substance use and/or mental ill-health, all such work with perpetrators must include an awareness of power and control dynamics in violence against women and girls as linked to wider structures of patriarchy and inequality.

The Alternative Bill expects any intervention with perpetrators to ensure an inclusive VAWG focus (as stated above) understanding that the root cause of such violence is inequality through patriarchy and the systems of power and control that come from this dynamic.

The Alternative Bill recognises that while some issues can contribute to VAWG, such as problematic substance use, at the heart of such violence is inequality through patriarchy, through power and control dynamics.

The Alternative Bill is clear that where this focus is absent, the programmes themselves will be limited in positive impact. This results in the wasteful use of public resources and the continuation of perpetual cycles of violence by individual men.

- (41) The Alternative Bill proposes that at the heart of any such proposal considering the mental health needs and other needs of perpetrators, there must be protection for women and girls subjected to VAWG. Women must be consulted on the wide range of measures, not just in stalking cases, but in all intervention by the criminal justice system. This can occur on a case by case basis but also with the by and for expert sector. For example, women must be kept informed by the National Probation Service of changes to sentencing, early release and any release from prison of perpetrators. Any such measures must be accompanied

by a comprehensive risk assessment where the victim's/survivor's safety are taken into consideration as a minimum standard.

- (42) The Alternative Bill proposes that government review the case for restorative justice. In March 2016, Imkaan provided an overview of the use and application of restorative justice in the wider context of VAWG which includes issues such as forced marriage and so-called honour-based violence. The approach was committed to ensuring that victims/survivors subjected to VAWG are able to access safety, justice, and redress, in ways that take account of their experiences, their wishes, and the nature and severity of the violence that has been inflicted on them. VAWG is a human rights violation, and its impact should not be minimised or ignored. The government has obligations to ensure that it protects all victims/survivors of VAWG. It also should ensure that its responses to VAWG does not further breach victims/survivors' rights. This includes ensuring that any justice processes do not facilitate or lead to further victimisation. Despite the attitudes, behaviours and actions of perpetrators, they also have rights that the state is required to uphold. As such, work to hold perpetrators of VAWG accountable must also take place within established human rights obligations.

We believe that the analysis of the merits or drawbacks of restorative justice approaches must take into account the diversity of victims/survivors and the multiple, intersecting ways that violence may be perpetrated and experienced. For example, women and girls living in more tightly woven family/community settings including women and girls living in some rural areas and women and girls subjected to abuse in a 'gang' context may be subjected to higher levels of coercion and control. Women and girls may, in such scenarios, be more likely to be impacted by multiple perpetrators and 'multiple interested parties'. What this means to safety and justice is likely to look different from the perspective of a woman and girls who has been subjected to abuse from a single perpetrator. There may also be scenarios where perpetrators of abuse are themselves vulnerable. For example, a mother may collude or participate in forcing her daughter into marriage, but she may do so as a result of coercion or abuse she is herself being subjected to. While it is obvious that her daughter needs to be protected and supported, the responses to this mother may not always be clear. We recognise that many victims/survivors do not wish or feel able to pursue criminal justice pathways and that for some women, restorative justice processes may be appealing. However, we are opposed to any attempts at state led/directed restorative justice processes as we do not believe that the current frameworks will ensure that the broader safety needs of the victim/survivor will be prioritised.

The current policy and programming focus on 'high risk' victims also lends itself to a very one-dimensional understanding of safety, which in many ways runs counter to the reality of women's lives and their diverse needs. Much of restorative justice work has been developed in the context of broader societal conflict resolution, regime change, and peace-building. While we believe that it is important to learn from other areas, we are opposed to attempts to adopt and adapt models of working to situations that are fundamentally different. We know that in the UK, practitioners responding to issues such as forced marriage sometimes work with young women who have returned home and will in some situations work with families and that such situations could potentially lend themselves to some kind of restorative process. However, we would be concerned about any attempts to establish 'new' alternative justice structures. Rather than establishing and mandating restorative justice frameworks, we would suggest that where by and for expert sectors are working safely and appropriately in this way (for example, minoritised women's organisations with a clear track record among other criteria), that they are resourced to do this work. We would have serious concerns for example, about social workers, mediators, among others, who do not have the same track record, and who are not always aware of cultural nuances, and the broader context of inequality. We are also mindful of dynamics where religion and culture can be used to maintain control over women's lives and the importance of expertise which unpacks and challenges this.

- (43) The Alternative Bill proposes further dialogue on transformative justice in the context of the above and in ensuring effective response to perpetrators to meet the objectives of ending VAWG. While we have raised our concerns about how such a response could be developed and the context for such a response, we are mindful that transformative justice is a complex paradigm that can easily lead to misuse if it is not understood and applied under a human rights framework. We are also mindful that it is not a stand-alone response and that all forms of VAWG response – early intervention, prevention, and protection must be addressed together within a VAWG context as discussed in this document.

Chapter 4: Funding and Partnerships

The Alternative Bill, through the funding structures proposed below recognises the capacity of the by and for expert sector to deliver in ways that contribute positively to the economy and help prevent VAWG. This means that funding structures must move away from requirements where organisations must get local authority endorsement for bids as this requirement is not transparent and detrimentally and disproportionately impacts on these organisations. Further, the above requirement is not transparent regarding local

authority conduct with minoritised women's organisations. The lack of transparency has meant that such organisations have appeared in local authority bids by name only but have not benefited with funding, and/or have been named in diverse partnerships to bolster bids but have not been otherwise supported, or have been excluded altogether from the bidding process. These practices have culminated in their structural exclusion with the longer-term impact, if such practices are allowed to continue, specialist organisations will be further weakened. Already, the minoritised women and girls ending VAWG organisations have been reduced by 50% of their national capacity. This discriminatory practice implemented through funding regimes must cease. There is also enough evidence regarding VAWG across the UK, reflected in national plans and strategies through which funding is made available by central government that justify the work of minoritised women and girls ending VAWG organisations in local areas. The gender economy, where VAWG is the most crucial element, must be protected as a diverse economy based on equality.

Working to end violence against women and girls requires investment of resources across the public and the by and for expert sectors as well as sustainable and robust partnerships with police, housing, health, Jobcentre Plus, the CPS, the criminal justice system, children's services, social services and commissioners among others making up statutory services. Such partnerships also extend to other industries and sectors such as media, the entertainment industry, business, education and others to ensure that women, in whatever spaces they access, are not subjected to violence because they are women. We understand that these partnerships do not form the public sector which is covered by the set of law and policies mentioned elsewhere in this bill. However, we recognise that partnerships across the spectrum with the by and for expert sector are crucial in addressing VAWG in public and private space. Such partnerships have been compelled by the #TimesUp and #MeToo movements which have required us to re-think an approach that extends to a more diverse sector accessed by women to earn their livelihoods. Sexual harassment and violence as gendered operates in all such spaces and requires a robust response promoting the rights and protections for all women. Such partnerships should be included in local ending VAWG plans, strategies, policies and practice and backed by an adequate resourcing framework to the by and for expert sector to achieve the aims of the Alternative Bill. This framework is made up of the following:

- The by and for expert sector are recognised as frontline service providers and critical strategic partners in the local economy in active partnerships with local authorities through service delivery.
- The public sector equality duty and the equalities impact assessment are instruments available to local authorities to ensure that women are not

disadvantaged by decisions taken by local authorities. Both these measures are strengthened under the Alternative Bill to promote participation and collaboration in the local economy of the by and for expert sector under a robust partnership approach.

- The by and for expert sector are identified as local VAWG providers and have a role to play in ending VAWG through the partnership framework as described above.
- Funding structures are designed around a comprehensive approach to addressing VAWG which means long-term sustainability enabling organisations to plan and develop appropriate provision.

The Alternative Bill recognises that these aims comprise a holistic set and are achieved together.

The Alternative Bill views the question of funding as a strategic initiative. It is therefore tied to strategy, planning, policy and practice.

The Alternative Bill requires local authorities to scrutinise the hostile culture that they can often unknowingly, and sometimes consciously participate in, which targets and affects minoritised women's organisations disproportionately. This requires local authorities to fully recognise the visible presence of minoritised women and girls' organisations in the local economy through support and resourcing as stated above.

The Alternative Bill proposes a culture change within local authorities that it must work in ways that strengthens participation and representation of the by and for expert sector. This will ensure gendered presence in service delivery, planning, strategy, policy and practice frameworks as consistent with the aims, principles and vision of the international and regional conventions to which the government is signatory.

The Alternative Bill therefore identifies the by and for expert sector as the local VAWG providers. The category '*local ending VAWG providers*' is thus introduced in this Alternative Bill. The Alternative Bill thus creates an intersectional, gendered infrastructure, inclusive of strategy, planning, policy and practice, towards ending VAWG. This category also addresses structural inequality as a sector that is led by women, is a crucial part of the gendered economy addressing women's unequal participation and protects women's economic and social contribution. As such, by addressing structural inequality in this way, the category also addresses the feminisation of poverty and related inequality in health, housing, education, media, business, entertainment industry and other areas where women and girls seek fulfilment and enjoyment without the threat to their livelihoods.

- (44) Government funding priorities must consider healing and recovery more holistically and comprehensively where women and girls have a voice in intervention away from clinical and institutional approaches embedded in local government structures. The Alternative Bill proposes the following:
- (a) The by and for expert sector are identified as *local ending VAWG providers* as stated above and fall under the VAWG definition which is proposed as the government definition. It is critical that this includes specialist by and for organisations including those led by minoritised and marginalised women themselves e.g. BME women, disabled women and refugee women
 - (b) Introduce a new statutory VAWG duty which covers prevention, provision, protection and partnerships.
 - (c) As part of this duty, ensure that local authorities adhere to equalities impact assessment and fulfil the Public Sector Equality Duty 2010.
 - (d) Support woman-centred, trauma-informed, needs-led, holistic, wrap-around support as they are sustainable methods in addressing multiple intersecting need and preventing further repeat victimisation and exposure to further risk.
 - (e) The structure of all future funding must function in a way to protect local VAWG provision that such provision is returned to grant funding and removed from tendering systems. While such systems may be 'competitive', the basis of this competition is not equal.
- (45) Tendering is a competitive process, however the by and for expert sector are part of the social economy of provision and do not compete on equal footing in an open market. The nature of VAWG would also suggest that such competition compels organisations to gamble with the lives of women and girls. This society must not continue down this road. The Alternative Bill calls for an end to the tendering of ending VAWG services and in its place, propose the following:
- (a) Full recognition that funding supports prevention, provision, protection and partnerships and moves away from an emphasis on the criminal justice system, and policing and surveillance.
 - (b) A return to robust grant funding where the grant funding itself is accessed by the by and for expert sector without the need for local authority endorsement.

- (c) Ring-fenced funding for specialist, local ending VAWG services including by and for BME women's organisations, by and for disabled women's services, Rape Crisis services and women's refuges.
- (d) Future funding to ensure long-term support with programmes available for a minimum of 3 years.
- (e) Future funding to ensure core funding to organisations is available so that projects and services can be fully supported and genuinely apply for full cost recovery.
- (f) A set of key priority indicators for commissioners that assess their knowledge and capacity to fund VAWG.
- (g) Local VAWG commissioning frameworks reflect and represent the populations they serve so that they benefit from ongoing understanding of the needs of that population. This means that commissioners of services include the by and for expert sector in commissioning intentions and in commissioning outcomes.

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