



VIOLENCE AGAINST WOMEN

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UK

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This document is submitted by the authors to assist in the process of Universal Periodic Review by the United Nations Human Rights Council. It is submitted in response to call from the UNHCHR.

This briefing draws from a larger, more comprehensive document that has been in production during 2007, namely a shadow thematic report to the Committee on the Elimination of all Forms of Violence Against Women on violence against women in the UK for consideration as part of the UK report due to be heard in 2008.

That document has acted as a summary piece for the violence against women sector as a whole and it covers - domestic violence, rape and sexual assault, trafficking and the sex industry, 'honour' crimes, forced marriage and the marriage of children, female genital mutilation, refugee and asylum seeking women and stalking/sexual harassment at work. The shadow report is in its final stages of completion and can be made available to the UPR process if it might be of assistance.

Violence against women remains a matter of considerable concern and the UK and an ongoing, grave infringement on the rights of women.

Either of the authors can be contacted for further information or for a copy of the full report.

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RIGHTS AND VIOLENCE

The essence of the human rights agenda is the pursuit of human dignity: what this looks like and how it can be achieved. The human rights framework specifies what individuals should be able to do to achieve, maintain and protect that dignity and place on states the obligations to ensure that these rights are made real. Violence stands in contradiction to dignity as a violation in itself of those rights and, through its impact, is an impediment to the realisation of a whole host of rights. The framework also espouses a commitment to the elimination of discrimination against women and understands that violence against women is a manifestation of gender discrimination.

Any state that claims a commitment to human rights must take seriously the eradication of violence against women. The UK government has promised to uphold and implement international law on the elimination of discrimination against women. Yet, despite a myriad of government initiatives that seek to address violence against women the UK still fails adequately and coherently to tackle the problem. This briefing highlights some of those shortcomings.

The UK has a justified reputation for its thriving NGO sector and strong research culture on violence against women. These achievements, however, have been despite and not because of government engagement, which has remained re-active and limited, for over two decades. Scotland can claim to have been more strategic and has invested in basic services for women in recent years.

The UK also has a history of pilot projects and experiments, the lessons from which are rarely rolled out nationally and a professional culture in which implementation of national policies is patchy and un-coordinated. Most importantly, the UK policy context is one that disconnects forms of gender violence, with most resources and policy development being in the area of domestic violence.

SUMMARY ISSUES

Violence against women remains a key factor that undermines the ability of women to participate as full and equal citizens in UK society. The violation of their human rights by acts of rape, domestic violence, sexual harassment, stalking, honour crimes, female genital mutilation, trafficking and forced marriage continue both to circumscribe the lives of women and girls and undermine their participation at every level of society.

It is clearly the case that the UK government has increased the priority given to issues of violence. This is both acknowledged and applauded.

A fundamental message of this briefing is that all issues of violence against women are interlinked. Here, we address a number of cross-cutting issues: refugee and asylum seeking women; rural women; fragmentation; prevention and awareness raising; training, strategic infrastructure and research

Developments in international human rights discourse, including the Beijing Platform for Action, and practice have consistently called for national strategies on violence against women. In response to the UK's report on CEDAW in 1999 the Committee raised the need for a national strategy on women. This is not in place in the UK. A national strategy should provide clear goals for implementation, timelines for achieving these and funding lines to enable their implementation across the UK. Clear strategies should also harmonise and integrate relevant multiple government policy and practice threads such as the Gender Equality Duty and the work of the new Commission on Equality and Human Rights.

Work against violence against women in England, Wales and Northern Ireland remains fragmented, with 'pockets of good practice'. In contrast, Scotland does have a National Action Plan on Domestic Abuse, within which significant government funding has been allocated to improving and enhancing direct service provision. Furthermore, within this a specific prevention policy has been outlined, although this lacks implementation details.

Remaining key issues of concern

- Work on violence against women is not located within the gender equality framework and is fragmented across ministries such as justice, health, housing.
- The introduction by the government of a Gender Equality Duty was eagerly anticipated by the women's sector. Yet the reality has proved disappointing. There is a misconception among local government agencies that gender equality means that women's only services cannot be provided or that anything provided for women must also be made available for men. This seems to be leading to a reduction in funding for the women's sector.
- The domestic human rights framework has led to a policy focus on the importance of families and defendant's rights, at the expense of the right to live free of violence and victims' rights to dignity, privacy and protection. There is also inadequate understanding of the links between violence against women and economic, social and cultural rights such that there is poor integration.
- There is no Strategic Plan of Action for the UK, or England and Wales, on violence against women.
- Policy, research and provision on domestic violence dominates government approaches to violence against women
- There is a failure to make connections between forms of violence in terms of their dynamics, consequences and underlying causes.
- There is duplication, fragmentation and lack of knowledge transfer across sectors.
- Whilst there are three inter-ministerial groups on violence, there is still no strategic oversight body, such as a Commission on Violence Against Women or an Observatory.

- There is a consistent lack of sanctions against violent/abusive men: through low levels of prosecution/high attrition rates across offences of rape and sexual assault, domestic violence, child sexual abuse/exploitation, trafficking and prostitution/pornography.
- There is minimal statutory resourcing of, and investment in, the specialist NGO sector.
- Whilst there is significant innovation in the UK, mainstreaming is slow and uneven, resulting in an absence of minimum standards and inadequate service provision¹ for provision, protection, prosecution and prevention – both in terms of institutions and certain geographical areas.
- There is lack of transfer into mainstream policy agendas such as child poverty, social inclusion, cohesion, regeneration or rural affairs.
- There is failure to integrate across nations and regions: Scotland has an explicit focus on violence against women and gender equality but this is not the case beyond Scotland.
- Needs and dangers faced by immigrant, refugee and asylum seeking women are in danger of being eclipsed by the security and terror concerns

KEY THEMES

Multiplicity versus coherence

The government has undertaken, sponsored or otherwise encouraged a vast array of initiatives on violence against women since the last UK report to CEDAW. Many of our concerns remain despite this plethora of activity.

There is fragmentation and incoherence in the government's work against violence against women. The government has no Plan of Action on violence against women. There is no gendered framework that informs the work and the government's gender equality duty often seems remote from the work on violence against women. No oversight body exists such as a Commission on Violence against Women or an Observatory. There is no clarity as to how violence against women will be integral to the work of the Equality and Human Rights Commission.

There is a failure to address violence as a human rights issue, one which affects every aspect of women's lives. The Women and Equality Unit as well as the Equal Opportunities Commission have been weak on policy debates on violence against women, which have been strongly driven by NGOs, the Women's National Commission and the End Violence Against Women coalition.

Several government initiatives have not been mainstreamed so remain peripheral to the bulk of everyday practice and policy; provision remains inequitably spread across the country. A lack of coherence means that policy clashes exist between different sectors.

We are especially concerned about women who suffer multiple forms of violence, including sexual abuse in childhood, whether by the same person or a series of perpetrators. They are amongst the most vulnerable and sustain damaging impacts to their health, well-being and life chances. The separation of forms of gender-based violence in current policy and practice means complex needs of such women are seldom recognised, let alone addressed. This in turn leads to their over-representation in

mental health, substance misuse and prison services as well as their entrapment in the sex industry and other abusive relationships. We also note with concern the limited progress made in addressing the vulnerabilities of disabled women and girls.

Immigration / Refugee and asylum-seeking women

National discourse on immigrants, refugees and asylum seekers is located in a context of popular suspicion and deprecation, particularly promoted by sections of the media but assisted by language and initiatives at policy level. These include the official dichotomisation of 'bogus/genuine' asylum seekers that meshes with a tendency to disbelieve and have little sympathy for those seeking residence in the UK.

Government commitments to process applications speedily and carry out deportations even before appeals are heard result in applications being handled with undue haste and with considerable room for mistakes. This is especially the case in relation to gender-based violence, which women do not always reveal at first interview, especially if the interviewer is male and lacks awareness of and sensitivity to the shame associated with sexual victimisation, as recognised by UNHCR.

Government policies disperse asylum seekers outside urban areas in which networks and support services are established. These approaches, we argue, differentially affect women who have been subjected to gender-based violence. They isolate such women from each other and from communities and services that could support them.

Gender-based persecution, including a range of experiences of violence, is not consistently recognised as grounds for asylum.

A rule of 'no recourse to public funds' denies state support from those with uncertain immigration status, in turn limiting their access to services they cannot personally afford, such as refuge provision.

Those who enter the UK on the basis of marriage are required to remain in that relationship for two years in order to secure

residence and access to state support. Ending the relationship within that period, perhaps due to violence, means that women are less likely than others to be able to access support services such as refuges in the absence of access to welfare payments; immigration status therefore shapes the level and nature of protection from violence. There are only limited and discretionary allowances to remain in the UK in cases where proof of domestic violence can be given.

The extension of the residence requirement for confirmed status, in 2003 from one year to two years occurred in spite of continuous feedback to the government from the voluntary sector of the damaging effects of the 'one year rule' on a small, but deeply oppressed, group of minority ethnic women living in the UK. Despite total unanimity in the sector and a long standing campaign the right to remain is subject to discretion; this clearly has discriminatory impacts.

Women are trafficked into the UK for exploitation in prostitution, as well as into domestic service, bonded labour and for marriage. The government's under-identification of abuse in the trafficking process and therefore in its work, an over-hasty process of dealing with women who have been trafficked means women in these circumstances are at risk of being viewed as illegal migrants. Remarks by the Home Secretary in 2007² suggest a strengthening of the view that trafficking is an immigration problem rather than a crime, with victims who need support and protection, such that those who are the victims of trafficking should be understood as criminals liable to deportation.

Speedy deportations compromise the safety and well being of women who have experienced abuse and they remain vulnerable upon return to their countries of origin. Such actions also set a poor context for state obligations arising from the Trafficking Protocol to the Convention on Transnational Organised Crime 2000.

² Sex trafficking victims rescued by police may face deportation, The Guardian, October 4, 2007 <http://www.guardian.co.uk/crime/article/0,,2182973,00.html>

The UK is introducing a points-based system for labour migration in which gender equality is not guaranteed, due to poor conceptualisation of women's experiences and a gender-biased model of career development. The gender discriminatory aspects of the new system carry a danger that legal labour migration routes are so few that irregular migration will provide attractive alternatives for women even though they may include criminal routes such as trafficking which increase their vulnerability.

Rural women

The UK includes large rural areas, particularly in Scotland and Wales. All services are less accessible to women in such regions. The lack of well resourced 24-hour helplines addressing all forms of violence has particular implications for rural women, since this is the one form of service to which they could potentially have equal access. Appropriate provision has also been significantly undermined by the lack of on-going government funding for outreach services that are a mainstay of rural provision. Services in Scotland are still far from being fully resourced but significant developments have taken place over the past few years that improve the situation for women in rural and island communities.

Welsh and Northern Ireland Women's Aid have been most effective in developing rural services but lessons from their work have not been transferred into statutory policy and provision across the UK and relate only to domestic violence.

Prevention and awareness raising

There is no coherent prevention strategy in the UK, despite a strong track record in other policy areas where there have been successful public health and safety campaigns (for example, drink driving and HIV/AIDS). This is all the more remarkable and regrettable given the pervasive nature of gender violence compared to these other issues. There is no requirement that gender violence is addressed in the school curriculum nor a principle that health promotion with respect to 'safe sex' begins from the premise that the first safety principle is that sex be consensual.

Innovative and clear pilots have been initiated in the voluntary sector, such as by Womankind,

and provide a helpful lead that could be taken up by government

Existing interventions are localised, short-term and often focused on a single form of violence. The government has funded only a small part of this work. Scotland provides a number of helpful positive examples that should be considered for other parts of the country: the Scottish executive has for a number of years run an annual domestic abuse advertising campaign; the Zero Tolerance (ZT) campaign has run in much of Scotland over a number of years.

The lessons from ZT, on which other countries have drawn extensively, are that: an integrated violence against women campaign is both cost-effective and has value added outcomes; strong uncompromising messages are welcomed by survivors and generate debate widely; and such campaigns are regarded as a positive use of public funds by local communities.

Professional training

Some professional training initiatives exist, although they are not part of a strategic approach which would ensure that all initial professional training curricula address violence against women and that in-service training continues to update knowledge and skills. Some professionals currently receive little if any training on these issues yet find themselves regularly dealing with gender-based violence in their workload. We include here all those working in the health, welfare, social services, education and criminal justice fields. In Scotland, the Scottish government worked with the National Group on Violence Against Women (NGO and public sector multi-agency group) to draw up a training strategy.

Community, faith and fundamentalisms

There appears to be a danger that appeasement of 'faith communities' is dominating public policy, discourse and resourcing to the point that many women, especially those experiencing or in danger of violence, are marginalised even further than a more critical engagement with oppression of women in all contexts would allow.

Strategic infrastructure

Government attempts to co-ordinate policy development and implementation across several ministries are welcome but the UK lacks a clear location for all gender-based violence – with lead officers on domestic violence, rape and sexual assault, female genital mutilation (FGM) and forced marriage separated across departments and ministries. There are multiple inter-Ministerial groups; at local level, there are inter-agency domestic violence fora and four fora on violence against women.

The new recommended definition (UK Home Office) of domestic violence in Wales and England oddly combines a number of different forms of violence under this heading, is confusing and an unhelpful framework. It is not in line with the thinking or definitions contained in international law.

Research initiatives are inhibited by the absence of systematic, consistent or reliable data on violence against women. Despite many research initiatives across the country poor central funding and inconsistent government support has meant that many of these are of smaller scale than desirable, not longitudinal and concentrated on few forms of violence. There is no body with an overview of research across the range of violence experienced by women nor one which disburses adequate funds nor that seeks to ensure a strategic direction for research.

ACTIONS NEEDED

We call on the UK government to ensure the following, within a short term time frame:

- A long-term, holistic and integrated strategy on violence against women, to include prevention work
- Recognition of the inter-connections across all forms of gender-based violence
- Recognition that violence against women is a human rights concern
- Coherent strategic oversight of this area of work within government and outside it
- Government delivery of
 - a. well-resourced national helpline(s) available to all victims of gender-based violence
 - b. backed by an adequately resourced national network of independent specialist violence referrals agencies
- Amendments to the asylum seeker assessment procedures to ensure that female asylum seekers are better enabled to report the gender-based violence to which they may have been subjected
- Measures that recognise and address the particular vulnerability of groups of women and girls who have been damaged and/or are especially vulnerable, for example adult women survivors of childhood sexual abuse
- Clear and consistent statements and measures from government that acknowledge gender-based violence constitutes grounds for asylum
- Improved and consistent access to services and support for rural women
- Consistent, integrated and sustained prevention work, integrated into policy, practice and research
- Government leadership on training or guidelines for local and central government to ensure the development of a core training curriculum and manual on gender-based violence