

Welsh Women's Aid Manifesto call

General Election 2019

Violence against women and girls is experienced at epidemic levels nationally. 1 in 3 women experience some form of violence and abuse in their lifetime, particularly intimate partner violence and sexual violence. It is a problem of pandemic proportions: more women suffer rape or attempted rape than have a stroke each year, and the level of domestic abuse in the population exceeds that of diabetes by many times.

Violence against women and girls has devastating effects on women and their children, on families and communities. We need cross government coordination and investment to prevent its recurrence and to support and protect all survivors so they can achieve independence, freedom and liberation from oppression.

For this to meaningfully happen any parties forming the next government should commit to the following:

- 1. A Violence Against Women and Girls Bill for England and Wales to transform responses to women and girls, within an equalities and human rights framework.**
- 2. Reform of the family justice system so it supports and protects children and non-abusive parents to live free from violence and abuse.**
- 3. Victim-blaming attitudes and judgements regarding consent and sexual history to be challenged within the criminal justice system.**
- 4. A new offence on strangulation be included in proposed legislation that recognises it as a serious assault, a tool of control and a threat to life.**
- 5. A framework for support and protection that addresses all the intersectional barriers that lead to abuse, homelessness, destitution, and exploitation amongst all migrant women.**
- 6. Investment in secure and sustainable funding for domestic and sexual abuse specialist services and women's centres, ensuring equivalent additional funding being allocated to support specialist organisations in Wales.**
- 7. Ratification and implementation of the International Labour Organisation Convention 190 on Violence and Harassment at Work.**
- 8. A welfare system that supports survivors to be financially independent and to live free from abuse. This must include an immediate reversal of the two-child tax credit limit and implementation of split payments as default for Universal Credit.**

9. **The protection of women’s rights within Brexit planning and post Brexit arrangements, particularly ensuring recognition that women living with domestic abuse as a ‘vulnerable’ group in terms of accessing the EU Settled Status.**
10. **Equal protection under legislation for disabled survivors experiencing coercive control which is effectively implemented by the justice system.**
11. **Ensuring online companies take action to prevent and hold accountable perpetrators of sexual harassment, abuse and violence that disproportionately affects girls and women, and ensuring online space is safe and supportive for all women and girls.**
12. **Addressing of commercial sexual exploitation by targeting demand, and decriminalising women and providing support or financial independence for women to exit the sex industry.**
13. **To strengthen legal protection and support for survivors of violence against women who commit an offence, and action to prevent women affected by abuse, trauma, mental ill-health, poverty, homelessness and addiction, from entering the criminal justice system.**

Supporting evidence

1. **A Violence Against Women and Girls Bill for England and Wales to transform responses to women and girls, within an equalities and human rights framework.**

We call for the prioritising of the introduction of a Violence against Women and Girls Bill that will fully ratify the Istanbul Convention and include a comprehensive framework of equal protection and support for all survivors of domestic abuse, sexual violence, forced marriage, so called honour-based violence, female genital mutilation and prostitution without discrimination on any grounds, including migrant status.

The [Preventing and Combating Violence Against Women and Domestic Violence \(Ratification of Convention\) Act 2017](#) commits any government to ratify the Istanbul Convention and will continue to report on an annual basis, as required by, on progress towards ratification. We need the next government to ensure that this happens.

2. **Reform of the family justice system so it supports and protects children and non-abusive parents, to live free from violence and abuse.**

In [our response to the recent Ministry of Justice Inquiry](#) into domestic abuse, we highlighted numerous examples from survivors in Wales and Welsh Women’s Aid members about court failings. These included failing to ensure the safety and wellbeing of survivors and their children and failure to alleviate the harms caused by cross-examination, mediation and lack of special measures.

Survivors in Wales have told us:

They put you back in the same room as the abuser, to try to get you to mediate with him when he holds all the power and has dominated you for years, you haven’t got a chance it’s not equal. (Survivor)

He went to prison, but the family courts were just interested in him seeing the children. I'm not sure they even knew about the prison stuff. (Survivor)

Court services aren't utilising all the services in place that victims need. (Survivor)

There is now a significant body of evidence demonstrating the harm caused to children, young people and their non abusive parents/carers (survivors of domestic abuse) by the family justice system.

We call for the following to be urgently addressed in proposed Violence against Women legislation:

- A ban on any direct cross-examination in all family, criminal or civil proceedings in cases involving domestic abuse, sexual abuse, stalking or harassment – this must not be at the discretion of the court as to whether an alleged perpetrator will be permitted to cross-examine.
- Guaranteed access to special measures for survivors of domestic abuse, sexual abuse, stalking or harassment in the family courts.
- Prohibition of unsupervised contact for a parent who is on bail for domestic abuse related offences, or where there are ongoing criminal proceedings for domestic abuse.
- A change to the law to ensure that in cases of domestic abuse or sexual abuse child contact arrangements are decided on an informed judgement of what's in the best interests of the child(ren) and not on the presumption of parental involvement.

3. Victim-blaming attitudes and judgements regarding consent and sexual history to be challenged within the criminal justice system.

The consequences of reporting rape and of going through the criminal justice system are significant. Survivors have spoken to us about the re-traumatising experience of reporting rape and sexual assault to the police and going through the subsequent investigation and court processes. There are still widespread assumptions, judgements and victim-blaming attitudes held by members of the public around consent, what rape involves and a victim's sexual history, and these views will also be represented amongst some in the criminal justice system and those who make up juries too.

It is crucial that survivors can have enough confidence in the criminal justice system to come forward to report rape in the first place, knowing they will be believed and supported throughout the criminal justice process and without the fear of being labelled, blamed or judged. To enable this there needs to be:

- A change to [Section 41 of the Youth Justice and Criminal Evidence Act 1999](#) so that a victim's sexual history regardless of the similar nature to the alleged rape and its closeness in time to the alleged rape is not admissible in court.
- Clear protocols that limit the use of mobile phone data and do not penalise the victim, ensuring the many victims that cannot or will not hand over their phone does not inhibit cases going forward to prosecution or conviction and any use of mobile data aligns to an accurate understanding of consent, victim behaviour and sexual violence.
- A focus on believing and supporting the survivor throughout the criminal justice system.
- Information provided to witnesses, juries and judges that mitigates victim-blaming assumptions, attitudes and judgements for every case.

Otherwise we will continue to see fewer rape convictions, fewer rapists being held to account for their crimes, and ultimately fewer survivors seeking, and finding, justice.

4. A new offence on strangulation be included in proposed legislation that recognises it as a serious assault, a tool of control and a threat to life.

Evidence shows [one in five sexual assault survivors](#) have been strangled. Strangulation is a direct threat to life and needs to be treated as such; often strangulation assaults are not charged or treated as a serious life-threatening assault. [New Zealand's government](#) has made non-fatal strangulation a new offence that carries a maximum penalty of seven years in prison. Within the first 3 months of the legislation in New Zealand around [33 people per week were charged](#) by police for suffocating or strangling their partner. Work is also being carried out within Australian legislation to include a new offence similar to New Zealand.

We support our ambassador Rachel Williams [call](#) for strangulation to be made a specific criminal offence. This would require specific powers been given to police and the criminal justice system to treat reports of strangulation as a specific offence with the seriousness it deserves.

5. A framework for support and protection that addresses all the intersectional barriers that lead to abuse, homelessness, destitution, and exploitation amongst all migrant women.

Specialist services in Wales we have consulted with have shared how the “no recourse to public funds” rule forces women to remain with perpetrators of abuse and puts them at further risk of exploitation and modern slavery.

Survivors in Wales have told us:

Where will I go? I will be destitute if I can't get money in 28 days. I am so frightened. (Survivor)

All agencies see is an immigration status they do not see us as human beings. We need help. (Survivor)

He told me no one will believe me because of my status, that they will take my children from me. (Survivor)

They told me to go back home to Africa as I would be safe there because he now has his stay [leave to remain]. I called the police 100s of times about him and he nearly killed me. The police know all about it. But they let him stay anyway. (Survivor)

We call on the government to abolish the no recourse to public funds rules for survivors of abuse, and until then there must be:

- An extension of the Domestic Violence Rule to all abused migrant women, irrespective of immigration status to ensure that they are properly protected, resourced and supported in the face of all forms of harm and abuse.
- An extension of the Destitution and Domestic Violence Concession (DDVC) to all abused migrant women and children irrespective of immigration status to enable them to secure protection, funding and support in the face homelessness and destitution.
- An extension the time period from the current three months to at least six months to allow for sufficient access to specialist and legal advice and support.

6. Investment in secure and sustainable funding for specialist services, ensuring equivalent additional funding being allocated to support specialist organisations in Wales.

The UK-wide network of specialist services provides vital, life-saving services and operate across borders. In Wales, a commitment for secure and sustainable funding for specialist services was introduced in 2016, in the Wales [National Violence against Women, Domestic Abuse and Sexual Violence Strategy](#), but we remain concerned that this has not yet been delivered. UK Government recently consulted on funding for accommodation-based support for domestic abuse survivors in England. We want to ensure that we avoid a postcode lottery for survivors, and that any proposals for securely funding specialist services must apply to Wales.

7. Ratification and implementation of the International Labour Organisation Convention 190 on Violence and Harassment at Work.

In July 2019 the International Labour Organisation adopted the [Convention 190 on Violence and Harassment at Work](#). The Convention recognises that violence and harassment in the world of work constitutes a human rights violation and a threat to equal opportunities. It places a legally binding commitment to the right of everyone to work free from violence and harassment, including gender-based violence and harassment.

8. A Welfare System that supports survivors to be financially independent and to live free from abuse.

[Our data](#) shows financial support has been the third most prevalent support need reported amongst survivors accessing support in Wales – which would include help or guidance in accessing housing support benefits, income support, child maintenance payments and Universal Credit.

The impact of welfare reform has left some survivors without adequate access to money to secure safety, support and justice. We have spoken to survivors that have identified that joint payments can actually exacerbate domestic abuse. The two-child tax credit limit and other benefits restrictions are limiting survivors' resources enabling further control, reducing the financial capacity for survivors to leave an abusive partner as well as impacting on their ability to move on and build a life free from abuse. A [joint report](#) has found the impact of the two-child tax credit limit will see 300,000 children pushed into poverty and one million children, already in poverty, pushed even deeper into poverty by 2023/24.

We call for:

- An immediate reversal of the two-child tax credit limit.
- Split payments by default for all claimants of Universal Credit.
- Exemption for survivors who have a change of circumstances due to domestic abuse from repaying advance Universal Credit payments.
- A duty to assess the impact of welfare reforms on all survivors, including migrant women and children and young people.

These must urgently be addressed in any proposed Violence against Women legislation.

9. The protection of women’s rights within Brexit planning and post Brexit arrangements, particularly ensuring recognition that women living with domestic abuse as a ‘vulnerable’ group in terms of accessing EU Settled Status.

Welsh Women’s Aid is very concerned about the far-reaching impact of Brexit on survivors of violence against women in Wales, such as increasing poverty rates for women, which can put them at further risk if they are living with or leaving perpetrators of violence and abuse. The [Women’s Budget Group report](#) evidences the UK exits the EU possible disproportionate and detrimental impact on women. With financial hardship common for women post separation, EU citizen women’s rights to public services and their right to reside here will be under threat if they are unable to apply for EU settled status. All women in the UK face the very real threat of the loss of basic human rights that EU legislation has progressed and protected, as uncertainty remains over the future of the Human Rights Act.

We call for:

- The overturning of any plans to repeal the Human Rights Act, recognising it is a vital tool in the quest for justice for women impacted by violence and abuse
- Recognition of women living with domestic abuse as a ‘vulnerable’ group in terms of accessing the EU Settled Status. We need clarity on what support the new government will provide women who are living with abuse to apply for settled status.
- Assurance that all survivors of abuse will have access to funds to help them to safely access the support they need by creating a fund that survivors and specialist services can access to support all women with insecure status.

10. Equal protection under legislation for disabled survivors experiencing coercive control which is effectively implemented by the justice system .

Our report on [Supporting Disabled People experiencing Violence against Women, Domestic Abuse and Sexual Violence in Wales](#) published this year, highlighted worrying findings that police do not take complaints seriously and that disabled survivors are disbelieved or are perceived to lack credibility when seeking domestic abuse support from statutory bodies. Survivors highlighted to us how the perpetrator was able to manipulate agencies into seeing them as helping the survivor rather than the agencies effectively identifying the perpetrators controlling behaviour.

We support the call from [Stay Safe East](#) to close the loophole in the Serious Crime Act that enables perpetrators of abuse to defend themselves for using coercive control if they ‘believe it was in the best interests of the person’.

Survivors in Wales told us:

My ex-partner who perpetrated abuse against me would also often dominate conversations, acting as though he was 'helping' me. It meant that he'd misrepresent things that were said and prevented me from engaging in conversations or speaking for myself. (Survivor)

11. Ensuring online companies take action to prevent and hold accountable sexual harassment, abuse and violence that disproportionately affects girls and women, and ensuring online space is safe and supportive for all women and girls.

Our report on [Online Abuse – the use of the digital world to perpetrate violence against women and girls](#) calls for action on the prevention of abuse and the rights of women and girls to access online space and use technology free from abuse. Online abuse is not happening in a digital vacuum, it is an extension of and part of other forms of violence against women and girls. Online abuse, while overlapping, can be seen to fall into one of the following categories:

- Abuse of women in the public eye/with a public profile
- As an extension of coercive control by intimate (ex) partners and family members
- Specific issues of concern to children and young people including child sexual exploitation

- Sharing images without consent
- Online sexual exploitation, including prostitution and pornography

We need the police and other criminal justice professionals' response to reports of online abuse to be strengthened and support survivors of abuse. There should be measures to hold perpetrators to account through strengthened protection orders and legislation to ensure that these extend protection to the online arena. Any contact made in an online context should be treated as a breach of an order, just as it would be in real life.

12. Addressing of commercial sexual exploitation by targeting demand, decriminalising women and providing support or financial independence for women to exit the sex industry.

We recognise that prostitution and the sex industry perpetuates inequalities that are a cause and a consequence of violence against women and girls and also impacts individual women and girls who experience sexual exploitation underpinned by the inequality of power and privilege at the core of the sex trade.

It is vital that action is taken to better protect women and children exploited through the sex industry and that strong penalties are introduced to challenge demand from the men who buy, sell and traffic women and children. We want the selling of sex by women to be decriminalised whilst the demand for the sex industry is challenged, including by more robust prosecutions of buyers, pimps and those who exploit in the context of prostitution. We call for the introduction of an 'end demand' legislative framework, or Nordic Model approach to prostitution.

13. To strengthen legal protection and support for survivors of violence who commit an offence and action to prevent women affected by abuse, trauma, mental ill-health, poverty, homelessness and addiction, from entering the criminal justice system.

The [Corston Report](#), a seminal review into women in the criminal justice system, was published in 2007. Over ten years on, Women In Prison produced an audit of the limited progress made towards the [recommendations](#) made by Baroness Corston. The original report was created because of the number of women dying in custody, but unfortunately these numbers are again on the rise with [12 self-inflicted deaths of Welsh women in prisons in 2016](#), the highest numbers since 2004.

The [Wales Governance Centre Report](#) shows that women in Wales involved in the criminal justice system are being failed, with Black and minoritised women being treated more punitively. There is a 20% increase in custodial sentences for Welsh women since 2011, more women are being imprisoned for short sentences, and there has been a 41% decrease in women given community orders by the courts since 2010. The overwhelming majority of Welsh women in prison have been convicted of non-violent offences for a term of less than six months. Diversion from court and access to non-custodial sentences would therefore be of benefit to the majority of those women, their children and families.

A number of Welsh Women's Aid members provide dedicated community support for women involved with the criminal justice system, yet there remain significant gaps in provision across the country. We want to see:

- an end to the criminalisation of women's poverty, addiction and experiences of abuse and improved judiciary confidence in alternatives to custody.
- Rapid investment of secure and sustainable funding for women's services in Wales, that support women in contact with the justice system.
- A reduction in custodial sentencing, diversion into women's services by the police and provision of adequate support on release from custody, including safe housing, domestic and sexual abuse support, employment, mental health and substance misuse support services.

Any comments or questions regarding this briefing can be directed to:

Gwendolyn Sterk

Head of Public Affairs and Communications

02920 541 551

GwendolynSterk@welshwomensaid.org.uk