



February 21, 2014

F.A.O. : Joint Committee on Human Rights (VAWG)

Re: Submission for JCHR Inquiry into violence against women and girls

Dear Sirs,

Eaves for Women welcomes the chance to contribute to the Joint Committee on Human Rights' Inquiry into VAWG and with specific reference to the government's progress on the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (The Istanbul Convention).

1. About us: Eaves for Women is a charity working on all forms of violence against women and girls. We deliver the below range of services:

- The Poppy Project for women victims of trafficking for sexual exploitation and/or domestic labour;
- The LEA Project for women in London who wish to exit prostitution;
- The Beth Centre, in collaboration with Women in Prison, for women affected by the criminal justice system, involving co-location of probation and a range of holistic and integrated support;
- The Lifeskills project for women affected by violence and in poverty experiencing discrimination, exclusion and hardship in terms of housing, welfare and education and employment opportunities;
- Rape Crisis Affiliation in which we have an Independent Sexual Violence Advocate (for women and girls aged 13+) and the Amina project which involves trained survivors of sexual violence befriending, listening and supporting new sexual violence referrals;
- The Lilith project which is a research, advocacy, campaigning and lobbying function and currently involves two live research projects (one looking at the discriminatory and marginalizing impact of criminalisation on women in prostitution, the other looking at the barriers to integration of third country national women on spousal/partner visas);
- Previous research by Eaves (Lilith project) has included inter alia:
 - Evidence (jointly with three other women's groups) to the Leveson Inquiry on media standards followed by a media monitoring report, [*Just the Women*](#);

A report on media and rape reporting, [Just Representation? Press Reporting and the Reality of Rape:](#)

A report, [Breaking Down the Barriers Barriers: A Study of how Women Exit Prostitution,](#) in conjunction with London South Bank University;

A report into Government scheme to address DV for women affected by no recourse rule, [Destitution Domestic Violence Concession Monitoring report;](#)

A report, [Young Peoples' Attitudes to Forced Marriage and its Gendered Differentials;](#)

A report, [Men Who Buy Sex: Who They Buy and What They Know.](#)

2. Government's ratification of Istanbul convention (obligations fulfilled, adjustments required)

Eaves for Women welcomed the government's avowed intention to [sign, ratify and implement the Istanbul Convention.](#) We feel strongly that this convention provides a new and important additional impetus to the urgent need to develop and apply gender sensitive policies and resources in a researched, evidenced and proportionate manner. This is needed across the board but particularly with violence as there remains a tendency to attempt to apply a gender neutral discourse to violence, including domestic violence. This results in a dilution or misapplication of state obligations to redress gender and race discrimination including in domestic level gender equality duties. It can result in skewed, inadequate and ineffective policy and resource allocation that does not address the cause of the problem so cannot solve it. It results in a misleading picture of the scale, extent and cause of violence against women resulting in enhancing and reinforcing stereotypes and myths. This in turn limits women's access to safety, justice and full and equal participation in public life perpetuating a history of discrimination.

We feel that this convention has significant added benefit in that it will address some key gaps and concerns which remain unfulfilled in existing policies and legislation in the following areas:

- A lack of a vawg integrated strategic approach with a coordinating body for transparency and accountability and disaggregated data collection and gendered analysis;
- The potential for inequality, discrimination and lack of access to justice and safety that is inherent in alternative dispute resolution for women victims of violence;
- The potential for unequal access to safety and justice that women with insecure immigration status face;
- The lack of will or understanding to act on the fact that ECSR are integral to, not additional or secondary to, women's ability to access their ICCPR rights;
- The lack of focus on, and investment in, prevention;
- The lack of will to enable and facilitate compensation, reparation and accountability;
- Poor commissioning that disadvantages women, minorities and the marginalised;

- The lack of understanding and will to address prostitution as vawg.

3. A lack of a vawg integrated strategic approach with a coordinating body for transparency and accountability, disaggregated data collection and gendered analysis;

It is notable that in some other EU countries terms such as [femicide](#) (e.g. Latin America, Spain, Italy) are commonly used in addressing violence against women. In the UK currently, there seems to be, at best, ambivalence but more likely active hostility to identifying and naming male violence against women for what it is. Women's activism in the past and notably in the 70s seems to have been set back by a combination of complacency that things had sufficiently improved for women, popular and political unease with challenging men's entitlement and a backlash from some male movements. Consequently, the UK has seen a lack of collection, analysis or publication of [gender disaggregated data](#). Indeed, on the contrary, we see a determined attempt not to use the term violence against women which can more accurately reflect the continuum of violence which women face and its discriminatory nature. Rather a tendency to only use the term domestic violence and to misrepresent statistics in a misleading way to suggest near equivalence ("1 in 4 women and 1 in 6 men"). [Clarifications and critiques of these statistics](#) are widely known and available not only with women's NGOs but among some police forces but ignored by the dominant media and politician's discourse reinforcing stereotypes and myths and undermining women's quest for justice.

End violence against women coalition made significant progress in mainstreaming a VAWG approach particularly with the benefit of their several publications which demonstrated what an integrated strategy was and how it could drive up standards across government ([Making the Grade](#), [Map of Gaps](#), [Realising Rights Fulfilling Obligations](#)). [Guidance exists](#) as to how to draft and implement a VAWG strategy. It is disappointing that much of the traction gained with these expert contributions has lapsed. These publications still stand and are the road map to the sort of integrated strategic approach we require.

We urgently need an independent coordinating body, [especially since the loss of the WNC](#), which can require the collection of disaggregated data and publish and use it and to which government is accountable for their policies and their impacts. This would significantly enhance transparency and accountability at every level and would have to be taken into account in the design, delivery and implementation of policy and resource allocation decisions. It would lead to improved, effective, and sustainable outcomes for service users.

4. The potential for inequality, discrimination and lack of access to justice and safety that is inherent in alternative dispute resolution for women victims of violence;

Violence against women accounts for [10-25%](#) of all violent crime in police forces around the UK. The drive to reduce the costs to the criminal justice system is understandable. In so far as for women offenders this may result in the application of the long-called for [Corston](#) approach, we welcome it. In so far as it results in attempting to dispense with VAWG allegations by community resolutions, mediation and alternative dispute mechanisms, we have very serious concerns. Recent findings from a [Freedom of Information request](#) that community resolutions have been used in one in eight violent offences seriously undermine any strategy to prevent VAWG, prosecute perpetrators and ensure women's access to justice. [Mediation in some cases is particularly dangerous](#) as women are often [desperate to believe the abuser can change, they often blame themselves already and they come under huge pressure from the abuser and often from families](#). Should women be interested in apologies, meeting perpetrators or having faith interventions when they experience violence, then this is a private matter of their choice. It must not be instead of, or mitigation in, the mainstream legal process. Women's safety, their access to justice and the avoidance of any suggestion that it is a low risk crime with impunity for perpetrators must be the priority.

5. The potential for unequal access to safety and justice that women with insecure immigration status face;

[Human rights standards](#) mean that the state has a duty to provide equal access to safety and justice for all women within the jurisdiction irrespective of that woman's immigration status and above and beyond the short term biases of political populism. This is an important principle that is the basis of the women's asylum charter ([Asylum Aid](#)). We hope and believe that this convention should help entrench the rights of women with insecure immigration status to equally access safety and justice. We have particular concerns about women affected by the No Recourse to Public Funds rule. We welcome the Destitution Domestic Violence Concession as a mainstream route to access public funds. However, this is only available to a small proportion of women who are trapped in violent relationships with no recourse. We would like to see any woman affected by these rules able to access support. Moreover [we have grave concerns](#) that the raft of rapid cuts and immigration tightening measures will render what little protection this concession affords unattainable and ineffective. This is evidenced in [welfare reforms](#) and practices that do not publicise easements and concessions, are applied by staff with little or no training on DV incentivised to keep benefit access low, that make interpretation, face to face and gender sensitive support and advocacy unaffordable and unattainable. It is evidenced too in the increase in probation period, attempting to increase fees and raise other barriers (e.g. language), restricting family reunification and blocking access to legal aid, appeals and judicial review. This drastic combination is liable to nullify any beneficial potential of the measure.

6. The lack of will or understanding to act on the fact that ECSR are integral to, not additional or secondary to, women's ability to access their ICCPR rights;

An artificial and instrumentalist separation of ICCPR and ECSR rights has long since been broken down and replaced by [acceptance that they are integral to each other](#). This is reflected in the rationale for more recent [poverty campaigning by rights based organisations such as Amnesty International](#). The tendency by right wing and libertarian governments to try to hierarchise and separate these rights is illustrative of a lack of engagement with the reality of inequality and power differentials in our imperfect societies. It reflects the fact that ICCPR/civil liberties rights only require low investment by the state as it requires the state largely to refrain from interfering. ECSR human rights, however, require significantly more investment by the state to proactively overcome the inequality and discrimination that is a bar to equal participation and access in society and enforcement of ICCPR rights for the most marginalised. In this way we welcome the reference to ECSR in the Istanbul Convention as essential to the furtherance of women's rights.

At a time of global financial crisis it is all the more important that the state be not allowed to cut corners, retrench and restructure to the detriment of women, minorities and the marginalised. The recession in the UK has had a [disproportionate negative impact on women's rights](#) and participation and services for them. Measures that cut public sector employment, reduce rights and equalities obligations on employers, limit access to welfare benefits, legal aid, judicial review, compensation, employment and welfare tribunals have direct and often discriminatory impacts on both ICCPR and ECSR rights for women.

7. The lack of focus and investment in prevention

Our society currently normalizes and even glamorises violence against women. Polls consistently reveal acceptance of ideas that there are everyday scenarios in which it is [acceptable for a man to hit his girlfriend](#) or in which she is expected to accept [blame for her own rape and violence](#). Women who try to speak out on matters of public policy and specifically on gender issues are immediately bombarded with [rape threats and misogynistic abuse](#) to intimidate them into silence. Pornography and abuse is mainstreamed. A significant proportion of [child abductions and murders](#) and of domestic violence cases reveal a backdrop of violent and degrading porn use. Our culture and [media reportage](#) is littered with [rape scenes](#) as entertainment on our TV and in [popular music](#). Best selling books include the abuse catalogue that is [50 shades](#) of grey, pornographic and degrading films are mainstreamed as "art house epics" ([Trier's latest offerings](#)).

Women's and children's rights groups have been calling for a more responsible approach from DFE for several years in all areas of violence against women and girls and healthy relationships. Specific examples, [sustained by select committees](#), include calls for a more

proactive response on [forced marriage](#) and FGM in schools, general calls include the need for a whole school approach to challenge gender stereotypes and male attitudes notably in compulsory [sex education](#) classes. While there are some good initiatives such as the whole [school approach](#), [drama based activities](#), [forced marriage guidelines](#) or [teen abuse campaign](#), they are usually small scale, localized, temporary or pilot projects that are not rolled out due to lack of funding.

Prevention also needs to include [investment in data capture, research, training, support, services and targetted interventions upstream to prevent](#) the long term negative human and financial costs. It also needs to be accompanied by awareness raising, campaigns, clear statements and evidence of commitment to the issue from the state. The vast majority of VAWG work and resourcing is focused on immediate and short term crisis response after the woman or girl is already a victim. Prevention includes challenging men's (and women's) attitudes to gender and to vaw and needs to include properly [accredited perpetrator programmes](#) that integrate women's safety.

8. The lack of will to enable and facilitate access to justice, compensation, reparation and accountability;

We have serious concerns that [legal aid cuts](#) in particular prevent women accessing justice but our experience has also been in supporting women victims of trafficking, sexual violence and other abuse that accessing compensation is almost prohibitively difficult and will become worse in the new climate. We have a particular concern about the lack of accountability and that this will grow with privatization. Where a [global multinational sub-contracted to deliver public services, abuses their power](#) (a growing trend here in police, probation, immigration, security, health etc), then attempts to intimidate or deport witnesses and this results in an individual losing their job or that company receiving a fine – this is derisory and offensive to victims. It allows government inexplicably off the hook and breeds distrust, fear and impunity.

9. Poor commissioning that disadvantages women, minorities and the marginalised

Commissioning, generally but specifically in a cuts climate, is generally aimed at a lowest unit cost formula which appeals to generic, large scale providers and “economies of scale” and [squeezes out smaller, specialist and NGO sector expert providers](#). It also disregards what service users want so making engagement and retention of service users harder. This comes at the expense of quality and expertise and has long term knock on effects for [sustainable and effective outcomes and for diversity of specialist provision](#). There is a rhetoric or lip-service of invest to save discourse but ultimately short termism and unit costs wins the day. Effective service delivery to people with complex needs requires skilled specialist expertise and targeted, individualised, victim-centred engagement. Outcomes

need to be realistic and reflect the reality of complex service users and their recovery journeys. Three to six months will be unlikely to unravel the complexities of self-esteem, counselling, confidence, debt, welfare, housing, child custody, divorce, ex-offending, immigration, substance abuse, domestic and sexual violence, mental health, prostitution exiting, education, employment, or other complex and common combinations of need. Outcome measures are needed that recognize recovery and move-on as a non-linear process incorporating lapses and reversals and small steps like a reduction in harmful behaviours, an increase in self-confidence. We hope that this convention can spotlight commissioning practice and safeguard adequate resources for quality, specialist service provision in line with service users' preferences.

9. The lack of understanding and will to address prostitution as vawg

There is widespread acceptance that the [entry routes into prostitution](#) commonly include young women (including often under age 18) fleeing domestic and sexual abuse, destitution, coercion, exploitation and substance addiction. Women in prostitution are [12 times](#) more likely than women in the general population to be a victim of murder. The assumption that on street women in prostitution are much more chaotic and worse off than allegedly safer, more autonomous and functional off street women is increasingly [coming under challenge](#). The profiles of both groups have some differences but have many more similarities than previously thought and there is increasing [fluidity and transience](#) between them.

United Nations Convention on the Elimination of Discrimination Against Women (CEDAW) [General Recommendation 19](#) (article 6) leaves some room for interpretation but posits sexual exploitation as incompatible with women's rights, dignity and equality. Some [academic experts](#) have also interpreted CEDAW provisions, which state that traditional, cultural and religious practices cannot be used to justify practices harmful to women, to include prostitution as a harmful, traditional practice being, as it is so often called, "the oldest profession in the world."

There is a glaring gap in policy, strategy and direction in prostitution. The poles of the debate on prostitution are extreme. At one end is prostitution as work like any other that needs to be legalized and unionized. At the other is prostitution as violence, exploitation and inequality in which women should be decriminalized and given support to prevent entry and to help exit and men should be penalized for buying. The lack of a strategic position from government means that [every borough and every police force does what it wants or indeed does nothing resulting in contradictory and fragmented responses](#) and lack of resources and service user focused interventions.

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