

# ENDING VIOLENCE AGAINST WOMEN AND GIRLS

GREEN PAPER



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# Enough is enough

Earlier this year the whole country mourned the death of 33-year-old Sarah Everard, who went missing after leaving a friend's house near Clapham Common. While her horrific death received unprecedented press coverage, it would be a mistake to think of it as a one-off. Last year, the number of female homicide victims in England and Wales reached its highest level since 2006 – up 10% on the previous year.<sup>1</sup>

Violence against women and girls is not limited to murder statistics. For the year ending March 2020, the Crime Survey for England and Wales estimated that 7.1% of adults aged 16 to 74 years had experienced sexual assault by rape or penetration since the age of 16.<sup>2</sup> Domestic violence, already endemic across Britain, skyrocketed during the pandemic, with 260,000 domestic abuse offences between March and June 2020 alone.<sup>3</sup>

The criminal justice system is failing the women and girls who become victims of these crimes. Under the Conservatives, rape convictions have fallen to a record low.<sup>4</sup> Across the criminal justice system, victims of crime are facing delays of up to four years, as a result of the record-breaking backlog in the Crown Courts caused by a decade of Conservative cuts and court closures.<sup>5</sup>

Tackling violence against women requires sentencing changes, the creation of new offences and investment across the whole of the criminal justice system. However, an approach focussed on criminal justice alone will only act as a sticking plaster on an epidemic that is rooted in the prevalence of misogyny and inequality across our society. Labour's Ending Violence Against Women Green paper proposes a long-term, whole-system response that provides justice and protection for survivors, as well as delivering effective prevention, and the tackling of the social attitudes, inequality and discrimination that underpins the abuse that women and girls face.

The Government itself acknowledges its efforts to tackle gender-based violence have not been good enough, and yet the recent Queen's Speech merely promised further consultations and reviews into the status quo, with little by way of substantive action. The Government's record of failure can be explained, in part, because it has refused to put in place proper mechanisms of accountability. The Labour government in Wales

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<sup>1</sup> BBC News, 13 February 2020, <https://www.bbc.co.uk/news/uk-51491021>

<sup>2</sup> ONS, Nature of sexual assault by rape or penetration, England and Wales, 18 March 2021, <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/natureofsexualassaultbyrapeorpenetrationenglandandwales>

<sup>3</sup> ONS, Nature of sexual assault by rape or penetration, England and Wales, 25 November 2020, <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseduringthecoronaviruscovid19pandemicenglandandwales/november2020>

<sup>4</sup> BBC News, 30 July 2020, <https://www.bbc.co.uk/news/uk-53588705>

<sup>5</sup> Observer, 10 January, 2021, <https://www.theguardian.com/law/2021/jan/10/covid-leading-to-four-year-waits-for-england-and-wales-court-trials>

provides a model for fixing this. The Welsh government's 2015 Violence against Women, Domestic Abuse and Sexual Violence Act set out 10 national indicators of progress by which the Government can be held to account. Labour would build on this approach at the UK level, by rolling out indicators of progress – alongside annual reports – to ensure the Government makes tackling violence against women and girls a priority across every department.

Labour's proposals seek to ensure all victims of violence are seen, supported and protected. Migrant women and girls, as well as women and girls who are Black, Asian and ethnic minority, LGBT+, or disabled, can face intersecting forms of discrimination and additional barriers to accessing support and protection, that contribute to disproportionately high levels of abuse or violence. Policies and the provision of services that deliver for the specific needs and experiences of women from these groups are vital. These groups have also borne the brunt of Conservative austerity cuts. For example, 50% of refuges for ethnic minority women have been either forced to close, or taken over by an alternative provider in the past decade, due to a lack of funding and, disabled women are disproportionately impacted by social security changes, leaving them with less financial resource to escape abusive contexts.<sup>6</sup>

Enough is enough. Labour will not rest until women and girls are safe at home, in the street, at school, college and university, in the workplace and online.

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<sup>6</sup> Joint Briefing by Imkaan and the End Violence Against Women Coalition

<https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Joint-Briefing-for-Meg-Hillier-MP-Debate-EVAW-Imkaan.pdf>

# Criminal justice system

After a decade of underfunding, the criminal justice system has struggled to cope with the growing number of violence against women and girls (VAWG) offences. As a result, while reports to the police have been increasing, there have been significant declines in referrals, charges, prosecutions, and convictions for VAWG offences in recent years.

Far too many victims never see their case go to court and the experience for those that do can often be traumatic. This has a serious impact on victims' confidence in the criminal justice system and means perpetrators continue to get away with their crimes. Many victims may lose faith in the criminal justice system altogether, leaving the true scale of VAWG hidden from public view.

## Sentencing and new offences

Poor prosecution and conviction rates are a key part of the problem when it comes to the justice system's response to violence against women and girls. However, we also need the right laws and appropriate sentences to deter potential offenders and convey the seriousness of such behaviours and actions. Our laws must send a strong signal that violence against women and girls will not be tolerated. The public is losing confidence in the Government on this issue, with recent polling showing seven in 10 women consider action to stop sexual harassment, rape and domestic abuse to be inadequate. Nine in 10 (89%) women and three quarters of men (76%) also said that imposing tougher sentencing for sexual harassment, sexual assault and domestic violence would be effective in making the country safer for women and girls.<sup>7</sup>

To deter potential perpetrators of violence against women and girls, and to keep these criminals off the streets for longer, Labour would increase sentences for rape, stalking and domestic murder – as well as introducing whole life tariffs for those who rape, abduct and murder a stranger. Labour believes it is time for judges to be able to hand out enhanced sentences and increased punishments for those who commit all crimes on the basis of their prejudice against women – which is why our Bill backs proposals to make misogyny a hate crime. Finally, no woman should be subject to verbal or non-verbal sexual harassment on the street – which is why we are proposing a new offence to stop it.

### A new minimum sentence for rape

There is no statutory minimum sentence for rape, only a maximum sentence of life imprisonment. The starting tariff in the Sentencing Guidelines is five years, which can

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<sup>7</sup> YouGov for Independent, 9 May 2021, <https://www.independent.co.uk/news/uk/home-news/sexual-harassment-domestic-abuse-government-b1839589.html>

be reduced to four years. Labour would introduce a new statutory minimum sentence of seven years, which better reflects the seriousness of the crime. Judges should have discretion to deviate from the statutory minimum sentence if exceptional circumstances exist, along the lines of s.51a of the Firearms Act 1968.

### **A new minimum sentence for stalking**

At present, sentences for stalking and harassment do not reflect the fear and distress it creates in the victims of these crimes, who are most often women and girls. Despite a record number of convictions for stalking in 2019, more than half (58%) got community or suspended sentences.<sup>8</sup> Labour would create a new minimum custodial sentence for 'stalking involving fear of violence or serious alarm or distress'. Judges would again have discretion to deviate from the statutory minimum if exceptional circumstances exist.

### **A review into sentencing for domestic homicide and domestic abuse**

The number of female homicide victims in England and Wales is at its highest level since 2006 – almost half (48%) of these were domestic homicides.<sup>9</sup> Cases like the horrific murders of Ellie Gould and Poppy Devey Waterhouse highlight the inadequate length of sentences for some of the worst crimes. After stabbing Ellie Gould multiple times, Thomas Griffiths was sentenced to only 12½ years in prison. Poppy Devey Waterhouse suffered over 100 injuries, but her murderer Joe Atkinson was sentenced to just 16 years and 2 months. This was in part because the murder was committed using a weapon found in the victim's home.

If the Government does not accept Labour's amendment to the Police, Crime, Sentencing and Courts Bill calling for a review into the effectiveness of current legislation and sentencing policy, Labour, in Government, will commission a review. The review, conducted by a senior member of the judiciary, would have a particular view to increasing sentences for domestic homicide, and reducing the gap in sentence length between domestic homicide and other homicides. The review would also examine the effectiveness of sentencing more broadly for domestic abuse.

### **A statutory defence for survivors**

In addition to tougher sentencing for domestic abuse, there must be recognition of the true impact and effects of domestic abuse on victims and survivors. Some victims of domestic abuse (most often women) are driven to committing offences because of the violence or abuse they have suffered. Labour would introduce statutory defences for victims of domestic abuse who may have been coerced into committing certain crimes, or driven to use force against their abuser, as a result of being a victim of domestic abuse.

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<sup>8</sup> Sunday People, 29 November 2019, <https://www.mirror.co.uk/news/uk-news/stalking-victims-feel-betrayed-more-20946237>

<sup>9</sup> ONS, Domestic Abuse prevalence and trends, 25 November 2020, <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseprevalenceandtrendsenglandandwales/yearendingmarch2020>

Labour previously tabled these defences as amendments to the Domestic Abuse Bill.

### **Criminalising street harassment**

Abuse and verbal and physical harassment is a daily reality for women and girls on the streets of the UK. Recent research by UN Women UK found that 71% of women in the UK have experienced some form of sexual harassment in a public space, rising to 86% among 18 to 24-year-olds<sup>10</sup>. In the first national coronavirus lockdown, a fifth of women and girls aged 14 to 21 were catcalled, followed, groped, flashed or upskirted. This rose to 51% during the summer months.<sup>11</sup>

Labour agrees with campaigners who say public sexual harassment is a crime, not a compliment. Labour would consult on and introduce a new street sexual harassment offence, learning from the successes of the work done on this in France.

### **Whole-life tariffs**

A whole-life order means the criminal is in prison for the rest of their life without ever becoming eligible for parole. It differs from a life sentence, under which the prisoner is given a number of years they must spend in jail after which they will be eligible to apply for parole. Labour would ensure that any offender found guilty of the rape, abduction and murder of a stranger would receive a minimum custodial tariff of a whole-life order. The effect of this would be that they spend the rest of their life in custody.

### **Making misogyny a hate crime**

A culture where misogyny is permissible underpins many of the violent and abusive crimes perpetrated against women and girls. In the wake of the murder of Sarah Everard, UN Women UK released data showing that 97% of young women have been sexually harassed, and more than 70% of women of all ages have suffered this abuse.<sup>12</sup>

Labour has already been at the forefront of the calls to make misogyny a hate crime. Former Nottingham Police and Crime Commissioner, Paddy Tipping, ensured misogyny was recorded as a hate crime in Nottingham. During the passage of the Domestic Abuse Act, Labour secured the piloting of the recording of misogyny as a hate crime in crimes of violence against the person, including stalking, harassment, and sexual offences.

Police forces recording misogyny as a hate crime is an important step forward, but Labour wants to go further by including sex and gender in the list of protected characteristics in hate crime laws for the first time. At present, there is not one discreet offence of a hate crime offence in England and Wales. However, when the link is shown between the crime and the victim's protected characteristics, judges can hand out enhanced sentences and increase punishment. Labour would ensure that sex or gender are added to protected characteristics for the first time in hate crime laws.



## **Creation of a new offence of offering 'sex for rent'**

In 2019, the CPS published revised legal guidance which was drafted to assist police and prosecutors considering 'sex for rent' allegations.<sup>13</sup> Research from the charity Shelter suggests 30,000 women in the UK have been propositioned with explicit 'arrangements' since March 2020.<sup>14</sup> However, it was not until the beginning of this year that the CPS announced the first 'sex for rent' charges under Section 52 of the Sexual Offences Act 2003 – inciting prostitution for gain.<sup>15</sup> Clearly, the revised guidance has failed to achieve an adequate criminal justice response to this exploitative behaviour.

In order to better protect women from such predatory behaviour, Labour would create a specific offence of using a landlord-tenant relationship to solicit prostitution in order to better enable the police and courts to tackle this kind of sexual offending. This would facilitate prosecutions - at present, 'sex for rent' offers can only be prosecuted under the Sexual Offences Act, which unfairly requires the victim to legally identify as a prostitute in order to secure a conviction. Labour's plans would shift the focus onto the landlord.

## **Custodial sentences for those who name victims of sexual assault**

Rape victims have a right to anonymity, and it is a criminal offence to name them unless they have specifically chosen to waive that right. However, current sentencing is failing to act as a deterrent. Rapist Phillip Leece was handed a fine of just £120 for breaching the anonymity of his victim.<sup>16</sup> There are countless examples of offenders – as well as their friends and family – naming victims and as a result causing further trauma.

The evolution of the internet has made it easier for perpetrators to break victims' anonymity by sharing their names on social media. Under the current system, the maximum penalty for naming a rape victim is a fine. Labour would take action to protect victims of sexual offences by increasing the maximum sentence for publishing the identity of a sexual offences complainant. The current maximum fine on summary conviction is a level 5 fine of £5,000. We would increase the sentencing power available to judges, so that an offender could be sentenced to up to two years in prison.

<sup>10</sup> UN Women UK, March 2021, [https://www.unwomenuk.org/site/wp-content/uploads/2021/03/APPG-UN-Women\\_Sexual-Harassment-Report\\_2021.pdf](https://www.unwomenuk.org/site/wp-content/uploads/2021/03/APPG-UN-Women_Sexual-Harassment-Report_2021.pdf)

<sup>11</sup> Guardian, 22 November 2020, <https://www.theguardian.com/world/2020/nov/22/criminalise-public-sexual-harassment-in-uk-charities-say>

<sup>12</sup> UN, 10 March 2021, <https://www.unwomenuk.org/safe-spaces-now>

<sup>13</sup> CPS, 4 January 2019, [https://www.cps.gov.uk/legal-guidance/prostitution-and-exploitation-prostitution#\\_Toc534624535](https://www.cps.gov.uk/legal-guidance/prostitution-and-exploitation-prostitution#_Toc534624535)

<sup>14</sup> Daily Mail, 1 January 2021, <https://www.dailymail.co.uk/news/article-9105215/Preyed-sex-rent-landlords-Men-touting-rooms-exchange-sexual-favours.html>

<sup>15</sup> CPS, 25 January 2021, <https://www.cps.gov.uk/south-east/news/announces-first-sex-rent-charges>

<sup>16</sup> MEN, 4 April 2021, <https://www.manchestereveningnews.co.uk/news/greater-manchester-news/it-cannot-proper-rape-fined-20305702>

## **Victims and the courts**

Far too often victims of VAWG find their interactions with the justice system to be traumatic experiences that cause further harm beyond that inflicted by the perpetrator. They are not always treated with appropriate levels of sensitivity and respect by court staff or legal professionals. Giving evidence can be a daunting experience when faced with aggressive cross-examination. And a lack of access to support services leaves many victims confused about the process and more liable to drop their support for prosecution.

### **Training for CJS staff and juries**

Labour will ensure all criminal justice professionals dealing with rape victims (e.g. CPS prosecutors, police liaison, judges) are trained in trauma-informed practice on rape myths and stereotypes. In addition, a pilot programme would be introduced to communicate information to juries regarding certain common rape myths and stereotypes. And looking to civil law, Labour will also introduce mandatory training for the judiciary in the family court to increase understanding of domestic abuse. This training must also reflect the intersectionality of other prejudices linked to this violence – with reference to the disproportionate impact on Black, Asian and ethnic minority, LGBT+, disabled and migrant women and girls.

### **Evidence**

All victims of rape and serious sexual offences should be able to have their evidence recorded and cross-examined prior to trial. This would ensure that victims can give their evidence as soon as possible, improving the accuracy of their testimony, relieving some of the stress and anxiety caused while awaiting a trial, and allowing them to pursue pre-trial counselling.

### **Specialist courts**

International evidence suggests that specialist domestic violence courts are more effective in dealing with perpetrators and keeping victims safe.<sup>17</sup> In England and Wales, Specialist Domestic Violence Courts (SDVCs) are specially adapted magistrates' court hearings which include some elements of the US model: victims are supported by independent domestic violence advocates, and there is additional training for staff.

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<sup>17</sup> Centre for Justice Innovative, February 2018, <https://justiceinnovation.org/publications/snapshot-specialist-domestic-violence-courts>

Labour would expand the use of SDVCs, including enabling the court to monitor offenders in the community.

A recent review by Lady Dorrian, the Lord Justice Clerk, recommended a new, national specialist court with trauma-informed procedures be created in Scotland to deal with serious sexual offence cases.<sup>18</sup> Core features include pre-recording of the evidence of all complainants and specialist trauma-informed training for all personnel. Labour would explore whether these recommendations could be adapted for use in England and Wales.

### **Statutory duty on courts to recognise the professional role of independent advisors**

Labour would introduce a statutory duty to be placed on courts to recognise the professional role of independent advisors – for example independent sexual violence advisors and independent domestic violence advisors – including giving survivors statutory access to counselling and ongoing support before their trial begins. This would help to reduce the pre-trial dropout rate.

### **Legal advocacy scheme for sexual offence victims**

Labour would legislate for a national roll-out of free and independent legal advice and representation for victims following the successful trial of the Sexual Violence Complainants' Advocate scheme (Legal advocacy scheme) in Northumbria.<sup>19</sup> It is estimated that this would cost £3.9m annually. Research into the pilot scheme found it improved victims' experiences of the criminal justice system, and substantially improved best practice in police and CPS responses.

### **Removing the legal aid means test for domestic abuse survivors**

At present, victims of domestic abuse are entitled only to limited public funding for legal aid. Some parties in these cases are eventually able to access legal aid after a delay. However, the means testing requirements often mean that alleged victims cannot access legal aid and therefore cannot get the protection they need.

Often the capital means test makes reference to the victims' share of a property which they cannot liquidate because they co-own it with the perpetrator, who is unwilling to sell. This becomes a further means of control for the perpetrator over the victim. To fix this, and to ensure victims of domestic abuse get the protection they need, Labour

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<sup>18</sup> SCTS, Improving the management of sexual offence cases, March 2021, <https://www.scotcourts.gov.uk/docs/default-source/default-document-library/reports-and-data/Improving-the-management-of-Sexual-Offence-Cases.pdf?sfvrsn=6>

<sup>19</sup> OPCC for Northumbria, 2 December 2002, <https://www.northumbria-pcc.gov.uk/roll-scheme-just-3-9m-improve-system-sexual-violence-abuse-victims-says-police-commissioner-kim-mcguinness/>

would legislate to make sure access to legal aid in domestic abuse cases was offered without reference to capital or income-based means testing.

## **Police and CPS**

The police and CPS have a crucial role in tackling VAWG by bringing offenders to justice. However, while there has been some progress in recent years with growing numbers of victims willing to come forward and report their experience, falling charge rates and fewer referrals to court, prosecutions, and convictions all point to a system that continues to fail many women.

### **Increasing the number of RASSO units**

In 2013, Rape and Serious Sexual Assault Offence (RASSO) units were rolled out in every CPS area to improve the response to this type of offending. However, subsequent inspections found that different models had been developed in each area; compliance with the minimum standards was poor<sup>20</sup>, and prosecutions declined rapidly while reports to the police increased sharply.<sup>21</sup> Inspections also identified significant variation in the models deployed across the police forces.<sup>22</sup>

In January, the police and CPS published a new joint action plan to improve the investigation and prosecution of RASSO.<sup>23</sup> However, given the scale of crisis in prosecuting rape, Labour does not believe this plan is ambitious enough. Labour would ensure that RASSO prosecution work is made a clear, named permanent specialism within the CPS, with recruitment based on the specific knowledge and skills needed. The Bill would also contain a commitment and minimum threshold for local police forces to have specific RASSO units.

### **Protecting migrant victims of domestic abuse**

To truly protect the victims of domestic abuse, we must ensure no woman is put off reporting her experience to the police. However, for victims with unknown, uncertain

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<sup>20</sup> HMICPS, Thematic Review of CPS RASSO units, February 2016, [https://www.justiceinspectorates.gov.uk/hmcpsi/wp-content/uploads/sites/3/2016/02/RASSO\\_thm\\_Feb16\\_rpt.pdf](https://www.justiceinspectorates.gov.uk/hmcpsi/wp-content/uploads/sites/3/2016/02/RASSO_thm_Feb16_rpt.pdf)

<sup>21</sup> HMICPS, Thematic Rape Review 2019, <https://www.justiceinspectorates.gov.uk/hmcpsi/inspections/rape-inspection-on-report-december-2019/>

<sup>22</sup> HMICPS, Thematic Review of CPS RASSO units, February 2016, [https://www.justiceinspectorates.gov.uk/hmcpsi/wp-content/uploads/sites/3/2016/02/RASSO\\_thm\\_Feb16\\_rpt.pdf](https://www.justiceinspectorates.gov.uk/hmcpsi/wp-content/uploads/sites/3/2016/02/RASSO_thm_Feb16_rpt.pdf)

<sup>23</sup> NPCC/CPS, Joint national plan on RASSO, January 2021, <https://www.cps.gov.uk/publication/police-cps-joint-national-rasso-rape-and-serious-sexual-offences-action-plan-2021>

or irregular immigration status, their abusers can use the threat of deportation to keep them trapped in an abusive relationship. Labour would ensure a woman's immigration status could not be used against her by implementing a statutory 'firewall' to prevent police forces sharing immigration details of such victims with the Home Office.

### **Training on the experiences of violence and abuse faced by Black, Asian, minority ethnic, LGBT+, disabled and migrant women**

Labour would ensure that police and RASSO units training recognises the intersectionality of prejudices and discrimination, and additional barriers to accessing support and protection, that contributes to these victim's experiences of violence against women and girls.

## **Perpetrators**

There are approximately 400,000 perpetrators of domestic abuse causing high and medium levels of harm across England and Wales. However, less than 1% receive a specialist intervention that might prevent future abusive behaviour.<sup>24</sup> Research has shown that around a quarter of high-harm perpetrators are repeat offenders and some have at least six different victims.<sup>25</sup> Giving the scale of repeat offending, any serious attempt to reduce the incidence of domestic abuse must also address the behaviour of perpetrators.

For too long the sole-focus has been on how women should 'keep themselves safe', fostering a culture of 'victim-blaming'. A new drive to challenge, stop and change perpetrator actions and behaviour is needed.

### **Multi-agency response for serial perpetrators of domestic abuse and stalkers**

When they are released into the community, most serious violent and sexual offenders are supervised under a Multi-Agency Public Protection Arrangement. Through this process, the police, probation and prison services work together with other agencies to assess and manage offenders in order to protect the public from harm.

Labour would create a new category for serial domestic abusers and stalkers to be monitored under MAPPA, as well as having their offences recorded on the Violence and Sexual Offenders Register.

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<sup>24</sup> Drive project, January 2020, <http://driveproject.org.uk/wp-content/uploads/2020/01/Call-to-Action-Final.pdf>

<sup>25</sup> Robinson, Clancy, and Hanks, 'Prevalence and Characteristics of Serial Domestic Abuse Perpetrators: Multi-Agency Evidence from Wales', 2014  
[https://orca.cf.ac.uk/67542/1/Robinson%20Clancy%20%26%20Hanks%20%282014%29%20Serial%20pe%20rpetrators\\_Phase%20%20report\\_Final%20version.pdf](https://orca.cf.ac.uk/67542/1/Robinson%20Clancy%20%26%20Hanks%20%282014%29%20Serial%20pe%20rpetrators_Phase%20%20report_Final%20version.pdf)

## **Removal of the presumption of contact when there has been domestic abuse**

The Children's Act 1989 provides the presumption that involvement from both parents is in the best interests of the child. However, Practice Direction 12J of the Family Procedure Rules states that the court must also have consideration of domestic abuse.

An inconsistent understanding of Practice Direction 12J has led to unsafe contact arrangements between children and perpetrators of domestic abuse. In one study, two thirds of child contact cases involved allegations of domestic abuse, yet in 23% of these cases, unsupervised contact was ordered at the first hearing.

Labour would introduce an explicit statutory framework which makes clear the presumption – that the involvement of a parent will further a child's welfare – does not apply when there has been evidence of domestic abuse to the child or other parent.

Labour would also prohibit unsupervised contact for a parent awaiting trial or on bail for domestic abuse offences, or where there are ongoing criminal proceedings for domestic abuse. Labour would also ensure that all child contact centres have to be accredited.

## Holding Government to account

Given the central role the Government has to play in coordinating efforts to end VAWG, it is vital that effective mechanisms exist to hold ministers to account over their performance. The Government has had two iterations of its VAWG strategy, is consulting on a third, and it has passed a Domestic Abuse Act. In the 2021 Queen's Speech, the Government set out its proposals to address VAWG: it focussed on further consultations and reviews into the status quo, and included very little action for addressing the problems that have developed under its watch. One striking example is the government's failure to produce its Rape Review, which was announced more than two years ago.

Disappointingly, none of the Government's actions set out expectations or standards of performance from which the public can judge if ministers are succeeding.

In part because there is no formal mechanism by which to hold the Government to account on its performance, its responses have been piecemeal, inadequate and lacking the urgency the problem requires.

In contrast, in Wales the Labour Government introduced its Violence against Women, Domestic Abuse and Sexual Violence Act in 2015. This set out 10 national indicators of progress by which the Government can be held to account. In addition, each year the Welsh Government has to publish a progress report on its performance for each indicator.

### **National indicators of progress**

Labour would seek to replicate and build on provisions under section (11)(1) of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, meaning Ministers must publish indicators that can be applied for the purpose of measuring progress towards the achievement of the purpose of the Act.

A national indicator must be expressed as a value or characteristic that can be measured quantitatively or qualitatively against a particular outcome.<sup>26</sup>

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<sup>26</sup> VAWDVS National Indicators for Wales, 24 June 2019,

[https://gov.wales/sites/default/files/publications/2019-06/national-indicators-for-wales\\_0.pdf](https://gov.wales/sites/default/files/publications/2019-06/national-indicators-for-wales_0.pdf)

The current 'national indicators' are:

1. Increase in reporting of all forms of Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV)
2. Increase in awareness across all sections of society that violence against women, domestic abuse and sexual violence is unacceptable.
3. Increase in awareness amongst children and young people in Wales of the importance of safe, equal and healthy relationships
4. Increase in awareness amongst children and young people that abuse is always wrong.
5. Increase in VAWDASV related incidents which result in an arrest, prosecution and conviction.
6. Perpetrators are able to receive appropriate intervention
7. Enable equal access to & availability of effective, evidence based early interventions for victims and survivors.
8. Those in relevant job roles are trained to recognise and appropriately respond to VAWDASV
9. Ensure victims receive appropriate support
10. Increase victim confidence and access to justice

In addition, the Government will be expected to publish an annual report on progress made towards achieving these national indicators.

Labour's proposed national indicators would also reflect the intersectional nature of the epidemic of violence against women – by monitoring and seeking to change the disproportionate impact on Black, Asian and ethnic minority, LGBT+, disabled and migrant women. It would also be accompanied by an examination of representation of women in positions of power. Following the success of all women shortlists in the Labour Party, we will continue to look at new ways to improve diversity in public life in order to shift the dynamics of power and make progressive change.

## **Istanbul Convention**

The Government has still not ratified the Council of Europe's Convention on Violence Against Women and Domestic Violence (the "Istanbul Convention"), despite having signed up to it in June 2012, with the treaty coming into force in 2014. This sets out minimum standards in a wide range of areas for signatories in developing policies to eliminate VAWG and domestic violence, including adequate support for all victims, legislating to criminalise certain behaviours, instituting education and public awareness programmes, as well as data collection and monitoring<sup>27</sup>. Labour would set out a clear, strict timetable of completing outstanding actions needed to ratify the Convention in full.

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<sup>27</sup> Council of Europe, Convention on preventing and combating violence against women and domestic violence, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680008482e>



## **A Minister for rape and sexual violence survivors**

Labour would create a specific ministerial position with oversight for rape and sexual violence survivors, with a commitment to a cross departmental approach involving the Ministry of Justice, the Home Office, the Attorney General's Office, and public health departments.

## Support services

Each year around one fifth of women are turned away from refuges due to lack of space. The number of bed spaces in refuges is 30% lower than the level recommended by the Council of Europe<sup>28</sup>. Many community-based support services are oversubscribed, meaning survivors face unacceptable delays or may not be referred at all. This is a particular problem for women from Black, Asian and ethnic minority backgrounds, who made up almost half of the women who struggled to find a refuge space in the past year.<sup>29</sup>

### **Access to public funds for survivors of domestic abuse**

No Recourse to Public Funds (NRPF) for a victim of domestic abuse severely hinders their ability to access life-saving refuge, support and other welfare services. Labour would ensure that provisions under the Immigration Acts – including exclusion from public funds, certain types of support and assistance and the right to rent – do not apply to survivors of domestic abuse. Such victims would have access to 6 months temporary leave to remain, so all are able to escape abuse and seek support.

### **A duty to commission sufficient specialist domestic abuse services for all victims of domestic abuse**

The Domestic Abuse Act introduced a duty on local authorities to deliver support to victims, including children, in accommodation-based services. However, the majority of victims (70%) do not go into a refuge and need support in the community.

Victims with protected characteristics are more likely to face additional barriers to support, and services that provide for these groups must be protected.

A VAWG Bill would place a duty on all relevant public authorities to commission specialist domestic abuse support services for all persons affected by domestic abuse. This would include:

- All adult and child victims in accommodation-based services, as well as adult and child victims that remain in the community
- Young people under 18 who are in an abusive relationship
- Adult perpetrators, to prevent re-offending

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<sup>28</sup> ONS, Domestic Abuse victims services, 25 November 2020, <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimservicesenglandandwales/november2020>

<sup>29</sup> Joint Briefing by Imkaan and the End Violence Against Women Coalition (EVAW) Adjournment Debate: Black Women and Domestic Abuse – 30 June 2020

- Victims with protected characteristics, who have specific needs and face additional barriers to support.
- Victims with children in early years

### **Ensuring access to specialist accommodation and support**

Labour would ensure that survivors escaping abuse can access the safe, specialist accommodation and support they need. All support and accommodation for victims of domestic abuse must meet minimum quality standards, ensuring that unsafe or inappropriate schemes will not be commissioned or funded in the future.

The lack of clarity in the 'exempt accommodation' regulations has resulted in the provision of poor accommodation and support for victims of domestic abuse. Labour would review the granting of enhanced housing benefit to providers of 'exempt accommodation' targeted at domestic abuse victims and ensure that unscrupulous providers or landlords cannot profit from the provision of substandard or inappropriate accommodation.

### **Sustainable long-term funding for services**

As a result of chronic underfunding and a short-term approach by the Conservatives, support services are forced to turn survivors and their families away, and struggle to plan for the long-term. Labour would address this by introducing multi-year financial settlements so service providers can plan for the long-term.

Labour would introduce specific funding streams to support specialist services for migrant victims, Black, Asian and ethnic minority victims, LGBT+ victims and disabled victims. This support would include providing accessible information and support, for example using different languages, brail and BSL.

# Education

It is clear from the number of women who have come forward in recent months to share their experiences of violence and harassment that, as a society, we are still held back by deeply misogynist attitudes and practices. Education is crucial in challenging these harmful attitudes. But the government has given the education system little support to ensure every school, college and university is equipped with the training and processes needed to protect every child and root out sexist attitudes before they are taken into adulthood. We must ensure our education system teaches children how to respect each other and value themselves, as well as putting in place the necessary policies and resources to tackle sexual harassment, violence, misogynistic language and stereotyping in our educational institutions.

## Strategy

In 2016, the Women and Equalities Select Committee reported that sexual harassment was blighting the lives of girls in schools, with evidence stating 59% of girls and young women aged 13 to 21 had faced some form of sexual harassment at school or college over the past year.<sup>30</sup> Recent research has additionally estimated that 50,000 incidents of sexual harassment or abuse are taking place across university campuses each year.<sup>31</sup> A central national strategy to tackle all forms of violence against women and girls is needed to enable the education system to play a critical role in ensuring misogynistic and abusive attitudes and behaviours are tackled at the earliest stage.

Schools and colleges are also uniquely positioned to identify and respond to child victims of domestic abuse. A national strategy would seek to ensure the education system has the support and guidance it needs, working alongside the police, healthcare services, VAWG services and wider public services, to play this crucial role in protecting and supporting vulnerable children.

## Teacher training

In 2017, over a quarter of teachers reported that they would not be confident tackling a sexist incident if they witnessed one in school and just one in five had received training in recognising and tackling sexism as part of initial teacher training.<sup>32</sup> Labour would ensure training in identifying and responding to sexist incidents is strengthened in both initial teacher training and continuing professional development. Labour would also ensure there is training for teachers to help identify, respond to and support child victims of domestic abuse. All training programmes would be developed by working in collaboration with the specialist violence against women and girls sector.

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<sup>30</sup> Ofsted, April 2021,

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/977387/School\\_inspections\\_-\\_a\\_guide\\_for\\_parents.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/977387/School_inspections_-_a_guide_for_parents.pdf)

<sup>31</sup> Guardian, 19 November 2020, <https://www.theguardian.com/education/2020/nov/19/sexual-abuse-at-english-and-welsh-universities-a-public-scandal-study>

<sup>32</sup> NEU, 17 January 2019, <https://neu.org.uk/advice/its-just-everywhere-sexism-schools>

## Recording

There is currently no national reporting on the extent of sexism and sexual harassment within schools. This is a significant barrier to further action being taken, and schools being seen as a priority setting for tackling VAWG across society. Labour would require Government to collect national data on sexual harassment across schools and colleges to provide clear evidence on the extent of sexual harassment within schools. Guidance should be provided to schools, in line with current guidance of recording safeguarding incidents, to prevent significant additional burdens being placed on staff.

## Policies

Over three quarters (78%) of secondary students and 64% of secondary staff were unsure or not aware of the existence of any policies and practices in their school related to preventing sexism.<sup>33</sup> To embed a zero-tolerance approach to sexism within education settings, schools and colleges should have a specific policy on tackling sexism and sexual harassment. These policies should include proactive steps schools will take to tackle misogynistic attitudes and behaviours including ensuring that all children and young people are educated about respect, dignity, consent and healthy relationships, and how victims' experiences of harassment or abuse can intersect with other forms of discrimination e.g. related to race, gender identity, disability or sexuality.

## Inspections

Across the state sector, school safeguarding is inspected by Ofsted<sup>34</sup> while private schools are inspected by the Independent Schools Inspectorate<sup>35</sup>. If a school has received a good or outstanding rating, it is subsequently inspected just once in four years with safeguarding being reviewed at these times, unless there is another request for a specific inspection of a given school. Where a school is judged as requiring improvement it is inspected again within 30 months.<sup>36</sup>

This inspection regime presents challenges to identifying safeguarding concerns in between inspection periods. Labour would review the inspections process for safeguarding procedures to ensure all settings have robust, equal safeguarding checks to ensure procedures are working to protect the school community and any problems swiftly identified and responded to.

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<sup>33</sup> Ibid.

<sup>34</sup> Ofsted, September 2019,

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/828763/Inspecting\\_safeguarding\\_in\\_early\\_years\\_education\\_and\\_skills.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/828763/Inspecting_safeguarding_in_early_years_education_and_skills.pdf)

<sup>35</sup> Independent Schools Inspectorate, <https://www.isi.net/safeguarding/>

<sup>36</sup> Ofsted, April 2021,

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/977387/School\\_inspections\\_-\\_a\\_guide\\_for\\_parents.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/977387/School_inspections_-_a_guide_for_parents.pdf)

# Social security

The Government's cuts to social security and dismantling of the welfare state have disproportionately affected women. Elements of Universal Credit, in particular the two-child limit, have exacerbated the perilous situation facing some victims of coercive relationships and rape. In 2019-20, 900 women were forced to disclose to the Government that their child was conceived as a result of rape in order to claim social security, under the so-called 'rape clause'<sup>37</sup>. The design of Universal Credit – where payments are made by default to households rather than individuals – risks strengthening the financial control that abusers have over their victims.

## Repeal rape clause

In 2017, the Conservatives brought in limits on child tax credits which require a mother seeking benefits for a third child to prove she has been sexually assaulted or that the child was conceived during an abusive relationship.<sup>38</sup> This regulation was brought in through a Statutory Instrument with no Parliamentary debate.<sup>39</sup>

It was condemned by the Equality and Human Rights Commission as “regressive”.<sup>40</sup> The Work and Pensions Committee in 2019 argued that a “disproportionate burden” of the two child limit is “likely to fall on survivors of rape and domestic abuse”.<sup>41</sup> Nevertheless, in December last year the DWP said that the “exception will be delivered in the most effective, compassionate way, with the right safeguards in place”.<sup>42</sup>

Labour would end the two-child limit and replace Universal Credit with a fair and compassionate system that offers security to all.

## Split payments for Universal Credit

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<sup>37</sup> HMRC, 'Statistics related to the policy to provide support for a maximum of two children', 2 April 2020,

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/900788/Two\\_children\\_and\\_exceptions\\_in\\_tax\\_credits\\_and\\_Universal\\_Credit\\_April\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/900788/Two_children_and_exceptions_in_tax_credits_and_Universal_Credit_April_2020.pdf)

<sup>38</sup> HMRC press release, 6 April 2017, <https://www.gov.uk/guidance/child-tax-credit-exceptions-to-the-2-child-limit>

<sup>39</sup> Guardian, 16 March 2017, <https://www.theguardian.com/law/2017/mar/16/tax-credit-clause-becomes-law-without-parliament-vote>

<sup>40</sup> Independent, 23 April 2017, <http://www.independent.co.uk/news/uk/politics/ehrc-letter-theresa-may-government-rape-clause-child-tax-credits-reform-a7697531.html>

<sup>41</sup> Work and Pensions Committee, The two-child limit, HC 51, 3 November 2019, <https://publications.parliament.uk/pa/cm201919/cmselect/cmworpen/51/51.pdf>

<sup>42</sup> DWP, Govt response to Work and Pensions Committee, The two-child limit, HC 51, 20 December 2020, <https://publications.parliament.uk/pa/cm5801/cmselect/cmworpen/1079/107902.htm>

Financial independence is often the first step to escaping an abuser. Universal Credit payments made to couples can lead to a situation when an abuser has greater financial control over their victim. The Government has said a victim can already request split payments, but this puts them at risk as an abuser can spot if their payment has been cut. Labour would require the Domestic Abuse Commissioner to investigate separate payments as a default, and report back to Parliament.

### **Benefit advances**

Labour would end the five week wait for the first Universal Credit payment. The Government should immediately exempt domestic abuse survivors from having to repay Universal Credit advance payments where the advance was made to enable them to flee a violent situation.

### **Social security reform impact assessment**

Access to social security is vital to ensure victims have the financial support they need to escape and rebuild independent lives – no woman should have to choose between poverty and safety. Labour would introduce a duty to assess the impact of any changes to the social security system on survivors of domestic abuse before implementation.

# Online

The internet is too often unsafe for women. Research by the WWW Foundation found 52% of young women and girls said they had experienced online abuse, including threatening messages, sexual harassment and the sharing of private images without consent, while 87% said they think the problem is getting worse.<sup>43</sup> The UN warned last year that ICT-facilitated violence has spread under the shadow pandemic of violence against women.<sup>44</sup> Traffic to the Revenge Porn Helpline doubled in the week beginning 23 March 2020, with 50% of cases linked to domestic violence.<sup>45</sup> Black, Asian and ethnic minority women are at especially high risk of online abuse.<sup>46</sup>

Channels for reporting abuse on social media platforms are often incomplete and non-responsive. And while tech companies have developed some solutions like better reporting flows for harassment, they need to be pushed to do more.

## Online harms

Women and girls must feel safe online, as well as offline. At present, far too many face daily attacks on social media: from offensive posts to threatening and unsolicited sexually explicit messages. This not only causes harm, but also deters many women from taking an active part in the public sphere. Tech companies have the power and the technology to stop this abuse. We saw how quickly they could act when it came to some of the disinformation surrounding coronavirus pandemic. The same urgency must be applied to tackling content which contributes to the epidemic of misogyny. However, tech firms have failed to take the necessary steps to do this on their own, making the need for legislation long overdue.

The Conservative government claims to recognise this, but it has been painfully slow to act when it comes to addressing online harms. They promised legislation as far back as 2017, but the Online Safety Bill, published in draft form in May 2021 is still unlikely to come into force before 2023 at the earliest. Even worse is that the Conservatives have watered down their plans to tackle abuse and hatred online. They no longer plan to

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<sup>43</sup> WWW Foundation, July 2020, <https://webfoundation.org/2020/07/theres-a-pandemic-of-online-violence-against-women-and-girls/>

<sup>44</sup> UN Women, Online and ICT facilitated VAWG during Covid-19, July 2020, <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/brief-online-and-ict-facilitated-violence-against-women-and-girls-during-covid-19-en.pdf?la=en&vs=2519>

<sup>45</sup> WWW Foundation submission to UN Online GBV review, July 2020, <http://webfoundation.org/docs/2020/07/WWW-Submission-COVID-19-and-the-increase-of-domestic-violence-against-women-1.pdf>

<sup>46</sup> <https://glitchcharity.co.uk/wp-content/uploads/2021/04/Glitch-The-Ripple-Effect-Report-COVID-19-online-abuse.pdf>



immediately introduce criminal sanctions for tech executives whose platforms enable misogynistic abuse instead leaving that as a possibility to be introduced at a later date.

Labour would not be put off from introducing the laws necessary to keep women and girls safe online. Through making misogyny a hate crime online, we will broaden the net of unlawful behaviour. By introducing criminal sanctions immediately as a way of changing the culture in social media companies, we will force executives to wake up. In addition, Labour will explore ways to give users more control online - so they can opt out of interactions with accounts which are anonymous.

## Conclusion

If our country is to be the best place in the world to grow up and grow old in, women and girls must be secure at home, at work, in education, online and in their communities. This is simply not the case for many in our country today. Our criminal justice system is badly letting down women who have been victims of VAWG, especially survivors of rape and sexual assault. Underfunded and over-stretched support services are forced to turn away thousands of women each year. While the social security system and civil courts can actively place barriers in front of women seeking to leave their abuser. Across the country, women and girls face harassment and abuse as they try to go about their daily lives, demonstrating how deeply engrained misogynist attitudes are in our society.

Ending VAWG will require action across the whole of society. However Labour believes the Government has a crucial role to play in galvanising that national effort by driving forward a co-ordinated, cross-government response. After more than a decade in Government, the Conservatives have shown themselves to be unwilling or unable to provide a co-ordinated response. They have produced a myriad of strategies, reviews, and short-term, stopgap policies, but the lived experience of women and girls in 2021 shows as a country we need to do much more. Good intentions must be backed up by effective action and real accountability. This document sets out how Labour in government will achieve both.

