

The Office of the Victims' Commissioner Evidence Submission for the VAWG Strategy



SUMMARY

VAWG is undoubtedly a gendered issue and is high prevalence and high harm. It is a cause and consequence of women's inequality and is internationally recognised as a human rights issue. As such any new strategy needs to remain grounded in these principles.

We recognise that men and boys do suffer interpersonal violence, sexual violence and other forms of 'VAWG' abuses as such government should ensure that they are catered for outside of this VAWG framework.

Any strategy MUST be created in collaboration with the specialist VAWG sector if it is to achieve its' stated ambition of eliminating VAWG. New and emerging forms of VAWG are often very foreseeable and government should future proof this strategy by ensuring it works with experts in VAWG and expert academics to horizon scan.

The data that we have fails to reflect women and girls lived experience of VAWG and so the strategy must ensure that comprehensive disaggregated data is collected.

Because VAWG is so pervasive it is vital that this strategy be truly cross-governmental to ensure that policy makers are able to view policy through a VAWG lens to avoid unintended consequences for women and girls.

The strategy must address the failings of the Criminal Justice System (CJS) which is not fit for purpose for the majority of VAWG offences, in particular in respect of rape which has been practically decriminalised.

The strategy should address prevention by looking at local grass-roots initiatives, making sure compulsory sex and relationships education is rolled out in schools and supporting the whole school approach.

The best way to address perpetration is to create a bespoke strategy.

It is vital that government commits to long-term sustainable funding for specialist VAWG services, that meet the needs of all women and girls.

OVERARCHING RECOMMENDATIONS

1. The strategy must remain grounded in the internationally recognised framing of VAWG as a human rights issue.
2. Government must continue to recognise the gendered nature of all forms of VAWG.
3. Government must create this strategy collaboratively with the specialist VAWG sector and expert academics.
4. The strategy must be truly cross-governmental.
5. The strategy must compel the collection of comprehensive, comparable and disaggregated data on VAWG across government – at a minimum data must always be collected on the protected characteristics and immigration status for both victim and perpetrator and their relationship.
6. The strategy must compel DfE to roll out compulsory sex and relationships education and further to support a whole -school approach
7. Government should commit to a perpetrator strategy as outlined in the EAW VAWG snapshot.
8. The strategy must commit to effective CJS reform in order to make it 'victim - friendly'.
9. The Impacts from Covid will be felt for many years to come, as such this strategy needs to factor this in.
10. The strategy must be delivered alongside a secure, national multi-year funding settlement for the specialist VAWG sector, which ensures all forms of service provision for survivors, children and young people and perpetrators are resilient for the future, provides equity of provision for survivors across the UK nations , and is delivered by all government departments responsible for VAWG – including ring-fenced funding for specialist services led 'by and for' Black and minoritised women, Deaf and disabled women and LGBT+ survivors.
11. The strategy should outline clear legal obligations on government, local authorities and public bodies to provide specialist by and for community-based support services.
12. The strategy should enforce accountability through national quality standards based on the VAWG sector's quality standards to ensure survivors of all forms of VAWG can access the specialist support services they need – including services led 'by and for' survivors with additional protected characteristics.

13. The strategy should give clear policy direction for the CJS in dealing with female offenders subject to VAWG and in particular those whose offences are directly related to VAWG, for example coerced drug dealing or prostitution.

SPECIFIC RECOMMENDATIONS/ REFORMS

1. Fuller use of the power in S25 Youth Justice and Criminal Evidence Act 1999, to restrict public access during the evidence of the complainant/other witnesses in serious sexual offence trials.
2. Trauma informed approach in the CJS.
3. Re-fresh/re-draft guidance on ISVA role, duties and professional standing.
4. Further pilot and then roll out a Sexual Violence Complainants' Advocates Scheme.
5. Screening the Screens in court.
6. Roll out of section 28 for intimidated witnesses
7. An opportunity for Victims to make representations to seek a positive outcome from exercise of the Victim's Right to Review
8. Implementation of a firewall between CJS agencies and immigration enforcement
9. Better training and understanding of 'so-called' Honour Based Abuse (HBA) within the CJS
10. A Ministerial lead for Rape.
11. We endorse the recommendations of ERAW in their VAWG snapshot and the submission to this call from Professor Clare McGlynn and Dr Kelly Johnson of Durham University, for online harms to be treated as a public health issue and for law reform.
12. The value of ISVA and IDVA services are well understood by government and we would like to see a commitment to funding so that each and every survivor if they wish to can have access to an IDVA or ISVA.

MAIN EVIDENCE

We have endeavoured to keep our comments as brief as possible but the call for evidence is so far-ranging that we have been unable to be fully comprehensive instead we outline below some key concerns, observations and recommendations.

What is VAWG?

All established international frameworks and conventions incorporate a human rights framing of VAWG as a cause and consequence of women's inequality. In fact, the Istanbul Convention¹ of which the UK is a signatory defines it as follows:

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

The term VAWG is defined as a human rights issue internationally and as such it is vital that any strategy recognises this.

We accept that men and boys can experience intimate partner violence, sexual violence, HBV and other 'VAWG' crimes but like government we recognise the overwhelmingly gendered nature of such crimes. We urge government to consider how those men and boys who experience such abuses are best supported and submit that they are not best served by a position paper underneath the overarching VAWG strategy. It is vital that government speaks to specialist sector providers for men and boys such as the Male Survivors Partnership to ensure that their offering for men and boys meets the needs of this group.

Creating the strategy

Previous VAWG strategies have been ground breaking in improving government approaches to tackling VAWG and we are keen to see this newest iteration be truly transformative. We are positive that the only way this will happen is by **government creating this strategy collaboratively with the specialist VAWG sector and expert academics**. Whilst we are aware that organisations have been asked to contribute to this call for evidence, there have been some concerns raised in particular by the specialist sector about the extent of this consultation, time-frames and the methods of consultation. It is imperative that moving forward these experts are properly involved in the creation of the strategy. Additionally, policy makers must ensure that they are hearing from those less often heard voices, in particular those representing the interests of black and minoritized, deaf and disabled and LGBTQ+ women and girls.

¹ *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence 2011*

Prevalence

Taking the above definition (under what is VAWG?), it is vital that VAWG is understood as a continuum. Many women and girls experience multiple forms and instances of VAWG within their lifetime, these can include the apparently relatively innocuous cat-calling in the street through to rape and murder, which are related; they are about male entitlement to female bodies.

The data we have is relatively limited in understanding the true prevalence and utterly fails to reflect women and girls lived experience. We are for example very poor at recording multiple instances of victimisation.

Even within the data we have it is clear that VAWG is a gendered and intersectional issue, with new and emerging forms occurring all the time.

Many of the 'official' statistics cited below are likely to show only a fraction of prevalence because we know that very few woman and girls report.

- There are no reliable prevalence data on domestic abuse but the Crime Survey of England and Wales (CSEW) offers the best data available. According to these data, for the year ending March 2020, an estimated 7.3%- 1.6 million women aged 16 to 74 years (and 3.6% - 757,000 men)² experienced domestic abuse in the last year.
- Women experience higher rates of repeated victimisation and are much more likely to be seriously hurt³ or killed than male victims of domestic abuse⁴ Further to that, women are more likely to experience higher levels of fear and are more likely to be subjected to coercive and controlling behaviours.⁵

²*Domestic abuse victim characteristics, England and Wales: year ending March 2020*

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2020>

³ Walby, S. and Allen, J. (2004) *Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey. Home Office Research Study 276. London: Home Office*

Walby, S. and Towers, J. (May 2017) 'Measuring violence to end violence: mainstreaming gender', *Journal of Gender-Based Violence*, vol. 1, no.

⁴ Office for National Statistics (ONS). (2018) *Domestic abuse in England and Wales: year ending March*

2018. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018>

⁵ Dobash, R.P. and Dobash, R.E. (2004) 'Women's violence to men in intimate relationships. Working on a Puzzle', *British Journal of Criminology*, 44(3), pp. 324–349

Hester, M. (2013) 'Who Does What to Whom? Gender and Domestic Violence Perpetrators in English Police Records', *European Journal of Criminology*, 10: 623- 637

Myhill, A. (2015) 'Measuring coercive control: what can we learn from national population surveys?' *Violence Against Women*. 21(3), pp. 355-375

Myhill, A. (2017) 'Measuring domestic violence: context is everything.' *Journal of Gender-Based Violence*, vol 1, no 1, 33–44

- From April 2014 to March 2017 four in five female victims of domestic homicide were killed by a partner or ex-partner (239, 82%); of which the vast majority of suspects were male (238). 45 male victims were killed by a partner or ex-partner in the same time period; 7 of the suspects in these cases were male, and 38 were female.⁶
- One study of 96 cases of domestic abuse recorded by the police found that men are significantly more likely to be repeat perpetrators and significantly more likely than women to use physical violence, threats, and harassment. In a six year tracking period the majority of recorded male perpetrators (83%) had at least two incidents of recorded abuse, with many having a lot more than two and one man having 52 repeat incidents. Whereas in cases where women were recorded as the perpetrator the majority (62%) had only one incident of abuse recorded and the highest number of repeat incidents for any female perpetrator was eight. The study also found that men's violence tended to create a context of fear and control; which was not the case when women were perpetrators.⁷
- Women who identified with Mixed/Multiple ethnicities were more likely to have experienced partner abuse in the last 12 months (10.1%) than any other ethnic group.⁸
- Of BME women who experience violence, only 37% make a formal report to the police, on average only 9% make an application for a non-molestation order despite 56% suffering from post-separation harassment, and 1 in 4 have insecure immigration status, giving them limited access to welfare and housing benefits.⁹
- Approximately 85,000 women and 12,000 men (aged 16 - 59) experience rape, attempted rape or sexual assault by penetration in England and Wales alone every year; that's roughly 11 of the most serious sexual offences (of adults alone) every hour.¹⁰
- Estimates from the CSEW for the year ending March 2019 showed that 2.9% of adults aged 16 to 59 years had been victims of sexual assaults in the last year (including attempted

⁶ Ibid.

⁷ Hester, M. (2013) 'Who Does What to Whom? Gender and Domestic Violence Perpetrators in English Police Records', *European Journal of Criminology*, 10: 623- 637

⁸ *Women most at risk of experiencing partner abuse in England and Wales: years ending March 2015 to 2017*, ONS

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/womenmostatriskofexperiencingpartnerabuseinenglandandwales/yearsendingmarch2015to2017>

⁹ *Vital Statistics*, Ravi Thiara & Samanta Roy, Imkaan, 2010.

https://drive.google.com/file/d/0B_MKSoEcCvQwdHhTMnpWUTc1NjQ/view

¹⁰ *An Overview of Sexual Offending in England and Wales, the first ever joint official statistics bulletin on sexual violence released by the Ministry of Justice (MoJ), Office for National Statistics (ONS) and Home Office 2013*

<https://webarchive.nationalarchives.gov.uk/20140604232435/https://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/sexual-offending/sexual-offending-overview-jan-2013.pdf#page=13>

offences). This estimate showed no significant change compared with the previous year (2.7%).¹¹ *

- In the year ending September 2019 in England and Wales (excluding Greater Manchester Police), there was an increase in the total number of sexual offences recorded by the police (up 3% to 154,229) compared with the year ending September 2018. These increases are thought to reflect factors related to reporting and recording and do not provide a reliable indication of current trends.¹² **
- In the year ending March 2019, the CSEW estimated that women were around three times as likely as men to have experienced sexual abuse before the age of 16 years (11.5% compared with 3.5%). This equates to an estimated 2.4 million women and 709,000 men aged 18 to 74 years. Rape or assault by penetration, including attempts, showed the greatest proportional difference between women and men (3.4% compared with 0.6%).¹³
- A 2017 report by Girlguiding found that 64% of girls aged 13-21 had experienced sexual violence or sexual harassment at school or college in the past year (2017). This included 39% having their bra strap pulled by a boy and 27% having their skirts pulled up within the last week.¹⁴
- A 2018 survey into sexual violence against students found that: 62% of students had experienced sexual violence, rising to 70% for women, and only 1 in 10 reported experiences to the police or university.¹⁵
- Research suggests that one person is killed in the UK every month as a result of so-called 'honour-based' violence¹⁶.

¹¹ *Statistical Bulletin Crime in England and Wales: year ending September 2019*, ONS <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingseptember2019> *Over the past five years, there has been a rise in the prevalence of sexual assault estimated by the survey, with the latest estimate returning to levels similar to those over a decade ago.

¹² Ibid. ** Sexual offences and domestic abuse-related crimes recorded by the police do not provide a reliable measure of trends in these types of crime. Improvements in police recording practices and increased reporting by victims are thought to have contributed to increases in recent years. The figures do, however, provide a good measure of the crime-related demand on the police.

¹³ *Child sexual abuse in England and Wales: year ending March 2019*, ONS, published Jan 2020 <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childsexualabuseinenglandandwales/yearendingmarch2019>

¹⁴ *Girlguiding's Girls' Attitudes Survey*, Girlguiding 2017 <https://www.girlguiding.org.uk/girls-making-change/girls-attitudes-survey/?301=yes>

¹⁵ *Students Experience of Sexual Violence*, Revolt against assault 2018 <https://revoltsexualassault.com/research/>

¹⁶ *Crimes of the Community: Honour-based violence in the UK* by James Brandon and Salam Hafez, <http://www.civitas.org.uk/pdf/CrimesOfTheCommunity>

- In 2018, the Forced Marriage Unit (FMU) supported in almost 1764 forced marriage cases – 78% of the victims were women¹⁷.
- A survey in 2019 showed one in seven (14% overall) UK women forced to have either a baby or an abortion, experts think the actual figure is much higher as this doesn't include 'stealthing', birth control pills hidden or stolen, condoms sabotaged or partners lying about a vasectomy.¹⁸
- 1 in 5 adult women will experience some form of stalking in her lifetime¹⁹
- Women are more likely than men to be remanded in custody and then not receive a custodial sentence. Less than half of women remanded by magistrates' courts and subsequently found guilty receive a prison sentence.²⁰
- Women in prison have often experienced extensive abuse and are likely to have complex mental health, addiction and other needs. 46% of women in prison report having suffered domestic violence and 53% report having experienced emotional, physical or sexual abuse during childhood.²¹ This is likely to be a significant underestimate.
- Research by Amnesty International states that 1 in 5 women in the UK have been subject to online harassment or abuse²².
- Between March 2019 and May 2019 the majority of cases dealt with by the Revenge Porn Helpline were from female callers (73%) The majority of these women were victims of intimate image abuse (230) as opposed to sextortion (6)²³

¹⁷ *Forced Marriage Unit Statistics 2018* 24 May 2019, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804044/Forced_Marriage_Unit_Statistics_2018_FINAL.pdf

¹⁸ Survey for the Independent newspaper 2019 <https://www.independent.co.uk/news/uk/home-news/pregnancy-coercion-reproduction-abortion-a8834306.html>

¹⁹ 'Domestic abuse, sexual assault and stalking' findings from the year ending March 2016 Crime Survey for England and Wales (CSEW), <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/compendium/focusonviolentcrimeandsexualoffences/yearendingmarch2016/domesticabusesexualassaultandstalking>

²⁰ *Statistics on Women in the CJS, 2013*, MoJ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380090/women-cjs-2013.pdf

²¹ Women in Prison 'Key Facts' <http://www.womeninprison.org.uk/research/key-facts.php>

²² *Online abuse of women widespread in UK*, Amnesty International UK 2017 <https://www.amnesty.org.uk/online-abuse-women-widespread>

²³ 'Intimate image abuse in adults and under 18s: A comparative analysis of cases dealt with by the Revenge Porn Helpline and Professionals Online Safety Helpline', Joint research by SWGfL, Revenge Porn Helpline, Professional Online Safety Helpline supported by the University of Exeter 2019 <https://swgfl.org.uk/assets/documents/intimate-image-abuse-in-adults-and-under-18s.pdf>

- Two distinct ‘types’ of intimate image abuse were identified which could be differentiated by nature, perpetrator, police reporting experiences, impacts, interpretations and long-term outcomes. 41% of women experienced ‘type one’ intimate image abuse (where images had been shared for example on porn sites etc.) and 43% experienced ‘type two’ intimate image abuse (where they were threatened with images being shared). A third intimate image abuse experience (the remaining 16%) did not explicitly fall into type one or two but contained a patchwork of elements from each²⁴.
- On the whole, male sextortion victims carried little shame and self-blame, received a higher proportion of positive police responses and were able to quickly move on from their experiences. On the contrary, female victims (of both types of intimate image abuse) experienced a great deal of shame and self-blame, received a higher proportion of negative police responses, suffered lasting social and emotional impacts and commonly described their experiences as sexually violating²⁵.
- Adult women account for nearly half (49 per cent) of all human trafficking victims detected globally. Women and girls together account for 72 per cent, with girls representing more than three out of every four child trafficking victims. More than four out of every five trafficked women and nearly three out of every four trafficked girls are trafficked for the purpose of sexual exploitation.²⁶
- 40% of BME women live in poverty.²⁷
- In October, the IWF revealed that in the first six months of 2020, 44% of all the child sexual abuse content dealt with by the Internet Watch Foundation (IWF) involved ‘self-generated’ material. This was up 15 percentage points on 2019 when, of the 132,676 webpages actioned, almost a third (38,424 or 29%) contained self-generated imagery. So concerning was this trend that the APPG on Social Media has launched an inquiry²⁸.
- It is of importance to note that in its’ annual report²⁹ the IWF, reporting on data from 2019 demonstrated that the overwhelming majority of child sexual abuse imagery they

²⁴ Ibid.

²⁵ Ibid.

²⁶ *Global Report on Trafficking in Persons 2018* United Nations Office on Drugs and Crime (2018). https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf

²⁷ *Poverty Pathways: Ethnic minority women’s livelihoods*, Zohra Moosa with Jessica Woodroffe, The Fawcett Society, 2009 <https://www.scie-socialcareonline.org.uk/poverty-pathways-ethnic-minority-womens-livelihoods/r/a11G00000017vRmIAI>

²⁸ New national inquiry into ‘disturbing’ rise of ‘self-generated’ child sexual abuse material, Blog , UK Safer Internet foundation Nov 20 accessed at <https://www.saferinternet.org.uk/blog/new-national-inquiry-%E2%80%98disturbing%E2%80%99-rise-%E2%80%98self-generated%E2%80%99-child-sexual-abuse-material>

²⁹ IWF, Annual Report 2019 accessed at https://www.iwf.org.uk/sites/default/files/reports/2020-04/IWF_Annual_Report_2020_Low-res-Digital_AW_6mb.pdf

considered in the preceding year was of girls at 92% female victims³⁰. The same report also shows that the overwhelming majority of 'self-generated' images are also of girls.

What is needed if government is to really understand and tackle the issue is a **strategy that ensures the collection of comprehensive, comparable and disaggregated data on VAWG across government – at a minimum data must always be collected on the protected characteristics and immigration status for both victim and perpetrator and their relationship.**

It is vital that any strategy be truly cross-governmental. There seems to be a great deal of focus on the Criminal Justice System (CJS) within government in tackling this issue and whilst a fit for purpose CJS and appropriate response to those who choose to report is necessary, given how few women and girls engage with the CJS it is vital that the strategy includes proper cross- government obligations and joint working across departments. There have, in recent years been numerous examples of policy created without a 'VAWG lens' being applied which have had disastrous consequences for women and girls, for example universal credit single household payments or 28-day bail.

Regarding new and emerging forms, because VAWG is a continuum and because it is based in inequality, many of the new forms of VAWG are in fact just new ways of perpetrating the same old abuses. The drivers remain the same and as such foreseeability of new and emerging forms is possible if government works effectively with the specialist sector and academics to understand the drivers and emerging trends. This leaves scope for a degree of future proofing of the strategy.

Prevention

Whilst we note that the CJS is not the only or even most important system when it comes to the elimination of VAWG. It is vital for those women and girls who choose to use it that it works both in terms of justice but also prevention.

In 2019/20 reported rapes stood at 55,259 but there were only 2,102 prosecutions and 1,439 convictions³¹.

This amounts to the effective de-criminalisation of rape and sends a clear message to perpetrators, who we know are likely to be repeat offenders, that they can rape with impunity.

See sections on CJS and sexual violence below.

A robust CJS that is fit for purpose is not the only strand to prevention, we would like to see a strategy that compels **DfE to enforce the roll out of sex and relationships education** but even further that it **supports a whole -school approach** which incorporates a prioritisation of tackling abuse; teacher training; making links with local, specialist abuse organisations; and peer working.

Finally, any strategy which considers prevention should be designed in collaboration with specialist VAWG service providers, many of whom run prevention training or programmes at a grass roots level which government could learn from.

³⁰ 132,676 URLs (webpages) were confirmed as containing child sexual abuse imagery, having links to the imagery, or advertising it.

³¹ ONS (April 2020) Crime in England and Wales: year ending December 2019

Perpetrator work

The majority of perpetrators are not in the CJS and as outlined elsewhere the CJS often fails to adequately hold perpetrators to account, additionally important opportunities for their rehabilitation and risk management through probation are frequently missed. It is vital that the approach to perpetrators be cross-government and include agencies outside the CJS who are also poor at recognising and responding to perpetration.

The government should commit to a perpetrator strategy as outlined in the EVAW VAWG snapshot³², but this should go beyond the CJS and be truly cross-government.

It is vital that interventions are safe for survivors and quality assured. The Drive Project 'Call to Action³³' provides a vision for this work in respect of domestic abuse but more is needed in respect of other VAWG forms.

Criminal Justice System (CJS)

As outlined elsewhere by far the majority of preparators and victim/survivors are not impacted by the CJS but it is vital that for those who choose to report that the CJS is fit for purpose. This means that perpetrators are prosecuted and that sentences not only punish but address rehabilitation and prevent further offending/ reduce risk of harm. The current system does not adequately do this for most offence types and as we have cited elsewhere sexual violence has practically been decriminalised.

CJS agencies are not good at assessing harm or risk of harm and the system is far from victim friendly or trauma informed.

Measures such as the DAPO's proposed in by the DA Bill whilst apparently a step forward, will without proper consideration of the issues raised by experts³⁴ on behalf of survivors, at best fail to be an effective tool and at worst could cause further harm.

As mentioned elsewhere it is only by working collaboratively with VAWG experts i.e. academics and specialist organisations that the government will reach a strategy that is truly transformative.

The CJS needs effective reform in order to make it victim -friendly. From our extensive experience of working with victims we have some specific reforms in mind which whilst they are primarily related to sexual violence would equally be useful across other offence types.

Some specific reforms that we would like to see are:

³² Violence Against Women and Girls Snapshot Report 2020/2021, EVAW, Feb 2021
<https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Violence-Against-Women-and-Girls-Snapshot-Report-FINAL-1.pdf>

³³ <http://driveproject.org.uk/wp-content/uploads/2020/01/Call-to-Action-Final.pdf>

³⁴ Joint briefing on Domestic Abuse Protection Orders (DAPOs) 'Victims voices need to be at the centre' 14 June 2019, Rights of Women and Respect
<https://rightsofwomen.org.uk/news/dapo/>

- **Fuller use of the power in S25 Youth Justice and Criminal Evidence Act 1999, to restrict public access during the evidence of the complainant/other witnesses in serious sexual offence trials**

Sir John Gillen's Review of how Northern Ireland's justice system³⁵ deals with serious sexual offences and rape found that in order to challenge under-reporting, high dropout rates and an unacceptably daunting trial process, the arguments in favour of restricted access measures to the public gallery in rape cases carried "convincing weight". He made the important proviso that the press, as the eyes and ears of the public, should continue to be admitted so as to maintain open justice.

He noted that the public response to the Preliminary Report in their online survey was overwhelmingly in support of this restriction.

The findings of our own survey of rape complainants³⁶ highlighted the fact that many complainants found the trial to be traumatizing and frightening and some respondents specifically referred to a source of that being that they could see the perpetrator's friends and family in the public gallery. Trials of serious sexual offences are often about people who know each other. Obviously, they involve complainants describing intimate and personal details of what happened and who are sometimes asked about other aspects of their personal life.

The power in section 25, unlike many of the other Special Measures in that legislation, is rarely used. We make this assertion on the basis of perusing rape trial observation projects by academics and, in one case, by members of the public; a speedy ring around of ISVA support organisations and anecdotal evidence from members of the criminal bar.

It is hard to know why this isn't used, save our great respect for the principle that justice needs to be seen to be done. We do not believe it is often requested as a Special Measure but understand that to be because, historically, it has not been granted.

Use of this provision should be considered more frequently by police witness care units when assessing the needs of vulnerable or intimidated victims and considering what are the most appropriate special measures.

Access for bona fide press members would be maintained as the eyes and ears of the public. And, of course, the judge at PTPH would make the final decision on a case by case basis.

- **Trauma informed approach**

Many victims of serious sexual and violent crimes suffer trauma as a result, yet many practitioners across the criminal justice system do not fully understand how trauma might impact on how the victim may present or communicate. This particularly applies to victims of rape.

There would be significant benefit in committing to a trauma informed approach across the CJS, which includes training and guidance across all CJS agencies. It would be essential to require that any guidance and training is co-produced with specialists working in sexual violence.

³⁵ <https://www.justice-ni.gov.uk/publications/gillen-review-report-law-and-procedures-serious-sexual-offences-ni>

³⁶ Rape survivors and the criminal justice system, Victims' Commissioner, Oct 20
<https://victimscommissioner.org.uk/published-reviews/rape-survivors-and-the-criminal-justice-system/>

A lack of understanding of the impacts of trauma and PTSD by CJS agencies was highlighted by a number of respondents to our rape survey³⁷ as leading them to believe that they were being judged. Typically, there is little understanding of the range of reactions which are available and on the basis of limited experience and no trauma-informed training, officers and prosecutors are reported to look askance at 'over-emotional' accounts and equally at cooler descriptions of intimate abuse.

- **Re-fresh/re-draft guidance on ISVA role, duties and professional standing**

In 2017 the Home Office published ISVA guidance³⁸ but little has followed from it. Our rape survey³⁹ confirmed what other research has shown, that support of an ISVA makes a huge difference to survivors and has a positive impact on attrition rates:

'The only bright spot of the research was the praise for Independent Sexual Violence Advisers (ISVAs) who, with other support services, are highly valued.

The research shows them making a real contribution to the criminal justice system overall; only 10% of those who had an ISVA or support service chose not to pursue their case, compared with 20% of victims who had neither.

Survivors who received support from an ISVA were more likely to report an incident or incidents to the police: 93% of survivors who had received support from an ISVA or other support, also reported the incident(s).'

Respondents were asked about how important various forms of support were to them and overall ISVA support was also ranked as very important by 65% and as important by 25% of 150 respondents.

However, despite this overwhelming endorsement from victims/ survivors, the courts and CJS agencies frequently seem to have a poor understanding of the role or the value of this support. We have frequently heard of ISVAs not being allowed into a court room or the video-link room for example, or otherwise unable to do their job effectively. There is particular, specific confirmation, for instance, that on the south western circuit whilst ISVAs are welcomed fully into one crown court, they are refused access to support their clients at all in a court nearby.

New, clear and widely disseminated guidance about the role and its parameters would help deal with common misunderstandings. It would ensure ISVAs do not face unwarranted barriers in doing their job, victims/survivors have appropriate support and the courts and judiciary can have trust in the role.

Such guidance is long overdue, and it has been discussed at many VAWG sector meetings. We believe it would give assistance to the courts service and witness care units by delivering a consistent approach to ISVA provision in general.

³⁷ Ibid.

³⁸ <https://www.gov.uk/government/publications/the-role-of-the-independent-sexual-violence-adviser-isva>

³⁹ Ibid 36

- **Sexual Violence Complainants' Advocates Scheme**

The Sexual Violence Complainants' Advocate [SVCA] scheme⁴⁰ was set up in Northumbria specifically to engage local solicitors to provide legal advice and support to rape complainants living in Northumbria, so long as they were aged 18+ at the time of the offence.

The support primarily related to complainants' Article 8 rights to privacy, advising on digital download requests, although there was also scope for general information about the legal process, attendance at ABE interview and help with the Victims Right to Review scheme.

The pilot scheme took 83 referrals from September 2018 until December 2019, and continued support until March 2020. It was started by Dame Vera when she was PCC, was continued by her successor, Commissioner Kim McGuinness, and has now been the subject of an evaluation⁴¹. This included interviews with participants from across the CJS i.e. the police, CPS, defence lawyers and the judiciary as well as the participants and their legal advocates.

The evaluation has shown the scheme to be overwhelmingly positive. It increased complainants' confidence / understanding in the justice system & improved their ability to cope with mental health impact of system (which is likely to reduce attrition). Police and CPS felt investigations were more efficient, relevant, and proportionate. A judge commended the pilot scheme as encouraging earlier consideration of disclosure issues, making cases more efficient and proportionate. It also encouraged best practice when complainants had complex needs, e.g. special measures / ABE interview. All pilot participants agreed with principle of legal support being made available for sexual offence complainants.

government should provide funding to extend the pilot into other areas to seek to affirm the success and perhaps to tune the model further in light of the evaluation findings. We would hope that this, when in turn evaluated, might lead to consideration of a rollout of a properly funded scheme in all areas of England and Wales. It may be of note that the Criminal Bar Association is in favour of this nature of representation when a complainant's human rights are in play.

Together with disclosure issues, they advocate extending such a scheme to cover applications for access to previous sexual history evidence under S41 Youth Justice and Criminal Evidence Act 1999. (this area was not reached in the original Northumbria pilot, though it had been anticipated that it would be).

Further, discussions with a senior police officer, with responsibilities for sexual offences, has shown that police would be likely also to support representation, particularly in respect of disclosure applications. They see that this could help to draw up clearer and perhaps narrower boundaries on disclosure. If issues of Article 8 balanced against Article 6, (in the way that the Judicial Guidance Outlines is appropriate) could be resolved at an early stage, it would be likely to clarify and significantly reduce the demands for material on rape detectives.

- **Screening the Screens**

Physical privacy screens and testifying by live link are the two most frequently used special measures. A long-term issue with live links is that when complainants realise (usually on the court

⁴⁰FINAL REPORT: Evaluation of the Sexual Violence Complainants' Advocate Scheme, Dec 20, Olivia Smith & Ellen Daly <https://needisclear.files.wordpress.com/2020/11/svca-evaluation-final-report-1.pdf>

⁴¹ Ibid.

familiarisation visit) that their face will be visible on the TV screen in court to the defendant and the public (which may include members of the defendant's family) they decide against using a live link. Police officers tell me that this is very common, even when complainants had opted for a live link in the first place and it would be their first choice.

The welcome national rollout of S28 YJCEA1999 for vulnerable witnesses, increased use of the 19 remote evidence links provided by PCCs and Covid-related considerations have combined to bring about increasing numbers of victim/witnesses giving evidence across a live link of one kind or another. This means the issue of screening the screens is more pertinent than ever before.

Discussion with the Court Based Witness Service and with HMCTS officials confirm that reticence to use a link if the consequence is that the victim is visible 'on TV' across the whole court is a key feature nationwide, it is capable of undermining the effort which has been put in to advance these measures.

We have been in extensive discussion with your officials in HMCTS who are fully cognisant of the issue and are working hard to tackle it. There is currently a circular to courts asking which of them have measures in place to 'screen the TV screens' so that the defendant cannot see the complainant as s/he testifies and, in appropriate cases, the public cannot see him/her either.

It is particularly a problem for children and for people who allege they were abused as children and do not want the alleged perpetrator to see what they look like now.

The proposal would be to replicate measures to 'screen the screens' in other courts, once it is ascertained where that is not possible at present. A considerable problem is that since 'screening the screens' is not widely available, it is unknown as an attainable special measure to most WCUs and SIOs. The applications therefore do not emerge, and judges are unaware that the request for a privacy screen or an alternative is not the measure of first choice for the victim. We are worried that without a systematic understanding, the issue will not be tackled fully and quickly enough to assure full success of the work to rollout S28 and remote evidence in general.

- **Roll out of Section 28 for intimidated witnesses**

The Commissioner very much welcomes the huge efforts on the part of HMCTS to roll out Section 28 of the Youth Justice and Criminal Evidence Act 1999 provisions which allow for pre-trial visual recorded cross-examination and re-examination. This offers an opportunity for vulnerable victims to give their evidence much earlier in the process. We sense the extent to which this has been taken up by criminal justice agencies is variable and it is important that every effort is made to promote this work and ensure it is used to maximum effect. We are keen to see this being rolled out quickly to intimidated victims as well. We understand this proposal is being evaluated and hope this can be done at speed. Given the scale of the backlog and the potential delays in getting cases into court, we are not convinced that this should be the scale of our ambition. We would like to see the government exploring the possibility of offering pre-trial visual recorded cross-examination to as many victims as possible.

- **An opportunity for to make representations to seek a positive outcome from exercise of the Victim's Right to Review**

The police and CPS Victim's Right to Review Scheme allow a complainant to request a review of any decision which will put an end to their case (for instance a decision not to charge). This year a

judicial review⁴² in the High Court established that in the CPS VRR scheme there is a fair opportunity for a victim to make submissions to get a favourable decision. CPS asserted that the VRR Scheme only allows a complainant to request a review by them, not to seek to influence its outcome. The Administrative Court did not agree. It said that while there is no right to make representations, there is an opportunity to do so and if representations are made, CPS must respond to them. CPS have clearly determined that they have no obligation to tell people of this opportunity; there is nothing on their website to indicate it. That may accord with a fair reading of the judgment, given that it expressly says that there is no right, only an opportunity.

However, it is an opportunity which, in our view, many complainants would wish to have. The opportunity should be promoted, given that sex offence victim/complainants will have a strong, intimate personal interest in such a decision. In our rape survey⁴³, people described CPS decisions not to prosecute their case as ‘devastating’ and felt that CPS did not listen to them.

For the sake of clarity there is no suggestion whatsoever that a victim’s view of a case such ever be determinative of a decision on charging which rightly falls to the CPS or the police. It is about giving a voice.

- **Implementation of a firewall between CJS agencies and immigration enforcement**

The recent report⁴⁴ in response to Liberty and Southall Black Sisters’ super-complaint on policing and immigration status, outlines in detail the issues that arise for victims around data sharing between the police and immigration enforcement. The report recommends a firewall for those reporting domestic abuse, but arguably this should apply for any VAWG related offences.

- **Better training and understanding of ‘so-called’ Honour Based Abuse (HBA) within the CJS**

‘So-called’ HBA experts⁴⁵ assert that it is a form of domestic abuse and should continue to be seen within this framework. Police and other CJS agencies have demonstrated time and again that they have a very poor understanding of HBA and associated risks and harms. It is vital that police and CPS receive better training on HBA and that the HMICFRS Honour Based Abuse (HBA) inspection recommendations from December 2015 are properly enforced.

As outlined in some detail under ‘Prevalence’ many female prisoners have been subject to violence and abuse, offending is often as a direct or indirect result of abuses experienced, as such **the strategy should give clear policy direction for the CJS in dealing with female offenders subject to VAWG and in particular those whose offences are directly related to VAWG, for example coerced drug dealing or prostitution.**

⁴² R(FNM) v DPP(2020) EWHC 870 Admin

⁴³ Ibid. 36

⁴⁴ Safe to Share? Report on Liberty and Southall Black Sisters’ super-complaint on policing and immigration status, Dec 20,
<https://www.gov.uk/government/publications/police-data-sharing-for-immigration-purposes-a-super-complaint>

⁴⁵ Karma Nirvana and IKWRO

Services/Support

Holistic, trauma informed wrap-around services are vital for survivors of VAWG they have proven time and again to be lifesaving. The sustainable and equitable provision of specialist by and for services is essential to any response.

Specialist VAWG services have faced a funding crisis in recent years. The Covid crisis highlighted to government the precarious hand to mouth existence of most services which is why emergency funding was provided. This would have been completely unnecessary if government had committed to a proper sustainable funding model with ring-fenced funding for specialist by and for services. It is imperative that this strategy seeks to do just that and that a strategic funding model is agreed.

As outlined by the VAWG sector, the current short-term and competitive funding model for specialist support provision is not working and pits services against each other. Tendering is a competitive process, however the 'by and for' expert sector are part of the social economy of provision and do not compete on equal footing in an open 'market'. Such competition results in commissioners and funders gambling with the lives of women and girls – changing providers in order to cut costs, disrupting life-saving services and losing the vital expertise and experience of specialist services in supporting survivors. Society must not continue down this road. Without urgent action to reform the funding landscape for these specialist services, the government will not be compliant with Article 22 of the Istanbul Convention.

Specialist by and for services are crucially different from generic services and independent of the state.

As outlined by the specialist VAWG sector:

The following are the core of the work of specialist 'by and for' VAWG services: responding to the needs and experiences of individual survivors; delivering gender-specific services and work with a gendered understanding of VAWG; upholding rights; providing holistic support that meets survivors' needs from safety, to their children, health, housing, finances and justice; and providing unique empowerment. They believe and listen to survivors and respect their voices within service delivery. Specialist services led 'by and for' Black and minoritised women, Deaf and disabled women, LGBT+ survivors and other groups are trusted by the survivors and communities they support due to their long-established reputations, their understanding of multiple forms of discrimination, their linguistic and cultural accessibility, and their intersectional practice.

These services are in a state of continual existential threat because of years of under-funding, competitive tendering processes which favour larger generic providers and cuts to public spending.

As an example, 50% of Black and minoritised women's specialist refuges having been forced to close or have been taken over by a larger provider due to lack of funding in the last decade, whilst others continue to operate without any local government support⁴⁶

The strategy should outline clear legal obligations on government, local authorities and public bodies to provide specialist by and for community-based support services.

Additionally, it should enforce accountability through national quality standards based on the VAWG sector's quality standards to ensure survivors of all forms of VAWG can access the specialist

⁴⁶ Imkaan (2016). 'Capital Losses'. London: Imkaan

support services they need – including services led ‘by and for’ survivors with additional protected characteristics.

We support the VAWG sector call for a strategy which is delivered alongside a secure, national multi-year funding settlement for the specialist VAWG sector, which ensures all forms of service provision for survivors, children and young people and perpetrators are resilient for the future, provides equity of provision for survivors across the UK nations, and is delivered by all government departments responsible for VAWG – including ring-fenced funding for specialist services led ‘by and for’ Black and minoritised women, Deaf and disabled women and LGBT+ survivors;

- Guarantees that local funding and commissioning processes adhere fully to the Equality Act and the Public Sector Equality Duty contained therein, and are led by partnerships, which reflect and represent the populations they serve – requiring the full inclusion of specialist ‘by and for’ VAWG sector in commissioning processes and outcomes;
- Systematically reforms the current competitive funding and commissioning landscape to ensure the specialist ‘by and for’ VAWG sector can fairly access funding - this requires
 - o returning to long-term grant funding for VAWG provision,
 - o ending competitive tendering where it is not required,
 - o ensuring all funding and commissioning processes for VAWG recognise and value specialist support provision as required under the Istanbul Convention,
 - o adopting established quality standards in the VAWG sector as the basis for funding, and
 - o delivering core funding to organisations so that services genuinely access full cost recovery for the support they deliver; and
- Ensures that all public funding for VAWG support promotes women-centred, trauma-informed, needs-led, holistic, accessible and wrap-around support services, as the sustainable way of addressing intersecting need and preventing further repeat victimisation and exposure to further risk. This requires moving away from a focus on funding through criminal justice outcomes, valuing women’s healing and recovery more holistically and comprehensively, and ensuring women have a voice in the support they can access.

The needs of migrant women have been well outlined to government time and again by the specialist VAWG sector. They are frequently unable to obtain refuge accommodation⁴⁷ and are left with stark choices, staying with an abuser or facing destitution or deportation⁴⁸. The Domestic Abuse Bill could address the barriers to support currently facing migrant women. This would include a non-discrimination principle, in line with the Istanbul Convention, safe reporting mechanisms for migrant victim-survivors to report abuse without fear of their information being shared with immigration enforcement (a fire-wall see above), and the extension the eligibility of the Domestic Violence Rule (DVR) and Destitute Domestic Violence Concession (DDVC) to all migrant women experiencing or at risk of abuse for a minimum of six months but so far government has resisted. It is vital that any strategy to eliminate VAWG is inclusive of the needs of this group as per the Istanbul Convention.

⁴⁷ <https://www.womensaid.org.uk/no-woman-turned-away/>

⁴⁸ <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/FINAL-living-in-a-hostile-environment-for-Web-and-sharing-.pdf>

The value of ISVA and IDVA services are well understood by government and we would like to see a commitment to funding so that each and every survivor if they wish to can have access to an IDVA or ISVA.

The NHS often has poor responses to VAWG, with practitioners having limited understanding of abuse and sexual violence.

In fact, those tasked with screening for domestic abuse such as midwives often have poor understanding of it, meaning that some failed to recognise their own abuse at the hands of partners⁴⁹. There is huge regional variation in where patients can access programmes such as IRIS⁵⁰ (see below good practice) and hospital-based IDVAs, and many women struggle to access the specialist mental health support they need to recover from trauma.

Additionally, often those referred within the NHS for counselling or therapy due to sexual violence are referred on to specialist sexual violence providers, in part because the NHS offering of 10 sessions of CBT is frankly ill equipped to deal with such extensive trauma. This creates further strain on already over-stretched services.

It is vital that the strategy recognises this and that it contains obligations for health and includes mandatory training for front line staff, expectations on CCG's to commission local specialist providers and resource so that specialist services are remunerated when the NHS refers to them.

Other

Sexual Violence

Because of the catastrophic drop in prosecutions of rape in recent years, we felt that sexual violence in all its' forms warranted a section in its' own right.

As outlined above it is a significant area of abuse and specifically VAWG. Women and girls are subject to sexual violence at alarming rates, including sexual harassment, rape threats, assault, cyber-flashing, image-based abuse and rape.

As you will be well aware sexual abuse of children has different perpetration patterns in girls and boys, yet we have a CSA strategy⁵¹ which is totally ungendered and which at the moment does not appear to be linked in any way to this new VAWG strategy. This 'silo-ing' is short-sighted, if VAWG which includes girls is to be tackled then it is vital that it is approached through the lens of women and girls lived experience. The on-line harms white paper has a similar issue, it is not really gendered and yet women and girls experience on-line harms because they are women and girls.

Key to understanding this is proper engagement with the specialist sexual violence and abuse sector. We work with a number of key organisations⁵² who are, often overlooked for consultation and

⁴⁹ <https://www.nursingtimes.net/news/reviews-and-reports/midwives-failing-to-realise-they-are-domestic-abuse-victims-09-10-2018/>

⁵⁰ <https://irisi.org/>

⁵¹ <https://www.gov.uk/government/publications/tackling-child-sexual-abuse-strategy>

⁵² Umbrella Organisations -Rape Crisis England and Wales, Survivors Trust, Male Survivors Partnership and NAPAC (who are a member of Survivors Trust)

collaboration, in part because we think that government has a poor understanding of their specialist knowledge and how they work.

All of the 'umbrella' organisations have centres/ organisations under them/ within their networks that work with men and boys, and aside from the specialist male providers they all work with women and girls who have experienced recent, historic or childhood sexual violence and abuse. Additionally, they work with disabled survivors, LGBTQ+ survivors and BME survivors. They work in a trauma-informed way and provide different types of support including counselling, telephone helplines, signposting, ISVA services and more. Some of them provide specialist training to CJS agencies, teachers, other agencies and the private sector, some of them work with children in schools. They have vast knowledge and understanding about perpetration, 'victimisation' and what works for survivors. They are in our view a too often untapped resource with whom government should be working more collaboratively if it is to, as is the stated ambition, eliminate VAWG.

These vital services have in recent years been subject to short-term funding, competitive tendering and frankly been devalued by the same. As we have outlined in the section above on services, it is imperative that sexual violence services see proper sustainable long-term funding, this should include ring-fenced funding for specialist by and for services and should include proper consideration of recruitment processes, acceptable caseloads and clinical supervision to help mitigate burn-out and help workers deal with vicarious trauma.

We have outlined in detail above the issues with the CJS but government are aware that there is much to do in respect of rape and that restoring public trust in the system will take extensive change and time.

We would like to see a Ministerial lead for Rape. We note with pleasure that Minister Kit Malthouse is the Minister responsible for the end to end rape review. The government might consider amending this to make him or another member of the government the ministerial lead on rape and sexual offences, not only to drive through any recommendations for change, but also to offer high-profile public acknowledgement of the priority of supporting rape victims and acknowledgment of harms caused by the CJS.

This would send a very clear message to the public as to the government's commitment to support rape complainants.

On-line Harms

Much online harm to women and girls (though not all) is of a sexual nature and as such this is linked to the above. **We endorse the recommendations of EVAW⁵³ and the submission to this call from Professor Clare McGlynn and Dr Kelly Johnson of Durham University.**

Professor McGlynn and Dr. Johnson's research demonstrates that younger women and black and minoritised women are particularly affected by these new and emergent online abuses (cyber-flashing and image-based abuse) and abuse has risen since the covid-19 pandemic. It is crucial that

⁵³ Violence Against Women and Girls Snapshot Report 2020/2021, EVAW, Feb 2021
<https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Violence-Against-Women-and-Girls-Snapshot-Report-FINAL-1.pdf>

any new VAWG strategy places victim-survivors at the heart of its approach and recognises and addresses the experiences of all victim-survivors, including those disproportionately affected.

Currently the law, policy and practice is failing to keep pace with the new and emergent forms of online abuse. A new strategy is urgently required: to address emergent forms of violence against women and girls perpetrated online; and to 'future-proof' policy and practice from future emergent abuses, so that we do not have to constantly play 'catch up'.

Professor McGlynn and Dr. Johnson, recommend (among other things) law reform:

"Image based abuse -Comprehensive legal reform

- *Recognise image-based sexual abuse as a sexual offence*
- *Adopt a comprehensive criminal law to cover all forms of image-based sexual abuse including threats and fakeporn*
- *Remove motive requirements from current laws to bring them into line with other sexual and criminal offences*
- *Extend automatic anonymity to all complainants of image-based sexual abuse*
- *Extend civil legal aid to cover legal advice and support for all forms of image-based sexual abuse*

Cyber- flashing Reforming the criminal law:

- *Adopt a specific cyberflashing offence: There are many benefits to adopting a bespoke criminal law addressing cyberflashing, including that it would: make it clear cyberflashing is wrong and potentially harmful; let victim-survivors know their experiences are understood and recognised; facilitate successful prosecutions, by removing requirements to shoe-horn cyberflashing into other laws; and provide a positive foundation for education and prevention initiatives.*
- *Cyberflashing as a sexual offence: Any new law must frame cyberflashing as a sexual offence, to recognise the nature and harms, to grant victims anonymity and protections in court, and to permit suitable sentencing options.*
- *Focus on the core wrong of non-consent, not perpetrator motives: The wrong of cyberflashing is non-consensual conduct breaching sexual autonomy, regardless of the perpetrator's motives. Motive requirements invariably mean only some abuses are covered, denying some victims redress and make prosecutions less likely.*
- *Cover all penis images: The law must cover all genital images, not only those of the perpetrator, as well as altered/fake images. Otherwise, the law will be practicably unenforceable.*
- *Extend motives to include humiliation: If any law is to require specific motives, it is vital that this includes humiliation, as well as distress; and that the offence can be committed recklessly, so capturing perpetrators whose main aim is not to cause alarm, but they are nonetheless aware of this risk."*

EVAW recommends a public health approach to on-line harms:

"The Government needs to implement a comprehensive public health approach to tackling online abuse, including providing clear recommendations to employers on how to help ensure their employees are safe online, and publishing national guidance on digital safety. This includes commissioning research into impact of online abuse on women and Black and minoritised communities and intersectional online abuse and ensuring the Online Harms Bill adequately addresses the specific

risks that Black and minoritised women face online.”

and we endorse both of these recommendations.

Covid Context

The Impacts from Covid will be felt for many years to come, as such we wanted to note that the ‘so-called’ long tail of Covid will likely be around for the whole of this new strategy period and as such should be born in mind when considering policies.

Now that we have endured different levels of lockdown over the past nearly 12 months, we can see that there are patterns in help-seeking behaviour that broadly reflect the levels of lockdown. As an example, reports of ‘so-called’ Honour Based Abuse (a form of domestic abuse) to Karma Nirvana⁵⁴ follow a specific pattern which shows upticks in reporting when the public are afforded greater freedom or when professionals are back in contact with children or adults.

Their recent data compares their referrals data from March to November 2019 with March 2020 and November 2020 and shows:

- New victims’ self-referrals have increased by 20% - 612 – 735. The biggest increase of 50% happened between July & August, as lockdown restrictions were eased allowing victims to safely reach out for support
- New professional referrals have increased by 4% - 791 – 823, the slight increase evidences the limited access professionals had to have contact with potential victims. September 2020 was the busiest month for professional referrals which can be attributed to schools reopening where children at risk became more visible, and professionals; social services, education, 3rd sector support workers with children returned to face-to-face support
- New third-party referrals have increased by 54% - 115 – 177, the most significant increase in new referrals evidences how family members, employers and friends contacted the helpline on behalf of victims for whom it was not safe to reach out for support

Abuse also appears to be escalating, COVID-19 is being used as means of control and it is harder to leave, Women’s Aid have provided us with the following which is taken from their survivor survey on COVID -19⁵⁵:

- Abuse is escalating – 67% (31 out of 46) of survivors who are currently experiencing abuse told us that it had got worse since COVID 19.
- It is harder to leave – over three quarters of survivors currently experiencing abuse (78%, 36 out of 46) stated COVID 19 has made it harder for them to leave.
- Abusers are using COVID 19 as a way to control or failing to take necessary precautions to prevent spread of virus – 72%% (33 out of 46) of survivors experiencing current abuse told us their abuser has more control over their life since COVID 19.

⁵⁴ Karma Nirvana deliver the Home Office funded national Honour Based Abuse and Forced Marriage helpline.

⁵⁵ Women’s Aid. (2020) A Perfect Storm: The Impact of the Covid-19 Pandemic on Domestic Abuse Survivors and the Services Supporting Them. Bristol: Women’s Aid.

- Survivors are concerned about safe child contact
- There are mental health impacts on survivors and children – just over half of survivors (74 out of 141) who experienced abuse in the past that need mental health support are unable to access it.
- The financial impact of the crisis is fueling economic abuse and increases barriers to leaving.

After the first national lockdown was announced in March, the National Domestic Abuse Helpline saw 40,000 calls from women, family members and professionals in the first three months of lockdown, an 80% increase on pre-Covid figures⁵⁶.

Respect, which runs a helpline for perpetrators worried about their behaviour, reported that the first month of lockdown alone saw an increase in:

- calls by 67%,
- emails by 185%,
- webchats by 2,200%
- and website visitors by 581% from the start of lockdown⁵⁷.

As early as April 2020 the NCA⁵⁸ were predicting an increase in online child sexual abuse during lockdown and it stands to reason that as much of the world moved to online working, schooling and a degree of isolation with lockdown and social distancing measures that there would be greater internet use, greater use of social media to keep in touch with friends and family and therefore better opportunity for those who would harm children and others to carry out offences/abuses on line.

Adult women are also being increasingly targeted for on-line abuse and harassment. A joint report by EAW and Glitch⁵⁹ showed that:

- Almost 1 in 2 (46%) women and non-binary people reported experiencing online abuse since the beginning of COVID-19
- 1 in 3 (29%) of those who had experienced online abuse prior to the pandemic reported it being worse during COVID-19

⁵⁶ BBC News (23 July 2020) Coronavirus: Domestic abuse helpline sees lockdown surge, <https://www.bbc.co.uk/news/uk-53498675>

⁵⁷ Respect (April 2020) Respect's Response to the Home Affairs Call for Evidence COVID-19 Preparedness https://hubble-live-assets.s3.amazonaws.com/respect/redactor2_assets/files/136/Home_Affairs_Call_for_Evidence_Covid_19_Preparedness_April_2020_FINAL.pdf

⁵⁸ 'NCA predicts rise in online child sexual abuse during coronavirus pandemic' THE GUARDIAN 3rd April 2020 <https://www.theguardian.com/society/2020/apr/03/nca-predicts-rise-in-online-child-sexual-abuseduring-coronavirus-pandemic>

⁵⁹ THE RIPPLE EFFECT- COVID-19 AND THE EPIDEMIC OF ONLINE ABUSE, September 2020, accessed at <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Glitch-and-EVAW-The-Ripple-Effect-Online-abuse-during-COVID-19-Sept-2020.pdf>

- 84% of respondents experienced online abuse from strangers – accounts that they did not know prior to the incident(s).
- Most of the abuse took place on mainstream social media platforms (Twitter 65%, Facebook 29%, Instagram 18%) despite tech companies' commitments to making their platforms safe and addressing gender-based and intersectional abuse.
- Gender was the most often cited reason for online abuse, with 48% of respondents reported suffering from gender-based online violence.

A recent survey by Rights of Women also showed greater sexual harassment of women whilst working from home⁶⁰.

The impact of Covid-19 will be felt by rape victim survivors going through the criminal justice system for years to come as the pandemic has resulted in backlogs and delays in the system. In September 2020 the courts backlog was reported to be 43,676 cases and rising⁶¹

We also hear anecdotally from those working with domestic abuse survivors that use of on-line mediums to exercise coercive control has also escalated during the pandemic.

In fact, reports indicate that so-called on-line VAWG is also increasing globally during the pandemic⁶².

As on-line ways of working are likely to remain in place for some time to come and possibly indefinitely and as demands for services will rise along with lockdown patterns it is vital that any strategy factors these peaks and troughs into future working to eliminate VAWG.

Areas of good practice/ Key Research

There are many excellent examples of good practice and robust research available and we have sought to highlight just a few.

Operation Bluestone Project, Betsy Stanko, Katrin Hohl et al, is now in pathfinder stage in Avon and Somerset Police, and the evidence gathering is underway. The team hope to have a baseline by April 2021 and have submitted a proposal to the Home Office so that the project will address transformation in the whole of policing in England and Wales over three years.

The project promotes suspect centric investigation shines the light on named suspects in rape allegations, and lays the groundwork for investigation to provide the evidence for a charge of rape

⁶⁰ Rights of Women research into sexual harassment at work during lockdown. 1st November 2020 <https://rightsofwomen.org.uk/news/rights-of-women-survey-reveals-online-sexual-harassment-has-increased-as-women-continue-to-suffer-sexual-harassment-while-working-through-the-covid-19-pandemic/>

⁶¹ UK Government (December 2018) Victims of Crime (Point 3 -Percentage of people aged 16 years and over who said they were victims of crime, by ethnicity and gender) <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/crime-and-reoffending/victims-of-crime/latest>

⁶² <https://www.reuters.com/article/us-yearahead-global-women-abuse-idUSKBN2991QG>
<https://webfoundation.org/2020/07/theres-a-pandemic-of-online-violence-against-women-and-girls/>

through looking more carefully at the behaviours and actions that might shed light on patterns of exploitation, grooming or coercive control. The research action project will explore the 'as is' approach and set out a roadmap to improvement.

The Sexual Violence Complainants Advocacy Scheme -Northumbria pilot (SVCAS)⁶³ (also see above under CJS) which engaged local solicitors to provide legal advice and support to rape complainants in Northumbria primarily related to complainants' Article 8 rights to privacy showed positive outcomes for all main actors in the CJS, including police and CPS but most importantly for complainants.

Police Implementation of the Domestic Violence Disclosure Scheme (DVDS) by Dr Kat Hadjimatheou, University of Essex⁶⁴ – This qualitative study carried out in 2019. FOI request to all police forces in UK and in-depth interviews with 32 domestic abuse police practitioners across 14 force areas.

Key findings:

1. Victims of domestic abuse face a postcode lottery of disclosures, with some receiving minimal or no information about the criminal histories of their partners, and others receiving lengthy and detailed descriptions.
2. Victims are better safeguarded by detailed disclosures that include reported offences and non-convictions, because most reports of abuse made to police do not result in conviction. But only some forces are routinely disclosing non-conviction data, even though all have the powers to do so. This can result in false reassurance being given to victims who police know are at significant risk of abuse. The 2016 Home Office Guidance on the DVDS is vague and indeterminate, allowing individual police forces to choose to set disclosure thresholds so high that they rarely have much information to disclose. This is letting victims down. The Guidance should be revised to make broad and detailed disclosures the default route.
3. Victims in some force areas are receiving *no* information about their partners' spent convictions despite having a right to such information, because police in those areas continue to rely on restrictive but outdated Home Office Guidance on the DVDS from 2013. As a result, many victims are not being given information that might be vital to understanding the risk they face.
4. The right to privacy of victims of previous offences and incidents of abuse, whose identity might be inadvertently exposed in a disclosure, is not recognised or protected by the 2016 Home Office Guidance. That Guidance only acknowledges the right to privacy of perpetrators. But every incident of abuse involves both a perpetrator and a victim, and many incidents also involve children who are present as direct or indirect victims. Exposing the identity of these victims through a disclosure infringes their right to privacy and may place them at risk of harm. The 2016 Guidance should be revised to require police to protect the rights of such victims when making disclosures under the DVDS.

⁶³FINAL REPORT: Evaluation of the Sexual Violence Complainants' Advocate Scheme. DECEMBER 2020, Olivia Smith & Ellen Daly <https://needisclear.files.wordpress.com/2020/11/svca-evaluation-final-report-1.pdf>

⁶⁴ Hadjimatheou, K and Grace, J. "No black and white answer about how far we can go": police decision making under the Domestic Violence Disclosure Scheme' Policing and Society, July 2020. <https://www.tandfonline.com/doi/full/10.1080/10439463.2020.1795169>
Hadjimatheou, Katerina, 'Social Care Told Me I Had To': Empowerment and Responsibilisation in the Domestic Violence Disclosure Scheme (Jan 21, 2021, currently under peer review). Available at SSRN: <https://ssrn.com/abstract=>

5. Victims of domestic abuse are being pressurised by children's social care and (less frequently) police, to seek a disclosure under the DVDS and to end a relationship following one, as a means of demonstrating their willingness and ability to protect their children. This use of the DVDS for child protection purposes is widespread and systematic. It is seriously undermining the potential effectiveness of the DVDS as a safeguarding tool, with victims being held responsible and even blamed for the abuse they and their children suffer, rather than being empowered and supported to be safer. This practice should stop. Social workers should receive training on the DVDS, and the Home Office Guidance from 2016, which is currently addressed only to police, should be revised to include other agencies that prompt or submit applications for disclosure.
6. Used appropriately, the DVDS can be a powerful safeguarding tool. Its main contribution is to empower victims, by providing them with reliable information they can trust; counteracting deceitful and victim-blaming narratives sustained by perpetrators; and revealing patterns of abuse that enable them to contextualise their own experiences. The DVDS process also provides police with an opportunity to make contact with hard-to-reach victims and to connect them up with other vital support services. And it can enable police to build a more trusting and supportive relationship with victims, which in turn improves their capacity to safeguard and helps victims feel more confident and supported in reporting crimes. It is therefore vital that the Home Office Guidance on the DVDS is revised to protect and promote proper use of the scheme going forward.

The work of **Clare McGlynn** is particularly pertinent to this strategy development. In particular her work on image-based abuse, pornography and sexual violence⁶⁵.

The No Woman Turned Away Project⁶⁶ - The No Woman Turned Away (NWTa) project has been funded by the Ministry of Housing, Communities and Local Government (MHCLG) since January 2016 and is run by Women's Aid. It provides dedicated support to women who face barriers in accessing a refuge space. A team of specialist domestic abuse practitioners receive referrals from Women's Aid member services, and they conduct detailed monitoring and analysis of survivors' experiences alongside this.

Women's Aid -Change that Lasts, Ask Me Scheme⁶⁷ - Delivered in partnership with local communities, the scheme allows everyday people to become Community Ambassadors. Through training sessions, they will be equipped with an understanding of domestic abuse and how to

⁶⁵ McGlynn, Clare & Johnson, Kelly (Published). Criminalising cyberflashing: options for law reform. *Journal of Criminal Law* <https://journals.sagepub.com/doi/10.1177/0022018320972306>

McGlynn, Clare, Johnson, Kelly, Rackley, Erika, Henry, Nicola, Gavey, Nicola, Flynn, Asher & Powell, Anastasia (2020). 'It's torture for the soul' The Harms of Image-Based Sexual Abuse. *Social & Legal Studies* <https://journals.sagepub.com/doi/10.1177/0964663920947791>

Eaton, Asia E & McGlynn, Clare (2020). The psychology of nonconsensual porn: Understanding and addressing a growing form of sexual violence. *Policy Insights from the Behavioral and Brain Sciences* 7(2): 190-197. <https://journals.sagepub.com/doi/10.1177/2372732220941534>

McGlynn, Clare & Westmarland, Nicole (2019). Kaleidoscopic Justice: Sexual Violence and Victim-Survivors' Perceptions of Justice. *Social and Legal Studies* 28(2): 179-201.

<https://journals.sagepub.com/doi/10.1177/0964663918761200>

⁶⁶ <https://www.womensaid.org.uk/no-woman-turned-away/>

⁶⁷ <https://www.womensaid.org.uk/our-approach-change-that-lasts/askme/>

respond to survivors. This knowledge will enable the community to play an active role in ending domestic abuse.

IRIS (Identification and Referral to Improve Safety)⁶⁸, a general practice-based intervention, and through hospital-based IDVAs (Independent Domestic Violence Advisors) who help to make victims safe. There is huge regional variation in where patients can access programmes such as IRIS and hospital-based IDVAs, and many women struggle to access the specialist mental health support they need to recover from trauma.

Professor Vanessa Munro's⁶⁹ work on juries and liability for suicide in domestic abuse cases.

The extensive work of **Dr Olivia Smith**⁷⁰ on rape and the CJS

The research of **Professor Liz Kelly**⁷¹ and others at CAWSU.

The research of **Professor Sylvia Walby**⁷²

Intersectional interventions to prevent violence against women in black and minority ethnic communities⁷³ **Professor Aisha K. Gill**

⁶⁸ <https://irisi.org/>

⁶⁹ https://warwick.ac.uk/fac/soc/law/people/v_munro

⁷⁰ <https://www.lboro.ac.uk/subjects/social-policy-studies/staff/olivia-smith/>

⁷¹ <https://www.londonmet.ac.uk/profiles/staff/liz-kelly/>

⁷² <https://www.city.ac.uk/people/academics/sylvia-walby>

⁷³ <https://pure.roehampton.ac.uk/portal/en/publications/intersectional-interventions-to-prevent-violence-against-women-in>