
Gender Based Violence

1 What is gender-based violence?

- 1.1 “Violence that is directed against a woman because she is a woman, or violence that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty” (United Nations, 1992).
- 1.2 Violence against women and girls is a prevalent but often hidden crime. It can take many forms, for example: domestic and sexual violence, forced marriage, honour or shame based violence, female genital mutilation, cyber harassment and stalking.
- 1.3 Gender based violence and abuse has become an umbrella term for any harm that is perpetrated against a person’s will, and that results from power inequalities that are based on gender roles. The ‘gender based’ aspect highlights the fact that violence against women is an expression of power inequalities between women and men.
- 1.4 Most gender based violence and abuse is inflicted by men on women and girls.

2 How prevalent is gender-based violence?

- 2.1 Violence against women and girls is one of the most prevalent human rights violations in the world and the UK. It has no social, economic or national boundaries.
 - 1 in 4 women in the UK will experience domestic violence in their lifetime.
 - Every year 400,000 women are sexually assaulted and 80,000 women are raped.
 - In 2014, 1,432 women were identified as potential victims of trafficking in the UK. Of these 653 were trafficked for sexual exploitation.

- In 2014, the Forced Marriage Unit gave advice or support to 1,267 possible forced marriage cases.
- 137,000 women and girls living in England and Wales have experienced Female Genital Mutilation.
- 2 women are murdered by their partners or ex-partners per week.
- 1 in 5 women have experienced stalking since the age of 16.
- 750,000 children witness domestic violence each year.
- 40% of teenagers are in abusive relationships.

3 What legal remedies are there?

i. Criminal offences

There is no specific criminal offence of domestic violence. Instead there are a number of possible offences for which perpetrators can be prosecuted. These include murder, rape, manslaughter, assault.

ii. Coercive or controlling behaviour

A new criminal offence of coercive or controlling behaviour against an intimate partner or family member came into force on 29 December 2015 (section 76 of the Serious Crime Act 2015). The maximum penalty for someone found guilty is five years imprisonment or a fine or both.

Non-violent coercive behaviour which is a long-term campaign of abuse, may fall outside common assault, which requires the victim to fear the immediate application of unlawful violence.

iii. Civil law

There are two important civil law remedies under the Family Law Act 1996 (as amended by Part 1 of the Domestic Violence Crime and Victims Act 2004) – occupation orders and non-molestation orders:

- ***Occupation orders***

An occupation order is a court order which governs the occupation of a family home. It can be used to temporarily exclude an abuser from the home and surrounding area and give the victim the right to enter or remain. In certain circumstances, the court may attach a power of arrest to the occupation order.

- ***Non-molestation orders***

A non-molestation order is a court order which prohibits an abuser from molesting another person they are associated with. Molestation is not defined in

the Act but has been interpreted to include violence, harassment and threatening behaviour. An order contains specific terms as to what conduct is prohibited and can last for however long is deemed appropriate by the court. Breach of a non-molestation order is a criminal offence.

Practical information about how to apply for court orders is available from the Women's Aid Survivors Handbook and the Victim Support website.

iv. Domestic violence disclosure scheme

The domestic violence disclosure scheme (DVDS), often referred to as Clare's law, was rolled out across England and Wales from March 2014. The scheme means that an individual can ask the police to check whether a new or existing partner has a violent past ("right to ask"). If police checks show that a person may be at risk of domestic violence from their partner, the police will consider disclosing the information ("right to know").

4 Recent developments 2017

4.1 Suspects cross examining victims

The Queen's Speech 2017 promised a Courts Bill which will "end direct cross examination of domestic violence victims by alleged perpetrators in the family courts and allow more victims to participate in trials without having to meet their alleged assailant face to face".

5 New domestic violence legislation and commissioner

- 5.1 The Queen's Speech (<http://www.evaw.org.uk/domestic-violence-and-abuse-legislation-announced-in-queens-speech/>) 2017 also included confirmation that legislation will be introduced to 'protect the victims of domestic violence and abuse'. EAW (End Violence Against Women) and its members are talking to the Government and others about the content of legislation and other plans.

6 Victory in campaign for ratification of Istanbul Convention

- 6.1 Following tireless campaigning by ICChange (a volunteer led campaign - <https://icchange.co.uk>), at the end of June the Government also announced that it will be taking the final step to enable ratification of the Istanbul Convention (<http://www.evaw.org.uk/government-commits-to-ratifying-istanbul-convention-with-new-laws/>). Once ratified in the UK, the Convention will recognise rape and domestic violence as serious crimes that can and should be prosecuted – even when they are perpetrated outside the UK.

7 Sex and Relationships Education – in development

- 7.1 In March legislation was passed making **Relationships and Sex Education (RSE)** – (<http://www.evaw.org.uk/451-2/>) compulsory in schools - a key measure for preventing abuse on the long term, which women's organisations have long campaigned for. The Government is now preparing to consult on the content of the guidance that will go to schools for delivering 'RSE'. **EVAW** (<http://www.evaw.org.uk/campaign/schools-safe-4-girls/>) hopes there will be consideration of changing school policies and practice, in responses to sexual assaults and other forms of VAWG for example, alongside this new school curriculum content. Just recently, the Children's Commissioner has produced **powerful research** revealing that schools need to do much more to detect and prevent child sexual abuse (<https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Preventing-CSA-The-Role-of-Schools-CCO-April-2017-1.2-1.pdf>); the NSPCC has reminded us of the impact of exposure to pornography (<http://www.bbc.co.uk/news/education-36527681>); and Plan UK's report on '**Girls' rights in the digital world**' documents the conflicting messages young people receive online, and the need for schools to receive guidance on best supporting young people to navigate the digital sphere (<https://plan-uk.org/file/you-cant-live-without-it-girls-rights-in-the-digital-worldpdf/download?token=eiKTHg0->).

8 Information, advice and resources

University and College Union

- www.ucu.org.uk
- Action against Violence against Women (guidance for branch officers)
https://www.ucu.org.uk/media/8172/Action-against-violence-against-women---branch-guidance/pdf/ucu_actionagainstviolenceagainstwomen.pdf
- Model policy on domestic abuse
https://www.ucu.org.uk/media/8390/Model-domestic-violence-policy/pdf/Domestic_abuse_model_policy.pdf
- Dealing with sexual harassment in the workplace – guidance for branches and members
https://www.ucu.org.uk/media/8373/Dealing-with-sexual-harassment-in-the-workplace/pdf/Dealing_with_sexual_harassment_in_the_workplace_guidance_Nov_2016.pdf

- Female Genital Mutilation – the case for a national action plan
https://www.ucu.org.uk/media/6786/Female-Genital-Mutilation--the-case-for-a-national-action-plan/pdf/Female_Genital_Mutilation_-_the_case_for_a_national_action_plan.pdf
- Violence against women – FGM (Q&A)
https://www.ucu.org.uk/media/7034/Violence-against-women---FGM/pdf/Violence_against_women_-_FGM.pdf

AVA (Against Violence and Abuse)

<https://avaproject.org.uk/>

End Violence Against Women (EVAW)

<http://www.endviolenceagainstwomen.org.uk/>

National Centre for Domestic Violence

<http://www.ncdv.org.uk/>

Refuge

<http://www.refuge.org.uk/>

Respect

<http://respect.uk.net/>

Solace Women's Aid

<http://solacewomensaid.org/>

Southall Black sisters

<http://www.southallblacksisters.org.uk/>

Women's Aid

<https://www.womensaid.org.uk/>

Scottish Women's Aid

<http://www.scottishwomensaid.org.uk/>

Welsh Women's Aid

<http://www.welshwomensaid.org.uk/>

Women's Aid Federation Northern Ireland

<https://www.womensaidni.org/>

Action on elder abuse

<https://www.elderabuse.org.uk/>