

# ENDING VIOLENCE AGAINST WOMEN

Conservative Strategy Paper  
December 2008



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## Foreword

Our vision is for a society in which no woman has to live in fear of violence.

It will not be easy, but as a Party we aspire to ending the scourge of violence against women in Britain. To do so will require the determination of a government willing to tackle the root causes of violence and deal fully with its effects. Achieving this will require more than the piecemeal initiatives that we have seen thus far. It will demand a co-ordinated and comprehensive strategy implemented across government departments. Any approach that sees tackling violence against women simply as a matter for the criminal justice system misses the point. We are committed to implementing an integrated violence against women strategy in government.

Central to this must be prevention. We are determined to work with schools, police, health care professionals and the voluntary sector on preventative measures that can stop violence occurring in the first place. When it does occur, we must back the vital services that provide support and advice to women, helping them move from victims to survivors of violence.

No woman should fear being beaten or raped in her own home. No woman should face the trauma of being stalked or forced into marriage. No woman should have to undergo abuse or be killed in the name of 'honour'. And no woman should be trafficked across borders and forced into labour or prostitution against her will.

This strategy document outlines our commitment to seeing this become a reality.

A handwritten signature in black ink, reading "Theresa May". The signature is written in a cursive, flowing style.

**Rt Hon Theresa May MP**  
Shadow Minister for Women

## Executive Summary

Violence against women takes many forms and affects many people. Three million women in the UK experience violence each year. Its victims come from all sectors of society: all ages, all ethnic groups and religions, and all socio-economic backgrounds. The perpetrators can be close family members or complete strangers, and violence is not restricted to a set location such as the household. The challenges of violence against women are therefore complex, requiring a thoughtful and comprehensive response.

### 1. An Integrated Strategy

- A Conservative government will commit to ensuring accountability and commitment to a cross-departmental violence against women strategy. The Minister for Women will be responsible for overseeing this and all other departments will report on their progress every year.
- We will ensure that all government departments adopt and work to the UN definition of violence against women.
- A Conservative government will issue clear guidance to local authorities on their responsibilities under the Gender Equality Duties in respect to violence against women services.

### 2. Prevention

- We will work with schools to encourage them to tackle violence and bullying as part of the culture of British education, and we will encourage all schools to make use of voluntary sector expertise in developing specific programmes and lesson plans to address these issues with young people.
- We will issue clear guidance on specific forms of violence against women for teachers, clearly explaining what they should do if they have suspicions or concerns about a child.
- We will provide 4,200 extra health visitors across the country and we will ensure that health visitors receive appropriate training in spotting the signs of violence in the household and are aware of what to do if they suspect it.
- We will ensure that, in addition to domestic violence, all police recruits receive appropriate training in stalking, female genital mutilation, rape, 'honour'-based violence, and forced marriage.

### 3. Front-Line Services

- A Conservative government will work with local government through the Local Government Association to assess how procedures can be improved at a local level to ensure that adult and children's services are aware of the possible links between violence afflicted on children and violence between two adults in a household, and the need for cooperation.
- We will simplify the Gift Aid system to reduce the bureaucratic burden on charities including organisations tackling violence against women.
- A Conservative government will establish a standard for contracts with voluntary sector organisations to be based on at least three years.
- The next Conservative Government will endeavour to sustain the grant funding of voluntary organisations and make grants easier to access for violence against women organisations.

### 4. Domestic Violence

- We support the work of Specialist Domestic Violence Centres (SDVCs) and Independent Domestic Violence Advisers (IDVAs), which are important components of the work to bring domestic violence perpetrators to justice and support survivors.
- A Conservative government would conduct a full assessment of existing Multi-Agency Risk Assessment Conferences.
- A Conservative government will review the impact of the Domestic Violence, Crime and Victims Act 2004 and consider whether changes are necessary.
- We will scrap early release on End of Custody Licence – of particular concern in domestic violence cases – and will legislate to end automatic release at the halfway point of an offender's sentence.
- We believe that the UK can learn from New York's example of proactive policing on domestic violence. By freeing police officers from red-tape they will have the opportunity to target households with a history of violence as part of their 'on the beat' activities.

- Women who leave a violence relationship can face numerous financial obstacles, such as dealing with debts that have been put in her name without her knowledge. We will, in consultation with the Office of Fair Trading, develop a code of conduct on financial institutions' dealings with domestic violence victims.
- Women who escape violence in a refuge rely on benefits to pay for their stay. A Conservative government will introduce a three-month grace period during which time women who are housed in refuges following domestic violence will not be required to seek work in order to qualify for Jobseeker's Allowance.

## 5. Rape and Sexual Violence

- A Conservative government will make the teaching of consent compulsory in the sex education curriculum.
- Using the actual recordings of complainants' interviews as well as defendants could have an important role in rape trials. Subject to important judicial oversight, we believe that video evidence from complainants should be used in court.
- We will introduce honesty in sentencing so courts set a minimum and a maximum period with no possibility of parole until the minimum has been served. Under a Conservative government, those convicted rapists given a min-max sentence who obey prison rules, engage in rehabilitation and respond well to treatment, will be released at a governor's discretion no earlier than they are at present. However, those who choose not to engage in the required treatment offered by accredited sex offender rehabilitation programmes will spend longer in custody.
- A Conservative government will end the process of short-term annual funding decisions by introducing stable three-year funding cycles for rape crisis centres.
- Furthermore, we will fund an expansion in rape crisis centres to ensure adequate and equitable provision for victims across England and Wales. We will allocate £2.6 million over three years for 15 new rape crisis centres - growing the network by more than a third - to ensure victims of rape and sexual violence have access to a vital support service nearby.

The money will initially come from income generated by the existing Victim Surcharge levied on court disposals. As the scheme is rolled out it will be possible for us to fund the new rape crisis centres using funds from future Victim Surcharge receipts. The scheme has not yet been

rolled out fully because of administrative problems, but the Ministry of Justice has committed to meet any shortfall until the scheme is fully operative.

- We acknowledge and respect the difference between Sexual Assault Referral Centres and rape crisis centres. A Conservative government will adopt an approach to tackling sexual violence that emphasises the value of both, and not one at the expense of the other.

## 6. Female Genital Mutilation

- We will issue new guidance for health and education professionals to ensure that FGM is understood and incorporated into the work of all child and sexual health services. Guidance will also be issued for schools to ensure that if FGM cases are identified among young girls, teachers will be clear of the action they can take to make sure that cases are investigated.
- We will ensure that the UK Border Police Force, to be established by the next Conservative government, will receive appropriate information on FGM.
- We will ensure that FGM offences are recorded separately from other offences to improve evidence of FGM in the UK.

## 7. Forced Marriage

- If current legislation is seen to be ineffective then a Conservative government will consider criminalising the practice of forced marriage.
- We will require Children's Services Departments (CSDs) to keep a register of children who have been removed from schooling, or have gone missing.
- We will equip schools with awareness packs containing guidance on how to deal with a suspected case of forced marriage.
- We will classify CSDs as relevant third parties under the Forced Marriage (Civil Protection) Act.
- A code of conduct should be developed for Entry Clearance Officers and Home Office Officials which includes separate interviews of the spouse and sponsor.
- A foreign spouse must have a basic knowledge of English before they come to the UK, measured at the standard of ESOL Entry Level 3.
- A foreign spouse should be required to take a citizenship test.

- Where a marriage between a UK resident and a spouse from overseas breaks down, a time requirement should be introduced before either party is allowed to bring in another spouse from overseas.

## **8. Stalking**

- We will ensure that all police recruits receive appropriate training in stalking.
- We will ensure that Section 12 of the Domestic Violence, Crime and Victims Act is implemented, extending the use of restraining orders.

## **9. ‘Honour’-Based Violence**

- It is essential that police are aware of the complex issues involved in ‘honour’-based violence and we will ensure that it is integrated into police training.

## **10. Trafficking**

- A Conservative government will commit to strengthening coordination between relevant Government departments and SOCA in order to ensure a coherent, joined-up approach.
- We will make Pentameter a permanent operation. Our approach will be to mainstream human trafficking as a core police priority, and we will ensure each police force and the LGA has a strategy for dealing with suspected victims of trafficking.
- A Conservative government will establish a UK Border Police Force to ensure better protection of our borders.
- We will ensure that separate interviews take place at all airports for women and children traveling alone with an adult who is not a parent, guardian or husband.
- We will establish a Helpline providing information for women who have been trafficked and for those who suspect exploitation.
- A Conservative government would reverse the trend of declining prosecutions, making human trafficking a prosecution priority.
- A Conservative government will focus on making sure available places for victims in safe accommodation are fully used. We will also revise the regulatory framework so that 16 to 18 year olds can be admitted to the Poppy Project consistent with the regulation applicable to child protection and care.

## 1. An Integrated Strategy

Violence against women takes many forms and affects many people. Three million women in the UK experience violence each year.<sup>1</sup> Its victims come from all sectors of society: all ages, all ethnic groups and religions, and all socio-economic backgrounds. The perpetrators can be close family members or complete strangers, and violence is not restricted to a set location such as the household.

Different forms of violence can be linked and do not necessarily occur in isolation: half of all women who experience intimate violence experience more than one form of it.<sup>2</sup> Although the effects can never be measured purely in financial terms, violence against women is thought to cost society £40 billion a year, including through lost economic output and costs linked to housing, social services and criminal justice.<sup>3</sup> The challenges of violence against women are therefore complex, requiring a thoughtful and comprehensive response.

### The Government's approach

The Labour Government has made some progress in tackling violence against women. A number of measures have been welcomed by practitioners and support groups, and there are signs that some initiatives have delivered greater support to women affected by violence. Where there have been successes, we will build on them.

However, Labour's approach has been restricted in two respects: firstly, they have failed to address violence against women as an integrated and multi-faceted problem requiring a cross-cutting attack; and secondly, they have focused too heavily on a criminal justice legislative response while largely ignoring the preventative work that could stop violence in the first place.

The need for an integrated strategy to tackle violence against women is now widely accepted. In 2008 the Government published a 'cross-government narrative' titled *Tackling Violence Against Women*, which outlined their approach. In it, the Minister for Women and Equality, Harriet Harman, stated: '*we have worked across Government to ensure an integrated approach to tackling violence against women...*' This is partly true. Elements of Government policy have indicated a more cross-cutting approach, but after 11 years in office they have failed to clearly set out how violence against women will be tackled by the Government as a whole.

As the first page of the introduction to *Tackling Violence Against Women* states, the Government has published separate 'action plans' for several different forms of violence – such as domestic violence and trafficking – but has not set out one comprehensive strategy which recognises that such violence is often interlocked. Indeed, the publication of *Tackling Violence Against Women* was a missed opportunity: instead of setting out a cross-cutting strategy, the document merely restated what the Government had already done. In an insult to all those who had hoped that Gordon Brown and Harriet Harman would bring fresh ideas to this vitally important area, the chapter entitled 'Plans for the future' was just three pages long and offered no new insight into Government policy.

The Government's approach has also been hamstrung by an over-emphasis on criminal justice measures, achieved through increasing volumes of legislation. Whilst it is of course important that the correct criminal justice provisions are in place to bring perpetrators to justice and offer safety to women, an intelligent strategy must also focus on preventing violence in the first place and supporting the organisations working with women across the country. As the Home Affairs Committee found when investigating the issue of domestic violence, '*the Government's response... remains disproportionately focused on criminal justice responses at the expense of prevention.*'<sup>4</sup> This must change.

"I am concerned that the government is channelling resources entirely through the Criminal Justice System which, as we know, is accessed by only a small percentage of our service users. This therefore allows the government to demonstrate that they are positively addressing the issue of domestic violence, whilst not really supporting the work done by specialist service providers such as ourselves."

Jo Clarke, Domestic Violence Manager at Eaves Women's Aid, Barking and Dagenham <sup>5</sup>

### Our approach

Violence against women touches on almost every aspect of public policy. As such, the response from government must be one that cuts across all departments and agencies, recognising violence against women as a collective responsibility. This means that gender-based violence cannot be dealt with in a piecemeal manner, taking each different form of violence in isolation and failing to set out an overall approach for tackling it. Rather, we must take violence against women as an integrated and multi-layered issue, requiring a cross-cutting response. This response must focus on preventing violence in the first place as well as providing support for survivors.

1 Coy, Kelly and Foord, *Maps of Gaps*, End Violence Against Women, 2007, p5

2 Andrea Finney, *Domestic violence, sexual assault and stalking: findings from the 2004/5 British Crime Survey*, Home Office, 2006, p5

3 Jarvinen et al, *Hard Knock Life*, New Philanthropy Capital, 2008, p11. This includes costs such as lost economic output, civil legal costs, housing, mental health, criminal justice and others.

4 Home Affairs Committee, *Domestic violence, forced marriage and "honour"-based violence: Volume 1*, 2008, p134

5 Women's Aid, *Safe*, Issue 26, 2008, p10

However, an intelligent approach recognises that it is the responsibility not only of government, but of society as a whole to tackle violence. Local communities, families, voluntary sector organisations and faith groups all have a role to play – indeed, some of the most effective work being done to combat violence against women is being done by these people. Conservatives have always acknowledged that in tackling social problems, government has never had all the answers. In tackling violence against women, the answers do not all lie in Whitehall; they lie with the rape crisis centres, women’s refuges and women’s support groups that deal with these issues every day, staffed by expert practitioners and survivors who have come through their own ordeals to offer hope to others. We must support their vital work.

Furthermore, we must recognise that violence against women is both a barrier to achieving equality, and a consequence of existing inequality. Tackling violence against women is therefore central to the promotion of equality in Britain today. However, Conservatives understand that gender equality is not achieved by being gender-neutral. A Conservative approach acknowledges that any response to gender-based violence must be gender-sensitive.

### **Working across government**

The causes and consequences of violence against women are seen across all areas of government responsibility. An approach that treats gender-based violence as only a core issue for health services, the police and the justice system misses the point.

Violence against women must therefore be treated as a priority across government, recognising, for instance:

- The importance of preventative work in schools
- How women can become economically dependent on abusive partners
- The role of the benefits system in supporting victims of violence
- The need for safe housing for survivors and the risks of homelessness for abused women
- The specialised needs of women in BME communities, and those with disabilities

These examples give just a taste of the way in which violence against women impacts across departmental responsibilities, and why it is so important that work in tackling it goes ahead throughout government.

It is disappointing that a major survey of government departments by the independent coalition organisation End Violence Against Women (EVAW) found that ‘*most have not... seen the links between their policies and their impact on violence against women.*’<sup>6</sup> The survey’s findings demonstrate that too many government departments simply see violence against women as ‘not their responsibility’.

The Conservative Party recognises the importance of placing violence against women on the radar of every government department. Therefore **a Conservative government will commit to ensuring accountability and commitment to a cross-departmental violence against women strategy. The Minister for Women will be responsible for overseeing this and all other departments will report on their progress every year.**

### **Defining violence against women**

The forms that violence against women take are varied and, at times, overlapping. They include: domestic violence, sexual assault, rape, stalking, trafficking, forced marriage, female genital mutilation, and so-called ‘honour’-based violence. While each of these forms of violence have different characteristics, they all exclusively or disproportionately affect women.

Any government strategy to tackle violence against women must start with a clear definition that is understood and promoted across government. It is important that this definition is gender-specific, recognising that such violence disproportionately affects women. A useful definition is found in the UN’s Declaration on the Elimination of Violence against Women (1993):

*The term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Violence against women shall be understood to encompass, but not be limited to, the following:*

*(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;*

*(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational*

6 End Violence Against Women, *Making the Grade? 2007*, p4. EVAW graded each department with a score out of 10 based on detailed responses to 12 questions. The average score across government was 2.18 – even less than the unimpressive 2.28 scored in 2006. Some key departments scored extraordinarily low. For example, the Department for Work and Pensions, despite the acknowledged links between violence against women and poverty, scored 0.5.

*institutions and elsewhere, trafficking in women and forced prostitution;*

*(c) Physical, sexual and psychological violence perpetrated or condoned by the State, where it occurs.*

The UK signed up to this definition in 1995, but despite this only three government departments work to it.<sup>7</sup> Many departments use a Home Office definition that covers only domestic violence, and does not recognise the gender-specific nature of violence against women. For a comprehensive, cross-cutting government strategy to work, it is essential that all parts of government machinery are working to the same description. For this reason, **a Conservative government will ensure that all government departments adopt and work to the UN definition of violence against women.**

### Gender equality

Violence against women is a fundamental block to achieving equality between men and women. As such, a strategy to tackle it must acknowledge the gender-specific nature of the problem, and therefore tailor an appropriate response. This will mean, for example, that services that cater for women only (such as women's refuges) will be necessary in most instances. Local authorities must therefore be confident in funding women-only services where appropriate, and should not fall into the mistaken belief that achieving gender equality means equal funding for men and women's organisations when the victims are disproportionately women.

A key element in this has been the development of the Gender Equality Duty (GED), which came into effect in 2007, requiring public bodies to eliminate discrimination and promote equality of opportunity between women and men. However, there is evidence to suggest that there have been considerable teething difficulties in the implementation of the GED. Some women's organisations have expressed concern that the GED is not understood by public bodies and has in fact had the reverse effect of its intention.<sup>8</sup> Concern has been raised that the GED has been misinterpreted so that public bodies have sought to become gender-neutral rather than recognising that promoting equality may require gender-specific work.

It is disappointing, therefore, that examples have been noted of local authorities insisting under the GED that domestic violence services cater for both men and women.<sup>9</sup> Such an insistence puts these services at risk and is not a correct understanding of the GED. We are convinced of the need for clarification in this area, and, subject to any changes to the

GED as a result of the upcoming Equality Bill, **a Conservative government will issue clear guidance to local authorities on their responsibilities under the GED in respect to violence against women services** to ensure that any confusion is avoided.

### Local services

Conservatives trust communities and the people elected locally to represent them. Local government has a crucial role to play in tackling violence against women. In commissioning and funding services, local authorities have a major impact on what services exist for women in their area. They will therefore be key to the delivery of a violence against women strategy. No successful strategy can be dictated from ministers in Whitehall, issuing top-down initiatives and restricting the freedom of councils to act in accordance with local need. So as well as trusting the voluntary sector, we must trust local councils to judge what their communities need. This means ensuring that services are determined locally, and not just managed locally.

A number of local authorities have taken important steps in this area. Croydon Council helped establish the Croydon Family Justice Centre, a model of integrated service, providing a 'one-stop shop' for victims of violence. Established in 2005, the Centre houses representatives from over 30 agencies including police, health, housing, social services, and voluntary sector support organisations. Clients can meet with solicitors, speak with counsellors or apply for financial assistance. Because the Centre pools the resources of numerous agencies and organisations, many of which would be funded by the council anyway, the additional cost to the public purse of bringing the services under one roof is not excessive. The Centre supports around 7,000 adult and 14,000 child victims of violence each year. Since all the services that a victim needs are located in the one building, delays are minimal and co-ordination between agencies is possible. The Centre told us that when dealing with a case they can bring all the relevant agencies together round a table in 45 minutes. They also reported that since opening, there have been no domestic violence murders in Croydon, compared to three in a six month period before the Centre was established.

The move towards service integration implemented by Croydon is to be applauded, and although their specific model may not be suitable or affordable in all locations, in many cases it will be.

Another example of local best practice can be seen with the development of 'domestic abuse champions' in Oxfordshire.<sup>10</sup> The Champions scheme involves training

<sup>7</sup> Department for International Development, Cabinet Office, Foreign and Commonwealth Office. See End Violence Against Women, *Making the Grade?* 2007

<sup>8</sup> See Women's Resource Centre, *Why Women Only?*, 2007, p49

<sup>9</sup> End Violence Against Women, *Making the Grade?* 2007, p14

<sup>10</sup> [www.reducingtherisk.org.uk/wps/wcm/connect/ReducingTheRisk/Champions/](http://www.reducingtherisk.org.uk/wps/wcm/connect/ReducingTheRisk/Champions/)

service practitioners across the county in a range of agencies to ensure that each has a ‘champion’ for domestic violence victims. The champions receive training and meet regularly to share knowledge. This ensures that each relevant agency – such as health or social services – has at least one person within the organisation fully trained in domestic violence issues.

The Berkshire East Family Safety and Justice Centre is another model of local service. Set up and managed by Women’s Aid, it will provide a variety of services from a variety of different providers under the same roof. There are a number of models being developed around the country that provide examples of good practice.

### Violence against men

While this document focuses on forms of violence that exclusively or disproportionately affect women, we acknowledge that there are also many male victims. One in six men will experience some form of domestic violence during their life,<sup>11</sup> although women are more likely to face repeated abuse and will typically face it over a longer period of time.<sup>12</sup> Around 15% of forced marriage victims are male, and the Government has agreed to look into the possibility of funding for a male refuge for forced marriage victims.<sup>13</sup>

It is right to tackle the issues in this document from a ‘violence against women’ standpoint. This allows us to acknowledge the many links between different forms of violence and the fact that women are disproportionately or exclusively the victims. But it would be wrong to deny that men are also victims. Organisations such as ManKind and the Men’s Advice Line do important work in supporting male victims of domestic and family violence and highlighting deficiencies in provision in this area. According to ManKind there are only eight refuges in the UK that offer dedicated space to men. They make the point that ‘male culture’ itself is resistant to viewing men as victims and can discourage male victims from seeking help. Cultural change is important in this area – no victim who genuinely needs help, whether male or female, should be put-off from seeking it.

Many of the proposals that we put forward will benefit both male and female victims of violence. While no funding should be reallocated from women’s service to men’s, it may be that greater attention needs to be paid to male victims as well as female.

## 2. Prevention

Preventing violence against women in the first place is better than dealing with its consequences. An effective strategy to tackle violence against women must have prevention at its core and seek to develop a broad-ranging approach focusing on the varied causes of violence and the different backgrounds of women who suffer. A cross-cutting strategy needs to appreciate the many factors that can increase the likelihood of a woman becoming a victim of violence. These factors do not neatly fit into one compartment, but cover a wide range of social, economic and other areas.

If there is one area in which the Labour Government’s work on tackling violence against women has been most disappointing, this is it. Reliance on a criminal justice response has shaped a Government that has been unable to move out of its comfort zone and tackle the roots of violence.

### Attitudes towards women

Surveys suggest that around 40% of young men believe it is acceptable for a boy to expect to have sex with a girl if she is ‘very flirtatious’, and that 16% of girls also agree with this.<sup>14</sup> Meanwhile, around 8% of young men believe it is acceptable to hit their girlfriend if ‘she pushes him too far’.<sup>15</sup>

These are deeply rooted societal problems which require a fundamental shift in attitude about what type of conduct is acceptable. We must aim to reach a point where no man (or woman) believes that it is acceptable to hit or expect to have sex with a woman against her will in any circumstance. To do this we must be honest about the growing sexualisation of our society, and be sensitive to the way in which women are portrayed in the media.

### Starting in school

Prevention must begin with education. Schools have a golden opportunity to work with young men and women as they formulate attitudes and opinions about the world around them. It is important not to waste this opportunity.

Any move that places greater burdens of regulation on schools and teachers should be resisted. However, within the existing work of schools there is clear scope for a greater emphasis to be placed on issues related to violence against women, and there is in particular a clear overlap with the teaching of sex and relationship education as part of Personal, Social and Health Education (PSHE).

11 <http://www.crimereduction.homeoffice.gov.uk/dv/dv01.htm>

12 Povey et al, *Homicides, Firearm Offences and Intimate Violence 2006/07*, Home Office Statistical Bulletin 03/08, 2008

13 ‘Call for male forced wedding help’, BBC News Online, 2 February 2008, <http://news.bbc.co.uk/1/hi/uk/7223743.stm>

14 End Violence Against Women/ICM, *UK Poll of 16-20 Year Olds*, 2006

15 End Violence Against Women/ICM, *UK Poll of 16-20 Year Olds*, 2006

16 Home Affairs Committee, *Domestic violence, forced marriage and “honour”-based violence: Volume 1*, 2008, p30-31

However, it is not clear that schools are making the most of this opportunity. A survey of Women's Aid member organisations found that only 46% were aware of local schools that covered domestic violence in PSHE lessons, and anecdotal evidence suggests that many schools that do teach PSHE opt not to cover issues relating to violence against women such as domestic violence.<sup>16</sup>

The work of organisations such as WOMANKIND Worldwide in this field should be applauded. WOMANKIND is a voluntary sector organisation that has developed a teaching resource for Key Stages 3 and 4 focusing on gender-based violence, gender stereotypes and inequality. Their work seeks to challenge attitudes that result in violent relationships between young men and women. This goes to the heart of preventative work. WOMANKIND told us that they have distributed around 1,500 education packs to secondary schools, and that they have been greeted as a welcome resource, allowing teachers to tackle issues that they, understandably, might find it difficult to raise in the classroom. Women's Aid's Expect Respect literature is a further example of work to raise awareness of violence among young people.

However, as WOMANKIND have stated, challenging attitudes in schools will only work if schools themselves are committed to tackling gender-based violence and violent relationships. This means addressing violence and bullying both in the classroom and the playground. **We will work with schools to encourage them to tackle violence and bullying as part of the culture of British education, and we will encourage all schools to make use of voluntary sector expertise in developing specific programmes and lesson plans to address these issues with young people.**

Through their relationships with both children and parents, teachers may sometimes be aware of violence taking place in the home. That may be domestic violence, forced marriage or even FGM. It is not clear that the guidance currently given to teachers on these issues is sufficient, or indeed that it actually reaches the classroom teachers rather than just sitting on the head teacher's desk. **We will therefore issue clear guidance on specific forms of violence against women for teachers, clearly explaining what they should do if they have suspicions or concerns about a child.** This will improve existing material produced for teachers and be funded from existing budgets. We will also ensure that violence against women is explicitly covered through teacher training on child protection. We are by no means suggesting that teachers become quasi social workers but instead that they are better equipped to deal with disturbing issues that they may be confronted with. This will enable them to spot

the signs of abuse, in the same way as teachers are currently trained to spot the signs of drug addiction, for example.

### Health services

Health workers are often uniquely placed to see the evidence of violence or to be taken into a patient's confidence. One point at which this is particularly true is following a pregnancy. 30% of domestic violence starts during pregnancy<sup>17</sup> and up to 9% of women are thought to be abused during pregnancy or after giving birth.<sup>18</sup> Pregnancy must therefore be viewed as a significant factor in potentially increasing violence – and any violence during pregnancy can affect not just the mother but also the unborn child. Indeed, domestic violence is known to be a major cause of miscarriage and still-birth.<sup>19</sup>

The connection between violence and teenage pregnancy should also be mentioned. According to Women's Aid, an extraordinary 70% of teenage mothers are in a violent relationship.<sup>20</sup> It is therefore all the more disappointing that the Government has failed to give any consideration to the links between domestic violence and teenage pregnancy.<sup>21</sup>

**A Conservative government will provide thousands more health visitors** so that families have the support and advice needed to give every child a good start in life. As highly qualified nurses or midwives, they are specially trained to work with mothers and their babies and to help new parents. It is unacceptable that Labour have actually cut health visitors by 2,000 over the past four years. We will fund an additional 4,200 health visitors to deliver support through Sure Start by using the funding the Government has set aside for an army of untrained outreach workers, providing visits totalling six hours during the first two weeks after the birth of a child and further visits beyond. **We will ensure that health visitors receive appropriate training in spotting the signs of violence in the household and are aware of what do to if they suspect it.** This will help to provide support to women who can be most vulnerable immediately after a pregnancy.

### Police training

The police play a vital role both in dealing with cases of violence against women and in preventing it occurring in the first place. Across a range of issues in this area, the actions of the police can provide vulnerable women with protection and safety and prevent the hurt of violence. Where violence has occurred, effective action can prevent it becoming repetitive and in some cases fatal.

16 Home Affairs Committee, *Domestic violence, forced marriage and "honour"-based violence: Volume 1*, 2008, p30-31

17 Lewis and Drife (2001, 2005); McWilliams and McKiernan (1993), cited in Home Affairs Committee, *Domestic violence, forced marriage and "honour"-based violence: Volume 1*, 2008, p23

18 Taft (2002), cited in Home Affairs Committee, *Domestic violence, forced marriage and "honour"-based violence: Volume 1*, 2008, p23

19 Gillian Mezey, *Domestic Violence in Pregnancy*, 1997 in Bewley, S., Friend, J., and Mezey, G.: (ed.)

Violence against women, Royal College of Obstetricians and Gynaecologists, 1997, cited by Women's Aid: <http://womensaid.org.uk/page.asp?section=000100010010000400020003>. Causing a miscarriage is an offence under the Offences Against the Person Act 1861 and causing a child to die when it is capable of being born alive is also an offence under the Infant Life Preservation Act 1929. In the last year for which data is available there were no prosecutions for causing a miscarriage. (Jack Straw MP, Hansard, 15 July 2008, Column 368W WA)

It is important that police receive adequate training in dealing with all forms of violence against women. Progress has been made in this area with regards to domestic violence but there is now a need to ensure that this progress is extended to other forms of violence against women.

The National Policing Improvement Agency (NPIA) runs a programme on responding to domestic violence which includes eight separate courses. The NPIA states that the basic course, 'Understanding Domestic Violence', should be attended by all police personnel who 'have any professional connection with the subject of domestic violence'.<sup>22</sup> The Government has stated that all new recruits and civilian staff should receive this training, and this is to be welcomed.<sup>23</sup> It is important to acknowledge that, while specialist officers may deal with the bulk of a case (for example, specialist rape investigation units may deal with rape cases), any officer could be confronted with the issue and will need to know how to appropriately respond.

It is therefore essential that it is not just domestic violence that is covered in police training. Other forms of violence against women should also be included to ensure that police are aware of the causes and many links between different forms of violence. We will ensure that, in addition to domestic violence, all police recruits receive appropriate training in stalking, female genital mutilation, rape, 'honour'-based violence, and forced marriage. These strands should be incorporated into existing training within current budgets.

### Publicity

Raising awareness of violence against women is a key priority. The USA has run some high profile campaigns about domestic violence, particularly highlighting the fact that neighbours and onlookers rarely report domestic violence or they walk by without intervening. This is an issue that we need to tackle in this country as well.

One area of success has been through soap operas and other television shows. High profile television programmes like 'Eastenders' and 'Emmerdale' have run storylines on domestic abuse which encourages people to talk about the issues. It also provides victims with a means of introducing the topic to family and friends and perhaps going on to ask for help. Using similar methods to raise awareness of issues like forced marriage or stalking may be necessary.

## 3. Front-Line Services

### The national picture

Across the country, voluntary and statutory sector organisations are providing support, advice and medical treatment to women affected by violence. In many cases it is these organisations that are transforming victims of violence into survivors of violence. We have been pleased to meet many of these organisations and to hear more about their work: organisations such as Refuge, Women's Aid and the Croydon Family Justice Centre, who provide front-line support to women; Forward UK, who have pioneered work on FGM; Amnesty UK and End Violence Against Women, who do much to raise awareness of these vital issues among the public and policy-makers; WOMANKIND Worldwide and the White Ribbon Project, who promote preventative work through education; and many more.

### Specialist services

Britain's women are not one monolithic block, but 30 million individuals. In welcoming diversity and promoting choice, we must accept that women from BME communities, for example, may have specific needs having suffered violence, particularly when the form of violence that they have suffered is one more closely associated with their particular community – for example, FGM in certain African communities.

Women with disabilities can also be at greater risk of experiencing violence. Evidence suggests that disabled women are around twice as likely to be assaulted or raped, and that more than half of women with a disability may have experienced some form of domestic abuse during their life.<sup>24</sup> These shocking figures require us to take seriously the increased risks faced by women with disabilities.

A recent study by Women's Aid found that 60% of domestic violence organisations do not provide specific services for women with disabilities.<sup>25</sup> Furthermore, where specific services are provided they tend to be 'structural' (such as the provision of ramps for wheelchair users) rather than 'attitudinal' (for example, ensuring that women with disabilities are able to receive support from somebody who shares their background).

The Conservative Party is looking at the issue of abuse and violence suffered by people with disabilities and women from BME communities and we will be considering this further in the run up to the next election.

20 Harrykisson et al, 'Prevalence and patterns of intimate partner violence among adolescent mothers during the postpartum period', Archives of Paediatrics and Adolescent Medicine, Vol. 156, No. 4, 2002 quoted in Women's Aid, Safe, Issue 26, 2008, p7

21 Beverley Hughes MP, Hansard, 29 January 2008, Column 285W WA

22 <http://www.npia.police.uk/en/1160.htm>

23 Alan Campbell MP, Hansard, 19 November 2008, Column 602W WA

24 Quoted in Gill Hague, Ravi K. Thiara, & Pauline Magowan, *Disabled Women and Domestic Violence: Making the Links*, 2007

25 Gill Hague, Ravi K. Thiara, & Pauline Magowan, *Disabled Women and Domestic Violence: Making the Links*, 2007, p18

## Perpetrator programmes

An effective, co-ordinated strategy to tackle violence against women must include efforts to prevent re-offending.

Perpetrator programmes should therefore be seen as part of broader preventative work, as well as an important part of rehabilitation. They will occur as voluntary sector services as well as being linked in to statutory probation work.

Three programmes have been accredited for use with perpetrators of domestic violence: the Community Domestic Violence Programme and the Integrated Domestic Abuse Programme for use 'in the community', and the Healthy Relationships Programme for use in prison. Since 2005, just over 16,000 orders have been issued requiring perpetrators to attend a domestic violence programme, with the majority attending one of the community-based programmes, and only 257 completing the Healthy Relationship course in prison.<sup>26</sup> However, Ministry of Justice figures have shown that of the 4,927 people ordered to undergo one of the two community-based programmes during 2007-8, 32% failed to complete a programme and 11% failed to even begin on one.<sup>27</sup>

The Government is yet to undertake an assessment of the success of these programmes. However, gauging their success is not necessarily an easy task. Following a conviction and the completion of a programme, a man could go many years without abusing a woman, seemingly indicating the success of a programme. Yet for much of this time the man might not be in a relationship, and it would only take one act of violence to demonstrate that his rehabilitation had not been successful. This does not mean that perpetrator programmes should not be encouraged, but it does mean that their effect needs to be carefully considered.

## Services for children

Children who witness violence or are brought up in violent households must also be considered as the victims of violence. The Government has estimated that at least 750,000 children witness domestic violence each year,<sup>28</sup> while according to an NSPCC survey, over a quarter of young adults report that physical violence took place between those caring for them in childhood.<sup>29</sup> The effects of this are serious. Children who have witnessed domestic violence have significantly worse psychosocial outcomes than those who have not. Indeed, those children that have witnessed domestic violence are likely to experience similar outcomes to children who have been physically abused themselves.<sup>30</sup>

It is important that social services are aware of these basic facts. In cases where there is known violence between adults in a household, the effect on any children must be considered. Equally, where cases of neglect or violence against children are investigated, the possibility of violence against the mother should be considered. Since most local authorities have now split the departmental responsibilities for adult social care and children's social care, concerns have been raised that in some cases there is insufficient coordination between adult and children's social services within local authorities. Such coordination could be essential in cases of family violence. A situation could arise, for instance, where children's services have taken up a case investigating the mistreatment of a child. In investigating the case they may come to suspect or find evidence of violence against the mother.

Children's services should be aware of the possibility of domestic violence in a household; indeed, in some cases children could be neglected *because* there is violence in the household inflicted on their mother. In this situation clear communication lines between departments would be necessary and important. This might also present opportunities for cases to be brought to the attention of the police (perhaps through a Multi-Agency Risk Assessment Conference) that would otherwise have slipped through the cracks.

**A Conservative government will work with local government through the Local Government Association to assess how procedures can be improved at a local level to ensure that adult and children's services are aware of the possible links between violence afflicted on children and violence between two adults in a household, and the need for cooperation.**

## Funding and stability

Stability of funding remains a serious problem for many violence against women services.

Before considering the nature of statutory funding it is necessary to recognise the importance of charitable giving to voluntary sector violence against women organisations. Charitable giving – from trusts, businesses and members of the public – is the foundation of the voluntary sector and a guarantor of independence and diversity in front-line services. Voluntary sector organisations are strengthened by voluntary funding, not least through a reduced dependence on statutory funds, giving organisations greater freedom from interference and the uncertainty of state funding.

<sup>26</sup> Hansard, 22 July 2008, Column 1217W, WA

<sup>27</sup> Hansard, 17 September 2008, Column 2287W, WA

<sup>28</sup> Department of Health, *Women's mental health: Into the mainstream*, 2002

<sup>29</sup> Cawson, *Child Maltreatment in the Family*, NSPCC, 2002, p37

<sup>30</sup> Kitzmann, Gaylord, Holt, and Kenny, *Child witnesses to domestic violence: a meta-analytic review*, *Journal of Consultative Clinical Psychology*, 2003, 71(2): 339-52

A Conservative government will therefore recognise the value and importance of charitable giving to organisations that tackle violence against women, along with the wider voluntary sector. Government cannot legislate for people's consciences or make them give to charity. But a Conservative government will work with charities to sponsor a debate on charitable giving to look at means of advancing giving, and **we will simplify the Gift Aid system to reduce the bureaucratic burden on charities.**

However, we must also recognise that many organisations in the violence against women field are dependent to a large degree on statutory funding, and face the same uncertainties in this respect as many others across the voluntary sector. Many of the organisations we have met have told us the same stories of delayed funding, constant form-filling, and unsure futures. This has become so serious a problem in the funding of rape crisis centres, for example, that many organisations are threatened with closure.

Short-term funding with no assurance of any longer-term funds leaves organisations unable to plan for the future and unable to provide a guarantee of further support for the vulnerable women that they serve. Short-term funding arrangements not only directly break the Government's own promises – set out in the *Compact* on good relations with the sector – but they also damage vital front-line services. Without an assurance of long-term funding, organisations are unable to plan for the future with any real certainty, while valuable resources are diverted from service provision as staff are forced to spend time fundraising and re-applying for funding each year.

**A Conservative government will establish a standard for contracts with voluntary sector organisations to be based on at least three years, unless the circumstances demand a shorter contract. Furthermore, we will enshrine this principle in a revised Compact between the public sector and the voluntary sector and give the Compact the teeth it currently lacks by undertaking to abide by the judgments of the Compact Commissioner.**

However, as well as contracts, many organisations in the violence against women sector rely on the freedom provided by grant funding. It is important to recognise the difference between contract funding – the state buying from an organisation – and grant funding – the state giving to an organisation. Under Labour there has been a marked shift away from grant giving and towards contracts. According to the Women's Resource Centre, this has been '*one of the most significant changes affecting women's organisations*'.

They explain:

"Formerly, the majority of third sector funding would have come from grant aid. The flexibility of grant aid enabled organisations to apply for funding based on the needs of service users but this is increasingly being phased out in favour of commissioning services which is typically characterised as being where the funder (such as a local authority) specifies the need to be met."<sup>31</sup>

Grant funding requires politicians to let go of power and to trust voluntary organisations to spend public money in the way that is most conducive to getting good results. It is clear why grants have therefore declined under Labour – they do not fit in to their top-down 'Whitehall knows best' philosophy. We want to avoid tying up grants with too many terms and conditions – in short, we will show more trust to the recipients. **The next Conservative Government will endeavour to sustain the grant funding of voluntary organisations and make grants easier to access** for violence against women organisations. We will respect the difference between grants and contracts, and use contracts, rather than grants, only where there is a clear justification.

#### *Women with insecure immigration status*

One further issue regarding funding must be mentioned. People who have moved to the UK but have an insecure immigration status – such as those who have not been granted indefinite leave to remain (ILR) – have 'no recourse to public funds', meaning they cannot access public funds such as welfare and housing benefits. This poses a serious problem for women immigrants to the UK who find themselves in a violent relationship.

In 'normal' circumstances a woman experiencing domestic violence should be free to leave the relationship and seek help from a refuge. Refuges require women to cover their costs, usually through housing benefit and income support. Women that have no recourse to public funds are unable to access these benefits, and without the means to seek the help that they need, may be forced to remain in a violent relationship. This can, of course, have fatal consequences. Up to 1,000 women fleeing violence each year in the UK are thought to have no recourse to public funds.<sup>32</sup>

The Government has previously stated that '*in order to protect the integrity of the immigration and benefit rules*' it would not seek to address this situation.<sup>33</sup> It did, however, introduce in 2002 the 'domestic violence rule' which allows women who are married to (or have been in a long-term relationship with) a British national to apply for ILR if their

<sup>31</sup> Women's Resource Centre, *Why Women Only?*, 2007, p48

<sup>32</sup> Amnesty International/Southall Black Sisters, '*No recourse*', no safety, 2008, p6

<sup>33</sup> Home Office Safety and Justice: *The Government's Proposals on Domestic Violence*, 2003, p46

relationship ends due to domestic violence within the two-year probationary period. However, studies have suggested that women find it very difficult to prove that a relationship has ended due to domestic violence and therefore to qualify for the rule.<sup>34</sup> If this is the case then the rule has little value.

In the face of pressure from campaign groups including Amnesty International, the Government announced in April 2008 that they would ‘*shortly be announcing details of a new scheme*’ where women with no recourse to public funds may be eligible to ‘*receive support for their housing and living costs*’.<sup>35</sup> In fact it was later revealed that the full details of the scheme would not be announced until spring 2009.<sup>36</sup> We await the Government’s proposals with interest.

## 4. Domestic Violence

Domestic violence accounts for 16% of all violent crime, and over 80% of its victims are women.<sup>37</sup> Surveys suggest that one in four women will be affected by domestic violence at some point in their lives, and the consequences can be fatal: on average two women are killed every week by a current or former partner, while one incident of domestic violence is reported to the police every minute.<sup>38</sup> On average, a female victim of violence will be attacked 35 times before ever calling the police.<sup>39</sup> And domestic violence victims are the most likely of all crime victims to face repeated attacks: 45% of victims are attacked more than once.<sup>40</sup>

The seriousness of these figures does not need to be underlined. However, it is thought that over half of domestic violence incidents are unreported. There are many reasons why women do not report to the police or other agencies. These include lack of awareness about or access to services available, concern that agencies will not be sympathetic or sensitive, fear of retribution from the perpetrator, and fear that their children will be taken into the care of social services. A Home Office study found that the police might be aware of less than 20% of the domestic violence incidents that have actually occurred during the course of a year.<sup>41</sup> In other words, 80% of all incidents go unreported.

### The judicial system

Preventing domestic violence must be a priority, but where it has occurred it is essential that the perpetrator is brought to justice and that the victim is confident and comfortable in going through the judicial process.

In areas where attrition rates have been monitored, the evidence demonstrates that the percentage of domestic violence incidents reported to police that result in a conviction is very low at around 5%.<sup>42</sup>

This is actually lower than the rate for rape, 5.7%. There could be a number of reasons behind this, but one of the most significant is likely to be the numbers of women that, having made a report to the police, later retract their statement. Figures from the Crown Prosecution Service show that while the percentage of victims who have retracted their statement in domestic violence cases has fallen since 2002, the figure of 28% remains significantly higher than the retraction rate for other cases at 10.8%.<sup>43</sup>

### Sentencing

There is very limited data on the types of sentence handed down in domestic violence cases where a conviction is made. Apart from in Specialist Domestic Violence Courts (SDVC), the type of sentence is not recorded by the CPS. However, an evaluation of an early SDVC (in Croydon) found that 43% of sentences handed down were financial penalties, while in Gwent 24% of sentences were financial. The disparity between these two figures suggests that sentencing for domestic violence offenders can be variable depending on the court in question. Concern has been expressed about the use of purely financial penalties in sentencing for domestic violence offences, not least because anecdotal evidence suggests that such penalties are often insultingly small.<sup>44</sup>

### Specialist Domestic Violence Courts and Independent Domestic Violence Advisers

Specialist Domestic Violence Courts (SDVCs) are designed to allow domestic violence cases to be fast-tracked and heard by magistrates specially trained to deal with such cases. They offer specialist support to victims, including from Independent Domestic Violence Advisers (IDVAs). IDVAs offer advice and support to domestic violence victims, helping them through what can be a traumatic court process, as they re-live their experiences.

The value of individual advocacy cannot be overstated, although it is of course essential that advocates or advisers are fully trained. The work of CAADA (Co-ordinated Action Against Domestic Abuse) is crucial here. Through training schemes run by CAADA, IDVAs undergo intensive training to ensure that they meet a national standard, covering advocacy skills, risk assessment, the judicial system, as well as how to deal with certain specific circumstances, such as

34 Anitha et al, *Forgotten women: Domestic violence, poverty and South Asian women with no recourse to public funds, 2008*, quoted in Izzi, *Domestic abuse within South Asian communities: the specific needs of women, children and young people*, NSPCC, 2008, p20

35 Vernon Coaker MP, *Hansard*, 21 April 2008, Column 1479W WA

36 Liam Byrne MP, *Hansard*, 21 July 2008, Column 960W WA

37 Kershaw, Nicholas and Walker, *Crime in England and Wales 2007/8*, Home Office Statistical Bulletin, 2008, p72, p203

38 Nicholas, Kershaw and Walker, *Crime in England and Wales 2006/7*, Home Office Statistical Bulletin, 2007

39 Amnesty UK, [www.amnesty.org.uk/content.asp?CategoryID=10459](http://www.amnesty.org.uk/content.asp?CategoryID=10459)

40 Kershaw, Nicholas and Walker, *Crime in England and Wales 2007/8*, Home Office Statistical Bulletin, 2008, p7

41 Mirrlees-Black, *Domestic Violence: Findings from a new British Crime Survey self-completion questionnaire*, Home Office Research Study 191, 1999, p54

42 Home Affairs Committee, *Domestic violence, forced marriage and “honour”-based violence: Volume 1*, 2008, p89

43 Crown Prosecution Service, *Annual Report and Resource Accounts 2006–07*, 2007, p6

44 For example, one man was fined £100, to be paid at £5 per week, having been convicted of grievous bodily harm following a series of attacks on his wife that left her with broken bones. Home Affairs Committee, *Domestic violence, forced marriage and “honour”-based violence: Volume 1*, 2008, p97

where a woman has mental health or substance misuse problems. IDVAs are therefore integral to the functioning of a SDVC, bringing together trained advocates and trained officials to offer better support to victims.

By April 2008 there were 98 SDVCs in operation across the country.<sup>45</sup> A Home Office review of the first 23 SDVCs found that ten had achieved over 70% successful prosecutions, with one getting over 80%.<sup>46</sup> The average percentage of successful prosecutions across the SDVC network was 66%, slightly higher than the corresponding CPS Area average. Around 6,000 referrals were made to IDVA services linked to the SDVCs, with around three-quarters of all victims supported by an IDVA in court. Unsurprisingly, the review found that the SDVCs that had had most success in bringing perpetrators to justice and supporting victims were those that had IDVAs who focused on supporting and engaging victims throughout the process.

Two important areas for improvement were, however, noted. One is the need to address children's issues as part of the process. The second is that the SDVCs that had a lower prosecution success rate were those with a higher proportion of BME clients. Research suggests that BME women tend to suffer domestic violence for a longer period before reporting it, with estimates showing that on average it will take a BME woman ten years to leave a violent relationship.<sup>47</sup> BME women were also found to be generally more reluctant to access criminal justice services.

Groups working with domestic violence survivors have broadly welcomed the development of SDVCs and IDVAs and the effect that they have had. **We support the work of SDVCs and IDVAs, which are important components of the work to bring domestic violence perpetrators to justice and support survivors.**

In addition, Croydon has hosted a pilot of an Integrated Domestic Violence Court (IDVC). Building on SDVCs, the integrated court aims to 'provid[e] a more integrated approach to domestic violence involving "*one family one judge*" or "*one family one judicial team*"'.<sup>48</sup> A one-year review published in November 2008 was not particularly enlightening due to the fact that only five cases proceeded through the court in its first year, as opposed to the 75 cases expected.

## MARACs

Multi-Agency Risk Assessment Conferences (MARACs) bring together a number of agencies and organisations to identify victims of domestic violence. Police, probation, social services, housing, health, and voluntary sector service

providers are among the groups likely to be represented, each bringing different information that, put together, can help identify high-risk victims and allow a coordinated response.

MARACs represent a move towards a multi-agency approach to tackling domestic violence. Such an approach is important if victims of violence are not to 'fall between the cracks'. The logic is clear. A woman may receive medical treatment for an injury sustained at the hands of her partner but may not report this to the police. The health services, alert to the likelihood of domestic violence, may bring this information to the MARAC, where the police confirm that her partner has previously been arrested for violent behaviour. It is by bringing these two pieces of information together that the woman can clearly be seen to be at risk of domestic abuse.

MARACs are not statutory requirements, but are increasingly being included in Local Area Agreements. Early evidence indicates that they have been successful. A study of the Women's Safety Unit (WSU) in Cardiff, which includes an IDVA service and MARAC, found that the number of victims refusing to make a complaint had fallen from 51% to 14% in the first three years of operation (to 2004), with repeat victimisation falling from 31% to 15% over the same period.<sup>49</sup> In Cardiff the MARAC meets fortnightly with agencies including police, probation, local authority, health, housing, refuge and the WSU. Other information shows that over 40% of survivors who had been through a MARAC had suffered no further violence a year later, and those that did suffer abuse reported it at a much earlier stage than had previously been the case.<sup>50</sup>

Some participating agencies have complained that they lack the time to attend MARAC meetings. However, without their participation it will not work. It is no coincidence that the SDVCs that have been most successful in bringing perpetrators to justice and supporting victims are those with a strong multi-agency approach.<sup>51</sup>

MARACs are not without problems and have been criticised by some of the organisations that we have spoken to for dealing only with very high-risk cases. Since a MARAC might only meet once every few weeks, it is understandable that cases are prioritised with the highest-risk first. But this means that a large number of cases – many of which involve considerable risk to a woman – cannot ever be covered by a MARAC, and even those that are can face delays.<sup>52</sup> This can be compared to the family justice centre model, as implemented in Croydon. Here, relevant organisations, including the police, are located under one-roof. Cases can

45 Home Office, National Domestic Violence Delivery Plan: Annual Progress Report 2007/8, 2008, p5

46 Home Office, Justice with safety: Specialist Domestic Violence Courts Review 2007-08, 2008, p4-6

47 Izzidien, Domestic abuse within South Asian communities: the specific needs of women, children and young people, NSPCC, 2008, p15

48 Hester et al, Early evaluation of the Integrated Domestic Violence Court, Croydon, Ministry of Justice, 2008, pi

49 Dr Amanda L Robinson, The Cardiff Women's Safety Unit: Understanding the Costs and Consequences of Domestic Violence, Cardiff University, 2005, p7

50 CAADA, A guide to commissioning an independent domestic violence advisory service, 2006, p8

51 Home Office, Justice with safety: Specialist Domestic Violence Courts Review 2007-08, 2008, p6

52 We have heard of instances where relevant documentation has not been brought to the MARAC, meaning that discussion of a case is put back to the next meeting. With a two week gap, this can mean that an extremely vulnerable woman could wait a month before her case is considered at a MARAC.

be discussed almost immediately and on a day-to-day basis rather than at specified intervals. This is multi-agency work in its truest sense. We should therefore be cautious about the extent to which MARACs represent a solution to a lack of multi-agency co-ordination.

MARACs represent a step towards better multi-agency work, but more evidence is needed in order to evaluate their success. **A Conservative government would conduct a full assessment of existing MARACs.** Our aim will be to identify and encourage best practice.

### **Domestic Violence, Crime and Victims Act 2004**

An important step forward in tackling domestic violence was the Domestic Violence, Crime and Victims Act 2004, passed with cross-party support. A key provision of the Act made a breach of a non-molestation order a criminal offence, having previously been a civil offence. Although this provision had good intentions, fears have been expressed that it has backfired. The concern is that women who have experienced domestic violence are now less willing to apply for non-molestation orders because they do not want to see their partner branded 'a criminal'.

A number of people who work within the criminal justice system with domestic violence victims have privately told us that they have seen a demonstrable fall in applications for non-molestation orders since a breach became criminal on 1st July 2007. Judge John Platt has publicly stated, '*there are far fewer prosecutions than there would have been arrests if the old legislation was still in place.*'<sup>53</sup> Figures comparing the six months before 1st July to the six months after from the county courts in Romford, Croydon, Bristol, Birmingham, Manchester and Sheffield show a drop in the number of applications of on average 25%.<sup>54</sup> District Judge Edwina Millward, President of the Association of Her Majesty's District Judges, recently wrote, '*anecdotal information from the judiciary suggests that not only have the number of applications for non-molestation and occupation orders declined, but that few breaches of non-molestation orders are being prosecuted.*' She suggested that that the Act had done '*more harm than good*'.<sup>55</sup>

An early evaluation of the Act commissioned by the Ministry of Justice broadly supported Judge John Platt's findings. The study (using official Ministry of Justice figures) compared the period of July to October 2006 with the same period in 2007, just after a breach of a non-molestation order became a criminal offence. The figures show that applications for a non-molestation order fell by 10% from 2006 to 2007, while the number of actual orders fell by 20%.<sup>56</sup> This partly

continues a trend that has been seen over a number of years: the number of non-molestation applications decreased by 12% from 2002 to 2006.<sup>57</sup> However, the study notes that these decreases 'are larger than in previous years', although it also states that '*it is possible that this data simply indicates a further consolidation of the previous downward trend*'.

The decreases seen since July 2007 should not be dismissed, and any suggestion that the legislation has had a negative effect should be seriously considered. However, more time is needed to see whether further decreases occur and to what extent the Act is responsible. Interestingly, the Ministry of Justice study found a disparity in perceptions of the Act between those involved in the court process, such as solicitors, and victims, reported through advocates. The study's authors found that many involved in the court process believed there had been a decline in applications since July 2007, but advocates reported that victims welcomed the new measures.<sup>58</sup>

A further problem that has been identified is the increased administrative burden placed on the police and CPS as a result of criminalising a breach of a non-molestation order, as trial by jury becomes more common. Delays between arrest and trial (of up to 9 months in London, for instance) are common, and this has the potential of increasing the chances of a withdrawal of statement from the victim, allowing perpetrators to go free.<sup>59</sup>

However, others have suggested that alternative factors are primarily responsible for the decline in applications since reductions have been occurring over a number of years. It has been suggested that issues surrounding legal aid for domestic violence victims have had an effect.<sup>60</sup> The Legal Services Commission is currently conducting an inquiry into this.

The 2004 Act also removed the court's ability to add a power of arrest to a non-molestation order. Previously, a power of arrest could be attached to a non-molestation order, so that if a perpetrator tried to breach the terms of the order, the victim could contact the police and he would be arrested and brought before a family court within 24 hours. The removal of a power of arrest in favour of making a breach a criminal offence means that power is taken out of the victim's hands and placed in the hand of the police and CPS. If the CPS decides not to prosecute the victim is still able to apply to the civil courts for committal, but it is unclear how many women would choose to take this route following such action by the CPS.

53 The Times, *Women at risk of assault failed by new law, say judges*, 14 April 2008

54 His Honour Judge John Platt, *The Domestic Violence, Crime and Victims Act 2004 Part I: Is It Working?*, Family Law Journal, July 2008

55 The Law Gazette, 105/13, April 2008

56 Hester et al, *Early Evaluation of the Domestic Violence, Crime and Victims Act 2004*, Ministry of Justice Research Series 14/08, 2008, p27

57 Hester et al, *Early Evaluation of the Domestic Violence, Crime and Victims Act 2004*, Ministry of Justice Research Series 14/08, 2008, p24

58 Hester et al, *Early Evaluation of the Domestic Violence, Crime and Victims Act 2004*, Ministry of Justice Research Series 14/08, 2008, p19

59 His Honour Judge John Platt, *The Domestic Violence, Crime and Victims Act 2004 Part I: Is It Working?*, Family Law Journal, July 2008

60 For instance, by End Violence Against Women – see Coy, Lovett & Kelly, *Realising Rights, Fulfilling Obligations*, EVAW, 2008, p49

The Act is still in its early days and we believe that further review is necessary before reaching a conclusion about its success. However, we take seriously the concerns that have been raised, and **a Conservative government will review the impact of the Domestic Violence, Crime and Victims Act 2004 and consider whether changes are necessary.**

### **Murder laws**

In July 2008 the Government announced a number of reforms to the murder laws that will impact victims and perpetrators of domestic violence. The reforms include a 'slow burn' defence that would allow defendants to say that they had been seriously wronged over a period of time – for instance, a woman who had been a victim of domestic violence over many years. The reforms would also end the defence of provocation, which can allow defendants to escape murder convictions in a case where, for example, their partner had been unfaithful.

While we welcome some of the proposals, such as sexual infidelity on the part of the victim no longer constituting grounds for reducing murder to manslaughter, we remain concerned about many elements. The proposed 'slow burn' defence would represent a significant shift in the law. We will study the proposals carefully but are concerned that no changes should appear to diminish the seriousness of murder, which rightly carries a mandatory life sentence.

### **End of Custody Licence**

The End of Custody Licence (ECL) scheme was initiated in June 2007 in an effort to reduce prison overcrowding which has risen massively as a result of the Government's unwillingness to provide adequate prison places. Any prisoner serving between four weeks and four years is automatically released 18 days before the end of their sentence, subject to certain exceptions (including registered sex offenders and those convicted of a number of specified serious violent offences).

Since the scheme began, 42,181 prisoners have been released early, including 8,141 violent offenders. At least 845 crimes have now allegedly been committed by prisoners on early release, including three murders and two rapes.<sup>61</sup>

No risk assessment is done on prisoners released under ECL to assess the likelihood that they will re-offend or to identify specific individuals who may be at risk. This is particularly problematic when perpetrators of domestic violence are released and previous victims are not routinely informed.

Whilst prisoners released on ECL have to provide an address to which they are released there is no check done on the

address to ascertain if it is the residence of a former victim of domestic violence. The Prison Service has said that establishments should take 'appropriate action in response to any information they have received that the prisoner presents a threat of domestic violence or a threat to a specific victim on release', but there is still no requirement on them to undertake a full assessment.<sup>62</sup>

The National Association of Probation Officers (Napo) has expressed concern about the lack of risk assessment and address check: 'The scheme was introduced quickly and is clearly flawed. Men convicted of offences of domestic violence are being let out without any accommodation check and returning to their partner's addresses'. They have identified a number of cases where men who had been convicted of domestic violence offences have been released without any risk assessment or accommodation check with many returning to their partner's address. In a number of cases a further offence has been committed within days of the man's release.

Andrew Mournian, 36, was a repeat violent offender and had been jailed a number of times for offences relating to assaults on his partner, Amanda Murphy. Mournian was released from a particular sentence early on under the End of Custody Licence with no risk assessment. Only five days later, when he should have still been in prison, Mournian attacked Mrs Murphy again in her home in Dewsbury, West Yorkshire. She suffered fractures to the face and ribs, internal bleeding, and brain injuries. She died four days later. On 7 December 2007, Mournian admitted Mrs Murphy's murder and received a life sentence with a tariff of 14 years.<sup>63</sup>

**We will scrap early release on End of Custody Licence and will legislate to end automatic release at the halfway point of an offender's sentence.**

### **Policing**

The police have a vital front-line role in responding to and preventing domestic violence.

New York City provides an interesting model for policing of domestic violence. The New York Police Department (NYPD) has dedicated Domestic Violence Prevention Officers in each of its 76 precincts<sup>64</sup> and has had considerable success over recent years in tackling violence. Domestic violence related crimes have decreased by 17% in the city over the past six years, with family-related murders down by 32% over the same period.<sup>65</sup> Murders attributed to domestic violence have also fallen as a percentage of overall murders in the city, which are themselves at record lows.<sup>66</sup>

61 Ministry of Justice, End of Custody Licence releases and recalls 1 to 31 October 2008 England and Wales, 28 November 2008

62 Probation Circular, PC34/2007

63 *Yorkshire Evening Post*, 7 December 2007

64 <http://www.nyc.gov/html/ocdv/html/initiatives/justice.shtml>

65 Mayor's Office to Combat Domestic Violence, *Domestic Violence Fact Sheet*, 2007, [http://www.nyc.gov/html/ocdv/html/statistics\\_resources/fact\\_sheet.shtml](http://www.nyc.gov/html/ocdv/html/statistics_resources/fact_sheet.shtml)

66 'NYC murders at an all-time low', *International Herald Tribune*, 14 December 2007

Much of this success has been attributed to the proactive approach to policing domestic violence taken by the NYPD. One initiative in particular deserves close consideration in the UK. In New York, police will as a matter of course return unannounced to a household where domestic violence has occurred in order to check on the victim. The NYPD Domestic Violence Unit made 76,602 home visits in 2007, a 98% increase on 2002 levels.<sup>67</sup> As a result, a big decline in domestic murders has been seen in households with a history of violence. In these households, homicides are reportedly down 64% since 2002.<sup>68</sup>

Home visits can give victims a greater sense of safety and can demonstrate to perpetrators, who may still be living in the household, that the matter has not been forgotten. The visits can also ensure that where a perpetrator has been ordered to leave the family property, this has been adhered to. We are aware of cases where male perpetrators have received an occupation order, ordering them to leave the family home, but have returned to the home, telling their partner that the court allowed them to stay or that the case was dismissed. In some cases this sort of deception can allow a violent perpetrator to remain in a household. Home visits can ensure that victims are aware of relevant court orders.

Conservatives are committed to seeing more police officers on the beat, preventing crime and catching criminals. We will cut the bureaucracy that keeps police behind desks rather than out on the streets. We believe that the UK can learn from New York's example of proactive policing on domestic violence. While it would be unhelpful for the Government to dictate to the police how they should deal with domestic violence in their locality, it is clear that by freeing them from red-tape they will have the opportunity to target households with a history of violence as part of their 'on the beat' activities. This could be an important step in reducing the high rate of repeat domestic violence offences – as reported above, domestic violence victims are the most likely of all crime victims to face repeated attacks.<sup>69</sup>

### The benefits system

When a woman has been a victim of domestic violence and decides to flee the relationship, a refuge provides a place of safety with emergency accommodation and support. Over the course of a year, around 17,000 women and 19,000 children will be provided with refuge-based services, and on any given day around 3,600 women will be supported in a refuge.<sup>70</sup> As these figures suggest, many women who go into a refuge are also mothers – in fact, 77% of women in a refuge will have at least one child with them.<sup>71</sup>

Women must cover the costs of their time in a refuge through the benefit system. This will generally include housing benefit and income support. The Government's recent reforms have required all lone parents with a youngest child aged 12 or over to claim Jobseeker's Allowance rather than income support. As such, they will be required to actively seek work. This requirement will change in future years to apply to those lone parents with even younger children.

While this reform is broadly welcome, it will pose a particular problem for domestic violence victims who rely on benefits to secure accommodation in a refuge. Although many women who are victims of violence are keen to participate in employment, due to the trauma that they may have been through it is not appropriate to require them to look for work immediately. As surveys have demonstrated, women who are the victims of domestic violence will have suffered considerable emotional distress, and will find themselves dealing with a number of practical issues making it difficult for them to find work.<sup>72</sup> They should not be placed under pressure to immediately return to work.

**A Conservative government will introduce a three-month grace period during which time women who are housed in refuges following domestic violence will not be required to seek work in order to qualify for Jobseeker's Allowance.**

### Sanctuary schemes

A sanctuary scheme allows a victim of domestic violence to remain in their own home by increasing the safety of the property and ensuring that the perpetrator cannot and will not enter. This would typically involve installing additional safety measures, such as improved locks on doors and windows, better lighting around the property, or the creation of a 'safe room' within the house. At the same time the perpetrator may be subject to an occupation order, forcing him to leave the property or, if he has already left, not to return.

Sanctuary schemes have a number of advantages. In allowing a woman – and, potentially, her children – to remain in the family home, the disruption to her life can be reduced, and any threat of homelessness is removed. Furthermore, it is likely to be extremely cost effective to a local authority, being considerably cheaper than providing temporary accommodation. Sanctuary schemes in the London Borough of Barnet were found to save £601,299 a year in aborted temporary accommodation costs.<sup>73</sup> Many local authorities have successfully implemented schemes, with 171 having made use of them during 2007.

67 Mayor's Office to Combat Domestic Violence, *Domestic Violence Fact Sheet*, 2007, [http://www.nyc.gov/html/ocdv/html/statistics\\_resources/fact\\_sheet.shtml](http://www.nyc.gov/html/ocdv/html/statistics_resources/fact_sheet.shtml)

68 <http://nymag.com/news/features/crime/2008/42603/index2.html>

69 Nicholas, Kershaw and Walker, *Crime in England and Wales 2006/7*, Home Office Statistical Bulletin, 2007

70 Barron, 2006 *Survey of Domestic Violence Services Findings*, Women's Aid, p6

71 Barron, 2006 *Survey of Domestic Violence Services Findings*, Women's Aid, p18

72 Kate Bell & Claire Kober, *The Financial Impact of Domestic Violence*, Family Welfare Association/One Parent Families-Gingerbread, 2008, p37

73 Department for Communities and Local Government, *Options for setting up a sanctuary scheme*, 2006, p16

In Barnet, a 40% reduction in families fleeing violence having to go into temporary accommodation has been seen.<sup>74</sup> In Newcastle under Lyme, 90% of participants said they felt more secure in their properties following the work.<sup>75</sup>

It is of course essential that sanctuary schemes are only used with the clear approval of the victim, and where it is an entirely safe option. There will be situations in which this is not the case. It is for local authorities to determine what funding should be allocated to sanctuary schemes, but appropriate measures to allow women to safely remain in their homes should be considered.

### Financial abuse

Domestic violence can act as a direct cause of debt or other financial difficulties; indeed, financial abuse is rightly recognised as a form of domestic violence in itself. Financial abuse can include a partner forcing a woman to give him money, using her credit card without permission, or placing debts in her name without her knowledge or through coercion. It is not uncommon for women who have experienced domestic violence to go into debt as a direct result of that violence, and evidence suggests that women who have experienced violence are also more likely to have missed payments or be reliant on borrowing.<sup>76</sup>

Financial dependence on a partner can contribute to a woman remaining in a violent relationship. On leaving a violent relationship, a domestic violence survivor may need financial advice and assistance in order to cope with debts, or to establish a new financial identity independent from her ex-partner. For example, she may need to create a new bank account or transfer an existing one to a new address without revealing that address to her ex-partner. She may also need more general advice on being financially independent or on claiming benefits.

Dealing with debt that has been placed upon a woman by her partner can be a priority. Although such debts may have been placed in the woman's name by coercion or even without her knowledge, they remain the legal responsibility of that woman. The charity Refuge has developed a scheme whereby it provides a creditor with certification that a debt has been accrued as a result of domestic violence, and the creditors either waive the debt or treat it more leniently. This is to be encouraged.

**We will, in consultation with the Office of Fair Trading, develop a code of conduct on financial institutions' dealings with domestic violence victims.** This will work along the lines developed by Refuge, and encourage leniency in domestic violence cases.

## 5. Rape and Sexual Violence

Over 90% of rape victims are women. One in twenty women have experienced rape or attempted rape since the age of 16, while nearly a quarter of women report that they have suffered from sexual abuse or attempted abuse at some point in their life.<sup>77</sup> In the vast majority of cases, rape or sexual abuse is committed by someone known to the victim – around half of perpetrators are partners or ex-partners, and around 30% are other known people, such as a family member or friend.<sup>78</sup>

In a society that views the sanctity of consent to sex as a vital right for every woman, these facts are shocking. Rape and sexual violence are fundamental breaches of human rights, and because of their horrific nature are as much an emotional trauma for victims as a physical assault.

### Prevention – challenging attitudes

Tackling the underlying causes of rape and sexual violence in our society is vital. To do this we must recognise the importance of childhood years and the significance of the attitudes formed during these years. We must be honest in analysing why we have reached a point where around 40% of young men believe it is acceptable for a boy to expect to have sex with a girl if she is 'very flirtatious' – and, equally significant, why around 16% of young girls also agree with this.<sup>79</sup>

When our young people learn about sex and relationships the concept of consent to sex must also be addressed. We should affirm that, whilst sex education must be sensitive and respect the rights of parents to opt their child out, it should not be values-free. That means we must teach our young people about consent so that we can begin to tackle the root causes of sexual violence. That is why **a Conservative government will make the teaching of consent compulsory in the sex education curriculum.**

### Convictions and sentencing

The number of recorded rapes has increased dramatically over recent years. From 1998-99 to 2007-08, recorded rapes of a female rose from 7,132 to 11,648,<sup>80</sup> but this has not been met with a corresponding increase in prosecution or conviction rates. In fact, both have fallen.<sup>81</sup> Conviction rates have fallen from around 7.7% in 1999 to 5.29% in 2006.<sup>82</sup>

The vast majority of rape perpetrators receive a custodial sentence; however the average length of sentences is falling. After an increase in the average length of sentence in England and Wales from 85.4 months in 2000 to 90.5

74 Department for Communities and Local Government, *Options for setting up a sanctuary scheme*, 2006, p16

75 Home Affairs Committee, *Domestic violence, forced marriage and "honour"-based violence*: Volume 1, 2008, p75

76 Jenny Westaway and Stephen McKay, *Women's financial assets and debts*, Refuge, 2007, p49

77 Finney, *Domestic violence, sexual assault and stalking: findings from the 2004/05 British Crime Survey*, Home Office, 2006, p12

78 Sylvia Walby and Jonathan Allen, *Domestic violence, sexual assault and stalking: Findings from the British Crime Survey*, Home Office Research Study 276, 2004, p60

79 End Violence Against Women/ICM, *UK Poll of 16-20 Year Olds*, 2006

80 Home Office, *Crime in England and Wales 2007-08*, July 2008, Table 2.04

81 CJS, *Convicting Rapists and Protecting Victims – Justice for Victims of Rape*, 2006, p9

82 CJS, *Convicting Rapists and Protecting Victims – Justice for Victims of Rape*, 2006, p8

months in 2003, the figure fell dramatically to 81.2 months by 2006.<sup>83</sup> This is partly attributed to the introduction after 2005 of indeterminate sentencing in the worst cases where an offender is judged to pose an ongoing risk to the public. However, it is nonetheless crucial that sentences handed down to the majority of convicted rapists remain of an appropriate length to reflect the severity of the crime and the impact on the victim.

Appropriate sentencing is a vital aspect of the response to rape. It is essential not only that justice is done, and that perpetrators receive an appropriate sentence, but that justice is seen to be done, not least by victims. We cannot allow a situation to develop where a woman who has been raped does not pursue a case against the perpetrator because she lacks confidence that an appropriate sentence will be handed down with a guilty verdict. Equally, public confidence in the sentencing system is essential, particularly in rape cases where public revulsion for the criminal and crime are at their highest.

Guidance from the Sentencing Guidelines Council states that the starting point for a rape sentence with no aggravating or mitigating factors should be five years imprisonment. The maximum penalty for rape is life imprisonment. We are content that this guidance is appropriate and the range reflects the seriousness of the offence. However, it is clear that more needs to be done in other aspects to increase public confidence, particularly in regards to rape sentencing.

Conservative policies for reforming sentencing will greatly contribute to restoring public confidence in the criminal justice system in rape cases, as well as others. **We will introduce honesty in sentencing so courts set a minimum and a maximum period with no possibility of parole until the minimum has been served.** In future, judges and magistrates will specify a minimum and a maximum time for the prisoner to serve, with no prisoner eligible for release until the minimum period is completed. The principal advantage of ‘min-max’ sentencing is that it will lead to clearer sentencing. Sentencing decisions in court will outline clearly to victims, witnesses and the wider public what a sentence means in practice. Judges will be required to state explicitly the terms of the ‘min-max’ sentence, so that everyone is aware that there is a clear minimum term, which the convicted criminal will serve in prison, before they can be considered for release.

**We will also introduce a new principle of ‘Earned Release’.** At present, a prisoner’s release date bears little relation to the prison term announced in court, or to what they themselves can take responsibility for. Under Labour’s

2003 Criminal Justice Act, all determinate sentenced prisoners (nine out of every ten prisoners) are released automatically at the half-way point of their sentence – and often earlier if they are freed on a tag under Home Detention Curfew or released via the End of Custody Licence scheme. The current sentencing arrangements endanger the public because under the automatic release rules, the condition of a prisoner – their progress on rehabilitation and their likelihood of re-offending – is not a factor. A rapist sentenced to the average of 7 years in custody will be released automatically at the half-way mark (less any time spent on remand), whether or not he still poses a risk to women, and regardless of his custody record on engaging with sex offender rehabilitation programmes. A minority of convicted rapists receive an Indeterminate Sentence for Public Protection (IPP) – and we support such sentences – but for most, they will receive a standard determinate sentence, which is automatically foreshortened. This means that under Labour’s sentencing regime, for the minority of rape victims who see their assailant convicted and sent to prison, they can have no reassurance that their attacker will not be released automatically at some future date while still posing a threat to other women.

To address this problem, we believe release from prison should be conditional. Release should be in the hands, not just of the state, but in one sense of the individual prisoners themselves. Prisoners should have to earn, and should be able to earn, release from custody. As well as restoring public trust and making sentencing clearer, Earned Release as part of a ‘min-max’ sentence would increase public safety by keeping in prison for longer those that are least willing to reform, while also providing a powerful incentive for prisoners to engage with rehabilitation.

Under our penal and sentencing reforms – outlined in ‘Prisons With A Purpose’ (March 2008) – courts will specify the conditions to be met by a prisoner for them to earn their release at the sentence minimum, and prison governors will have the discretion to decide the rehabilitation on offer and assess the progress that a prisoner has made. **Under a Conservative government, those convicted rapists given a min-max sentence who obey prison rules, engage in rehabilitation and respond well to treatment, will be released at a governor’s discretion no earlier than they are at present. However, those who choose not to engage in the required treatment offered by accredited sex offender rehabilitation programmes will spend longer in custody.**

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<sup>83</sup> Jack Straw MP, *Hansard*, 31 Jan 2008, Column 574W WA

## Attrition in rape cases

As suggested by the figures above, the rate of attrition – the number of cases recorded against those that lead to a conviction and sentence – has increased over recent years. Hence, whilst the conviction rate is of concern, the most serious problem in this area is that most rape cases never come to court. Around a quarter of all cases are ‘no-crimes’, meaning that following the reporting of a rape the police receive further information leading them to conclude that no crime has taken place.<sup>84</sup> Over a third of cases are lost during the investigative stage because of evidential difficulties,<sup>85</sup> and 34% of those cases lost at the police stage are accounted for by victim withdrawals.<sup>86</sup> In total, only 14% of cases ever reach a trial, and even some of these do not proceed due to late withdrawals.<sup>87</sup>

Cases can be dropped for a number of reasons, and the nature of rape as a crime naturally makes it extremely difficult for a woman to re-live. Victims will have basic but important questions – ‘will I be believed?’, ‘will I be treated kindly?’, ‘can I face the trauma of a trial?’ – and these need to be answered satisfactorily.

## Court proceedings

Rape victims sometimes describe their experiences in court as the ‘second assault’. For many women, the trial is the first occasion since the rape that they are required to confront the incident and the perpetrator. This, for obvious reasons, can be an intimidating experience. The prospect of seeing their attacker face to face, recounting traumatic details, enduring cross-examination of an intimate nature in public and, in some cases, having their sexual histories revealed to bolster a defence case is never welcome.

Currently, defendants are routinely tape-recorded and frequently videoed during police interviews. The relevant parts of these interviews can be shown to the jury during the trial. Using the actual recordings of complainants’ interviews as well as defendants could have an important role in assisting the jury in getting to the truth. Their written statements are currently provided to the defence so that they can be used in cross-examination but, subject to important judicial oversight, **we believe that video evidence from complainants should be used in court.**

In 2006 the Office for Criminal Justice Reform consulted on a number of measures to improve the court process in rape trials.<sup>88</sup> One proposal would have allowed prosecutors to present ‘general expert evidence’ during a trial concerning certain characteristics of behaviour and psychological reactions that victims may experience after rape. The aim

would be to dispel certain myths and stereotypes about how a victim should behave and therefore explain, for example, why a victim might report the offence some time after it has occurred. Although there might be advantages in this approach, there are also considerable risks, not least – as the Government has acknowledged – that it could result in a ‘battle of the experts’ which detracts from the core issue. We therefore support the Government’s decision not to proceed with this proposal and to look at other means of dispelling myths about rape victims.

## Rape crisis centres

Because the effects of rape are as much emotional as physical, women who have been raped need wide-ranging support. In many cases it is rape crisis centres that transform rape victims into rape survivors. Yet the survival of many rape crisis centres is in question itself. Despite their outstanding work, too many face uncertain funding and possible closure.

Over the last 20 years there has been a steady decline in the number of rape crisis centres. For large sections of the country they have simply become extinct: the majority of women in the UK now have no access to one whatsoever.<sup>89</sup> The number of rape crisis centres in England and Wales has declined from 68 in 1984 to the 38 that remain part of the Rape Crisis network.<sup>90</sup>

Groups working with rape survivors have spoken of ‘the crisis in rape crisis’. In the last three years alone, rape crisis centres in Brighton, Chelmsford, Ipswich, Hounslow, Luton, Milton Keynes, South Wales and York have all closed.<sup>91</sup> At the heart of this crisis is a lack of certainty around funding. As has been common across the voluntary sector, funding awarded by statutory bodies is frequently short-term in nature, often for one year or less. According to Rape Crisis, over 85% of funding to their centres in 2006-7 was for a period of one year or less.<sup>92</sup> This is in direct breach of the Government’s own Compact on good relations with the voluntary sector. Short-term funding arrangements not only directly break the Government’s own promises, but they damage vital voluntary sector services including rape crisis centres. Without an assurance of long-term funding a rape crisis centre is unable to plan for the future with any real certainty, while valuable resources are diverted from service provision as staff are forced to spend time fundraising and re-applying for funding each year.

In finally facing up to the growing crisis in rape crisis, the Government announced in March 2008 that it was providing a one-off £1 million emergency fund to prevent closures.

84 Kelly et al, *A gap or a chasm? Attrition in reported rape cases*, Home Office Research Study 293, 2005, p28

85 Kelly et al, *A gap or a chasm? Attrition in reported rape cases*, Home Office Research Study 293, 2005, pxi

86 Kelly et al, *A gap or a chasm? Attrition in reported rape cases*, Home Office Research Study 293, 2005, p59

87 Kelly et al, *A gap or a chasm? Attrition in reported rape cases*, Home Office Research Study 293, 2005, pxi

88 *Convicting Rapists and Protecting Victims – Justice for Victims of Rape*, CJS, 2006

89 Coy, Kelly & Foord, *Maps of gaps: the postcode lottery of violence against women support services*, End Violence Against Women, 2007, p35

90 Rape Crisis (England and Wales) briefing, [www.rapecrisis.org.uk/briefing.pdf](http://www.rapecrisis.org.uk/briefing.pdf)

91 Rape Crisis (England and Wales), *Critical Briefing Report*, February 2008

92 Rape Crisis (England and Wales), *Critical Briefing Report*, February 2008

This was a welcome development, although concern has been raised at the length of time it has taken this money to reach the centres themselves. Even if the emergency fund works without fault, we need a more stable long-term approach. It is not acceptable for rape crisis centres to be living from hand to mouth each month.

**A Conservative government will end the process of short-term annual funding decisions by introducing stable three-year funding cycles for rape crisis centres.** This will give these vitally important services the certainty and stability they need.

However, we also want to go further. We believe that current provision of rape crisis centres is inadequate. While demand for the services provided by rape crisis centres is high, it is right that government works to improve the resource allocation to provide this vital service for victims where it is needed.

In London, the newly-elected Conservative Mayor Boris Johnson is fulfilling his manifesto pledge and funding the creation of an additional four new rape crisis centres to serve victims of sexual violence in the capital. To provide a more comprehensive network of rape crisis centres and close the gap in victim provision elsewhere in England and Wales, we are convinced that in addition to the four new London centres, a further fifteen new rape crisis centres are needed.

Expanding the network will require additional resources. In 2007-8, the Government provided £484,562 to rape crisis centres, plus an additional £1 million emergency fund to act as a contingency for those centres that encountered funding shortfalls. In addition, the Home Office provided £75,000 to Rape Crisis centrally.<sup>93</sup>

While the work that rape crisis centres undertake is invaluable, the demand they place on resources is relatively modest. Largely staffed by part-time volunteers in low-cost premises, Rape Crisis (England and Wales) state that the minimum funding from government that their centres need to survive is £50,000 a year, and that the start-up costs for a new centre is £25,000. This is in line with the funding that has been ring-fenced for rape crisis centres in Scotland.

Additional government funding of £2.62 million over three years would enable the creation of an additional 15 rape crisis centres. This additional revenue will be provided by the Ministry of Justice and initially will come from expenditure currently allocated from the projected receipts of the existing Victim Surcharge levied on court disposals. The Victim Surcharge, introduced in 2006, is a flat rate levy

currently applied to fines. The Ministry of Justice estimates that once fully functional, the surcharge will raise £16 million a year. The surcharge has so far not achieved this level of income-generation due to its limited application. This was the result of inadequate court administration. However, Libra - the magistrates court IT system - was due to become fully functional on 8th December 2008, having been fully functional in 75% of courts as of November 2008. We therefore expect that Libra will have been fully rolled-out, if not now, in the very near future. This will enable the surcharge to be imposed, as originally intended, on penalties other than fines in Magistrates Courts. At present, the Ministry of Justice is meeting the shortfall from its own resources with funding of at least £13.35m in 2007/08 (including Surcharge receipts); and has committed to meet the shortfall and this is expected to continue until the surcharge can be levied as intended. A Conservative government would treat the funding of rape crisis centres as a priority for funding within this budget.

It is therefore possible for us to fund the new rape crisis centres using funds not yet allocated from future Victim Surcharge receipts. This portion of the receipts – £2.6 million – will be ring-fenced and used to support the required start-up and three-year running costs of the 15 new centres.

In the longer term, we propose to replace the Victim Surcharge with a new Victims' Fund, where offenders pay reparation into the fund through proceeds of work in prison and the community. This will serve as a more comprehensive vehicle for victim reparation and a more stable basis for funding all types of victims' services.<sup>95</sup> Ongoing support for existing and new rape crisis centres will be an integral part of any new funding scheme that replaces the current surcharge.

**To ensure victims of rape and sexual violence have access to a vital support service nearby, a Conservative Government will fund an expansion in rape crisis centres to ensure adequate and equitable provision for victims across England and Wales. We will allocate £2.6 million towards the setting up of 15 new rape crisis centres, equivalent to £50,000 per centre for three years plus start-up costs. This will allow the network to grow by more than a third.**

### **Sexual Assault Referral Centres**

Sexual Assault Referral Centres (SARCs) should not be confused with rape crisis centres. They perform a different and complimentary role. While rape crisis centres typically

<sup>93</sup> Hansard, 23 Jan 2008 c2079W WA  
<sup>94</sup> Hansard, 2 July 2008, col. 956w

<sup>95</sup> See: *Prisons With a Purpose – Our Sentencing and Rehabilitation Revolution to Break the Cycle of Crime* (March 2008). Available at – [www.conservatives.com](http://www.conservatives.com)

respond to both recent and historic sexual assault with long-term counselling and advocacy, SARCs respond to recent sexual assault with health and medical checks and a particular focus on forensics. The service they provide is important, particularly in terms of a criminal justice response.

The Government has pledged an additional £1.6 million in order to develop ten new SARCs.<sup>96</sup> This funding is welcome. However, it cannot be used as an excuse for not providing the necessary assurances to rape crisis centres that three-year funding would bring. Too often, when questioned about rape crisis funding in Parliament, Government ministers respond by detailing how much money they have given to SARCs. This misses the point. A strong approach to tackling sexual violence must recognise the benefits of both SARCs and rape crisis centres, and not one at the expense of the other. The Government does not appear to appreciate the difference between the two.

**We acknowledge and respect the difference between SARCs and rape crisis centres. A Conservative government will adopt an approach to tackling sexual violence that emphasises the value of both, and not one at the expense of the other.**

## 6. Female Genital Mutilation

Female genital mutilation (FGM) is a serious but often overlooked form of violence against women. It is an issue that has a relatively low public profile despite the considerable numbers of women – in this country and throughout the world – who are affected by it.

FGM, which is sometimes referred to as female circumcision, constitutes the partial or total removal of the external female genitalia. Over 100 million women and girls are estimated to have undergone FGM, mainly in Africa but also in the Middle East and Far East.<sup>97</sup> As well as being a painful procedure in itself, FGM is associated with considerable health risks including increased risk of complications during pregnancy, haemorrhage, and pain during urination or menstruation.<sup>98</sup>

There is no standard age at which FGM is performed, but it is known to occur on girls in infancy and under the age of ten.<sup>99</sup> The reasons for performing FGM vary from community to community but can include a belief that it reduces the sexual desire of a woman, and that it will enhance the chances of a woman getting married. FGM is

endorsed by no major religion and is known to be practised across religious backgrounds. It would be incorrect to view FGM as a ‘hate crime’ – indeed, it is often performed because of genuine if misguided concerns about a woman’s health. The practice is generally performed by a woman, such as a child’s grandmother.<sup>100</sup> As such, FGM must be responded to in a culturally sensitive manner, recognising that words such as ‘abuse’ may be inappropriate when talking to women who have had the procedure.

### The scale of the problem in the UK

As a result of international migration, many women who have undergone FGM are now thought to be living in the UK. Although there is a lack of good data, recent studies have suggested that these numbers are far higher than might be first thought.

A recent study by the charity FORWARD, funded by the Department of Health, estimated that over 65,000 women aged 15 to 49 living in the UK had already undergone FGM. There are serious concerns that the practice has been brought into the UK and is now occurring on young girls born in this country. Liverpool Women’s Hospital alone saw 237 women with severe injuries caused by FGM over a three year period.<sup>101</sup> The same FORWARD study estimated that over 98,000 girls under the age of 15 had either had the procedure or were at risk of having it. Even if these figures are overestimates (and FORWARD in fact believe them to be underestimates), the scale of the problem demands that FGM is taken seriously as a form of violence against women.

FGM is known to be practised in 28 African countries, but is much more prevalent in some than in others. Egypt, Djibouti, Guinea, Mali, Somalia and Sierra Leone are among the countries where over 80% of women aged 15–49 are thought to have undergone FGM.<sup>102</sup> It is therefore reasonable to assume that women who enter the UK from these countries are more likely to have undergone FGM, and that young girls brought into the country from these communities might be at risk of FGM.

### Prevention

Work to prevent FGM occurring in the first place is crucial, and central to this is identifying the girls at risk of it. Two circumstances may particularly require intervention: where a prospective mother has already undergone FGM, and where a young girl’s siblings have had the procedure.

Local authorities have a duty under the Children Act 1989 to investigate when a child is considered to be at risk of harm. Teachers, school nurses, health professionals and community leaders are all in key positions to identify cases of FGM and

<sup>96</sup> <http://press.homeoffice.gov.uk/press-releases/more-funding-for-sarcs>

<sup>97</sup> *A statistical study to estimate the prevalence of Female Genital Mutilation in England and Wales*, Forward, 2007, p6

<sup>98</sup> *A statistical study to estimate the prevalence of Female Genital Mutilation in England and Wales*, Forward, 2007, p6

<sup>99</sup> *A statistical study to estimate the prevalence of Female Genital Mutilation in England and Wales*, Forward, 2007, p6

<sup>100</sup> Brandon & Hafez, *Crimes of the Community: Honour-based violence in the UK*, Centre for Social Cohesion, 2008, p65

<sup>101</sup> ‘Calls to end dangerous tribal rite’, *Liverpool Echo*, 5 February 2008

<sup>102</sup> World Health Organization, *Eliminating Female Genital Mutilation*, 2008, p29

girls at risk of it and refer such cases to the Local Authority's children's social services. The Government has sought to issue advice to health and education professionals, but it is unclear what effect this guidance has had.

In response to a Written Parliamentary Question asking what the Government is doing to educate teachers and education professionals on FGM, the Schools Minister pointed to the 2007 document *Safeguarding Children and Safer Recruitment in Education* which 'contains guidance about FGM'.<sup>103</sup> The document in fact contains less than 200 words about FGM, hidden within 129 pages of guidelines. This is not sufficient to ensure that teachers are aware of the serious risks of FGM.

Guidance to health professionals was published in the 2006 document *Working Together to Safeguard Children*. Again, it is unlikely that the one page on FGM in the 258 page document was sufficient to cover the necessary information that healthcare practitioners need.

This element should not be overlooked. Teachers and health professionals may overhear a child describing how the procedure was performed on them, or a child may confide in them that they are concerned about undergoing it, and they will need to know how to react in this situation.

FGM should be a key element in an integrated approach to violence against women. **Integral to this will be new guidance for health and education professionals to ensure that FGM is understood and incorporated into the work of all child and sexual health services. Guidance will also be issued for schools to ensure that if FGM cases are identified among young girls, teachers will be clear of the action they can take to make sure that cases are investigated.** This new guidance will strongly focus on how girls at risk of FGM can be identified, and will be met from existing budgets.

**We will also ensure that the UK Border Police Force, to be established by the next Conservative government, will receive appropriate information to raise awareness on FGM** so that all officers are aware of it as a serious issue.

### Legislation

FGM was outlawed by the Female Circumcision Act of 1985, which made it an offence to carry out or to aid any form of FGM. This was strengthened by the Female Genital Mutilation Act 2003, which made it an offence for FGM to be performed on UK nationals or residents even if it does not actually take place within the UK. This attempted to tackle the problem of girls being taken out of the UK to have

the procedure.

However, there have been no prosecutions under the 2003 Act.<sup>104</sup> The Government has said that '*anecdotal evidence*' suggests the Act has helped prevent FGM happening in the first place, and has helped raise awareness among the police and health, social services and education professionals.<sup>105</sup> It is unclear what this "anecdotal evidence" is, and given that FGM is still a significant problem it is disappointing that no prosecutions have been made.

A further problem is that there is no data available on the number of offences committed under the Female Genital Mutilation Act. The Home Office records offences committed under the Act but classify them as 'less serious wounding' and therefore cannot identify FGM offences separately from other offences that fall within this classification. The Home Office is consequently unable to say how many cases of FGM have been referred to the police since the Act came into force.<sup>106</sup> This lack of useful information presents a challenge to any attempt to fully understand the scale of the problem in the UK, and is therefore a barrier to better policy. **The next Conservative government will ensure that FGM offences are recorded separately from other offences** for the purposes of annual statistics so that the situation 'on the ground' can be better assessed.

## 7. Forced Marriage

A forced marriage is one that takes place without the valid consent of one or both parties. This is different from an arranged marriage which takes place with the consent of both parties. Indeed, the tradition of arranged marriages has operated successfully within many communities for many years. A forced marriage, by definition, involves some form of physical or emotional duress, and can cause considerable trauma as a result of the kidnap, assault, or emotional intimidation often associated.

There should be no place in Britain for forced marriage. To eradicate it we need to tackle the deep cultural issues that surround it as well as monitor and if necessary strengthen relevant legislation.

### The scale of the problem

The Forced Marriage Unit (FMU), jointly operated between the Foreign Office and Home Office, received around 5,000 enquiries and handled approximately 400 cases during 2007.<sup>107</sup> However, this figure is likely to be only a fraction of

103 Jim Knight MP, *Hansard*, 16 Jun 2008, Column 774W WA

104 Maria Eagle MP, *Hansard*, 16 Jun 2008, Column 645W WA

105 Maria Eagle MP, *Hansard*, 16 Jun 2008, Column 645W WA

106 Vernon Coaker MP, *Hansard*, 15 July 2008, Column 261W WA

107 *Hansard*, 30 January 2008, Column 386W

the true scale of the problem.

A recent study found that in the town of Luton alone there are over 300 approaches to external bodies each year from people seeking advice on forced marriage.<sup>108</sup> Even taking into account some degree of double counting (somebody contacting more than one agency about the same marriage), this indicates that the number of forced marriages taking place across Britain each year is likely to be considerably higher than reports to the FMU suggest. Meanwhile, the first four operating months of a new forced marriage helpline, run by the charity Karma Nirvana, saw on average 62 calls a week. Ten per cent of callers have been under the age of 16 with the average age of callers being just 17.<sup>109</sup> The numbers of people who suffer forced marriage and do not contact any agency or charity cannot be known. Most of the cases investigated by the FMU involve families from South-East Asia, although other cases have been noted from East Asia, the Middle East, Europe and Africa.<sup>110</sup>

A witness from West Yorkshire police told the Conservative Party's National and International Security Policy Group of the horrifying nature of forced marriage. The witness told of cases of 14 year old girls being taken out of school, with parents telling the education authorities that they were going to live in Pakistan. They would be brought back into Britain a few weeks later and imprisoned in a cellar or attic having been forced into a marriage.

Some women come through the ordeal to tell their story. Shazia Qayum, for example, has told of how, when she was 15, she was locked in her house by her parents for refusing to marry a man in Pakistan: *'I was convinced that my school or the authorities would start asking questions but no one ever bothered to find out where I had disappeared'*. She later found out that her parents had convinced the family doctor to write sick notes for her. When she was 17 she went to Pakistan under the guise of a family holiday and was forced into marriage, and also into sponsoring her new husband's visa application. When back in the UK she was able to escape by contacting the police, but she was disowned by her family.<sup>111</sup>

## Legislation

In 2007, Parliament passed the Forced Marriage (Civil Protection) Act with cross-party support. Originally a private member's bill proposed by Lord Lester, the Act provides civil remedies for victims of forced marriage or those faced with being forced into marriage. A person who is or has been forced into a marriage can apply for a Forced Marriage Protection Order. The Act also allows 'relevant third parties'

to make an application for an Order where a victim might feel unable to make one themselves.

The Act, which has recently come into force, did not make forced marriage a criminal offence despite some calls for this step to be taken. Those who have argued in favour of criminalisation have suggested that it would act as a strong deterrent and give people at risk of forced marriage greater encouragement in standing up to family members. Jasvinder Sanghera, Director of Karma Nirvana, an organisation working with victims of forced marriage, has said: *'There needs to be a very strong message that this is criminal activity. I also believe, as a victim of a forced marriage, if I believed it was a criminal offence it would have empowered me to do something.'*<sup>112</sup>

However, others have expressed concern that making forced marriage a criminal offence will result in women being less likely to report it, not wanting to see family members prosecuted. Furthermore, a 'typical' case of forced marriage is likely to involve a number of acts that are already criminal offences, including kidnap, assault and rape.

The new civil arrangements need time to bed in and we will therefore monitor the impact of the 2007 Act. **If current legislation is seen to be ineffective then a Conservative government will consider criminalising the practice of forced marriage.**

## Prevention

Anecdotal evidence from those within the South Asian community who have been through a forced marriage suggests a pattern whereby a girl is taken out of school and taken abroad to be married. By being aware of girls who have been taken out of education in Britain, schools are in a powerful position to recognise someone at risk of forced marriage.

Currently children who are taken out of school or are not receiving education are recorded as 'not in receipt of a suitable education'. This would cover a child who had been taken out of school and was not known to be attending another school. Assuming that any child registered as 'not in receipt of a suitable education' is a victim of forced marriage would not be sensible as there are a number of reasons why a child might be categorised in this way: for instance, children who are educated at home where the local authority does not consider that education to be up to required standards. Nevertheless, forced marriage should be recognised as one potential reason for a prolonged absence from school. **We will require Children's Services Departments (CSDs) to keep a register of children who have been removed from**

<sup>108</sup> Dr Nazia Khanum, *Forced marriage, family cohesion and community engagement: national learning through a case study of Luton*, Equality in Diversity, 2008, p49

<sup>109</sup> 'Forced marriages: the trail of misery and fear in Britain', *The Independent*, 26 September 2008

<sup>110</sup> Foreign and Commonwealth Office, *Forced marriage: a wrong not a right*, 2005, p7

<sup>111</sup> 'Mystery of Bradford's missing children: were they forced into marriages abroad?', *The Independent*, 4 February 2008

<sup>112</sup> Home Affairs Committee, *Domestic violence, forced marriage and "honour"-based violence: Volume 1*, 2008, p130

## **schooling, or have gone missing.**

It is quite possible, and to an extent understandable, that many teachers and education professionals would not consider forced marriage to be an issue at their school. However, we believe all teachers should be aware of this issue, and **we will equip schools with awareness packs containing guidance on how to deal with a suspected case of forced marriage.**

We must be clear that it is not the responsibility of schools to act as police or social services. But where they suspect that a child is at risk they do have a responsibility to act. **We will classify CSDs as relevant third parties under the Forced Marriage (Civil Protection) Act.** This will allow schools to pass on information to their CSD about an at-risk child. If necessary, the CSD will then be able to apply for a Forced Marriage Protection Order on behalf of the child.

## **Immigration and integration**

Forced marriage cases often overlap with immigration matters as one half of the couple may be a foreign national seeking to settle in the UK as a result of the marriage. It is important therefore that our immigration system is geared up for recognising and combating this practice.

A simple but important step is to raise the age at which somebody can sponsor a marriage visa from 18 to 21. This is particularly important considering that 30% of cases handled by the FMU involve victims aged 18 to 21.<sup>113</sup> This proposal was put forward by the Conservatives in 2007, and we are pleased that it has now been adopted by the Government. The Government also adopted Conservative proposals to introduce a requirement for UK visa sponsors to register an intention to marry before going abroad. This is an important step, although more details of the Government's specific proposal are needed. It is essential that only the UK sponsor – i.e. the woman, or man, going abroad to get married – is able to register an intention to marry, and not a third party such as a family member.

Furthermore, the intention to marry notification should have a time limit of no more than six months, and an interview should be conducted in private prior to registration being granted. If there is sufficient suspicion that a person is being forced into marriage then registration should be denied. **A code of conduct should be developed for Entry Clearance Officers and Home Office Officials which includes separate interviews of the spouse and sponsor,** allowing anyone with concerns about their marriage to speak openly.

The Government has therefore made a step in the right

direction but has not gone far enough. For example, the Home Secretary has stated that foreign spouses should *'enter into an agreement to learn English before they come to the UK'*.<sup>114</sup>

This is somewhat ambiguous. We are clear that **a foreign spouse must have a basic knowledge of English before they come to the UK, measured at the standard of ESOL Entry Level 3**, meaning that the individual can listen and respond to spoken English, read and obtain information, and write to communicate information and opinions. **A foreign spouse should also be required to take a citizenship test.** This would bring the UK broadly in line with other countries such as the Netherlands, which requires spouses to take a Dutch language test and be questioned on Dutch culture.

**Where a marriage between a UK resident and a spouse from overseas breaks down, a time requirement should be introduced before either party is allowed to bring in another spouse from overseas.** If a marriage has lasted for two years then the spouse from overseas is entitled to apply for Indefinite Leave to Remain (ILR). In this situation the spouse is of course entitled to remain in the UK even if the marriage breaks down. However, there is concern that having been granted ILR, men can leave their British wife and act as a UK sponsor to another wife from overseas. A time requirement of five years from the date of the wedding or the date that the couple arrived in the UK (whichever is later) will help to prevent fraudulent marriages.

## **8. Stalking**

There may be a tendency for stalking to be overlooked in consideration of violence against women. However, it is important to view it as a recognised form of violence and not simply an extension of domestic violence.

Women are more likely to be victims of stalking than men.<sup>115</sup> Stalking can involve serious threats and cause considerable distress. It can include repeated threatening phone calls or letters, threats of violence against a person or their family, or numerous other manifestations. Even seemingly non-threatening acts, such as sending flowers, can be sinister when they are part of a campaign of intimidation. Any thoughts that stalking is somehow flattering or welcomed by its targets should be immediately banished.

Stalking is defined by the British Crime Survey as *'two or more incidents – causing distress, fear or alarm – of obscene/threatening unwanted letters or phone calls, waiting*

<sup>113</sup> Home Office, <http://press.homeoffice.gov.uk/press-releases/Reducing-Forced-Marriages>

<sup>114</sup> <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/marriagevisaageraisedtoprevent>

<sup>115</sup> Andrea Finney, *Domestic violence, sexual assault and stalking: findings from the 2004/5 British Crime Survey*, Home Office, 2006, p12

<sup>116</sup> Andrea Finney, *Domestic violence, sexual assault and stalking: findings from the 2004/5 British Crime Survey*, Home Office, 2006, pv

or loitering around home or workplace, following or watching, or interfering with or damaging personal property by any person including a partner or family member.<sup>116</sup> This is not a legal definition. Indeed, stalking is not defined in law, although the Protection from Harassment Act 1997 is generally used to prosecute stalkers under offences of harassment or putting people in fear of violence.

### The scale of the problem

Stalking is not an ordeal faced exclusively by celebrities, as some might think. Around 10% of women in the UK are victims of stalking each year, and nearly a quarter of all women report that they have been stalked at some point since the age of 16.<sup>117</sup> Young women are most likely to be victims, with the 16 to 19 age group most commonly reporting stalking incidents.<sup>118</sup>

The majority of perpetrators – around 60% – are known to the victim, and where a woman is being stalked by somebody that she knows, it is most likely to be an ex-partner.<sup>119</sup> Stalking takes many forms, but the most common incidents are obscene or threatening phone calls or letters.<sup>120</sup> There is no defined period of time over which stalking might occur. In some cases it can last for just a few days but in others it will last for more than a year. For around 5% of women victims it lasts for more than ten years.<sup>121</sup>

The effects of stalking are not restricted to the immediate distress or trauma that it causes. A study of stalking victims by the University of Leicester found that they reported longer-term effects, including in some cases loss of employment or being forced to relocate. Overall, 92% of victims reported physical effects and 98% reported emotional effects, while 25% stated that the stalker also targeted their children.<sup>122</sup> Of course, in some cases a campaign of stalking will lead on to an even more serious crime, such as murder. Some high-profile cases have demonstrated that stalking can have fatal results. The case of Clare Bernal, for example, was widely reported following her tragic death at the hands of a stalker in September 2005. After a brief relationship had ended, her ex-partner, Michael Pech, began to follow her and repeatedly call and text her. He told Clare, ‘if I can’t have you, nobody will’. Having been charged with harassment, and pleaded guilty, he was released on bail ahead of sentencing. Shortly afterwards he shot Clare while she was at work in a London department store.<sup>123</sup>

Subsequently a number of flaws in the handling of the case were exposed. The police failed to complete a risk assessment form required in such cases and considered Pech

to pose a ‘low’ risk. After his release on bail they did not contact Clare to inform her of the release, in breach of police guidance. It was also revealed that Pech was allowed to travel without supervision to Slovakia after his release on bail, where he purchased a gun.<sup>124</sup>

In an equally harrowing case, Rana Faruqi was brutally stabbed to death by her former partner, Stephen Griffiths, in Buckinghamshire in 2003. After ending their relationship earlier in the year, Griffiths had stalked Rana for months – including spying on her at night and breaking into her home and photographing her. On her last visit to the police station, Rana reported that Griffiths had cut the brake pipes on her car. Just over a week later, Griffiths stabbed her to death with a hunting knife. After the arrest, police found in his car a ‘stalking kit’ consisting of a rope, chisel, crowbar, rat poison, syringe, axe, saw, knives and a truncheon – and books entitled ‘Stalker’ and ‘Unnatural Death’.<sup>125</sup>

### Responding to stalking cases

It is important that stalking is recognised as a serious and prevalent form of violence. The ACPO lead on stalking and harassment, ACC Garry Shewan, has acknowledged that in some cases there have been ‘poor responses’ from police to stalking incidents, and has stated that there is still further work to be done on this front.

Police must receive appropriate training on the issue of stalking to ensure that it is understood as a separate issue from domestic violence, albeit often with links. Progress has been made in terms of police training on domestic violence but there is now a need to ensure that this progress is extended to other forms of violence against women.

**We will ensure that all police recruits receive appropriate training in stalking.**

Another issue that has been raised is the recording of stalking and harassment as a separate crime. This is a proposal that we shall certainly consider further in the future.

### Restraining orders

The Domestic Violence, Crime and Victims Act 2004 made provision for the use of restraining orders to be extended to any offence, rather than only those committed under the Protection from Harassment Act 1997, as was previously the case. This provision, found in Section 12 of the Act, would have allowed restraining orders to be put in place in cases of domestic violence and stalking that did not fit the particular stipulations of the Protection from Harassment Act.

117 Andrea Finney, *Domestic violence, sexual assault and stalking: findings from the 2004/5 British Crime Survey*, Home Office, 2006, p2-3

118 Andrea Finney, *Domestic violence, sexual assault and stalking: findings from the 2004/5 British Crime Survey*, Home Office, 2006, p20

119 Andrea Finney, *Domestic violence, sexual assault and stalking: findings from the 2004/5 British Crime Survey*, Home Office, 2006, p7

120 Andrea Finney, *Domestic violence, sexual assault and stalking: findings from the 2004/5 British Crime Survey*, Home Office, 2006, p13

121 Sylvia Walby and Jonathan Allen, *Domestic violence, sexual assault and stalking: Findings from the British Crime Survey*, Home Office, 2004, p68

122 Lorraine Sheridan, *Key Findings*, University of Leicester/Network for Surviving Stalking, 2005

123 BBC News, 15th September 2005, <http://news.bbc.co.uk/1/hi/england/london/4248888.stm>

124 ‘Stalker murder: police face questions’, *The Observer*, 31 December 2006

125 ‘The life stealers’, *The Guardian*, 16 April 2005

This would have been an important step in protecting the victims of stalking. However, despite numerous Government promises that this crucial part of the Act would be brought into force during 2007, four years on from the original legislation Section 12 has still not come into force. The Government's target date of 1st July 2007 sailed by without anything happening. Women's charities and independent experts indicated their suspicions that this had been delayed because of the lack of capacity in prisons. Following pressure in Parliament from Conservatives, the Government was forced to admit that restraining orders had not been introduced because of 'the pressures on the prison population'.<sup>126</sup> Now well over a year late, the Government is still only committing to 'work...to agree a timetable for implementation' of Section 12.<sup>127</sup>

Extending the use of restraining orders could be an important part of giving greater assurance to domestic violence and stalking victims. We cannot allow important legislation to be pushed aside because the Government has failed to provide the prison places necessary. Our prison redevelopment plans will increase prison capacity by more than 5,000 places over and above Labour's plans, and **we will ensure that Section 12 of the Domestic Violence, Crime and Victims Act is implemented** so as to increase safety and protection for domestic violence and stalking victims.

## 9. 'Honour'-based violence

"Honour-based violence" is in many respects a difficult term. Some may object to the use of it at all. There is no honour, of course, in violence against women and there is nothing honourable in murdering or abusing a young girl, whatever the motivation. In using the term we must not in any way offer an excuse for violence, but rather indicate that the violence has occurred primarily due to misguided notions of honour which are prevalent in certain communities. The term is therefore useful, if unsatisfactory.

Furthermore, it is hard to define what exactly constitutes an act of 'honour'-based violence and what differentiates it from other forms of violence. There are obvious cross-overs with other issues covered in this report, and forced marriage and FGM could in particular be seen as acts of violence based on notions of honour. 'Honour'-based violence can also constitute murder, domestic violence, rape, or assault. Therefore, it is a cross-cutting term that touches on a range of other issues. However, it is right to consider 'honour'-based violence in and of itself due to the common factors

associated with it, whatever specific form of violence is manifested.

### 'Honour'

We must also recognise that 'honour' itself is a loose term that is defined by individual communities and will be different across community lines. Therefore, whilst never excusing violence against women or men, we must seek to understand the deep cultural issues that contribute to perceptions of honour and give rise in certain circumstances to 'honour'-based violence.

Firstly, we must be clear that this is not a religious issue; in fact, 'honour'-based violence has been recorded across religious communities. As District Judge Marilyn Mornington has commented, 'There has been a total lack of understanding of how deep the concepts of Izzat and honour dictate the lives of many people in our communities, particularly those of south Asian backgrounds. It has nothing to do with religion.'<sup>128</sup> However, it is a cultural issue specific to some communities and not others. Most honour killings known to have occurred in the UK appear to have taken place within South Asian communities, with many carried out by first-generation immigrants, although an increasing number are carried out by people born in Britain.<sup>129</sup>

A recent study noted five ways in which a woman might be perceived to have damaged a family's honour:<sup>130</sup>

1. Defying parental authority
2. Becoming 'western' in clothing, behaviour or attitude
3. Having sex or a close relationship before marriage
4. Using drugs or alcohol
5. Being the subject of unfavourable rumours or gossip

Whilst it is essential to stress that violence will only ever be inflicted by a minority within a community, this indicates that it is the women within the community that attempt to integrate in British society that could be most at-risk of violence. The Iranian and Kurdish Women's Rights Organisation (IKWRO) has said that 'honour' is 'a patriarchal ideology of oppression. Women who make autonomous decisions, particularly relating to their private lives, are believed to have brought 'shame' to their family. 'Honour' crime is performed with the intent of limiting the psychological and physical freedom of women'.<sup>131</sup>

Cases of 'honour'-based violence seen in the UK over recent years have featured victims including a woman found to be having an affair, a woman planning to marry a Christian, a woman who rejected an arranged marriage organised by her

126 Letter from Baroness Thornton to Baroness Hanham, 22 April 2008

127 Home Office, *National Domestic Violence Delivery Plan: Annual Progress Report 2007/8*, 2008, p35

128 Quoted in Home Affairs Committee, *Domestic violence, forced marriage and "honour"-based violence: Volume 1*, 2008, p27

129 Analysis in Brandon and Hefez, *Crime of the Community: honour-based violence in the UK*, Centre for Social Cohesion, 2008, p39

130 Brandon and Hefez, *Crime of the Community: honour-based violence in the UK*, Centre for Social Cohesion, 2008, p6

131 Quoted in Home Affairs Committee, *Domestic violence, forced marriage and "honour"-based violence: Volume 1*, 2008, p12

132 For example, 'Kurd who slit daughter's throat in "honour killing" is jailed for life', *The Guardian*, 30 September 2003

family, and a woman fleeing a violent relationship. In all of these cases, the woman in question was tragically killed.

### The scale of the problem

It is difficult to determine the extent of ‘honour’-based violence perpetrated each year in the UK. A commonly quoted figure is that around 12 women are thought to be victims of honour killings each year,<sup>132</sup> but the actual figure could be much higher. IKWRO, a small organisation based in London, dealt with 60 cases of individuals being threatened with death for reasons of honour in 2007, suggesting that national figures could be much higher than reported.<sup>133</sup>

Around 80-90% of people killed in ‘honour’-based violence are women.<sup>134</sup> Children of the victim are also known to have been targeted in some cases. Because ‘honour’ is a shared notion within specific communities it is not unlikely that women as well as men could be involved in perpetrating violence. Indeed, cases have been recorded of a mother or grandmother taking part in the murder of a woman thought to have brought dishonour on the family. Last year Bachan Athwal, a 70 year-old grandmother, was convicted of ordering the killing of her daughter-in-law, a ‘westernised’ woman who was thought to have brought dishonour on the family by asking for a divorce.<sup>135</sup>

Cases of women being taken abroad to be killed have also been seen, although it is unclear to what extent this occurs. One potential victim, a 16 year old British girl of Pakistani origin, has said: ‘My brothers say that they want to take me back to Pakistan so that they can kill me basically. They’ll just pay the police there to keep quiet. The police there are totally corrupt.’<sup>136</sup>

**It is essential that police are aware of the complex issues involved in ‘honour’-based violence and we will ensure that it is integrated into police training.**

## 10. Trafficking

We recently marked the 200th anniversary of the abolition of the slave trade, and rightly celebrated the work of Britain’s abolitionists and their role in ending the trans-Atlantic slave trade. Yet 200 years on, human trafficking – the modern slave trade – is as big a problem as it was in Wilberforce’s day.

The figures are stark: 800,000 people are trafficked across international borders each year and thousands more are

trafficked within their own country. Worldwide, around 12 million people are thought to be trapped in some form of forced labour, although some estimates state that this figure could be much higher. Overall, 80% of the victims of trafficking are women and girls.<sup>137</sup>

Trafficking victims face not only the trauma of being taken against their will and transported into a foreign country, but then most likely a variety of further abuses including forced labour, forced begging, involuntary servitude or sexual exploitation and prostitution. Tragically, many of the victims of trafficking find themselves as victims simply because they have been searching for a better life for them and their families. Traffickers ruthlessly trick women and children with promises of employment, marriage or education. Trafficking involves widespread and grave human rights abuses and remains a serious and prevalent form of violence against women.

### The scale of the problem in the UK

The UK is primarily a destination country for the victims of trafficking, with 4,000 women victims in the UK<sup>138</sup> – and this may be an underestimate. As the Home Office has stated, the evidence suggests that trafficking ‘*is not reducing in either scale or reach*’.<sup>139</sup> The Home Office estimates that the size of the human trafficking market in the UK in 2003 was £275 million,<sup>140</sup> and this is only likely to have increased. Ten years ago 85% of women in brothels were UK citizens – now the same percentage of women are from outside the UK.<sup>141</sup> Women are bought and sold every week in the UK with prices ranging from £500 to £8,000. A trafficker controlling a woman who works in an off-street brothel could earn around £1000 per week.<sup>142</sup>

Victims come from a variety of countries. The 84 victims discovered during a four month period in 2006, for example, came from 22 different countries, with most from Eastern Europe, China and South East Asia, Africa or Brazil.<sup>143</sup> Trafficking victims are likely to be subjected to physical and sexual abuse – in fact, 95% of trafficked women suffer physical or sexual violence.<sup>144</sup> The emotional effects can be as serious as the physical ones, to the extent that, in one study, around 40% of trafficked women said that they had suicidal thoughts even having entered a post-trafficking support service.<sup>145</sup>

The scale of the problem is clear and deserves serious attention across government. **A Conservative government will commit to strengthening coordination between relevant Government departments and SOCA, reinforcing the UKHTC, in order to ensure a coherent,**

133 Home Affairs Committee, *Domestic violence, forced marriage and “honour”-based violence: Volume 1*, 2008, p17

134 Brandon and Hefez, *Crime of the Community: honour-based violence in the UK*, Centre for Social Cohesion, 2008, p63

135 ‘Woman ordered honour killing of son’s wife’, *The Independent*, 27 July 2007

136 Quoted in Brandon and Hefez, *Crime of the Community: honour-based violence in the UK*, Centre for Social Cohesion, 2008, p54

137 Figures from US Department of State, *Trafficking in Persons Report 2008*, 2008, p7

138 Home Office/Scottish Executive, *UK Action Plan on Tackling Human Trafficking*, 2007, p14. The figure refers to Home Office research for the year 2003.

139 Home Office/Scottish Executive, *UK Action Plan on Tackling Human Trafficking*, 2007, p14

140 Home Office/Scottish Executive, *UK Action Plan on Tackling Human Trafficking*, 2007, p14

141 Joint Committee on Human Rights, *Human Trafficking*, HC 1127-1, p29

142 Home Office/Scottish Executive, *UK Action Plan on Tackling Human Trafficking*, 2007, p15

143 Home Office/Scottish Executive, *UK Action Plan on Tackling Human Trafficking*, 2007, p15

144 Zimmerman et al, *The Health of Trafficked Women: A Survey of Women Entering Posttrafficking Services in Europe*, American Public Health Association, Vol 98, No1, January 2008

145 Zimmerman et al, *The Health of Trafficked Women: A Survey of Women Entering Posttrafficking Services in Europe*, American Public Health Association, Vol 98, No1, January 2008

## joined-up approach.

Conservatives have been consistently calling for the Government to sign and ratify the Convention on Action Against Trafficking in Human Beings 2005. The Government responded to Conservative calls by signing the Convention in March 2007, but did not ratify it before it came into force in February 2008. Conservatives have continued to call on the Government to ratify the Convention which they finally did on 17th December 2008.

## Policing and border protection

Police operations to tackle trafficking have tended to be run on an ad hoc basis, as exemplified by the recent Pentameter 1 and 2 operations. These operations were coordinated campaigns to disrupt traffickers and rescue victims by targeting sex establishments. Although these operations were welcome they were limited in reach. Pentameter 1, which was launched in 2006, was only able to visit around 10% of the estimated number of UK sex establishments.<sup>146</sup>

Between them, the two Pentameter operations rescued 255 victims of trafficking.<sup>147</sup> For these 255 victims the operations were a huge and necessary success. But sadly this represents a relatively small fraction of the total number of people trafficked into the UK. We must step-up police action to disrupt trafficking and for this reason we will make Pentameter a permanent operation. Our approach will be to mainstream human trafficking as a core police priority, and we will ensure each police force and the LGA has a strategy for dealing with suspected victims of trafficking.

It is clear that we need stronger efforts to prevent traffickers from bringing people into the country in the first place. Our aim must be to stop traffickers at our borders before they inflict further suffering on their victims. This means that we must address the failure of our current system of border controls.

Experience tells us that specialisation of police services is effective in fighting different types of crime. We need to cut off the routes of people trafficking into the UK in order to deter traffickers from even attempting to bring people into the country. The Government's newly configured border service does not go far enough. By not including the police, the service has been deprived of any additional law enforcement or capacity. **A Conservative government will establish a UK Border Police Force.** In 2007, the Conservatives commissioned Lord Stevens to chair an advisory committee reviewing the appropriate model for a Border Police Force. Lord Stevens' report recommended that the new Border Police Force will need to provide 'increased

*action on...trafficking*'.<sup>148</sup> Establishing such a force is essential if we are to adequately protect our borders and get serious about stopping the scourge of human trafficking.

**We will also ensure that separate interviews take place at all airports for women and children travelling alone with an adult who is not a parent, guardian or husband, in order to identify potential victims of trafficking.**

## Prosecutions

Both trafficking for sexual exploitation and labour exploitation is outlawed by UK legislation. The Sexual Offences Act 2003 covers detailed trafficking offences for sexual exploitation, including trafficking into, within, and out of the UK. The Immigration and Asylum Act 1996, Asylum and Immigration (Treatment of Claimants etc) Act 2004 and Gangmasters (Licensing) Act 2005 cover labour exploitation, including forced labour and debt bondage.

The Home Secretary recently stated that in total 860 people have been arrested under the Pentameter police operations.<sup>149</sup> However, out of these, only 90 have been convicted for trafficking for sexual exploitation. Furthermore, over recent years there has been a significant reduction in the number of convictions for trafficking for sexual exploitation, decreasing by 66% from 2006 to 2008.<sup>150</sup> There have been only four convictions for trafficking for labour exploitation.<sup>151</sup> **A Conservative Government would reverse this trend, making human trafficking a prosecution priority.** In addition to prosecuting traffickers, we need to see a renewed focus on employers and those profiting from trafficking for forced labour.

## Protecting victims

When victims of trafficking are found they need protection and support. Reaching trafficked women with information that could be of help to them is not easy, but we must make sure that information is available for victims who might be in a position to benefit from it. **A Conservative government will establish a Helpline providing information for women who have been trafficked and for those who suspect exploitation.** This would instruct victims on the protection they should expect if they co-operate with criminal proceedings, and reassure them that they will not be immediately deported if they go to the police. As part of establishing the Helpline we will ensure that it is publicised through a poster campaign in brothels, ports, airports and train stations with the details in key languages.

We will also look at targeting potential 'consumers' and 'employers' through public campaigns in order to highlight

146 BBC News Online, <http://news.bbc.co.uk/1/hi/england/6459369.stm>

147 <http://press.homeoffice.gov.uk/press-releases/police-probe-trafficking>

148 Border Security Advisory Committee, *A Border Protection Service for the UK*, Conservative Party, 2008, p13

149 Jacqui Smith MP, *Hansard*, 19 Nov 2008, Column 586W, WA

150 Jacqui Smith MP, *Hansard*, 19 Nov 2008, Column 587W, WA

151 Alan Campbell MP, *Hansard*, 29 Oct 2008, Column 1091W, WA

the suffering caused by forced labour and prostitution.

The only notable organisation providing accommodation and support to the women victims of trafficking is Eaves, through the outstanding work of the Poppy Project, which they run. Funded by the Home Office, the Poppy Project has provided support to hundreds of trafficked women who have been forced into prostitution or have been sexually exploited. The Poppy Project has 35 beds in London and agreements with other hostages and refuges. As well as providing accommodation, the Project offers medical assessment, access to counselling services, education sessions, and other forms of assistance.

However, it is not clear that the expertise of the Poppy Project is being used to its full potential. In a six month period to February 2007, occupancy levels were consistently below 50% of maximum capacity and dropped as low as 37% at one point. This is due to the referral criteria placed on the Project by the Home Office, which, among other things, prevents anyone under the age of 18 from being accepted. The most vulnerable victims, children, are therefore excluded from this vital source of victim protection. Of the 431 referrals made to the Project during its first three years, they were able to offer support to 90, with the majority of the other referrals not meeting the criteria. This included 70 minors under the age of 18.<sup>152</sup>

We want to make full use of the Poppy Project's capacity.  
**A Conservative government will focus on making sure available places are fully used.**

**We will also revise the regulatory framework so that 16 to 18 year olds can be admitted to the Poppy Project** consistent with the regulation applicable to child protection and care.

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<sup>152</sup> Eaves, *Response to the consultation on proposals for a UK Action Plan on Tackling Human Trafficking*, 2006, p14

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