



Equality and
Human Rights
Commission

Submission to the Council of Europe Group of
Experts on Action against Violence against
Women and Domestic Violence

UK implementation of the Istanbul Convention: Baseline Evaluation

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Introduction

The Equality and Human Rights Commission (EHRC) is an independent statutory body and A-status National Human Rights Institution. It has a mandate covering equality in Great Britain, and human rights in England and Wales, as well as Scotland for issues reserved to the UK Parliament. We have a statutory duty to promote understanding and protection of human rights and to encourage good practice.¹ This includes a responsibility to assess and report on the UK's progress in upholding the human rights in the treaties it has chosen to ratify and to encourage ratification of relevant international human rights instruments.

This report is submitted to the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence ('GREVIO') to inform its baseline evaluation of the UK's implementation of the Convention on preventing and combating violence against women and domestic violence (the 'Istanbul Convention', also referred to as 'the Convention').

This baseline evaluation is taking place following the UK's ratification of the Istanbul Convention in July 2022. The Convention came into force in the UK in November 2022.² We welcome the important step of ratification. We also welcome the opportunity provided by the baseline evaluation to consider how violence against women and girls (VAWG) is being addressed in the UK, and where more can be done to improve implementation of the Convention.

¹ [Equality Act 2006, section 9\(1\)](#).

² [Council of Europe \(2022\), 'The United Kingdom ratifies the Istanbul Convention' \[accessed: 16 October 2023\]](#).

We have highlighted areas of strong implementation, as well as areas where we consider further progress to be required.

Throughout this report, we have reproduced the language from our sources to ensure accuracy. For example, we have generally used the term ‘victims’ to refer to women and girls who have experienced violence to replicate the language used in the Istanbul Convention. We have used other language, such as ‘survivor,’ where this matches the source to which we are referring.

Our report examines key issues under the four pillars of the Convention:³

- **coordinated policies** – including data collection and the strategic approach of the UK and Welsh Governments
- **prevention** – including school curricula and awareness-raising campaigns
- **protection** – including support services and issues related to migration and asylum
- **prosecution** – including the UK’s criminal law response to VAWG and experiences of the criminal justice system

³ Council of Europe (undated), [‘The Four Pillars of the Istanbul Convention’](#) [accessed: 30 October 2023].

We have also considered the implications of the UK's reservations to the Convention. On ratification, the UK government applied a reservation to Article 44(3), which relates to the ability to prosecute UK nationals or those with habitual residence in the UK for certain VAWG offences committed in other countries. It also applied a reservation to Article 59, which relates to victims whose residence status depends on that of their spouse or partner. These reservations mean that obligations to uphold these articles do not currently apply to the UK and, as such, the reservations are not formally assessed by GREVIO as part of this baseline evaluation process. However, we consider them to form an important part of the legal framework for addressing VAWG.

Overview of implementation

On ratification, the Istanbul Convention was described by the then Home Secretary as a 'gold standard' for protecting women and girls.⁴ Much of the basic institutional, legislative and policy infrastructure of the UK and Welsh governments reflect this standard. All offences established by Articles 33 to 40 are criminalised in the UK and, in many cases, there are multiple routes to prosecution. The UK and Welsh governments have both published strategies to address VAWG.

In this report, we focus on where enforcement of the law, implementation of policy and provision of services need to improve to drive progress on women's and girls' enjoyment of their fundamental right to live free from violence.

⁴ [UK Parliament \(2022\), 'Ratification of the Istanbul Convention: Statement made on 17 May 2022' \[accessed: on 16 October 2023\]](#).

Recent high-profile tragedies, as well as persistent low charging and prosecution rates for sexual offences, have created strong public demand for further action to address VAWG. For example, the UK government received an ‘unprecedented’ 180,000 responses to its call for evidence on tackling violence against women and girls in December 2020.⁵

The UK and Welsh governments have taken some significant steps to address VAWG, including passing the Domestic Abuse Act 2021, and criminalising emerging forms of VAWG, such as ‘cyberflashing’ (sending photos or film of genitals).

Both governments have also set targets to improve women and girls’ safety. While we welcome these targets, we think there is significant work to do to make them a reality for women and girls. As the Office for National Statistics’ (ONS) 2022 data showed, 82% of women in Great Britain feel ‘very or fairly’ unsafe walking alone at night in a park or other open space.⁶

Migrant victims of VAWG are in urgent need of further protection to ensure their right to equal treatment under the Convention is upheld (read chapters on 3 and 4 on protection and prosecution).

⁵ UK government (2021), [‘Tackling violence against women and girls strategy’](#) [accessed: 4 January 2024].

⁶ ONS (2022), [‘Perceptions of personal safety and experiences of harassment, Great Britain: 16 February to 13 March 2022’](#) [accessed: 4 January 2024].

Work must also be done to prioritise the prevention of VAWG, as well as responding to VAWG once it has taken place. Given evidence that interventions can work to prevent VAWG,⁷ we urge further ambition to reduce incidences.

More adult rape cases reaching court is welcome. However, we believe that further action is required to effectively respond to VAWG through the criminal justice system.

We encourage both governments to use this baseline evaluation process to strengthen their work to tackle VAWG.

Devolution and geographic scope of this report

The UK includes four nations and regions – England, Scotland, Wales, and Northern Ireland. Great Britain includes England, Scotland, and Wales. The UK Parliament is the supreme legislative body of the UK, but it has devolved various powers to the Scottish Parliament, the Welsh Parliament (Senedd) and the Northern Ireland Assembly. The UK Parliament maintains responsibility for policy matters that have not been devolved and for England. Non-devolved matters differ depending on the jurisdiction, but generally include immigration, social security and national security. The rest – including education, some employment issues, health, housing, culture, and transport – sit with the devolved institutions.

⁷ [Scottish Government \(2020\), 'Preventing violence against women and girls - what works: evidence summary' \[accessed: 4 January 2024\]](#).

The UK government is accountable for complying with the Istanbul Convention, and devolved governments are responsible for implementation relating to devolved matters. In line with our statutory mandate, we have considered both UK and Welsh government action. This submission covers England and Wales for all the thematic areas, and Scotland for those issues reserved to the UK Parliament. Our recommendations are aimed at the UK and Welsh governments, though they may also be relevant to other devolved administrations.

Chapter 1: Strategic/policy coordination

The Istanbul Convention aims to protect women and girls by preventing, prosecuting, and eliminating violence against women, including domestic violence, as described in Article(1a). The Convention recognises that cross-cutting infrastructure – from comprehensive data collection to coordinated action – is vital to fulfil this purpose.

Definitions

Article 3 of the Istanbul Convention sets out agreed definitions of violence against women,⁸ domestic violence, and gender-based violence against women. Consistent definitions can:

- facilitate good data collection
- support policy development
- ensure funding is directed appropriately

⁸ This Article also clarifies that girls under the age of 18 are included in the definition of ‘women’ and, as such, we will refer to violence against women and girls throughout this report.

Sections 1 to 3 of the Domestic Abuse Act 2021 introduced a statutory definition of domestic abuse.⁹ This was an important step to improve recognition of this form of VAWG and reflected the Convention in including children as victims of domestic abuse. Section 84(3) of the act also included some acknowledgment of the gendered nature of domestic abuse.¹⁰ The UK government did not adopt a formal definition of VAWG in its Tackling Violence against Women and Girls Strategy, instead stating that VAWG ‘covers a range of crimes, with the common theme that they disproportionately affect women and girls’.¹¹ Its Tackling Domestic Abuse Plan expanded on this summary with examples of VAWG.¹² We recommended in February 2021 that the UK government should adopt the comprehensive definition of VAWG set out in Article 3 of the Istanbul Convention, a recommendation they did not accept, in favour of a narrower definition.¹³

⁹ [Domestic Abuse Act 2021, Section 1 - 3.](#)

¹⁰ [Domestic Abuse Act 2021, Section 84\(3\).](#)

¹¹ [UK government \(2021\), ‘Tackling violence against women and girls strategy’, p. 20 \[accessed: 16 October 2023\].](#)

¹² [UK government \(2022\), ‘Tackling Domestic Abuse Plan’, p. 7 \[accessed: 11 December 2023\].](#)

¹³ [EHRC \(2021\), ‘Response to the Violence Against Women and Girls \(VAWG\) strategy call for evidence’ \[accessed: 30 January 2024\].](#)

Under Article 12(5) of the Istanbul Convention, the UK government is required to ensure that so-called ‘honour’ is not considered as a justification for any acts of VAWG as defined by the Convention. In July 2023, the UK Parliament’s Women and Equalities Committee (‘WEC’) found that ‘there is significant variation across statutory agencies in their understanding and response to cases of so-called honour-based abuse’.¹⁴ The WEC recommended that the UK government introduce a statutory definition of so-called honour-based abuse, finding that it would ultimately assist in bringing perpetrators to justice.¹⁵ The UK government rejected this because there is an existing non-statutory definition that is used by the Crown Prosecution Service (CPS) and the Home Office, but said they would keep this decision ‘under review’.¹⁶

Given evidence of variation across other agencies, and its obligations under Article 12(5), we recommend that the UK government revisit this decision. We think that a statutory definition is more likely to enable a consistent shared understanding across agencies, as well as having other benefits, such as improving data. We note that the UK government recognised these advantages in introducing a statutory definition of domestic abuse.

¹⁴ WEC (2023), [‘So-called honour-based abuse’](#), p. 22 [accessed: 16 October 2023].

¹⁵ WEC (2023), [‘So-called honour-based abuse’](#), p. 24 [accessed: 16 October 2023].

¹⁶ UK government (2023) [‘So-called honour-based abuse: Government response to the Committee’s Sixth Report’](#), p. 8 [accessed: 16 October 2023].

In Wales, Section 24 of the Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) (Wales) Act 2015 introduced a definition of domestic abuse, as well as definitions of gender-based violence and sexual violence for the purpose of the Act.¹⁷ In line with the Istanbul Convention, this definition of gender-based violence explicitly includes:

- forced marriage
- female genital mutilation (FGM)
- violence arising from values, beliefs or customs relating to gender or sexual orientation

Recommendations

The UK government should:

- reconsider the WEC's recommendation to introduce a statutory definition of so-called honour-based abuse to help ensure perpetrators of so-called honour-based VAWG are brought to justice

Prevalence of VAWG

Article 1 of the Istanbul Convention features the elimination of VAWG as one of the Convention's main purposes. The statistics presented below, which relate to the population of England and Wales unless specified, demonstrate that such violence continues at a significant level.

¹⁷ [Violence against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015, Section 24.](#)

Although we discuss specific groups, we recognise that many women have multiple, and intersecting, characteristics that impact their experiences.

In 2022/23, an estimated 1.4 million women aged 16 and over, and 751,000 men of the same age, experienced domestic abuse in the past year. This is a prevalence rate of approximately 6 in 100 women and 3 in 100 men. Due to a survey error, these estimates are based on eight months of survey data rather than a full year. As such, the ONS advise that 'caution should be taken when using these data because of the impact of the reduced data collection period on the quality of the estimates'.¹⁸

Robust analysis of the rate of domestic abuse against people with different protected characteristics, based on a full year of survey data, was last available in 2019/20. Although this analysis is now several years old, we have included it to highlight how prevalence can vary.

Some groups of women were more likely to have experienced domestic abuse in the past year. In 2019/20, women and girls aged 16 to 19 years were more likely to be victims than those aged 25 and over, and 14.7% of disabled women had experienced domestic abuse in the past year compared with 6.0% of non-disabled women.¹⁹

¹⁸ Office for National Statistics (ONS) (2023), '[Domestic abuse victim characteristics, England and Wales: year ending March 2023](#)' [accessed: 18 January 2024].

¹⁹ Office for National Statistics (ONS) (2021), '[Domestic abuse victim characteristics, England and Wales: year ending March 2020](#)' [Accessed: 18 January 2024].

Data shows that, for the year ending March 2020 to the year ending March 2022:²⁰

- 67.3% of the victims of domestic homicide were female, compared with non-domestic homicides where 87.8% of victims were male.
- In 241 of the 249 female domestic homicides, the suspect was male, and in most cases (74.7%) was a male and a partner or ex-partner

In relation to stalking, in 2022/23, an estimated 1,176,000 women and 591,000 men reported being victims in the past year. For an estimated 273,000 women and 223,000 men, this stalking was a form of domestic stalking.²¹

Public sexual harassment is common. Based on a general population survey in early 2022, 15% of females aged 16 and over and 2% of males in Great Britain stated that they had experienced catcalls; whistles; unwanted sexual comments; or jokes from a stranger in a public place in the past year.²²

²⁰ Office for National Statistic (ONS) (2023), [‘Domestic abuse victim characteristics, England and Wales: year ending March 2023’](#) [accessed: 18 January 2024].

²¹ ONS (2023), [‘Stalking: Findings from the Crime Survey for England and Wales \(CSEW\) year ending March 2023’](#) [accessed: 18 January October 2024]. These statistics are based on eight months data, and as stated above, caution should be taken when using this data.

²² ONS (2022), [‘Perceptions of personal safety and experiences of harassment, Great Britain’](#) [accessed: 6 November 2023].

Other data showed that between October 2022 and March 2023, in England and Wales, 13% of women and 7% of men had experienced some form of harassment in the past year. This difference is largely driven by women experiencing more sexual harassment than men.²³

In 2021/22, an estimated 798,000 women aged 16 years and over, and 275,000 men had experienced sexual assault (including attempts) in the past year. This equates to around 3 in 100 women and 1 in 100 men. Women are more likely than men to be victims of each type of sexual assault. These estimates are only based on six months of survey data collected between October 2021 and March 2022. As such, the ONS again advise caution when using this data.²⁴

Robust analysis of the rate of sexual abuse against people with different protected characteristics based on a full year of survey data was last available in 2019/20. Although this analysis is now several years old, we have included it to highlight how prevalence can vary. In 2019/20, women aged 16 to 24 were more likely than older women to have been victims of sexual assault in the past year, as were disabled women. Black or Black British and Mixed ethnic groups were significantly more likely than those in the White, Asian, or Other ethnic groups to have experienced sexual assault within the last year.²⁵

²³ ONS (2023), [‘Experiences of harassment in England and Wales: December 2023’](#) [accessed: 18 January 2024].

²⁴ ON (2023), [‘Sexual offences victim characteristics, England and Wales: year ending March 2022’](#) [accessed: 18 January 2024].

²⁵ ONS (2020), [‘Sexual offences victim characteristics, England and Wales: year ending March 2020’](#) [accessed: 26 October 2023].

Data from the year ending March 2018 to the year ending March 2020 showed an estimated 121,000 women experience rape in England and Wales each year, compared with 7,000 men. 103,000 women are victims of assault by penetration each year, compared with 16,000 men.²⁶ These two categories are distinct in UK criminal law.

Some women are more likely to have experienced these offences, including those who are young, disabled, lesbian, gay and bisexual, single or divorced, or who have no religion.²⁷

In the years ending March 2017 and March 2020 combined, the overwhelming majority of victims who had experienced rape or assault by penetration since they were 16 years old reported that the perpetrator(s) were male (98%).²⁸

²⁶ ONS (2021), [‘Sexual offences prevalence and victim characteristics, England and Wales: year ending March 2020 - Appendix Tables’](#) [accessed: 19 December 2023] More recent estimates are not available.

²⁷ ONS (2021), [‘Percentage of adults aged 16 to 74 years who were victims of rape or assault by penetration \(including attempts\) in the last year, by personal and area characteristics, by sex, year ending March 2018 to year ending March 2020 combined’](#) [accessed: 26 October 2023].

²⁸ ONS (2021), [‘Nature of sexual assault by rape or penetration, England and Wales: year ending March 2020’](#) [accessed: 16 November 2023]. More recent estimates are not available.

The UK government Forced Marriage Unit is responsible for policy, outreach and casework relating to forced marriage in England and Wales. In 2022, the unit gave advice and support in 297 cases of possible forced marriage and 5 cases of possible FGM.²⁹ The majority of the victims (78%) were in the UK at the time of referral, and the majority of the victims (78%) were female. Forced marriage disproportionately affects women and is considered a 'hidden crime', meaning these figures will not reflect the full scale of the abuse.³⁰

There is no robust measurement of the prevalence of FGM in England and Wales. However, since October 2015, the National Health Service (NHS) has required all clinicians to record when a patient with FGM is identified in England.³¹ Since this data collection began, FGM reports have been made about 33,620 individual women and girls.³²

The specifics of FGM reporting differ in Wales. The Wales Violence Prevention Unit analyses data on FGM reporting. They have informed us that, between 1 January 2022 and 31 December 2022, 114 women living in Wales reported that they had experienced at least one incident of FGM.³³

²⁹ UK government (2023), '[Foced Marriage Unit statistics 2022](#)'. [accessed: 30 October 2023].

³⁰ UK government (2023), '[Foced Marriage Unit statistics 2022](#)', section 1 [accessed: 30 October 2023]

³¹ NHS Digital (2022), '[Female Genital Mutilation \(FGM\) Enhanced Dataset, Data Quality Statement](#)', p. 4 [accessed: 17 November 2023].

³² NHS Digital (2022), '[Female Genital Mutilation, Annual Report - April 2022 to March 2023 \(experimental statistics report\)](#)' [accessed: 8 January 2024].

³³ Data provided by the Wales Violence Prevention Unit.

We recognise that some women and girls experience instances of VAWG that are also hate crimes motivated by other protected characteristics, such as sexual orientation. Hate crime data is not disaggregated by sex, so we cannot cite figures on this overlap.

Specific data on trans women's experience of violence is not available at present from the ONS. However, in the year ending 2020, individuals whose gender identity is different from their sex registered at birth (trans or transgender) were significantly more likely to have been a victim of crime (excluding fraud).³⁴ Estimates of the likelihood of being a victim of crime for trans or transgender people are based on a small number of trans survey respondents of 63 and are therefore subject to lower reliability.

³⁴ ONS (2020), '[Crime in England and Wales: year ending March 2020](#)' [accessed: 16 November 2023].

In January 2023, the UK government's Serious Violence Duty came into effect.³⁵ This duty places a legal requirement on a range of public sector organisations to collaborate to prevent and reduce serious violence, which can include domestic abuse and sexual offences. The UK government published statutory guidance on this duty in December 2022,³⁶ which references the Public Sector Equality Duty (PSED) and the need for organisations to monitor the impact of their work on those with protected characteristics.³⁷ However, the guidance does not require organisations to consider the greater risk of certain protected characteristic groups experiencing domestic abuse and sexual offences.

Through our monitoring of local authorities, we found that many are not linking the PSED to their work on VAWG. This includes not considering the different protected characteristics of the people who may experience VAWG.

³⁵ UK government (2022), [‘Efforts to tackle serious violence and homicide stepped up’](#) [accessed: 7 November 2023].

³⁶ UK government (2022), [‘Serious Violence Duty Preventing and reducing serious violence: Statutory Guidance for responsible authorities’](#) [accessed: 7 November 2023].

³⁷ Under the [Equality Act 2010](#), it is against the law to discriminate against someone because of a protected characteristic. The nine protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Local authorities that do not robustly consider the PSED when making decisions run the risk of not understanding or meeting the needs of the people who most need their services. A 2008 legal case supported by the EHRC illustrates the need to do so: in this case, the Court determined that Ealing Council had not properly considered the equality implications of changing its funding programme for VAWG services.³⁸ A central concern was that moving to a generic funding model for all women would impact negatively on the specialist services in the borough for ethnic minority women.

All women and girls can experience VAWG, but, as Article 12(3) requires, preventative measures should ‘address the specific needs of persons made vulnerable by particular circumstances’.

Recommendations

The UK government should:

- consider amending its Serious Violence Duty statutory guidance to require that organisations fulfilling their PSED duties consider the greater risk that certain protected characteristic groups will experience domestic abuse and sexual offences, including a specific focus on where multiple characteristics place people at greater risk (for example, disabled women, young women, Black or Black British and Mixed ethnic women, and lesbian, gay and bisexual women)

³⁸ R (on the application of Kaur and Shah) v London Borough of Ealing

Police-perpetrated VAWG

Under Article 5, the UK government must not engage in any act of VAWG. It must also ensure that those acting on behalf of the state, including the police and other public bodies, do not engage in any act of VAWG. The EHRC has profound concerns about the prevalence of police-perpetrated VAWG in England and Wales, which represents a failure to implement the Convention.

The National Police Chief's Council's March 2023 report found that, in the six months between October 2021 and March 2022 there were 1,483 unique allegations of VAWG recorded against 1,539 members of the police workforce in England and Wales.³⁹ This represents 0.7% of the total workforce employed on 31 March 2022. The Council noted that higher actual levels are 'highly likely' due to underreporting.

In recent years, there have been several high-profile cases of police-perpetrated VAWG, which the UK government recognises as undermining the nature of what it means to serve in the police.⁴⁰

³⁹ National Police Chief's Council (March 2023), '[Tackling Violence Against Women and Girls – Policing Performance and Insights Publication](#)', p. 8 [accessed: 1 December 2023].

⁴⁰ UK government (2022), '[Home Office response to recommendations: Centre for Women's Justice super-complaint](#)' [accessed: 26 October 2023].

David Carrick was sentenced to life in prison in February 2023 for numerous VAWG offences, including multiple instances of rape against 12 women perpetrated while he was a police officer. As the Judge remarked during sentencing, Carrick's position gave him 'exceptional powers to coerce and control.'⁴¹ In March 2021, Wayne Couzens kidnapped, raped, and murdered Sarah Everard while he was a serving officer. He was given a whole life sentence for his crimes, partly in recognition of the use of police status to detain Sarah Everard.⁴²

The Centre for Women's Justice submitted a police super-complaint in March 2020 on failures to address police-perpetrated domestic abuse.⁴³ The police super-complaints system allows designated organisations to raise issues on behalf of the public about harmful patterns or trends in policing. An investigation into this super-complaint identified 'systemic deficiencies' in the response to cases of police-perpetrated domestic abuse in England and Wales, causing 'significant harm' to the public interest.⁴⁴

⁴¹ Courts and Tribunals Judiciary (2023) '[Rex v David Carrick Sentencing Remarks](#)', p. 1 [accessed: 16 October 2023].

⁴² Metropolitan Police (undated) '[Our response to issues raised by the crimes of Wayne Couzens](#)', p. 7 [accessed: 16 October 2023].

⁴³ Centre for Women's Justice (2020), '[Super-complaint by Centre for Women's Justice: Failure to address police perpetrated domestic abuse](#)' [accessed: 16 October 2023].

⁴⁴ His Majesty's Inspectorate of Constabulary and Fire & Rescue Service (2022), '[Police must improve how they respond to domestic abuse allegations against officers and staff](#)', p. 6 [accessed: 16 October 2023].

In October 2021, the UK government established an independent inquiry ('the Angiolini Inquiry') in the wake of Sarah Everard's murder, which is due to begin reporting in early 2024.⁴⁵ It will be critical that the findings are addressed in a robust and transparent way.

In February 2022, Baroness Louise Casey was commissioned to undertake an independent review of the Metropolitan Police Service. 'The Met' is responsible for policing in Greater London and was the police force in which Wayne Couzens served. Baroness Casey's review described 'complacency' in relation to police-perpetrated VAWG. Her final report noted that an 'overwhelming majority' of misconduct cases where domestic abuse is a factor result in no formal action.⁴⁶

⁴⁵ UK government (2021) '[Inquiry launched into issues raised by Couzens conviction](#)' [accessed: 16 October 2023].

⁴⁶ Baroness Casey (2023) '[Final Report: An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service](#)', pp. 277 – 278 & p. 280 [accessed: 16 October 2023].

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) carried out an inspection on police vetting, misconduct, and misogyny, with findings published in November 2022. The inspection concluded that it is too easy for the wrong people to join and stay in the police.⁴⁷ In May 2023, HMICFRS published a rapid review of progress: while there had been improvements, not all police forces demonstrated acceptable progress.⁴⁸ Cases for concern were found, including where an applicant was granted clearance for a job despite a history of allegations of domestic abuse against several partners.

In August 2023, the UK government announced changes to the rules governing police officers' disciplinary, vetting and performance processes, including making police chiefs responsible for chairing misconduct hearings for their own officers.⁴⁹ This change intends to increase their accountability for their forces, but the Domestic Abuse Commissioner has raised concerns that independence should be prioritised instead.⁵⁰

⁴⁷ His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (2022) '[An inspection of vetting, misconduct, and misogyny in the police service](#)', p. 3 [accessed: 16 October 2023].

⁴⁸ His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (2023) '[Vetting, misconduct and misogyny in the police service: review of progress](#)', p. 1 [accessed: 16 October 2023].

⁴⁹ UK government (2023) '[Government to make it easier to sack rogue police officers](#)' [accessed: 16 October 2023].

⁵⁰ Domestic Abuse Commissioner (2023), '[Domestic Abuse Commissioner responds to Metropolitan Police investigations into more than 1,600 police officers and staff](#)' [accessed 30 January 2024].

A September 2023 update from the Met in September reveals the scale of the challenge to reform police standards.⁵¹ In comments accompanying the update, the Met's Deputy Commissioner revealed that almost 1,000 officers are currently suspended or on restricted duties, equivalent to almost 1 in 34 officers, and that 450 are being investigated for historic allegations of sexual or domestic violence.⁵²

The Domestic Abuse Commissioner has made several recommendations to strengthen the Criminal Justice Bill's response to police-perpetrated VAWG.⁵³ The Domestic Abuse Commissioner recommends a provision to remove warrant cards, used to prove police identity and authority, from police officers who are under investigation for crimes relating to violence against women and girls. Given recent cases where these powers have been used to abuse women and girls, and the severity of cultural challenges in the police, we consider this a necessary change. The Domestic Abuse Commissioner also recommends creating a list of specific offences that would constitute gross misconduct, including certain kinds of VAWG. At present, being found guilty of VAWG offences does not constitute automatic grounds for dismissal from policing. The UK government have announced plans to introduce a list of offences that would automatically amount to gross misconduct on conviction,⁵⁴ but no further details, including timeline, have been published.

⁵¹ [Metropolitan Police \(2023\), 'The Met updates on the largest reform of culture and standards in decades' \[accessed 24 October 2023\]](#).

⁵² [BBC News \(2023\), '1,000 Met Police officers suspended or on restricted duties' \[accessed 24 October 2023\]](#).

⁵³ [Domestic Abuse Commissioner \(2023\), 'Briefing from the Domestic Abuse Commisisoner for England and Wales. Criminal Justice Bill: Second reading', pp. 3 - 4 \[accessed 1 December 2023\]](#).

⁵⁴ [UK government \(2023\), 'Criminal Justice Bill: Explanatory notes', p. 30 \[accessed: 14 December 2023\]](#).

Recommendations

The UK government should:

- respond publicly to forthcoming Angiolini Inquiry reports and publish regular updates on the implementation of any actions
- implement the Domestic Abuse Commissioner's recommendations to tackle police-perpetrated VAWG, including the removal of warrant cards from police officers who are under investigation for crimes relating to VAWG, and statutory recognition that VAWG convictions should automatically constitute gross misconduct

Strategic approach to VAWG

Under Article 7, the UK must implement state-wide effective, comprehensive, and coordinated policies that place the rights of victims of VAWG at their centre.

The UK government published a cross-government Tackling Violence Against Women and Girls Strategy in July 2021.⁵⁵ Aligned with pillars of the Istanbul Convention, it is focused on:

- supporting victims
- tackling perpetrators
- preventing VAWG

⁵⁵ UK government (2021), '[Tackling violence against women and girls strategy](#)' [accessed: 16 October 2023].

The UK government reports that this strategy is overseen by the Home Secretary and a Ministerial-led Oversight Group, including ‘ministers from across government’. The group does not report publicly on its activity and decisions, which limits its transparency and accountability.

We welcome the UK government's commitment to a cross-government approach to VAWG. There are strong links between different VAWG policy areas, such as housing, health and social care, and immigration. All government departments should work together to eliminate VAWG. Regular public action plans would ensure clearer accountability for cross-government action.

The UK government appointed Nimco Ali as Tackling Violence Against Women and Girls Adviser in October 2020 to advise on its VAWG strategy.⁵⁶ However, the post has been vacant since December 2022, following Nimco Ali's resignation,⁵⁷ and no information has been published about plans to fill the vacancy.

A complementary cross-government Tackling Domestic Abuse Plan was published in March 2022 to provide further detail about the government's work to address this specific form of VAWG.⁵⁸ We welcome the online Domestic Homicide Review Library, established in line with the Plan, to improve understanding of these crimes. This is an online database to let members of the public view domestic homicide review documents.

⁵⁶ [UK government \(2020\), ‘FGM campaigner Nimco Ali appointed as Tackling Violence Against Women and Girls adviser’ \[accessed: 23 October 2023\]](#)

⁵⁷ [BBC News \(2022\), ‘Nimco Ali: Adviser to step down to avoid serving under Braverman’ \[accessed 30 October 2023\]](#).

⁵⁸ [UK government \(2022\), ‘Tackling Domestic Abuse Plan’ \[accessed: 16 October 2023\]](#).

This domestic abuse plan follows the passing of the Domestic Abuse Act 2021, termed by the UK government as a ‘landmark’ piece of legislation to transform the response to domestic abuse.⁵⁹ This act included positive reforms, including in relation to accommodation-based support services (read chapter 3 on protection). It also provided the office of the Domestic Abuse Commissioner with powers to hold local commissioners, agencies, and government to account. We were disappointed that the UK government did not create a ‘VAWG and Domestic Abuse Commissioner’ to ensure a comprehensive response to VAWG in line with its obligations under Article 7. Without this remit, other forms of VAWG do not have the support of the Domestic Abuse Commissioner Commissioner’s statutory powers to ensure accountability for progress. We also discuss the expansion of the Domestic Abuse Commissioner’s role on page 83.

⁵⁹ UK government (2022), [‘Domestic Abuse Act 2021: overarching factsheet’](#) [accessed 31 October 2023].

The VAWDASV (Wales) Act 2015 is the framework that influences the Welsh's Government VAWDASV strategy and requires a public health approach to address the causes of these crimes. The Act's aims are aligned with the devolved aspects of the Istanbul Convention.⁶⁰ As required by Section 11, national indicators to measure progress towards these aims were first published in 2019.⁶¹ In May 2022, the Welsh Government published its second VAWDASV strategy under the act for 2022 to 2026.⁶² This strategy included a commitment to review the national indicators.⁶³ The Welsh Government is yet to publish the result of this work and has provided no timeframe, which has been criticised by Welsh Women's Aid for preventing effective assessment of government action.⁶⁴ We made recommendations on the development of the indicators in our VAWDASV strategy consultation response.⁶⁵

⁶⁰ [Violence against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015, Section 1.](#)

⁶¹ [Welsh Government \(2019\), 'Violence Against Women, Domestic Abuse and Sexual Violence \(VAWDASV\) National Indicators for Wales'.](#) [accessed: 16 October 2023].

⁶² [Welsh Government \(2022\), 'Violence against women, domestic abuse and sexual violence: strategy 2022 to 2026'.](#) [accessed 30 October 2023].

⁶³ [Welsh Government \(2019\), 'National Indicators for Wales'.](#) [accessed 30 January 2024].

⁶⁴ [Welsh Women's Aid \(undated\) 'Welsh Women's Aid Response: The public health approach to preventing gender-based violence', p. 4](#) [accessed: 16 October 2023].

⁶⁵ [EHRC \(2022\), 'Response to the Welsh government consultation on the refresh of the Violence Against Women, Domestic Abuse and Sexual Violence Strategy'](#) [accessed: 12 December 2023].

The second VAWDASV strategy is overseen by a Welsh Government Ministerial-led National Partnership Board, which we welcome. The Welsh Government has also introduced a working group of people with lived experience of VAWDASV to develop policy advice and provide scrutiny for delivery.

In March 2023, the Welsh Government published a High-Level Programme Implementation Plan which provides detail on the implementation of its second VAWDASV strategy.⁶⁶ The plan uses a Blueprint structure, meaning that organisations from devolved and non-devolved contexts (including education, health, housing and crime) work together to deliver on shared thematic workstreams. The Welsh Government acknowledges that thematic workstreams will overlap and notes that work is taking place to ensure collaboration, but no information has been published about this.

The similarity between the objectives of the Welsh Government's first and second VAWDASV strategies suggests recognition that there is still work to do in these areas. Furthermore, the Welsh Government did not publish any comprehensive information on progress against its 2019 indicators. We consider that a greater focus on delivery and transparency is required.

The Welsh Government published its Anti-Racist Wales Action Plan (ArWAP) in June 2022.⁶⁷ The ArWAP includes work related to VAWG, such as an action aiming to reduce domestic abuse or exploitation experienced by migrants.

⁶⁶ [Welsh Government \(2023\), 'Violence against women, domestic abuse and sexual violence: blueprint high level action plan'](#) [accessed: 14 February 2024].

⁶⁷ [Welsh Government \(2022\), 'Anti-Racist Wales Action Plan'](#) [accessed: 18 December 2023].

The VAWDASV (Wales) Act includes a requirement that the Welsh Government appoint a National Adviser for VAWDASV.⁶⁸ This is an important role, as the Domestic Abuse Commissioner only has jurisdiction over reserved matters in Wales.⁶⁹ However, the National Adviser role does not have comparable statutory powers or resources attached. This leaves gaps relating to important devolved issues relevant to VAWG, such as local government and health. The Welsh Government has noted plans to work collaboratively with the Domestic Abuse Commissioner on a shared agenda.⁷⁰

Neither the UK nor the Welsh governments' strategies on VAWG directly integrate hate crime. A hate crime is a criminal offence motivated by hostility or prejudice based on a person's actual or perceived race, religion, disability, sexual orientation, or transgender identity. Following a Law Commission review, the UK government agreed that misogyny should not be made a hate crime in England and Wales. We recognise the challenges in designating misogyny a hate crime.

Many women and girls experience VAWG that is a hate crime related to other protected characteristics, including lesbian, bisexual and trans (LBT) victims; disabled women; and those from ethnic minority groups.

⁶⁸ [Violence against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015, Section 20.](#)

⁶⁹ Domestic Abuse Commissioner (2023), '[Strategic Plan](#)', p.9. [accessed: 30 October 2023].

⁷⁰ Welsh Government (2022), '[Violence against women, domestic abuse and sexual violence: strategy 2022 to 2026](#)'. [accessed 30 October 2023].

To be effective, the UK and Welsh governments' response to VAWG must recognise the interconnected and gendered nature of all forms of VAWG, as well as the intersecting forms of disadvantage and violence that women and girls who share protected characteristics may face.

Recommendations

The UK government should:

- ensure regular public reporting on the activity and decisions of the Tackling VAWG Strategy's Ministerial-led Oversight Group to ensure accountability for delivery on the UK government's commitments
- require all government departments to publish clear annual action plans and timetables for their delivery of work to address VAWG

The Welsh Government should:

- ensure the cross-government blueprint approach is reflected at local and regional levels with measurable outcomes across national and regional government. As such, it should publish new indicators to effectively measure progress of the current VAWDASV strategy without delay

Coordinated implementation of treaty obligations

Under Article 10, the UK government has a duty to designate one or more official bodies to:

- coordinate
- implement
- monitor
- evaluate policies and measures to prevent and combat VAWG

The UK's report to GREVIO notes that the Home Office, the lead department in the UK government for VAWG, has been given all these responsibilities.⁷¹

Given that the UK has designated a single body to coordinate both the implementation and the evaluation of obligations under the Istanbul Convention, we consider it important that there is regular, transparent reporting of this work to ensure accountability.

Activities undertaken under Article 10 of the Istanbul Convention would benefit from integration into a mechanism that oversees the implementation of the UK's human rights obligations, and the recommendations it receives, to increase accountability. This is because Istanbul Convention obligations overlap with the UK's other obligations under international law, including in the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. At present, responsibility for implementing international human rights obligations is held across several government departments, including the Ministry of Justice, the Department for Education and the Cabinet Office.

⁷¹ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2023), ['Report submitted by the United Kingdom pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence \(Baseline Report\)'](#), p. 6 [accessed: 16 October 2023].

We have observed a lack of join-up between teams reviewing implementation of these obligations, and those taking action on relevant policy areas. Coordinating action on obligations may reduce risks of inefficiency or of issues not being addressed adequately. It might also highlight new opportunities to improve human rights compliance, including with the Istanbul Convention. We agree with the drafters of the Convention that implementation of Article 10 should lead to more focused efforts from all relevant bodies,⁷² and therefore to progress for women and girls.

As such, a formal national mechanism for implementation, reporting and follow-up of human rights treaty obligations is likely to ensure a more effective approach to engaging with human rights reviews.

⁷² Council of Europe (2011), ['Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence'](#), para 70 - 71 [accessed: 4 January 2024].

The recommendation to establish such a mechanism is supported by the UK Parliament's WEC and others,⁷³ but has been rejected by the UK government because it considers existing coordination mechanisms – which sit across various departments – satisfactory.⁷⁴ Research commissioned by the Welsh Government, and published in August 2021, recommended embedding human rights into all policy and strategic planning processes.⁷⁵ Although the Welsh Government accepted the recommendation, it did not commit to establishing a mechanism for monitoring and reporting.⁷⁶ The UK government has not addressed calls for more action; for example, they have not published implementation plans or updates on recommendations.

Recommendations

The UK and Welsh governments should:

- reconsider their decision not to establish a formal mechanism for implementation, reporting and follow-up to action the recommendations deriving from international human rights obligations, including the Istanbul Convention

⁷³ WEC (2021), '[Levelling up and equality: a new framework for change](#)', p. 24 [accessed: 9 March 2022].

⁷⁴ WEC (2021), '[Levelling up and equality: a new framework for change: Government response to the Committee's first report](#)', p. 16 [accessed: 9 March 2022].

⁷⁵ Hoffman, S. et al (2021), '[Strengthening and advancing equality and human rights in Wales](#)', p. 127 [accessed: 11 July 2022].

⁷⁶ Welsh Government (2022), '[Strengthening and advancing equality and human rights in Wales research report: Welsh Government response](#)', pp. 4 - 5 & p.13 [accessed: 26 October 2023].

Gaps in disaggregated VAWG data and research

Article 11 of the Istanbul Convention creates obligations to collect regular, disaggregated evidence on all forms of VAWG and to support research into its causes, effects, incidence, and conviction rates.

Data on prevalence

The annual Crime Survey for England and Wales (CSEW) provides a robust measure of the rates of violent crime, domestic abuse and sexual offences for most adults living in England and Wales. The ONS typically publishes annual reports on topics including sexual offences, rape offences, and domestic abuse. Providing data and analysis of both trends and disaggregation by some protected characteristics. We welcome the questionnaire development which is taking place to improve the questions on domestic abuse and sexual offences.⁷⁷

There is no robust and current measure of the prevalence of child abuse in the UK (meaning abuse of those under 18). Following a successful feasibility study conducted by the ONS between 2021 and 2022,⁷⁷ there is a stated ambition to pilot a new child abuse survey in 2024/2025. The retrospective questions that measure adults' experience of abuse during childhood in the CSEW have also been redeveloped.⁷⁸

⁷⁷ ONS (2023), [‘Violence against women and girls: research update November 2023’](#) [accessed: 1 December 2023].

Data on police recorded crime, prosecutions, and convictions

Data on police-recorded crime is published quarterly,⁷⁸ and this can be disaggregated by type of crime and police force area. In general, publicly available data is not available by victim sex, age, or other protected characteristics, though for domestic abuse this analysis is published.⁷⁹

The CPS management information data is published quarterly and in an annual VAWG data publication.⁸⁰ Data covers prosecutions, police referrals and charging rates for a range of offences, including domestic abuse and rape. Victims' age and sex data is published. However, some data was missing in the 2022/23 dataset. Other data on victims' characteristics, including protected characteristics, is not available.

⁷⁸ UK government (undated), '[Police recorded crime and outcomes open data tables](#)' [accessed: 18 December 2023].

⁷⁹ Office for National Statistics (ONS) (2023), '[Domestic abuse prevalence and victim characteristics](#)' [accessed: 22 January 2024]

⁸⁰ CPS (undated), '[CPS quarterly data summaries](#)' [accessed: 18 December 2023].

Data on so-called honour-based abuse offences that were recorded by the police in England and Wales have been collected by the Home Office since April 2019. In 2022/23, 2,905 so-called honour-based abuse offences were recorded by police forces in England and Wales: 84 were FGM offences and 172 were forced marriage offences.⁸¹ As victims can be reluctant or unable to report, this data is likely to only represent a small proportion of offences committed. We welcome the fact that the Home Office has commissioned the University of Birmingham to conduct a feasibility study. This will assess if and how estimates for the prevalence of forced marriage and FGM could be produced for England and Wales.⁸²

We welcome the funding for research and evaluation outlined in the UK government's state report.⁸³ We also welcome the research conducted as part of the UK government's review of the criminal justice response to rape and serious sexual offences (the 'Rape Review'), discussed in more detail in chapter 4 on prosecution.⁸⁴

⁸¹ Home Office (2023), ['Statistics on so called 'honour-based' abuse offences, England and Wales, 2022 to 2023'](#) [accessed: 18 December 2023].

⁸² Foreign, Commonwealth and Development Office, and Home Office (2023) ['Forced Marriage Unit statistics 2022'](#) [accessed: 18 December 2023].

⁸³ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2023), ['Report submitted by the United Kingdom pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence \(Baseline Report\)'](#), pp. 6 – 7 [accessed: 16 October 2023].

⁸⁴ Read, for example, National Police Chief's Council (undated), ['Operation Soteria – Transforming the Investigation of Rape'](#) [accessed: 23 October 2023].

We welcome the Welsh Government establishing the Equalities, Race and Disability Evidence Units.⁸⁵ The National Partnership Board under the current national VAWDASV strategy must ensure the collection of comprehensive, comparable, and disaggregated data on VAWG across government bodies and organisations in the sector. Currently, data is not collated consistently, leading to data gaps, including around prevalence.⁸⁶

Recommendations

The UK government should:

- improve data on police-recorded crime, outcomes, and CPS performance to include good quality data on VAWG victims' protected characteristics, then publish and demonstrate use of this data to inform policymaking

The Welsh Government should:

- encourage collaboration with UK partners to improve data on police-recorded crime, outcomes, and CPS performance to include VAWG victims' protected characteristics, and encourage, and demonstrate where relevant use of this data to inform policymaking

⁸⁵ Welsh Government (2022) ['Equality, Race and Disability Evidence Units Strategy'](#) [accessed: 16 October 2023].

⁸⁶ Wales Audit Office (2019), ['Progress in implementing the Violence Against Women, Domestic Abuse and Sexual Violence Act'](#), p. 6 [accessed: 19 December 2023] ; Wales Centre for Public Policy (2020), ['Domestic Abuse Interventions in Wales Policy Briefing'](#), p. 24 [accessed: 19 December 2023].

Chapter 2: Prevention

Both the UK and the Welsh governments have strong stated ambitions for preventing VAWG. The UK government aims to be a 'world leader',⁸⁷ while the Welsh Government is focused on becoming the 'safest place the world to be a woman'.⁸⁸ While we welcome these ambitions, we think there is significant work to do to make them a reality for women and girls.

Sexual harassment and sexism in the workplace

Under Article 12, the UK has a duty to take all measures to prevent VAWG and to promote social and cultural changes with the aim of removing prejudices and all practices based on a perceived inferiority of women or on stereotyped roles.

⁸⁷ UK government (2021), '[Tackling violence against women and girls strategy](#)' [accessed 1 November 2023].

⁸⁸ Welsh Government (2022), '[Violence against women, domestic abuse and sexual violence: strategy 2022 to 2026](#)' [accessed 1 November 2023].

Despite existing legal protections, sexual harassment remains prevalent in workplaces. The EHRC's 2018 *Turning the Tables* report discussed evidence on workplace sexual harassment.⁸⁹ Some employees viewed harassment by third parties as a 'normal' part of the job, particularly for women working in customer-facing roles. Data from a 2020 UK-wide survey on sexual harassment experiences found that women were significantly more likely (50%) to worry about sexual harassment where they worked or studied than men (39%), and to change their behaviour to avoid it happening (49% compared with 44% of men).⁹⁰ Currently the law is focused on redress, placing the responsibility on individuals to report incidents to managers and take a claim to the Employment Tribunal.

The Worker Protection (Amendment of the Equality Act 2010) Act 2023 introduces a proactive duty on employers to prevent workers from sexual harassment at work. We welcome this important step, which is in line with the EHRC's long-standing recommendations. Some employer responsibility for acts of sexual harassment by third parties (for example, customers and clients) within the workplace is being introduced under the Act, and the EHRC will enforce it. Employees will also be able to enforce the duty at the Employment Tribunal by seeking increased compensation.

⁸⁹ EHRC (2018), ['Turning the Tables: ending sexual harassment at work'](#) [accessed: 16 October 2023].

⁹⁰ Government Equalities Office (2020), ['2020 Sexual Harassment Survey'](#) [accessed: 7 December 2023].

However, an individual will not be able to take a claim to the Employment Tribunal for harassment by third parties. The UK government had previously committed to reinstate this form of protection,⁹¹ and relevant provisions were initially included in legislation. These were then removed due to concerns that Article 10 (freedom of expression) of the European Convention on Human Rights (ECHR) could be undermined.

Separately, there have been two major independent reviews into discrimination, harassment, and bullying in uniformed services in recent years.

The Casey Review found ‘institutional racism, sexism and homophobia’ in the Met,⁹² identifying an organisational culture of bullying and discrimination. A third (33%) of women in the Met who responded to the Review’s survey reported personally experiencing sexism at work, and 12% reported directly experiencing sexual harassment or assault.

Baroness Casey noted the absence of data on sexuality in the Met which limited the Review’s understanding how this might impact experiences. The report also found that there was a lack of trust in internal complaints system and lack of accountability, enabling unlawful behaviour to occur.

⁹¹ UK government Equalities Office (July 2021), ‘[Consultation on sexual harassment in the workplace: government response](#)’ [accessed: 16 October 2023]. These provisions were in place in Equality Act 2010 but were repealed in 2013.

⁹² Baroness Casey (2023), ‘[Final Report: An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service](#)’, p. 7 [accessed: 16 October 2023].

In response to the review, the Met Commissioner, Sir Mark Rowley, wrote to the Home Secretary detailing actions already taken to improve standards and culture.⁹³ He also acknowledged the ‘significant work’ needed to restore public trust. The creation of The London Policing Board by the Mayor was in response to one of Baroness Casey’s recommendations. The board will provide advice to the London Mayor in holding the Met to account for delivering reforms.

The Independent Culture Review of the London Fire Brigade (LFB) found that it is institutionally misogynist and racist.⁹⁴ The report highlighted that women, ethnic minorities, lesbian, gay, bisexual and trans (LGBT), and neurodivergent staff experience poor treatment. Issues were identified with leadership and failing human resources systems, and it was found that staff fear to speak about abuse. The Chief Fire Brigade Commissioner, Andy Roe, has taken personal accountability for the actions required to implement the review’s recommendations. The LFB has committed to a zero-tolerance approach to discrimination, harassment and bullying, as well as introducing an external complaints investigation service.

Both the LFB and the Met are subject to the PSED which requires them to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. The EHRC is considering these reviews and may undertake regulatory action if required.

⁹³ Metropolitan Police Service (2023), [‘Met Commissioner letter to Home Sec and Mayor: Improving standards in the Met - update’](#). [accessed: 16 October 2023].

⁹⁴ Afzal, N. (2022), [‘Independent Culture Review of London Fire Brigade’](#), p. 78 [accessed: 16 October 2023].

Recommendations

The UK government should:

- provide oversight, including through regular public reporting, to ensure recommendations in the Casey Review and the Independent Review of the LFB are fully implemented

Schools and educational curricula

Article 14 obliges the UK and Welsh governments to introduce teaching materials on a range of issues relating to VAWG.

There is evidence of an impact of sexism and prejudicial attitudes in schools. In 2021, the schools inspectorate in England, Ofsted, conducted a rapid review of sexual abuse in a sample of 32 schools and colleges.⁹⁵ A large majority (92%) of girls who responded to the review's questionnaire stated that sexist name-calling happens 'a lot' or 'sometimes' amongst their peers, compared with 74% of boys. 79% of girls reported sexual assault between people their age, compared with 38% of boys. Evidence from an Estyn questionnaire in a sample of schools in Wales found that 61% of female pupils had personal experience of peer-on-peer sexual harassment in school, more than double the proportion of male pupils (29%).⁹⁶

⁹⁵ Ofsted (2021), '[Review of sexual abuse in schools and colleges](#)'. [accessed: 16 October 2023].

⁹⁶ Estyn (2021), '["We don't tell our teachers": Experiences of peer on peer sexual harassment among secondary pupils in Wales](#)'. p. 7 [accessed: 18 September 2023].

Research we conducted on the provision of human rights education (HRE) in ten schools in Britain found that where a human rights-based approach is applied to education, schools reported reductions in prejudice and discriminatory attitudes, and improvements in behaviour.⁹⁷

Despite these benefits, and the obligations under Articles 13 and 14 of the Istanbul Convention, there is insufficient knowledge among teachers about the international human rights framework, and minimal and varied provision of human rights education in the national curriculum in England.⁹⁸ The UK government's Independent Human Rights Act Review panel has recommended establishing a programme of 'civic and constitutional education' in schools with a focus on human rights and individual responsibilities, but the UK government has not formally responded to the recommendation.⁹⁹ By implementing this recommendation, the UK government could ensure that pupils are educated on their rights and responsibilities, including those in the Istanbul Convention.

⁹⁷ EHRC (2020), ['Respect, equality, participation: exploring human rights education in Great Britain'](#), p. 10 [accessed: 18 December 2023].

⁹⁸ EHRC (2020), ['Respect, equality, participation: exploring human rights education in Great Britain'](#), p. 34 and p. 45 [accessed: 18 December 2023].

⁹⁹ UK government (2021), ['The Independent Human Rights Act Review: Full Report'](#), p. 21 [accessed: 18 December 2023].

The new Curriculum for Wales, first introduced in some schools in 2022, integrates human rights across all areas of learning and experience.¹⁰⁰ The Curriculum and Assessment (Wales) Act 2021 also places a duty on schools to promote knowledge and understanding of the UN Convention on the Rights of the Child (UN CRC) among teachers and staff.¹⁰¹ Many obligations under the UN CRC, such as Article 19 on violence against children, overlap with the Istanbul Convention.

However, early evidence indicates a lack of awareness and understanding of this duty among school leadership.¹⁰² Guidance accompanying the new curriculum states that pupils should be given opportunities to develop knowledge of their rights and the need to respect the rights of others.¹⁰³ However, we have concerns about the variability of learning, with much of the content left to schools' discretion.

¹⁰⁰ [Welsh Government \(2020\), 'Cross-cutting themes for designing your curriculum: Human Rights Education and the United Nations Convention on the Rights of the Child \(UNCRC\)'. \[accessed: 18 December 2023\].](#)

¹⁰¹ [Curriculum and Assessment \(Wales\) Act 2021, Section 64.](#)

¹⁰² [Children's Commissioner for Wales \(2022\), 'Response from: Children's Commissioner for Wales to Children, Young People and Education Committee inquiry into implementation of education reforms', p. 3 \[accessed: 18 December 2023\].](#)

¹⁰³ [Welsh Government \(2019\), 'Curriculum for Wales Guidance: Area of learning and experience: Health and Well-being'. \[accessed: 18 December 2023\].](#)

A September 2021 systematic evidence assessment by the Wales Violence Prevention Unit highlighted some promising studies on the impact of school-based education interventions to prevent VAWG.¹⁰⁴

In 2020, the UK government introduced compulsory Relationships, Sex and Health Education (RSHE) in England. Statutory guidance requires that, by the end of secondary school, pupils know what constitutes sexual harassment and sexual violence, how stereotypes based on sex and gender can be damaging, and the concepts and laws relating to issues such as sexual consent, honour-based violence, harassment, and domestic abuse.¹⁰⁵

In 2023, the UK government announced a review of RSHE guidance 'to make sure all children are protected from inappropriate content' and to 'put in place safeguards to stop pupils from being taught contested and potentially damaging concepts'.¹⁰⁶ An independent expert panel have concluded their work on the review, and an update is now expected from the UK government.

¹⁰⁴ Wales Violence Prevention Unit (2021) '[What Works to Prevent Violence against Women, Domestic Abuse and Sexual Violence \(VAWDASV\)? Systematic Evidence Assessment](#)', p. 31 [accessed: 18 December 2023].

¹⁰⁵ UK government (2019), '[Relationships Education, Relationships and Sex Education \(RSE\) and Health Education](#)', pp. 27 – 29 [accessed: 18 December 2023].

¹⁰⁶ UK government (2023), '[Review of relationships, sex and health education to protect children to conclude by end of year](#)'. [accessed: 18 December 2023].

The UK Parliament's WEC undertook an inquiry into attitudes towards women and girls in educational settings in 2023 and found that teaching of RSHE in England had been inconsistent, with some teachers lacking support to deliver the curriculum effectively.¹⁰⁷ Furthermore, the RSHE guidance does not take a human rights-based approach and does not give sufficient weight to the prevention of VAWG. This is despite the UK government's Tackling VAWG Strategy, which explicitly prioritises prevention and recognises the effectiveness of educational interventions.¹⁰⁸ The WEC also noted stakeholder concerns that the RSHE review could lead to regressive steps and made several recommendations, including in relation to the review.¹⁰⁹

The Curriculum and Assessment (Wales) Act 2021 makes Relationships and Sexuality Education (RSE) mandatory in state-funded Welsh schools by embedding it into the curriculum. Statutory guidance for RSE in Wales includes requirements that pupils understand and experience their rights, and that learning covers areas relevant to addressing sexism, such as sexual and gender-based violence, recognising and responding to gender and sexual stereotypes, and mutual respect.¹¹⁰

¹⁰⁷ WEC (2023), '[Attitudes towards women and girls in educational settings](#)', pp. 16 – 24 [accessed: 18 December 2023].

¹⁰⁸ UK government (2021), '[Tackling violence against women and girls strategy](#)', pp. 33 - 34 [accessed: 18 December 2023].

¹⁰⁹ WEC (2023), '[Attitudes towards women and girls in educational settings](#)', pp.16 - 24 [accessed: 18 December 2023].

¹¹⁰ Welsh Government (2022), '[Curriculum for Wales: Relationships and Sexuality Education \(RSE\) Code](#)'. [accessed: 18 December 2023].

Following Ofsted's review of sexual harassment in England in 2021 and an inquiry by the Senedd's Children, Young People and Education Committee into sexual harassment in Welsh schools in 2022,¹¹¹ the UK and Welsh governments have made some welcome commitments. The UK government has updated guidance on keeping children safe in education, including responding to sexual violence and harassment.¹¹² It has also committed to developing resources to support teachers to teach about violence and abuse,¹¹³ though this has been delayed.

The Welsh Government published its peer-on-peer sexual harassment action plan in January 2024 following the Senedd Committee's recommendations.¹¹⁴ We welcome the action plan, but note that timeframes have not been allocated to actions.

Recommendations

The UK and Welsh governments should:

- support schools to adopt a human rights-based approach to education and implement the recommendation of the Independent Human Rights Act Review to develop a comprehensive programme of human rights education

¹¹¹ Welsh Parliament Children, Young People and Education Committee (2022), [‘Everybody’s affected: peer on peer sexual harassment among learners’](#). [accessed: 7 November 2023]

¹¹² UK government (2023), [‘Keeping children safe in education 2023: Statutory guidance for schools and colleges’](#), p. 105 [accessed: 7 November 2023]

¹¹³ UK government (2021), [‘Tackling violence against women and girls strategy’](#), p. 46 [accessed: 7 November 2023].

¹¹⁴ Welsh Government (2024), [‘Peer-on-peer sexual harassment in education settings: action plan’](#) [accessed 30 January 2024].

- ensure that teacher training and continued professional development includes mandatory human rights education and guidance on how to recognise, respond to and prevent identity-based bullying and harassment
- require schools to record incidents of prejudice-based bullying, including relevant protected characteristics, and use the information to inform their anti-bullying strategies

The UK government should:

- ensure that schools are supported and encouraged to shape their RSHE curriculum in line with a rights-based approach, including prioritising a preventative approach to sexual harassment. This should include supporting children to understand that sexual harassment is a form of discrimination and can be a human rights violation; understand when their rights are likely to be breached; and know what to do to challenge or remedy potential breaches. Children should also be involved in shaping the RSHE curriculum and school safeguarding policies to ensure that they are relevant to their needs
- ensure that the review of RSHE guidance in England is evidence-led, that updated guidance takes a human rights-based approach and that a preventative approach to sexual harassment is prioritised and included in content related to VAWG

Awareness-raising campaigns

Article 13 requires that the UK and Welsh governments promote or conduct awareness-raising campaigns, including in cooperation with women's organisations, for all forms of VAWG.

We welcome the UK and Welsh governments' recent VAWG communications activity which demonstrates positive alignment with aspects of Article 13. We also welcome the statutory role given to the Domestic Abuse Commissioner for England and Wales via the Domestic Abuse Act 2021 to raise public awareness of domestic abuse.¹¹⁵

In March 2022, the UK government launched a multi-year national VAWG campaign called 'Enough'.¹¹⁶ The campaign was developed with voluntary sector organisations, survivors and academics, and has represented several forms of VAWG, including street harassment, coercive control and unwanted touching. In November 2023, the UK government launched another phase of the campaign, focused on university campuses.¹¹⁷

The Welsh Government's 'Sound' campaign, launched in July 2023, aims to get men to ask questions around healthy relationships.¹¹⁸ The Welsh Government has run 'Live Fear Free' campaigns since June 2019, with the most recent campaign beginning in December 2021.¹¹⁹ Current 'Live Fear Free' campaigns cover sexual abuse, domestic abuse, stalking, harassment and gender stereotypes.

¹¹⁵ UK government (2022), ['Domestic Abuse Commissioner factsheet'](#). [accessed: 16 October 2023].

¹¹⁶ Home Office (2022), ['Home Secretary says 'Enough' to violence against women and girls'](#). [accessed: 16 October 2023].

¹¹⁷ Home Office (2023), ['New phase of campaign encourages students to say Enough to abuse'](#). [accessed: 01 December 2023].

¹¹⁸ Welsh Government (undated), ['Tough questions need sound advice'](#). [accessed: 16 October 2023].

¹¹⁹ Welsh Government (2022), ['Live Fear Free campaigns'](#). [accessed: 23 October 2023].

Article 13 requires that awareness-raising should cover all forms of VAWG, while Article 12(3) specifies that such preventative measures should ‘address the specific needs of persons made vulnerable by particular circumstances’. In line with these obligations, we encourage both governments to develop awareness-raising campaigns concerning forms of VAWG that are experienced disproportionately by certain groups of women and girls, such as so-called honour-based abuse, including forced marriage and FGM, and anti-LGBT hate crime experienced by women and girls. It is also important that awareness-raising campaigns are evaluated regularly to make sure they are effective.

Article 13 also specifies the need to address the impact of VAWG on children. Child sexual abuse, which is disproportionately experienced by girls,¹²⁰ has not been the subject of an awareness-raising campaign. In October 2022, the Independent Inquiry into Child Sexual Abuse (IICSA) recommended that the UK and Welsh governments commission regular programmes to increase awareness about child sexual abuse.¹²¹ The UK and Welsh governments are yet to respond to this recommendation.

Recommendations

The UK and Welsh governments should:

¹²⁰ ONS (2020), ‘[Child abuse extent and nature, England and Wales](#)’. [accessed: 23 October 2023].

¹²¹ IICSA (2022) ‘[The Report of the Independent Inquiry into Child Sexual Abuse: K.2: Prioritising the protection of children](#)’. [accessed: 16 October 2023].

- continue to deliver, and regularly evaluate, long-term public information and awareness-raising campaigns targeting all forms of VAWG. These campaigns should specifically address forms of VAWG that are experienced disproportionately by certain groups of women, including FGM, and highlight the impact of VAWG on children
- develop an awareness-raising campaign focused on child sexual abuse in response to the IICSA's recommendation

Chapter 3: Protection

Under Article 20 of the Istanbul Convention, the UK and Welsh governments have an obligation to ensure that victims of VAWG have access to services facilitating their recovery from violence. Article 22 further specifies that specialist support services must be provided for all VAWG survivors and their children in the immediate-, short- and long-term. Specialist support may range from safe accommodation in refuges to community-based services such as outreach, advocacy, information, and advice services.

As the UK government has acknowledged, the current provision of VAWG support is insufficient, inconsistent across England and Wales, and often isn't adapted for victims' needs.¹²²

¹²² UK government (2021), [‘The End to End Rape Review Report on Findings and Actions’](#), p. 29 [accessed: 16 October 2023].

Commissioning of services

Through the Domestic Abuse Act 2021, the UK government introduced a statutory duty on some local government bodies in England to provide support for victims of domestic abuse and their children within safe accommodation, including refuges.¹²³ This included a duty to set up multi-agency Local Partnership Boards to assess local need for this type of support, commission services and monitor and evaluate delivery.¹²⁴ The duty came into force in October 2021. Despite calls to do so, it does not require provision of community-based support services for domestic abuse victims who do not reside in safe accommodation.¹²⁵ As the Domestic Abuse Commissioner has noted, most victims of domestic abuse never spend time in refuge accommodation.¹²⁶

The Victims and Prisoners Bill is an important opportunity to improve commissioning of community-based support. We welcome the joint statutory duty in the Bill that would require Police and Crime Commissioners, Integrated Care Boards, and local authorities to work together when commissioning community-based support services.

¹²³ [Domestic Abuse Act 2021. Part 4: Local Authority Support.](#)

¹²⁴ [Home Office \(2022\), 'Local authority support for victims of domestic abuse and their children within safe accommodation factsheet'](#) [accessed: 16 October 2023].

¹²⁵ [EHRC \(2020\), 'Survival, recovery and justice: specialist services for survivors of domestic abuse'](#) [accessed: 16 October 2023].

¹²⁶ [Domestic Abuse Commissioner \(2022\), 'Domestic Abuse Commissioner welcomes the Home Secretary's ambitious Domestic Abuse Plan'](#) [accessed: 30 October 2023].

The UK government also updated their National Statement of Expectations and accompanying guidance for VAWG service commissioners in March 2022.¹²⁷ This work includes principles that are in the Istanbul Convention, such as the centrality of victims' experiences and the importance of specialist services. However, this is not statutory guidance, so commissioners are not required to follow it. Women's Aid, a federation of support service providers for domestic abuse victims, have called for a 'robust national oversight mechanism' to hold local commissioners accountable.¹²⁸

¹²⁷ UK government (2022), 'The National Statement of Expectations and Commissioning Toolkit'. [accessed: 16 October 2023].

¹²⁸ Women's Aid. (2023) 'Investing to save: the economic case for funding specialist domestic abuse support', p. 17 [accessed: 18 December 2023].

The Domestic Abuse Commissioner published research on domestic abuse support in England and Wales in November 2022.¹²⁹ This is significant and necessary research. It found a complex patchwork of services that are struggling to meet ever-increasing demand. Overall, most victims were not able to access the support that they wanted. The Domestic Abuse Commissioner described the ‘patchy’ postcode lottery of services as ‘deeply unjust’.¹³⁰ A postcode lottery means that victims’ ability to access services depends on where they live. The UK government responded to the Domestic Abuse Commissioner’s 26 recommendations for change in March 2023 by mostly outlining existing government activity.¹³¹

¹²⁹ Domestic Abuse Commissioner (2022), [‘A Patchwork of Provision’](#) [accessed: 16 October 2023].

¹³⁰ Domestic Abuse Commissioner (2022), [‘Exclusive new mapping data reveals a postcode lottery and patchwork of provision’](#) [accessed 30 October 2023].

¹³¹ UK government (2023), [‘Government response to ‘A Patchwork of Provision: how to meet the needs of victims and survivors across England and Wales’](#) [accessed 25 October 2023].

In Wales, the Social Services and Wellbeing Act (Wales) 2014 places a duty on local authorities and health boards to jointly assess the needs for care and support in their area.¹³² Following the introduction of the VAWDASV (Wales) Act 2015, the Welsh Government introduced statutory guidance for commissioning VAWDASV services in 2019.¹³³ The Welsh Government's expectation that commissioners should safeguard and improve the expertise of community-based service providers shows positive implementation of Article 9 of the Convention, which relates to support for, and cooperation with, civil society organisations working to combat VAWG.

A 2019 study by the Wales Audit Office examined the implementation of the VAWDASV (Wales) Act 2015.¹³⁴ It described the support services system as inconsistent and complex, and noted that national oversight from Welsh Government has not always been helpful and timely. It is positive, therefore, that statutory guidance was then introduced, but the Domestic Abuse Commissioner's more recent research indicates that problems continue. There was a 21 percentage-point difference in access to counselling between the highest area, where 58% of survivors in the Northeast of England could access it, and the lowest, 37%, in Wales.¹³⁵

¹³² [Social Services and Wellbeing Act \(Wales\) 2014](#).

¹³³ [Welsh Government \(2019\), 'Statutory Guidance for the Commissioning of VAWDASV Services in Wales' \[accessed: 16 October 2023\]](#).

¹³⁴ [Wales Audit Office \(2019\), 'Progress in implementing the Violence Against Women, Domestic Abuse and Sexual Violence Act' \[accessed: 16 October 2023\]](#).

¹³⁵ [The Domestic Abuse Commissioner \(2022\), 'A Patchwork of Provision: Policy Report', p. 18 \[accessed: 16 October 2023\]](#).

In a 2020 briefing, the Wales Centre for Public Policy described how divided and short-term funding obstructs strategic use of funds and long-term planning.¹³⁶ The centre also noted that competitive tendering can lead to price cutting and lower service quality, negatively impacting collaboration. We recognise that these commissioning practices also happen throughout England, and particularly impact specialist ‘by and for’ services by favouring larger, better-resourced originations. Welsh Women’s Aid, a federation of support service providers in Wales for victims of violence and abuse, have described commissioning as a ‘patchwork’, with often short-term funding,¹³⁷ and the Welsh Government acknowledges these concerns. We particularly welcome the Welsh Government’s sustainable commissioning work, focusing on improvement through collaboration and providing stability.¹³⁸

¹³⁶ Wales Centre for Public Policy (2020), ‘[Domestic Abuse Interventions in Wales](#)’, p. 23 [accessed: 16 October 2023].

¹³⁷ Welsh Women’s Aid (2021), ‘[State of the Sector 2021](#)’, p. 11 [accessed: 16 October 2023].

¹³⁸ Welsh Government (2022), ‘[Violence Against Women, Domestic Abuse and Sexual Violence: Strategy 2022 to 2026](#)’, p. 12 [accessed: 16 October 2023].

Specialist service provision

Under Article 4(3), as well as in accordance with domestic legal obligations,¹³⁹ VAWG support services must be provided without discrimination. In our view, this requires the provision of specialist services designed for the needs of particular groups where necessary to ensure accessibility, effectiveness and suitability. The PSED also requires commissioners to consider the need for specialist services to meet the particular needs of groups of survivors who share a protected characteristic.¹⁴⁰

Disabled survivors face additional, unacceptable challenges in accessing support. Women's Aid describe how, in 2021/22, 1.1% of refuge vacancies listed on the UK-wide database were suitable for a woman with limited mobility. Just 0.9% could provide wheelchair accessible space.¹⁴¹ We consider this is a serious and urgent failure of the UK and Welsh governments to fully implement Article 4(3) relating to non-discrimination. We therefore welcome the Welsh Government's recent decision to amend the VAWDASV grant opportunity to improve support for disabled survivors: grants for adaptations to make services accessible will be available to civil society and public bodies.

¹³⁹ [Equality Act 2010, sections 13, 19 and 29](#); [Human Rights Act 1998, section 6](#); [European Convention on Human Rights, Article 14](#), read together with Articles 2, 3, and 8.

¹⁴⁰ [Equality Act 2010, section 149](#). *R (Kaur) v London Borough of Ealing* [2008] EWHC 2062 (Admin), concerning the Race Equality Duty under section 71 of the Race Relations Act 1976, which was replaced by the PSED.

¹⁴¹ [Women's Aid \(2023\), 'The Domestic Abuse Report 2023: The Annual Audit'](#), p. 20 [accessed: 16 October 2023].

We have particular concerns about the lack of specialist therapeutic support available to child victims of VAWG.¹⁴² The Independent Inquiry into Child Sexual Abuse (IICSA) recommended that the UK and Welsh governments introduce a guarantee that child victims of sexual abuse will be offered specialist and accredited therapeutic support.¹⁴³ This has not been actioned, despite research showing that early interventions are effective at reducing the impact of child sexual abuse and preventing significant mental health problems in later life.¹⁴⁴

In our role as regulator of the Equality Act, we published a practical guide to the current law on separate and single-sex services in April 2022.¹⁴⁵ This guide explains that the provision of separate and/or single-sex services, including that provide support to VAWG victims, can be lawful if it meets statutory conditions and is a proportionate means of achieving a legitimate aim.

¹⁴² The Domestic Abuse Commissioner (2022), '[A Patchwork of Provision: Policy Report](#)', p. 57 [accessed: 16 October 2023].

¹⁴³ IICSA (2022), '[Final Report, Part H](#)', paragraph 60 [accessed: 16 October 2023].

¹⁴⁴ IICSA (2022), '[Final Report, Part H](#)', paragraph 55 [accessed: 16 October 2023].

¹⁴⁵ Equality and Human Rights Commission (2022), '[Separate and single-sex service providers: a guide on the Equality Act sex and gender reassignment provisions](#)' [accessed: 30 January 2024].

Following this, in April 2023, the EHRC responded to a request from the Minister for Women and Equalities for our advice on the definition of the protected characteristic of sex in the Equality Act 2010. A change to the Equality Act 2010, so that the protected characteristic of sex means biological sex, could bring clarity in several areas but potential ambiguity in others. As such, we have suggested that the UK government carefully consider these issues. For example, this change may make it easier for services to be provided on a single- or separate-sex basis. Importantly, we were clear that should the UK government wish to pursue work in this area, we recommend detailed policy and legal analysis – including of consistency with international norms – be undertaken, in compliance with the Public Sector Equality Duty and with due regard to any possible disadvantages for trans people. We would expect this work to include consultation and engagement with stakeholders.

Migrant victims face challenges accessing support services, including those with insecure immigration status and/or with no recourse to public funds (NRPF). Throughout the passage of the Domestic Abuse Act, we recommended that this group of women be granted equal access to support services, in line with the Istanbul Convention. This recommendation was not accepted by the UK government. The Domestic Abuse Commissioner's December 2022 report noted that around 7,700 migrant victims with NRPF might require refuge or other accommodation each year, demonstrating the scale of this challenge.¹⁴⁶

¹⁴⁶ Domestic Abuse Commissioner (2022), ['Safety Before Status: The Solutions'](#), p. 13 [accessed: 16 October 2023].

The UK government has extended funding for the Support for Migrant Victims Scheme, for migrant victims of domestic abuse with NRPF, following a one-year pilot across the UK. We understand that this is still a temporary scheme and long-term plans are not in development. This is a small scheme, with the pilot supporting 425 victims. The Domestic Abuse Commissioner called it a ‘temporary sticking plaster’.¹⁴⁷ In August 2023, an evaluation of the pilot found a ‘mixed picture’.¹⁴⁸ Many victims said the support enabled them to leave domestic abusers, with ‘substantial benefits’ to mental wellbeing. However, the 12-week provision was often too brief for complex legal cases, and subsistence payments were not enough for basic expenses.

¹⁴⁷ Domestic Abuse Commissioner (2023), [‘The government’s own analysis shows support for migrant victims is urgently needed’](#) [accessed: 23 October 2023].

¹⁴⁸ UK government (2023) [‘Evaluating the Support for Migrant Victims Pilot’](#) [accessed: 16 October 2023].

In Wales, the Senedd Equality and Social Justice Committee's inquiry into gender-based violence and the needs of migrant women concluded that a specific approach is required.¹⁴⁹ They recommended that the Welsh Government establish a fund for support services working with migrant victims who have NRPF, which was accepted.¹⁵⁰ In July 2023, the Welsh Government announced work on a pilot fund, and longer-term support, for migrant victims in Wales.¹⁵¹

'By and for' services

Specialist 'by and for' services are particularly valuable for VAWG victims. These are services run by and for the users and communities they aim to serve, such as ethnic minority, disabled, LBT, and migrant women.

¹⁴⁹ Senedd Equality and Social Justice Committee (2022), '[Gender based violence: the needs of migrant women](#)', p. 17 [accessed: 23 October 2023].

¹⁵⁰ Welsh Government (2022), '[The Welsh Government response to the Equality & Social Justice Committee's report on Gender based violence and the needs of migrant women](#)', p. 2 [accessed: 23 October 23].

¹⁵¹ Welsh Government (2023), '[Written Statement: Migrant Victim of Abuse Support Fund pilot women](#)' [accessed: 23 October 2023]

These services understand the violence experienced by these groups, the contexts of abuse, and the challenges women face to reporting. This allows women in these groups to feel safe to seek support from these services, when they may not feel able to do so from non-specialist services or elsewhere. For example, research shows that LGBT people feel that they will be more accepted, less likely to have to explain themselves, and less likely to be judged at an LGBT organisation.¹⁵² The Domestic Abuse Commissioner's recent research also found that victims and survivors from minoritised communities want to receive support delivered 'by and for' their own community.¹⁵³ The term 'minoritised' is used by the Domestic Abuse Commissioner to refer to those who are 'defined as minorities by the dominant group... they may face structural discrimination on the basis of protected characteristics'.

The Domestic Abuse Commissioner's research found 'stark' differences in outcomes for minoritised survivors depending on whether they had accessed a 'by and for' service, or not. Of Black and minoritised victims and survivors who accessed 'by and for' services, 78% felt safer, compared to 48% of those who had accessed another kind of service.¹⁵⁴

¹⁵² Magić, J. & Kelley, P. (2019), '[Recognise & Respond](#)', p. 23 [accessed: 16 October 2023].

¹⁵³ The Domestic Abuse Commissioner (2022), '[A Patchwork of Provision: Policy Report](#)', p. 8 [accessed: 16 October 2023].

¹⁵⁴ The Domestic Abuse Commissioner (2022), '[A Patchwork of Provision: Policy Report](#)', p. 12 [accessed: 16 October 2023].

This research also showed the challenges survivors face in accessing specialist ‘by and for’ support. Only 51% of Black and minoritised survivors who wanted access to this type of support were able to get it. The figure was 19% for LGBT+ survivors. For disabled survivors, just 14 of 190 (7%) who wanted access to specialist support were able to get it.¹⁵⁵ These challenges are likely to be worse for women and girls who experience multiple and intersecting forms of disadvantage.

Funding for support services

Under Article 8 of the Convention, the UK government has an obligation to allocate appropriate financial resources to civil society organisations working to combat VAWG.

We welcome the UK government’s Victims Funding Strategy, which includes a commitment to the principle of multi-year funding for victim support services. The UK government has committed a minimum of £460 million over the next three years.¹⁵⁶

¹⁵⁵ The Domestic Abuse Commissioner (2022), ‘[A Patchwork of Provision: Policy Report](#)’, p. 19 [accessed: 16 October 2023].

¹⁵⁶ UK government (2022), ‘[Victims Funding Strategy](#)’. [accessed: 16 October 2023]; and UK government (2022), ‘[New pilots to boost support for rape victims in court](#)’. [accessed: 30 January 2024].

A coalition of VAWG civil society organisations have called for significant further increases in the UK government's financial investment.¹⁵⁷ This coalition describe a 'funding crisis', causing a postcode lottery for victims of VAWG and women turned away daily at the point of need.

The Domestic Abuse Commissioner has recommended that funding is allocated for specialist 'by and for' support services, a recommendation that has also been made by this coalition of VAWG organisations.¹⁵⁸ The UK government has acted to direct funding towards specialist services: up to £8.3 million has been allocated in England and Wales through a 'specialist services' fund,¹⁵⁹ and the Tackling Domestic Abuse Plan commits to three years of protected funding for community-based domestic abuse and sexual violence support services.¹⁶⁰ The End Violence Against Women Coalition said that the fact that this plan does not allocate funding specifically for 'by and for' services can mean even specialist funds do not reach those supporting the 'most marginalised'.¹⁶¹

¹⁵⁷ [End Violence Against Women Coalition \(2023\) 'A Whole Society Approach to Ending Violence Against Women and Girls: VAWG Sector Manifesto'](#), p. 6 [accessed: 16 October 2023].

¹⁵⁸ [Domestic Abuse Commissioner \(2022\), 'A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales'](#), p. 59 [accessed 25 October 2023].

¹⁵⁹ [UK government \(2023\), 'Funding Boost for Specialist Victim Support Services'](#). [accessed: 16 October 2023].

¹⁶⁰ [UK government \(2022\), 'Tackling Domestic Abuse Plan'](#), p. 32 [accessed: 24 October 2023].

¹⁶¹ [End Violence Against Women Coalition \(2023\), 'New Government VAWG Fund Fails to Reach Services Supporting the Most Marginalised'](#). [accessed: 16 October 2023].

‘By and for’ organisations were found to be six times less likely to receive any statutory funding than other types of specialist VAWG or domestic abuse organisations in November 2022.¹⁶² As mentioned above, commissioning practices, such as competitive tendering, can contribute to these challenges.

We urge the UK and Welsh governments to ensure that funding is adequate, long-term and sustainable, including for ‘by and for’ providers, so that services can continue to operate in a challenging economic landscape, and to ensure full implementation of Article 8.

Recommendations

The UK and Welsh governments should:

- ensure the accessibility of refuges for disabled women in collaboration with specialist ‘by and for’ disabled people’s organisations, and ensure data is published annually on progress to improve accessibility

¹⁶² Domestic Abuse Commissioner (2022), ‘A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales’, p. 43 [accessed 25 October 2023].

- aligned with the existing provision related to domestic abuse safe accommodation in England, introduce a statutory duty on public authorities with commissioning responsibilities to secure specialist community-based support services for all persons affected by VAWG, without discrimination, including sufficient services for groups with protected characteristics, migrant survivors, those with no recourse to public funds, and children. This should be in line with public authorities' maximum available resources. Guidance must be provided on meeting this requirement, which could stress the distinctive value that 'by and for' provision can offer. In addition to this duty, the UK and Welsh governments should undertake central coordination to ensure adequate specialist provision nationally and monitor and enforce implementation of the commissioning guidance.

The UK government should:

- use findings from the evaluation of the Support for Migrant Victims Fund to develop long-term support services for migrant VAWG victims with NRPF

The Welsh Government should:

- share findings from the pilot Migrant Victim of Abuse Support Fund when available, and details of longer-term support to meet the needs of migrant VAWG victims with NRPF

Protection of migrant victims

Under Articles 60 and 61 of the Convention, the UK government has obligations to protect migrant VAWG victims. These obligations include gender-sensitive treatment, which means considering the particular experiences of men and women, and respect for the principle of non-refoulement, which requires that a country receiving asylum seekers does not return them to a country where they would be at risk of harm.

In the year to September 2023, 68,600 asylum applications were made in relation to men and 24,502 to women.¹⁶³ We are concerned about the quality of consideration of the impact of immigration policies on individuals with protected characteristics, a point also made by the WEC.¹⁶⁴ We are particularly concerned about the potential impact on women, including pregnant women and those who have experienced trauma, such as VAWG, and we are engaging with the Home Office on this.

In asylum decisions, UK law provides for gender-sensitive interpretations of each of the grounds for persecution set out in the 1951 UN Convention relating to the Status of Refugees ('the Refugee Convention').¹⁶⁵ The protection this may provide for victims of VAWG seeking asylum will, however, be further restricted by the Illegal Migration Act (IMA) when it comes fully into force.

¹⁶³ UK government, '[Asylum applications, initial decisions and resettlement detailed datasets, year ending September 2023](#)'. [accessed 30 January 2024].

¹⁶⁴ WEC (2023), '[Equality and the UK asylum process](#)', p. 51 [accessed: 16 October 2023].

¹⁶⁵ Read for example judgements in *Shah and Islam* [1999] UKHL 20 and *Fornah v SSHD* [2006] UKHL 46. Read also UK government Home Office (2018), '[Gender issues in the asylum claim Version 3.0](#)', p. 15 [accessed: 24 October 2023].

The UK government passed the IMA in July 2023. The IMA would severely restrict the right to seek asylum for those arriving via an irregular route who have not come directly from a country where their life and freedom were threatened by preventing them from making a protection claim, and most human rights claims, in the UK. It risks placing the UK in breach of its obligations under the UN Refugee Convention and ECHR and putting many people arriving in the UK via irregular routes, including women and girls fleeing persecution and/or trafficked for sexual exploitation, at significant risk of harm.

The broad detention provisions in the IMA are particularly concerning. It provides that a person may be detained for as long as is 'reasonably necessary' (for the purposes of examination or removal) in the opinion of the Secretary of State for the Home Department and restricts challenges to detention within the first 28 days. It overturns a previous ban on the detention of children in most circumstances.

Detention provisions create risks for the prolonged detention of victims of VAWG. The particular risk to these women was highlighted by the 2016 Shaw review, an independent review commissioned by the Home Office, which recommended a presumption against victims of VAWG being held in immigration detention, in line with UN High Commissioner for Refugees (UNHCR) guidance.¹⁶⁶ Contrary to this recommendation, the previous ban on the detention of girls, which may include VAWG victims, has been removed. This places girls, including those who have experienced VAWG, at increased risk of harm to their physical and mental health because of detention.¹⁶⁷

¹⁶⁶ Read Shaw, S. (2016), '[Review into the welfare in detention of vulnerable persons](#)'. [accessed: 24 October 2023]; UNHCR (2012), '[Detention Guidelines: Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention](#)'. p. 33 [accessed: 24 October 2023].

¹⁶⁷ Royal College of General Practitioners, Royal College of Paediatrics and Child Health, Royal College of Psychiatrists and the UK Faculty of Public Health (2009), '[Intercollegiate Briefing Paper: Significant Harm - the effects of administrative detention on the health of children, young people and their families](#)'. [accessed: 24 October 2023].

The IMA also removed, for those covered by this Act, most protections for victims of trafficking in the UK, which had previously been established through the Modern Slavery Act 2015. In 2022, 2,090 women and girls were referred to the National Referral Mechanism (NRM) in relation to sexual exploitation.¹⁶⁸ Under new rules, they may face removal before being able to make a claim or have their claim investigated, placing them at high risk of being returned to harm and facing repeat exploitation. This is likely to violate the UK's obligations under the:

- Refugee Convention
- Council of Europe Convention on Action against Human Trafficking
- ECHR
- Istanbul Convention, including Article 18(1) to prevent victims of VAWG facing further acts of violence; and its obligations under Article 61 in relation to non-refoulement¹⁶⁹

¹⁶⁸ [UK government Home Office \(2023\), 'Modern Slavery: National Referral Mechanism and Duty to Notify Statistics, UK, End of year 2022, Table 4'](#). [accessed: 24 October 2023]. Please note that this includes Northern Ireland. In 2022, around 9 in 10 positive reasonable grounds decisions were made in relation to those referred to the mechanism.

¹⁶⁹ [EHRC \(2023\), 'Illegal Migration Bill Briefing House of Commons – Committee Stage'](#), p. 3 [accessed: 24 October 2023].; [UK Parliament Joint Committee on Human Rights \(2023\), 'Legislative Scrutiny of the Illegal Migration Bill: Written evidence from Equality Human Rights Commission'](#), q. 12 [accessed: 24 October 2023].

The IMA also contains provisions that risk breaching the ECHR, and the principle of non-refoulement.¹⁷⁰ The EHRC has advised the UK government that consideration of individuals' status must be made to ensure that those with a valid protection application are not returned. The EHRC has also raised concerns about the human rights implications of designating certain states as safe for removal or return.¹⁷¹ For example, Albania is designated a safe country under Schedule 1 to the IMA, despite recent evidence showing that some people from Albania, including women and girls trafficked for sexual exploitation, have had valid protection claims and been granted asylum in the UK on that basis.¹⁷²

¹⁷⁰ [UN Convention on Refugees, Article 33.](#)

¹⁷¹ [Read EHRC \(2023\), 'Illegal Migration Bill Briefing House of Commons – Committee Stage', p. 4 \[accessed: 24 October 2023\].;](#) [UK Parliament Joint Committee on Human Rights \(2023\), 'Legislative Scrutiny of the Illegal Migration Bill: Written evidence from Equality Human Rights Commission', q. 5 & q.16. \[accessed: 24 October 2023\].](#)

¹⁷² [EHRC \(2023\), 'EHRC Evidence to the Joint Committee on Human Rights', paragraph 13. \[accessed: 24 October 2023\].](#) Home Office statistics show that the grant rate of asylum decisions to Albanian nationals is 53%, and 90% for Albanian women and children. [Read Home Office Official Statistics \(2022\), 'Factsheet: Small boat crossings since July 2022'. \[accessed: 24 October 2023\].](#)

In April 2022, the UK government signed a Memorandum of Understanding with Rwanda allowing for the removal of people to Rwanda before consideration of their asylum claim in the UK. The EHRC has raised concerns about the policy's compliance with international human rights law, and particular risks in relation to removing people from certain groups, including pregnant women, disabled people, people with mental health conditions or experiencing trauma, and LGBT people.¹⁷³ In June 2023 the Court of Appeal ruled that Rwanda is not a 'safe third country' and the policy of deporting asylum seekers there is unlawful,¹⁷⁴ a ruling that was unanimously upheld by the Supreme Court on appeal.¹⁷⁵

In response, the UK government has signed a Treaty with Rwanda aiming to address concerns expressed in that judgment.¹⁷⁶ In December 2023 the UK government put forward new legislation stating that Rwanda is safe; the Safety of Rwanda (Asylum and

¹⁷³ [EHRC \(2023\), 'Response following High Court judgment on AAA and others -v- Secretary of State for the Home Department' \[accessed: 24 October 2023\]](#); and [EHRC \(2023\), 'Equality watchdog response following Supreme Court judgment on Rwanda asylum policy'. \[accessed: 31 January 2023\]](#)

¹⁷⁴ [AA v SSHD \[2023\] EWCA Civ 745](#)

¹⁷⁵ [UK Supreme Court \(2023\), 'R \(on the application of AAA and others\) \(Respondents/Cross Appellants\) v Secretary of State for the Home Department \(Appellant/Cross Respondent\)'. \[accessed: 15 November 2023\]](#).

¹⁷⁶ [UK Home Office \(2023\), Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Rwanda for the Provision of an Asylum Partnership to Strengthen Shared International Commitments on the Protection of Refugees and Migrants \[accessed 21 December 2023\]](#).

Immigration) Bill.¹⁷⁷ The Secretary of State for the Home Office was unable to confirm its compatibility with the ECHR.¹⁷⁸ Under the bill, courts will not be able to consider whether Rwanda is a safe country for people to be removed to, in the way the Supreme Court recently did, regardless of any evidence, except under few exceptions. These exceptions do not allow courts to consider the risk of an individual being sent from Rwanda to another country where they face torture or persecution, such as VAWG, a key risk identified by the Supreme Court in its recent judgement.¹⁷⁹ The bill also prevents sections of the Human Rights Act from being applied to decisions that are based on the duty to treat Rwanda as safe, undermining the universality of human rights and leaving women who are subject to the bill with reduced human rights protections and access to remedy. The bill risks breaching the UK's legal obligations under ECHR and other international human rights treaties, including the Istanbul Convention, by subjecting women to the risk of refoulement and to VAWG.¹⁸⁰

Recommendations

The UK government should:

- ensure that it complies with its international legal obligations to protect human rights and the right to seek asylum when implementing policies under the IMA

¹⁷⁷ [The Safety of Rwanda \(Asylum and Immigration Bill\)](#) [accessed: 21 December 2023].

¹⁷⁸ [The Safety of Rwanda \(Asylum and Immigration\) Bill, Preamble](#), [accessed: 21 December 2023].

¹⁷⁹ [The Safety of Rwanda \(Asylum and Immigration\) Bill, Section 2\(1\)](#), [accessed: 21 December 2023].

¹⁸⁰ [Read EHRC, Safety of Rwanda \(Asylum and Immigration\) Bill House of Lords Second Reading Briefing, 29 January 2024](#)

- ensure full consideration of the risks of refoulement and of VAWG in any removal decisions, including to Rwanda, and avoid removing individuals where they may face such violations
- reinstate limits on the detention of children and ensure women survivors of rape and other forms of sexual or gender-based violence are not subject to immigration detention
- ensure potential victims of trafficking can have their cases investigated and considered by the NRM before being removed from the UK, to prevent the risk of repeat exploitation, in particular of women and girls. Guidance developed under Section 22(6) of the act should be drafted in line with this
- improve provision for safe, regular routes to the UK for those seeking asylum, including to ensure adequate protection for VAWG victims. Steps should be taken as a matter of priority alongside implementation of any provisions relating to the IMA
- ensure decisions on removal are in line with its obligations regarding non-refoulement under the Refugee Convention, ECHR, and Istanbul Convention, including for VAWG victims

Chapter 4: Prosecution

Victims of VAWG face many barriers to reporting their abuse and progressing through the criminal justice system, with the majority choosing not to report incidents of rape.¹⁸¹ Domestic abuse is also described as a ‘hidden crime’ by the ONS, meaning many cases are not reported to the police.¹⁸²

¹⁸¹ CSEW estimates showed that fewer than one in six victims of rape or assault by penetration reported the crime to the police. See ONS (2021), [‘Nature of sexual assault by rape or penetration, England and Wales’](#). [accessed: 23 October 2023].

¹⁸² ONS (2022), [‘Domestic abuse prevalence and trends, England and Wales: year ending March 2022’](#). [accessed: 16 November 2023].

Certain groups of women experience increased difficulty in reporting, particularly those who face multiple and intersecting forms of disadvantage. Barriers for ethnic minority women include isolation, pressures from family and community not to report abuse, as well as fear of, and lack of trust in, the police.¹⁸³ Deaf and disabled victims can face challenges related to their communication needs not being met. Migrant women can be prevented from reporting VAWG due to fear of immigration action being taken against them because of their data being shared.¹⁸⁴

LBT women also face additional barriers. A survey of over 1,000 LGBT+ people found that respondents worried the police would discriminate against them because of their LGBT+ identity, feared that they would not be taken seriously, and thought that the police would not be able to do anything.¹⁸⁵

¹⁸³ Centre for Women's Justice and Imkaan (2023), '[Life or Death? Preventing Domestic Homicides and Suicides of Black and Minoritised Women](#)', pp. 12 – 17 [accessed: 16 November 2023].

¹⁸⁴ His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, the College of Policing, and the Independent Office for Police Conduct (2020), '[Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status](#)'. [accessed: 16 October 2023].

¹⁸⁵ Galop (2022), '[Navigating the Criminal Justice System & Support Services as an LGBT+ Survivor of Sexual Violence](#)' [accessed: 16 October 2023].

Criminal justice system delays

Article 49 of the Istanbul Convention includes an obligation to ensure VAWG investigations and judicial proceedings happen ‘without undue delay’. There are delays throughout the criminal justice system in England and Wales, impacting VAWG victims. The outstanding number of cases for the Crown Court in England and Wales (that deals with serious criminal offences including many types of VAWG) was 66,547 in the third quarter of 2023, up by 3% on the previous quarter.¹⁸⁶ Over a quarter of the cases (28%) had been open for a year or more at the end of Q3 2023.

Specific statistics are available for adult rape cases.¹⁸⁷ Rolling annual data from July 2022 to June 2023 shows that it takes, on average, 463 days from a case arriving at the Crown Court to reach competition for rape defendants not remanded in custody. For defendants remanded in custody, it takes 263 days.

¹⁸⁶ Ministry of Justice (2023), ‘[Criminal court statistics quarterly: July to September 2023](#)’ [accessed: 8 January 2024].

¹⁸⁷ UK government (undated), ‘[Criminal justice system delivery data dashboard: Improving timeliness](#)’ [accessed: 6 November 2023].

Delays can have serious impacts on victims' mental health. The then Victims' Commissioner for England and Wales described how delays take a 'tremendous toll' on victims, with their lives 'effectively put on hold'.¹⁸⁸ The UK government's 2021 Rape Review also identified delays in investigative processes as a factor in the decline in cases reaching court.¹⁸⁹

There are several complex factors contributing to these delays. The COVID-19 pandemic had a significant impact,¹⁹⁰ and the Criminal Bar Association took industrial action (starting in April 2022 and resolving in October 2022) which also contributed to delays.¹⁹¹ However, there were serious challenges before these developments, with factors responsible for delays described by the UK Parliament's Justice Select Committee as 'deep-rooted'.¹⁹² Sir Thomas Winsor, the then Chief Inspector at HMICFRS, said that the criminal justice system was in a 'severely distressed condition...[with a] crumbling infrastructure, understaffing and inadequate resourcing'.¹⁹³

¹⁸⁸ Victims' Commissioner (2022), '[Enormous court backlogs mean victims of crime are facing years of unacceptable delay in their quest for justice](#)' [accessed: 16 October 2023].

¹⁸⁹ UK government (2021), '[The end-to-end rape review report on findings and actions](#)', p. 4 [accessed: 16 October 2023].

¹⁹⁰ HM Courts & Tribunals Service (2020), '[COVID-19: Overview of HMCTS response](#)', p. 2 [accessed: 16 October 2023].

¹⁹¹ Ministry of Justice (2023), '[Criminal court statistics quarterly: January to March 2023](#)' [accessed: 16 October 2023].

¹⁹² House of Commons Justice Committee (2022), '[Court Capacity](#)', p. 21 [accessed: 16 October 2023].

¹⁹³ House of Commons Justice Committee (2021), '[Oral evidence: Coronavirus \(Covid-19\): The impact on prison, probation and court systems](#)', p. 6 [accessed: 7 November 2023].

Some action has been taken to address these delays, including supplying additional courtrooms,¹⁹⁴ and ensuring that the Crown Court is operating at maximum capacity.¹⁹⁵ However, data shows that these efforts are not yet sufficient to ensure victims receive a timely service, as required by Article 49. An inquiry report into court capacity by the Justice Select Committee, published in April 2022, suggests more significant change may be needed. The Committee described delays as causing ‘significant injustice’ and called on the UK government to show more long-term ambition.¹⁹⁶

We urge the UK government to increase its commitment to reduce delays significantly and ensure investigations and judicial proceedings relating to VAWG progress without undue delay.

Effective investigation and prosecution

Article 49 of the Convention requires the ‘effective investigation and prosecution’ of VAWG offences. We consider that the UK government is not fully implementing this obligation.

¹⁹⁴ UK government (2023), ‘[Nightingale Courts to remain open to boost capacity and speed up justice](#)’ [accessed: 16 October 2023].

¹⁹⁵ UK government (2023), ‘[Courts operate at full throttle to cut delays](#)’ [accessed: 16 October 2023].

¹⁹⁶ House of Commons Justice Committee (2022), ‘[Court Capacity](#)’, p. 3 [accessed: 16 October 2023].

Unacceptably low rates of charges, prosecutions, and convictions, particularly in relation to adult rape offences, have been the subject of considerable discussion and work in England and Wales in recent years. Although the estimated prevalence of rape offences has stayed the same, there has been a concerning decrease in charges, prosecutions, and convictions. Between 2015/16 and 2020/21 there was a significant decrease in the proportion of rape offences that were charged, according to our analysis of police-recorded crime outcomes data.¹⁹⁷ For female victims aged 16 and over this was from 10.5% to 2.6%. The UK government's 2021 Rape Review found 'victims of rape are being failed' across England and Wales.¹⁹⁸

Similarly, Baroness Casey's review of the Met police service described how de-prioritisation and de-specialisation has put women and children at greater risk.¹⁹⁹ In one situation described in her review, the breakdown of a freezer led to forensic rape evidence being destroyed and, as a result, all related cases being dropped.²⁰⁰

These developments place the UK's compliance with its Istanbul Convention obligations in question, including under Article 50 that requires the 'prompt and appropriate' work of law enforcement agencies to ensure the prevention and protection of VAWG.

¹⁹⁷ EHRC (2023), ['Equality and Human Rights Monitor'](#), p. 254 [accessed: 16 November 2023].

¹⁹⁸ UK government (2021), ['End-to-End Rape Review Report on Findings and Actions'](#), p. i [accessed: 25 October 2023].

¹⁹⁹ Baroness Casey (2023) ['Final Report: An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service'](#), p. 15 [accessed: 16 October 2023].

²⁰⁰ Baroness Casey (2023) ['Final Report: An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service'](#), p. 179 [accessed: 16 October 2023].

The UK government committed to address these failings through the Rape Review Action Plan.²⁰¹ A Rape Review Progress Report published in July 2023 shows improvements.²⁰² The UK government also announced in August 2023 that it had met its third, and final, target to improve the response to rape.²⁰³ We welcome these signs of progress.

²⁰¹ UK government (2021), '[End-to-End Rape Review Report on Findings and Actions](#)' [accessed 25 October 2023].

²⁰² UK government (2023), '[Rape Review Progress Report: Two years on](#)', p. 3 [accessed: 16 October 2023].

²⁰³ UK government (2023), '[Greater support and better outcomes for victims of sexual violence](#)' [accessed: 30 January 2024].

However, we consider further ambition to be needed. Only 5% of police investigations into adult rape resulted in a charge between July 2022 and June 2023.²⁰⁴ As the UK government acknowledges, the proportion of victims withdrawing at the investigation stage remains high: 61% of adult rape investigations were closed between July 2022 and June 2023 because the victim did not support police action,²⁰⁵ meaning they are not willing to engage in the criminal justice process any longer or at all. Recent evidence highlights the emotional toll of police investigations. A Home Office funded survey of 1,968 survivors of rape and sexual assault found that three out of four respondents said that their mental health has worsened as a direct result of what the police did, or failed to do, in their case.²⁰⁶

At present, data about victim attrition is not disaggregated by protected characteristics. The Ending Violence against Women Coalition have recently called on the UK government to address such data gaps with government-funded independent research into who and who does not access the justice system, and why.²⁰⁷ We have repeatedly called for better data to understand, and facilitate progress on, any inequalities in engagement with the criminal justice system.

²⁰⁴ UK government (undated), '[Criminal justice system overview](#)' [accessed: 16 October 2023].

²⁰⁵ UK government (undated), '[Criminal justice system overview](#)' [accessed: 16 October 2023].

²⁰⁶ City, University of London Institutional Repository (2023), '[Operation Soteria Bluestone Rape and sexual assault survivors' experience of the police in England and Wales. Survey Report I: January – June 2023](#)', p. 7 [accessed 24 October 2023].

²⁰⁷ Ending Violence Against Women Coalition (2023), '[NEW: Soteria rolled out nationally, while Rape Review update overstates government progress](#)'. [accessed 24 October 2023].

Operation Soteria, set up in June 2021, is a joint policing and CPS programme to develop new national operating models for the investigation and prosecution of rape.²⁰⁸ It is a key government action following the Rape Review. The year one report (2021/2022), related to policing, included findings around:²⁰⁹

- lack of specialist knowledge
- poor data analysis
- the importance of strategic analysis of rape
- workforce burnout

The report describes how ‘inappropriate’ victim credibility considerations (at its worst, explicit victim blaming) influence officers’ rape investigation decisions. This echoes comments from Baroness Casey, who noted how one rape victim was told she ‘should...have done more’ to protect herself from rape.²¹⁰ This contrasts with the UK’s Article 56 obligation to ‘protect the rights and interests of victims...at all stages’.

The Operation Soteria year one report highlighted the constructive impact of the programme. The resulting new national operating models for the investigation of rape launched in July 2023 all police forces and CPS Areas in England and Wales are now implementing these models.

²⁰⁸ [National Police Chief’s Council \(2023\), ‘Op Soteria rolled out across England and Wales’](#). [accessed: 16 October 2023].

²⁰⁹ [Betsy, S. \(2022\), ‘Operation Soteria Bluestone Year 1 Report 2021 – 2022’](#). [accessed: 16 October 2023].

²¹⁰ [Baroness Casey \(2023\) ‘Final Report: An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service’](#), p. 161 [accessed: 16 October 2023].

The Criminal Justice Joint Inspectorate carried out a multi-part inspection into the police and the CPS' response to rape. It concluded that it 'too often lacks focus, clarity and commitment...it fails to put victims at the heart of building strong cases'.²¹¹ Issues were also raised with a lack of collaboration and poor communication with victims.²¹²

The Inspectorate said that there would be benefits in introducing an independent voice to hold government accountable for tackling rape and serious sexual assault, either by introducing a commissioner for rape and serious sexual offences (modelled on the Domestic Abuse Commissioner role), or for there to be by an explicit focus on these offences within the remit of existing commissioners. These benefits include more independent examination of progress, and a clearer focus on gathering, reporting, and acting on the experiences of victims. They recommended that, no later than May 2022, the UK government should consult widely on such a change. The UK government has yet to do so.

Our view is that it would be more appropriate to have an explicit focus on rape and serious sexual offences within the remit of the Domestic Abuse Commissioner. The creation of a new commissioner would risk governance and jurisdictional issues given the extensive overlap between sexual offences and domestic abuse.

²¹¹ His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (2021), '[A joint thematic inspection of the police and Crown Prosecution Service's response to rape - Phase one: From report to police or CPS decision to take no further action](#)' [accessed: 16 October 2023].

²¹² Criminal Justice Joint Inspection (2022), '[A joint thematic inspection of the police and Crown Prosecution Service's response to rape - Phase two: Post-charge](#)' [accessed: 16 October 2023].

We note that there is an independent advisor to the Rape Review. However, this is currently a temporary role that is set to conclude at the end of the Rape Review Action Plan. We propose that the UK government use this opportunity to respond to the Criminal Justice Joint Inspectorate's recommendation.

Recommendations

The UK government should:

- carry out research to better understand, and then address, the barriers to reporting and engaging with the criminal justice system faced by victims of VAWG who share protected characteristics, including ethnic minority, LBT, disabled and older victims, as well as young people and children and migrant victims
- respond to the Criminal Justice Joint Inspectorate's recommendation for a consultation on the benefits of a commissioner with explicit responsibility for and focus on tackling rape and serious sexual offences, including considering expanding the role of existing commissioners

Sharing of migrant data

The Istanbul Convention includes a non-discrimination clause which prohibits discrimination based on migration or refugee status in relation to the implementation of the Convention. This includes Article 56 on the need for their rights and interests to be protected during investigations and judicial proceedings.

Under the Immigration and Asylum Act 1999, when victims of VAWG report crime to the police, their personal data can be shared with the Home Office for immigration enforcement, including deportation. The UK government has justified the arrangement because ‘sharing information can help victims to clarify their immigration status and prevent further abuse’.²¹³

The Safe to Share report, published in December 2020 by HMICFRS, the College of Policing and the Independent Office for Police Conduct, concluded that information sharing deters vulnerable migrant victims from reporting crime, including domestic abuse, causing ‘significant harm to the public interest’.²¹⁴ It noted that threats of immigration enforcement can be used by domestic abuse perpetrators as a form of coercive control.

Migrant data sharing takes place across England and Wales. Data obtained from the Home Office by the Domestic Abuse Commissioner, and published in November 2023, found that every single police force in England and Wales has shared the domestic abuse victim data with Immigration Enforcement over a three-year period.²¹⁵

²¹³ Home Office (2021), ‘Home Office and Police data sharing arrangements on migrant victims and witnesses of crime with insecure immigration status’, p. 7 [accessed: 16 October 2023].

²¹⁴ His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, the College of Policing, and the Independent Office for Police Conduct (2020), ‘Safe to share? Report on Liberty and Southall Black Sisters’ super-complaint on policing and immigration status’, p. 78 [accessed: 16 October 2023].

²¹⁵ Domestic Abuse Commissioner (2023), ‘Safety before status: How to ensure the Victims and Prisoners’ Bill meets the needs of all victims’, p. 1 [accessed: 16 November 2023].

In response to the report, the UK government committed to develop mitigations for the deterrent effect of data sharing. Among other things, this would include no immigration enforcement action being taken against the victim while proceedings were ongoing.²¹⁶ We do not think this will give victims of VAWG confidence to report to police, or prevent threats being used as a tool of coercive control by perpetrators. This is because immigration enforcement action could still result from reporting their experiences of VAWG to the police, even if there were a delay in this action taking place. The Domestic Abuse Commissioner has found that a fear of this happening prevents reporting and enables exploitation by coercive and controlling perpetrators.²¹⁷

Our view is that the harm to VAWG victims, and to the public interest, will only be satisfactorily addressed by ending data sharing for the purposes of immigration enforcement. We consider this essential to ensure migrant victims are sufficiently protected and that the UK is compliant with its Istanbul Convention obligations. This is a view shared by a coalition of 58 organisations led by the Latin American Women's Rights Service, the Domestic Abuse Commissioner, the Victims' Commissioner for England and Wales, the London Victims' Commissioner, the Justice Select Committee and the WEC.²¹⁸

²¹⁶ [Home Office \(2021\), 'Review of data sharing: migrant victims and witnesses of crime' \[accessed: 19 December 2023\]](#).

²¹⁷ [Domestic Abuse Commisisoner \(2023\), 'Safety before status: How to ensure the Victims and Prisoners Bill meets the needs of all victims' p.2 \[accessed 3 January 2024\]](#).

²¹⁸ [WEC \(2023\), 'So-called honour-based abuse' p. 28 \[accessed: 16 October 2023\]](#)

In Wales, the Senedd Equality and Social Justice Committee's inquiry into the needs of migrant women similarly recommended that the Welsh Government establish a 'firewall' which restricts the sharing of data between agencies on people who seek support for sexual and gender-based violence.²¹⁹ The Welsh Government accepted this recommendation in principle but noted that it cannot independently establish a data firewall due to some data organisations being reserved.²²⁰ The Welsh Government committed to working with partners to consider possible options.

Recommendations

The UK and Welsh governments should, where relevant:

- end the sharing of an individual's personal data for the purposes of immigration enforcement where the data was collected in the process of the person accessing essential public services (including education, healthcare and policing), in line with its obligations under international law

²¹⁹ Senedd Equality and Social Justice Committee (2022), '[Gender based violence: the needs of migrant women](#)', p. 43 [accessed: 23 October 2023].

²²⁰ Welsh Government (2022), '[The Welsh Government response to the Equality & Social Justice Committee's report on Gender based violence and the needs of migrant women](#)', p. 11 [accessed: 23 October 2023].

Victims' interests

Article 56 of the Istanbul Convention requires that the rights and interests of victims of VAWG to be protected 'at all stages of investigations and judicial proceedings'. As the UK government's research and that of the then Victims' Commissioner has shown, victims of rape can find courts to be retraumatising.²²¹

The Victims' Code was created by the Domestic Violence, Crime and Victims Act 2004 to provide rights for victims of crime within the criminal justice system. The code now sets out the minimum standard that organisations must provide to victims of crime and includes 12 rights. Many of these rights align with the specifications of Article 56. The Victims and Prisoners Bill will place the Code on a statutory footing.²²² We welcome this change, which is likely to improve the available means of upholding victims' human rights.

²²¹ UK government (2021), ['The end-to-end rape review report on findings and actions'](#), p. 46 [accessed: 16 October 2023].

²²² UK Parliament (2023), ['Victims and Prisoners Bill'](#). [accessed 25 October 2023].

The Victims' Commissioner for England and Wales is a statutory position also introduced by the Domestic Violence, Crime and Victims Act 2004. The Victims' Commissioner's role is to advocate for the interests of victims within the criminal justice system. However, the role of Victims' Commissioner was vacant between September 2022 and October 2023, leaving victims without this independent advocate during some of the Victims and Prisoners Bill's passage. A formal appointment is still yet to take place, but an interim Victims' Commissioner was appointed for a one-year term in October 2023.²²³ We welcome this appointment to enable the interim Victims' Commissioner to advocate for victims during the bill's remaining passage.

We welcome recent action by the UK government aimed at improving victims' experiences in the criminal justice system, much of which focuses on special measures. Special measures are a series of provisions, such as screens and video links, which help a victim or witness to participate in court proceedings. The then Victims' Commissioner's 2021 review of special measures found that, when used appropriately, they alleviate the stress and anxiety associated with giving evidence.²²⁴ We welcome the expansion of automatic eligibility for special measures for all domestic abuse victims when participating or giving evidence in both criminal and family proceedings.²²⁵

²²³ [UK government \(2023\), 'Interim Victims' Commissioner appointed'](#). [accessed 24 October 2023].

²²⁴ [Victims' Commissioner \(2021\), 'Next steps for special measures: A review of the provision of special measures to vulnerable and intimidated witnesses'](#), p. 56 [accessed: 16 October 2023].

²²⁵ [Domestic Abuse Act 2021, Section 62](#).

In September 2022, the UK government completed the rollout of pre-recorded cross examination for complainants of sexual and modern slavery offences in all Crown Courts for England and Wales. A small, qualitative process evaluation showed improvements in the witness experience. The evaluation also mentioned areas for improvement, including communication gaps, and availability challenges.²²⁶

Despite many recent changes, at present there is no systematically collected data on the availability and use of special measures across judicial proceedings. As the then Victims' Commissioner indicated, this data is important to improve understanding of the 'demand and supply' of special measures, to assess disparities between groups of victims and witnesses and, ultimately, to improve witness engagement with the criminal justice system.²²⁷ The Victims and Prisoners Bill will partially fill this gap by requiring local Police and Crime Commissioners to review the provision of Victims' Code rights. This includes the right to be assessed for special measures eligibility. We agree with the then Victims' Commissioner that further work is needed, particularly in relation to national coordination.

²²⁶ UK government (2023), '[Process evaluation of Section 28: Evaluating the use of pre-recorded cross-examination for intimidated witnesses](#)'. [accessed: 16 October 2023].

²²⁷ Victims' Commissioner (2021), '[Next steps for special measures: A review of the provision of special measures to vulnerable and intimidated witnesses](#)', p. 10 [accessed: 16 October 2023].

The UK government has also launched a specialist sexual violence support programme at three Crown Courts. This includes promoting trauma-informed training for court staff and providing access to Independent Sexual Violence Advisors at court.²²⁸ Research by the then Victims' Commissioner found a promising link between receiving professional support and continuing in the criminal justice process.²²⁹ It is our view that an evaluation of this programme should be published promptly and that, based on the findings, the UK government should consider rolling out this support for all victims of VAWG.

More generally, the then Victims' Commissioner published a report in December 2020 on the role and rights of victims of crime in the UK's adversarial criminal justice system, comparing it to Australia, Canada, New Zealand and the United States of America. It found that, overall, England and Wales are 'far behind' in providing substantive participatory rights to victims.²³⁰ The then Victims' Commissioner recommended that victims be given a statutory right to free and independent legal advice and representation in relation to requests to access their private information, communications and records. The UK government has not responded to this recommendation.

Recommendations

The UK government should:

²²⁸ UK government (2022), '[New pilots to boost support for rape victims in court](#)'. [accessed: 23 October 2023].

²²⁹ Victims' Commissioner (2022), '[Rape survivors and the criminal justice system](#)', p. 3 [accessed: 16 October 2023].

²³⁰ Victims' Commissioner (2020), '[The role and rights of victims of crime in adversarial criminal justice systems](#)', p. 7 [accessed: 16 November 2023].

- fully implement the then Victims' Commissioner's recommendation for a national protocol for data collection on special measures
- publish an evaluation of the specialist sexual violence support programme as soon as possible and use it to inform practice for victims of VAWG engaging with judicial proceedings

Substantive law

All offences established by Articles 33 to 40 are criminalised in the UK and, in many cases, there are multiple routes to prosecution, as described in UK government's explanatory memorandum upon ratification.²³¹ We welcome progress in criminalising emerging forms of VAWG.

Online VAWG

The Online Safety Act 2023 became law on 26 October 2023. It creates a regulatory framework for online search and user-to-user services. The act contains measures to protect people from illegal behaviour and content online, including enabling users of social media to block content that is abusive based on sex or gender. Ofcom, as the regulator of communications services including online safety, is required to produce guidance for regulated services about content and activity that disproportionately affects women and girls.

²³¹ [UK government \(2022\), 'Explanatory memorandum: Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence'](#). [accessed: 16 October 2023].

We welcome the new offences established under the act to protect women and girls online, such as sending of threatening communications, for example threats of violence or rape; sending photos or videos of genitals ('cyberflashing'); and sharing or threatening to share intimate photos or videos.

As part of its 2021 review of hate crime legislation, the Law Commission recommended that a new offence be introduced of 'stirring up' hatred according to sex or gender, specifically to address online 'incel' culture.²³² The UK government is yet to respond to this.

Protection from Sex Harassment Act 2023

The Protection from Sex Harassment Act 2023 became law on 18 September 2023 and will come into force through secondary legislation.

The intention of the act is to make women and girls (in particular) feel safer in public by creating additional penalties for acts of harassment which are related to sex, such as sexual or obscene comments, propositions, or gestures.

²³² The Law Commission (2021), ['Hate crime laws: Final report'](#), p. 541 [accessed: 16 October 2023].

The act builds on existing provisions of Section 4A of the Public Order Act 1986 ('Section 4A') which criminalise behaviour in public that is intended to cause harassment, alarm, and distress. The act creates a new criminal offence of 'sex-based harassment.' This involves behaviours which are already prohibited under Section 4A but with an added specification that they are carried out because of a person's sex, or presumed sex. The maximum custodial sentence for 'sex-based harassment' is two years compared with a maximum custodial sentence of six months for existing Section 4A harassment offences.

We welcome the act and hope that it will be an effective deterrent against those who seek to intimidate women and girls in public spaces. We are concerned, however, that the act may have a limited impact given the high bar to prosecution: the act has retained the requirement under Section 4A to prove an 'intention to harass'. This is a much higher threshold than is used in equivalent legislation such as the Protection from Harassment Act 1997.

Abortion buffer zones

Concerns have been raised in recent years by campaign groups such as the British Pregnancy Advisory Society that the activities of anti-abortion protestors outside abortion clinics are intimidating to women – often in vulnerable situations – and are affecting their ability to safely access healthcare.

In 2023, the UK Parliament passed measures under Section 9 of the Public Order Act to create 'buffer zones' around abortion clinics to protect the rights of women to access healthcare without fear of harassment or intimidation. This legislation creates 'safe access zones' and, within these zones, makes it an offence to:

- intentionally or recklessly influence a decision to access or to provide abortion services
- impede or obstruct access to these services

- harass or intimidate a person while they access the provision of abortion services at an abortion clinic

We support the principle of Section 9, to protect the right to access healthcare without fear of harassment and intimidation, in accordance with Article 8 of the ECHR. However, we recognise that there are intersecting rights that must be considered here, and that this is challenging, particularly given the sensitivity and strength of feeling on this matter. We advised that the offence should be drafted with due regard to the rights of others who may be engaged, such as protestors, principally ECHR Articles 9, 10 and 11.

The UK government has recently announced that it plans to commence Section 9 in spring 2024, following the publication of non-statutory guidance.²³³ The Equality and Human Rights Commission responded to the consultation on the draft guidance in January 2024.²³⁴

Our view is that Parliament carefully considered all relevant rights and reached an appropriate balance when drafting Section 9 of the Public Order Act 2023. It is important that this is reflected in the implementation and enforcement of this legislation.

²³³ Hansard, '[Abortion Clinics: Safe Access Zones](#)', column 601. [accessed: 14 December 2023].

²³⁴ EHRC (2024), '[Response to the Home Office consultation on abortion clinic safe access zones: non-statutory guidance \(26 January 2024\)](#)' [accessed: 13 February 2024]

Changes to sentencing

In October 2023, the UK government announced that it planned to legislate for a presumption that custodial sentences of less than twelve months in prison will be suspended, and offenders will be punished in the community instead.²³⁵ These plans will be introduced through the Sentencing Bill. The justification for this change is that those on suspended sentences have a lower reoffending rate than those who serve less than twelve months in prison. The Sentencing Bill states that the presumption would not apply if the court believed a suspended sentence would put a particular individual at significant risk of harm.

The Domestic Abuse Commissioner has stated that many of those serving short sentences will be in prison for domestic abuse and stalking offences.²³⁶

We echo her call for these reforms to be accompanied by investment in high-quality perpetrator interventions, as well as robust safety planning measures to ensure VAWG victims' safety. We agree that a specific exemption for perpetrators of domestic abuse and sexual violence from the presumption against short sentences is needed. We note the UK's obligations under Article 4 to protect women and girls' rights to live free from violence; and under Article 6 to take a 'gender perspective' in the implementation and evaluation of the provisions of the Convention, including criminal sanctions.

²³⁵ [UK government \(2023\), 'Oral statement to Parliament: The Government's approach to criminal justice'](#). [accessed: 24 October 2023].

²³⁶ [Domestic Abuse Commissioner \(2023\), 'Domestic Abuse Commissioner responds to government reforms for prisoners on short sentences'](#). [accessed 24 October 2023].

Recommendations

The UK government should:

- set out its intention with regard to the Law Commission's recommendation for a new offence of 'stirring up' hatred according to sex or gender
- work with the Domestic Abuse Commissioner, and other relevant partners, to ensure victims' safety is protected when implementing changes to sentencing

Equality Advisory and Support Service

In a questionnaire, GREVIO asked the UK government about the implementation of Article 21, which requires that the UK provides access to, and assistance with, individual or collective complaints mechanisms offered at regional or international level. GREVIO also asked about the provision of legal advice for such mechanisms.²³⁷

In its report responding to this question, the UK government describes its funding of the Equality Advisory and Support Service (EASS).²³⁸

²³⁷ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2016), '[Questionnaire on legislative and other measures giving effect to the \[Istanbul Convention\]](#)' [accessed: 30 January 2024].

²³⁸ GREVIO (2023), '[Report submitted by the United Kingdom pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence \(Baseline Report\)](#)', p. 27 [accessed: 06 November 2023].

The EASS is commissioned by the UK government and works with other advice organisations, and with the EHRC. However, it does not provide any legal advice. The EASS also only carries information about the European Court of Human Rights, related to its advice on the Human Rights Act, and does not provide practical assistance to support access to any regional or international complaints mechanisms.

Chapter 5: Reservations

The UK has made reservations to Article 44(3) and Article 59, meaning that these obligations do not apply to the UK. Reservations restrict protections for women and girls and undermine the UK government's ability to comprehensively address VAWG.

Reservation to Article 44(3)

Article 44 requires states to take measures to prosecute their own nationals, and people with habitual residence in their state, for VAWG offences committed overseas. This is known as 'extraterritorial jurisdiction'.

Article 44(3) requires that a specific group of VAWG offences are prosecuted even if the offences are legal in the territory where they were committed. These are:

- sexual violence, including rape (covered by Article 36)
- forced marriage (covered by Article 37)
- FGM (covered by Article 38)
- forced abortion and forced sterilisation (covered by Article 39)

In UK law, extraterritorial jurisdiction typically applies only when an act was illegal in the territory where it was committed as well as the UK. This is known as the principle of ‘dual criminality.’ The UK government describes dual criminality as ‘the norm’ in UK law when dealing with extraterritorial jurisdiction because it is ‘not generally right’ to prosecute someone for doing something in another country for which they could not be prosecuted in that country.²³⁹

The UK government also cites the international principle of reciprocity, which means that departing from dual criminality increases the risk of UK nationals being prosecuted in other countries for behaviour that is not an offence here. The UK provides the example of same-sex sexual activity: ‘a country where same-sex sexual activity is a crime could prosecute a UK national who lived in that country, returned to the UK for a holiday, and whilst here had sex with their same-sex partner’.

The UK is compliant with some aspects of Article 44(3), even though it has made this reservation. The UK government will prosecute UK nationals, or a person with habitual residence in the UK, for forced marriage and FGM offences irrespective of whether they are illegal in the territory where they were committed. It will also prosecute UK nationals (but not those with habitual residence) for sexual violence offences, including rape, irrespective of whether the offending behaviour is illegal in the territory where it was committed. However, the UK government will only prosecute UK nationals and those with habitual residence in the UK for forced abortion and forced sterilisation if these acts are illegal in the territory where they were committed.

²³⁹ UK government (2022), [‘Explanatory memorandum: Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence’](#), p. 8 [accessed: 6 November 2022].

The UK government states that it will depart from the principle of dual criminality where it has found sufficient reason to do so: in respect of forced marriage and FGM, because these offences are not crimes in several countries. As such, without departing from dual criminality, UK children could be taken to countries for these purposes without local protection under criminal law and law enforcement agencies.

However, it has concluded that there is not sufficient reason to depart from its standard approach of dual criminality for sexual violence, including rape, for those with habitual residence in the UK because it is not aware of a country where sexual violence is not illegal, although it acknowledges that the ‘specific [criminalised] practices’ vary.²⁴⁰ As such, the UK government’s view is that the practical impact of this reservation is likely to be ‘extremely small’.

We note that rape within marriage is explicitly excluded from sexual violence laws in many countries (such as in India, Bangladesh and The Bahamas). In practice, this means that the UK government could not prosecute a non-UK national resident in the UK for raping their wife while overseas in these countries. There is not parity of treatment of sexual violence victims within marriage, as prosecution currently depends on whether a perpetrator is a UK citizen or a UK resident.

²⁴⁰ UK government (2022), [‘Explanatory memorandum: Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence’](#), p. 9 [accessed: 6 November 2022].

The UK government has also not departed from dual criminality in relation to forced abortion and sterilisation because it is not aware of a jurisdiction which does not have general offences of violence equivalent to the UK, and these offences could be used to prosecute forced abortion and sterilisation. We have not seen analysis to enable us to reach a view on this statement. We recognise the complexity of this issue and consider it important that any potential gaps in protection for women and girls are closed.

We encourage the UK Government to keep the implications of this reservation under review.

Reservation to Article 59

The Istanbul Convention's non-discrimination clause is clear: victims of VAWG must be protected regardless of their migration or refugee status. In line with this principle, Article 59 of the Convention requires that states party to the treaty should, in certain cases, provide victims of VAWG with an autonomous residence permit where their residence status depends upon their spouse or partner. The drafters of the Convention considered it necessary to ensure that the risk of losing their residence status should not create difficulty for victims leaving an abusive relationship.²⁴¹

The UK government's Article 59 reservation means that VAWG victims in the UK do not have full protection if they feel unable to leave an abusive relationship due to concerns about the impact on

²⁴¹ [Council of Europe \(2011\), 'Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence', para 302 \[accessed: 14 November 2023\]](#).

their residence status. Indeed, there is evidence that such concerns may be used as a tool for coercive control by perpetrators of domestic abuse.²⁴²

The UK government does run a scheme that allows victims of domestic abuse with a spousal/partner visa to apply for indefinite leave to remain.²⁴³ However, women on other visa types are not eligible for this scheme, even though their immigration status may still be dependent on an abusive partner. For example, women who have leave to remain as a dependent of a partner on a student visa would be excluded.

In our view, the UK's reservation to Article 59 means that victims of VAWG whose residence status depends upon their spouse or partner do not enjoy fully equal protection in the UK, undermining the principle of non-discrimination in Article 4.

The UK government previously stated that its Article 59 reservation is under review pending consideration of the results of the Support for Migrant Victims Scheme pilot that was published in August 2023,²⁴⁴ as well as wider policy considerations. As discussed in Chapter 3 on protection, the Support for Migrant Victims Scheme (initially a one-year pilot that has since been extended) provides support to migrant

²⁴² Cathy McIlwaine, Lucila Granada and Illary Valenzuela-Oblitas King's College London and the Latin American Women's Rights Service (2019), 'Right to be believed, Migrant women facing Violence Against Women and Girls (VAWG) in the 'hostile immigration environment' in London', p. 4 [accessed: 24 October 2023].

²⁴³ UK government (undated), 'Indefinite leave to remain (domestic violence or abuse)'. [accessed: 14 November 2023].

²⁴⁴ UK government (2023), 'Evaluating the Support for Migrant Victims Pilot'. [accessed: 16 October 2023].

victims of VAWG with NRPF. However, there is no clear alignment between the scheme and the requirements of Article 59, as the scheme does not, and is not able to, provide victims with autonomous residence permits. This was acknowledged by Lord Sharpe of Epsom, Parliamentary Under Secretary of State for the Home Office, during a debate in the House of Lords,²⁴⁵ leading to concern that the government's explanation for the reservation is insufficient.

Overall, we consider that there is no adequate justification for the UK government maintaining its reservation to Article 59 and that there are significant risks arising from this gap in protection for migrant victims of abuse.

Recommendations

The UK government should:

- remove its reservation to Article 59 as a matter of urgency to ensure effective protection for migrant victims and to ensure compliance with its legal obligations for non-discrimination under Article 4

²⁴⁵ UK Parliament Hansard (2022), '[House of Lords Grand Committee debate: Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence](#)', column 130GC [accessed: 16 October 2023].

