

# Focus on women

Issue 12 2010

Welcome to the twelfth edition of Rights of Women's Policy Newsletter, *Focus on Women*.

Since our last newsletter, we have seen a dramatic change to our political and policy making landscape. The entry into Government of the Conservative and Liberal Democrat party coalition following the general election on 6 May 2010 has left open the potential for much change to the law and legal policy on women's rights. In this edition of *Focus on Women*, we provide an overview of recent law and policy changes, and outline outstanding issues which we would urge the new Government to act upon.

In the midst of uncertainty about the future of the previous Government's strategy to end violence against women and girls, Rights of Women has had cause for celebration. On 22 June 2010, we held a national conference to celebrate Rights of Women's 35th anniversary – and 35 years of helping women through the law. Focusing on the findings of our research report, **Measuring up? UK compliance with international commitments on violence against women in England and Wales** we brought together delegates from across the country to discuss progress in law and policy to effectively prevent and respond to violence against women.

Since launching **Measuring up?** we have sent our assessment of law and legal policy on violence against women issues to the new Government Ministers and relevant statutory

agencies. We have requested meetings with all relevant Ministers to discuss the issues raised through our research, which highlighted a number of issues of pressing concern to us, in particular the situation and status of women with an insecure immigration status and the diminishing availability of civil legal aid. We are extremely concerned that cuts to the civil legal budget have a disproportionate and potentially devastating impact upon women. On 30 June 2010, the new Justice Secretary, Kenneth Clarke, indicated that there will be a review, with a view to cuts, in legal aid under the new Government. It was indicated that the Government will consult on this issue in autumn, so watch this space.

Despite the positive developments on the Sojourner Project and commitments of funding for rape crisis centres outlined in Theresa May's Women's Aid conference speech, there was a clear warning that the anticipated spending review in the autumn will involve some "tough decisions" that will impact on the women's sector.

There is much for us to continue to do to ensure that the positive progress made in law and legal policy affecting women is not lost. We hope that we can continue to work together to make sure that women's voices continue to be heard by our local and national governments.

Emma Scott,  
Director

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# Law and policy updates

## New Government – new violence against women and girls strategy?

At the time of writing, the future of the previous Government’s “Together we can end violence against women and girls strategy” (VAWG strategy) is uncertain. Many women’s organisations, including Rights of Women, fed into the consultations which led to the development of that strategy. We broadly welcomed the strategy and in our recent research report, **Measuring up? UK compliance with international commitments on violence against women in England and Wales** we present our analysis of that strategy, alongside an assessment of law and legal policy as it relates to violence against women.

The new Government has yet to outline in detail its plans related to violence against women. However, the Home Office has announced that the Home Secretary “plans to launch a cross-departmental strategy which tackles the root causes of violence against women and deals fully with its effects” in spring 2011. In her speech to the annual Women’s Aid conference in July 2010, the Home Secretary and Minister for Women and Equalities, Theresa May, underscored her commitment to ending violence against women. She also stated her support for an integrated strategy on violence against women – indicating that the new government does not intend to start from scratch, but rather build upon the previous Government’s strategy, with additional focus on prevention of violence against women. We urge the new Government to acknowledge the considerable amount of consultation and energy which went into the previous strategy; to implement the strategy with immediate effect; and remain true to this stated commitment of building upon, rather than stepping back from, any of the policy commitments it contains.

We were delighted by Theresa May’s announcement that the Sojourner Project would be extended until the end of the financial year, with the view to finding a long-term solution to ensure that women are protected after that. This shows real progress in recognising the needs of women with an insecure immigration status who are amongst the most vulnerable in society because

they are often at high risk of violence, and at the same time have extremely limited access to support when they experience violence. But the Sojourner Project is limited in its scope and in this edition of *Focus on Women* we outline our concerns about the situation of other women with an insecure immigration status who are not eligible for the scheme. We also feature a guest article from Asylum Aid's Every Single Women campaign team, highlighting the devastating consequences that the gender insensitivity of the immigration and asylum system and the UK Borders Agency has on individual women.

We also include in the campaigns section of this edition of *Focus on Women* information on worrying policy changes related to rape. We were alarmed that the first policy statement on violence against women under the new coalition Government proposed to introduce anonymity for defendants in rape trials. Rights of Women, along with over 70 other leading women's and human rights organisations who have endorsed our statement, believe that this proposal is discriminatory and sends a clear message that women are not to be believed. Whilst the Government appear for the time-being to have back-tracked from this proposal, we await the next parliamentary session to find out the exact content of the Government's revised proposal. We are also deeply concerned that plans to undertake a joint inspection in autumn 2010 into the handling and investigation of rape cases by the police and Crown Prosecution Service may have been suspended by the new Government.

Click [here](#) to download Rights of Women's latest research report, **Measuring up? UK Compliance with international commitments on violence against women in England and Wales.**

## Section 14 of the Policing and Crime Act 2009

### A Crucial Step Towards Ending Commercial Sexual Exploitation

Section 14 of the Policing and Crime Act 2009 entered into force on 1 April 2010, having received Royal Assent on 12 November 2009. This means that it is now a criminal offence to pay for the services of a person who is or has been subject to force. Section 14 reframes the debate on prostitution, focussing attention on those who purchase sexual services and deterring them from doing so. A man who is not deterred, who buys sex from a woman who is being exploited, will risk prosecution. Rights of Women has been informed that individuals have been arrested and there are ongoing investigations following the entry into force of this legislation.

Rights of Women held a seminar on 20 April 2010 to mark the entry into force of Section 14. Speakers from leading women's rights organisations working on this issue presented information on what the changes in the law mean to individual women and children affected by prostitution. To find out more about similar Rights of Women events and to get involved, visit the events page of our website at: [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk).

## Section 14 of the Policing and Crime Act 2009 introduces section 53A of the Sexual Offences Act 2003.

An offence under section 53A (64A) is committed if:

- a** A makes or promises payment for the sexual services of a prostitute (B),
- b** a third person (C) has engaged in exploitative conduct of a kind likely to induce or encourage B to provide the sexual services for which A has made or promised payment, and
- c** C engaged in that conduct for or in the expectation of gain for C or another person (apart from A or B)

## SPECIAL FEATURE

### The Equality Act 2010: harmonising and extending discrimination legislation

The Equality Act 2010 (the Act) received Royal Assent on 8 April 2010. It combines existing anti-discrimination legislation into a single Act, harmonising and in some cases extending existing discrimination law. The Act marks a significant development in the law on equality and non-discrimination which has developed in a piecemeal manner, resulting in unnecessarily complex and inconsistent legislation and protection gaps where grounds of discrimination, now referred to in legislation as “protected characteristics”, have been addressed in different ways.

The Home Secretary and Minister for Women and Equalities, Theresa May has confirmed that the new Government intends to implement the Equality Act according to the timetable set out by the previous Government, with the main provisions expected to enter into force in October 2010.<sup>1</sup> It should be noted, however, that during parliamentary debates prior to the general election, the Conservative party stated that it would not bring into force certain provisions of the Act if they formed the next Government. These include provisions to introduce a socio-economic duty and private sector gender pay reporting requirements.

The Act prohibits discrimination on the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and applies to the areas of employment, access to services and public functions, housing, education and health.

Significant features of the Act which seek to extend protection from discrimination and promote equality for women include provisions which:

- Extend the period for which all-women shortlists may be used for parliamentary and other elections until 2030
- Clarify that both sex discrimination and pregnancy and maternity discrimination include treating a woman unfavourably because she is breast-feeding

- Ensure that schools cannot discriminate against pupils who are pregnant or new mothers.

The Act also contains provisions to address gender pay disparities. It contains a provision to place a ban on the use of pay secrecy clauses which regulate or restrict employees from disclosing or seeking to disclose information about pay. It is expected that a specific gender equality duty, to be introduced at a later date, will require public sector employers with 150 or more staff to review and publish gender pay differences. The Act also contains provision for the introduction of regulations that would require private sector employers with 250 or more employees to publish gender pay differences, but the Conservative Party pledged not to bring this provision into force during debates held prior to the general election. It is expected that the content of the specific equality duties to be introduced to accompany the Equality Act 2010 will not be very different from the policy statement published by the Government Equalities Office in January 2010, “Equality Bill: Making it work policy proposals for specific duties”.<sup>2</sup>

There are a number of other important aspects of the Act which will extend protection for all individuals, including women. They include:

- **The prohibition of “combined discrimination”, which refers to direct discrimination because of a combination of two protected characteristics.** Under the new provisions, an individual will be able to bring a discrimination claim because she is a Black woman, or a Muslim woman, recognising that individuals can experience less favourable treatment because of a combination of protected characteristics in such a way that they are inseparable. Under current legislation, individuals experiencing this form of discrimination must bring separate discrimination claims for each different characteristic, making it difficult and complicated to obtain a legal remedy. Women’s rights groups have long highlighted the issue of this form of discrimination – also referred to as intersectional discrimination – and this new provision represents a significant shift in protection. Whilst welcoming the progress in this area, it is important to note that protection will not extend to an individual who experiences discrimination because of a combination of more than two

<sup>1</sup> See, Government Equalities Office, Government Equalities Office simplifies legislation for business, Saturday 3rd July 2010, online: [http://www.equalities.gov.uk/media/press\\_releases/government\\_equalities\\_office\\_s.aspx](http://www.equalities.gov.uk/media/press_releases/government_equalities_office_s.aspx).

<sup>2</sup> This document is available online at: [http://sta.geo.useconnect.co.uk/staimm6geo/pdf/psdresp\\_GEO\\_MakingItWork\\_acc.pdf](http://sta.geo.useconnect.co.uk/staimm6geo/pdf/psdresp_GEO_MakingItWork_acc.pdf).

protected characteristics (for example, a black woman with a disability) and does not extend to cases of indirect discrimination, protection which many equalities groups campaigned for.

- **The introduction of a new integrated Single Equality Duty on public bodies.** The single duty will replace and bring together the three existing race, gender and disability equality duties, extending those duties to the protected characteristics of age, gender reassignment, pregnancy and maternity, religion or belief, sex (rather than gender) and sexual orientation.
- **Providing employment tribunals with wider powers to make recommendations that will benefit the workforce beyond the individual claimant(s).** For example, an employment tribunal could make a recommendation that the employer introduce an equal opportunities policy. Currently the recommendations that employment tribunals make can only be for the benefit of the individual claimant(s).
- **Prohibiting direct discrimination because of the victim's association with someone who has a protected characteristic.** This provision will protect, for example, carers (who are often women) who are caring for a disabled relative. The Act also prohibits discrimination because the victim is wrongly thought to have a particular protected characteristic (for example, a particular religious belief).
- **Extending protection from age discrimination,** currently limited to employment, to protect people aged 18 and over from discrimination in the provision of goods and services.
- **Strengthening and streamlining protection from disability discrimination.** For example, the Act prohibits employers from asking job applicants questions about disability or health before making a job offer, except in specified circumstances.
- **Extending positive action provisions.** The Act contains a general positive action clause (section 158) that applies to all protected characteristics and in all areas of life covered by the Act (including in employment, access to services and public functions, housing, education and health) that permits, but does not require, positive action measures to alleviate disadvantage experienced by people who share a protected characteristic, reduce their under-representation in relation to particular activities, and meet their particular needs. Whilst there are positive action

provisions in existing legislation, they are piecemeal and apply to different protected characteristics in different ways. The Act also contains a specific provision on positive action in recruitment, which the Conservative party pledged, pre-election, to not be in favour of. That provision would allow an employer to take a protected characteristic into consideration when deciding who to recruit or promote, where people having the protected characteristic are at a disadvantage or are under-represented. This would change the law so that a protected characteristic can be used as a “tipping factor” in a tie break situation at the point of recruitment or promotion where candidates are equally qualified. Although current legislation allows employers to undertake a variety of positive action measures (such as offering training) it does not permit positive action at the point of recruitment or promotion.

### **Provisions in the Equality Act which the Conservative Party pledged not to bring into force prior to the general election**

During parliamentary debates prior to the general election, the Conservative party stated that it would not bring into force certain key provisions of the Equality Act if they were to enter into Government. Significantly, the Conservative party stated that it would not bring into force the new public sector duty related to socio-economic inequalities. This duty would not introduce a new protected characteristic but rather require public bodies, when making strategic decisions, to consider how they can better target their policies and resources to help those who are most disadvantaged, “to reduce the inequalities of outcome which result from socio-economic disadvantage”. Rights of Women considers that the introduction of this duty, although it lacks the strength and enforcement provisions attached to the other duties, would introduce an important duty on public authorities to address the needs of the most disadvantaged in society, in recognition of the links between socio-economic disadvantage and the disadvantage experienced by individuals who share protected characteristics.

As discussed above, the Conservative party also pledged during debates held prior the election, not to bring into force provisions on private sector gender pay gap reporting, and positive action at the point of recruitment.

To read the Equality Act 2010 and for further information and updates, go to the Government Equalities Office website: [www.equalities.gov.uk](http://www.equalities.gov.uk).

## The Crime and Security Act 2010

### Proposed new protection measures for victims of domestic violence

The Crime and Security Act 2010 received Royal Assent on 8 April 2010. The Act contains provisions to introduce two significant new protection measures for victims of domestic violence:

**Domestic Violence Protection Notices** and **Domestic Violence Protection Orders** (sections 24-33).<sup>3</sup> Although this legislation has not yet entered into force, the previous Government proposed to pilot the use of DVPNs and DVPOs in two police force areas within England and Wales in autumn 2010. Rights of Women has been participating in consultations with the Home Office on the proposed pilot and was informed in July 2010 that “[i]n view of the current budgetary situation and concerns over the practicability of the legislation itself Home Office ministers have now made the decision to defer implementation of the orders. We are no longer therefore planning to pilot DVPOs from the autumn.”

Rights of Women generally welcomed the proposals to introduce DVPNs and DVPOs which would provide a bridge between the criminal and civil remedies available to women experiencing domestic violence, and have the potential to fill a protection gap currently faced by women between a violent incident and obtaining a civil or criminal remedy. Despite this, we do have a few concerns about the way that the proposals will work in practice, and so would warmly welcome the introduction of pilot schemes, as previously planned, to help identify potential problems and solutions for implementation.

## No recourse to public funds

### Sojourner Project extension

After much anxious waiting the Home Office has announced that it is extending its funding of the Sojourner Project until **31 March 2011**. This is very good news because it will enable more women with no recourse to public funds, who entered the UK on a spousal/partner visa and are eligible to apply under the Domestic Violence Rule, to access safe accommodation and support while their application for indefinite leave to remain (ILR) is prepared and processed.

When making this announcement at the annual Women’s Aid conference on 16 July 2010, Theresa

May, Home Secretary and Minister for Women and Equalities, also committed the Government to finding a long-term solution to make sure that victims are protected at the end of the pilot. The Home Secretary stated that: “even in these financially constrained times there are some things that are too important not to do”.

The extension of the pilot project is also important because it will enable more effective and useful monitoring and evaluation. Many women’s organisations have had concerns about some aspects of the project, for example, the fact that a woman has just 20 working days to prepare and submit her application for ILR. We are also concerned that women are not funded by the Sojourner Project when they appeal a negative decision. If a woman is refused ILR under the domestic violence rule her stay in a refuge will no longer be funded by the Sojourner Project, even if she successfully appeals that decision. For many, it seems that the risks attached to accommodating and supporting women on the project, such as supporting a woman whilst she appeals a negative decision, are borne entirely by women’s organisations.

We warmly welcome the decision to extend the pilot project, which represents a real willingness towards finding a solution to protecting women with an insecure immigration status from violence. However, while the Sojourner Project has been valuable, significant numbers of women are ineligible for the scheme and so remain in desperate situations. Because the eligibility criteria for the project is tied to the Domestic Violence Rule, the Sojourner Project is restricted solely to those women who entered the UK on a partner or spousal visa, and whose relationship broke down within the two year probationary period because of domestic violence. We know that many women continue to face destitution owing to the strict eligibility criteria which fails to address the needs of many women – including women who entered the UK on student visas, women from other European Economic Area countries, and refused asylum seeking women who cannot return to their own country.

It is critical that the good work done on the Sojourner Project is taken forward and that a sustainable policy solution is adopted to ensure that the rights of all women with an insecure immigration status at risk of domestic violence are respected,

<sup>3</sup> See [http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga\\_20100017\\_en.pdf](http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100017_en.pdf) to see the full text of the Act.

protected and fulfilled. Rights of Women is a member of the Campaign to Abolish no Recourse to Public Funds, a coalition of organisations working to change the law and policy which prevents women with an insecure immigration status from accessing safe accommodation and support when they experience domestic violence. To see how you can get involved, click [here](#) to visit the campaign's web pages, hosted by the Women's Resource Centre.

The Sojourner Project pilot will run until the end of March 2011. You can view a transcript of the Home

Secretary's speech on the Women's Aid website: [http://www.womensaid.org.uk/page.asp?section=000100010015000800040002&sectionTitle=There sa+May%27s+Speech](http://www.womensaid.org.uk/page.asp?section=000100010015000800040002&sectionTitle=There+sa+May%27s+Speech).

For queries and to make a referral contact the Sojourner Project Duty Worker on 020 7840 7147 or [sojourner@eaveshousing.co.uk](mailto:sojourner@eaveshousing.co.uk).

For further information about the project and to make a referral visit: [www.eaves4women.co.uk/Sojourner/Sojourner.php](http://www.eaves4women.co.uk/Sojourner/Sojourner.php).

## Women's Legal and Policy Network

**Rights of Women coordinates a Women's Legal and Policy Network for London-based women's organisations to share expertise and discuss developments in law and policy affecting the situation and status of women.**

**On 8 July 2010 Rights of Women's Legal and Policy Network held a day of joint events with Imkaan's network of BMER women's organisations on supporting women with an insecure immigration status.**

**The events focussed on strategies to improve law and policy, and support options, available to women with an insecure immigration status who are at risk of, or who have experienced violence.**

**We held a joint network discussion on barriers to supporting women with an insecure immigration status, including women subject to immigration control and the no recourse to public funds rule, women from other European Economic Area countries, and women asylum seekers. Participants received training from Rights of Women's Senior Legal Officer on the law and legal policy related to access to welfare and other benefits for women with no recourse to public funds.**

**In the afternoon, we held a panel discussion and debate to evaluate the Sojourner Project so far, and discuss progress and pitfalls experienced in supporting women with no recourse to public funds on that project.**

**These network meetings and events give women's organisations based in London an opportunity to share expertise and experience with a view to influencing more effectively law and policy as it affects women.**

**If you are based in London and are interested to get involved in the Women's Legal and Policy Network, please contact our Policy Officer, Katherine Perks on 020 72516575 or [katherine@row.org.uk](mailto:katherine@row.org.uk).**

# Campaign updates

## Focus on rape

### No anonymity for rape defendants!

Rights of Women campaigned hard this summer with other leading women's and human rights organisations to put an end to the new Government's proposal to give defendants in rape trials anonymity until they are charged. To take effect, the proposal would require the introduction of new legislation. On 20 July 2010, after much pressure from civil society groups and MPs, Crispin Blunt, Parliamentary Under-Secretary of State for Justice, confirmed that the Government is "minded to strengthen anonymity before charge" but that they "want in the first instance to try to find a non-statutory solution" to the issue. He seemed to indicate that the "non-statutory" solution could be to strengthen the Press Complaints Commission guidance on this issue.<sup>[1]</sup> He further told the House of Commons that the Government wants to "hear the views of those who may have any new evidence" but that it does not intend to hold a formal public consultation on the issue. Whilst this seems to be a victory for all of us who campaigned against this proposal, we cautiously await the next debate on the issue. The Government intends to present the conclusions of its consultations to Parliament in autumn.

Rights of Women will continue to campaign with other leading women's and human rights organisations to ensure that this proposal is dropped in its entirety. We have been writing to all MPs to encourage them to speak out against this proposal when it is next discussed in Parliament. If your organisation has not yet signed our position statement on this issue, we encourage you to do so. You can also find out whether your local MP has signed Fiona Mactaggart's MP's Early Day Motion. If your MP has not signed the motion, please write to encourage them to do so.

To view Rights of Women's statement and the list of endorsing organisations click [here](#).

To view Fiona Mactaggart's Early Day Motion, and the list of supporting MPs click [here](#).

### Joint HMIC and HMCPSP inspection into the handling and investigation of rape cases must proceed as planned

The Criminal Justice Joint Inspection Plan for 2010-12 outlined plans to undertake a joint investigation, led by HMIC and involving HMCPSP into the handling and investigation of rape cases in autumn 2010. It was envisaged that the inspection would concentrate on "the quality of service to the victims, with particular emphasis on first response; the effectiveness of specialist units within the police and CPS; and a focus on specific elements highlighted in the [Stern and Payne] reviews, such as video-recorded interviews."

Rights of Women is concerned that the Government does not intend to go ahead with the plans for a joint inspection. We believe that continued inspection, and openness to review, is key to ensuring improved criminal justice responses to rape. Whilst law, policy and practice responses to rape by relevant criminal justice agencies have improved significantly in recent years, we are all too aware of a continuing need to ensure consistency in performance across all police force areas. The Stern review published earlier this year demonstrated all too clearly that whilst the law and legal policy might be right, patchy implementation across geographical regions continues to let women down.

Rights of Women is sending a letter to the Minister for Policing and Criminal Justice and the Home Office, outlining how the cancellation of this inspection means a lost opportunity to review police performance in the area of rape investigations and implies that police forces will not be held to account in this important area of criminal justice.

[1] The Hansard record of the debate is at Hansard, House of Commons, 20 July 2010, column 161, and can be read online: <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100720/debtext/100720-0001.htm>.

## The Stern Review

The report of an independent review led by Baroness Vivien Stern into how rape complaints are handled by public authorities in England and Wales was published in March 2010.

The Review found that although a substantial amount of change to the way that rape complaints are handled has been introduced in recent years, and in the most part the policies are right, there is a failure in implementation. It recognised that implementation of policies is patchy and must be improved.

The Review made firm references to the positive obligations that public authorities have to deliver effective remedies to victims beyond the criminal justice system, and recognised that “victims have a right to services that will help them to recover and rebuild their lives”. The review recommended that the provision of Sexual Assault Referral Centres (SARCs) should be expanded and that every victim who so wishes should be supported by an Independent Sexual Violence Advisor.

Much media attention around the publication of Baroness Stern’s review focussed on the concerns it raised about rape statistics, and the finding that some organisations mix up the conviction rate with the process of attrition when reporting on rape. Rights of Women agrees that it is very important to ensure accurate reporting of statistics. At the same time, we underscore that there is a clear and continuing need to calculate and respond appropriately to unacceptably high levels of attrition – that is the number of rape cases which are reported but that do not end with the defendant being convicted.

The attrition rate in rape cases must be reduced and this can only happen if victims who decide to go through the criminal justice system receive better support, from report to court. In this regard, we welcomed the recommendations that the Stern review made for providing better support to victims who decide to go through the criminal justice system including recommendations that would improve the victim’s experience at the critical first stage of reporting; and that the Government explore the possibility of providing an independent lawyer to represent victims for certain parts of court proceedings.

The Stern Review referred to the difficult choices that policy makers and those who allocate “scarce resources” must make. It concluded that a broader approach to measuring success in dealing with rape should be taken and that “the conviction rate has taken over the debate to the detriment of other outcomes for victims”. Rights of Women agrees that the obligations of the state to those who have experienced rape are much wider than working for the conviction of a perpetrator and that support and care for victims must be a higher priority. But we are concerned that there must be no trade off between securing justice through the courts and ensuring full rehabilitation for victims.

The previous Government gave a very limited response to the publication of the Stern Review. Home Secretary Theresa May, in her Women’s Aid Conference speech in July 2010, committed the Government to publish a full Government response to Baroness Stern’s review. We welcome this and hope that the Government takes on board the recommendation that effective responses to rape must include a combination of victim support, as well as improved criminal justice responses.

The Stern Review, and the previous Government’s response are available for download on the Government Equalities Website at: [http://www.equalities.gov.uk/stern\\_review.aspx](http://www.equalities.gov.uk/stern_review.aspx).

## Guest article from the Every Single Woman Campaign

Every Single Woman, the new campaign under Asylum Aid's **Charter of Rights of Women Seeking Asylum** focuses on the disparity in the treatment of women who are seeking asylum compared with women settled in the UK.

Through the campaign, Asylum Aid intend to bring about a change of culture designed to produce a genuinely gender sensitive asylum system – a change which is urgently needed – to ensure that women seeking asylum receive a comparable standard of treatment to women in similar situations who are settled here already. Rights of Women has endorsed the Charter on the Rights of Women Seeking Asylum and encourages other women's organisations to do the same, to lend support to the campaign and to women seeking asylum.

### Every Single Woman

*"...because the translator was a man I felt ashamed. If it was a woman I would have said more."*

Rani came to the UK after her husband was killed and she was raped by government forces during fighting in Sri Lanka. At her asylum interview she was interviewed by a woman, but provided with a male translator. She was too ashamed to speak frankly to her translator and, as a consequence, was unable to fully explain her reasons for seeking asylum.

Although they are offered a choice of a male or female interviewer, women are often not given their preference for their interpreter. The provision of childcare during asylum interviews is also inconsistent, meaning that women may be forced to relate their experiences in front of their children – further constraining what they feel able to say. In addition the speed of the asylum process leaves little time for women to build up enough trust to disclose what has happened to them.

Understanding of the psychological impacts of rape has advanced greatly in the last decade. It is recognised that somebody who has experienced rape may struggle to disclose this information and will often need to build up trust before revealing details of such a traumatic experience. In criminal courts, screens, live links or video recorded evidence may be used to help a victim of domestic violence or rape feel safe enough to provide her 'best evidence'. Judges are given training on domestic violence and rape, and the effect this may have on victims. Victims are supported by a Witness Care Unit and the Witness Service. These reforms to the criminal justice system may not offer a panacea, but there is little doubt that they have brought benefits.

These reforms are set out in detail in the previous Government's strategy "Together We Can End Violence Against Women and Girls." In contrast the reforms in relation to women seeking asylum are limited to less than one page.

It is this marked disparity in treatment of women settled in the UK and women seeking asylum in the UK which led the Charter of Rights of Women Seeking Asylum to release *Every Single Woman*, a short film and briefing, in December 2009. We argued that a change of culture designed to produce a genuinely gender sensitive asylum system is urgently needed to ensure that women asylum seekers receive a comparable standard of treatment to women in similar situations who are settled in the UK.

We have welcomed the response to the campaign so far. The Chief Executive of the UK Border Agency, Lin Homer, announced the creation of the new position of Gender Champion at a senior management level to provide a strategic lead on gender. A three pronged process has also been established to negotiate necessary changes to the system in the areas of asylum determination, detention and support. This process includes endorsers of the Charter.

These are positive signs that our work is having some effect, but concrete actions are needed to match the encouraging rhetoric. We welcome new organisations endorsing the Charter and taking action to support its demands. So far over 200 organisations (including Rights of Women) have endorsed the Charter.

If you would like more information please go to: [www.asylumaid.org.uk](http://www.asylumaid.org.uk).

If you would like to order copies of the campaign briefing and/or DVD, just email [charter@asylumaid.org.uk](mailto:charter@asylumaid.org.uk).

# Consultations and developments to watch out for

## Review of the Women's National Commission

The Women's National Commission (WNC) is under review as part of the broader Government review of Quangos (quasi-autonomous non-government organisations). The Government has not launched a formal consultation on this, but WNC partners (including Rights of Women) have been writing to the ministers for women to highlight the important role that the WNC plays and to support its retention. A decision on the future of the WNC was expected at the end of July 2010 but we have not yet heard anything. We understand that negotiations on the future of the WNC are ongoing and so encourage women's organisations to write quickly in support of the WNC to:

The Rt Hon Theresa May MP  
Secretary of State for the Home Department  
and Minister for Women and Equality  
2 Marsham Street  
London SW1P 4DF

Lynne Featherstone MP  
Parliamentary Under-Secretary of State (Equalities)  
2 Marsham Street  
London SW1P 4DF

## Ministry of Justice, Family Justice Review Call for Evidence

The Ministry of Justice has put out a formal call for evidence with a wide range of questions about the functioning and effectiveness of the Family Justice System. Rights of Women is concerned about a number of the factors that form the basis of this review, including the Government's keenness to shift focus onto mediation and out-of-court dispute resolution in family law matters. We believe that this is a move driven by a desire to cut costs involved in the adjudication of family law matters, but one that does not take into account the specific needs of women, in particular women who have experienced violence. Rights of Women intends to submit evidence to this review and we encourage all those with interest to do the same.

The call for evidence is available to download at: <http://www.justice.gov.uk/reviews/fjr-call-for-evidence.htm>. The deadline for submission of responses is Thursday 30 September 2010.

## Ministry of Justice, consultation papers on proposals for court closures across England and Wales

A series of consultation papers have been published by the Ministry of Justice in relation to proposed court closures throughout the country. We are concerned that the closure of courts, particularly those that deal with family law matters, and those in rural areas, will have a detrimental impact on women's access to justice and legal remedies. We encourage organisations to review the lists and respond where the closure of a particular court will impede women's access to justice and legal remedies.

The consultation papers can be downloaded at: <http://www.justice.gov.uk/consultations/consultations.htm>. The deadline for submission of responses is 15 September 2010.

## Legal aid review: watch out for consultation in autumn

On 30 June 2010 the Justice Secretary, Kenneth Clarke, delivered a speech in which he announced that the Government will be "carrying out a fundamental reassessment of legal aid over the coming months and then asking for people's views in the autumn." In his speech, he asserted that: "We must spend what the taxpayer can afford on legal assistance only on those issues where the public interest requires it."

Rights of Women outlined our serious concern about the disproportionate and detrimental effects cuts to civil legal aid have had on women, in particular women who are experiencing violence, in our report, **Measuring up? UK compliance with international commitments on violence against women in England and Wales**. We believe that any further cuts will have a devastating affect on the rights of women and encourage all readers of *Focus on Women* to keep a close eye on any developments. We expect a public consultation to take place in the autumn.

To view the text of the Justice Secretary's speech go to: <http://www.justice.gov.uk/news/sp300610a.htm>.

To view Rights of Women's assessment of the impact of civil legal aid cuts on women who are at risk of, or experiencing violence, click [here](#) and read Section 3 Chapter 1 of our report, **Measuring up? UK Compliance with international commitments on violence against women in England and Wales.**

To view past consultations which Rights of Women has responded to, visit the policy and research pages of our website: click [here](#). To find out more about any of these developments, or to feed into Rights of Women's policy work and consultation responses, contact our Policy Officer, on 020 72516575 or [katherine@row.org.uk](mailto:katherine@row.org.uk).

## Rights of Women Training 2010

BOOK NOW!

Rights of Women is able to offer free and discounted training in London and Doncaster from September 2010

- Stop the traffic: protecting and supporting trafficked women in the UK
- Breaking the cycle: using civil and criminal remedies to protect women from violence
- Enforcement: making domestic violence injunctions work
- Protecting children from domestic violence: children and the law
- Forced Marriage: gaining protection through the law
- Protection from persecution? Asylum law and process in partnership with Asylum Aid
- No recourse? EEA national? Overcoming the barriers

Dates and information on how to book your space are available on our website: [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk).

For more information or to receive information about our events and courses please contact our Training Officer on 020 7251 6575 or [training@row.org.uk](mailto:training@row.org.uk).

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