

# Focus on women

Issue 15 2012

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

This edition provides a round up of policy issues affecting women's access to their legal rights, and sets out current and upcoming debates. It is testament to the reality that 2012 will bring no more rest than the past year; we will need to work together closely to scrutinise and keep up with Government proposals on legal aid, welfare reform, immigration and policy approaches to violence against women.

We look forward to working with you in the coming year. If you have any questions about the content of this issue of *Focus on Women* or any of our policy work, please do not hesitate to contact our Policy and Public Affairs Officer on [katherine@row.org.uk](mailto:katherine@row.org.uk) or [info@row.org.uk](mailto:info@row.org.uk).

Emma Scott,  
Director

## Legal Aid update

The Legal Aid, Sentencing and Punishment of Offenders Bill (LAPSO) is progressing through Parliament, and is currently at Committee Stage in the House of Lords, having undergone very few changes in the House of Commons.

Rights of Women together with other women's and human rights organisations have been campaigning to ensure that LAPSO is amended to take account of the needs of women who have experienced gender-based violence and abuse, for whom self-representation in complex legal proceedings can be dangerous both in terms of process and outcomes. Owing to these efforts, there has been considerable debate around domestic violence in private family

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law matters in both houses of parliament. We are concerned however that there has been very little debate so far on the critical importance of legal aid for women experiencing gender-based violence who need help with other areas of law and are particularly concerned about legal aid for immigration law problems. It is readily apparent from the calls we receive to our immigration and asylum law advice line that women with an insecure immigration status are especially vulnerable to violence and abuse; their immigration status and uncertainties about it often restrict them from seeking help and accessing support services and can be used as a tool of control by their abusers. For many women, including victims of domestic violence or trafficking and migrant domestic workers exploited in private households, their insecure immigration status is both a direct result of the violence they have experienced and a vehicle for its continuance. The availability of legal advice and representation to resolve their immigration status is vital for these women whose safety and well-being depends on it.

We will be supporting amendments laid down by Baroness Joyce Gould (Labour) which seek to retain legal aid in immigration law matters for women experiencing domestic violence and gender-based violence and abuse. Baroness Patricia Scotland (Labour) has also tabled important amendments to hold the Government to its own commitment to ensure that survivors of domestic violence are able to obtain legal aid to resolve private family law problems. You can see a list of all amendment papers related to LAPSO on the Parliament website [here](#).

## Next steps

The Bill went into Committee Stage in the House of Lords on 20 December 2010, with the next day of Committee on 10 January 2012. The Bill will be debated line by line by the Lords for between 4-8 days during which time any Lord can take part in the debate. Lords will again have the opportunity to consider further amendments at the Report Stage, which is most likely to be in February.

You can follow the development of the Bill through parliament on the website of the Houses of Parliament [here](#).

# Family Justice

## Family Justice Review: final report

The final report of the Family Justice Review was published on 3 November 2011. The report contained considerably detailed proposals for the reform of the family justice system and reflected a meaningful consultation with stakeholders on earlier proposals. As readers of *Focus* will be aware, Rights of Women, whilst welcoming some of the proposals, had serious concerns that domestic violence, which is a significant feature of private family law cases, had not been adequately addressed by the Review Panel and that a number of the proposals would place women and children at greater risk.

We were particularly concerned about the proposed introduction of a statement in legislation to reinforce “the importance of the child continuing to have a meaningful relationship with both parents, alongside the need to protect the child from harm”. We were very pleased to read that the Family Justice Review panel concurred with this concern. It recommended that:

“The child’s welfare should be the court’s paramount consideration, as required by the Children Act 1989. No change should be made that might compromise this principle. Accordingly, **no legislation should be introduced that creates or risks creating the perception that there is a parental right to substantially shared or equal time for both parents.** For that reason and taking account of further evidence we also do not recommend a change canvassed in our interim report that legislation might state the importance to the child of a meaningful relationship with both parents after their separation where this is safe. While true, and indeed a principle that guides court decisions, we have concluded that this would do more harm than good.”

We were also encouraged to see the impact of our joint submission to the Review Panel with Women’s Aid Federation of England, which led the panel to emphasise the need to safeguard vulnerable adults, recommending that:

“The government and the judiciary should actively consider how children and vulnerable witnesses may be protected when giving evidence in family proceedings.”

Many of our other concerns were also addressed in the final report which further recommended that:

- The need for grandparents to apply for leave of the court before making an application for contact should remain;
- The facility to remove the child from the jurisdiction of England and Wales for up to 28 days without the agreement of all others with parental responsibility or a court order should remain;
- The Family Justice Service (a new service which is proposed to oversee the family justice system) should ensure for cases involving children that safeguarding checks are completed at the point of entry into the court system;
- There should be no link of any kind between contact and maintenance;
- The Ministry of Justice and the Legal Services Commission should carefully monitor the impact of legal aid reforms. The supply of properly qualified family lawyers is vital to the protection of children.

This final recommendation related to the impact of the cuts to legal aid is vital. Under the current legal aid proposals, legal aid in family cases will generally only be available for mediation. There will be a domestic violence “gateway” which should retain legal aid for in-court settlement for some women who have experienced domestic violence and are involved in family law disputes but as is outlined in ***Focus on Women Issue 14***, the evidence women will have to provide is so restrictive that many will fall through the gaps. This means there will be a great potential for women who have experienced domestic violence to fail to meet the eligibility requirements for legal aid and thus be pushed into mediation, representing themselves or taking no part in legal proceedings at all.

On mediation, the Final Report recommends that:

- Families should be encouraged to resolve their disputes safely outside of court, wherever possible but where intervention is necessary, separating parents should be expected to attend a session with a mediator, who should assess the most appropriate intervention, including mediation and collaborative law, or whether the risks of domestic violence, imbalance between the parties or child protection issues require immediate referral to the family court;
- The mediator tasked with the initial assessment (Mediation Information and Assessment Meeting) would need to be the key practitioner until an application to court is made;
- The regime would allow for emergency applications to court and the exemptions should be as in the Pre-Application Protocol.

Thus, whilst welcoming many of the recommendations in the Final Report, we remain concerned that the overall emphasis of the proposals is to encourage out of court settlement, with no clear line on the unsuitability of mediation where domestic violence is a factor. The Final Report refers to cases where “[s]ome who have experienced abuse may nevertheless choose to mediate”. Rights of Women considers that mediation is never appropriate where domestic violence is a factor because it places the victim at greater risk and there is a clear imbalance of power between the parties; this will become an increasingly important issue to stress as the policy emphasis shifts further towards mediation. The Final Report does state that “[t]his is, however, clearly an area where further research would be helpful and the whole issue should be kept under review as experience of the pre-application protocol and our own proposals unfolds”.

Rights of Women has concerns about the Pre-Application Protocol which has been used since April 2011 for determining suitability for mediation in private family law disputes because only those cases where an allegation of domestic violence has resulted in a police investigation or the issuing of civil proceedings for the protection of any party within the last 12 months are explicitly deemed inappropriate for mediation. However, the protocol does invest discretion in the mediator who may determine the case unsuitable for mediation because of domestic violence in the absence of this evidence. Yet under the current legal aid proposals, those individuals who have failed to obtain legal aid for in-court settlement because they cannot meet the domestic violence gateway criteria but have simultaneously been deemed unsuitable for mediation because of domestic violence will get no legal aid at all.

The executive summary and final report of the Family Justice Review, including the full list of recommendations, can be downloaded from the Ministry of Justice website [here](#).

## Child Maintenance: Welfare Reform Bill update

Back in January 2011, the Department for Work and Pensions (DWP) published proposals for the reform of the child maintenance system. The overall emphasis of the proposals was to deter use of the statutory child maintenance scheme by placing procedural and financial burdens on applicants, who are most likely to be parents with care and therefore,

in the overwhelming majority of cases, women. Part 6 of the Welfare Reform Bill contains provision to enable the Government to implement these proposals and sets out that applicants to the statutory system will be required to “take reasonable steps to establish whether it is possible or appropriate to make private arrangements” prior to making an application, thereby placing the onus on parents with care to ensure child maintenance agreements are secured. Although not on the face of the Bill, the Government also intends to introduce fees for applications and ongoing charges on both the parent with care and the non-resident parent where a statutory collection service is used, despite the fact that the parent with care will have very little say in how the non-resident parent pays or whether he defaults on payments (if he defaults on maintenance direct, it is proposed he would automatically be transferred onto the collection service). We have argued that the statutory collection service must be the default option in domestic violence cases and that the imposition of a collection charge would be entirely inappropriate in this context. However, although the Government intends to exempt domestic violence victims from the proposed £100 application charge, it is clear from statements made by Minister Lord de Mauley during debates in the Lords that the Government remains committed to requiring all applicants to pay collection charges. On a more positive note, Minister Lord de Mauley did commit Government to use the cross-Government definition of domestic violence for the purposes of the exemption scheme and ensure that the process by which parents with care have to prove that they have been a victim of domestic violence “will not be onerous or burdensome” (see House of Lords debate held on 28 November on the parliament website [here](#)).

More information on the proposals on child maintenance is contained in Focus on Women issue 14, available online [here](#).

### Next steps

Gingerbread has been leading a coalition of organisations lobbying for a better deal for single parents and coordinating amendments. You can read more about the proposals and their campaign on the [Gingerbread](#) website.

# Migrant women's rights

## NEW RIGHTS OF WOMEN REPORT

### *Silenced voices speak: strategies for protecting migrant women from violence and abuse*

On 7 December 2011 we launched our new research report ***Silenced voices speak: strategies for protecting migrant women from violence and abuse*** at Amnesty International's Action Centre where we were joined by over 80 delegates, including students, lawyers and activists from women's and migrant rights organisations. The launch was accompanied by an exhibition of the 'Home Sweet Home' photography project in which women who have sought asylum in the UK used photography to document their lives and day-to-day struggles to survive.<sup>1</sup>

*Silenced voices speak* analyses six months of calls to Rights of Women's immigration and asylum law line and identifies and analyses the key barriers and issues for women seeking safety and protection in the UK. It highlights the protection gaps that exist and gives a voice to the women who have called us and who have fallen through those gaps. The report makes clear and concrete recommendations which, if implemented, will ensure that this particularly vulnerable group of women are able to access protection and live lives free from violence. All of our recommendations are in line with the Government's own commitments to end violence against women and the UK's international obligations to protect women from violence.

Based on evidence from our legal advice line, the report urges UK Government to:

- Situate the work of the UK Border Agency's (UKBA) Gender Champion in the Government's commitments to end violence against women as set out in the *Call to End Violence Against Women and Girls*.
- Sign and ratify the *Council of Europe Convention on preventing and combating violence against women and domestic violence* (2011).

<sup>1</sup> The project and resulting exhibition are organised by Women for Refugee Women, a charity that challenges the injustices experienced by women who have sought refuge. For details on how to hire the exhibition or reproduce the images, please contact Women for Refugee Women at [admin@refugeewomen.co.uk](mailto:admin@refugeewomen.co.uk) or 020 7250 1239, or for more information go to [www.refugeewomen.co.uk](http://www.refugeewomen.co.uk).

- Review the habitual residence test (a part of welfare benefits law) to ensure that it does not discriminate against women benefitting from European free movement law who are temporarily unable to work or seek work.
- Change the domestic violence rule to remove the new ‘criminality requirement’ and to enable other vulnerable victims of domestic violence to be able to apply, for example, those on student or fiancée visas.
- Retain legal aid for cases that involve violence against women or gender-based violence, including for victims of trafficking, migrant domestic workers and victims of domestic violence. This will include immigration cases but also those that involve other areas of law, for example, in relation to applications for criminal injuries compensation.
- Retain legal aid in immigration law cases where the right to private and family life is relied upon.

The report can be downloaded from our website [here](#). Hard copies are available on request by emailing [info@row.org.uk](mailto:info@row.org.uk).

## The domestic violence rule and the new criminality requirement: an update

On the 6 April 2011 the domestic violence rule was changed to require applicants to be free from unspent criminal convictions in addition to meeting the usual requirements for settlement. The period of time after which a criminal conviction becomes a ‘spent’ conviction depends on the nature of the offence and is governed by the **Rehabilitation of Offenders Act 1974**. The new ‘criminality’ requirement is so wide-sweeping that a woman would not be deemed eligible to apply under the domestic violence rule if she were to receive a minor criminal conviction for fare evasion on public transport or shoplifting, even if the court gave her an absolute discharge, because an absolute discharge remains unspent for six months.

Rights of Women, along with ILPA, Southall Black Sisters and Eaves opposed this new requirement and sought to persuade Theresa May, the Home Secretary, to remove it on the grounds that it weakened the protection offered by the domestic violence rule and was therefore inconsistent with the Government’s absolute commitment to eliminate violence against women and girls.<sup>2</sup> Whilst our

attempt to have the new requirement removed from the rule was unsuccessful, we were invited to comment on draft guidance for decision-makers at the UK Border Agency (UKBA) to ensure that vulnerable women who have criminal convictions (which might be related to their experience of domestic violence) are still able to access safety and protection in the UK. On 9 September 2011 we submitted written comments which were endorsed by 40 other organisations. The new guidance for UKBA decision-makers was published on 28 October and we are very concerned that it fails to adequately address our concerns. The guidance states that:

“Domestic violence involves vulnerable people and raises complex issues linked to criminality, such as crimes committed under duress, coercion or self-defence.

When considering applications from people applying under the domestic violence provision (paragraph 289A of the Immigration Rules), you must consider whether, *in truly exceptional cases*, to exercise discretion and grant discretionary leave or indefinite leave outside the rules if:

- any unspent convictions *relate to an applicant’s claim* to be a victim of domestic violence, or
- the offence is *very minor* and there are *compassionate and compelling circumstances*.

### Nature of the offence

You must consider the *nature* of any offence that the person has been convicted of and consider whether there are any mitigating factors that could *link the offence to the claimed domestic violence*.

Whilst it may appear that an unspent conviction does not directly relate to the claimed domestic violence, you must consider any representations that have been provided that support the claim that an offence was as a result of coercion and threats to their own safety. For example:

- the offence of Actual Bodily Harm may be committed in self-defence to escape a violent situation, or
- a person forced to commit shoplifting offences because of the severe financial restraints placed on them by an abusive spouse.

<sup>2</sup> See the Government’s [Call to End Violence Against Women and Girls](#) and its Action Plan.

Applicants applying under the domestic violence provision who have an unspent criminal conviction related to a *serious offence* or *unrelated to their claim as a victim of domestic violence* must have their application for settlement under the rules refused, even if you subsequently grant leave outside the rules.” (Emphasis added)

Despite recognising the vulnerability of applicants and the complex links between domestic violence and criminality, it is of serious concern that the guidance directs decision-makers to grant them leave only in “truly exceptional circumstances”. By so-doing and failing to emphasise the seriousness of all forms of domestic violence the guidance fails to meet the Government’s legal obligations to respond to all cases of violence against women with due diligence. At minimum, given the safety issues at stake, the guidance should direct decision-makers to grant ILR where the offence is minor or was committed in the context of domestic violence.

We are also concerned that the guidance refers to either Indefinite Leave to Remain (ILR) or discretionary leave to remain being granted to victims of domestic violence who have unspent criminal convictions. We believe that women who have experienced domestic violence need to have certainty about their immigration status to enable them to recover and rebuild their lives. Discretionary leave to remain, which is usually given for only three years, does not give women that certainty (while it does enable her to work or access welfare benefits it will take six years and a further application before she is eligible for ILR). We will therefore be writing again to the Home Secretary and the Gender Champion of the UKBA to highlight these issues.

You can read the full guidance on the UKBA website [here](#). Further information about the rule and application process is available on our website, see Rights of Women’s legal guide *Domestic violence, immigration law and no recourse to public funds* [here](#).

## Accommodation and support for domestic violence rule applicants: UKBA proposals on a long term solution

Rights of Women together with the Campaign to Abolish No Recourse to Public Funds has been involved in discussions with the UKBA on proposals for a long term solution to provide support to

victims of domestic violence who are in the UK on spousal visas whilst they apply for settlement under the domestic violence rule (Rule 289A of the Immigration Rules). The Government has committed to roll out a new scheme in April 2012 to take over from the temporary Home Office funded Sojourner project, which since 2009 has been run by Eaves Housing for Women, enabling women to be funded in refuge while their applications under the domestic violence rule are prepared and decided. The Government now proposes to provide benefits and public housing to applicants under the domestic violence rule as part of a long term initiative jointly run between the UKBA and the Department for Work and Pensions (DWP). This is a positive step forward but we are concerned to ensure that detailed plans have been subject to full consultation and a clear communications strategy has been put in place before the Sojourner Project ends and the new scheme begins. It is of vital importance that all relevant stakeholders, in particular the voluntary and statutory agencies that currently provide advice and signpost women to the Sojourner project, are fully aware of any changes before they are implemented. At the beginning of January 2012 detailed plans for the new scheme had not been circulated for consultation, leading us to believe that the Sojourner project will need to be extended to beyond April 2012 to enable a smooth transition.

# The Government’s call to end violence against women and girls

## Action Plan Progress Review

On 25 November 2011 (International Day for the Elimination of Violence Against Women) the Home Office published a progress review of the Government’s Action Plan to end violence against women and girls.

The review covers a number of areas that may be of interest to *Focus* readers. In particular it reports that:

- Research into the prevalence of ‘false allegations’ of rape and other serious sexual and violent

crimes will be published in early 2012.

- Funding to develop new and support existing VAWG support organisations has been agreed and is being distributed.
- The publication and distribution of Rights of Women's handbook for survivors of sexual violence, *From Report to Court* has improved communication with victims of sexual violence.
- Agreement has been reached with the Department for Work and Pensions to enable the development of an effective and sustainable funding solution for victims of domestic violence with no recourse to public funds.
- The UKBA will build on improvements already made to take account of the needs of women going through the asylum system and to improve the quality of decision-making in women's asylum claims. This includes delivering a new training package to all asylum decision-makers and introducing a monitoring system so that improvements can be monitored.
- The UKBA will disaggregate its performance statistics by gender and include gender as a specific element of a national plan to reduce the asylum allowed appeal rate.
- The UKBA will improve the asylum screening process by implementing a new instruction on screening, along with revised training, to improve gender sensitivity and awareness.

You can read the full review on the Home Office Website [here](#).

## Council of Europe Convention on preventing and combating violence against women and domestic violence

The Call To End Violence Against Women and Girls: Action Plan committed the UK Government to support the role and contribution of the Council of Europe (CoE) in preventing and responding to violence against women and girls. Interestingly however, although the UK played an active part in drafting the **Council of Europe (COE) Convention on preventing and combating violence against women and domestic violence** which opened for signature on 11 May 2011, it has not yet signed it. The Action Plan Progress Review stated that further consideration is needed before a decision can be taken on whether or not the UK signs and ratifies it, citing "difficulties with several articles". Rights of Women believes that this Convention is a vital tool for ending violence against women and girls not

only in the UK but throughout Europe and a failure to sign it will indicate that the UK Government does not take its commitments on violence against women seriously. The Convention is the first legally binding international instrument that comprehensively addresses violence against women in Council of Europe States. It contains many important provisions which would, for example, require the UK Government to provide specialist, women-only services (Article 22) and a gender-sensitive asylum system (Article 60). It also establishes a group of experts on action against violence against women and domestic violence ("GREVIO") to which signatory States will have to report and which will have the power to conduct country visits. This will be the first body with the mandate to investigate and report specifically on the way that Governments in the Council of Europe address their obligations on violence against women.

### Take Action

The Trade Unions Congress (TUC) has opened a petition calling on the UK Government to commit to signing the Convention; we would urge you read more about the petition and to sign it on their website [here](#).

## Home Office Sexual Violence Forum

As part of their commitments under the Government Call to End Violence Against Women and Girls: Action Plan, the Home Office launched a Sexual Violence Forum in September 2011 for the purpose of discussing and examining UK policy on sexual violence. Rights of Women welcomed the creation of this group and was invited to be a permanent member of the Forum. The first meeting was held on 28 September 2011 and discussed Home Office progress on its commitments in the Action Plan regarding sexual violence and its response to The Stern Review recommendations (for further details of the Stern Review, see *Focus on Women Issue 12* [here](#)). The Forum welcomed the work being done by the Home Office in relation to sexual violence, including the development of training for Independent Sexual Violence Advisors (ISVAs), increasing training and knowledge of sexual violence within the medical profession and a publicity campaign aiming to increase awareness and address sexual violence myths. The Forum did however query the implementation of some policy commitments. For example, the Association of Chief Police Officers (ACPO) stated that they had

distributed guidance on investigating rape to all police force areas, as requested by the Home Office. However, when questioned about how this guidance had been disseminated to police officers, ACPO revealed they did not have ways of monitoring how the guidance had been distributed, or if it was even being read. The Forum therefore offers the opportunity to challenge and engage with government agencies and bodies that are otherwise difficult to contact regarding implementation of sexual violence policies. It also offers a useful opportunity to learn details about government research being conducted with regards to, for example, the sexual exploitation of children. The next Sexual Violence Forum is 27 March 2012. If you are interested in further updates from the Forum please contact [hannah@row.org.uk](mailto:hannah@row.org.uk).

## Consultations

### Child Support Maintenance Calculation Regulations 2012

This consultation proposes to change the way that child maintenance is calculated. The proposed system will use information on non-resident parent (NRP) income from HMRC. We welcome this proposal, as we hope this will better reflect the NRP's true income and remove the onus on the parent with care (PWC) to produce evidence of the NRP's income.

However, we have serious concerns about some aspects of the proposals. In particular, it is proposed that maintenance calculations are based on the assumption that the child has one night staying contact per week with the NRP, which would automatically reduce maintenance payments received by the PWC, until evidence to the contrary is produced. It is also proposed that PWC will no longer be able to use the grounds of 'lifestyle inconsistent from declared income' to dispute the level of child maintenance payments made by the NRP. We consider it to be important that this ground is retained, regardless of the fact that CMEC proposes to use figures on income from HMRC. This ground will be particularly important for disputing the level of maintenance paid in situations where the NRP is self employed, earning money from work outside of the UK tax system, illegally

avoiding paying tax, has inherited wealth, or has large amounts of capital. Furthermore, whilst we welcome the proposal to compel NRPs to advise the PWC of increases to their income, we do not agree with the accompanying proposal to exempt self-employed NRPs from this requirement. Much of what the commission is proposing is likely to have a detrimental impact on PWCs, 95 – 97% of whom are women.

You can read the full consultation document on the CMEC website [here](#). Deadline for submissions: 23 February 2012.

### The Child Support Management of Payments and Arrears (Write off and Part Payment in Full and Final Satisfaction) Amendment Regulations 2012

This consultation outlines proposals regarding child maintenance arrears owed to the PWC by the NRP. It proposes that, in limited circumstances, arrears could be written off and/or that part-payment of arrears could be accepted as full and final settlement. This raises concerns for women who have had to cope without maintenance for a period of time, where the NRP is able to pay but chooses not to. We are concerned that such a change would reduce the incentive for NRPs to pay the full amount owed, and result in women and children not receiving the correct amount of child maintenance arrears owed to them.

You can read the full consultation document on the CMEC website [here](#). Deadline for submissions: 12 March 2012.

### Home Office: Consultation on Forced Marriage

The Government is consulting on whether a specific criminal offence of 'forced marriage' would help to combat forced marriage and provide better protection to victims. The government has already indicated that it intends to strengthen protection to victims by criminalising the breach of a Forced Marriage Protection Order.<sup>3</sup> The consultation will seek views on how this can most effectively be achieved.

<sup>3</sup> Currently it is not a criminal offence to breach an FMPO. A power of arrest may be attached to any section of the FMPO. Making breach of a FMPO a criminal offence will bring it in line with non-molestation orders under the Family Law Act 1996 and restraining orders under the Protection of Harassment Act 1997, a breach of which is a criminal offence.

A forced marriage is where one or both parties to the marriage do not consent. Forced marriage is a form of violence against women and raises concerns related to a number of human rights including the right to enter into marriage only with free and full consent, the right to bodily and sexual integrity and the right to non-discrimination and equal protection in law.

There is currently no specific criminal offence of 'forced marriage.' The Forced Marriage (Civil Protection) Act 2007 provides a specific civil remedy – a Forced Marriage Protection Order – to prevent victims being forced into a marriage and to assist victims where a marriage has already taken place. In addition, many of the key behaviours typically associated with a forced marriage are already covered by existing criminal offences, for example: kidnapping, false imprisonment, harassment and assault.

You can download the consultation documents from the Home Office website [here](#). Deadline for submissions: 30 March 2012.

## Home Office: Consultation on Stalking

The Home Office has launched a public consultation on stalking covering issues such as: the effectiveness of current civil and criminal remedies addressing stalking; whether there should be a specific criminal offence of stalking; the effectiveness of Police Information Notices; awareness amongst police, statutory agencies and the public of stalking; as well as suggestions for improvements in responses to stalking.

Stalking is one of the most frequently experienced types of abuse encountered by women in the UK. Most stalkers are former partners or friends of their victim. The impact of stalking can be devastating and a third of victims have lost their job or relationship or have been forced to move because of stalking.

There is currently no legal definition of stalking. The definition of stalking used in the British Crime Survey 2010/11 is “two or more incidents (causing distress, fear or alarm) of obscene or threatening unwanted letters or phone calls, waiting or loitering around home or workplace, following or watching, or interfering with or damaging personal property by any person, including a partner or family member.”

Although there is no specific criminal offence of stalking, victims of stalking can gain both civil and criminal law remedies for protection under the

Protection of Harassment Act 1997. Victims of stalking who are or were in a relationship with the person stalking them may also be able to obtain a protective injunction under the Family Law Act 1996. There are a range of criminal offences that can be used to tackle stalking including the Computer Misuse Act 1990 and the Public Order Act 1986.

You can download the consultation documents from the Home Office website [here](#). Deadline for submissions: 5 February 2012.

## Home Office: Cross-Government definition of domestic violence consultation

The government is consulting on whether the current cross-government definition of domestic violence should be widened. It also seeks views on whether the current definition is being applied consistently across government, and if it is understood by practitioners, victims and perpetrators.

There are four options for consideration in this consultation:

- the definition of domestic violence remains the same;
- the definition of domestic violence is amended to include coercive control (defined as “a complex pattern of overlapping and repeated abuse perpetrated within a context of power and control. It can be described as a series of repeated incidents which may vary from lesser to greater severity. This could include things like the control of finances, verbal abuse or isolation which may include control over whom a person can see or where they can go”);
- the government’s definition of domestic violence is extended to all 16-17 year-olds;
- the government’s definition of domestic violence is extended to all those under 18.

You can download the consultation documents from the Home Office website [here](#). Deadline for submissions: 30 March 2012.



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