

Focus on women

Issue 9 2009

Welcome to the ninth edition of *Focus on Women* in which we are very pleased to introduce two new projects we are working on as part of our policy work.

We believe that women's organisations have a vital role to play in the formation of new law and policy and in challenging the inequalities which still exist for women in society today. You have direct experience and a wealth of knowledge of the issues currently facing your women service users which can inform developments in law and policy towards a more equal position for women. We recognise, however, that these are challenging and busy times for everyone in the women's voluntary sector and that your capacity and resources to undertake this work are limited. For this reason, we are very pleased to have been given funding from London Councils to work closely with women's organisations in the 33 London Boroughs to improve your understanding of the policy and law making processes and increase your capacity to engage in policy work. Over the next four years of this project we hope that we can work together to make our voices heard more loudly and make a real difference for women. This newsletter will give you more information about this project and our forthcoming policy events and activities.

Both the Government and the Greater London Assembly are currently consulting on strategies to address violence against women. Our second, and timely, policy project will be looking at the Government's implementation of the violence against women recommendations in the Beijing Declaration and Platform for Action, an important international human rights document. This project titled **Violence against Women – implementing international human rights: rhetoric or reality**

and funded by the Sigrid Rausing Trust will include a series of events to consult with the statutory and voluntary sector and a research report and conference. This newsletter gives you some background information on the Beijing Declaration as well as details of the work we will be doing and how you can get involved.

Finally I would like to introduce our new Policy Officer, Shakiratu Sanusi, who will be working on both these projects. Shaki joins us having worked most recently with the UN-backed Special Court for Sierra Leone and brings a wealth of experience of both national and international human rights law. We are delighted to welcome her to the team at Rights of Women.

If you have any feedback or comments on this edition of *Focus on Women* or would like more information about our forthcoming policy work, please contact Shaki at shaki@row.org.uk

Emma Scott
Director, Rights of Women

Contents

- | | |
|---|---|
| ■ Building capacity in the women's sector | 2 |
| ■ Violence against Women project | 2 |
| ■ Consultations | 4 |
| ■ Updates | 4 |
| ■ Rights of Women training | 6 |

Building capacity in the women's sector

Rights of Women has secured funding from London Councils for a capacity building project to enable women's organisations to increase their participation in borough, sub-regional and pan-London policy and decision making processes with a focus on Black, Minority Ethnic and Refugee women, including women seeking asylum (BMER women). We recognise that women's organisations have limited resources and capacity to engage in policy work. However, you have a wealth of experience which could be vital in policy work.

We will be holding workshops and seminars aimed at empowering women's organisations to feed into the policy and decision making processes. Our workshops will focus on policy relating to women's rights including gender equality and violence against women. Our seminars will aim to raise awareness of domestic, sexual and other forms of violence, gender equality and issues relevant to minority and/or vulnerable women including BMER women and lesbians. We will be looking at participation in local policy making through the Local Strategic Partnerships in identified key areas.

We will also be producing further editions of this newsletter informing you about policy and legal issues affecting women, our current policy activities and how you can get involved.

Finally, as part of this capacity building project we plan to establish a network of at least 30 London based women's organisations to provide information on policy consultations, legislation, relevant funding opportunities, and create a forum for debate within the network as well as feeding into national policy debates.

Violence against Women project

Rights of Women is pleased to announce a new project titled "Violence against Women – implementing international human right: rhetoric or reality". This two year project funded by the Sigrid Rausing Trust will assess the implementation of the Beijing Declaration and Platform for Action recommendations on violence against women.

The Beijing Declaration and Platform for Action was adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace in Beijing on 15 September 1995. It is an agenda for women's empowerment and aims at removing all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making.

The Platform for Action sets out strategic objectives in 12 identified critical areas of concern for the achievement of women's human rights with specific actions to be taken to achieve them by various actors. Violence against women is one of those critical areas.

Definition

Violence against women (VAW) is defined in the United Nations Declaration on the Elimination of Violence Against Women (A/RES/48/104, of 19 December 1993) as

"any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life".

Violence Against Women strategic objectives

- Take integrated measures to prevent and eliminate violence against women
- Study the causes and consequences of violence against women and the effectiveness of preventive measures
- Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking

Critical areas of concern

- Women and poverty
- Women and education
- Women and health
- Violence against women
- Women and armed conflict
- Women and the economy
- Women in power and decision-making
- Institutional mechanisms for the advancement of women
- Human rights of women
- Women and the media
- Women and the environment
- The girl-child

Violence against women includes but is not limited to the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Acts of violence against women also include forced sterilisation and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection. It is Rights of Women's position that forced marriage is a form of violence against women. Other acts of violence against women include violation of the human

rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy.

There is no definition of violence against women in UK law or policy. There is, however, a definition of domestic violence. The Government definition of domestic violence is:

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults¹ who are or have been intimate partners or family members, regardless of gender or sexuality.

This definition includes honour-based violence, female genital mutilation (FGM) and forced marriage.

The United Nations definition of violence against women covers much more than domestic violence within the family. It is recognition that the systemic nature of violence against women, which cuts across lines of race, class and culture, is a cause and a consequence of the low social and economic status of women. It is also recognition that an integrated and holistic approach is required to properly address the causes and consequences of violence against women.

Rights of Women believes the definition of violence against women as defined in the United Nations Declaration on the Elimination of Violence Against Women should be adopted by the Government.²

We recognise at Rights of Women that certain groups of women such as BMER women are particularly vulnerable to violence for complex reasons. In assessing the implementation of the Beijing Platform for Action, we propose to highlight areas where Government strategy can address key areas where BMER women are disproportionately and adversely impacted by acts of violence against women.

Project aims – what we will be doing

Implementation of the set of actions in the Beijing Platform for Action is the primary responsibility of the Government. However, it is also dependent on a wide range of institutions in the statutory and voluntary sector.

¹ An adult is a person over 18 years of age. Family members are defined as mother, father, son, daughter, brother, sister, and grandparents whether directly related, in laws or stepfamily.

² For more information on human rights law and the violence against women framework which developed out of international human rights law, see our recent publication, *Pathways to Justice: BMER women, violence and the law*.

The Beijing Platform for Action requires the government to:

- take certain integrated measures to prevent and eliminate violence against women;
- study the causes and consequences of violence against women and the effectiveness of preventive measures; and
- eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.

This means that the Government is not only required to condemn acts of violence against women, it is also required to take positive steps to prevent, investigate and punish acts of violence against women whether carried out by the State or individuals. The Government is required to pass legislation, as well as review existing legislation, to ensure the protection of women subjected to violence. This includes ratifying or implementing international human rights instruments. (See below for a recent ratification by the Government).

The provision of adequate resources, services and access to justice is integral to this.

How we plan to do it.

We will be considering Government initiatives on tackling violence against women. We will also be looking at implementation initiatives across England and Wales and to what extent Public Service Agreements (PSAs) between the Treasury and local authorities enhance or impair the

realisation of strategies for violence against women.

Tackling serious sexual offences and domestic violence is covered in the Safer Communities PSA. It is therefore vital that any violence against women policy initiatives are factored in as part of the Local Area Agreements (LAAs) the authorities use to set out their local priorities and agree with the Government. 150 LAAs were approved on Monday 30 June 2008. It is vital that women's organisations have a voice in these LAAs through the Local Strategic Partnerships when the priorities are set. The present round is from 2008 to March 2011. The new LAAs took effect from April 2008 and will run for three years.

How can we measure if any difference is being made?

We will also consider if there are any, or sufficient, indicators to measure violence against women, the adequacy of the government's response and the effectiveness of its action plans.

In assessing the implementation of the Beijing Platform for Action recommendations on violence against women our objectives are to:

- encourage the participation of women's organisations in examining the implementation in England and Wales of the Platform for Action violence against women recommendations;
- build capacity in women's organisations in using a rights-based approach in their work

Consultations

A significant amount of our policy work relates to responding to consultation papers from the Government and other bodies. Through our engagement in the consultation process, we aim to ensure that women's voices are heard at every stage of policy formation. Our recent consultations are available online (www.rightsofwomen.org.uk) and include:

- *Home Office Proposals on Prostitution & Lap Dancing Legislation (October 2008 with Eaves)*
- *Consultation on the CPS Policy for Prosecuting Cases of Rape (October 2008)*
- *Consultation Paper on Overarching Principles of Sentencing (October 2008)*
- *Forced Marriage Statutory Guidance (October 2008)*
- *Reforming the Law for People Who Live Together (October 2008)*
- *Response to the UK Borders Agency Consultation on Immigration Appeals: Fair decision; Faster Justice (November 2008)*

We are currently working on the proposed Cohabitation bill (no date has yet been set for its 2nd reading), the Home Office Violence against Women Strategy, the GLA Strategy on violence against women, the Equality Bill and the Policing and Crime Bill 2008 as part of our policy work.

using the Convention on the Elimination of All Forms of Discrimination Against Women and the Beijing Platform for Action;

- engage with a variety of governmental and non-governmental organisations and agencies in assessing the implementation of the Platform for Action violence against women recommendations; and
- share experience and good practice.

We will be holding a series of consultative seminars and roundtable meetings to provide a forum for key stakeholders to share their experience of law, policy and other initiatives on violence against women in England and Wales. We will also produce a report on our assessment of the implementation of the Beijing Platform for Action violence against women recommendations.

This will be launched and disseminated at a national conference in 2010. We will also develop a post-conference follow up tool kit for action to support conference participants and women's organisations wishing to undertake rights-based advocacy on VAW issues.

Updates

The Government has ratified the Council of Europe's **Convention on Action against Trafficking in Human Beings 2005**. The Convention was ratified on 17 December 2008 and the terms will be directly applicable in the UK from 1 April 2009. The Convention itself entered into force on 1 February 2008 when it was ratified by the requisite number of States under the terms of the treaty itself. The UK signed the Convention on 23 March 2007 signalling that it agreed with the terms of the Convention. See our previous edition of *Focus on Women*, Issue 8 for more information on trafficking and the Convention.

Forced Marriage (Civil Protection) Act 2007

The Forced Marriage (Civil Protection) Act 2007 came into force on 25 November 2008. It means that individuals and organisations can apply to the family courts for protection from forced marriage. The Act introduces powers to make new civil orders requiring individuals to, among other things,

- hand over passports
- stop intimidation and violence

- reveal the whereabouts of a person
- stop someone from being taken abroad.

The Act was used, as widely reported in the media, to successfully return Dr Humayra Abedin, a trainee doctor, to Britain from Bangladesh where she faced being forced into marriage by her parents. She was 'released' by her parents on 14 December 2008 after being ordered to appear in the High Court in Dhaka. While the protection order is not directly enforceable in Bangladesh it apparently had an influence.

Prostitution and trafficking

Rights of Women believes that the exploitation of women through prostitution is a form of violence against women, as defined in the **UN Declaration on the Elimination of Violence against Women**. However, the UK's legal system currently criminalises women who are exploited through prostitution rather than those who purchase sexual services.

Rights of Women believes that the historical failure of the UK to deal with the human rights implications of prostitution and trafficking has had profound implications on the UK's ability to protect those who are involved in prostitution from harm and to prosecute and punish those involved in trafficking and organised crime. Consequently, we welcome the proposed changes in the **Policing and Crime Bill 2008** which seek to shift criminal liability from women involved in prostitution to those who purchase sexual services from women who are sexually exploited for another person's financial gain.

In Part 2 of the **Policing and Crime Bill 2008** the Government has proposed changes to the law on prostitution to tackle the growing demand to sexually exploit vulnerable women. Clause 13 of the Bill proposes the insertion of section 53A into the **Sexual Offences Act 2003** creating the offence of paying for sexual services of a "prostitute controlled for gain". This will make it a criminal offence to pay for sexual services, or try to, from a woman who is being controlled for the financial gain of another. Rights of Women is campaigning, along with other women's organisations like the Poppy Project, to support this change in the law and we recently attended a meeting organised by Fiona Mactaggart MP with Alan Campbell, Parliamentary Under Secretary of

State for Crime Reduction, to explain why the law has to change and how the new offence could work.

Finally, as noted, the UK Government ratified the Council of Europe Convention Against Trafficking in December last year. Rights of Women hopes that this, along with the proposed changes in the **Policing and Crime Bill 2008**, will improve the position of women who are sexually exploited.

For further information about the proposed new offence see our briefing which is available to download from www.rightsofwomen.org.uk.

No recourse to public funds

Rights of Women is continuing to campaign for the rights of women who have an insecure immigration status and no recourse to public funds. While we welcomed Vernon Coaker's announcement last year that the Government will

introduce a scheme to enable the payment of money retrospectively to organisations who support women who receive Indefinite Leave to Remain under the domestic violence rule³ we are concerned that such a scheme would fail to protect women from violence as it does not provide funding at the time that a woman is most at risk: the point at which she seeks to leave the violent relationship. Consequently, Rights of Woman attended a meeting with senior officials in the Home Office and UK Border Agency organised by the Immigration Lawyers Practitioner's Association to express our concerns and discuss how women who seek to leave a violent relationship can be protected.

For further information domestic violence and no recourse to public funds see our briefing which is available for downloading from www.rightsofwomen.org.uk.

Rights of Women Training 2009

Our 2009 training programme will include courses on asylum and immigration, sexual violence, trafficking and domestic violence. For more information see our website www.rightsofwomen.org.uk or contact our Training Officer on 020 7251 6575.

This newsletter is published by Rights of Women, 52-54 Featherstone Street, London EC1Y 8RT.
Telephone: 020 7251 6575 Fax: 020 7490 5377 Textphone: 020 7490 2562
Email: info@row.org.uk

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