

Focus on women

Issue 10 2009

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

There have been a lot of exciting developments recently in relation to violence against women. You will know that on 9 March 2009 the Government finally launched its consultation on adopting an integrated strategy on violence against women and girls. Rights of Women welcomes this development and hopes that as a result the Government will finally take on board the messages and experience of our sector. We know it is important to many women who have experienced violence to have access to specialist services and that these must be funded in a sustainable way to ensure that those who need these services can access them. We also know that prevention and taking a victim-centred approach are important for many of those women who simply want a safe space to decide what their next steps will be.

The Greater London Assembly is also currently consulting on a strategy to address violence against women. The deadline is 20 July 2009 so there is still plenty of time to get involved and have your say. For more information about this see below.

We are holding seminars and workshops for London based organisations as part of our capacity building project. Rights of Women is part of the campaign to abolish no recourse to public funds. The workshop on 30 June will look specifically at this issue and how you can use your experience to make a difference. There are places available so please come along. The booking form for the workshop is at the back of this edition of *Focus*

We are also very pleased to be working closely with the Government on the Policing and Crime Bill 2008

which aims, in part, to tackle the demand for prostitution. In the Bill, the Government has proposed changes to the law on prostitution to tackle the growing demand to sexually exploit vulnerable women and make it a criminal offence to pay for sex from a woman who is being controlled for the financial gain of another. We have been campaigning, along with other women's organisations like the Poppy Project, to support this change in the law. There have been a lot of fast moving developments in this area, more details of which are in this edition of FOCUS but we are very pleased to have contributed to what we feel will be a workable definition in the Bill which should result in positive changes in tackling the demand for prostitution.

We will be hosting our very first Women's Legal Policy Network meeting shortly. For those of you who expressed an interest in being part of this network, you will shortly receive notification of the date of the meeting. If you wish to be a part of this important group of London women's organisations to share ideas and work together to see how we can all increase our capacity to engage in policy work please contact us. We hope we can continue to work together to make a real difference for 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 our Policy Officer Shaki Sanusi at shaki@row.org.uk

Emma Scott,
Director

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Government adopts definition of Violence against Women

Rights of Women is very pleased that the Government, for the first time, has adopted a definition of ‘violence against women’. In its consultation paper, *Together we can end Violence against Women and Girls* of 9 March 2009, the Government adopted the definition of violence against women as set out in the CEDAW Committee’s General Recommendation 19 of 1992 to the Convention on the Elimination of all Forms of Discrimination against Women; that is:

“Violence that is directed against a woman because she is a woman, or that affects women disproportionately.”

This is important because the adopted definition recognises the discriminatory nature of gender based violence against women and that it affects the ability of women to enjoy their human rights and fundamental freedoms under general international law and under human rights conventions. Rights of Women welcomes the adoption of a definition of violence against women which can enable a rights-based approach to tackling violence against women.

This is also important because the definition of violence against women covers much more than domestic violence within the family¹ which was the only definition in place before. The adopted definition of violence against women recognises the

systemic nature of violence against women, recognises that it cuts across lines of race, class, culture, and recognises it as both a cause and consequence of the low social and economic status of women. The adoption of the definition is also recognition that an integrated and holistic approach is required to properly address the causes and consequences of violence against women.

It has long been our position at Rights of Women that the Government should adopt the definition of violence against women as set out in the Declaration on the Elimination of Violence against Women because not only does it locate where violence against women takes place – family, community, and state – it comprehensively sets out acts that might constitute violence against women, and identifies gender based violence as taking place in the private and public spheres.

We are therefore pleased to see that the Government’s definition alludes to the Declaration on the Elimination of Violence against Women² which defines violence against women 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”.

We recognise that whilst the Convention on the Elimination of all Forms of Discrimination against Women is a binding international instrument which the Government has ratified, the Declaration on the Elimination of Violence against Women is not binding in the same way.

The adoption by the Government of the definition is nonetheless very important progress in ensuring that violence against women is recognised in its many forms.

It has further also long been Rights of Women’s position that forced marriage is a form of violence against women and we welcome the inclusion of forced marriage and crimes committed in the name of honour as part of the Government definition.

¹ Prior to the publication of the consultation on 9 March 2009 there was no definition of violence against women in UK law or policy. There was, however, a definition for domestic violence. The Government/ACPO definition of domestic violence is: “Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults 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.

² A/RES/48/104, of 19 December 1993

Rights of Women's Capacity Building Initiative

As part of our capacity building project, funded by London Councils, we have set up a network, the Women's Legal Policy Network, for London based women's organisations. There has been a lot of interest in this Network and it looks set to be a lively and useful forum for us all to debate issues that affect us in the sector. We will be sending out information about the first meeting soon and it will be a good opportunity to share ideas not only about current policy developments such as the Government's and GLA's consultations on violence against women and girls but also on other policy matters that affect us all including funding constraints, commissioning, and participation in Local Strategic Partnerships.

We all need to be a part of the process given the Government's keenness on the devolution of power to Local Authorities or we will find that decisions are being taken without our input which affect our ability to survive and continue to provide services. We can use the Network to identify which issues we should concentrate on and develop strategies to tackle the issues Network-wide and in our organisations.

One of the aims of our project is to increase the participation of women's organisations (in particular organisations providing services to Black, Minority Ethnic and Refugee women, who are more likely to have limited resources) in policy and decision making processes. Women's organisations have a wealth of experience which could be vital in policy work. So, for those London based organisations that are not yet part of the Network and wish to join please contact our Policy Officer, Shaki Sanusi on Shaki@row.org.uk.

We look forward to seeing Network members at the meeting.

Another aim of the capacity building project is to increase awareness in the women's sector of domestic, sexual and other forms of gender-based violence and of current policy developments through the holding of seminars and workshops. We will be having a **workshop on 30 June 2009**. The workshop, "No recourse to public funds: where's the policy?" will help you to develop your own policy work on this issue. There will be a speaker from "No Recourse to Public Funds" campaign which Rights of Women is part of. The campaign demonstrates how the women's sector can shape developments and protect women's rights.

If you wish to attend the workshop see the booking form at the back of this edition of FOCUS.

Violence against Women project

Our timely project, "Violence against Women – implementing international human rights: rhetoric or reality" assesses the implementation of the Beijing Declaration and Platform for Action recommendations on violence against women.

The Beijing Platform for Action aims to remove 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. It does this by setting out an action plan in 12 critical areas of concern; **Poverty, Education, Health, Violence against Women, Armed Conflict, Economy, Power and Decision-making, Institutional Mechanisms for the Advancement of Women, Human Rights of Women, Media, Environment, and the Girl-child.**

The Government signed the Beijing Platform for Action and is therefore 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. The Government must also make sure that it provides adequate resources, and services and properly fund access to justice.

Since the last edition of FOCUS, we have held seminars in London, Cardiff and Manchester which have been very successful and we have had really useful and valuable feedback from all our participants from the statutory and voluntary sectors. We would like to thank all our participants for making the seminars enjoyable and engaging and sharing their experiences and good practice.

We are also currently carrying out a survey to obtain your views on the Government's work on violence against women. It is a part of our project to engage with as many governmental and non-governmental organisations and agencies in assessing the implementation of the Platform for Action violence against women recommendations and to share experience and good practice.

So, please take the time to complete the questionnaire. You can complete the questionnaire now by clicking on this link:
http://www.surveymonkey.com/s.aspx?sm=_2fxW1xl3RmUj4UMAxAWLPjA_3d_3d

It will only take a few minutes! Your views and experiences are very important. The survey closes on 30 June.

We will also be holding roundtable meetings in October 2009 in London, Cardiff and Manchester 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 before finalising our report. This will enable us to also include any decision taken by the Government following the end of the consultation of violence against women.

We look forward to seeing you all then.

Campaign Updates

No Recourse to Public Funds – one year on

Under the Immigration Rules, women who have experienced domestic violence who were admitted to the UK as spouses, civil partners or partners can apply for Indefinite Leave to Remain (ILR) if they can provide evidence that their relationship broke down before the end of their period of limited leave because of domestic violence. Whilst a woman's application for ILR is being processed she has no recourse to "public funds" (NRPF). The term "public funds" is defined in the Immigration Rules and includes welfare benefits such as income support and housing benefit as well as housing and homelessness assistance.

In *Saving Lives, Reducing Harm. Protecting the Public: An Action Plan for Tackling Violence 2008-11* it is acknowledged that: "Domestic violence has the highest rate of repeat victimisation"³ so that "It is important to have services in place to provide immediate, targeted protection and support, to reduce the long-term impact of these crimes, and prevent re-victimisation."⁴

The NRPF rule therefore has particularly serious implications for women who are experiencing domestic violence. As Margaret O'Mara has stated:

"However... their existing immigration status means they have no access to housing provision. In addition, as the majority of these women are from BME communities, there are often additional barriers such as language... Without a place of safety or any means of support, these women are often forced to return to their home to face further abuse and in some extreme cases, homicide."⁵ Consequently, we welcomed the announcement made in March last year by Vernon Coaker that the Government intended to introduce a scheme to enable the payment of money retrospectively to organisations that support women who receive ILR under the domestic violence rule.⁶

Disappointingly, over a year after this announcement was made, no progress has been made to implement a scheme that would offer meaningful protection to NRPF women who are experiencing violence. At the time of writing the Home Office have offered to pay for only 25 days, retrospective support to organisations that support women who are granted ILR at first instance by the UK Border Agency. Such a proposal is unworkable as applications take at least 20 days to process by the UK Border Agency and significantly longer to prepare. Similarly, women who are granted other forms of protection or who are granted ILR on appeal are not covered by the proposals, nor are women who wish to return to their countries of origin.

Consequently, we have joined other leading violence against women and human rights organisations, such as Southall Black Sisters and Amnesty International, to call for a permanent and responsible solution to the no recourse issue. We believe that women who are experiencing violence should be exempted from the NRPF rule so that they can access services, protect themselves and any children from violence and make decisions about their futures in a secure and safe environment. For further information about the campaign to abolish no recourse to public funds visit our website or contact our Senior Legal Officer Cate Briddick on cate@row.org.uk

Clause 13 of the Policing and Crime Bill: tackling demand – Prostitution, Trafficking and Human Rights

Enshrined within the UK's current legislation is men's right to buy women, this is directly contradictory to a

3 *Saving Lives. Reducing Harm. Protecting the Public: An Action Plan for Tackling Violence 2008-11*, page 36.

4 *Ibid* page 45.

5 Letter from Margaret O'Mara, Director, Crime Reduction sent to all local authorities on 16 February 2006.

6 Evidence given to the Home Affairs Committee – Domestic Violence, Tuesday 4 March 2008.

society based on gender equality.⁷ Rights of Women is concerned that the current debate around prostitution fails to recognise the harm caused by the sexual exploitation of vulnerable women, men and children. As Sigma Huda the former UN Special Rapporteur on Trafficking has noted: **“Prostitution as it is actually practiced in the world does satisfy the elements of trafficking. It is rare that one finds a case in which the path to prostitution and/or a person’s experience does not involve, at the very least an abuse of power and/or an abuse of vulnerability. Power and vulnerability in this context must be understood to include power disparities based on gender, race, ethnicity and poverty.”**⁸

In Part 2 of the **Policing and Crime Bill 2008** the Government proposed a number of changes to the law on prostitution to tackle the growing demand to sexually exploit vulnerable women, men and children. Clause 13 of the Bill originally proposed the insertion of section 53A into the **Sexual Offences Act 2003** creating an offence of ‘Paying for sexual services of a prostitute controlled for gain’. In response to this proposed offence, the sex industry in the UK, and its supporters, mounted a sustained campaign of misinformation aimed at having the offence removed from the Bill. Consequently, Home Secretary Jacqui Smith amended clause 13 replacing “controlled for gain” with **“used force, deception or threats of a kind likely to induce or encourage”** a person to provide sexual services.

Rights of Women believed that these changes significantly narrowed the range of circumstances covered by the offence, so that, for example, it would **no longer** offer protection to those who are emotionally vulnerable and controlled by an abusive partner or pimp.

We were also concerned that the way that the amendments were drafted would make the amended Clause 13 almost impossible to successfully prosecute in the magistrates’ courts.⁹ Whilst force, coercion, deception or threats are commonly used by traffickers, proving this is the case at trial is very challenging. Consequently, the

trafficking offences in the **Sexual Offences Act 2003** do not require that force, coercion, deception or threats are used, or even that the traffickers gained financially from the trafficking, only that a person was brought into, moved around in, or taken out of the UK for the purposes of sexual exploitation.¹⁰ The amendments were therefore out of line with current, working, legislation on trafficking and the control of prostitution for gain and, in our view, were far too complex for magistrates’ courts to be able to deal with.

Consequently, Rights of Women, working with the Poppy Project,¹¹ CARE¹² and Fiona MacTaggart (a Labour MP and former Home Office Minister) drafted an amendment to ensure that the term ‘force’ was interpreted broadly enough, basing our arguments on the definition of force used in the **Forced Marriage (Civil Protection) Act 2007** as well as international law. After a determined campaign this amendment was accepted when the offence was debated in Parliament so that clause 13 now makes it an offence to pay for the sexual services of a woman in prostitution who is **“subjected to force”** with forced defined as **“coercion by threats or other psychological means including exploitation of vulnerability”**. Rights of Women is still working with the Home Office to ensure that any changes to this wording reflect the reality of the lives of women who are exploited through prostitution.

For further information about Clause 13 visit our website and for information about how you can support the campaign to tackle demand contact our Senior Legal Officer Cate Briddick on cate@row.org.uk

Still Human, Still Here

It has now been six months since we have been able to provide legal advice to women with an insecure immigration status, including asylum seeking women and women with NRPF. In that time we have provided many women and support organisations with essential advice on immigration law issues. As part of our work on supporting women with an insecure immigration status who

7 O’Connor M and Healy G (2006), *The Links Between Prostitution and Sex Trafficking: a Briefing Handbook*, Dublin: Coalition Against Trafficking in Women, European Women’s Lobby.

8 Special Rapporteur on Trafficking from 2004 to 2008 in Integration of the human rights of women and a gender perspective, United Nations. E/CN.4/2006/62.

9 The proposed offence is summary only which means that it will ordinarily be tried in the magistrates courts’.

10 See sections 57-59 of the Sexual Offences Act 2003

11 www.eaves4women.co.uk/POPPY_Project/POPPY_Project.php

12 www.care.org.uk

have experienced sexual violence, Rights of Women has joined the **Still Human Still Here** campaign which aims to highlight the plight of

destitute asylum seekers in the UK. For more information about the campaign see www.stillhumanstillhere.wordpress.com.

Consultations

As part of our policy work we provide guidance for policy makers, and work to put women's rights on the public policy agenda by responding to consultation and briefing 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 and briefings are available online (www.rightsofwomen.org.uk) and include:

- *The Government's consultation: Together we can end violence against women and girls*
- *Briefing on amendments to clause 13 of the Policing and Crime Bill 2008*
- *Prostitution Offence Briefing*

Rights of Women Training 2009

Our forthcoming training courses in London and the regions include:

Supporting survivors of domestic violence: domestic violence injunctions and the Domestic Violence Crime and Victims Act 2004

Update yourself on recent developments in the law on domestic violence. This course will give you an understanding of domestic violence injunctions, who can apply for them, how to apply and how to enforce them. The course also examines recent changes to the law brought in by the Domestic Violence Crime and Victims Act 2004. In addition to full training notes and materials you will receive a copy of our *Domestic Violence DIY Injunction Handbook* (2nd edition).

South (Kennington) Wednesday 8 July 9.30am – 1pm

East (Stratford) Wednesday 21 October 9.30am – 1pm

West (Hammersmith) Wednesday 11 November 9.30am – 1pm

Supporting survivors of sexual violence: the Sexual Offences Act 2003 and the criminal justice system

Increase your ability to support survivors of sexual violence. This course will explore the criminal justice system's response to sexual violence, the support that is available for survivors together with an essential grounding in the Sexual Offences Act 2003 and relevant case law. In addition to full training notes and materials you will receive a copy of *From Report to Court: a handbook for adult survivors of sexual violence*.

South (Kennington) Thursday 9 July 9.30am – 1pm

East (Stratford) Thursday 22 October 9.30am – 1pm

West (Hammersmith) Thursday 12 November 9.30am – 1pm

Forced marriage: the new law

An opportunity to keep up-to-date with the very latest developments on the law of forced marriage. This course will give you an essential understanding of the new forced marriage protection orders and how women and organisations can apply for them. In addition to full training notes and materials you will receive a copy of our latest publication *Pathways to Justice: BMER women, violence and the law*.

London (King's Cross) Tuesday 16 June 9.30am – 1pm

Protecting women from persecution: supporting asylum-seeking women in the UK

In partnership with [Asylum Aid](#)

Increase your understanding of women in the asylum system and the issues they face. This course will enable you to support women who have claimed asylum in the UK giving you an essential overview of asylum law and the way that cases are decided. In addition to full training notes and materials you will receive a copy of our latest publication *Pathways to Justice: BMER women, violence and the law*.

London (King's Cross) Wednesday 30 September 9.30am – 4.30pm

Supporting survivors of sexual violence and meeting the needs of trafficked women

Increase your ability to support survivors of sexual violence and trafficked women. This course will explore the criminal justice system's response to sexual violence, the support that is available for survivors together with an essential grounding in the Sexual Offences Act 2003. Coinciding with the ratification of the Council of Europe's Convention on Action against Trafficking in Human Beings 2005 you will also learn about the immigration law affecting trafficked women. In addition to full training notes and materials you will receive a copy of *From Report to Court: a handbook for adult survivors of sexual violence* and *Pathways to Justice: BMER women, violence and the law*.

Manchester Wednesday 1 July 10am – 4.30pm

Cambridge Wednesday 23 September 10am – 4.30pm

Southampton Wednesday 18 November 10am – 4.30pm

Asylum and immigration law: protecting women from violence and securing their position in the UK

Learn how you can support asylum-seeking women, European Economic Area (EEA) nationals and women with no recourse to public funds to access services. This course will give you an understanding of the law that determines who is entitled to remain in the UK and access financial support, in particular women affected by violence. In addition to full training notes and materials you will receive a copy of our latest publication *Pathways to Justice: BMER women, violence and the law*.

Manchester Thursday 2 July 10am – 4.30pm

Cambridge Thursday 24 September 10am – 4.30pm

Southampton Thursday 19 November 10am – 4.30pm

For booking forms 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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www.rightsofwomen.org.uk

Industrial and Provident Society: 23221R



Workshop

No recourse to public funds – where's the policy?

The last few years have seen major developments in immigration law and policy affecting women. This workshop will focus on how the women's sector has helped shape developments and protect women's rights.

- Learn about the process of influencing policy
- Share your thoughts on what more needs to be done
- Develop your own response or be part of our ongoing work

London 30 June 2009 2–4.30pm

Please note this event is open to women's organisations only

Booking information

Confirmation of a place will only be sent once payment is received and is subject to availability. Please do not attend a course if you have not received confirmation of your place. Cancellations must be made in writing.

If your booking is cancelled up to two weeks before the course, the full fee, less a £10 administration charge, will be refunded. No refund is possible if notice of the cancellation is received less than two weeks before the course date. Substitutions can be made at any time. Please contact the Administration Officer with any enquiries or details of special requirements on 020 7251 6575 or mina@row.org.uk.

APPLICATION FORM

Participant's details

(please copy this form for each participant, one form for each course, use block capitals and print clearly)

Name

Occupation/position

Organisation

Address

Postcode

Email

Telephone Fax

Accessibility Requirements

£30

Less 10% discount for Rights of Women members £

Rights of Women membership number

Total £

I enclose a cheque for £ made payable to Rights of Women

Please invoice

I wish to join Rights of Women's Women's Legal Policy Network

Please return your completed form to Rights of Women, 52-54 Featherstone Street, London EC1Y 8RT.

Telephone 020 7251 6575 (textphone) 020 7490 2562 Fax 020 7490 5377

email info@row.org.uk

www.rightsofwomen.org.uk