



Rt Hon Amber Rudd MP
Secretary of State
Home Office
2 Marsham Street
London
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cc Rt Hon David Lidington MP, Dr Phillip Lee MP, Sarah Newton MP

24 October 2017

Dear Rt Hon Amber Rudd MP,

Regarding the Domestic Violence and Abuse Bill

We are writing with regard to the forthcoming Domestic Violence & Abuse Bill which we understand will soon go to public consultation. We recognise that the Prime Minister has made it a personal mission to transform the way this country responds to domestic violence, seeing at as one of the “burning injustices” that holds women back, and we are really pleased that it remains a priority in a Parliamentary session which will necessarily be heavily focused on ‘Brexit’ related legislation.

Given our combined experience, we strongly believe the Bill should seek to address all the forms of violence which women and girls very disproportionately experience, and to ensure that all women and girls living on these islands are protected. It is an opportunity to strengthen the criminal justice response to gender based violence, to demonstrate that as a country we are committed to an adequate level of protection from abuse as a right, and as far as possible to look ahead and ‘future proof’ law and practice as new forms of abuse emerge, especially online.

Since 2010 the Home Office-led Violence Against Women and Girls Strategy, which recognises violence as an equality issue, has helped transform the response to abuse and has achieved some shift towards a preventative approach. This Bill is a very welcome chance to further address the injustice facing women for whom justice is still not a reality, and to send a strong message that violence against women and girls has no place in our society.

Defining domestic violence in law and who is protected

As you develop the domestic violence definition, we urge you to consult with specialist women’s sector experts, and to ensure that coercive control is put at the heart of any description of intimate partner violence. The definition must have regard to the legal, statutory and common

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social understandings of all forms of violence against women and girls, including sexual offences, and it must enable those who use it to understand the gendered power dynamics in other forms of violence which take place in the family, including sexual offences, forced marriage and so-called 'honour'-based violence, some of which may involve multiple perpetrators.

And, because you recognise the harm and lifelong impacts of experiencing abuse, we urge you to review with urgency the situation of women living in the UK who are not British citizens but who have survived or are at risk of abuse. The Bill is an opportunity to create a right in law to protection for women who experience gender based violence regardless of immigration status. Our experience working in frontline services makes us regard this as especially urgent and fitting with your commitment to strike out the injustice and harm faced by many women.

Protecting women from abuse within the criminal justice system

We welcome your proposals to reform protection orders for domestic violence as we know women are often failed by the current system. This is an opportunity to look at the wider reform of protection orders related to sexual violence, forced marriage and so-called 'honour'-based violence, where there are great concerns that these are also not providing the protection women need. We also urge you to consider using this Bill to grant anonymity to victims of image-based abuse, to criminalise 'upskirting', to address the misuse of sexual history evidence in rape trials, to review the criminal law as it is applied to women in prostitution, and to review the law around marriage at age 16 and 17 because it may be facilitating abuse here and overseas. And, we believe it is the right time, to consider creating in law a right to independent advocacy for victims of violence against women, which we know improves justice outcomes as well as being what survivors say they want.

Protection for women and children in the family courts

Your pledge to ensure that domestic violence committed in households where there are children is recognised as a serious aggravating factor has our support. We urge you to go further and review the use of written agreements under the 'duty to protect', which can deter women seeking help in abusive relationships (and was heavily criticised in the recent Ofsted-led joint inspectorates' report on children and domestic violence), and the 'presumption of parental involvement' applied in the family courts, which too often puts children back in harm's way. You should consider enshrining in law measures that require civil courts to recognise and have regard to criminal proceedings and other safety-based restrictions, which surprisingly, currently, they do not.

Creating a new commissioner

We strongly welcome the intention to create a new commissioner in this area which shows your commitment to a permanent and independent mechanism for scrutinising policy and practice. Knowing the interconnectedness of experiences of different forms of abuse in many women's and children's lives, we would like to see this broadened to a Violence Against Women and Girls Commissioner, with strong powers and the ability, for example, to require different agencies to address the problems with data gathering on violence against women and girls, and to choose to prioritise the problems which housing policy and practice are creating for survivors of abuse.

The Bill will be before Parliament during the year that marks a hundred years since some women were first granted the vote in the UK. It is undeniable that women and girls' very disproportionate experience of violence throughout our lives is deeply linked to women's ongoing inequality, with many facing multiple disadvantage due to race, disability, or immigration status. We know you aspire towards the standards of protection and prevention set out in the Istanbul Convention, and as such we want to see the measures in this Bill appropriately resourced and designed to build on the violence against women and girls framework the government already has. We would welcome the opportunity to meet with Ministers to discuss the issues we have raised in more detail.

We look forward to hearing from you.

Yours,

Sarah Green & Rachel Kryss, Co-Directors, End Violence Against Women Coalition

Donna Covey CBE, Director, AVA (Against Violence and Abuse)

Nicole Jacobs, Chief Executive, Standing Together Against Domestic Abuse

Yvonne Traynor, Chief Executive, Rape Crisis South London, Surrey & Sussex

Dr. Fiona Vera-Gray, Leverhulme Early Career Fellow, Durham University

Diana Nammi, Executive Director, IKWRO

Julie Bentley, Chief Executive, Girlguiding

Gudrun Burnet & Kelly Henderson, Co-founders, Domestic Abuse Housing Alliance (DAHA)

Eleri Butler, Chief Executive, Welsh Women's Aid

Gurpreet Virdee, Co-Director, Women and Girls Network

Dr Mary-Ann Stephenson, Co-Director, UK Women's Budget Group

Shonagh Dillon, Chief Executive, Aurora New Dawn

Lynne Stubbings, Chair, National Federation of Women's Institutes (NFWI)

Chris Green, White Ribbon UK

Katie Ghose, Chief Executive, Women's Aid England

Justine Roberts, Founder and CEO, Mumsnet

Kate Allen, Director, Amnesty International UK

Dianne Whitfield (Co-Chair) & Jodie Woodward (Vice Chair), Rape Crisis England and Wales

Dion Spence, Membership & Sustainability Coordinator, Imkaan

Laura Bates, Founder, Everyday Sexism

Naana Otoo-Oyortey MBE, Executive Director, FORWARD

Estelle Du Boulay, Director, Rights of Women

Karen Ingala Smith, Chief Executive, nia