

From the Margin to the Centre¹

Addressing Violence Against Women and Girls

Alternative Bill
October 2018

¹The title of this document is adopted from hooks, b. 1984. *Feminist Theory: From the Margin to the Center*. London. Pluto Press.

imkaan

Glossary Note

We call for a transformative lens through which to view violence against women and girls (VAWG), moving from the margin to the centre, we select our language specifically and purposefully to infer a changed dynamics aiding deep understanding placing women on equal footing through their representation and how they identify their space and location. Language is critical to this process. The transformative language in the alternative bill includes the following:

By and For Expert Sector

We define women only VAWG specialist organisations as the by and for expert sector (sometimes written as by and for expert services or organisations). This term refers to specialist services that are designed and delivered by and for the users and communities they aim to serve.² This can include, for example, services led by and for Black and minoritised women, disabled women, LGBT women, etc. In the context of VAWG we refer to women only VAWG services as manifesting specific expertise designed and developed to address VAWG.

Intersectionality

“Intersectional paradigms remind us that oppression cannot be reduced to one fundamental type, and that oppressions work together in producing injustice.”³

Intersectionality provides a framework for conceptualising, articulating and responding to the ways that differently positioned women and girls are subjected to oppression. Intersectionality calls on us to recognise that women’s and girls’ identities and social positions are uniquely shaped by several factors at the same time, creating unique experiences and perspectives. These factors include among others ‘race,’ ethnicity, sexuality, gender identity, disability, age, class, immigration status, caste, nationality, indigeneity, and faith. Thus, *“Women and girls are not all the same* i.e. linked by biology and at the effect of a single patriarchy. Many of us are required to navigate other systems of inequality based on phenomenon such as ‘race’, class, disability and sexuality; and this has an effect not only on how we experience and understand violence, but also how and where we access support and justice.”⁴

² As identified by Voice4Change England

³ Collins, Hill, Patricia (2000) *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment*. New York and London: Routledge

⁴ Imkaan (2017) *Safe pathways? Exploring an intersectional approach to addressing violence against women and girls – Good Practice Briefing*. London: Ascent (London VAWG Consortium)

'Honour Based Violence'

When making reference to 'honour based violence' we write this term using colons or as so-called honour based violence. This and other such terms are contested because they target specific communities disproportionately where a consequence can be increased surveillance and policing of communities, they link communities to agendas that are not related to an effective VAWG response, they rely on stereotyping and other discriminatory categorisations targeting individuals and communities, and separate laws are applied to address the problems with specific punitive measures that are disproportionately applied and that do not align with other VAWG-related laws.

Minoritisation

Minoritisation effectively creates and maintains the social, political, economic and other conditions that lead to groups of people being treated and defined as minorities e.g. 'ethnic minority' and 'minority ethnic'. Imkaan views minoritisation as an ongoing, active process which marginalises particular groups on the basis of 'race', ethnicity and other grounds.

Racial, Racialised

We use the terms racial and racialised to refer to racism to mean placing in a context defined by 'race' and/or to impose a category of race. This means that we view the wider structures, institutions and cultures as creating the circumstances and functions for these categories in our society and as such, we recognise the historical relevance of this form of discrimination against people.

Violence against Women and Girls

We use the terms violence against women and girls (VAWG) because it reflects the gendered nature of the problem, the disproportionate impact of violence on women and girls, and covers all forms of violence to which women and girls are subjected. By using this term, we define specific forms of violence so that we are better able to articulate a response to addressing these forms. We do not assume that one type of response is appropriate for all forms of violence. The term also helps us to locate violence historically, structurally and socially.

Women and Girls

The term women is used in the Istanbul Convention to refer to all women and girls regardless of age. However, in recognition of the specific ways that the girl child may be targeted for victimisation, we have chosen to use the term women and girls, which is in line with the government's existing strategic framework. We propose that this is retained in the definition.

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Introduction

This document is proposed as the alternative bill to the government's forthcoming Domestic Abuse Bill 2018 and presents a summary of the key proposals. This bill is based on a deep understanding of the lived experiences of all those subjected to violence against women and girls (VAWG). It calls for a transformative response that is embedded in an equalities and human rights-based approach, and which is consistent with international and regional conventions and the laws of this country that reinforce the Public Sector Duty against discrimination of any kind.

We are clear that an effective response to VAWG must address inequality rooted in patriarchy and must apply a broad framework involving the structures, institutions and cultures of society. We are clear that women and girls hold many diverse experiences, and by locating policy in such experiences, we aim to address the nature of structural inequality and patriarchy and the power and control dynamics embedded in such systems. We call for an intersectional approach, which enables us to fully identify the lived experiences of all women vis-a-vis the multiple and co-occurring oppressions they face and how they address such struggles. We recognise that VAWG affects women in the public and private spaces they inhabit, in the livelihoods and opportunities they pursue and in many other ways. This means that women are affected by VAWG in all sectors and industries including business, media, entertainment, sports, technology, science and academia.

Our approach calls for recognition of the by and for ending VAWG expert sector, including specialist, dedicated Black and 'minority ethnic' ending VAWG organisations, as critical to policy, programming and provision which is focussed on addressing and eliminating VAWG.

Produced by

Baljit Banga, **London Black Women's Project**

Rahni Kaur Binjie, **Imkaan**

Leah Cowan, **Imkaan**

Marai Larasi, **Imkaan**

Dion Spence, **Imkaan**

⁵ Imkaan (2018). *Safe pathways?: exploring an intersectional approach to addressing violence against women and girls*. Good practice briefing. [online] London. Available at: <https://thelondonvawgconsortium.org.uk/wp-content/uploads/2017/03/CORRECT-Good-Practice-Briefing-Imkaan-Intersectionality.pdf> [Accessed 11 Oct. 2018].

Introducing a New Statutory Definition of “Violence against Women and Girls”

- (1) We propose a definition of violence against women and girls that is consistent with the definition provided by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence 2011 (Istanbul Convention) to which the UK government is signatory. The definition states:

“Violence against women is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

The Istanbul Convention identifies that all forms of violence against women must be condemned by states. This means that all forms of violence against women are recognised within the definition. Within this context, the Istanbul Convention defines domestic violence as:

“ ... all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former and current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”.

We call for a transformative lens through which to view VAWG, moving from the margin to the centre. This means challenging the government notion of vulnerability as defined in the social policy context, and instead conceptualising vulnerability as a wider category of oppression that affects all women, manifesting in their unequal representation and participation as a condition of the structures and institutions they come into contact with. Building from the margins means delivering a response to VAWG which decentres the needs of women and girls with whom policy-makers have “more familiarity” and confront “less challenge”⁵ and developing services and interventions that work for all women.

Key Proposals

Primary Prevention

- (2) The Alternative Bill proposes that an approach to primary prevention is based on the following underlying principles in all work delivered:
 - (a) It is VAWG focused based on an intersectional feminist framework as this is most appropriate in addressing gender violence and related categories (patriarchy, privilege and inequality and how these operate in our society).
 - (b) Recognises the impact of VAWG on women and girls who are disproportionately subjected to violence. A gendered approach is critical. The Alternative Bill recognises that men and boys can be subjected to violence; however data in this country and around the world continues to indicate that women and girls are disproportionately subjected as 'victims/survivors' of violence perpetrated against them by men and boys.
 - (c) Addresses gender inequality and the unequal balance of power, including men's dominance and privilege, and how this impacts on gender relations and power dynamics.
 - (d) Deconstructs harmful gender norms, social roles and attitudes, and the cultures they promote.
 - (e) Recognises the dimensions of equality and diversity as essential to construction of safer cultures promoting representation and visibility in diverse space.
 - (f) Promotes a social justice and rights-based framework.

- (3) The Alternative Bill proposes an early intervention and prevention education programme and incorporates the following elements under the whole school approach,⁶ in addition to the underlying principles stated above:
 - (a) Involves the by and for expert sector as a sector that works around the underlying principles, supports women, children and girls on the frontline and develops good practice standards.
 - (b) It is available throughout the education experience of children and young people focusing on change in knowledge and attitudes.
 - (c) Addresses and supports factors that will enable change as children and young people move through the education system.
 - (d) Ensures gender specific safe and confidential space as and when needed.

⁶As developed by AVA - <https://avaproject.org.uk>

- (e) Considers VAWG in the widest context and broadest application. The approach should be a comprehensive integrated VAWG approach addressing and challenging bullying behaviour; especially bullying because of sexuality, sexual harassment and racialised forms of sexual harassment, honour-codes, and other related behaviour. This implies the direct involvement of the by and for expert sector.
 - (f) Includes equalities strands to the work avoiding the stereotyping and stigmatising of communities.
 - (g) Programmes are accompanied by qualified staff to be available to support children and young people, creating a safe environment for programme delivery.
 - (h) Undertakes an analysis of common factors and themes creating a learning environment through the evaluation of content inputting to ongoing programme development. This will help ensure programmes maintain up-to-date and topical knowledge on the issues vis-a-vie the lived experiences of children and young people.
- (4) The Alternative Bill proposes an awareness raising campaign which has the following elements in addition to the underlying principles:
- (a) Clarity of messaging by defining issues and categories, especially around sexual harassment and taking into account the ways that differently positioned women and girls are targeted for harassment e.g. on the grounds of disability, ethnicity, faith, class and caste.
 - (b) Significantly altering messaging to ensure perpetrator accountability for the violence and harassment occurring. This directly challenges attitudes around victim-blaming that many women and girls have expressed feeling, that could also lead to under-reporting.
 - (c) Identify multi-agency approaches to sign-post women and girls to support agencies which includes the by and for expert sector (rejecting the notion of single referrals pathways located within statutory services).
 - (d) Undertake equality impact assessment on messaging and campaigning to address stereotyping, stigma and other discriminatory concerns, and further challenge initiatives around surveillance and policing in VAWG prevention.
 - (e) Ensure representation and reflection of UK society as diverse. Ensure that such representation is fair (rejecting the targeting of communities around specific forms of VAWG) creating pathways, and not barriers, for women subjected to VAWG.
- (5) The Alternative Bill proposes that a training and development programme to professionals has the following elements in addition to the underlying principles:

- (a) Ensuring reach to the appropriate professionals across the spectrum by undertaking needs analysis on a regular basis.
 - (b) Gain full support of senior and executive level leadership across sectors and industries supporting a systemic approach to capacity development.
 - (c) Backed by standards of professional conduct developed through policies and reinforced through contract compliance and other frameworks.
 - (d) Ensure there are identified ways of measuring potential backlash especially in industries and sectors that have only recently started addressing concerns regarding VAWG and/or where VAWG concerns have been inappropriately addressed in past.
 - (e) Identify by and for expert sector in local areas to ensure appropriate referral and signposting.
 - (f) Implement regular training to ensure learning and development is not stand-alone or one-off.
 - (g) Integrate participatory elements to training and development to ensure a system-wide change.
- (6) The Alternative Bill proposes the following approach to a risk assessment framework:
- (a) All levels of prevention are integrated to the approach including prevention of violence and abuse through early identification and intervention; prevention of escalation through appropriate and targeted support; and prevention of repeat victimisation through empowerment outcomes achieved through healing and recovery.
 - (b) The approach addresses patriarchy, and the intersections of other structural inequality, as significant risks because they have impact on women and girls' lived experiences expressed through voice, representation and visibility in every aspect of support. The language of risk can be defined narrowly from the perspective of perpetrator risk. While this is an important risk to address, the language of the holistic approach is gendered, managing risk from her perspective.
 - (c) The approach is open to non-clinical and non-institutionalised prevention, intervention and support where the narrative is constructed through the lived experience and led by women and girls.
 - (d) It is cost effective because the three categories of prevention work are included in the approach.
 - (e) It delivers improved outcomes for women and girls which are sustainable and lead to independent living free from violence and harm.

Support and Risk

All levels of prevention are integrated into the assessment framework. This includes prevention of violence and abuse through early identification and intervention; prevention of escalation through appropriate and targeted support; and prevention of repeat victimisation through empowerment outcomes achieved through healing and recovery. The approach addresses multiple, intersecting manifestations of patriarchy as a significant risk because it is a gendered approach embedded in women's lived experiences - expressed through voice, representation and visibility in every aspect of support. The language of risk is often narrowly defined from the perspective of the risk posed by individual perpetrators. While this is critical, a holistic approach is focused on managing risk from the perspective of the woman and / or girl. The approach considers non-clinical and non-institutionalised prevention, intervention and support, where the narrative is constructed through the lived experience and is designed and led by women and girls. It is cost-effective because the three categories of prevention work are included in the approach. It delivers improved outcomes for girls, women and their children, which are sustainable and lead to independent living, and freedom from violence and harm.

- (7) In the Alternative Bill, we propose that the assessment to identify risks and needs is clearly girl/woman-centred, trauma-informed, needs-led, holistic, outcomes-based, wrap-around support, and that it is implemented as a response to secondary prevention because it achieves the following:
 - (a) Creates safe reporting pathways that women and girls identify for themselves whether these reporting pathways are to the by and for expert sector, statutory agencies or in other ways made possible through diverse media.
 - (b) Ensures early intervention and prevention, avoiding escalation. This equates to cost-saving measures and forms of intervention that reflect the lived experience of women and girls and place them at the centre of all provision.
 - (c) Reduces repeat victimisation through full disclosure of need where diverse responses are identified including responses by local public services, the police and criminal justice system through coordinated, rights-based protections.
 - (d) Reduces vulnerability by addressing the structural factors producing vulnerability such as the experience of discrimination.
 - (e) Enables women and girls to access further services on their own such as education, training and employment opportunities, and other life chances.
 - (f) Improves outcomes for communities by supporting girls, and women to support themselves and their children in ways that promote their independence and liberty.

- (8) The Alternative Bill proposes a diverse framework of provision grounded in the following:
- (a) Longer-term engagement with women and girls through woman-centred, trauma-informed, needs-led, holistic outcomes-based, wrap-around support.
 - (b) The above is appropriate for responding to multiple intersecting needs.
 - (c) Choice for women and girls, beginning with safe referral pathways to support provision, enabling women to access an array of services they choose to use.
 - (d) Fully costed aftercare. While this is identified as tertiary prevention, the assessment frames as stated above enable early identification of aftercare in an integrated way.

Sexual Harassment

- (9) The Alternative Bill proposes that sexual harassment be made a criminal offence. While the Equality Act 2010 covers sexual harassment in the workplace as a civil offence, it does not have any scope outside of work. Currently, there is a gap in legislation. This means that there is no proper legislation in the UK covering sexual harassment as a criminal offence. A specific criminal offence would define sexual harassment behaviour with clear guidelines, the identification of a dedicated safe person across industries and sectors with a specific remit, and guidance covering safeguarding, protection, safe reporting, safe disclosure, appropriate response, and consequences (whether to impose penalty and/or imprisonment with guidance to appropriate authorities). The law would make clear policies regarding confidentiality, safeguarding and safety for women subjected to sexual harassment especially in industries and sectors where a dedicated person, or safeguarding lead, is not conventionally found. As such we propose that there is a specific law regarding sexual harassment.
- (10) The Alternative Bill proposes that the following types are to be included in existing legislation:
- (a) Unwanted phone calls and messages, visits to the home and work, taking personal photographs, unwanted advances and persistent and distressing comments to be covered under the Protection from Harassment Act 1997 as this Act, in its current form, does not go far enough to protect women from sexual harassment.
 - (b) Sending indecent, offensive and threatening letters, emails and messages on social media and text to be covered under the Malicious Communications Act 1998.
 - (c) Unwanted touching by someone on public transport, to be covered under the Sexual Offences Act.

The Alternative Bill does not propose that changing the law alone will address sexual harassment. Changing the law must be part of a coordinated and combined approach fundamentally aimed at a change in the culture of society, and institutions and structure, and a shift in the balance of power in public and private space and in the workplace under a rights-based approach.

(11) The Alternative Bill therefore proposes that in addition to a new law criminalising sexual harassment, the following also occurs:

- (a) No such law should be implemented in a way that targets particular communities or that could be racialised or bring about increased policing of minoritised communities. This means that the law should include clear guidance to police and other agencies on the definition and categories of sexual harassment, an enforcement structure based on equal treatment and a framework assessing disproportionate impact. Without these provisions, such a law could potentially replicate inequality, exacerbate racialised experiences and unequal access of minoritised women and girls and result in further intimidation through the state. The proposed law should therefore comply with the following:
- (b) Specific measures within new legislation must address racialised experiences of sexual harassment (and any other forms of VAWG). This is in line with the Convention on the Elimination of all Forms of Racial Discrimination Article 2(1)(c)⁷ which clarifies that the state has the obligation “to review government, national and local policies and to amend or repeal any laws or regulations which have the effect of creating or perpetuating racial discrimination”. Measures must also offer support and redress for women and girls with protected characteristics as per the Equality Act 2010 who are subjected to harassment on the basis of experiencing intersecting oppressions, including for example disabled women and girls who experience ableist sexual harassment, and who in line with international convention⁸ are entitled to protection from this harassment.
- (c) Human rights as ethical principles with legal dimensions create a mechanism for government to embed an approach to addressing sexual harassment. According to the human rights obligations of the UK state, the protection of rights and fundamental freedoms must be a governing principle in legislation.

⁷ International Convention on the Elimination of All Forms of Racial Discrimination. (1965). [online] United Nation Office of the High Commissioner for Refugees. Available at: <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx> [Accessed 29 Oct. 2018].

⁸ United Nations (2006). Convention on the Rights of Persons with Disabilities and Optional Protocol. [online] United Nations. Available at: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> [Accessed 29 Oct. 2018].

For example, sexual harassment prevents the full advancement of women and girls for the purpose of guaranteeing them the full and equal enjoyment of human rights. Rights, resources and opportunities for women and girls are guaranteed under the ethical principles. Human rights practices ensure that human rights violations are addressed through formal structures and that remedies as stated above, are secured for women and girls.

- (d) Within the proposed new law, advocacy addressing sexual harassment is included. In this context, advocacy means work that promotes and protects women's rights, ensures that they are adequately represented and that their accounts of their experiences are listened to, believed and acted upon. The role of the by and for expert sector in this context is to provide women and girls with the advice, guidance and information they need and to serve as advocates in further promoting their needs, rights and protections.
- (e) Support provision addressing sexual harassment which can take many forms within by and for expert sectors.
- (f) Awareness raising across the spectrum with public campaigns on sexual harassment as stated under primary prevention.
- (g) Compulsory education and awareness raising in schools beyond sex and relationship education. This should include the following elements: VAWG focused, human rights-based, addressing inequality and power dynamics and based on shifting attitudes and cultures of tolerance, normalisation and acceptance under a comprehensive VAWG early intervention and prevention approach. This could be led by the by and for expert sector.
- (h) Legal support to women to facilitate safe reporting and safe disclosure and offering workplace protections and safeguarding against further detrimental impact.
- (i) Making it easier to report sexual harassment to police which requires police training so that those subjected do not have to explain what sexual harassment is. This is backed by laws so that police have an appropriate framework for recording offences.
- (j) Within industry, to encourage governance codes and/or to improve and strengthen codes of ethics and conduct towards greater transparency on sexual harassment with clear indication of action to be taken to hold perpetrators to account.
- (k) Protection from sexual harassment in independent arrangements with contractors across the spectrum through a Code of Practice guidance agreed in law.

- (l) Where there is public money invested, there must be standards in place regarding sexual harassment, including inclusion and equality. These should be similar to current government contracts framework covering human trafficking.
- (m) Technology can be easily used to harass women and girls. Women and girls working in media and entertainment can be easy targets of anonymous posts and other campaigns to discredit them. Technology companies have corporate social responsibility to end a culture of complacency, complicity and impunity. Increased monitoring and direct action are proposed for technology companies to respond quicker to sexual harassment, introduce tighter restrictions on social media platforms and promote awareness raising to the general public. The government is required to penalise such companies where failure to protect against sexual harassment, and other forms of VAWG, are evident.

Sexual Violence

- (12) The Alternative Bill proposes a clear policy stance on sexual violence that is part of a response to VAWG. It is important that sexual violence is not conflated with domestic violence or other forms of VAWG because of the specific ways in which the abuse occurs and the consequences on women and girls.
- (13) This also means that sexual violence must be resourced with specific funding to the by and for expert sector. Significant research has suggested that women prefer women only ending VAWG organisations for support, including young women and girls who prefer support in these agencies outside their school environment.
- (14) Appropriate support provision must be embedded in VAWG and delivered by the by and for expert organisations. The reason for this is that VAWG is a 'push' factor creating further vulnerability for young women and girls. For example, if there is domestic violence in the household, then this potentially creates vulnerability for the young woman which is detected by perpetrators who use her situation to perpetrate sexual violence. Incidents of online abuse and exploitation increase where these factors exist.
- (15) Ongoing training and awareness raising as part of a comprehensive prevention strategy. This should address attitudes of victim blaming across agencies, sectors and industries and highlight a clear definitional framework of sexual violence and appropriate responses.
- (16) Prevention and awareness and increased protection through e-safety from tech abuse. This must include all sectors and industries with clear guidance to specific sectors like education, on security and safety risks.

- (17) Technology companies have a role to play in preventing VAWG through detection, improved monitoring, understanding how technology can be used in abuse, and putting in place safeguards to protect, often very young, victims. Technology companies do not have free reign in the Alternative Bill through the lack of accountability and responsibility for the way their product is used.
- (18) Professionals across the sectors and industries need to improve their response to sexual violence in all of the ways that it occurs. Training and professional development must include prevention, provision and protection. This is extended to governance arrangements whether formulated as codes of ethics and conduct, or other governance statements making it clear of the zero-tolerance position and effective response, dismantling the institutional culture of impunity that exists.

Women with Insecure Immigration Status, No Recourse to Public Funds and Migrant Women

- (19) The Alternative Bill proposes the following:
 - (a) Create a single VAWG policy framework as proposed in this Alternative Bill that protects and supports all women and girls regardless of their immigration status.
 - (b) Put an end to data sharing policies when victims approach the police as this acts as a deterrent for many women in need of support and places women at risk of detention and deportation.
 - (c) Strengthen and reinforce Rule 35 of the Detention Centre Rules 2001 ending the detention of women subjected to VAWG and ensuring her access to safe pathways and the support she needs without obstacle.
 - (d) Reinforce Article 59 of the Istanbul Convention to grant women who have been subjected to VAWG with independent resident status enabling her access to all that this implies including access to healthcare, housing and benefits that will offer her the protection and safeguarding she needs.
 - (e) Ensure that women and girls have access to safe reporting pathways which are made up of the by and for expert sector, statutory pathways including the police, GPs and health services among others enabling women to 'choose' where and how they report.
 - (f) Reporting and community profiling occur together, as women from specific communities are racially profiled and targeted by law enforcement bodies without any regard for their safety and security from the experience of violence. The act of profiling is racialised and prevents women subjected to VAWG from accessing support. This act must stop altogether replaced by a safe pathways approach.

- (g) Abolish the No Recourse to Public Funds Rule for women subjected to VAWG. Women in this country should have access to safety from violence and abuse regardless of their immigration status. The Alternative Bill embraces a human rights-centred focus for women and girls subjected to VAWG so that all women and girls with any form of insecure immigration status are supported. Women with insecure immigration status inclusive of NRPF have been viewed as immigration cases by local authorities and central government. Their needs have been neglected and their human rights violated. The Alternative Bill calls for an end to such practice and an end to any state mechanism that could potentially result in such practice. This implies that policy must be impact assessed to ensure that it is safe for all women and this practise is in line with equality impact assessments.
- (h) Secure pathways to safe refuge accommodation supported through housing benefit.
- (i) Introduce additional safeguards for women under the 'right to rent' checks scheme so that women in need of housing subjected to VAWG are not denied access due to their immigration status. In addition to these safeguards, minoritised women generally must not be discriminated by this scheme due to their race, ethnic, and cultural backgrounds, among other backgrounds that could be arbitrarily scrutinised by landlords.
- (j) Reverse the requirement for health checks under the NHS Charging Regulations 2015 and the 2017 Amendments ensuring women are provided with access to vital health services within the publicly funded NHS without the imposition of user fees. This is crucial for women, regardless of their immigration status, who have been subjected to VAWG.
- (k) Provide rights-based information, guidance and support in the visa application for foreign spouses so that they are equipped with the information they need, when they need it. This includes information about their partner's previous marriages, or where their partner has supported any previous spousal visa applications through the visa application process.
- (l) Improve the assessment and response to curtailing spousal visas for foreign spouses when a partner claims that a marriage has ended due to domestic abuse.
- (m) Provide temporary visas to protect women's re-entry to the UK in cases where women who have entered the UK on a spousal visa and then are taken to another country and abandoned.
- (n) Allow easier evidence gathering processes that involve the by and for expert sector, as well as other agencies comprising the statutory sectors. The by and for expert sector is well-equipped and experienced in receiving disclosures and

can provide the necessary advocacy to women to ensure that they get the protection, safeguarding and services they need.

- (o) Provide safe pathways to legal frameworks without creating undue pressures on women. Police are not support agencies. Police can liaise with the by and for expert sector and statutory services to support women while focusing their energies on their investigative powers when reports are made.

Women Lawbreakers, Women in Custody and Women Leaving Prison

- (20) There needs to be improved links between family and criminal courts so that women are better supported, their family context taken into consideration and the needs of their children are addressed. Other links that would be appropriate to consider will be between the courts and immigration authorities to prevent repeat victimisation through the system. This is important as many women held in detention are released but experience trauma after release because of the abusive nature of the system leaving her vulnerable and at risk to further violence against her.
- (21) The Alternative Bill proposes the following:
 - (a) Training for all those involved in addressing women's offending from the police, criminal justice system, Crown Prosecution Service (CPS), judges and probation, among others. This should provide a better understanding of offending behaviour by women, following recent research as highlighted above, links to VAWG and an account for multiple intersectional need.
 - (b) Improved sentencing guidance taking the full breadth and depth of her experience into account including support needs, vulnerability factors and others.
 - (c) A more comprehensive approach to assessment of multiple intersectional needs that could build off the early stage CHAT approach and woman-centred, trauma-informed, needs-led, holistic, wrap-around support approach with a view to preventing imprisonment and strengthening support provision.
 - (d) Link family and criminal courts when there are women lawbreakers to ensure that maximum protection for women and their children is considered in sentencing.
 - (e) Safety planning recommended by courts with clear oversight protecting women and children and exercising the orders under the existing regime as these are already available and cover protective provisions adequately.
 - (f) Safety planning at release stage under a multi-agency approach inclusive of the by and for expert sector.

Women Involved in and Exiting Prostitution

- (22) The Alternative Bill proposes a comprehensive framework of support to women involved in, and wishing to exit prostitution and other activity that falls into the 'sex industry'. This framework must cover judgement-free delivery of services under a VAWG focused approach (as described elsewhere in this document) regardless of a woman's migrant status. The service delivery framework must include emergency medical treatment, ongoing health and sexual health provision, mental and emotional health provision, treatment to address problematic substance use, legal advice, advocacy, safe provision for immigration and asylum-seeking women that does not involve detention and/or deportation, education and employment services to break the cycle, financial assistance, and services for children affected by prostitution and trafficking. The by and for expert sector must be included in the economy of provision. The needs of minoritised and marginalised women is paramount to the whole provision of support.
- (23) The Alternative Bill proposes the delivery of an awareness raising campaign, alongside supporting women involved in, and seeking to exit, prostitution. These messages must be available in public spaces; this is incumbent upon the state understanding the exploitation which exists within the industry, which affects women and children.
- (24) The Alternative Bill proposes an improved understanding in policy and local strategy about the experiences of women involved in prostitution and the broader 'sex industry'. This requires awareness raising and training among professionals to re-focus the system on addressing the needs of women, ensuring that authorities understand the ways in which women and children can be forced into this industry, including where insecure migration status can cause the conditions of vulnerability.
- (25) The Alternative Bill proposes that local authorities develop services that help women involved in and seeking to exit prostitution.
- (26) The Alternative Bill proposes enhanced awareness for the police and criminal justice system, affording women involved in and exiting prostitution with safe pathways to support and preventing criminalisation and repeat victimisation through the system. This calls for a comprehensive training and awareness raising programme for authorities.
- (27) The Alternative Bill proposes sustainably funded refuges and safe houses for women exiting prostitution delivered by the by and for expert organisations.

Children Impacted by VAWG

- (28) The Alternative Bill proposes the following measures to strengthen the child protection and safeguarding system in line with a comprehensive approach to VAWG in the context of this document:
- (a) Children's social services adopt the VAWG definition as a comprehensive and holistic framework.
 - (b) Funding for children's services delivered by the by and for expert organisations. This includes funding for specialist provision for girls and young women in BME led ending VAWG organisations and in Rape Crisis centres. This also includes funding for children's and young women's services in for by and for refuge provision. These organisations support women and children experiencing VAWG, deliver refuge accommodation services which also accommodate children, and have developed integrated systems that can incorporate the needs of the child.
 - (c) The impact of violence on children is not understood in policy, especially minoritised children whose experiences of discrimination outside the family are made invisible by the system. A children's rights-focused public policy is needed that safeguards children from harm. This must be aligned with a comprehensive approach to VAWG as outlined in this Alternative Bill.
 - (d) There is considerable research on emotional abuse, neglect and harm to children in households where there is domestic violence and the vulnerabilities that this situation produces for children. The response to VAWG must not be focused on the criminal justice system only, there must be preventative and early intervention work along the way. The by and for expert organisations should be viewed as local VAWG providers in this context. These organisations work under support frameworks that prevent escalation. This will enable society generally to prevent such harm to children rather than dealing with the after effects and consequences (which is the way the current child protection and safeguarding system is designed) which can have a lifelong impact.
 - (e) We continue to see an over representation of BME children in care and an under-representation of these children receiving effective intervention. BME children are still pathologised, institutionalised and criminalised. These practices are damaging to children. We therefore recommend a system-wide review placing children at the centre of the review and ensuring their voices are heard. We are equally concerned about children who are carers, children experiencing any form of diminished parenting capacity due to VAWG, and children in other situations of vulnerability due to VAWG. There are two critical responses here as stated above – a children centred approach and a role for by and for expert organisations which would result in more efficient use of resources.

Working with Boys and Men Survivors of Violence

It is important that boys and men who have experienced violence are effectively supported. However, support to men and boys must be developed through an intersectional feminist framework which recognises the gendered, structural nature of violence, and which does not seek to promote gender neutrality or to compromise women's ending VAWG work at in policy, practice or social justice. This alternative bill calls for the development of proportionate, appropriate responses to men and boys which ensures that they are able to access effective support. It is essential that this includes specialist support for those men and boys who are subjected to marginalisation including racism, homophobia and ableism

- (29) Any form of support must not compromise the integrity of women-only safe space or women's access to such spaces. Therefore, by and for expert organisations must be protected as women only safe spaces in funding and tendering.
- (30) Women's refuge accommodation should be recognised and protected as an important source of support for boy survivors. These refuges provide support after emergency provision and ensure that boys are kept safe from harm and recognise the increased risk children are subjected to in the post-separation period.
- (31) Tailored services for men survivors of violence which includes refuge accommodation, specialist sexual violence provision, community-based services and ethno-cultural specific support.

Tertiary Prevention

- (32) The Alternative Bill proposes that women's move on support be provided and fully funded for women leaving refuge provision as a crucial part of 'aftercare' and tertiary prevention.
- (33) The Alternative Bill proposes that move on support is linked to wider structural factors that can affect women's housing options and that women are not penalised where such factors exist. Instead, under the Alternative Bill, an indefinite period of move on support is proposed. We are mindful that under the human rights empowerment-based approach, women will move on from services once needs are met.
- (34) As part of 'aftercare', by and for expert organisations must be able to provide ongoing access to services through secured funding to women subjected to VAWG who have needs for additional care. Such support must be available as wrap-around addresses her needs as they arise. This could occur at resettlement stage for women moving on from refuge accommodation and for other women at various points in their support journey. 'Aftercare' in this respect must have the following elements: woman-centred, trauma-informed needs-led wrap-around support that is tied to women's pathways

and journeys through services. This means that she will need different elements of support at different times aiding her recovery. A programmatic approach must therefore address women's lived experiences including the experiences of prevention, provision and protection. The lack of alignment can negatively impact on tertiary prevention.

Safe Reporting and Disclosure Pathways

(35) The Alternative Bill proposes:

- (a) Training and awareness raising to agencies across the statutory sector including the police, the CPS and the criminal justice system; media and technology companies, the entertainment industry and other private companies; Community Safety Partnerships; and others, regarding identification, safe reporting and disclosure. Such training and awareness raising should cover all forms of VAWG under the proposed statutory definition.
- (b) Protection of diverse and safe pathways for women when they make reports and disclosures, comprised of the conventional (by and for expert sector and statutory pathways) and new pathways, recognising that feelings of solidarity for women are important in the reporting and disclosure experience.
- (c) Safe reporting and disclosure pathways are developed as integrated parts of service delivery. This means that women who report are provided with integrated services addressing multiple intersectional need inclusive of sexual violence and abuse, sexual harassment, state violence, economic violence, and all definitions and categories that apply to VAWG for all women regardless of their immigration status.
- (d) Partnership approach with the cessation of single reporting and referral models by adopting a diverse approach to reporting and disclosure involving all providers and industries.
- (e) Safe reporting and disclosure for private companies and industries made a requirement under any public contract and/or in cases where there is a public impact.

Safe Information Sharing

(36) The Alternative Bill proposes the following to ensure safe information sharing:

- (a) Cessation to information sharing practices aimed at surveillance and increased policing for women and girls subjected to VAWG. These practices present barriers to reporting and disclosure and prevent women and girls from getting the support they need.

- (b) Cessation of information sharing practices under immigration controls as such practices lead to racialised and discriminatory practices for women and girls.
- (c) The police, Home Office and other surveillance agencies are not frontline service providers. Such agencies must liaise with and create healthy partnerships with the by and for expert sector to ensure women and girls get the support they need in safe and confidential spaces.
- (d) Reinforce adherence to the protected characteristics as per the Equalities Act 2010 and the Public Sector Equalities Duty.

The Role of Policing and the Criminal Justice System

- (37) We support proposals extending the prohibition on cross-examination in criminal proceedings.
- (38) When women and girls report to police, the following must happen: she must be treated with respect, she must be believed, she must not be judged, she must be listened to, and a woman officer must be available and present. Police must refer to the by and for expert sector which can support and advocate on her behalf, while the police undertake investigation of the perpetrator(s).
- (39) VAWG and the Prevent / Counter-Extremist agenda must be treated as separate issues, to ensure women and girls are able to safely report and disclose violence without exposing her to further harm, risk and repeat victimisation.

Working with Perpetrators

- (40) The Alternative Bill proposes that any agency or organisation working with perpetrators should be accredited by the Respect Accreditation Standard as this will ensure a VAWG focused response to working with perpetrators as above defined in the context of addressing power and control.
- (41) The Alternative Bill proposes that at the heart of any such proposal considering the mental health needs and other needs of perpetrators, there must be protection for women and girls subjected to VAWG. Women must be consulted on the wide range of measures, not just in stalking cases, but in all intervention by the criminal justice system. This can occur on a case by case basis but also with the by and for expert sector. For example, women must be kept informed by the National Probation Service of changes to sentencing, early release and any release from prison of perpetrators. Any such measures must be accompanied by a comprehensive risk assessment where the victim's/survivor's safety are taken into consideration as a minimum standard.

- (42) The Alternative Bill proposes that government review the case for restorative justice. In March 2016, Imkaan provided an overview of the use and application of restorative justice in the wider context of VAWG which includes issues such as forced marriage and so-called honour-based violence. The approach was committed to ensuring that victims/survivors subjected to VAWG are able to access safety, justice, and redress, in ways that take account of their experiences, their wishes, and the nature and severity of the violence that has been inflicted on them. VAWG is a human rights violation, and its impact should not be minimised or ignored. The government has obligations to ensure that it protects all victims/survivors of VAWG. It also should ensure that its responses to VAWG does not further breach victims/survivors' rights. This includes ensuring that any justice processes do not facilitate or lead to further victimisation. Despite the attitudes, behaviours and actions of perpetrators, they also have rights that the state is required to uphold. As such, work to hold perpetrators of VAWG accountable must also take place within established human rights obligations.
- (43) The Alternative Bill proposes further dialogue on transformative justice in the context of the above and in ensuring effective response to perpetrators to meet the objectives of ending VAWG. While we have raised our concerns about how such a response could be developed and the context for such a response, we are mindful that transformative justice is a complex paradigm that can easily lead to misuse if it is not understood and applied under a human rights framework. We are also mindful that it is not a stand-alone response and that all forms of VAWG response – early intervention, prevention, and protection must be addressed together within a VAWG context as discussed in this document.

Funding and Partnerships

Working to end violence against women and girls requires investment of resources across the public and the by and for expert sectors as well as sustainable and robust partnerships with police, housing, health, Jobcentre Plus, the CPS, the criminal justice system, children's services, social services and commissioners among others making up statutory services. Such partnerships also extend to other industries and sectors such as media, the entertainment industry, business, education and others to ensure that women, in whatever spaces they access, are not subjected to violence because they are women.

Such partnerships should be included in local ending VAWG plans, strategies, policies and practice and backed by an adequate resourcing framework to the by and for expert sector to achieve the aims of the Alternative Bill. This framework is made up of the following:

- The by and for expert sector are recognised as frontline service providers and critical strategic partners in the local economy in active partnerships with local authorities through service delivery.
- The public sector equality duty and the equalities impact assessment are instruments available to local authorities to ensure that women are not disadvantaged by decisions

taken by local authorities. Both these measures are strengthened under the Alternative Bill to promote participation and collaboration in the local economy of the by and for expert sector under a robust partnership approach.

- The by and for expert sector are identified as local VAWG providers and have a role to play in ending VAWG through the partnership framework as described above.
- Funding structures are designed around a comprehensive approach to addressing VAWG which means long-term sustainability enabling organisations to plan and develop appropriate provision.

The Alternative Bill therefore identifies the by and for expert sector as the local VAWG providers. The category 'local ending VAWG providers' is thus introduced in this Alternative Bill. The Alternative Bill thus creates an intersectional, gendered infrastructure, inclusive of strategy, planning, policy and practice, towards ending VAWG. This category also addresses structural inequality as a sector that is led by women, is a crucial part of the gendered economy addressing women's unequal participation and protects women's economic and social contribution.

(44) Government funding priorities must consider healing and recovery more holistically and comprehensively where women and girls have a voice in intervention away from clinical and institutional approaches embedded in local government structures. The Alternative Bill proposes the following:

- (a) The by and for expert sector are identified as *local ending VAWG providers* as stated above and fall under the VAWG definition which is proposed as the government definition. It is critical that this includes specialist by and for organisations including those led by minoritised and marginalised women themselves e.g. BME women, disabled women and refugee women
- (b) Introduce a new statutory VAWG duty which covers prevention, provision, protection and partnerships.
- (c) As part of this duty, ensure that local authorities adhere to equalities impact assessment and fulfil the Public Sector Equality Duty 2010.
- (d) Support woman-centred, trauma-informed, needs-led, holistic, wrap-around support as they are sustainable methods in addressing multiple intersecting need and preventing further repeat victimisation and exposure to further risk.
- (e) The structure of all future funding must function in a way to protect local VAWG provision that such provision is returned to grant funding and removed from tendering systems. While such systems may be 'competitive', the basis of this competition is not equal.

(45) Tendering is a competitive process, however the by and for expert sector are part of the social economy of provision and do not compete on equal footing in an open market. The nature of VAWG would also suggest that such competition compels

organisations to gamble with the lives of women and girls. This society must not continue down this road. The Alternative Bill calls for an end to the tendering of ending VAWG services and in its place, propose the following:

- (a) Full recognition that funding supports prevention, provision, protection and partnerships and moves away from an emphasis on the criminal justice system, and policing and surveillance.
- (b) A return to robust grant funding where the grant funding itself is accessed by the by and for expert sector without the need for local authority endorsement.
- (c) Ring-fenced funding for specialist, local ending VAWG services including by and for BME women's organisations, by and for disabled women's services, Rape Crisis services and women's refuges.
- (d) Future funding to ensure long-term support with programmes available for a minimum of 3 years.
- (e) Future funding to ensure core funding to organisations is available so that projects and services can be fully supported and genuinely apply for full cost recovery.
- (f) A set of key priority indicators for commissioners that assess their knowledge and capacity to fund VAWG.
- (g) Local VAWG commissioning frameworks reflect and represent the populations they serve so that they benefit from ongoing understanding of the needs of that population. This means that commissioners of services include the by and for expert sector in commissioning intentions and in commissioning outcomes.

For more information on **From the Margin to the Centre** or any of Imkaan's work, please contact us at:

info@imkaan.org.uk

Imkaan

52-54 Featherstone Street

London EC1Y 8RT

020 7842 8525

