

## CEDAW VAWG in Wales

### All VAWG

#### Data:

[Crown Prosecution Service VAWG Report 2016-17](#) highlights the prosecution and conviction data for Wales. In 2016/17, VAWG crimes currently account for almost 20% of the Criminal Prosecution Service's total caseload and more than 80% of those crimes are domestic abuse related.<sup>1</sup> After a rise in VAWG conviction rates previously over three years, there was a reduction of 3.1% this year (2,710 fewer convictions) to 84,565. This was partly due to a fall in police referrals of domestic abuse defendants – this marked a 5.8% fall since 2015/16 from 124,737 referrals to 117,444 in 2016/17. There was also a 5.8% fall in VAWG crime prosecutions completed.

For Wales this meant:

- The volume of VAWG crime prosecuted **in Wales** decreased slightly from 7,631 in 2015/16 to 7,409 in 2016/17, a decrease of 222 defendants prosecuted;
- The percentages of those convicted in Wales remained almost the same at 75.6% (a rise of 0.2%) compared to 2015/16, which also saw a slight decrease in volume of convictions from 5,768 in 2015/16 to 5,598 in 2016/17.

#### CPS VAW Prosecutions 2016/17 for Wales

AREA	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
All Wales	5,598	75.6% (+0.2%)*	1,811	24.4%	7,409
Dyfed Powys	600	78.9% (+5.5%)	160	21.1%	760
Gwent	819	80.5% (+3.6%)	199	19.5%	1,018
North Wales	1,244	78.2% (+0.8%)	347	21.8%	1,591
South Wales	2,927	72.6% (-1.9%)	1,107	27.4%	4,034

\*All bracketed % in comparison to last year's percentages.

#### Provision of support in Wales:

There were **30,036** calls, webchats and emails to the Live Fear Free Helpline in Wales and 14,088 individuals were supported, including 13,505 survivors, 583 friends and family members.<sup>2</sup> Welsh Women's Aid member data shows that 10,243 survivors were referred to VAWDASV services for help and support; 2,565 survivors were referred for refuge-based support, and 7,678 survivors were referred to VAWDASV Community/Outreach Services.

<sup>1</sup> 83.4% were domestic abuse related, 4.6% were for rape crimes and 12.0% for sexual offences (excluding rape).

<sup>2</sup> Welsh Women's Aid, 'The Live Fear Free Helpline: Helpline Annual Report: 1<sup>st</sup> April 2016-31<sup>st</sup> March 2017', *Welsh Women's Aid*, 2017.

**Legislation/Policy:**

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 has brought in duties for the Welsh Government and devolved public bodies (including health, local authority and education) to promote the prevention of violence against women and girls and protect and support survivors of abuse and violence. The act set out in legislation commitments to ensure that there is strategic commitments set out by local authorities and health boards and agencies are trained to identify and provide effective pathways to support. These would be supported by statutory guidance to be produced by Welsh Government. The act also committed to the establishment of the post of a national adviser to Welsh Government to provide expertise and leadership.

While the commitments have been welcomed, a post legislative review conducted by the Equality, Local Government and Communities committee in 2016 highlighted a lack of progress and a number of recommendations to ensure that the act had an impact for communities and survivors. [Evidence](#) was provided by the VAWG Sector, which informed the [committee recommendations](#).

Since then the [National VAWDASV Strategy 2016-2021](#) has been published however a delivery plan for the strategy remains to be developed so progress on implementation remains slow. [National Training Framework](#) and Ask and Act guidance has been published however the roll out of the training has only happened in early adopter sites so far. [Local strategy guidance](#) was published in March 2018, with local authorities and health boards having to submit their strategies to Welsh Government in April 2018. Draft Commissioning guidance is currently out for consultation.

The National Strategy does recognise the UN definition of VAWG and the principles of the Istanbul Convention however the definitions used within the VAWDASV act and underpinning the strategy fail to align with the UN definition. This includes a failure to fully recognise the gendered nature of these forms of violence and abuse. They also fail to align with UK government definitions, in particular the failure to include coercive control under the definition of domestic abuse and the failure to include rape within the definition of sexual violence.

In regards to improving education Welsh Government commissioned Welsh Women's Aid to produce a [Whole Education Approach Good Practice Guidance](#) and Resource Toolkit. In 2017-18 Estyn conducted a thematic review of sex and relationship education in primary and secondary schools and produced [a report](#) with recommendations. Following the review report an expert panel on Sexuality and Relationship Education was set up by the Welsh Government, the group provided [recommendations](#) as to including SRE in future curriculum in Wales. . The recommendations were published in December 2017 and cover the following core areas:

- **Curriculum Content, Pedagogy and Assessment:** Curriculum content should be rights and gender equity based, with a holistic, inclusive and preventative approach. It should evolve to meet the changing issues and knowledge basis of students and maintain an equal status within schools to other AoLEs.
- **Training and Standards:** Schools need to have a specialist SRE lead who has access to an established training pathway. Local authorities, working with Consortia, will also have a dedicated SRE lead to provide external support and maintain or highlight exemplary whole school approaches to gender equality equity and SRE.
- **Research and Support:** Welsh Government to support SRE in schools with research, practice and training to ensure the creation of an up-to-date best practice model in Wales.

The Welsh Government is expected to announce how this will be incorporated in to the review of education in Wales imminently.

### **Survivor recommendations**

The [Are you Listening and am I being Heard?](#) report sets out survivors experiences and their recommendations for improving responses in Wales. These recommendations are:

1. Dedicated specialist services for children and young people impacted by or experiencing domestic abuse, sexual violence, FGM, forced marriage, sexual exploitation or harassment, available in every area.
2. Specialist domestic abuse and sexual violence services for survivors that are accessible and resourced to meet the needs of specific survivor groups, available in every area.
3. Improved awareness of and response to violence against women, domestic abuse and sexual violence by professionals involved in the family justice system (CAFCASS Cymru, judges and court personnel, contact centres), and safe child contact with parents/carers following separation, in cases of domestic abuse and sexual violence.
4. Accessible 'refuge service' support in every area, accompanied by safe, affordable, longer-term housing options for survivors of abuse, that provide flexibility, choice and meet survivors' needs.
5. Women's groups and peer support available in every area, to reduce isolation and maximise independent spaces that increase confidence, esteem, and empowerment.
6. Protection and support for all survivors who have no recourse to public funds, to ensure equal access to safety, support, protection and justice, and finances to live independently, irrespective of survivors' immigration and residency status.
7. Counselling and therapeutic services for survivors that is available, in every area, when needed, is age-appropriate, and helps build resilience and recovery from abuse.
8. Greater focus on stopping perpetrators' behaviour and holding them to account by public services, and where violence and abuse involves coercive control, action by public services to ensure perpetrators leave and end abusive relationships.

9. Improved training for all services on all aspects of violence against women, domestic abuse and sexual violence, informed by survivors' experiences.
10. Preventing violence against women, domestic abuse and sexual violence from happening in the first place, through compulsory prevention education in all schools and colleges, increasing awareness of the issues and the help available in local communities across Wales.

### **Funding Landscape**

Welsh Women's Aid [State of the Sector Report 2017](#) highlighted significant uncertainty regarding funding for specialist services in Wales. The VAWDASV specialist sector in Wales faces continued uncertainty as it attempts to maintain year-on-year funding, facing a 'postcode lottery' dependent on whether local commissioners prioritise them, while continuing to feel the impact of accumulative funding cuts. The Supporting People Programme is by far the largest contributor to VAWDASV specialist services<sup>3</sup> in the third sector in Wales, and even a small reduction in this funding represents a risk to services. In September 2017 the Welsh Government made a commitment to maintain this grant at its current level for the next two years, however the recently published Welsh Government draft budget has proposed merging of the Supporting People grant and VAWDASV Services Grant with a broad range of funding in 2019/20. This will effectively remove the ring-fence for this funding, leaving prioritisation of funding for these services at the discretion of local authorities.

It is also proposed that there will be no safeguard for the proportion of Supporting People funding received by VAWDASV services; while the overall funding for Supporting People was maintained in 2017/18, there was a 4% decrease in total funding for VAWDASV services from the Supporting People grant.<sup>4</sup> This could further decrease in 2019/20 with the Supporting People budget (£124.4 million) and the local authority element of the VAWDASV Services Grant (£2.4 million) proposed to be integrated into a new single grant (Early Intervention Prevention and Support grant), without any proposals to ring-fence an allocation for VAWDASV expenditure.<sup>5</sup>

Last year Welsh Women's Aid's report [Save Refuges, Save Lives](#) highlighted that specialist services were over-stretched and under-resourced, having experienced cuts to their children, housing, counselling and refuge services in recent years.<sup>6</sup> In 2017/18, funding cuts across Wales from council grants and contracts in housing/homelessness, children or Families First, community safety and a decrease in private funding and donations has contributed to further reduced capacity across the VAWDASV sector.<sup>7</sup> Cuts lead to continued pay

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<sup>3</sup> Welsh Women's Aid, 'Report to National Task and Finish Group to inform the development of a Model for Sustainable Funding for VAWDASV Specialist Services in Wales', 2017.

<sup>4</sup> Ibid.

<sup>5</sup> Welsh Government, 'Draft Budget 2018-19: Detailed proposals: A new Budget for Wales', Welsh Government, <http://gov.wales/docs/caecd/publications/171003-budget-narrative-a-en.pdf>, 2017, p.18, (accessed 25 Oct 2017).

<sup>6</sup> Welsh Women's Aid, 'Safe Refuges, Save Lives: The impact of cuts on specialist domestic abuse and sexual violence services across Wales 2015-16', *Welsh Women's Aid*, 2016.

<sup>7</sup> Welsh Women's Aid, 'Report to National Task and Finish Group to inform the development of a Model for Sustainable Funding for VAWDASV Specialist Services in Wales', 2017.

reductions for specialist staff, fewer support hours in refuge services, decreases in capacity across whole organisations and services being unable to take on new staff or retain the expertise of long-serving staff, forced to look for work elsewhere.

Many services have continued uncertain and unconfirmed funding beyond 2017/18, which often makes it impossible to adequately plan for the future of these services due to reliance on annual local authority funding and additional short term grants.<sup>8</sup>

### **Thematic areas:**

#### **1. Domestic Abuse**

Survivors and the VAWG sector have welcomed the Serious Crime Act 2015 that brought in the criminalisation of coercive controlling behaviour, recognising domestic abuse as a pattern of controlling and coercive behaviour committed over a period of time. There have been a number of cases in which it is cited however convictions remain low. Evidence requirements have often proved hard to reach and CPS has often gone forward on other charges as these are easier to obtain a conviction for. Training has happened with some police forces in Wales however this training is not consistent and has not happened across all forces. Survivors have also reported concerns that coercive control legislation does not cover post separation control and abuse.

#### **Level of provision**

While levels of refuge provision have not dropped as dramatically as in England data still shows that 249 survivors of domestic abuse could not be accommodated by refuges in Wales because there was no space available in the service contacted when they needed help.<sup>9</sup> The turn-away rate highlights that 2016/17 provision of specialist services was not adequate to meeting demands, and with increased awareness and referrals predicted as a direct result of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, investment into a sustainable specialist sector is gravely needed.

There are also concerns that commissioning practices may not match the standards for VAWDASV specialist support set out in the Istanbul Convention, which strongly advocates for specialist services over generic provision to ensure appropriate support.<sup>10</sup> In some areas of Wales, there has been a move to this more generic commissioning of services, which can come at the expense of local specialist services, risking the loss of decades of experience to one generic provider delivering all services (for example a non-specialist housing provider delivering a VAWDASV refuge).<sup>11</sup>

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> 'Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence', Council for Europe Publishing, 2012.

<sup>11</sup> Against Violence & Abuse (AVA) & Agenda, 'Mapping the Maze: Services for women experiencing multiple disadvantages in England and Wales', AVA & Agenda, 2017.

### Women experiencing multiple disadvantage

Almost two-thirds of women in refuge-based support in Wales last year had **mental health** issues, while a quarter experience **substance misuse** and almost a third identified **financial** difficulties. However, each year many survivors are turned away from refuge and the second most common reason is that services were unable to meet their specific needs or had no further capacity to support survivors with assessed complex or multiple needs. This was the case for 208 survivors in Wales last year.<sup>12</sup>

The impacts of austerity measures on statutory and generic service provision such as mental health, substance misuse, and sexual health services are impacting on survivors' access to relevant and timely support. This has led to reports from VAWDASV specialist services that they are picking up additional and often complex support needs caused by gaps in public services. Survivors are accessing specialist services with increasingly high-levels of support needs as a result of their experience of abuse, which intersects with living with severe and multiple disadvantage. Many services do not always have sufficient resources or capacity to deliver the level of sustained intensive support needed in these cases.<sup>13</sup>

Much of the VAWDASV specialist service provision enables positive impacts on health and well-being of adults and children who face adverse experiences in childhood, or as adults. However, VAWDASV specialist services in Wales do not benefit from health service/health commissioner investment nationally or regionally, compared with other services in the UK.<sup>14</sup>

### Impact of Welfare reform

Universal credit for single claimants has now been rolled out to Job Centres across Wales. Joint claimants will receive one single payment which is paid into the account of one claimant on behalf of the whole household. Welsh Women's Aid, along with many other agencies have expressed our concerns about a single payment to joint claimants, as this is likely to increase opportunities for financial abuse and coercive and controlling behaviour for many who are living in abusive households. An Alternative Payment Arrangement has been outlined by the UK Government as an option for those who are in an abusive relationship and will receive joint universal credit payments. The Alternative Payment Arrangement will allow a split payment between partners. However, Welsh Women's Aid (and other organisations) do not consider this to be an adequate safeguard. For the arrangement to be considered, a Universal Credit Coach at the Job Centre would need to receive disclosure of the abuse. This in itself can be a barrier, as is the potential for the perpetrator of abuse finding out that a disclosure has been made and the increased risk of abuse.

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<sup>12</sup> Against Violence & Abuse (AVA) & Agenda, 'Mapping the Maze: Services for women experiencing multiple disadvantages in England and Wales', AVA & Agenda, 2017.

<sup>13</sup> Welsh Women's Aid, 'Report to National Task and Finish Group to inform the development of a Model for Sustainable Funding for VAWDASV Specialist Services in Wales', 2017.

<sup>14</sup> Welsh Women's Aid, 'Report to National Task and Finish Group to inform the development of a Model for Sustainable Funding for VAWDASV Specialist Services in Wales', 2017.

The UK government has also reduced vital social security for women who have more than two children, and introduce an exception where women have to disclose their experience of rape in order to avoid losing money through tax credit restrictions. These policies are a means by which economic coercion is introduced to control low-income women's reproductive rights, to compel women to disclose sexual violence under threat of financial penalties. To implement the policy, the UK Government has introduced a third party evidence model whereby specialist support organisations can be listed as being authorised to support a woman in qualifying for an exemption from the [two-child limitation to Child Tax Credit and Universal Credit](#), where her third or subsequent child(ren) were born as a result of rape (referred to as 'non-consensual conception').

This fails to acknowledge that many women remain reluctant to disclose rape to anyone, for reasons including fear, self-protection, shame, and concern for others including the child involved. The recent announcement of new measures in criminal courts highlights that the UK government recognises the sensitivity and expertise required to enable women to feel comfortable to disclose sexual violence. It is concerning that this sensitivity is not being implemented across all UK Government departments.

These welfare reforms are being implemented against a backdrop of austerity measures that have a disproportionate impact on women's access to security, safety and the resources they need to live free from violence and abuse. These policies also contradict other UK and devolved Government commitments to advance gender equality, to eradicate violence against women, domestic abuse and sexual violence.

### Sexual Violence

Sexual violence services have received a significant reduction in funding levels between 2016/17 and 2017/18, while demand has continued to increase. One sexual violence specialist service in Wales has seen an increase in demand of 78% for one service area over a three year period.<sup>15</sup>

Welsh Women's Aid's survey of specialist services for this period showed a reduction of 20.2% of funding with the loss of Home Office funds, which was not picked up by local commissioners (as had been expected by the Home Office). Further reductions in contracts with the Welsh Government from the Department of Health and Social Services also impacted these services, with a 60% funding reduction from all departments combined.<sup>16</sup>

Sexual violence specialist services funding is reducing. In particular, the loss of Home Office funding has contributed to a 49% reduction in funding allocated to ISVA services in the third sector.

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<sup>15</sup> Welsh Women's Aid, 'Report to National Task and Finish Group to inform the development of a Model for Sustainable Funding for VAWDASV Specialist Services in Wales', 2017.

<sup>16</sup> Welsh Women's Aid, 'Report to National Task and Finish Group to inform the development of a Model for Sustainable Funding for VAWDASV Specialist Services in Wales', 2017.

## FGM

The first clinic is being established in Wales – this will offer an opportunity for women and girls affected by FGM to get the support they need closer to home. There have also been Airport campaigns held to raise awareness of support available to girls who may be taken out of the country for FGM procedures during school holidays.

Regardless of this increase in support there remains to be no convictions for FGM in Wales, and applications for protection orders are low. Data on the numbers of women and girls affected by FGM is now collected by health boards in Wales however this data needs to be more robust.

## Trafficking and Prostitution

Wales has a Modern Slavery Commissioner and a strategic group. The focus has been gender neutral and often regarding trafficking for labour rather than a focus on sex trafficking. There have been a number of cases and convictions on trafficking in Wales.

Prostitution does fall under the remit of the VAWDASV strategic work of Welsh Government however there are no explicit references to action to end prostitution or support women exploited by the sex industry within government plans. There has not been a high profile discussion regarding the Nordic Model like there has been in other areas of the UK.