



## **Ending Domestic Abuse Rights of Women's Position Statement on Domestic Violence**

Domestic violence is a devastating crime, a form of violence against women and an infringement of women's fundamental human rights. Almost all domestic violence in the UK is directed by men against women (85%) and it is the largest single type of crime that British women experience. Rights of Women believe that domestic violence should be considered as part of the continuum of violence against women.

Violence against women is a key area of Rights of Women's work, both in terms of service provision and policy work. We run two national confidential free legal advice help lines to support women provided by specialist women solicitors and barristers.<sup>1</sup> The majority of the calls to our family law advice line are from women seeking legal advice with regard to domestic violence and children matters.<sup>2</sup> Domestic violence is prevalent throughout the UK, indeed, studies have shown that as many as 29% of women between the ages of 16 to 59 have reported that they had experienced one or more types of domestic abuse at the hands of a current or former partner at some time in their lives.<sup>3</sup> However, domestic violence remains a vastly underreported crime and the Government need to take steps to increase confidence in the legal system and raise awareness of the devastating affect that domestic violence has on women.

Emma Scott, Director of Rights of Women says:

**“Domestic violence is a breach of a woman's rights; the UK Government is required by international human rights law to exercise due diligence in order to protect women from domestic violence.**

**Although Rights of Women welcomes developments such as the Forced Marriage (Civil Protection) Act 2007; the Domestic Violence**

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<sup>1</sup> Rights of Women's General Legal Advice Line: 020 7251 6577 (open Tuesdays, Wednesdays and Thursday 2–4pm and 7–9pm and Friday 12–2pm) Sexual Violence and Criminal Law Legal Advice Line: 020 7251 8887 (open Mondays 11am-1pm and Tuesdays 10am-12pm).

<sup>2</sup> A survey carried out of the calls to our General Legal Advice Line between April 2008 – March 2009 indicated that 38% of callers were seeking advice on domestic violence and 46% on children matters, predominantly child contact.

<sup>3</sup> *Coleman, K. et al. (2007) Homicides, firearm offences and intimate violence 2005/2006: supplementary volume 1 to Crime in England and Wales 2005/2006 (PDF). London: Home Office. Research, Development and Statistics Directorate.*

**Crime and Victims Act 2004 and the introduction of the Specialist Domestic Violence Court Programme and Independent Domestic Violence Advisers, there is still a great deal of work to be done to protect women from violence.**

**The Government needs to fund specialist support services for survivors so that all women affected by violence can access a place of safety and life saving services, and the Government also needs to increase access to legal representation by expanding legal aid provision to ensure that women are able to take action to protect themselves and their children from violence.”**

### **Domestic violence as a human rights issue**

Research at the national and international level has consistently shown that domestic violence is gender specific violence that discriminates against women and seriously inhibits women's ability to enjoy their rights on an equal basis with men.<sup>4</sup>

Under Article 2 of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) the UK Government has an obligation to pursue a policy of eliminating discrimination against women. In General Recommendation 19 the CEDAW Committee sets out that violence against women is a form of discrimination and calls on Government's to put in place laws to protect women from domestic violence and ensure these laws are enforced, as well as taking measures to safeguard the dignity and integrity of women.

### **Criminalisation of a breach of a non-molestation order**

Enforcement of these rights sends a strong message to perpetrators that any act of violence is unacceptable. For this reason we welcome the amendment to the Family Law Act 1996 introduced by the **Domestic Violence Crime and Victims Act 2004**. This Act introduced certain key provisions. Most notable with regard to domestic violence was making the breach of a non-molestation order a criminal offence punishable by up to 5 years imprisonment.

There has been comment in the media that the reduction in the number of applications for non-molestation orders is related to the criminalisation of breaches of non-molestation orders. However, at Rights of Women we have not found widespread concern about criminalisation of a breach of a non-molestation order from our callers, indeed our service users have been positive about the new enforcement provisions. We believe that the reduction in the number of non-molestation orders applied for is as a result of the legal aid changes. Following

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<sup>4</sup> For more information on the United Nations Convention on the Elimination of all Forms of Discrimination on Women (CEDAW) and the General Recommendations made by the CEDAW Committee see <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

research carried out with our advice line callers, we found that a significant proportion (45%) of women were deterred from taking proceedings against a perpetrator of violence when they found that they were ineligible for legal aid. We believe that an inability to access high quality, affordable or free legal advice has a profound effect on the ability of women to seek protection from domestic violence from the family courts.

### **Defining domestic violence**

As yet there is no statutory or legal definition of domestic violence. The definition used by the Government and the Association of Chief Police Officers 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.”*

Rights of Women welcome the use of a definition of domestic violence which encompasses psychological, physical, sexual, financial and emotional abuse as well as physical violence as this constitutes the lived experience of what constitutes domestic violence for many women.

Rights of Women are concerned that domestic violence against all women is addressed, particularly that experienced by Black and Minority Ethnic and Refugee Women including women seeking asylum in the UK and support the coverage of so called ‘honour based violence’, forced marriage and female genital mutilation in the above definition of domestic violence.

Under Article 5 of CEDAW, the UK Government is required to eliminate prejudices and practices against women. As such, Rights of Women believe that the Government need to provide gender sensitive training to the police with regard to domestic violence, in particular, to so called honour based violence, forced marriage, dowry deaths and female genital mutilation, in order to dispel negative and discriminatory attitudes towards this type of violence.<sup>5</sup>

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<sup>5</sup> For more information on the United Nations Convention on the Elimination of all Forms of Discrimination on Women (CEDAW) and the General Recommendations made by the CEDAW Committee see <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>