



## **Rights of Women's Response to the Mayor of London's strategy to eliminate violence against women, 'The Way Forward; A call for action to end violence against women'.**

### **Introduction**

Rights of Women welcomes the Mayor of London's adoption of a strategy to eliminate violence against women within London. As a global city, and home to a diverse range of people, cultures and religions, it is commendable that the Greater London Authority under the leadership of the Mayor of London is adopting an integrated approach towards the elimination of violence against women to ensure that London is also a city where women are safe.

### **Limitations**

Under section 30 of the Greater London Authority (GLA) Act of 1999, the principal purposes of the Authority are:

- (a) promoting economic development and wealth creation in Greater London;
- (b) promoting social development in Greater London; and
- (c) promoting the improvement of the environment in Greater London.

The GLA has specific powers and duties under the GLA Act 1999 for transport, economic development, planning, policing, fire and emergency planning, environment and culture. These specific powers and duties were extended under the GLA Act 2007 to include housing, learning and skills, waste, health, climate change and energy and water.

The GLA's authority is thus limited in implementing and/or enforcing any policies, city-wide outside its area of delegated authority<sup>1</sup>.

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<sup>1</sup> The Strategy itself notes that; ' the Mayor does not control the delivery of frontline services...[and Local authorities] also have a leadership role in areas they serve including within local crime and disorder partnerships and local strategic partnerships.' . page 22. The Way Forward.'

## **Rights of Women's Response**

### **Introduction**

Despite our concern at the GLA's ability to fully implement its strategy because of its circumscribed area of delegated authority, Rights of Women recognises that the adoption of an integrated approach and the prioritisation of the elimination of violence against women by the GLA are important because:

- The adoption of the United Nations (UN) definition of violence against women indicates that the GLA accepts that violence against women is a form of discrimination inhibiting the ability of women to enjoy their rights and freedoms on a basis of equality with men. These rights include<sup>2</sup>
  - The right to life
  - The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment
  - The right to liberty and security of the person
  - The right to equal protection under the law
  - The right to equality in the family
  - The right to the highest standard attainable of physical and mental health
  - The right to just and favourable conditions of work
  
- The adoption of the UN definition of violence against women indicates that the GLA recognises the importance of gender mainstreaming in all its policy areas; that is
  - Ensuring that a gender perspective is central to all the GLA's activities
  - Ensuring that a strategic approach is taken to promote and achieve gender equality in policy development, research, advocacy, dialogue, legislation, resource allocation
  - Ensuring that a strategic approach is taken to promote and achieve gender equality in planning, implementation and monitoring of the GLA's programmes and projects within its designated areas of powers and duties.

Rights of Women recognises the Mayor of London's commitment to ending violence against women through his stated objectives of collaborating with Government, and statutory organisations such as local authorities, and primary care trusts as appropriate. These organisations lead in terms of responsibility for services and indeed at times have statutory responsibility in key areas. We nonetheless commend the Mayor's willingness to use his political authority to ensure that, as part of his responsibility for London, and in carrying out the

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<sup>2</sup> See further, CEDAW Committee General Recommendation 19 of 1992, 11th session

principal purposes of the Authority, violence against women is, and remains, a priority for all relevant organisations and service providers.

In adopting the UN definition of violence against women, the Mayor has accepted that a rights-based approach is necessary to address the discriminatory elements of gender-based violence. As noted above, these include various human rights and fundamental freedoms. It is our view that by mainstreaming gender through his policies within the relevant areas of his devolved authority, the Mayor can make sustainable gains in policy development in the area of eliminating violence against women in London. This is in consonant with the Mayor's duties.

### **Exercise of the Mayor's powers and 'Equality of Opportunity'**

The Mayor has an obligation under the constitutive legislation of the GLA to make sure that he exercises his powers with due regard to 'equality of opportunity'<sup>3</sup>.

'London's higher levels of poverty are also linked to experiences of violence'<sup>4</sup>

The Mayor should ensure that all his policies truly have regard to 'equality of opportunity' by considering the effect gender based violence has on women's equality of opportunity. One of the key factors in gender based violence is that its discriminatory nature adversely impairs the ability of women to realise their rights. It is a cause and consequence of women's subordinate position. There are high social, health and economic costs to the individual and to society associated with violence against women. Women's opportunities are limited or even curtailed by violence and/or the fear of violence. The Mayor can only truly fulfil his statutory obligation and implement the political commitment to the elimination of violence against women he has expressed in the strategy if the components of his consideration of 'equality of opportunity' comprise also the adverse effect violence against women has on their ability to achieve substantive equality.

Thus, in exercising his powers and duties in relation to transport, economic development, planning, policing, fire and emergency planning, environment, culture, housing, learning and skills, waste, health, climate change and energy

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<sup>3</sup> Section 33.—(1) The Authority shall make appropriate arrangements with a view to securing that—

(a) in the exercise of the power conferred on the Authority by section 30 above,

(b) in the formulation of the policies and proposals to be included

in any of the strategies mentioned in section 41(1) below, and

(c) in the implementation of any of those strategies,

there is due regard to the principle that there should be equality of opportunity for all people.

<sup>4</sup> The Way Forward, page 17.

and water the Mayor must consider a gender perspective, as appropriate, as part of his exercise of due regard to 'equality of opportunity'.

We now turn to relevant aspects of the strategy and the Mayor's powers.

### **Police**

The lead responsibility for crime and criminal justice aspects of violence against women remains with Government. The general functions of the Metropolitan Police Authority are similar to those of any other police authority in the country under the Police Act 1996; amongst other things, securing the maintenance of an efficient and effective police force for its area. The Metropolitan Police remain under the direction and control of the Commissioner of Police<sup>5</sup>. We are nonetheless pleased that, within his circumscribed role, the Mayor, through the MPA, is considering a monitoring role that will keep police response to violence against women on the agenda as part of his strategy.

In 2007-2008 Rights of Women's legal advice lines supported 1635 women throughout England and Wales. Our advice lines provide vital confidential, free and expert advice to women by women on issues including domestic and sexual violence. The majority of calls to our family law advice line are from women seeking advice about domestic violence and children issues, predominantly child contact.

Our sexual violence advice line also offers advice on immigration and asylum issues and we have seen an increase in the number of calls on these issues in the last year. We have also seen an increase also in the number of calls from professionals supporting women affected by sexual violence or with insecure immigration status.

Rights of Women provides legal advice and support to women who report domestic and sexual violence to the police and who believe that the officers dealing with their case either do not believe them or hold them in some way responsible for the violence they have experienced. From the experience of callers to our sexual violence advice line it appears that survivors are most likely to have their account challenged or questioned by officers when the perpetrator is a current or former partner or some other person known to them, despite the fact that it is in these circumstances that the majority of sexual offences are committed<sup>6</sup>.

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<sup>5</sup> Section 314, GLA Act 1999.

<sup>6</sup> According to the British Crime Survey 54% of female victims of serious sexual assault reported that a partner / spouse or ex-partner / spouse had been the offender. 40% of female victims reported that a serious sexual assault had been committed by someone else known to them (e.g. the perpetrator was a friend or colleague). Prevalence of intimate violence by category among adults aged 16 to 59, Homicides, Firearm Offences and Intimate Violence 2005/2006 (Supplementary Volume 1 to Crime in England and Wales 2005/2006), British Crime Survey.

The failures and omissions on the part of the police in responding to and investigating these complaints can cost lives.

**Banaz Mahmood** disappeared from her South London home in January 2006 and her body was found in the West Midlands three months later. Her father and uncle were convicted of her murder in June 2007 following a trial at the Old Bailey. She was murdered by assassins hired by her father and uncle because she was seeing a man her father considered unsuitable. Banaz Mahmood reported to police in London (the Metropolitan Police Service (MPS)) and the West Midlands police threats to kill that had been made against her. Following the Independent Police Complaints Commission (IPCC) investigation into the MPS and West Midlands police dealings with her, the IPCC investigation found that:

“the MPS could have done more in its dealings with Ms Mahmood, lines of enquiry were not followed and there was poor supervision”

The IPCC investigation also found that:

“the initial investigation conducted by West Midlands Police was flawed, not done in a timely fashion and poorly supervised”.

Nicola Williams, IPCC Commissioner said:

“Banaz Mahmood was let down by the service she received. There were delays in investigations, poor supervision, a lack of understanding and insensitivity.”

It is necessary therefore to provide rolling and on-going training to police officers on domestic, sexual and other forms of gender based violence such as female genital mutilation (FGM) and acts of so-called honour based violence to challenge negative and discriminatory attitudes. Such training should make officers aware of the myths and stereotypes that persist in this area and how these can be tackled.

We are hopeful that the scrutiny role played by the MPA will positively inform police responses to women who have experienced violence, especially sexual violence and increase confidence and trust in London’s police service as well as the criminal justice system by women who have experienced violence.

## **Transport**

The Mayor has a duty to produce an integrated transport strategy for London.

### **Again: Women warned after attempted rape<sup>7</sup>**

Police have again warned women not to walk home on their own after a man attempted to rape a woman in Milton Keynes last week.

The attack took place at 5pm last Wednesday afternoon. A man in his 30s was arrested but has subsequently been released.

The police response in the report above is indicative of the challenges women face when going about their daily business. Women are obliged to take responsibility for averting acts of violence against them in public spaces in both daylight and darkness. Violence, and fear of violence, is a constraint on the mobility of women and one of the ways in which women are forced into a subordinate position in comparison to men.

As part of the prevention element in its integrated approach, the Mayor should ensure that taking public transport is safe for women. Indeed, the strategy recognises that, “women are disproportionately affected by theft and sexual offences on the transport network and they still have a greater fear of travelling than men, particularly at night<sup>8</sup>.”

In addition to steps already taken by the Mayor to enhance women’s safety on public transport<sup>9</sup>, the Mayor should ensure that all of its policies on transportation in London, at inception, planning and going through to implementation and thereafter monitoring should have gender perspectives mainstreamed through it to eliminate, at most, and reduce, at least, violent acts against women in the community.

### **Health**

Under section 30(5)(a), a key duty of the GLA is to make sure that it carries out its principal purposes in a way which it considers best calculated ‘**to promote improvements in the health of persons in Greater London.**’

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<sup>7</sup> Women’s Weekly News 259, 5 June 2009, Eaves Housing

<sup>8</sup> ‘The Way Forward’, page 24.

<sup>9</sup> *ibid.*

Based on the British Crime Survey<sup>10</sup>, domestic violence is the largest single form of crime against women in the UK. In the British Crime Survey of 2007/2008<sup>11</sup>, domestic violence accounted for about one in six violent incidents, approximately 16%. 33% of violent incidents against women were domestic violence and 85% of victims of incidents of domestic violence were women.<sup>12</sup> Domestic violence was the only category of violence for which the risk for women (0.6%) was significantly higher than for men (0.2%). Out of all the categories<sup>13</sup> that comprise 'serious violence' which the British Crime Survey considers in its report, domestic violence has the highest percentage, 45%, of repeat victimization, and repeat victimization accounts for 73% of all incidents of domestic violence<sup>14</sup>. In the majority of incidents of domestic violence the victims were women i.e. 85%.

The key features of domestic violence incidents are that the risks for women are higher than for men, women are disproportionately affected by domestic violence incidents, a significant proportion of all violent incidents against women are domestic violence incidents, and domestic violence has the highest percentage of repeat victimisation which counts for the majority of all incidents of domestic violence. Domestic violence includes assaults, woundings, violence against the person, can include sexual crimes, can result in acts endangering life such as poisoning and can result in death. According to Homicide Statistics, 1998, every week two women are killed by their current or former partners. In 2008, domestic

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10 The British Crime Survey (BCS) is a large, nationally representative survey of approximately 47,000 adults living in private households in England and Wales. The figures from the BCS are not affected by levels of reporting to police. Violent crime as measured by the BCS can be divided into domestic violence such as assaults, woundings which involve partners, ex-partners, other relatives or household members, stranger violence such as assaults and woundings in which the victim did not have any information about the offender and had never seen the offender before, acquaintance violence and muggings. It generally comprises violence against the person and sexual crimes; from murder to shoving that does not result in physical harm, rape sexual assault and sexual activity with children; offences resulting in death, regardless of intent; homicide; and causing death (by either dangerous driving, careless driving when under the influence of drink or drugs, or aggravated vehicle taking). It also includes offences where serious injury was intentionally caused or attempted: attempted murder, and more serious wounding or acts endangering life (e.g. wounding, poisoning and use of weapons and explosives, all with intent to cause serious injury).

11 Kershaw, C, Nicholas, S, Walker, A, (eds.) 'Crime in England and Wales 2007/2008: Findings from the British Crime Survey and police recorded crime', July 2008. Available on <http://www.homeoffice.gov.uk/rds/pdfs08/hosb0708.pdf> at p.71ff.

12 Kershaw, C, Nicholas, S, Walker, A, (eds.) 'Crime in England and Wales 2007/2008: Findings from the British Crime Survey and police recorded crime', July 2008. Available on <http://www.homeoffice.gov.uk/rds/pdfs08/hosb0708.pdf>.

13 The British Crime Survey covers property crimes such as vehicle related thefts, burglary and personal crimes such as assaults and violence against the person encompassing rape, other sexual assaults and other sexual offence such as exploitation of prostitution. It does not cover commercial victimisation i.e. crimes against businesses.

14 Kershaw, C, Nicholas, S, Walker, A, (eds.) 'Crime in England and Wales 2007/2008: Findings from the British Crime Survey and police recorded crime', July 2008. Available on <http://www.homeoffice.gov.uk/rds/pdfs08/hosb0708.pdf> at p.37.

violence still claims up to two lives a week.<sup>15</sup> Confirmed by statistics, domestic violence is **gendered** violence.

Many women using mental health services are likely to have experienced sexual or physical abuse at some time in their lives.<sup>16</sup> Research in 2004 showed that domestic violence cost the health service £1.4 billion<sup>17</sup>. 25% of callers to our sexual violence advice line in 2008 identified as disabled. Violent experiences can clearly have very damaging long-term consequences for women including physical and mental health problems.

With regard to violence in the community, sexual harassment, for example, can not only be humiliating, it may constitute a health and safety problem<sup>18</sup>.

As the strategy notes,

‘The fear and reality of violence...is a major cause of death and disability for women and is linked to mental health problems including depression, anxiety, and post-traumatic stress disorder (PTSD), attempted and successful suicide; and misuse of drugs and alcohol.’<sup>19</sup>

The purpose of the Health Strategy is primarily to reduce the determinants that result in variable standards across the city affecting employment, housing, income, poverty levels and access to public services; it is evident that the prevalence of violence against women in London and the ensuing health risks is a relevant determinant that must inform any strategies and policy decisions. Gender and gender-based discrimination, including gender-based violence, should have been mainstreamed into the policy document at its inception<sup>20</sup>.

It is thus well established that violence against women puts health and lives at risk. We therefore welcome the Mayor’s commitment to ‘integrate violence against women prevention into the London Health Inequalities Strategy’<sup>21</sup>.

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15 See ‘Tackling Violence Against Women – A cross-government narrative’, Government Equalities Office, April 2008.

16 See Living Without Fear: An Integrated Approach to Tackling Violence against Women, a 1999 government document available on <http://www.womens-unit.gov.uk/1999/fear/01.htm>.

17 Walby, ‘The Cost of Domestic Violence’, 2004 available on <http://www.equalities.gov.uk/pdf/Summ%20cost%20of%20domestic%20violence%20Sep%2004.pdf>

18 CEDAW General Recommendation 19, 1992, para 8.

19 ‘The Way Forward’, page 15.

20 The Mayor’s strategy document cites figures setting out the prevalence of violence against women in London on page 16 showing the health costs of violence against women, and incidentally, the costs to the health service.

21 Building on the Mayor’s existing duty to promote improvements in the health of Londoners’, under article 22 of the GLA Act 2007, section 309(e) is inserted into the GLA Act 1999 requiring the Mayor to publish a health inequalities strategy. The definition of health inequalities is given in Clauses four and five of section 309F of the GLA Act 2007. ‘Health



## Housing

The consequences of violence against women engage a variety of legal issues; marital or relationship breakdown, financial matters following relationship breakdown, harassment, trafficking, asylum/immigration and criminal injuries compensation as well as housing matters.

According to the Walby Report on the Cost of Domestic Violence<sup>22</sup>, expenditure on emergency housing includes costs to Local Housing Authorities and Housing Associations for housing those homeless because of domestic violence; housing benefit for such emergency housing; and, importantly, refuges. This amounts to £.16 billion a year.

As noted above, the Mayor's powers and duties were extended under Part 6 of the GLA Act, 2007 to include aspects of housing. He is required to prepare a Housing Strategy.

Responsibility for allocation of housing based on statutory homelessness and needs criteria remains with local authorities<sup>23</sup>. There is statutory provision and guidance in existence for local authorities to take into account in exercising their powers in relation to allocation. Under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002, local authorities may have a duty to accommodate victims of domestic or other violence, who are eligible for assistance, because the violence they have suffered or are suffering makes it unreasonable for them to continue to occupy their current accommodation. Women may also rely on the domestic or other violence they have suffered as making them vulnerable on the grounds of 'any other special reason' under section 189 of the Housing Act which would give them a priority need for accommodation. However, the decision making remains with the local authority.

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inequalities' means inequalities in respect of life expectancy or general state of health which are wholly or partly a result of differences in respect of general health determinants. "General health determinants" are:

- (a) standards of housing, transport services or public safety,
- (b) employment prospects, earning capacity and any other matters that affect levels of prosperity,
- (c) the degree of ease or difficulty with which persons have access to public services,
- (d) the use, or level of use, of tobacco, alcohol or other substances, and any other matters of personal behaviour or lifestyle, that are or may be harmful to health, and any other matters that are determinants of life expectancy or the state of health of persons generally, other than genetic or biological factors.'

<sup>22</sup> Supra, note 17.

<sup>23</sup> Homeless Act, 2002.

Essentially, the GLA Housing Strategy is an overarching consideration of the Mayor's assessment of housing need and conditions in Greater London and how the Mayor proposes to promote the improvement of those needs and meet the needs of Greater London<sup>24</sup>. The Mayor has no powers in relation to allocation nor has he powers in relation to the conferment of a duty to accommodate.

In the strategy, the Mayor proposes to

'encourage social landlords to offer holistic sanctuary schemes to victims of violence preferring to stay in their homes and he will encourage social landlords to ensure that timely moves are available for women escaping violence both across and within borough<sup>25</sup>'.

The Mayor can do more.

Under the GLA Act 2007<sup>26</sup> the Mayor's London Housing Strategy must contain how the Mayor expects local authorities to use money granted to them. It is Rights of Women's view that the Mayor should tie in the allocation of funds he grants to specific provision of accommodation to those women who can no longer be reasonably expected to remain in their homes because their safety is at risk because of domestic or other gender-based violence. It is also our view that the Mayor could further ensure consistency with existing policy by using the criteria and guidance presently used by local authorities when considering homelessness applications.

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24 PART 7A of the GLA Act 2007 states, „333A The London housing strategy

(1) The Mayor shall prepare and (subject to section 333B(1) below) publish a document to be known as the "London housing strategy".

(2) The London housing strategy shall contain—(a) the Mayor's assessment of housing conditions in Greater London and of the needs of Greater London with respect to the provision of further housing accommodation;

(b) any proposals or policies of the Mayor to promote the improvement of those conditions and the meeting of those needs; (c) a statement of the measures which other persons or bodies are to be encouraged by the Mayor to take for the purpose of improving those conditions and meeting those needs;

...

(b) recommendations as to the number, type and location of houses which should be provided by means of grant.

(6) The London housing strategy shall also contain such other matters relating to housing in Greater London as the Secretary of State may direct.

25 'The Way Forward', page 54

26 This inserts section 333A into the GLA Act 1999 and the relevant section states:

'(5) The London housing strategy shall contain a statement of the Mayor's expectations as to how local housing authorities will use any money granted to them as mentioned in subsection (3)(c) above.'

Sub section (3)(c) states: The Mayor's spending recommendations for any period are...

(c) a recommendation to the Secretary of State as to how much of the money allocated by him during the relevant period for housing in Greater London should be granted to each local housing authority in Greater London.

## **Conclusion**

We recognise the limitations to what the Mayor can do; his delegated areas of authority are circumscribed to aspects of transport, economic development, planning, policing, fire and emergency planning, environment, culture, housing, learning and skills, waste, health, climate change and energy and water for London. Further, primary responsibility to eliminate violence against women – through prevention, protection, provision of services, and punishment of perpetrators – rests with Government.

Nonetheless, we welcome steps taken by the Mayor to adopt an integrated strategy and to adopt the UN definition for violence against women. We urge the Mayor and the GLA to ensure that gender mainstreaming, and a gender perspective continuously informs all their policies and strategies so that in exercising their powers and duties gender-based violence and its elimination is a priority.

We again commend the Mayor's willingness to use his political authority to call on and collaborate with relevant stakeholders to ensure that, as part of his responsibility for London, and in all aspects of carrying out the principal purposes of the Authority, violence against women is, and remains, a priority.

We urge the Mayor to consider the additional steps we believe he can take to ensure that violence against women in London is addressed.

## **About Rights of Women**

Rights of Women aims to achieve equality, justice and respect for women. Rights of Women advises, educates and empowers women by:

- Providing women with free, confidential legal advice by specialist women solicitors and barristers<sup>27</sup>.
- Enabling women to understand and benefit from their legal rights through accessible and timely publications and training
- Campaigning to ensure that women's voices are heard and law and policy meets all women's needs

Rights of Women provide specialist legal advice to women who have experienced domestic and sexual violence as well as to those who support them. The issues we raise, and our position, in this consultation response is informed by our experience and matters of concern to our service users.

For further information visit [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk) or telephone 020 7251 6575.

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<sup>27</sup> For advice on family law, domestic violence and relationship breakdown telephone 020 7251 6577 (lines open Tuesday to Thursday 2-4pm and 7-9 pm, Friday 12-2pm). For advice about sexual violence, immigration or asylum law telephone 020 7251 8887 (lines open Monday 11am-1pm and Tuesday 10am-12noon).