



Refuge Response to Government's Compensation Consultation Documentation April 2004

Refuge welcomes the government's commitment to respond appropriately to victims of crime, including its proposals to amend the criminal injuries compensation scheme and provide a wider range of support to victims.

Refuge is pleased that the government mentions specifically its intention to address the needs of domestic violence victims, as well as those from BME communities (especially with regard to racist crime) victims of sexual violence and the poorest members of the community. A focus on children, particularly those experiencing bullying is also welcome. Refuge has worked consistently to raise the profile of children's needs and has long advocated for the development of school based violence prevention programmes, which address oppressive practices and issues such as disrespect, power and control within relationships.

An accurate understanding of the issue

Refuge is concerned that there is a growing trend to view violence against men in the same way as violence against women. Findings from the British Crime Survey (1999) that 1 in 4 women and 1 in 6 men are victims of domestic violence, obscures both the reality and the complexity of that violence. It is disappointing therefore, that these statistics are cited within the consultation document. More than 30 years of research and practice not only refutes any sense of parity implied by these statistics but more importantly, highlights the very real dangers to women and children that can follow this view of domestic violence. We know from research that the violence experienced by women is different in nature, severity and consequence.¹

"Women were 4 times as likely to experience the most serious and potentially lethal violence, such as threats, assault with a gun or a knife, choking and sexual assault. Women were 3 times more likely to report suffering a physical injury and twice as likely to report chronic on going assaults, defined as more than 10 separate incidents. Women were 5 times as likely to report that they feared for their lives".²

Within a domestic violence context, violence perpetrated by women is most likely to occur in self-defence. In order to avoid unfair treatment of women who are driven to use violence in self-defence, some jurisdictions have adopted policies which aim to determine the 'primary aggressor' at the scene of a domestic violence incident³

¹ Johnson & Bunge (2001) Prevalence and consequences of spousal assault in Canada. *Canadian Journal of Criminology* cited in Jaffe, P.G., Lemon N.K.D., Poisson, S.E. (2003) Child Custody and Domestic Violence.

² Jaffe, P.G., Lemon N.K.D., Poisson, S.E.(2003) p6 Child Custody and Domestic Violence.

³ (Final Report of the ad-hoc federal-Provincial-territorial Working Group Reviewing Spousal Abuse Policies and legislation. Canada 2003)

Metropolitan police statistics (Jan – June 2001) show that male to female domestic violence made up 85.4% of reported incidents, whilst female to male domestic violence made up only 10.6% of reported incidents. These figures are almost identical to those for the whole of 2001⁴.

If we fail to understand that violence experienced by women is both different to and more dangerous than violence experienced by men within heterosexual relationships, then we create the potential develop policies and services which do more harm than good and may even place lives at risk.

In order to respond to and prevent domestic violence one must have an accurate understanding of the causes. Domestic violence has long been an entrenched social problem and was until recently enshrined in and validated by English Law. For example it was not until 1991 that it became a crime for a man to rape his wife. Women's rights to property and access to equal pay are recent, hard won victories and this kind of gender based discrimination continues to permeate all sectors of our society.

In the UK

- *Economic* - women make up just 24% of managers and just under 10% of directors in companies
- Over the course of their working lives the average woman earns £250,000 less than a man and this increases to £390,000 if she has children⁵
- *Politics* - women make up less than 20% of MPs and this is one of the lowest levels in Europe
- *Violence* - between 1989 and 1999 the reported incidence of rape has risen by 165%; the conviction rate has fallen from 24% - 9%⁶
- 2 women are killed each week by a current or former partner⁷

Social tolerance of violence and discrimination against women have become embedded within and reinforced by our culture. This is visible in images of women in the media and in every day life. It is also visible in the attitudes of males. For example, in one study, 1 in 5 young men thought forcing their wives to have sex would be acceptable, and 1 in 2 young men thought raping a woman was acceptable⁸.

Understanding violence against women within the social and political context in which it occurs is not new. Since the seventies (Dobash and Dobash 1979) through the eighties (Kincaid 1982) nineties (Canadian Panel on Violence Against Women 1993) and into the 21st century (Unicef 2000) those responsible for developing international policy such as the UN (1993) and leading good practice in the field e.g. Canada (1993) the Minnesota Coalition Against Battered Women and the Common Wealth Secretariat (2000) as well as those at home, in the form of the Greater London Domestic Violence Strategy (2001) agree sexist attitudes and beliefs are at the root of violence against women.

⁴ (Metropolitan police. *Violence Behind Closed Doors*. 2003)

⁵ Does sex make a difference . women and equality unit – (February 2003)

⁶ Home Office (1999) cited in Living without Fear (1999) The Cabinet Office

⁷ Homicide statistics (1998) cited in Living without Fear (1999) The Cabinet Office

⁸ Edinburgh, Zero Tolerance Charitable Trust

It seems clear that the roots of violence against women lie in our beliefs about gender. Unfortunately these beliefs are so firmly embedded within the cultural norms of most societies that they have come to represent the natural order of things. Working towards wide scale attitude change is essential. Developing social structures in which violence is no longer acceptable, challenging the links between violence and masculinity and working towards developing relationships of equality and respect, is central to preventing violence in our society.

A national strategy for victims

Refuge supports the government's decision to create a national strategy for victims but believes strongly that there is an urgent need for government to develop a national strategy on domestic violence. Across the country, services for domestic violence victims appear to be ad hoc and mainly reliant on the interest and hard work of dedicated individuals, as well as short-term funding arrangements. Whilst there are examples of excellent practice, such services are neither secure, comprehensively available, nor part of a coherent plan to disseminate what has been learned or to ensure such services are in place for all.

A national domestic violence strategy would ensure that

- accurate information about the issue, both as part of initial training and continuing professional development, is mandatory for all those in regular contact with the public, such as teachers, psychologists, social workers, health visitors, hospital staff, GPs, lawyers and the police
- training is based on a clear understanding of domestic violence, its causes and systematic, intentional nature
- systems are in place to monitor competence/compliance and ensure accountability and good practice is central to services delivered across the country
- the justice system delivers a clear and consistent message to perpetrators and society that domestic violence is both unacceptable and criminal
- strategies for prevention are based on an accurate understanding of the issue and present a clear and consistent message via public education campaigns and programmes for children and young people.

Integration between these key elements can only be achieved through a strong policy framework and an appropriately resourced national strategy which works in tandem with effective co-ordination at a local level. Refuge would recommend that government works in close partnership with domestic violence specialists in developing a national strategy and designing programmes at all levels.

Support for Victims

Plans to support victims through the criminal justice system and more widely is also welcome. It is the view of those affected by domestic violence, that reform and further development of service and legal process is urgently required. The government is doing much to strengthen and extend legislative powers through the domestic violence, crimes and victims bill but it is vital that these measures are accompanied by services for those who use the legal system and for majority who do not.

Practical support and information

At the most fundamental level, there are practical needs for safety and protection which must be addressed. This involves access to high quality information and specialist advice on issues such as housing, welfare and legal rights and for some women this will also include information and assistance with immigration issues; substance abuse or mental health needs.

For children there may be a need for swift, well managed, transfer of schooling (or other services) and development of safety plans to ensure their on-going protection. All too often, children in transition, such as those in refuges, face long periods without schooling while transfers take place. This is much worse for high school pupils and those with special needs or statements, who may spend months waiting for a school place whilst paper work is transferred and specialist support is set up. Disruptions to education and peer relationships are the last thing these children need, particularly as many are already under achieving.

It also involves options for the provision of safe accommodation, such as refuge, outreach support and mechanisms for remaining safely at home within the community. Criminalising the breach of occupation orders would be an important element in protecting women and children within the home. Ensuring that children are included in any restraining orders made by the court would send a message that their protection is also important.

Legal advocacy services

Women and children need a well informed, well supported and well trained advocacy service on which they can depend; a service that is able to provide emotional and practical support from the first 999 call through to conclusion of the case. The North American experience shows that supportive services of this type greatly increase the chances of a woman maintaining her support for the case, thereby enhancing the likelihood of successful prosecution. When advocacy of this type operates alongside options for counselling (of the type described above) for both women and children, then the chances of empowerment and long-term change are increased. It seems something of an anomaly then, that programmes to address the behaviour and state of mind of perpetrators should be prioritised over programmes to support and empower victims

Refuge regards it as extremely positive that the government plans to offer more options to victims and witnesses, including alternatives to attendance at court, improving case preparation, progression and management, supporting witnesses and keeping them informed, making it easier for witnesses to give evidence and tackling witness intimidation.

Nevertheless, Refuge has concerns about plans to develop restorative justice measures⁹ in relation to domestic violence cases and has already responded fully to these proposals¹⁰. Refuge would urge government to consider the risks to the physical safety and psychological health of abused women 'pressured' into complying with these measures.

⁹ 'work is underway on improving prevention of and support to victims of domestic violence and on the further development of restorative justice in response to recent consultation" (p8)

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Making offenders pay

Refuge is supportive of plans to develop systems to make offenders 'pay', especially through reparative measures (such as voluntary work for charities) for those in custody or those trying to rebuild lives after leaving prison. Refuge does not support proposals to deduct money from the benefits of offenders and recommends that other types of reparation should be used for those on benefits.

If reparation is of a financial nature, it is important to be aware that where the victim knows her partner/ex-partner will be compelled to pay compensation to her and is anxious that this could further inflame him, it is essential that this form of reparation does not become one more factor he can use to 'dissuade' her from supporting a prosecution, and/or that payment does not become another vehicle to divert the perpetrator from a traditional CJS response – arrest, charge, prosecute, convict. It is also important that the victim is not also disadvantaged by systems for financial reparation, for example where victims are financially dependent on the perpetrator, either because they live together or are receiving maintenance payments.

Refuge is supportive of making offenders liable to reimburse CICA for any money it has paid out in compensation to victims, provided they have the capacity to pay and they are not in receipt of benefits.

Funding Arrangements

The government states its belief that "local agencies, voluntary sector groups and communities themselves know best the sorts of support they need and where the gaps currently exist in service provision. We need to concentrate resource at the front line and ensure there is maximum choice and flexibility for service providers and victims themselves. There is no 'one size fits all'. It is for this reason that we plan to allocate some of the resource locally so it meets local needs". (p24)

Whilst devolution is in many ways preferable to central control, without a clear national strategy on domestic violence, this may present some danger as a blanket approach to service development. If we are to offer an appropriate response to victims and their children, it is essential that we are able to look beyond the myths of domestic violence and cast aside the prejudicial beliefs that many of us continue to hold about 'abused women' 'why they stay' and the nature of a 'violent man' or a 'violent relationship'. 30 years of campaigning and the development of specialist services in the voluntary sector has done much to shift attitudes and place domestic violence on the public and political agenda. But it has not led to the development of comprehensive, high quality services across all sectors: whether domestic violence is included in initial professional training of any description remains arbitrary. In recent months we have learned through the reports of the CPS and the Police, that services for domestic violence victims remain patchy¹¹ and that there is a need for expert evidence in the courts¹². At Refuge, we know from years of listening to survivors and providing training professional groups that we cannot rely on local initiatives to consistently meet the needs of domestic violence survivors. Quite simply, if we are not in possession of an accurate set of facts, we cannot begin to develop appropriate services. We know that informing both professionals and the public is a piece of work that still needs to be done: it would be foolhardy to say the least to begin to establish devolved programmes across the country without first laying such essential foundations.

¹¹ CPS- HMI report

¹² Dempsey, M (2004)

Refuge regards the suggestion that local partnerships *could* use resources to 'fund voluntary and community organisations to provide specialist support to victims' but is concerned there is not a requirement to fund specialist groups.

Refuge is in agreement that there should be incentives to promote 'joint working between CJS and health, housing, education and the voluntary sector to deliver a streamlined response to victims with multiple needs, for example victims of domestic violence' (p24) but has concerns about who would lead these developments? How will we ensure services are appropriate, informed, gender specific/aware and avoid further abusing victims with inappropriate system responses? Refuge recommends that domestic violence initiatives should be informed by specialists in the field with knowledge of international research and practice in the area: if it is not, then it may do more harm than good and result in dangerous practices that may put lives at risk.

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