

## **Contribution of the United Kingdom to the In-Depth Study on all forms of Violence Against Women (A/Res/58/185)**

**The following paper responds to letter DAW/2005/002 requesting input from governments. It concentrates on the main manifestations of violence against women in the UK: domestic violence, forced marriage and honour-based violence**

In 2004 the Government agreed a definition of domestic violence to replace the various definitions used by government departments and other agencies. A common definition was needed to improve joint working and monitoring. The definition, which is now used by the police and the Crown Prosecution Service (CPS), 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”*

It remains the case that there is no specific statutory offence of domestic violence but a number of pieces of legislation provide the tools for the prosecution; most commonly used are the Offences Against the Person Act 1861, the Criminal Justice Act 1988, the Protection from Harassment Act 1997 and the Sexual Offences Act 2003. The Domestic Violence, Crime and Victims Act 2004, the provisions of which are due to come into force in 2005, represents the biggest overhaul of domestic violence legislation for 30 years and brings tough new powers for the police and the courts to tackle offenders, while ensuring that victims get the support and protection they need. The Act contains provisions making breach of a civil non-molestation order a criminal offence and allowing the court to impose a restraining order, where appropriate, following conviction or acquittal for any offence. It also makes provision for domestic homicide reviews.

### **Domestic Violence, Crime & Victims Act**

The Inter-Ministerial Group on Domestic Violence originally worked under 5 headline objectives:

- Early intervention by health practitioners
- Enhancing the criminal and civil jurisdiction interface
- Increasing safe accommodation choices for women and children
- Awareness raising and education
- Ensuring an appropriate and consistent Police and CJS response

Initiatives under these headings were later developed into the Government's strategy for tackling DV based on three strands, Prevention, Protection and Justice and Support.

This strategy was put forward in the consultation paper Safety & Justice in June 2003, and over 470 responses were received. This subsequently led to the Domestic Violence, Crime and Victims Bill which received royal assent on 15 November 2004. In Spring 2005 an update on Safety & Justice was published, along with an outline of the National Delivery Plan.

## **Measuring Success**

In the Safety & Justice Consultation Paper, the Government undertook to develop a set of cross-departmental performance indicators in order to measure effectively the success of our domestic violence strategy. In April 2004, the Inter-Ministerial Group on Domestic Violence agreed to 8 indicators.

## **Holding local Governments and other Government funded agencies responsible**

### Home Office and Local Government Association Joint Domestic Violence Project

In 2003, The Home Office agreed a joint proposal for a three year domestic violence project with the Local Government Association to help support and improve local delivery on domestic violence at local government level (the project is now beginning its second year). The aim of the project is to identify and promote good practice of councils and partner organisations in addressing domestic violence. The work of the project is focused on the following areas:

- developing a programme of engagement, advocacy and advice across England and Wales, with existing and potential partnership organisations
- influencing national developments to ensure a co-ordinated response;
- raising awareness of domestic violence and council's role in tackling this problem;
- the development of best practice advice, guidance and toolkits;
- supporting local partnerships in overcoming barriers and obstacles to effective partnership working and,
- identifying broader lessons for community safety partnership working.

## **Inter-Ministerial Group on Sexual Offences**

In 2003 the Home Secretary established a separate Inter-Departmental Ministerial Group on Sexual Offending. Part of the role of this group was to ensure the effective implementation of the Sexual Offences Act 2003 and to monitor the impact of the impact of the Act's provisions following implementation.

## **National Offender Management Programmes**

There are now programmes accredited by CSAP to the highest standards currently supported by research evidence, for working with male domestic violence perpetrators both in community and prison. Standards and quality assurance are robustly monitored and audited. By June 2005 most probation areas intend to be running one of the accredited domestic violence programmes. A further number intend to begin in September leading to 39/42 areas delivering one of the accredited programmes by end of 2005.

The National Probation Service strategy for working with female offenders recognises that many women offenders will have been the subject to abuse including domestic violence. (This strategy is currently being written). The NPD Domestic Abuse Strategy recognises the high level of women offenders who are victims of domestic violence and highlights the need to ensure that they have access to appropriate

services. There is a recognition in programmes specifically designed for female offenders (e.g. Women's Acquisitive Crime Programme in NPS) that abuse as children and adult women will be an issue for many participants.

All accredited programmes delivered within the probation service include addressing issues of respect of others including use of language and behaviour which is disrespectful to women. Offender Assessment System includes an assessment of problem areas for offenders which, where related to risk or harm or linked to offending behaviour will be addressed through supervision plans. Relationships is one of the categories. Supervision plans will address this through individual one to one work or through accredited programme. Many accredited programmes delivered in the NPS indirectly address relationships as problem areas identified by the offender. Accredited domestic violence programmes include sessions on relationships and parenting.

We currently have a research project in progress on offenders of domestic violence, which is examining what points of contact and intervention are most effective in offender work. Interviews of offenders are taking place across the UK, both for self-referral programmes and probation based programmes. This research is due to be completed by Autumn.

### **What is the Government doing on Forced Marriage?**

In 2000, following an extensive consultation, the working group on forced marriage published "**A Choice by Right**".

The Government has since produced **guidelines** for Police, Social Services, Education Professionals on tackling forced marriage and will be preparing similar guidelines for Health Professionals later on this year. We have also commissioned international guidance for lawyers.

The **minimum age for marriage entry clearance** has been raised from 16 to 18. This is to give those who face forced marriage extra time in which to mature and resist familial pressure to enter a marriage that they do not want. In support of this an extra entry clearance officer will be established in Islamabad. This officer will help these reluctant spouses, as well as assisting those who have been abandoned in Pakistan by their partners, and who have a right to return to the UK. This will increase our ability to support victims and stop further abuse in the wake of forced marriage.

A consultation will be launched later this year [if pushed: after the election] on whether to create **a specific criminal offence** of forcing someone into marriage. We need to consider fully the pros and cons of a specific offence before deciding whether or not to legislate. For example, a new offence might provide a strong deterrent but could also dissuade victims from seeking help due to fear their parents will be prosecuted.

The Forced Marriage Unit also undertakes a great deal of **publicity**, outreach and awareness raising work to target communities.

The Home Office has also provided funding for a **National Forced Marriage Steering Group** bringing together partners from the voluntary sector, statutory agencies and central government.

On 26<sup>th</sup> January 2005 the Home Office and Foreign and Commonwealth Office launched a **new joint Forced Marriage Unit**. The new unit is a one-stop shop to undertake policy, projects and give practical advice to people at risk of being forced into marriage. The Unit works closely with a wide range of community groups, women's groups and NGOs in fighting forced marriage.

### **Honour Based Violence, and FGM**

The Police Standards Unit have been working closely with Associated Chief Police Officers and NCPE to raise awareness of officers and police staff in relation to identification and investigation of Honour related violence. The PSU has been promoting the use of a Risk Assessment toolkit for domestic violence incidents which includes the presence of factors in relation of honour crimes such as serious sexual assault, pregnancy, escalation, culture and isolation, stalking, and separation. The PSU and Metropolitan Police Service held an International Conference on Honour related violence on 21/22 March 2005 in London. The specific aims and objectives of this conference were to:

- Examine the extent of Honour Based Violence (HBV) in order to raise international awareness
- Encourage the development of appropriate partnerships enhancing multi-agency networks and co-operation,
- Examine proactive interventions, which seek to prevent harm to those at risk from HBV and identify sources of support for victims,
- Consider the issue of education and assess the predictive events inherent to HBV in the global context,
- Examine the global community perspective in relation to HBV, and raise awareness of the new learning and national guideline.

### **FGM**

The voluntary organisation the Foundation for Women's Health Research and Development (FORWARD) received a core grant of £40,000 for each of the three years to 2004/05 and an additional sum of £25,000 for each of the 3 years to 2003/04 for a project aimed at mobilising professionals who work with children from communities where Female Genital Mutilation is practised. This involves assessing the training needs of a range of professionals and offering them training.

The Female Genital Mutilation Act 2003 received Royal Assent on 30 October. The Government will take steps to ensure that relevant professionals are informed about this new legislation and their duties under it.

### **Domestic Violence-Criminal Justice System Awareness and Training**

The Government believes that the best way to ensure that domestic violence (DV) is treated as seriously as other cases in sentencing practice is to refer the issue to the

Sentencing Advisory Panel (SAP) for them to issue guidance to the courts for dealing with domestic violence cases. The Sentencing Guidelines Council will issue draft guidance in the summer of 2005, for consultation in Autumn

With the implementation of a unified Courts Service in April 2005 (HMCS), the Judicial Studies Board (JSB) will have a strengthened role in magistrates' training. Structures will be put in place for monitoring and evaluation of local training.

### **Support for Victims**

Government is persuaded that the expansion of independent advice and support services – working with the a range of multi-agency services - would be the single most effective intervention to meet the objectives of helping victims re-build their lives and get maximum benefit from the significant resources already being spent on supporting victims.

The HO and DCA have, therefore, come together to support the expansion of these services at local level. Government will discuss with partners and key stakeholders in the interim on how to allocate funding and expand services.

### **Specialist & Integrated Domestic Violence Courts**

A specialist or fast-track court procedure for dealing with DV cases will deal solely with criminal, adult proceedings. Independent Domestic Violence Adviser services (see above) are an essential element of the multi-agency approach which culminates in a specialist court.

The evaluation of specialist domestic violence courts<sup>1</sup> showed that there were significant benefits to be gained, for the courts as well as for the victims of domestic violence, from such courts. Significant findings from the research were that specialist domestic violence courts:

- Enhance the effectiveness of court and support services for victims.
- Make advocacy and information-sharing easier.
- Improve victim participation and satisfaction.
- **Increase public confidence in the CJS.**

At present a spouse or partner who wishes to make applications arising from domestic violence allegations may have to attend two different courts in two separate jurisdictions, criminal and civil, to present similar or the same facts. This is widely seen as unsatisfactory.

The Government proposes, therefore, to support the development of an Integrated Domestic Violence Court (IDVC), along the lines of the New York State Integrated Domestic Violence Court model. The IDVC would hear both the criminal and civil aspects of the same case. Cases would be heard sequentially with the criminal case where possible heard first. An IDVC would provide an improved service to families

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<sup>1</sup> [Evaluation of Specialist Domestic Violence Courts/Fast Track Systems: March 2004 \[CPS & DCA\]; and Evaluation of Domestic Violence Pilot Sites at Gwent and Croydon 2004/05: September 2004 \[CPS\].](#)

in crisis, by co-ordinating criminal and civil proceedings where the underlying issue is domestic violence.

#### *Achievements*

- Training for trainers on magistrates' training package completed (2003) and followed up with local delivery.
- Implementation of Adoption & Children Act – new contact/residence forms (Gateway Forms) and revised definition of 'harm' from 31 January 2005.
- Working groups set up on information-sharing & disclosure issues [Family-Criminal Interface Committee jointly chaired by [former] President of the Family Division, Dame Butler-Sloss and Harriet Harman, Solicitor General] and Implementation Project Board set up to produce a national best-practice 'model' of an Integrated Domestic Violence Court.

#### *Future work*

- Dissemination of findings of specialist court evaluation and best-practice model: implementation of 25 further specialist DV courts by April 2006.
- Implementation of a pilot for the first Integrated DV Court by end of 2005.
- Improved powers of protection through the DVCV Act 2004 – see above.
- DCA and Home Office to expand provision of Independent DV Advisers and Support services offering support for victims of domestic violence on all aspects of service delivery (housing, health etc as well as court procedures).
- With ACPO (Association of Chief Police Officers) National implementation of a Police/Family Disclosure Protocol – currently being piloted.

The police, in 2004, issued *Guidance on Investigating Domestic Violence* (produced on behalf of the Association of Chief Police Officers by the National Centre for Policing Excellence), which is linked to a modular training programme for officers. This, amongst other things, provides officers with information about possible sources of evidence and encourages officers to focus efforts on gathering evidence in order to charge a suspect and build a case that does not rely entirely on the victim's statement. It also gives clear guidance on the role of specialist domestic violence officers.

Under the Criminal Justice Act 2003, responsibility for deciding whether to charge defendants, in all but the most minor and straightforward of cases, passed from the police to the CPS. All charging decisions are made in accordance with the *Code for Crown Prosecutors* (revised November 2004) and the *Director's Guidance on Charging* (2<sup>nd</sup> edition, January 2005). The *Director's Guidance on Charging* states that all cases of domestic violence, where there is reasonable suspicion that the suspect has committed the offence, must be referred to the CPS for a charging decision; taking no action is therefore not an option for the police and any decision to caution rather than to charge must be made by the CPS.

Over the last few years the CPS has greatly improved the way in which it handles domestic violence cases and it liaises with the police. In February 2005, the CPS published revised *Policy for Prosecuting Cases of Domestic Violence, Guidance on Prosecuting Cases of Domestic Violence* and a new training programme, which focus on safety, support and information for victims, a closer civil/criminal interface, and,

whenever possible, constructing cases based on evidence other than that of the victim. The policy and guidance documents were issued after extensive consultation with colleagues across the criminal justice system, other government departments and the voluntary and community sector and took account of not only changes in the law but also the recommendations of two reports and a Government consultation paper containing non-legislative proposals: *Violence at Home: A Joint Thematic Inspection of the Investigation and Prosecution of Domestic Violence* (Her Majesty's Crown Prosecution Service Inspectorate and Her Majesty's Inspectorate of Constabulary), *Evaluation of Domestic Violence Specialist Courts and Fast-Track Systems* (March 2004 – Dee Cook, Mandy Burton, Amanda Robinson and Christine Vallely) and *Safety and Justice: The Government's Proposals on Domestic Violence* (June 2003) respectively. The policy statement contains new chapters on the role of the CPS, the revised *Code for Crown Prosecutors*, and helping victims and witnesses give evidence by use of, for example, “special measures” (such as screens in court) and reporting restrictions where appropriate. Potential defendants as well as victims and other members of the public will read the policy; they need to know that domestic violence is taken extremely seriously, that experienced prosecutors will take decisions in domestic violence cases and prosecution will not simply rely on a victim's willingness to give evidence.

Since 2002 the CPS has had a Direct Communication with Victims Scheme, which obliges prosecutors to give an explanation to victims of any decision to drop or substantially alter a charge, which relates to them. In domestic violence cases the prosecutor will bear in mind that any letter sent to the perpetrator may be read by the abuser. Safety considerations may even make it inappropriate for a letter to be sent. However, where a letter is sent it will explain that domestic violence is taken very seriously by the CPS, that responsibility for whether the prosecution proceeds does not lie with the victim but with the CPS, that each case will be dealt with on its own merits, that discontinuance in the present case does not mean that this will be the outcome on another occasion, what action should be taken if there is a further instance of violence and what specialist domestic violence service are available locally; the intention is to provide information and support to the victim whilst sending out a clear message to perpetrators.

All CPS Domestic Violence Coordinators (of whom there is one in each CPS Area) were trained in the revised policy in March 2005 and plans are being put in place for the training of all prosecutors and caseworkers by 2008. The Domestic Violence Coordinators are experienced prosecutors with expertise in domestic violence issues; they help to implement CPS policy, address problems and identify and share good practice and also have a role in the qualitative monitoring of domestic violence prosecutions. They have close links with police domestic violence officers and local organizations, which provide advocacy and support to victims and witnesses.

A two-year CPS Domestic Violence Project is currently working to drive and develop Area domestic violence strategies to address training for prosecutors and caseworkers, performance management through new flagging and monitoring of domestic violence cases and implementation of good