# **Evidence to Reem Alsalem, UN Rapporteur on Violence Against Women and Girls for her UK country report**from Women Against Rape, February 2024

WAR is a multi-racial self-help organisation of survivors and supporters with a national network throughout the UK.

Since 1976 WAR has provided support and rights information to women and girls suffering rape or other sexual or domestic violence. It campaigns for justice, asylum, protection and compensation. It has won changes in the law such as getting rape in marriage recognised as a crime, and set precedents in court.

In this paper we draw from our experiences as a grassroots organisation and from published facts and research. We focus on the following areas of interest outlined in the Rapporteur’s Call for Evidence: access to the law, and redress, legal protection that prevents perpetrators repeating their violence; and the obstacles to safety faced by migrants, refugees, asylum-seekers, and other women who experience racism; and 'mothers and children involved in child custody procedures’.

The **government has not ensured that police and CPS prioritise and enforce the current laws** against rape and domestic violence, denying us legal protection. It has also **denied women** **money and housing to live, to keep ourselves and our children safe from violence**.Our experience is that escape routes from violence have been cut during years of ‘austerity’.

**Key facts on violence against women and girls in the UK**

* **Rape has been practically decriminalised**, with just **1%** of reported cases being prosecuted (an even smaller proportion reach conviction). It takes up to four years for a rape case to reach court (2.5 years on average). Victims suffer a ‘digital strip search’ – a police trawl through phones, therapy or medical records. This perpetuates a long history of courts using women’s sexual history to trash them.
* **Every week a police officer is accused of rape.** Three quarters of officers accused of violence against women carry on working while under investigation.[[1]](#footnote-1)
* The [Soteria Bluestone](https://www.gov.uk/government/publications/operation-soteria-year-one-report)[[2]](#footnote-2) report exposed police **“explicit victim-blaming” and botched investigations**, especially against victims of “repeat/multiple allegations, sex workers, those with mental health or substance abuse issues, intoxicated victims, victims who give ‘inconsistent’ or ‘incomplete’ accounts, and victims who may have lied in the past (in almost any area of their life)” – that is, some of the most vulnerable victims.
* **Two women** **are murdered** each week by a current or former partner and nearly half of rapes are committed by a partner or ex-partner.[[3]](#footnote-3) Victims report calling the police many times before they get help. Yet no officer has been prosecuted or held to account for the bias or negligence that resulted in such deaths.
* **93%** **of perpetrators** prosecuted for domestic abuse are men. Yet Parliament made the Domestic Abuse Act and other policies gender-neutral.
* **70-90%** of family court cases feature domestic abuse yet less than **1%** of child contact applications are refused – violent fathers nearly always get contact.[[4]](#footnote-4)
* **Rape survivors who claim asylum** or apply to stay in the UK under immigration law are denied status, legal help and resources.
* **There has been a systematic refusal by police to act against the rape of teenage girls,** many in state care.[[5]](#footnote-5) Instead of tackling police complicity in these crimes, the government has promoted racist myths that Asian men are the problem.
* The Metropolitan **Police strip searched 650 children** between 2018-2020, disproportionately children of colour, mostly without their parents being notified.[[6]](#footnote-6)
* **86%** **of austerity cuts** have targeted women and children, increasing our vulnerability to violence.

**The criminal justice system must prioritise rape and DV**

Decades of women’s campaigning brought many improvements such as the criminalisation of rape in marriage, but the laws are not implemented. It is almost impossible for a woman or girl to get their attacker convicted.

Since the 2021 police rape-murder of Sarah Everard and the obscene police selfies with the bodies of murdered Black sisters Bibaa Henry and Nicole Smallman, a women’s movement, which had been demanding justice against rape and domestic violence for decades, burst onto the streets. The outpouring it generated includes women officers and wives and partners of male officers who were also sexually harassed and assaulted.

This women’s movement, encouraged by the international Black Lives Matter movement, is also calling it on other institutional police violence and illegality – racism, homophobia, ableism, class prejudice, corruption.[[7]](#footnote-7)

**We oppose an increase in police powers, as existing powers are not used to protect victims but instead to intimidate and even arrest** **women reporting violence**. For nearly two decades we’ve campaigned with women arrested or **prosecuted for lying about rape**, many who were unjustly jailed. In one case we helped a teenager win £20,000 compensation after police wrongly accused her of lying. Her attacker was later convicted.

Parliament gave police new powers to outlaw public protest.

Last year the Law Commission public consultation asked about proposals to exclude the public and media from rape trials and abolish juries. We strongly oppose this – it would be a disaster as public scrutiny holds the professionals in court to account.

**Women face huge obstacles to getting compensation for rape and other violence**. The Criminal Injuries Compensation Scheme refuses an award to any victim with a recent criminal conviction, no matter how minor their crime.[[8]](#footnote-8) In 2021, the Appeal Court ordered the government to review this rule; but nothing has been done.

**Action points for the CRIMINAL JUSTICE SYSTEM**

* **Sack & prosecute police officers who are violent** to women and people of colour; or who refuse to investigate rape & domestic violence. Stop the police employing men with criminal records for violence and corruption.
* **Police must make gender-based violence a genuine priority** instead of armed police units which receive disproportionately unlimited funds and are out of control.[[9]](#footnote-9)
* **Stop the police strip search of children**.
* Abolish the rule in the **Criminal Injuries Compensation Scheme 2012** that denies an award to victims with an unspent criminal conviction.

**Family courts must protect women and children not perpetrators**

WAR is active in the [Support Not Separation Coalition](https://supportnotseparation.blog/) (SNS). We are in contact with hundreds of mothers and other primary carers, and children, family law professionals, organisations and individuals. SNS’s most recent [research](file://C:\Users\xrdsw\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\13TR4CS4\upportnotseparation.blog\2021\07\21\new-research-showing-that-children-are-being-arbitrarily-removed-especially-from-mothers-who-report-fathers-domestic-violence-and-child-abuse-and-that-forced-adoptions-are-not-a-thing-of-th\) found over ¾ of mothers in family court had **reported domestic violence; nearly all were fighting over contact with their children and in** 30% of cases the children were living with the abusive father. **10% had children adopted without their consent. 44% were women of colour and/or immigrant women who faced sexism and racism; 44% of mothers had mental health issues and 19% had a physical disability, which was used against them.**

# Family courts are enabling abusive fathers to continue their reign of terror against women and children. Bias against mothers and children was confirmed in the Ministry Of Justice [Harm Review](https://www.gov.uk/government/consultations/assessing-risk-of-harm-to-children-and-parents-in-private-law-children-cases) which found a presumption of contact so that fathers were given contact with children when there was a history of violence.

**Action points for family courts**

* **Recognise the bond between mother and child** as the child’s first and most crucial relationship.
* **Victims of domestic violence must be helped to escape** and live independently from violent men. **The “**[**presumption of contact**](https://supportnotseparation.blog/2021/01/20/dabill-lords-presumption-of-contact/)**”** in the Children Act **must end** so violent fathers are not allowed unsupervised contact or residence of children. CAFCASS and other professionals **must be stopped from supporting fathers’ allegations of “parental alienation”** or “alienating behaviours”[[10]](#footnote-10) to undermine mothers and children who raise safety concerns about contact with fathers.
* **Stop taking children into care because of domestic violence and end the use of predicted “future emotional harm”** which enables social workers’ prejudices and manipulation to justify taking children from loving mums.
* **Prioritise implementing financial support under Section 17 of the Children Act 1989** & **Care Act support for disabled mothers** to keep families together.
* **Stop taking children on the basis of “neglect” conflated with poverty** – “neglect” is the single biggest category of child protection plans (see [Nuffield Foundation](https://www.nuffieldfoundation.org/publications/protecting-young-children-at-risk-abuse-neglect)). Single and/or disabled mothers, often of colour, are among the poorest and most likely to be targeted.
* Remove judges who **ignore legal definitions of violence**, refuse to hear evidence, or disregard it.
* **Remove private companies from children’s services** to end the profit motive which feeds the “child protection” industry.
* **Open the family courts** so its decisions are open to public scrutiny.
* **Reinstate legal aid** for all family law cases.

**UK Immigration and asylum legislation and policies are designed to increase violence against women and girls**

Recent immigration laws (starting with the Nationality and Borders Act 2022) have undermined protections for women claiming asylum from rape and other violence including trafficking.

A critical shortage of legal aid lawyers due to inadequate funding leaves victims of rape and other violence facing hostile and sometimes intrusive Home Office interviews without legal representation, advice or preparation. Victims are routinely disbelieved by the Home Office – a precedent case[[11]](#footnote-11) and even Home Office guidelines[[12]](#footnote-12) about the impact of trauma on victims’ ability to describe what they have suffered, are often ignored. Expert evidence is therefore crucial but impossible to obtain without legal aid.

Home Office dispersal policy shunts victims around the UK without considering access to legal or support organisations or children’s needs.

Research we did with Global Women Against Deportations found that 73% of women supported by WAR have suffered domestic violence and that this was one, if not the primary, reason they had to flee from their home country. Some mothers had to leave their children behind and risk their safety try to raise a little money to send home.

**ACTION POINTS on Immigration and Asylum**

* **Abolish ‘No Recourse to Public Funds’ status** which deprives migrant rape survivors of benefits and resources for recovery.
* **Legal aid for all immigration cases** including Article 8 and family reunion claims.
* **Gender policies must be implemented** at every stage of the asylum and immigration process and failure to do so should trigger an automatic right to appeal.
* In the **Istanbul Convention,** the UK must reverse opting out of Article 59, which provides for equal protection of migrant women and girls**.**

**End violence against Sex Workers**

* Prostitution should not be cited as an example of violence against women and girls. Conflating prostitution with rape implies that sex workers cannot tell the difference between consenting sex and rape.
* Criminalising sex workers and/or their clients increases stigma and discrimination. [[13]](#footnote-13)
* To decrease prostitution the government must deal with poverty so women and girls have choices.

**Poverty makes women and children vulnerable to violence**

Violence must be viewed in the context of the life conditions of women and children. Welfare benefits at the level of a living income are key to safety. The government made women and children poorer and even more vulnerable to domestic and sexual violence, and cut women’s escape routes by slashing benefits and housing.

**The threefold increase in destitution of children (up to a million children) in 2022, and the increased destitution of adult claimants** (Joseph Rowntree Foundation [report](https://www.jrf.org.uk/report/destitution-uk-2023)), **is State violence**.

**Action points against POVERTY**

* End the Universal Credit single payment to head of household, which makes women financially dependent on a partner; a recipe for violence. Scrap the two-child limit with its humiliating rape exemption.
* Emergency and permanent housing for women fleeing violence beginning with the established network of refuges, including in rural areas.

To contact Women Against Rape: Crossroads Women’s Centre, 25 Wolsey Mews, London NW5 2DX war@womenagainstrape.net

1. https://twitter.com/RefugeCharity/status/1731649056009572643 [↑](#footnote-ref-1)
2. <https://www.gov.uk/government/publications/operation-soteria-year-one-report>. The research, which consulted over 1,000 domestic abuse victims, found: Over half of all respondents (53%) reported an instance of domestic abuse at least twice before they felt appropriate action was taken by the police. [↑](#footnote-ref-2)
3. ONS 2021 [↑](#footnote-ref-3)
4. *Domestic Abuse, Child Contact & the Family Courts – All Party Parliamentary Group on Domestic Violence Parliamentary Briefing*, 2018 [↑](#footnote-ref-4)
5. *Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 – 2013,* Alexis Jay OBE, 2014 [↑](#footnote-ref-5)
6. *Strip search of children by the Metropolitan Police Service – new analysis by the Children’s Commissioner for England*, August 2022 [↑](#footnote-ref-6)
7. Since 1990 over 1,848 people in England and Wales have died following contact with police shot, suffocated, tasered, tortured in custody or on the streets. <https://www.huffingtonpost.co.uk/entry/deaths-in-police-custody-why-has-no-police-officer-been-convicted_uk_5eeb2572c5b658202151d97088> [↑](#footnote-ref-7)
8. From 2016-2020 at least 895 victims of sexual abuse were refused compensation because of a conviction, Ministry of Justice figures obtained by WAR via Freedom of Information, quoted widely in national media. [↑](#footnote-ref-8)
9. *Baroness Casey’s Final* [*Report*](https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf)*: An Independent Review into the standards of behaviour and internal culture of the Metropolitan Police Service*, March 2023 describes the “Specialist Firearms (MO19) and Parliamentary and Diplomatic Protection (PaDP) Commands. Well resourced, with elitist attitudes and toxic cultures of bullying, racism, sexism and ableism, normal rules do not seem to apply or be applied in MO19.” [↑](#footnote-ref-9)
10. See evidence from **Disabled Mothers’ Rights Campaign, Legal Action for Women/Support Not Separation, Women Against Rape** submitted to the Rapporteur’s inquiry into Custody cases, violence against women and violence against children December 2022 [↑](#footnote-ref-10)
11. Case law we helped win which established that women may be *unable* not *unwilling* to report rape because of trauma [↑](#footnote-ref-11)
12. "*The disclosure of gender-based violence at a later stage in the determination process should not automatically count against her or his credibility*." Part 7.1, INTERVIEWING AND ASSESSMENT OF CREDIBILITY, GENDER ISSUES IN THE ASYLUM CLAIM, 2010 [↑](#footnote-ref-12)
13. <https://prostitutescollective.net/briefing-no-nordic-model/> [↑](#footnote-ref-13)