

# Communities and Culture Committee

**CC(3)-08-08 (p2b) - 7 May 2008**

## **Committee Inquiry into Domestic Abuse**

### **1. MAIN POINTS THE EHRC WOULD LIKE TO ADVOCATE**

Domestic abuse represents a deep rooted structural inequality for women.

Domestic abuse is a human rights issue.

The Gender Equality Duty is an important mechanism through which domestic abuse can be tackled more effectively.

The Welsh Assembly Government should require public authorities to produce annual reports on the level of support and resources targeted at tackling domestic abuse.

The experiences of domestic abuse for women and men are different. This requires a gender-specific and gender response but must not detract from women's services or funding.

Domestic abuse needs to be seen within the wider context of violence against women.

### **2. OVERVIEW**

The Equality and Human Rights Commission (EHRC) welcomes the invitation to appear before the Communities and Culture Committee in relation to its Inquiry into Domestic Abuse.

The All Wales National Strategy on Tackling Domestic Abuse recognises the gravity of domestic abuse and highlights the equality dimensions inherent within it. The Strategy constructs a comprehensive platform for improving:

Protection and support for victims

Perpetrator accountability

Prevention.

It is now critical to assess the extent to which the Strategy is being implemented and the change that it has brought about.

Domestic abuse represents a deep rooted structural inequality for women. Two women each week are murdered by their partners or ex-partners in the UK which makes it the biggest killer of women between the ages of 19 and 44.

There is less research around provision of services for men. It is critical to recognise that these need to be gender-sensitive and can be very different in nature. These should be additional to the services provided for women but not detract from women's services and/or funding.

The Gender Equality Duty (GED) is an important mechanism through which domestic abuse can be tackled more effectively. The Duty requires public authorities to focus on the greatest areas of gender inequality. There are strong arguments that this includes domestic abuse.

Research by EHRC Wales indicates that domestic abuse has only been identified by two of the 125 authorities who responded to the Commission as one of their top three priorities under the GED.

The Commission strongly recommends that, as part of the GED, appropriate public authorities should be required to provide an annual report detailing the

provision of support and resources targeted at tackling domestic abuse,

outcomes of this which should include promotional and educational work.

This information should be used to monitor the implementation and success of the Welsh Assembly Government's Strategy for Tackling Domestic Abuse.

### **3. BACKGROUND**

#### **3.1. Human Rights**

Domestic abuse is a human rights issue. The Strategy does not refer to the Human Rights Act 1998, but human rights principles are inherent within it. Public authorities have a positive duty to prevent breaches of Articles 3, freedom from torture or inhuman or degrading treatment. In addition, public authorities have duties under Article 8, the right to private and family life.

### **3.2. The Gender Equality Duty**

The GED means that all public authorities have a legal duty to prioritise action to address the most significant gender inequalities within their remit and to take actions that are likely to deliver the best gender equality outcomes.

The Commission believes that the scale and impact of domestic abuse is so significant that the majority of appropriate public authorities in Wales should be identifying and prioritising the matter under the GED.

This means assessing the need for domestic abuse services, setting priorities accordingly and reprioritising existing resources. For many public authorities, e.g. local education authorities and educational institutions, promotion of gender equality should include awareness raising and challenging the discriminatory attitudes that contribute to the high rates of domestic abuse.

Statistics demonstrate that men can also be victims of domestic abuse at the hands of male and female partners and ex-partners. It is clear that services for men who experience domestic abuse are important. Yet, the nature and frequency of domestic abuse on men is different.

Men are less likely to be repeat victims, less seriously injured and less like to report being fearful.

Sexual violence is much more likely to be perpetrated against women but not included within these statistics.

It would be inappropriate under the Duty to cut funding and/or services to women in order to provide services to men, or to require those who provide single sex services to expand their remit to cover both genders equally.

What is required is an approach which responds to local and national need and which provides additional funding for services to men where these are identified as lacking.

The EHRC is extremely concerned that it has been made aware of two local authorities who have interpreted the GED like this and are faced the threat of withdrawal of funding and consequent closure.

A different gender-specific and gender-sensitive response is required from public bodies. Public authorities need to address the specific needs of particular groups-

Older women are less likely to report their experiences.

Disabled women are twice as likely to experience domestic abuse as non-disabled women.

Ethnic minority women face additional barriers to accessing support.

Lesbian and bisexual women fear being 'outed' to family member's colleagues and employers.

### **3.3. All Wales Violence Against Women Strategy**

Domestic abuse needs to be seen within the wider context of violence against women. Violence against women is rooted within continuing inequalities between women and men. The provision of domestic abuse services has improved and is relatively strong in Wales. In other areas of violence against women, it is very poor in Wales. This includes services in relation sexual violence, sex trafficking and sexual exploitation, and honour-codified violence.

## **4. RECOMMENDATIONS**

### **4.1. The EHRC recommends that:**

Domestic abuse is viewed as a deep rooted structural inequality for women.

Domestic abuse is identified as a human rights issue.

The Gender Equality Duty is recognised an important mechanism through which domestic abuse can be tackled more effectively.

To ensure implementation of the Strategy and fulfilment of the Gender Equality Duty, the Assembly requires appropriate public authorities to produce annual reports on the level of support and resource they are targeting at tackling domestic abuse. This should include education and awareness-raising.

The issue of domestic abuse against women is considered and tackled within the context of violence against women.

## **APPENDIX**

### **THE EHRC**

The Equality and Human Rights Commission (EHRC) is working to eliminate discrimination, reduce inequality, protect human rights and to build good relations, ensuring that everyone has a fair chance to participate in society. The Commission brings together the work of the three previous equality commissions (Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission) and also takes on responsibility for the other aspects of equality: age, sexual orientation and religion or belief, as well as

human rights.

## **THE GENDER EQUALITY DUTY**

The Gender Equality Duty came into force in April 2007 and represents the biggest change to sex equality legislation since the Sex Discrimination Act. The Gender Equality Duty requires all public authorities to have due regard to the need:

**To eliminate** unlawful discrimination and harassment, and

**To promote** equality of opportunity between men and women

The general duty applies to every public authority in Wales. It covers all of the functions carried out by a public authority including policy-making, service design and delivery and employment matters. This means that all public authorities in Wales, and voluntary and private bodies carrying out functions of a public nature on their behalf, have a legal duty to prioritise action to address the most significant gender inequalities within their remit and take actions that are likely to deliver the best gender equality outcomes.

" This may include Local Authorities, Local Health Boards, Police forces and authorities and criminal justice services."

"2 EAW & EHRC, Map of Gaps (2007)"