



## Welsh Women's Aid: Evidence Briefing for Equality, Local Government and Communities Committee

### Follow-up work on the post legislative inquiry into the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

6<sup>th</sup> February 2020

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (the Act) has been recognised internationally as ground breaking piece of legislation aimed at improving the response of the public sector in the prevention of all forms of violence against women and the protection and support of those that experience it.

In 2016, Welsh Women's Aid welcomed the Equality and Local Government Committees post-legislative review and the recommendations to Welsh Government to improve the implementation of the Act.

Over the last five years, there has been some strategic and practice developments in Wales to further the prevention of violence against women, domestic abuse and sexual violence (VAWDASV) and maximise the support and protection of survivors. However, we still have some way to go to fully realise the potential and intent of the Act by Government and devolved public services in Wales.

This Evidence Briefing sets out, for the Committee, where Welsh Women's Aid feels further improvements are needed, to positively impact on the lives of survivors of abuse in Wales and to begin focussing on prevention in the short and longer term.

#### **Background - Key statistics**

Welsh Women's Aid annual membership data for 2018/9<sup>1</sup> shows:

- The Live Fear Free Helpline responded to 31,981 calls, emails and web chats.
- 21,599 survivors were referred to VAWDASV specialist services during the year, this is a 61% increase from 2017/18.

<sup>1</sup> <https://www.welshwomensaid.org.uk/wp-content/uploads/2019/11/Annual-Membership-Report-2018-19-FINAL.pdf>

- 20,405 survivors were supported by VAWDASV specialist services during the year, which is a 68% increase from 2017/18.

Refuge and community-based support for domestic abuse:

- 2,482 survivors (adults and children) benefited from refuge-based support; around 268 children on average are in refuges each quarter through the year.
- 89% of survivors felt safer after accessing refuge services.
- 512 survivors were unable to be supported in refuges because of a lack of service space, capacity or resources at the time they needed help.
- 30 women with 'no recourse to public funds' were supported in refuges who would have otherwise faced destitution, by the specialist service covering the housing-related costs themselves.
- 16,591 survivors were supported by domestic abuse specialist services in the community.
- At the year-end, 239 survivors were on waiting lists for community support.

Community based support for sexual violence/rape crisis services:

- 1,332 survivors received support from dedicated sexual violence services in our membership.
- At the year-end, 251 survivors were on waiting lists for rape crisis support at 3 Welsh Women's Aid member services.

### **Welsh Government National VAWDASV Strategy 2016-2021 and Cross Government delivery Framework 2018-20**

The Welsh Government National VAWDASV Strategy 2016-2021 and Delivery Framework 2018-2021<sup>2</sup> sets out the government's commitment to achieving the Act. These have led to some progress in the implementation of the Act, including the delivery of national campaigns and a number of guidance documents being published.

Welsh Women's Aid welcomed the Wales Audit Office 'Progress in implementing the Violence Against Women, Domestic Abuse and Sexual Violence Act' report<sup>3</sup> published in November 2019, that highlighted gaps in engagement with specialist services and survivors in the implementation of the Act. The report highlighted the inconsistency and fragmented approaches that remain in the public sector across Wales despite the purpose of the Act to coordinate prevention, support and protection for VAWDASV.

Concerns have been expressed that the Cross Government Framework for the delivery of the Welsh Government Strategy lacked clear milestones to monitor delivery. Local VAWDASV Strategy Guidance was published in February 2018 (local authorities and health boards were required to produce strategies by April 2018) and Statutory VAWDASV Commissioning Guidance was published in May 2019; much of this has come later than anticipated to achieve

<sup>2</sup> <https://gov.wales/sites/default/files/publications/2019-06/cross-government-delivery-framework-2018-2021.pdf>

<sup>3</sup> [https://www.audit.wales/system/files/publications/VAWDASV\\_eng.pdf](https://www.audit.wales/system/files/publications/VAWDASV_eng.pdf)

any significant impact to date. Without published timescales or milestones it has been difficult to hold the Government and devolved services to account to delivery within a specified timeframe.

We also have concerns that strategic leadership from across Government departments has been slow and inconsistent, for the Strategy and its delivery to be effectively embedded by all Departments. Although there is a small VAWDASV team in Government, it appears that there has been limited progress in embedding VAWDASV prevention across the strategic and delivery functions of Welsh Government and relevant responsible authorities. This presents significant missed opportunities to embed VAWDASV prevention into budgeting and delivering on cross-Government priorities for Wales so that it becomes core business nationally, regionally and locally.

For example, Education leads have made some commitments to deliver the National Strategy and delivery framework, including monitoring the implementation of, the Good Practice Guide: Whole Education Approach to Violence against women, domestic abuse and sexual violence in Wales and ensuring the recommendations of the Sexuality and Relationships education panel inform the new curriculum however there is little evidence provided to demonstrate how these are being delivered on. Education has not produced data on the roll out of the Whole Education Approach and many schools report either not knowing about it or having limited capacity to implement it in full.

From other government departments there has been even further limited join up to demonstrate their commitment to VAWDASV. An area of particular concern has been the lack of engagement from Health (at both national governments, at public health and at local health board levels). Despite decades of international evidence and practice which makes the clear business case that violence against women prevention must be a public health priority, there has been little appetite to address this in Wales through public health priorities (other than by the recently appointed ACE Hub director) in comparison to other UK nations and globally. While the ACEs agenda has incorporated VAWDASV, a wider public health approach informed by evidence from the World Health Organisation has not been prioritised, which presents significant missed opportunities (e.g. when addressing the wider determinants of health and well-being) to achieve greater impact.

**RECOMMENDATION:**

- 1. Cross government framework is refreshed with a demonstrated high-level commitment from all Ministers and Director Generals is given to ensure implementation of the Act is embedded in their portfolios.***
- 2. The Minister for Health provides leadership to ensure public health and health boards prioritise the prevention of VAWDASV and improve responses to survivors and perpetrators.***

The VAWDASV Act was supposed to ensure prevention improvements across all forms of violence against women and girls, however at both a national and regional level there is a trend to, by default, to focus on domestic abuse and assume this will meet the varying complex needs of all survivors of VAWDASV. This is evidenced in the Welsh Government

VAWDASV Perpetrator Guidance that is domestic abuse only and is gender neutral in its approach.

We are concerned that the focus of national and regional VAWDASV Strategy delivery remains predominantly on domestic abuse, which means responses and funding for other types of VAWDASV is less prioritised leading to unequal access to support for survivors of all forms of VAWDASV.

Our members who work with survivors of sexual violence, for example, have told us survivors of sexual abuse are not receiving the equivalent priority by commissioners and public services as survivors of domestic abuse. For example, sexual violence survivors and those exploited through the sex industry have been excluded from *Supporting People* funded accommodation-based support (like refuges) due to funder restrictions, in many areas of Wales, because they lack understanding of sexual violence survivors' housing-related support needs. While survivors may have multiple support needs, if their presenting issue is sexual violence, it is not treated as priority by housing support and they are often not considered a priority for rehousing.

**RECOMMENDATION:**

- 1. Welsh Government collaborates with Welsh Women's Aid and other experts by experience (including survivors, specialist service providers and academics) in all forms of VAWDASV, to inform its new strategy.**
- 2. Ensure Housing Support Grant commissioning covers all forms of VAWDASV, rather than a default assumption that a focus on domestic abuse meets the varying needs of all survivors of VAWDASV.**

**Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Abuse (the 'Istanbul Convention')**

Welsh Women's Aid welcomed the Welsh Government commitment to the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Abuse (the 'Istanbul Convention')<sup>4</sup> which sets out clear measures on how to prevent violence against women and support survivors.

Covered within the scope of the Convention is the adequate geographic distribution of short and long-term specialist services that are accessible to all women and their children as well as an adequate delivery of preventative approaches for all forms of violence against women and girls.

Although the Act has brought in many positive measures<sup>5</sup> which help to meet the Istanbul Convention in Wales, it is clear from our assessment that whilst Welsh Government has provided verbal assurances about meeting the Articles within the Convention, there are a number of examples where we feel there is, as yet, only partial compliance with the

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<sup>4</sup> <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>

<sup>5</sup> These include the commitment to National and Local strategies, Local VAWDASV Commissioning Guidance with a definition of specialist services, and Whole Education Approach Good Practice Guidance.

Convention articles. In some cases, we feel there is limited compliance with the Convention (see Appendix 1: Welsh Women's Aid Briefing May 2019 - Wales and the 'Istanbul Convention').

Under the Council for Europe structures, the UK Government hold the membership for the devolved nations and will be the signatory to the Convention when it is ratified. Wales is acknowledged as a territorial entity. There are many Articles under the Convention, such as criminal justice and foreign affairs, which are reserved matters and so are the responsibility of Westminster Government and Wales is dependent on a unified legislative approach to their implementation at present. However, as stated in the Welsh Government Strategy, there are a number of articles that sit within the devolved jurisdiction and it is welcome that the Government are committed to meeting these.

In order to implement these commitments, it must be recognised that under Council of Europe procedures for the Convention a ratifying country cannot evaluate itself as meeting the Convention. There is a formal process of assessment through the GREVIO committee<sup>6</sup> including shadow reports being presented by VAWDASV sector experts and survivors to provide evidence of its effective implementation. At present the Welsh Government has not undergone any external evaluation to demonstrate that it is compliant to the Convention and so cannot claim to have ratified or implemented it.

***RECOMMENDATION: Welsh Women's Aid would recommend that in the process of developing their new VAWDASV Strategy post 2021, the Welsh Government utilise the Istanbul Convention as a framework and engage with the VAWDASV sector and survivors to evaluate its progress in delivering to relevant articles as well as work collaboratively to develop an agenda to work towards implementation.***

### **National VAWDASV Outcomes and National Indicators**

The VAWSDASV National Indicators have been published in draft in June 2019 and Welsh Women's Aid welcomes the consultative process that the Welsh Government is carrying out to finalise them, by holding a series of stakeholder workshops over several months.

We have raised concerns that whilst national indicators provide a suite of measures for what agencies can collect nationally, they are not informing measures of progress within an overarching VAWDASV outcomes framework, informed by our vision for improving protection, support and delivering on prevention. Indicators should be a measure of achieving national outcomes, yet we still do not have VAWDASV outcomes framework for Wales, to inform commissioning and regional and national action or measures.

In their draft format Welsh Women's Aid is concerned that there is too much of a focus in the proposed indicators on what is available to collect (e.g. within the justice system) and not enough aspiration to achieve real change. The focus therefore is very much on domestic abuse for much of the indicators and measures, and this needs to be widened to all forms of VAWDASV. More needs to be done to look at how the wider VAWDASV agenda can be

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<sup>6</sup> GREVIO is the independent expert body responsible for monitoring the implementation of the Convention <https://www.coe.int/en/web/istanbul-convention/grevio>

considered through these objectives and how survivors of other forms of VAWDASV are impacted and supported.

As mentioned above, there is also an overreliance on criminal justice as a data source for the indicators and measures, which will only reflect a narrow cohort of survivors and perpetrators. To be meaningful and measure real positive change, data should be provided by local authorities and health boards to reflect the impact of the Act's implementation in improving devolved public sector responses. Data provided by Welsh Women's Aid and Live Fear Free helpline should be fully utilised in the Indicators and Measures to give a more comprehensive picture of VAWDASV in Wales, as recommended by the Wales Audit Office Progressing implementing the VAWDASV (Wales) Act<sup>7</sup> published in November 2019.

Welsh Women's Aid is also calling for additional indicators that measure outcomes related to the progress we make nationally in changing attitudes to VAWDASV as a cause and consequence of the unequal position of men and women in our society and how this intersects with other forms of discrimination. At present there is no baseline data for Wales to measure improvements in prevention or earlier intervention for Wales.

Similarly, Wales is lacking distinct cost analysis of the impact of VAWDASV. The UK government has carried out a cost analysis of the impact of domestic abuse across England and Wales that has evidenced the cost of domestic abuse is at least £66 million a year.<sup>8</sup> This includes costs incurred by survivors physical and emotional harm, loss of economic output and costs to local government, health services and criminal justice services.

***RECOMMENDATION: Welsh Government creates VAWDASV outcomes framework for Wales and improves the indicator measures; commissions baseline cost analysis of the impact of VAWDASV to identify the current social and economic cost to Wales in order to inform its investment in the implementation of the Act.***

## **Commissioning**

Welsh Women's Aid welcomed the statutory Violence against Women, Domestic Abuse and Sexual Violence Commissioning Guidance (in May 2019) by Welsh Government, particularly the inclusion of the sector's definition of "VAWDASV specialist services", the inclusion of the national suite of quality assurance frameworks available for domestic and sexual violence service standards in Wales, and requirements that regional strategic commissioning is delivered by responsible authorities and partner agencies. . This guidance becomes statutory from April 2020, and 2019-20 was a year during which regional boards were able to prepare for its delivery.

At present there is no clear indication that regions are ready to implement this statutory guidance, and no clear mechanism to hold local authorities and health boards to account for

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<sup>7</sup> [https://www.audit.wales/system/files/publications/VAWDASV\\_eng.pdf](https://www.audit.wales/system/files/publications/VAWDASV_eng.pdf)

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/772180/horr107.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772180/horr107.pdf)

its delivery at the local level. As Wales Audit Office<sup>9</sup> identified, there remains great variability in the quality and levels of data collected and many authorities simply do not know what they deliver and how much they spend on responding to VAWDASV nor on its prevention.

Feedback from our members highlights that local procurement procedures in according with local authority standing orders, contradict the best practice embedded in this statutory commissioning guidance. Some areas also continue to insist that services go out to competitive tender when their value falls below European thresholds for public procurement,<sup>10</sup> and often this is done without collaboration with specialist services and survivors to inform the assessment of needs, resources mapping and gaps, best practice on service standards and models of delivery, and what is required in local communities. This places local specialist services at risk and under pressure and has led to several specialist service mergers with larger or regional providers which results in a loss of small community-based provision. There is still much work to be done in terms of commissioners' understanding of the requirements under the new VAWDASV commissioning guidance.

Welsh Women's Aid is holding a workshop (funded by Lloyds Bank Foundation) to support commissioners in their delivery of the commissioning guidance and to encourage a collaborative 'best practice' approach to VAWDASV commissioning based on the 2016 National VAWDASV Commissioning Toolkit (produced by Welsh Women's Aid, Lloyds Bank Foundation, National Adviser and other services).

The Welsh Government commissioning guidance must be applied across all grant and funding streams that commission of VAWDASV services including housing, social care, serious violence prevention, children and families and offender management.

Historically the Supporting People budget has been the largest single funding stream that contributes to the delivery of refuge and community domestic abuse specialist services in Wales. It remains uncertain whether Welsh Government is committed to ensuring the Housing Support Grant and Children and Communities grant supports VAWDASV provision, despite VAWDASV cutting across all priority areas these grants will cover. It is particularly concerning as the outcomes framework for these new grants does not include sufficient VAWDASV specific goals, outcomes and measures as recommended by the specialist sector and by some commissioners. Not making VAWDASV explicit in new grant funding arrangements and simply prioritising what the old grants delivered will result in more of the same, lack of prioritisation given to VAWDASV provision, and risks insufficient spending on specialist services.

**RECOMMENDATION:**

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<sup>9</sup> [https://www.audit.wales/system/files/publications/VAWDASV\\_eng.pdf](https://www.audit.wales/system/files/publications/VAWDASV_eng.pdf)

<sup>10</sup> The EU procurement threshold for the light touch regime is €750,000 (approximately £560,000). This means that contracts under this size do not need to go through a competitive tendering process and commissioners can be creative in their approaches, including using grant funding. This is outlined in Procurement Policy Note 18/15: New Threshold Levels [www.gov.uk/government/publications/procurement-policy-note-1815-new-threshold-levels-2016](http://www.gov.uk/government/publications/procurement-policy-note-1815-new-threshold-levels-2016)



- 1. Welsh Government to ensure that the VAWDASV commissioning guidance is mandatory for all commissioners, is applied across funding streams, and ensures commissioners for the Housing Support Grant and Children and Communities Grant understand the definition of specialist services and their role in maintaining a network of provision across Wales.**
- 2. Welsh Government to include distinct VAWDASV outcomes for each goal in the outcome's framework for the grant, in line with the outcome aim of a more equal Wales within the Future Generations Act.**

## **Sustainable funding**

Despite a commitment in the Welsh Government National VAWDASV Strategy 2016-21 to deliver equal access to safety, protection and support from specialist services and to deliver secure and sustainable funding for VAWDASV specialist services, we have continued to see only further short-term annual funding in most areas (with notable exceptions where 5 and 7 year contracts have been issued by commissioners).

The majority of the VAWDASV sector continues to face uncertainty because of a lack of secure and sustainable funding. Many VAWDASV services in Wales have reported that they continue to find it challenging to adequately plan for the future due to their reliance on annual local authority funding and additional short-term grants. Specialist services “by and for” Black and minoritised women specialist services for women with complex and multiple needs, specialist services for children and young people, and specialist rape crisis and sexual violence services remain particularly at risk.

Welsh Government has committed to reviewing how secure sustainable funding might be achieved nationally, and a time-limited ‘task and finish’ working group has been meeting for nearly 4 years led by Government and National Advisors.

However, at the time of writing, we are still unclear about what this solution might look like from Government. Welsh Women’s Aid has mapped and provided the Welsh Government with information on the funding and resources going in to the VAWDASV specialist sector across Wales, this was provided to the Welsh Government Sustainable Funding Task and Finish Group in 2018. Currently there has not been similar mapping that has produced the equivalent information for the public sector or for Government departments. We have also published annual State of the Sector reports<sup>11</sup> analysing membership data to set out the current demand for specialist services and the current funding landscape. These have documented the continued struggle of specialist services to find the funding they need to provide high-quality, needs led services to all survivors of VAWDASV. We have also made several recommendations and proposals on how to achieve this. Most recently we have written a paper with recommendations for delivering this, in collaboration with some regional commissioners, however we have yet to discuss this at the Group.

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<sup>11</sup> <https://www.welshwomensaid.org.uk/wp-content/uploads/2019/01/State-of-the-Sector-2018-Eng.pdf>  
<https://www.welshwomensaid.org.uk/wp-content/uploads/2017/12/WWA-State-of-the-Sector-2017-ENG.pdf>  
<https://www.welshwomensaid.org.uk/wp-content/uploads/2018/02/State-of-the-sector-report-2016-FINAL.pdf>



The VAWDASV grant is relatively small and is allocated by Welsh Government to national or regional providers and to local authorities, as well as to some national services and to Welsh Women's Aid as the umbrella body in Wales.

As stated earlier, the majority of the funding for specialist services comes through other mechanisms. However there appears to be no strategic oversight as to how each Government Department's funding is utilised on VAWDASV, or how each local authority and health board spends its resources on VAWDASV, or how mainstream commissioning through grants or contracts benefits specialist services or other community provision to address VAWDASV.

For instance, it is well evidenced that the cost of VAWDASV to the health service is significant, however at present it is unknown how much investment is made by health services across Wales in identifying and responding to VAWDASV. Feedback from our members shows that engagement and investment by local health boards is ad hoc and is a significant gap in many areas. There is no mechanisms at present that look at all government department and local authority and health board spend on VAWDASV as a whole, so that investment can be made to embed VAWDASV delivery across all areas.

Welsh Women's Aid has joined with Cymorth Cymru and Chartered Institute of Housing Cymru for the Housing Matter Campaign<sup>12</sup> calling for an increase in the funding for the Housing Support Grant. We have calculated the cost to provide support to survivors both in refuge and in the community in Wales at £22,035,958. In 2017/18, the VAWDASV sector received only £8,947,707 from supporting people funding. Greater joined up investment is needed so that no survivor is turned away and that services can provide change that lasts through a holistic model of support from identification to recovery including supporting children and young people alongside the non-abusive parent. This would include refuge services (including shared housing, self-contained units and dispersed accommodation), resettlement support, outreach and floating support, crisis interventions, dedicated support for children and young people and therapeutic support such as support groups.

**RECOMMENDATION:**

- 1. Welsh Government prioritises meeting its commitment to deliver secure and sustainable funding model for VAWDASV specialist services, including:**
  - **Reviewing Welsh Government and other funding sources that currently support VAWDASV services and interventions across Wales**
  - **Facilitating greater collaboration between relevant partners and provides the opportunity for future funding to take account of gaps in service provision and be more responsive to local needs**
  - **Developing the principles and framework for a model for sustainable funding of VAWDASV specialist services that takes account of the above review and regionalisation agenda**

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<sup>12</sup> <https://www.welshwomensaid.org.uk/campaigning/housing-matters/>

- 2. Welsh Government increases in the funding for the Housing Support Grant to adequately meet the need to provide support to survivors both in refuge and in the community in Wales.***

## **Dedicated provision for children and young people**

Welsh Women's Aid has carried out analysis of the current provision and funding for dedicated children and young people's specialist services in Wales.<sup>13</sup> The continued 'post code' lottery of services for children across Wales is a major concern for Welsh Women's Aid and this is linked to the ongoing lack of action to deliver the Strategy commitment to ensure secure sustainable funding by Welsh Government.

Our analysis of evidence suggests that at least 69% of children in Wales who experienced violence and abuse did not receive specialist support last year<sup>14</sup>. The current picture of specialist service provision is varied across Wales. Within our membership of specialist services:

- 33% of specialist services have just one dedicated children and young people's member of staff providing full (19%) or part time (14%) support.
- In one organisation this part time provision equates to 5 hours a week to provide support to all the children and young people using their service.
- One service has no specialist children and young people staff in place at all.
- 24% of specialist services have between 1 and 2 members of staff providing full (10%) or part time (14%) support.
- 33% of specialist services have between 2 and 3 members of staff providing full (19%) or part time (14%) support.

Short-term grant funding means that services are precarious and this impacts on staff-turnover and service continuity, which impacts adversely on children and young people who have experienced trauma and need time to build trusting relationships with professionals.

Specialist children's services have a particularly effective role in early intervention to combat the impacts of violence and abuse and significant improvements are seen in health, safety, wellbeing and achievement. Some VAWDASV specialist services in Wales, usually funded by charitable trusts and foundations, offer trauma-informed specialised domestic abuse, sexual violence counselling, and play therapy services for children and young people, which could inform best practice and development and commissioning of further services.

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<sup>13</sup> <https://www.welshwomensaid.org.uk/wp-content/uploads/2019/11/Children-and-Young-People-participation-report-FINAL.pdf>

<sup>14</sup> Ibid

Our analysis of regional strategies in Wales shows they do not give adequate commitment, if any, to develop and provide specialist provision for children and young people affected by VAWDASV.

Welsh Women's Aid is also concerned that eligibility for the Housing Support Grant does not expand to children residing in refuges with their mother. Current funding restrictions and limitations prevent services from being able to fully support both mother and child holistically, which is in the best interests of the child.

The Welsh Government has committed to adhering to the UN Convention on the Rights of the Child which states; 'children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life', something the specialist sector is best placed to deliver.

Considering the Welsh Government's commitments to addressing and mitigating adverse childhood experiences, investment in earlier intervention and support to reduce the impacts of VAWDASV will significantly improve outcomes for some the most vulnerable children and young people in our society and result in savings to the public purse in the longer term.

***RECOMMENDATION: Welsh Government ensure it embeds provision for children and young people with in its secure and sustainable funding model for VAWDASV specialist services.***

### **Multiple needs**

Welsh Women's Aid welcomes the recent announcement by the Welsh Government of £1.2 million capital funding for move-on and dispersed units, particularly focused on increasing support for those with multiple needs.

The new capital grant is welcome, as the second most prevalent reason for survivors not being accepted into refuge-based support was because the service did not have the capacity to meet their support needs however this is mainly due to lack of revenue funding for support services. **77% of survivors who were unable to access refuge (512) were due to issues surrounding capacity;** whether this was because they were full, unable to meet support needs due to complex needs, lacked accessibility for disabled survivors, lacked resources to support women unable to claim benefits, the survivors were high risk or had previous criminal convictions, or were displaying abusive behaviour.

Whilst capital allocations are welcome, significant coordinated consideration needs to be made about the revenue investment in the provision of support for those that access this accommodation. Not all services in Wales are resourced to have the capacity to offer support to survivors with additional/complex support needs and are limited in how many families they are able to support due to current occupancy, staffing and funding. A joined-up approach is needed between commissioners regionally and Welsh Government, which in some areas, has been lacking.

Further to this, evidence from our joint report with Disability Wales titled '*Supporting disabled people experiencing violence against women, domestic abuse and sexual violence in Wales*'

<sup>15</sup>highlighted the vital need for adequate funding is available for disabled survivors. We found services were not always fully resourced to support disabled survivors, additionally, disabled survivors knew this, with many responses stating they did not report the abuse, as one pointed out ‘the support was not there for me to move away from the family home, so there was little point in me reporting the abuse’.

***RECOMMENDATION: Welsh Government and relevant authorities, work with specialist services to ensure there is alignment of capital and revenue funding streams to support all survivors of VAWDASV.***

### **Women with No Recourse to Public Funds**

Last year 30 women without ‘recourse to public funds’ were supported by our members in refuges who would have otherwise faced destitution. However, funding to support women with no recourse to public funds is significantly limited, and there remains misunderstanding about what constitutes a “public fund” under immigration law, for the purposes of supporting survivors of abuse. UK government immigration rules clearly state “housing and homelessness assistance” constitutes very specific discharge of statutory duties to prevent homelessness.<sup>16</sup> This is further outlined in the Housing (Wales) Act 2014 which does not reference supporting people funds. We are of the understanding that these duties do not restrict supporting people funding and other similar grants being used to support those with no recourse to public funds.

We have continued to see a lack of resources available to enable the specialist VAWDASV sector to support women with an insecure immigration status. While we appreciate decisions on welfare are made at a UK level, we are clear Welsh Government must do more, within the powers it has, to support survivors with no recourse to public funds, particularly given Wales’ commitment to becoming a Nation of Sanctuary for refugees and asylum seekers. By providing a different level of access to women with an insecure immigration status is a discriminatory approach and is not in line with a commitment to the Istanbul Convention principles of ensuring all survivors have access to support including migrant women.

The draft guidance on the new Housing Support Grant established by Welsh Government currently stipulates that anyone whose immigration status determines they cannot access “public funds” cannot, from next year, be supported in Wales by this– even if the grant is used for delivering support not related to statutory duty discharge. This results in discrimination against a large group of people. This **specifically discriminates against survivors of domestic and sexual violence**, who would have previously been able to access specialist advocacy and community support or support in refuges (if the service could cover rental costs) to help them

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<sup>15</sup> <https://www.welshwomensaid.org.uk/wp-content/uploads/2019/04/WWA-and-Disability-Wales-2019-report-Final-ENG.pdf>

<sup>16</sup> For example: allocation of a council house; allocation of housing association property if this is allocated under the local authority duty discharge.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/518624/Public\\_funds\\_v13.0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/518624/Public_funds_v13.0.pdf)

recover from abuse and meet their housing support needs. This is contrary to UK immigration rules as outlined above.

Considering the Welsh Government duties to adhere to the Istanbul Convention and its support for all migrants and refugees as part of its commitment to become a Nation of Sanctuary, we would expect to see a commitment from Welsh Government to do more to support this cohort of women and urge Welsh Government to clarify if Supporting People/Housing Support Grant funding can be used for this cohort.

#### **RECOMMENDATIONS:**

- 1. Welsh Government publishes the Equality Impact Assessment on the Housing Support Grant guidance as it stands.**
- 2. Welsh Government clarifying that any new grants and funding streams introduced by Welsh Government do not constitute public funds under immigration rules, unless they specifically fall within immigration law and associated rules.**
- 3. Welsh Government introduce a national destitution fund for survivors with no recourse to public funds who fall outside of Government concessions and whose well-being and safety is being impacted detrimentally as a result.**

#### **Education**

In 2015 we were pleased to work with the Welsh Government to publish the Whole Education Approach Good Practice Guidance on Violence Against Women and Girls. As part of this, Welsh Women's Aid have welcomed the development of the new curriculum to improve relationship and sexuality education. However, we continue to be presented with evidence with the lack of progress in delivering a "Whole Education Approach" to meet the needs of children who are survivors of abuse and their non-abusive parents as laid out in the guidance.

According to the Estyn report on Healthy Relationships<sup>17</sup> it was recommended schools "implement Welsh Government guidance to provide a whole-school approach to preventing violence against women, domestic abuse and sexual violence" (R1) and "ensure that all staff who work in schools complete the training set out in the National Training Framework" (R2).

Our engagement with survivors, specialist services, education professionals and regional advisers suggests that the implementation of the Whole Education Approach, where it is happening, is predominately focused on one off RSE lessons and is not embedding a response to survivors of VAWDASV (both children and adults) throughout the school system. This engagement has suggested that key areas of the Whole Education Approach are not being delivered on. This has left some survivors feeling that their children have been further victimised by a school system that could not support their needs.

There is no public data or information on the monitoring of teachers and other school staff having adequate training on VAWDASV. Similarly we are significantly concerned that the Welsh Government *Online safety action plan for children and young people in Wales 2019* stated that "in light of the need to reduce bureaucratic burdens, and the review of the

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<sup>17</sup> <https://www.estyn.gov.wales/thematic-reports/review-healthy-relationships-education>

curriculum, the Welsh Government does not intend, at this stage, to introduce the duty for local authorities to report on educational provision in respect of the (VAWDASV) Act” under action 15.

The Welsh Government committed to review and monitor the impact of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 and local authorities’ duties in relation to education provision. As we are hearing evidence from survivors that schools are not responding adequately to children surviving VAWDASV we feel that it is critically important that the government reconsider the above decision.

While schools are providing generic mental health responses or safeguarding responses to children and young people affected by VAWDASV, these do not provide them with the specialist support they need. School counsellors are not necessarily VAWDASV-trained / experts and cannot provide the specialist support needed by the child or young person. In many areas funding to engage local specialist support services to engage with education institutions does not exist and referral pathways are minimal. Training is vital to ensure teachers and other staff are aware of referral pathways to specialist support services for children, parents and staff affected by VAWDASV.

In December 2017 Welsh Government published The Future of the Sex and Relationships Education Curriculum in Wales: Recommendations of the Sex and Relationships Education Expert Panel.<sup>18</sup> As a member of this panel Welsh Women’s Aid would call for the implementation of the recommendations set out in the report.

**RECOMMENDATION:**

- 1. Welsh Government carries out monitoring of the full implementation of the Whole Education Approach, this should be included in an inspection framework as part of aligning new inspection arrangements to the new curriculum.**
- 2. Welsh Government should implement in full the recommendations of the SRE Expert Panel report<sup>19</sup> including Welsh Government establishing a SRE professional development pathway, differentiated for stage of education, to be incorporated into ITE and professional learning courses.**

**Prevention**

A coordinated response to prevention is essential. Too often support has not been available until abuse reaches crisis point, whereas preventative work can step in at a much earlier point and stop escalation, work to stop the irreversible impact of living with long-term abuse on children and ultimately save spending pressure on the public purse.

Our analysis of regional and local VAWDASV strategies shows very limited reference to and commitment to delivering collaborative preventative approaches. We need national and local

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<sup>18</sup> <https://gov.wales/sites/default/files/publications/2018-03/the-future-of-the-sex-and-relationships-education-curriculum-in-wales.pdf>

<sup>19</sup> <https://gov.wales/sites/default/files/publications/2018-03/the-future-of-the-sex-and-relationships-education-curriculum-in-wales.pdf>

policy makers and elected members to commit to prioritising prevention, including allocating resources towards the prevention of VAWDASV in housing, health, education, safeguarding, criminal justice and community safety, local government and finance. Spending on prevention work remains low despite the policy intent of the Act 2015. Delivery of sustainable funding, as discussed earlier, should also work towards an effective prevention model as well as ensuring the maintenance of a network of life saving support services. While, over time, prevention work can ease demand on other services, funding for the lifesaving, crisis intervention work provided by the specialist VAWDASV sector must continue.

The Wellbeing of Future Generations (Wales) Act 2015 wellbeing goals are relevant to the prevention of VAWDASV and supporting survivors, including an equal Wales, a resilient Wales and a healthy Wales. Relevant authorities have to take action to achieve these goals, yet to do so effectively they need to take action to end VAWDASV as a cause and consequence of inequality between women and men and which has a significant impact on the health and wellbeing of survivors and their children. VAWDASV is prominent within the Future Generations Commissioner's journey to a more equal Wales however further leadership from Welsh Government to ensure public service boards and regional partnership boards prioritise VAWDASV prevention within their development and delivery of well-being goals and plans is needed to embed it across their priorities.

Prevention work includes early intervention work both with survivors and children who are experiencing the 'early signs' of violence and abuse but that also targets perpetrators showing signs of abusive behaviour, before escalation starts.

Welsh Women's Aid's "Change that Lasts" model has been supported by Welsh Government as a model for early intervention and prevention, based on years of working with survivors and evidence of research on a needs led, strengths based approach. The model (Ask Me, Trusted Professional and early intervention work with survivors and perpetrators in specialist services) is an example of systems change on prevention and early intervention, where survivors and perpetrators are identified early and responded to and communities are upskilled to spot the signs earlier, respond appropriately and signpost people to access specialist services that provide a holistic response beyond a risk based approach to provide needs-led and strength based support. Despite Welsh Government advocating for this model in the National Strategy, current funding for the pilot in South Wales, which incorporates all aspects of the model, is funded by the Home Office Transformation Fund as well as Tampon Tax funded Ask Me in Mid, West and North Wales regions. The funding streams end in 2020. Welsh Women's Aid has written to the DCMS and Home Office to raise concerns of the loss of this highly effective model in Wales.

**RECOMMENDATION:**

- 1. Closer alignment of the VAWDASV Act and the Wellbeing of Future Generations Act in their implementation and monitoring.**
- 2. Welsh Government monitors and holds to account public service boards and regional VAWDASV strategic boards on prioritising prevention and early intervention within their strategic planning and needs assessments.**



***3. Welsh Government ensure that investing in evidence-based prevention and early investment is an integral part of a secure and sustainable funding model.***

**National Advisor positions as required by the Act**

Welsh Women's Aid has welcomed the allocation of additional hours to make this position a full-time equivalent post.

At present the engagement with Welsh Women's Aid and the specialist sector is minimal and predominantly through the reconfigured National Advisory Board (now called the "National Expert Group") that has met once in over a year.

While an annual plan has been published, clarity as to how this position is effective in holding Welsh Government, local authorities and health boards to account for their delivery the Act is still necessary.

We recognise the role's function in providing guidance and monitoring activities, although to date there has been limited information published as to what has been the result of successive annual plans and what has been ascertained from monitoring activities.

There has been a recent resurgence of strong support for the need for a VAWDASV Commissioner in Wales, following the Wales Audit Report and during recent Wales Centre for Public Policy consultation on public services' responses to VAWDASV in Wales. It remains unclear what the remit is of the Advisor role if there is a necessity to challenge Welsh Government or other public bodies about not fulfilling their statutory duties. It is unclear what sanctions will take place if these statutory duties are not met, and how these sanctions will be imposed. Sanctions are absolutely vital if the legislation is to 'have teeth' therefore clarity is needed on whether imposing sanctions on non-compliant organisations a statutory function is to be fulfilled by the Adviser or another body.

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For further information, please contact Head of Public Affairs and Communications,  
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## Appendix 1

### *Welsh Women's Aid Briefing May 2019*

## Wales and the 'Istanbul Convention'

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Welsh Women's Aid has considered the articles within the **European Convention on Preventing and Tackling Violence against Women and Domestic Violence** (the *Istanbul Convention*) within a Wales context.

Although Wales is acknowledged as a territorial entity under the EU structure, the UK hold the membership for the devolved nations and UK Government will be the signatory to the Convention when it is ratified. There are many Articles under the Convention, such as criminal justice and foreign affairs, which are reserved matters and so are the responsibility of Westminster Government. Wales is dependent on a unified legislative approach to their implementation at present.

We have focussed our assessment on the articles that are the responsibility of Welsh Government. We adopted a 'traffic-light' system to evaluate where we feel Welsh Government is complying with the Convention and where improvement is needed. Although the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (the Act) has brought in many positive measures which help to meet the Istanbul Convention in Wales, it is clear from our assessment that whilst Welsh Government has made strides to meet the articles within the convention, there are a number of examples of where we feel there is, as yet, only partial compliance with the Convention articles, and in some cases we feel there is limited compliance. The Articles flagged as red and amber, below, highlight where we feel more work and investment is still needed to ensure compliance.

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## **NON-COMPLIANT**

Article 14, point 2 - This is focused on education. While Welsh Government will meet point 1, 'the necessary steps to include teaching materials on issues such as equality... non-stereotyping gender roles, mutual respect, non-violent conflict resolution'. We feel not enough is done in 'informal education facilities' to promote the above principles.

Article 16, point 2 - 'Set up or support treatment programmes aimed at preventing perpetrators, in particular sex-offenders from re-offending'. While perpetrator guidance has been developed, not enough is being done to prevent perpetrators at a national level in terms of funding for safe accredited programmes.

Article 21 - There is a gap at a Welsh Government level for survivors to access specific regional and national complaint mechanisms, currently this is only available via super complaints at a UK level, or on issue specific areas.

## **PARTIALLY-COMPLIANT**

Article 4 - Expects the state to promote and protect the rights of everyone, particularly women to live free from violence; by condemning all forms of discrimination, embedding appropriate legislation and ensuring the practical realisation of this. Prohibiting discrimination, abolishing laws which discriminate against women and ensuring special measures to prevent and protect women from gender based violence. While Wales has taken legislative steps to protect the rights of women in public and private life via the Act – implementation is slow on the ground and the gendered nature needs to be strengthened, particularly in regard to women's disproportionate suffering and women's inequality not being addressed.

Article 6 - The state should implement gender sensitive policies and while we have violence against women within the Act – a more gendered perspective is still needed, with some gender neutral practice still in place.

Article 7 - The state should ensure policies are co-ordinated to encompass measures to prevent and combat all forms of violence. While stakeholder engagement is good, the 3rd sector is not always included. In addition, while there is a written commitment to having survivors central to Welsh Government work, this is not always happening in practice in a meaningful way with recommendations being acted upon.

Article 8 - Appropriate financial and human resources should be allocated for the adequate implementation of policies and programmes to combat VAW. We feel that while financial resources are being put into specialist services, not enough financial or human resources are being invested in this area, which is leading to slow implementation of the Act. In addition, there is no money attached to the Advisor post and despite repeated calls from WWA the question of sustainable funding for services is not being answered

Article 11 - Disaggregated data should be collected at regular intervals on all forms of VAW to help study the root causes and effects and the prevalence of it. We feel data collection should fall under the National Advisor post, however progress has been slow to date. Prevalence assessments have been held up as well due to slow implementation of the VAWDASV indicators. There is still no framework or data collection, five years after implementation of the Act. There has been no commissioning of data collection or utilising data from the specialist sector.

Article 12 - The state should promote social and cultural changes in eradicating prejudice and other practices rooted in the idea of women's inferiority; take into account the needs of people made vulnerable by circumstances; promote the involvement of men and boys in preventing VAW and ensure so called honour is not used to justify acts of violence. Welsh Government funds campaigns to promote social change, however this could go further and there is often a gender neutral approach to campaigning. We feel Welsh Government considers those made vulnerable due to circumstances, except in cases of women with NRPFs. In terms of programmes for the empowerment of women – more investment would be beneficial.

Article 13 - While Welsh Government runs regular awareness raising campaigns, we are concerned there is not a strong emphasis on prevention in these campaigns.

Article 17 - The state should work with the private sector and social media to set guidelines and self-regulatory standards to prevent VAW. WWA have been resourced to do work with the private sector as well as develop workplace guidance however we are not aware of work done directly by Welsh Government. Welsh Government has produced an action plan for online safety for young people and guidance on cyber bullying. We are unaware of any work with tech companies around the harmful impacts of social media.

Article 18 - The state should take steps to protect all victims from any further acts of violence and there is effective co-operation between agencies to protect and support victims and witnesses. We are concerned that not enough measure have been taken to protect specialist services from funding cuts, or about prevention, early intervention and perpetrator work. There are effective measurements in place to ensure co-operation between agencies via Strategies and Advisory Boards as expected in the Act. However, some of the important agencies within that are non-devolved so Welsh Government's impact is limited. The Live Fear Free helpline is available as a triage referral tool. We are concerned that while the Act includes violence against women, Welsh Government responses are still gender neutral at times and do not always consider the societal response to the survivor, particularly in terms of multiple disadvantage and poverty. While benefits and Universal Credit are non-devolved, there are steps Welsh Government could take to do more around ensuring more economic independence.

Article 22 - The state should provide or arrange for specialist women's support services for all women and children. There is a network of services across Wales, however specific support for children is not always available or adequately resourced.

Article 25 - The state should provide for accessible rape and sexual violence centres; there is not enough fully resourced services for sexual violence survivors. Funding is not sustainable, and there are excessive waiting lists.

Article 31 - VAW should be considered when determining contact arrangements between the perpetrator and children. Guidance and training is being developed by CAFCASS Cymru in this area, but there is a lot of progress to make. We are also concerned that a history of domestic abuse is not always considered a good enough reason to limit perpetrator access to children.

Article 40 - Sexual harassment is a non-devolved criminal offence, but enforcement is not always strong. Welsh Government could also do more at a community safety level to change social attitudes to women and harassment.

Article 42 - The state should ensure justification is not made for so-called 'honour' based crimes. While legislation around this is non-devolved, there is a strategic leadership group in Welsh Government and more could be done on community safety, social attitudes and increasing funding for specialist by and for BAME services to address this.

Article 51 - Risk posed should be carried out by all relevant agencies; Welsh Government part funded the development of the Priority Perpetrator Identification tool. In addition the DASH RIC is used in Wales by specialist services, professionals and the Live Fear Free helpline.

## Detailed analysis of Wales' compliance with the Istanbul Convention

Article	Detail	Compliant	Partial progress	Limited/no progress
<b>Purposes, definitions, equality and non-discrimination, general obligations</b>				
Article 4 - Fundamental rights, equality and non-discrimination	<p>1. Parties shall take the necessary <b>legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere.</b></p> <p>2. Parties condemn all forms of discrimination against women and take, without delay, <b>the necessary legislative and other measures to prevent it</b>, in particular by:</p> <ol style="list-style-type: none"> <li>a. <b>embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;</b></li> <li>b. <b>prohibiting discrimination against women, including through the use of sanctions, where appropriate;</b></li> <li>c. <b>abolishing laws and practices which discriminate against women.</b></li> </ol> <p>3. The implementation of the provisions of this Convention by the Parties, in particular <b>measures to protect the rights of victims, shall be secured without discrimination on any ground</b> such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.</p> <p>4. Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention.</p> <p><i>Wales has taken legislative steps to protect the rights of women via the Act – however other measures to secure the realisation of this right are slow to introduce and implement. Practical realisation of women’s equality is not a reality on the ground, and neither have practices which discriminate against women been abolished.</i></p> <p><i>We call for a non-discriminatory approach to be put on a statutory footing to mark the importance of this as a legal guiding principle. In the absence of a comprehensive support framework in Welsh legislation, it is essential that there is cohesion and consistency in the</i></p>	<p>x</p>	<p>X</p> <p>X</p> <p>X</p>	

	<i>approach taken by public authorities when responding to victims. As it stands protections for migrant women are limited, victims face a post-code lottery to protection and valuable specialist services are not protected and Wales lacks delivery of adequate funding for refuges and support services, particularly for victims without recourse to public funds.</i>			
Article 5 - State obligations and due diligence	<p>1. Parties shall refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation.</p> <p>2. Parties shall take the necessary legislative and <b>other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence</b> covered by the scope of this Convention that are <b>perpetrated by non-State actors</b>.</p> <p>There are still some questions around enforcement of law for crimes against women for example rape attrition rates, we appreciate the CJS is devolved so limited in terms of Welsh Government impact on this. However there are known examples of violence against women by the state, from police officers for example and responsibility for this would lie with the PCCs which are devolved. Additionally, Welsh Government has a role to play in ending sexual harassment and published a report 'Creating the right culture' September 2018 on conduct within the Welsh Assembly and further afield.</p>		X  x	
Article 6 - Gender-sensitive policies	<p>1. Parties shall undertake to include <b>a gender perspective in the implementation and evaluation of the impact of the provisions of this Convention</b> and to <b>promote and effectively implement policies of equality between women and men and the empowerment of women</b>.</p> <p>While we have violence against women recognised on the face of the Act, the adoption of a gendered perspective across all aspects of delivery is yet to be achieved, with some gender neutral practice still in place.</p>		x	
<b>Integrated policies and data collection</b>				
Article 7 - Comprehensive and co-ordinated policies	<p>1. Parties shall take the necessary <b>legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence</b></p>		X	



	<p><b>covered by the scope of this Convention and offer a holistic response to violence against women.</b></p> <p>2. Parties shall ensure that <b>policies place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation</b> among all relevant agencies, institutions and organisations.</p> <p>3. <b>Measures taken pursuant to this article shall involve, where appropriate, all relevant actors</b>, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.</p> <p>Stakeholder engagement is good, however the 3<sup>rd</sup> sector civil society organisations are not always included in opportunities for co-operation to achieve effective policies and practice. The Strategy commits to having survivors rights and experiences central to multi-agency coordination and work, but this is not always happening in practice.</p>		X	
Article 8 - Financial resources	<p>1. Parties shall <b>allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence</b> covered by the scope of this Convention, <b>including those carried out by nongovernmental organisations and civil society.</b></p> <p>Financial resources are being invested into specialist services, however this is not secure nor sustainable so cannot be considered appropriate. Slow implementation of the Act has also been noted, which is in part due to limited resources being allocated to its delivery.</p>		X	
Article 9 - Non-governmental organisations and civil society	<p>1. Parties shall <b>recognise, encourage and support, at all levels, the work of relevant nongovernmental organisations</b> and of civil society active in combating violence against women and establish effective co-operation with these organisations.</p> <p>Welsh Government recognises and supports the work of some NGOs and involves civil society and NGOs in co-operating on some – but not all - aspects of Strategy delivery. The legislation doesn't secure the provision of specialist VAWG NGOs in Wales as it solely focusses on the public sector.</p>		X	
Article 10 - Co-ordinating body	<p>1. Parties shall designate or establish one or more official bodies responsible for the coordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention. These bodies</p>	X		

	<p>shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results.</p> <ol style="list-style-type: none"> <li>2. Parties shall ensure that the bodies designated or established pursuant to this article receive information of a general nature on measures taken</li> <li>3. Parties shall ensure that the bodies designated or established pursuant to this article shall have the capacity to communicate directly and foster relations with their counterparts in other Parties.</li> <li>4.</li> </ol> <p>Welsh Government has allocated a national team leading on implementation, monitoring and evaluation of policies and measures regionally and locally, and resources a national umbrella body to secure this data from the third sector. National data collection and analysis is in its early stages. There is a National Advisor roles in place in Wales but the role should be further resourced and independence from the government should be ensured. The Act sets out that the role of the Advisor is to advise the Welsh Ministers about pursuing the Act or tackling related matters, give assistance to Ministers, undertake research relating to the Act ‘tackling related matters or examining whether abuse of any kind is related directly or indirectly to inequality of any kind between people of a different gender, gender identity or sexual orientation’ advise other people on matter relating the Act and produce reports on the Act.</p>	<p>X</p> <p>x</p>		
<p>Article 11 - Data collection and research</p>	<ol style="list-style-type: none"> <li>1. Parties shall undertake to: <ol style="list-style-type: none"> <li>a. <b>Collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;</b></li> <li>b. <b>Support research</b> in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.</li> </ol> </li> <li>2. Parties shall endeavour to <b>conduct population-based surveys at regular intervals</b> to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.</li> <li>3. Parties shall provide GREVIO (<a href="https://www.coe.int/en/web/istanbul-convention/grevio">https://www.coe.int/en/web/istanbul-convention/grevio</a>) with the information collected in order to stimulate international co-operation and enable international benchmarking.</li> </ol>		<p>X</p> <p>x</p>	

	<p>4. Parties shall ensure that the information collected pursuant to this article is available to the public.</p> <p>With regards 1 and 2 above, population-based surveys to assess prevalence and trends have been held up due to slow implementation of the VAWDASV indicators. There is no framework for data collection, five years after implementation of the Act, and there has been no effective means of utilising the range of data available from the specialist sector. Data collection should fall under the National Advisor position, in accordance with the Act. The National Advisor is to <i>‘undertake research relating to pursuing the purpose of this Act, tackling related matters or examining whether abuse of any kind is related directly or indirectly to inequality of any kind between people of a different gender, gender identity or sexual orientation’</i> however progress has been slow to date. 3 and 4 above occur following ratification.</p>			
<b>Prevention:</b>				
Article 12 - General obligations	<ol style="list-style-type: none"> <li>1. Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.</li> <li>2. Parties shall take the necessary legislative and other measures to prevent all forms of violence covered by the scope of this Convention by any natural or legal person.</li> <li>3. Any measures taken shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre.</li> <li>4. Parties shall take the necessary measures to encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence covered by the scope of this Convention.</li> <li>5. Parties shall ensure that culture, custom, religion, tradition or so-called “honour” shall not be considered as justification for any acts of violence covered by the scope of this Convention.</li> <li>6. Parties shall take the necessary measures to promote programmes and activities for the empowerment of women</li> </ol>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>x</p>	

	<p>While more could be done to ensure acts of violence within the context of so called honour are prevented, we feel Welsh Government is clear that there are no justifications for this crime.</p> <p>Welsh Government funds campaigns to promote social change and has legislated to create statutory duties to prevent violence against women. However implementation on the ground is patchy or non-existent. There is consideration of those made vulnerable due to particular circumstances, but this does not often address multiple disadvantage faced by women particularly migrant/BME women without recourse to public funds. The promotion of programmes and activities for women's empowerment are limited and not evidence-based.</p>			
Article 13 - Awareness-raising	<ol style="list-style-type: none"> <li>Parties shall <b>promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes</b>, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women's organisations, where appropriate, <b>to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.</b></li> <li>Parties shall ensure the <b>wide dissemination among the general public of information on measures available to prevent acts of violence</b> covered by the scope of this Convention.</li> </ol> <p>National ad-hoc awareness campaigns have been created and disseminated, but these have not covered all forms of VAWG nor have they had a wide-ranging reach. Information amongst communities to prevent VAWG has been limited and needs further attention.</p>	X	x  x	
Article 14 – Education	<ol style="list-style-type: none"> <li>Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.</li> <li>Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media.</li> </ol>	X		x

	Once compulsory SRE is in place, Welsh Government will comply with teaching materials on equality and VAW. However we are not aware of progress on ‘informal education’ such as in sports facilities and the media			
Article 15 – Training of Professionals	<p>1. Parties shall provide or strengthen appropriate <b>training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.</b></p> <p>2. Parties shall encourage that the training includes training on coordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of this Convention.</p> <p>Training of professionals as expected by the convention is covered through the National Training Framework, however ‘ask and act’ only refers to victims of abuse, without including perpetrators.</p>	x	x	
Article 16 – Preventative Intervention and treatment programmes	<p>1. Parties shall take the necessary <b>legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour</b> in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns.</p> <p>2. Parties shall take the necessary <b>legislative or other measures to set up or support treatment programmes aimed at preventing perpetrators, in particular sex offenders, from re-offending.</b></p> <p>3. In taking the measures referred to, <b>parties shall ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims.</b></p> <p>Welsh Government has developed guidance for commissioning perpetrator services to suggested minimum standards but the access to and availability of programmes (to UK</p>	x	x	x

	standards) for domestic abuse and sexual offending is limited. Where programmes are commissioned by the state, sufficient resources to ensure victims are supported is limited.			
Article 17 – Participation of the private sector and media	<p>1. Parties shall <b>encourage the private sector, the information and communication technology sector and the media</b>, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of <b>policies and to set guidelines and self-regulatory standards to prevent violence against women</b> and to enhance respect for their dignity</p> <p>2. Parties shall develop and promote, in co-operation with private sector actors, <b>skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content</b> of a sexual or violent nature which might be harmful.</p> <p>WWA have been resourced by Government to do work with the private sector as well as develop workplace guidance however we are not aware of work yet done directly by Welsh Government. Welsh Government has produced an action plan for online safety for young people and guidance on cyber bullying. We are unaware of any work with tech companies around the harmful impacts of social media.</p>		X	
<b>Protection and support</b>				
Article 18 – General Obligations	<p>1. Parties shall take the necessary legislative or other measures to protect all victims from any further acts of violence.</p> <p>2. Parties shall take the necessary legislative or other measures, in accordance with internal law, to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this Convention, including by referring to general and specialist support services as detailed in Articles 20 and 22 of this Convention.</p> <p>3. Parties shall ensure that measures taken shall:</p> <p>a. be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;</p>	X	X	

	<ul style="list-style-type: none"> <li>b. be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;</li> <li>c. aim at avoiding secondary victimisation;</li> <li>d. aim at the empowerment and economic independence of women victims of violence;</li> <li>e. allow, where appropriate, for a range of protection and support services to be located on the same premises;</li> <li>f. address the specific needs of vulnerable persons, including child victims, and be made available to them.</li> </ul> <p>4. The provision of services shall not depend on the victim’s willingness to press charges or testify against any perpetrator.</p> <p>5. Parties shall take the appropriate measures to provide consular and other protection and support to their nationals and other victims entitled to such protection in accordance with their obligations under international law.</p> <p>Where we have scored amber for point 1, we are concerned that not enough measure have been taken to protect specialist services from funding cuts, or about prevention, early intervention and perpetrator work to protect all victims from harm. Under point 2, there are effective measurements in place to ensure co-operation between agencies via Strategies and Advisory Boards as expected in the Act. However, some of the important agencies within that are non-devolved so Welsh Governments impact is limited. Under point 3, we are concerned that while the Act includes violence against women, Welsh Government responses are still gender neutral at times and does not always consider the societal response to the survivor, particularly in terms of multiple disadvantage and poverty. While benefits and universal credit are non-devolved, there are steps Welsh Government could take to do more around ensuring more economic independence. Point 5 we believe this is reserved.</p>	x		
Article 19 – Information	<p>Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.</p> <p>This is delivered via the Live Fear Free helpline</p>	x		



<p>Article 20 – General Support Services</p>	<p>1. Parties shall <b>take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence.</b> These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.</p> <p>2. Parties shall take the necessary <b>legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services.</b></p> <p>While legislative measures are in place to promote effective commissioning of services with the aim of achieving equal access to support services and there is a commitment in the VAWDASV strategy, our State of the Sector annual analysis shows that not all victims have access to help and support where and when they need it. Services also lack secure and sustainable funding to deliver core crisis and long-term recovery, and do not have the capacity to meet demand. The National Training Framework ensures healthcare and other devolved agencies are able to support survivors, however women with NRPF are not always able to access those services.</p>		<p>X</p> <p>X</p>	
<p>Article 21 – Assistance in individual/collective complaints</p>	<p>Parties shall ensure that victims have information on and access to applicable regional and international individual/collective complaints mechanisms. Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.</p> <p>Survivors have access to complaint mechanisms via the Super Complaints process regarding CJS concerns but this is at a UK level. There is therefore a gap at a Wales/regional level.</p>			<p>X</p>
<p>Article 22 – Specialist support services</p>	<p>1. Parties shall take the necessary legislative or other measures to <b>provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.</b></p> <p>2. Parties shall provide or arrange for <b>specialist women’s support services to all women victims of violence and their children.</b></p>	<p></p>	<p>X</p> <p>X</p>	

	<p>There is a network of services across Wales, however members have reported to us that geographical factors, such as rurality are not always considered by commissioners. In addition, long-term specialist support services are not readily available. Finally, specific support for children is not always available or particular cohorts of women, Women’s Aid Save Refuges, Save Lives report found there are not enough refuges per population and on one day 155 women and 103 children were turned away from the first refuge they approached.</p>			
Article 23 - Shelters	<p>Parties shall take the necessary legislative or other measures to <b>provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children</b></p> <p>Accessible refuges are available across Wales however there are not enough bed spaces to meet the needs of all women and children seeking refuge. Refuges become less accessible for women with additional support needs, either due to a disability or multiple disadvantage, those with large families or teenage sons.</p>		x	
Article 24 – Telephone helplines	<p>Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.</p> <p>The Live Fear Free helpline is available 24/7</p>	x		
Article 25 – Support for victims of sexual violence	<p>Parties shall take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.</p> <p>There is not enough fully resourced services for sexual violence survivors. Funding is fraught, members highlight concerns about funding uncertainty, with limited funding coming from devolved areas such as health, local authority or Welsh Government funding streams. Members have reported that they have never been fully funded and rely on self-</p>		x	

	generating funding streams. In addition, there are excessive waiting lists Our State of the Sector report found 292 survivors of sexual violence were waiting for support, due to demand exceeding capacity, this represents 26% of referrals.			
Article 26 – Protection and support for child witnesses	<p>1. Parties shall take the necessary legislative or other measures to ensure that <b>in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.</b></p> <p>2. Measures taken pursuant to this article shall include <b>age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.</b></p> <p>As stated, there is limited resources to support children in their own right. If children are subject to a child protection register, they should be entitled to an advocate. Additionally, children in the care system (perhaps because of witnessing/being subjected to violence and abuse) are also given the option of an advocate.</p>		x	
Article 27 - Reporting	<p>Parties shall take the necessary measures to <b>encourage any person witness to the commission of acts of violence</b> covered by the scope of this Convention or who has reasonable grounds to believe that such an act may be committed, or that further acts of violence are to be expected, <b>to report this to the competent organisations or authorities.</b></p> <p>This is supported by Welsh Government’s Don’t Be Bystander campaign and some funding has been provided to WWA to develop and roll out to universities. We are unaware of any work to date on 3<sup>rd</sup> party reporting.</p>	x		
Article 28 – Reporting by Professionals	Parties shall take the necessary measures to ensure that the confidentiality rules imposed by internal law on certain professionals do not constitute an obstacle to the possibility, under appropriate conditions, of their reporting to the competent organisations or authorities if they have reasonable grounds to believe that a serious act of violence covered by the scope of this Convention, has been committed and further serious acts of violence are to be expected.	x		

	There are a number of protocols in place to ensure confidentiality when information sharing. We are concerned that GDPR could impact some monitoring			
<b>Substantive law</b>				
Article 29 – Civil lawsuits and remedies	<ol style="list-style-type: none"> <li>Parties shall take the necessary legislative or other measures to provide victims with adequate civil remedies against the perpetrator.</li> <li>Parties shall take the necessary legislative or other measures to provide victims, in accordance with the general principles of international law, with adequate civil remedies against State authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers.</li> </ol> <p>The Renting Homes Act will make it easier to target the perpetrator for evictions, but it is not in law yet. There are measures in place for survivors to challenge state failures which is at a UK level, which we would encourage devolved monitoring of e.g. by the Advisors.</p>		x	
Article 30 – Compensation	Criminal injuries compensation is non-devolved			
Article 31 – Custody, visitation rights and safety	<ol style="list-style-type: none"> <li>Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.</li> <li>Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children</li> </ol> <p>In terms of visitation for children, guidance and training is being developed but this is an area that has a lot of progress to make. We are also concerned that domestic abuse is not considered a good enough reason not to grant access to children. There is also a lack of nationally available supervised contact facilities available, particularly in rural areas.</p>		x  x	
Article 32 – Civil consequences of forced marriage	Parties shall take the necessary legislative <b>or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden</b> placed on the victim.			

	Non – devolved			
Article 33 – psychological violence	<p>Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats is criminalised.</p> <p>This is covered in the Serious Crime Act and is reserved</p>			
Article 34 - Stalking	<p>Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised</p> <p>Non-devolved but criminalised by UK Government</p>			
Article 35 – Physical violence	<p>Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised</p> <p>Non-devolved but criminalised by UK Government</p>			
Article 36 – sexual violence including rape	<ol style="list-style-type: none"> <li>1. Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised: <ol style="list-style-type: none"> <li>A) engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;</li> <li>B) engaging in other non-consensual acts of a sexual nature with a person;</li> <li>C) causing another person to engage in non-consensual acts of a sexual nature with a third person.</li> </ol> </li> <li>2. Consent must be given voluntarily as the result of the person’s free will assessed in the context of the surrounding circumstances.</li> <li>3. Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognised by internal law.</li> </ol> <p>Non-devolved but criminalised by UK Government</p>			

Article 37 – Forced marriage	<p>1. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.</p> <p>2. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised</p> <p>Non-devolved but criminalised by UK Government</p>			
Article 38 – Female Genital Mutilation	<p>1. Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:</p> <p>A) excising, infibulating or performing any other mutilation to the whole or any part of a woman’s labia majora, labia minora or clitoris;</p> <p>B) coercing or procuring a woman to undergo any of the acts listed in point a;</p> <p>C) inciting, coercing or procuring a girl to undergo any of the acts listed in point a</p> <p>Non-devolved but Welsh Government have done a lot of work around awareness raising and taking strategic leadership</p>			
Article 39 – forced abortion and forced sterilisation	<p>1. Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:</p> <p>A) Performing an abortion on a woman without her prior and informed consent;</p> <p>B) Performing surgery which has the purpose or effect of terminating a woman’s capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.</p> <p>Non-devolved but criminalised by UK Government</p>			
Article 40 – sexual harassment	Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.		x	

	This is a non-devolved criminal offence but enforcement is not always strong. Welsh Government could also do more at a community safety level to change social attitudes to women and harassment.			
Article 41 – Aiding and abetting and attempt	<ol style="list-style-type: none"> <li>Parties shall take the necessary legislative or other measures to establish as an offence, when committed intentionally, aiding or abetting the commission of the offences established in accordance with Articles 33, 34, 35, 36, 37, 38.a and 39 of this Convention.</li> <li>Parties shall take the necessary legislative or other measures to establish as offences, when committed intentionally, attempts to commit the offences established in accordance with Articles 35, 36, 37, 38.a and 39 of this Convention.</li> </ol> <p>Non-devolved but criminalised by UK Government</p>			
Article 42 – Unacceptable justifications for crimes, including crimes committed in the name of so-called honour	<ol style="list-style-type: none"> <li>Parties shall take the necessary legislative <b>or other measures to ensure that, in criminal proceedings initiated</b> following the commission of any of the acts of violence covered by the scope of this Convention, <b>culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.</b></li> <li>Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.</li> </ol> <p>Non-devolved. There is a strategic leadership group in Welsh Government but more could be done on community safety, social attitudes and increasing funding for specialist by and for BME services.</p>		x	
Article 43 – Application of criminal offences	<p>The offences established in accordance with this Convention shall apply irrespective of the nature of the relationship between victim and perpetrator.</p> <p>Non devolved, however the VAWDASV Act includes no time limit on the length of relationship, it will still recognise that violence and abuse has been experienced in the context of VAWDASV.</p>			
Article 44 - Jurisdiction	This is likely at a UK level and will be covered under the DA bill			

Article 45 – Sanctions and measures	Non-devolved			
Article 46 – Aggravating circumstances	Non-devolved			
Article 47 – Sentences passed by another party	Non-devolved			
Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing	Non-devolved			
Article 49 – Investigation, prosecution, procedural law and protective measures	Non-devolved			
Article 50 – immediate response, prevention and protection	Non-devolved			
Article 51 – Risk assessment and risk management	1 2  Welsh Government part funded the development of the priority perp intervention tool. In addition the DASH RIC is used by specialist services and the Live Fear Free helpline	x	x	
Article 52 – Emergency barring orders	Non-devolved, however the Renting Homes Act will include guidance on removing perpetrators from joint tenancies			



Article 53 – Restraining or protection orders	Non-devolved however Welsh Government could fulfil a monitoring function on the use of these in Wales			
Article 54 – Investigations and evidence	Evidence relating to the sexual history of victims is a non-devolved			
Article 55 – Ex Parte and ex officio proceedings	A case being wholly dependent on the complainant of a victim is a non-devolved matter. In regards to support for victims in the court process, Welsh Government should ensure there are more co-located court IDVAs			
Article 56 – Measures of protection	Non-devolved however the use of special measures in courts are not currently standard but need to be requested. In order to better comply special measures in courts must be standardised.			
Article 57 – legal aid	Non-devolved – but many barriers in place to access			
Article 58 – Statute of limitations	Non-devolved			
Article 59 – Residence Status	Non-devolved, however Welsh Government could do more to ensure the funding of specialist services to enable women who are on a spousal visa, to go through the process.			
Article 60 – Gender based asylum claims	Welsh Government should ensure a gender responsive reception for refugees and consider the gender sensitive nature of the dispersal areas			
Article 61 – non-refoulement	Non-devolved			
Article 62 – General principals	Non-devolved			
Article 63 – measures relating to persons at risk	Non-devolved			
Article 64 – Information	Non-devolved			
Article 65 – Data protection	We assume Welsh Government is compliant	x		

## **Articles 66 – 81**

The remaining articles of the convention are concerned with the monitoring mechanisms used by the 'Group of experts on action against violence against women and domestic violence (GREVIO) and the implementation of the convention by Welsh Government. Articles are concerned with; who will make up the group of experts, the procedures for monitoring, such as submitting a report. It also includes details on the process for amendments to the conventions and that the convention should not prevent the introduction of laws which would further benefit people impacted by violence against women. The articles also explain that the convention can be denounced and the process for doing that.