



POLITICAL
INTELLIGENCE

Violence Against Women and Girls

Examining UK legislation and strategies

MARCH 2022



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Introduction

The murder of 33-year-old marketing manager Sarah Everard by a serving police officer one year ago triggered - perhaps more than any other such crime in recent times - national outcry for the government, police, and justice system to do more to tackle violence against women and girls (VAWG). Since then, the government has updated its VAWG strategy and sought to beef up related legislation, including the Domestic Abuse Act, the Police, Crime, Sentencing and Courts Bill, and the Online Safety Bill. At the same time, London's Metropolitan Police force has responded to sharp criticism about its internal culture with new measures to rebuild trust in its ability to tackle VAWG, while the justice system has set in motion its End-To-End Rape Review Action Plan to improve prosecution rates for rape and sexual assault.

"A note on terminology: The term 'violence against women and girls' refers to acts of violence or abuse that we know disproportionately affect women and girls. Crimes and behaviour covered by this term include rape and other sexual offences, domestic abuse, stalking, 'honour'-based abuse (including female genital mutilation forced marriage, and 'honour' killings), as well as many others, including offences committed online." **From introduction of Home Office policy paper "Tackling violence against women and girls' strategy"**

The government's VAWG strategy set out three broad ambitions:

- Increase support for victims and survivors.
- Increase the number of perpetrators brought to justice for VAWG crimes including rape and other sexual offences, domestic abuse, stalking and harassment, and 'honour'-based abuse including female genital mutilation and forced marriage.
- Reduce the prevalence of violence against women and girls through prevention and identification of the crimes that were not prevented.

This Dods Political Intelligence briefing examines efforts to improve the response to VAWG in some key areas of the strategy: the police and criminal justice system, online safety, domestic abuse, and education. Written by the Dods Political Intelligence consultant responsible for the sector, each section provides an update on recent legislative and policy developments with relevant stakeholder reaction. The briefing ends with a selection of key dates for VAWG-related events due in the coming months.



Criminal Justice System

The justice system has a duty to ensure that perpetrators of VAWG are prosecuted and sentenced effectively and victims receive appropriate support and compensation. However, prosecutions for rape and sexual violence cases have followed a downhill trajectory over the last five years, with rape convictions reaching a record low in 2020 with just 2,102 prosecutions out of 55,130 reported incidents, according **to official figures**.

In response to falling prosecutions, the government launched a comprehensive review of the system in 2019 in an effort to improve the criminal justice system's response to rape in England and Wales. In June 2021 it published the **End-to-End Rape Review Report on Findings and Actions** setting out its plan to return the volume of cases referred by the police to the Crown Prosecution Service (CPS), charged by the Crown Prosecution Service and reaching court return to 2016 levels by the end of this Parliament.

The plan included a wide range of proposals, including significant changes to how victims were treated in court, by allowing them to be cross examined remotely via video link earlier in the process, rather than in the court room. Other measures also included the establishment of cross working between the police and CPS, and a commitment to return the volume of rape cases going through the court to at least 2016 levels by the end of this Parliament.

In December 2021, the government **published a six-month update** on progress which said it had begun to roll out schemes and pilots to the police force and had started a consultation on a Victims' Bill to improve engagement with victims in the justice system.

However, the Covid pandemic has exacerbated delays in the justice system, with a backlog of around 60,000 Crown court cases in England

and Wales. According **to a report** published by the National Audit Office (NAO) in October 2021, rape and serious sexual offences have been seriously affected, with the number of trial cases waiting in Crown court rising by 71 percent between March 2020 and June 2021. It said defendants accused of rape or serious sexual offences are typically more likely to plead not guilty compared with other offences, which means those cases often take longer to complete. The CPS policy for prosecuting rape cases explains that rape usually takes place in a private setting where the victim is often the only witness, and unless the defendant pleads guilty, the victim will almost certainly have to give evidence in court.

A **recent report** by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and HM Crown Prosecution Service Inspectorate (HMCPPI) investigated rape cases from the point of charge through to their conclusion and those which were decided in court. It found that it took on average nearly 706 days between reporting an offence to the police and the start of a criminal trial. The watchdogs recommended that specialist rape offence courts should be introduced to help deal with this backlog. The BBC has reported that the Ministry of Justice is looking into this possibility.

The CPS are responsible for deciding what cases should be prosecuted and what charges should be brought in some cases. In its **VAWG report** covering the 2018/19 period, figures showed a 14.3 percent drop in convictions across the domestic abuse, rape, and sexual offences caseload. At the time, Director of Public Prosecutions Max Hill, said "I completely understand why the fall in charging rates is so concerning" and announced the independent CPS watchdog - Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) - would hold a review of rape charging decisions to increase accountability and reassure victims of sexual offences.

The HMCPSI found that although there had been a substantial increase in the number of allegations of rape since 2016 the number of rape prosecutions had fallen significantly, but it found no evidence to support claims the CPS was only choosing easy cases to prosecute. The **CPS accepted** several recommendations in the report, including regarding communication with police in various areas and timely communication with victims.

More recently, in March 2021 the CPS faced a legal challenge from the End Violence Against Women Coalition (EVAW)—an umbrella organization of women’s groups and campaigners—and the Centre for Women’s Justice (CWJ)—a group which helps VAWG victims with access to legal assistance—after CPS guidance on prosecuting rape was altered, leading to claimants arguing that it had “raised the bar” for charging rape cases without consultation.

This case was dismissed by the Court of Appeal but there remains concern about how the CPS approach rape cases. The Victims’ Commissioner for England and Wales, who promotes the interests of victims and witnesses, has called the CPS performance “woeful”. The CPS has said it is engaged with “ongoing efforts” to improve VAWG responses.

In December 2021, Hill **gave evidence to** the Home Affairs Select Committee. He said the CPS welcomed scrutiny but added that only 10 percent of the volume of rapes reported to the police reach the CPS. He acknowledged the police and CPS needed to pivot to “taking an offender-centric approach” when investigating rape and said the CPS were producing a framework to use independent experts, so-called Independent Sexual Violence Advisor (ISVA), to help explain the legal and police jargon used in cases to victims.

In **its report published in February 2022**, HMCPSI recommended that the CPS define the role of the prosecutor in communicating with

victims, and make sure regular clinical supervision is available to all prosecutors who deal with rape and serious sexual offence cases. It also stressed the CPS should immediately work collaboratively with the police to ensure that bad character is considered in all rape cases.

To track progress in the prosecution of rape offences, the government has introduced the **Criminal Justice Scorecard** which will measure performance in three areas: crime recorded to police decision; police referral to Crown Prosecution Service (CPS) decision to charge; and CPS charge to case completion in court. The next set of data is expected imminently.

Whilst campaigners acknowledge there is a substantial way to go, particularly regarding rape and serious sexual assault, many are encouraged at the progress the criminal justice system has made in acknowledging some hidden forms of abuse against women and girls in recent years. In 2019, following a campaign by Gina Martin and others, the law against “upskirting” – taking a picture under a person’s clothing without them knowing – came into effect, with offenders facing up to two years in jail and possible inclusion on the sex offenders list. Last year marked the six-year anniversary of establishing coercive and controlling behaviour as a criminal offence under the Serious Crime Act 2015. And in a milestone family court judgement in January 2022, the High Court acknowledged and used the term gaslighting to describe abuse a woman had faced at the hands of her former partner.



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Domestic Abuse Act

The passage of the Domestic Abuse Act in April 2021, after two years of debate, campaigning, scrutiny and change represents one of the most significant recent legislative advances to help counter violence against women and girls. Originally introduced as part of the Conservative government's 2017 manifesto, the law created a statutory definition of domestic abuse and has extended legal protections for women and girls in the criminal justice system, family courts, housing sector and healthcare.

Campaigners and pressure groups helped drive significant changes to the Domestic Abuse Act before it entered the statute book including:

- Expanding the statutory definition of domestic abuse to recognise that children affected by domestic abuse are victims in their own right.
- Automatically entitling victims of abuse to specific measures in family and civil court, such as ability to give evidence from behind a screen or via video link.
- Prohibiting cross-examination in person and across all courts, where it would diminish the quality of evidence or cause distress to the victims.
- Ruling out "consent for sexual gratification" as a defence for causing serious harm and including the threat to disclose intimate images in the offence relating to "revenge porn".
- Extending the offence of coercive and controlling behaviour so that it includes post-separation abuse between intimate partners and interfamilial abuse.
- Extending the extraterritorial jurisdiction provisions of the Bill so UK nationals who commit marital rape in other countries can be persecuted in UK courts.

Under growing pressure to make progress on tackling VAWG following the murder of Sarah Everard, the government made several concessions

to MPs and peers to ensure the Domestic Abuse Bill was passed before the end of the parliamentary session. This included commitments to revisit certain topics, and promises to conduct pilots, launch consultations and gather evidence on other legislative ideas. However, almost one year on and it remains to be seen what progress the government will make on some of the key issues which came to light during passage of the Bill and afterwards, such as financial support for migrant victims of abuse, data sharing, the Istanbul Convention, housing and whether misogyny should be classified as a hate crime.

Support for migrant victims of abuse

Despite the passage of the Domestic Abuse Act, migrants with insecure immigration status and no recourse to public funds (NRPF) are unable to access key welfare benefits, such as income support and local authority housing, if they are victims of domestic abuse. As a result, these women can find themselves dependent on their abuser for shelter and sustenance, and therefore vulnerable to coercive control known as 'immigration abuse'.

Amendments to provide support to migrant victims of abuse were some of the most enduring during the Bill's passage but were rejected in late stages. The final proposed amendments had two main asks: the first aimed to extend the Destitution Domestic Violence Concession (DDVC), which allows people who might be eligible for indefinite leave to remain to access public funds when making an application. It was argued that DDVC should be extended from three months to six months and automatically provided to all victims of abuse. The second aimed to create a 'firewall' between public services and immigration enforcement, so that victims could report abuse without fear of repercussions. Although the amendments

were ultimately withdrawn, the then Minister for Safeguarding, Victoria Atkins (now Minister for Afghan Resettlement), made several commitments to support migrant victims of abuse.

Atkins said DDVC would not be extended to all migrant victims of abuse, as someone who came to the UK on a temporary basis “should not have a route to settlement by virtue of being a victim of domestic abuse”. However, she said the government would commit to piloting a £1.5m Support for Migrant Victims scheme, which would run for 12 months and be used to gather evidence to inform long-term decision making.

The scheme, which is being run by London-based domestic abuse charity Southall Black Sisters, is expected to run until Spring 2022. The charity has been critical of the Domestic Abuse Act’s regard to migrant victims, calling it “discriminatory”. Southall Black Sisters also said the Migrant Victims Scheme had an “unambitious scope” in terms of length and funding and would only support 500 women for three months each.

In a report entitled ‘Safety before Status’ published in October 2021, the Domestic Abuse Commissioner Nicola Jacobs said that after the pilot has ended the Home Office should develop a long-term solution to ensure support is extended to all victims of domestic abuse, regardless of their immigration status. The government accepted this recommendation but rejected a number of others which aimed to increase support for migrant women.

Data sharing

During the final stages of the Domestic Abuse Act, the government also committed to reviewing existing data-sharing procedures between public services and immigration enforcement. This was originally triggered by a super-complaint from human rights group Liberty and Southall Black Sisters in 2018 which expressed concerns that the National Police Chiefs Council and Home Office

were prioritising immigration enforcement over the protection of victims of abuse. The two groups said a ‘firewall’ should be created between the police and immigration enforcement to prevent this happening– a recommendation which was also put forward as an amendment during bill proceedings.

The Home Office rejected the recommendation in a review in December 2021 which said information sharing was necessary to help the police understand migrants’ needs and regulate their immigration status. “If immigration law is not enforced there would be no incentive to enter the UK legally,” it said.

Instead, the Home Office said it would introduce an Immigration Enforcement Migrant Victims Protocol for victims referred by the police. This protocol would set out how no enforcement action should be taken against a victim of domestic abuse whilst investigations and prosecution were ongoing, and whilst the victim was receiving support and advice. In the medium-term, the Home Office also committed to identifying safeguards to mitigate the deterrence effect of data sharing.

However, the Domestic Abuse Commissioner said she was “extremely disappointed” with the decision and added that it would “not go far enough to address the fear that information will be shared with immigration enforcement, which prevents many victims and survivors from reporting domestic abuse”.

The Istanbul Convention

The failure of the UK to ratify in full the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the Istanbul Convention, continues to raise questions about the government’s approach to the issue. The international human rights treaty, which has been signed by all EU member states since it was conceived 10 years ago, seeks to establish “comprehensive legal standards to ensure

women's right to be free from violence" and is widely regarded as the gold standard for combatting VAWG.

However, in its most recent implementation progress report, published in November 2021, the Home Office said that Articles 4(3) and 59 of the convention, relating to non-discrimination on the grounds of migrant or refugee status, remained "under review" pending the evaluation and findings of the Support for Migrant Victims Scheme.

Foreign Secretary Liz Truss has said the UK will hold the next global conference on action to prevent sexual violence in conflict this year, with the aim of situating the UK as a world leader in preventing VAWG.

Housing support for victims of domestic abuse

Domestic abuse is by its very nature intimately associated with homes and housing. As the domestic abuse charity Women's Aid said in their 2020 report 'The Hidden Housing Crisis', many victims find themselves facing an impossible decision: whether to stay "in a home shared with an abusive partner or leaving for another potentially unsafe situation due to a lack of housing options".

For this reason, the provision of safe accommodation for victims of abuse was a core feature of the Domestic Abuse Act. It included a range of measures including placing a statutory duty on local authorities in England to provide safe accommodation to support victims of abuse and their children and recognising eligible homeless victims of abuse as having "priority need" for homelessness assistance.

Hannah Gousy, Head of Policy and Campaigns at homeless charity Shelter, said the latter measure was a "landmark moment" and that the change would "prevent thousands from becoming homeless and undoubtedly save lives".

However, despite the efforts of some MPs and campaigners, the Domestic Abuse Act does not prevent a perpetrator of abuse from unilaterally ending a joint tenancy agreement and forcing the victim out of the home.

Although there are some legal mechanisms to remove perpetrators from a joint social tenancy, they are for the most part "**costly, uncertain and complex**", according to campaign organisation Standing Together Against Domestic Abuse. A cross-party group of MPs tried to push an amendment to allow a court to transfer joint tenancy to the victim of abuse, but it was rejected on grounds that it would have unintended consequences, including on landlords. Instead, the government pledged to revisit the issue later.

On 15 February, the Department for Levelling Up, Housing and Communities opened two consultations to examine aspects of VAWG and housing. The first consultation seeks views on the impact current law has on victims of abuse in the social rented sector and whether perpetrators in joint tenancy agreements are threatening victims with homelessness. The second consultation relates to local connection requirements for social housing for domestic abuse victims.

The period directly after a woman escapes an abusive relationship is statistically the most dangerous time, leading many women to flee their local authority area. However, once they have relocated, they can face difficulties accessing housing support from councils where they may not be registered.

In joint evidence on the domestic abuse bill provided by a range of charities, including Safe Lives, it was noted how although government guidance has made it clear that in cases of domestic abuse, local connections rules should not be applied, this has not always been the case. Inconsistencies between local councils in England have meant that some women fleeing abuse have been refused

support by homelessness teams because the victim was not from the local area.

MPs and Peers therefore tabled an amendment which would have required local authorities to make exemptions for domestic abuse victims from local connection requirements or residency tests. The government side however rejected the amendments and said that existing guidance already covered this.

Atkins also said that the government would collect further evidence on this issue to help inform future planning for social housing. The DLUHC's second consultation will be part of this process, and will be used to collect information to shed light on existing regulations and help it to "introduce regulations to enable victims of domestic abuse who need to move to another local authority district to qualify for an allocation of social housing in the new area."

Misogyny as a hate crime

Despite the efforts of some MPs, misogyny was not classified as a hate crime by the Domestic Abuse Act, but debate continues among policymakers about whether and how to legislate against it.

During the passage of the Domestic Abuse Bill, Labour MP Stella Creasy, Liberal Democrat MP Christine Jardine and Plaid Cymru's Liz Saville Roberts tabled an amendment to require the police to record all offences involving hostility and prejudiced on sex, a move which attracted wide-spread support from some city mayors and organisations including the domestic abuse charity Refuge and the Fawcett Society. The government rejected the amendment pending a review of

hate crime by the Law Commission. Although the government said they would ask police forces in England to record offences perceived by victims to be motivated by sex on an experimental basis to help gather evidence, progress on this front has been slow.

The Law Commission's final report on hate crime, published in early December 2021, concluded that "sex or gender should not be added to the protected characteristics for aggravated offences and enhanced sentencing," as doing so would be either ineffective or counterproductive at protecting women and girls. However, it recommended extending the offence of stirring up hatred so that it covered sex and gender and said the government should review whether there should be a specific offence to tackle public sexual harassment. The government has not yet responded to those recommendations.

Since then, lawmakers have looked to misogyny a hate crime through an amendment to the Police, Crime, Sentencing and Courts Bill in the House of Lords. However, the government rejected this amendment, citing the Law Commission's view that adding sex or gender may prove "more harmful than helpful" and may make it more complex to prosecute the most serious crimes, including rape and domestic abuse.

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Education

A series of reports and disclosures in the last two years have helped shine a light on the prevalence of sexual harassment, abuse, and assault in UK schools and universities and raised questions about the ability of the school's regulator Ofsted to tackle the issue.

The wider publicity of the **Everyone's Invited website has played a leading role in pushing the government to act**. It has collected more than 54,000 testimonies of misogyny, molestation, and sexual abuse of young people in the UK since it launched in mid-2020, some of them mentioning incidents that allegedly took place at some of the country's top public schools and higher education settings. Separately, a *BBC Panorama* investigation broadcast in September 2021 found that reports of children sexually abusing other children **had doubled in the two years to 2019** to more than 16,000.

However, even before Everyone's Invited was established, concerns about violence against women and girls across in the education system had been **raised in House of Commons committees**, flagged by **research from student groups**, and **examined by university representatives**. And since then, in March 2022, the Independent Inquiry into Child Sexual Abuse (IICSA) published a report which said residential **schools were not as safe for children as they should be** and children's interests didn't always come first when allegations of sexual abuse were made, citing evidence of some teachers exploiting their positions of trust to groom and abuse children.

In response to the Everyone's Invited revelations, the Department for Education **launched a rapid review into sexual abuse in schools** in March 2021 and announced a new helpline, run by the National Society for the Prevention of Cruelty to Children (NSPCC) charity, to provide support to anyone experiencing abuse in education settings.

The results of the review, published in June 2021, **suggested the scale of the problem was even greater** than many in the education system expected. Inspectors visited 32 state and private schools speaking to over 900 young people and found that **90 percent of girls and 50 percent of boys** said that being sent unwanted explicit pictures or videos happened "a lot" or "sometimes". Children and young people reported that sexual harassment occurred so frequently that it had become commonplace, with 92 percent of girls, and 74 percent of boys saying sexist name-calling took place regularly. Children and young people were reportedly rarely positive about the sex and relationship education (RSHE) they had received, saying it often came too little, too late, and that social media and peers were the prime sources of information on sexual relations. One girl told inspectors: "It shouldn't be our responsibility to educate boys".

The Ofsted report included **a long list of recommendations for school and college leaders**, multi-agency partners, and the government. It said education leaders should act on the assumption that sexual harassment was happening in their schools, even if they did not think there was a problem. It recommended routine record-keeping and analysis of sexual harassment and sexual violence, including online, to identify patterns and intervene early to prevent abuse, high-quality training for teachers delivering RSHE, and sanctions when appropriate, to reinforce a culture where sexual harassment and online sexual abuse are not tolerated.

It also said the government should use the findings of the review to help develop the Online Safety Bill so it can better protect children and young people, improve coordination between agencies such as the Education and Skills Funding Agency (ESFA), Ofsted and the Independent Schools Inspectorate (ISI) on how to deal with reports of sexual abuse,

and develop an online hub where all safeguarding guidance is in one place.

In response, the government **introduced strengthened safeguarding guidance** to “boost teacher confidence in identifying and responding to these issues” and encouraged school leaders to dedicate inset day time to train staff on how to deal with abuse and harassment, and how to effectively deliver the RSHE curriculum. Ofsted also **updated its education inspection handbooks** to clarify how inspectors should assess how schools and colleges confront sexual harassment, abuse and violence among students.

Ofsted faced criticism from MPs from across the political spectrum in the wake of the review. Maria Miller, the Conservative former women and equalities minister, **accused the regulator of a “massive safeguarding failure”**. Miller was chair of the Women and Equalities Committee in 2016 when it published a report **on sexual harassment and violence in schools**.

The Education Committee also held a one-off oral evidence session on safeguarding in schools in June 2021, where Ofsted Chief Inspector Amanda Spielman and colleagues were questioned about the findings of the review. MPs expressed concern that **schools and other settings had been rated ‘Good’ and ‘Outstanding’** despite them having safeguarding issues. Spielman said it had been a matter of government policy to make inspections smaller and lighter, and Ofsted could do more inspections if it had the resources. Committee chair Robert Halfon expressed concerns that schools did not have a legal obligation to disclose reports of sexual harassment to the regulator.

Teachers have also expressed concerns about the tools at their disposal to deal with sexual abuse and harassment in schools. A survey by *BBC Radio 4* and teachers’ union the NASUWT in May 2021 found that more than half of education staff said **they did not think adequate procedures were in place** in their schools. The National Education Union

(NEU) **said in June 2021** that teachers wanted to be better equipped to deal with these issues: “We support a much greater focus on sexual harassment in schools using the whole curriculum. Students must feel empowered to discuss and learn about sexism, report incidents and take action for equality;”.

Universities and other higher education settings have also faced similar challenges. A 2019 report into unwanted sexual behaviours on university campuses by sexual health campaign group Brook said **more than half of UK students** had been exposed to inappropriate touching, explicit messages, cat-calling, being followed, or being forced into sex or sexual acts.

Research from the Higher Education Policy Institute (Hepi), a think tank, published in April 2021 also found almost a half of students felt their pre-university education **hadn’t prepared them for sex and relationships** in higher education, with a majority agreeing there should be more opportunities, including during welcome week, for further sex and relationships education on campus.

Higher education teaching staff have also faced abuse. The University and College Union (UCU), which represents academic staff, said in a report in December 2021 that **12 percent of staff it had surveyed** had reported directly experiencing workplace sexual violence in the past five years.

Following the testimonies gathered by Everyone’s Invited, the Office for Students (OfS) – the independent regulator for higher education in England – wrote to all institutions **restating its expectations for preventing harassment and sexual misconduct**. This included inviting universities to review and update their systems, policies and procedures by the start of the 2021/22 academic year.

The OfS guidance, which draws on research and recommendations from the National Union of Students (NUS) and Universities UK, reminded

institutions that **the regulator would use its powers to intervene** where it saw evidence of a failure of a provider's complaint handling process.

University representatives and campaigners **also appeared before the Home Affairs Committee** last month as part of their inquiry into spiking—putting alcohol or drugs into someone's drink without their knowledge or permission. Witnesses described how spiking could have many motivations, including financial or sexual abuse, and how young women were most often the targets.

The use of non-disclosure agreements (NDAs) by university also proved particularly contentious. A 2020 *BBC News* investigation found **nearly a third of universities had used NDAs** to silence student complaints about sexual misconduct, bullying and harassment. Universities Minister Michelle Donelan **has led a campaign across the sector to stop their use**, including urging providers to sign a pledge.

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Online Harms

The reliance on computers, smartphones and other digital devices for work and social interactions during the Covid pandemic has shone a fresh light on the abuse and harassment women and girls face online. While this does not involve physical force, actions like threats of rape or murder, online stalking, revenge porn, doxing—revealing an individual's compromising or private information online—and so-called cyber flashing can have a serious long-term impact on victims.

Campaign groups have long pointed to a range of incidents and statistics, some dating from before the pandemic, which they say show that the law has failed to keep pace with the “violence” women and girls face online. The death of teenager Molly Russell, who killed herself in 2017 after seeing graphic images of self-harm and suicide on Instagram, was a key moment in the campaign to toughen laws to protect against online harm to women and girls. That same year research by Amnesty International in 2017 found one in five women in the UK had suffered online abuse or harassment, while a **report** by the European Women's Lobby, the largest umbrella organisation of women's associations in the European Union, found that globally, women were 27 times more likely to be harassed online than men. More recently, a **report** by Glitch—a charity which combats online abuse—and EVAW published in September 2020 said that 46 percent of women and non-binary people reported experiencing online abuse since the beginning of the COVID-19 pandemic. Furthermore, a **YouGov and EVAW survey** in October 2021 found that 74 percent believed the UK government should do more to ensure social media companies address online harassment and violence against women and girls. MPs and campaign groups have also highlighted the challenge of combating the intersectional nature of VAWG online, where abuse is combined with a range of other forms of oppression including abuse based on race, class, disability, or sexual orientation.

The murder of Labour MP Jo Cox, who was shot three times and stabbed repeatedly near her constituency office in a politically motivated attack shortly before the EU referendum in 2016, shocked the nation and raised concerns about the safety of lawmakers. The incident also helped draw attention to the amount of abuse and harassment female politicians, especially those who are black or Asian, face online. A **report** by Amnesty International which monitored tweets mentioning women MPs in the runup to the 2017 general election found black, Asian and minority ethnic female MPs got more abuse than their white counterparts, with Labour's Diane Abbott receiving substantially more than anybody else – the equivalent of 51 abusive tweets per day. In an example of how this kind of abuse persists, a former Brexit party candidate and gun owner was found guilty in January of sending a tweet in 2021 about Black Labour MP Dawn Butler which said, *“Someone please explain to me why a bullet to the back of the head is anything but justified and wholly deserved.”* Butler has urged legislators to consider background checks of social media for gun applicants.

The government published the original draft of its Online Safety Bill in May 2021 which it said would deliver on the Conservative manifesto commitment to make the UK the safest place in the world to be online while defending free expression. The legislation aims to place a duty of care on internet companies which host user-generated content, from social media and video-sharing platforms to search engines, to limit the spread of illegal and harmful content. Although the draft addressed several digital issues from online fraud to racism, efforts to tackle online abuse and harassment of women were conspicuous by their absence.

In response, women's groups urged the government to strengthen the bill and put forward a range of recommendations. One key ask from EVAW was that the Bill should recognise online VAWG as a specific

harm, “with an accompanying Code of Practice developed in consultation with the VAWG sector to set clear expectations for how online VAWG cases are investigated and clear, consistent online VAWG reporting standards for platforms”. There has also been growing debate over the past 18 months about whether there should be limits on online anonymity. In the wake of the murder of Conservative MP Sir David Amess in October 2021, MP Saqib Bhatti wrote an open letter signed by 50 backbenchers urging social media companies to ban anonymity online, saying some of his female colleagues had received terrible abuse. Home Secretary Priti Patel has said that while MPs should work together to counter online abuse, pro-democracy campaigners and others relied on online anonymity, so a balance needed to be struck.

In parliament, the draft Online Safety Bill Joint Committee and the Digital, Culture, Media and Sport (DCMS) select committee, and the Law Commission—which reviews laws in England and Wales—also made a series of recommendations for how to toughen up the Bill in late 2021. On the specific issue of online VAWG, the joint committee **said** in a report in December 2021 that cyber flashing and content and activity promoting self-harm should be made illegal. It said cyber flashing had become a serious and prevalent problem online, with more than three-quarters of girls aged 12-18 and four out of 10 of women reporting having been sent unsolicited images of penises. Prime Minister Boris Johnson signalled his desire for the law to be changed in November 2021, when he told the Liaison Committee, “I do not care whether flashing is cyber or not, it should be illegal.”

The DCMS select committee published its report on the Bill in January 2022, saying the list provided “may not fully address violence against women and girls (VAWG) and other marginalised groups beyond hate speech”. It also urged the government to address certain content that was damaging but technically legal, such as using technology to alter images of women to make them nude, so-called nudifying, or to produce “deepfake” pornography, such as adding

the face of a celebrity or other person to a pornographic image or video, usually without consent.

Following its review of the Bill, the Law Commission **said** in late 2021 that the legislation should include a series of new offences including for “harm based” communications, encouraging or assisting serious harm, cyber flashing, and sending knowingly false communications, threatening communications, and making hoax calls to the emergency services.

In response to the recommendations the government announced in early February that it was going to toughen the **Online Safety Bill** and include several of the new digital offences that MPs and campaigners had called for. These included new penalties for sending a ‘genuinely threatening’ communication, designed to better capture online threats to rape, kill and inflict physical violence or cause people serious financial harm, and for communications—including those the sender knows to be false—which aim to cause harm without a reasonable excuse. While the maximum sentences for each proposed new offence would differ, the government said they would range from up to 51 weeks for the false communication offence and up to five years for the threatening communications offence. However, Tech and Digital Minister Chris Philp said the government was still “carefully considering” introducing offences for cyber flashing, hoax calls, encouraging or assisting self-harm and epilepsy trolling.

Although some campaign groups reiterated that the Bill would be a missed opportunity to protect women and girls online unless VAWG was explicitly named as a harm on the face of the law and tech companies are held to account by an accompanying VAWG code of practice, there are signs the legislation continues to evolve. In late February the government announced that it also **planned** to include new measures in the Bill to protect people from anonymous trolls by giving social media users more control over what they see online and who they interact with.

Conservative MP Damian Collins, the chair of the Draft Online Safety Bill joint committee, **tweeted** that it was very welcome that the government had adopted the committee's "recommendation on tackling anonymous abuse by empowering user choice". However, privacy campaigners said they doubted the proposal would be workable in practice, adding that most online abuse was done by identifiable people.

The UK is not alone in exploring ways to do more to tackle online VAWG. Social media companies are under growing pressure from national regulators across the world to prevent misinformation and online abuse, including against women and girls. The BBC's *Panorama* show reported in late 2021 that the UN was considering calling on social media platforms to introduce labels for accounts that had sent misogynistic abuse and to have more human moderators of content. Lawmakers in the US, Europe, and UK have also heard from whistleblowers in recent years, such as former Facebook employee Frances Haugen who alleged that the company prioritised growth over the safety of users – a charge the company has denied. Particular attention has been paid to how content carried by global social media companies can fuel body image issues in teenage girls and women. Tom Gault, UK and Northern Europe Public Policy Lead at Instagram—the company owned by Facebook parent firm Meta—told a **DCMS select committee session** in January 2022 that the company had

tightened its policies around preventing more attacks against public figures, particularly when it came to degrading and sexually abusive comments that could affect females.

UK legislators also face the challenge of working out whether how to develop policy for new and emerging online subcultures which could have negative impacts on women. A multiple shooting which killed five people in Plymouth in August 2021 highlighted the potential danger posed by so-called incels—short for "involuntary celibate"—people, usually men, who define themselves as being unable to get a sexual partner despite wanting one. Discussion in incel online chat forums is often characterised by resentment, self-loathing, and hatred of women or sexually-active males. The Guardian **reported** that while the Plymouth shooter's Reddit account was suspended just hours before the attack for breaking the site's content policy, other online platforms were slower to act. In the wake of the shooting, Bell Ribeiro-Addy, Labour MP for Streatham, wrote in **PoliticsHome** that "the government cannot sit back and do nothing as extremist incel groups gain popularity and increase their membership."



By Sheila Amedodah,
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Policing

The police are on the frontline of tackling violence against women and girls, by patrolling public places, acting as a deterrent, and enforcing the law and ensuring perpetrators are brought to justice. However, a series of high-profile incidents over the course of 2021 have raised questions about the police's approach to crime against women and girls. These included the murder of Sarah Everard by a serving Metropolitan Police officer; the subsequent policing of her vigil; the conviction of two other officers for taking and sharing photos of murdered women Nicole Smallman and Bibaa Henry; and, more recently, details of misogyny among officers in Charing Cross police station.

Events reached a crescendo in February when the Mayor of London, Sadiq Khan, declared he was not satisfied with the Met's plans to reform and regain public trust, leading the Commissioner, Dame Cressida Dick, to resign.

The hunt for a new commissioner of Britain's largest police force is underway, with the issue of how police approach violence against women and girls expected to take center stage. The Mayor of London **has also now launched** his own campaign to tackle VAWG in the capital with prominent male celebrities featuring in videos and posters, discouraging and highlighting sexist and inappropriate behaviours towards women and girls.

However, lawmakers have cautioned that the issues surrounding policing in relation to violence against women and girls are not unique to the Met. Shadow Home Secretary Yvette Cooper recently told the BBC that it was not an issue about "one individual, or one police force...there needs to be a proper serious programme of reform".

In September 2021, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)—an independent body which promotes

improvements in police and fire services—published an inspection report into the **police response to violence against women and girls**. The report said the data on gender-based violence was so alarming that they considered it to represent "an epidemic of violent and abusive offending against women and girls in England and Wales."

The 160-page report said that whilst improvements have been made, there remain significant inconsistencies in how police forces tackle VAWG and it recommended a more joined up, whole-system approach. The issue should be a national priority for the police and ensure that high standards are enforced in forces' responses to victims, HMICFRS said.

In response to the report, Women's Aid—a national charity working to end domestic abuse against women and children—said that "although almost all police and crime commissioners have identified domestic abuse as a priority, in reality both the understanding and the response remains inadequate."

In an attempt to bring consistency across police forces with regard to their approach and response to VAWG, the National Police Chiefs' Council (NPCC) and College of Policing **launched a new** framework for England and Wales in December 2021. As a result, all forces will be required to set out their local plans in March 2022 in accordance with the framework. The NPCC said they would also publish an outcome and performance framework to sit alongside delivery by the end of that month. The council has also said it and the College of Policing will review the definition of VAWG to be more explicit about the inclusion of child sexual abuse and exploitation.

The Home Office has also now confirmed, alongside the National Police Chiefs' Council and College of

Policing, that they are accepting and implementing all of the recommendations made by HMICFRS in their violence against women and girls' **inspection**. This includes the recommendation to add VAWG to the strategic policing requirement (SPR) for police forces in England and Wales, which stakeholders hope will ensure the re-prioritisation of VAWG and ensure a unified approach across forces.

The police also face a significant challenge to restore public confidence in their ability to prevent and prosecute VAWG. A YouGov poll in October 2021, commissioned by the End Violence Against Women Coalition (EVAW), found almost half (47 percent) of women said their trust in the police had declined since the rape and murder of Everard, and 76 percent of women (71 percent of adults overall) said the culture of policing had to change.

“We know a precious bond has been broken and I am committed to rebuilding the trust and confidence of all Londoners. I recognise that for some this may be a significant ask. The Met has huge numbers of wonderfully professional officers and staff, but I also recognise the actions of some are of serious concern and fall far below our standards.”

– Commissioner Cressida Dick

In an effort to rebuild trust, the Met has outlined how it plans to raise standards, improve its culture, and protect women and girls. This included a new violence against women and girls **action plan published in November 2021** which aimed to increase the number perpetrators brought to justice, improve victim care across the justice system, increase women's confidence in the police, and tackle sexual misconduct and abuse by officers and staff.

The Met has also commissioned an **independent review**, led by Baroness Louise Casey of Blackstock, which will examine the force's culture and standards, as well as vetting and training measures. The force has said it expects the recommendations in Casey's report, which is due to conclude later this year, will build “a stronger Met”.

The response to the Met's VAWG action plan has been mixed. In the London Assembly, Shaun Bailey, the Conservative Chairman of the London Assembly Police and Crime Committee, said it was “a step in the right direction in rebuilding the trust of the public” and he urged Londoners to respond to the plan with their views. However, EVAW **criticised** the response for failing to acknowledge the role of police-perpetrated abuse and labelled some of the initiatives, such as ‘Walk and Talk sessions’, as “poorly considered and fundamentally limiting.” Solace Women's Aid, a group which aims to tackle violence against women and support victims, urged the Met to work with VAWG sector organisations and ensure “any new initiatives and the implementation of existing initiatives do not disproportionately impact minoritised groups.”

More evidence of problem behaviour in the police has come to light since the Met VAWG action plan was published. The release of a report by the Independent Office for Police Conduct (IOPC) in February 2022 raised fresh concerns about institutional misogyny in the police, sometimes referred to as ‘canteen culture’. The report detailed the outcome from Operation Hotton,

an investigation that the watchdog had opened in 2018 following allegations that an officer had sex with a drunk person at a police station. The operation focused predominantly on officers at Charing Cross Police Station and found evidence of discrimination, misogyny, harassment, and bullying, stressing these were not isolated incidents.

As a consequence of its findings, the IOPC has made 15 recommendations to the Met, covering improvement of their training and guidance, to reviewing how internal reports of sexual harassment are investigated.

Dick said the conduct flagged in the report “does not represent our values” and stressed the need for “real change”. The Policing Minister, Kit Malthouse, also confirmed to the Commons that the government was involved in “intensive conversation” with the College of Policing to ensure that new training delivered to police officers on VAWG had the correct tone.

Since Dick’s announcement of her resignation, the Mayor of London has **said** he will not support the appointment of a new commissioner “unless they can clearly demonstrate that they understand the scale of the cultural problems within the Met and the urgency with which they must be addressed. In short, they need to get it, and they need to have a proper and robust plan to deal with it.”

Following the revelations in Operation Hotton, some MPs have called for Baroness Casey to expand the scope of her report to look at behaviours of police staff outside of the workplace to ensure that proper vetting and background checks are undertaken.

The Home Office has launched its own inquiry, chaired by Dame Elish Angiolini, to establish a comprehensive account of the police career of the killer of Sarah Everard, identify any missed opportunities and make recommendations on the findings. The first part of the inquiry is expected to

report within six to nine months, with the second inquiry expected to look at the issues raised in the context of wider policing.

In Parliament, MPs and peers have been debating the government’s Police, Crime, Sentencing and Courts Bill which aims to give new powers to the police. Initially, opposition parties criticised the Bill for not containing enough to tackle VAWG, with Labour arguing it “did nothing to help women feel safer on the streets.”

However, the Bill has undergone significant scrutiny and change since it was introduced in March 2021. The government **has agreed** to change how the six-month time limit is applied in England and Wales in relation to domestic abuse cases, as well as including domestic and sexual abuse within the term “violence” for the purpose of serious violence orders.

However, the government has faced criticism for rejecting an amendment that would make misogyny a hate crime and for not doing enough to criminalise street harassment, with the Chair of the Women and Equalities Committee saying the Bill could have done more to protect women.

There also remain concerns among women’s groups and campaigners that the Police, Crime, Sentencing and Courts Bill will grant the police significant new powers—particularly over protests and stop and search—before the various independent reviews into police conduct and approach to VAWG have concluded and any resulting reforms have been carried out.



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Lookahead

By 31 March 2022: National Police Chiefs Council (NPCC) to publish an outcomes and performance VAWG framework.

March 2022: All police forces in England and Wales required to provide a VAWG action plan.

March 2022: Irish government expected to publish strategy to tackle domestic, sexual and gender-based violence following the murder of Ashling Murphy in January.

28 April 2022: Office for National Statistics releases Crime Survey for England and Wales and police recorded crime for 2021.

TBC – April 2022: Independent review, led by Baroness Louise Casey, into the standards and culture of the Metropolitan Police expected to publish findings.

May 2022: All-Party Parliamentary Group on Commercial Sexual Exploitation publishes report from its inquiry into the UK pornography industry.

TBC – Spring 2022: Department of Health and Social Care publishes Women's Health Strategy.

TBC – Spring 2022: Home Office publishes perpetrator strategy, which will form part of the domestic abuse strategy.

TBC – Spring 2022: Home Office **publish** guidance about the disclosure of information by police forces to be published.

TBC – Spring 2022: Prohibition of cross-examination in person in family or civil proceedings to take effect.

TBC – Spring 2022: Controlling or coercive behaviour in an intimate or family relationship to be classed as domestic abuse.

TBC – Spring 2022: Domestic Abuse Protection Notices and Domestic Abuse Protection Orders to take effect.

TBC - By mid-2022: Online Safety Bill to receive second reading.

By 30 June 2022: National Police Chiefs Council (NPCC) due to complete review of current allegations of sexual misconduct, domestic abuse and other VAWG related offences against officers and staff.

14 July 2022: Annual National Day of Memory for victims of so-called honor killings.

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