

GBV 54

Communities, Equality and Local Government Committee

Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill : Stage 1

Response from: NUS Wales

# Gender-Based Violence, Domestic Abuse and Sexual Violence (Wales) Bill

## **NUS Wales Consultation Response**

Communities, Equality and Local  
Government Committee

### Introduction

The National Union of Students (NUS) Wales welcomes the opportunity to respond to the Welsh Government's Stage 1 Consultation on the Gender-Based Violence, Domestic Abuse and Sexual Violence (Wales) Bill. NUS Wales is a confederation of students' unions representing more than a quarter of a million students in the nation. As the only representative voice for students in Wales, NUS Wales represents students from all affiliated students' unions in both HE and FE sectors. This includes 8 HE institutions and all Welsh FE Colleges.

NUS Wales exists to promote, defend, and extend the rights of students and develop and champion strong students' unions. We fight barriers to education; empower students to shape both a quality learning experience and the world around them; as well as supporting influential, democratic and well-resourced students' unions.

As well as campaigning on behalf of our members, NUS Wales provides a range of training to students' unions including training for full-time officers, part-time officers and staff. We provide support to students' unions to ensure they are able to engage positively with the latest policy developments that affect them.

We provide resources and staff support to students' unions to help strengthen them and enable them to become ever-more effective in their operation. We work with partners across Wales including DfES, HEFCW, HEA and QAA to develop efficient and productive representation structures for students.

In Further Education, NUS Wales has engaged and trained student governors in every single Welsh FE College and trained class representatives from the majority of FE Colleges. Furthermore, we are developing a National Society of Apprentices to provide representation for those who study in this setting.

The core values of NUS Wales are democracy, equality and collectivism. We believe that student organisations should be student-led and that education is a benefit to the individual and to society.

Key to our mission is our five Liberation Campaigns, one of which is our Women's Campaign. NUS Wales employs a full-time Women's Officer to lead this mission, who is elected for and by women students in Wales. We recognise that women face structural and societal barriers, challenges and violence that men do not, simply by virtue of their gender. As such, our campaign focuses on the impact of violence and objectification on women students as well as for better rights for student parents, better representation for women in students' unions, and a better learning experience for all women in education.

### The General Principles

*NUS Wales consulted its member students' unions about the Bill. Students at these universities and colleges were then invited to give their opinions on the plans. Their answers have been incorporated into our response.*

#### Gender Neutrality

While NUS Wales welcomes legislation to combat all forms of Gender-Based Violence, including (but not limited to) Domestic Abuse and Sexual Violence, we must firstly state our great concern at the Bill's change of name and focus from "Violence Against Women" to "Gender-Based Violence". NUS Wales recognises that people of all genders can be victims of many kinds of violence. However, women are overwhelmingly the primary victims of such crimes. This is not a coincidence, but a result of thousands of years of oppression and misogyny – a legacy that has left women underrepresented in politics, business, media; that sees two women a week in the UK murdered by a partner or ex-partner; that results in women earning less than men, and work regarded as "women's work" being undervalued and underpaid; that sees young girls' genitals mutilated in the

name of tradition; that results in women still being used as sexual objects for the gratification of men in advertising and even daily newspapers. It is a legacy stemming from the idea that, until very recently, women were seen as the property of their husbands, fathers, sons and one that continues to impact on women's status in society to this day.

Around the UK and internationally, steps are being taken to address the fact that women and girls suffer disproportionately from violence that is perpetrated mainly by men. In attempting to make this Bill gender-neutral, we believe the Welsh Government has done a great disservice to women, and to victims of all genders. By not openly accepting that this is a gendered issue that overwhelmingly affects women and girls, Wales will be taking steps backwards. We should seek to eradicate violence against everyone, but we cannot do this without recognising the causes of this violence. Men do not suffer violence *because* they are men. Historic oppression and prevailing attitudes ensure that women face violence simply by virtue of their gender, and attempting to hide this through an apparently gender-neutral approach benefits nobody. This position does not seek to undermine sexual violence and abuse experienced by men, but simply to recognise the reality of the situation. We consider the removal of all specific references to women within the Bill a grave mistake that will greatly impede on the aims set out with the Bill.

### National Strategies

#### National Training Framework

NUS Wales strongly supports the creation of a National Training Framework (NTF) alongside or within the Bill. An increase in information, resources and knowledge, shared across Wales, will ensure that standards are driven up.

It is important that professionals know what steps to take when they encounter a case/victim of VAW. Medical students, student nurses and student dentists should be trained to recognise signs of VAW and how to respond appropriately. We recommend that this training be included in the medical undergraduate curriculum and that the training includes:

- Understanding the links between violence/abuse and other health conditions (physical and mental), to aid identification and referral;
- Identification of victims through appropriate questioning;
- Enabling and dealing with disclosure of violence/abuse;
- Referral and signposting to specialist VAW organisations;
- Addressing immediate safety concerns for women and children;
- Appropriate post-disclosure interventions;
- Identifying, responding to, and referring perpetrators.

As an NTF may impact on some university courses (especially medicine), NUS Wales has a particular interest in ensuring that medical students and student nurses are well-equipped and well-trained to address the issue of VAW when practising later on.

Other professionals who should receive training through the National Strategy include:

- Health service (GPs, A+E departments);
- Police Officers, Police and Crime Commissioners;
- Social Services and social workers;
- Local authorities and Assembly Members;
- Third Sector specialists;
- Teachers, counsellors and school welfare staff;
- Tutors and lecturers at FEIs and HEIs;
- Child minders;
- Criminal justice professionals;
- Public sector employees.

### Challenging Attitudes

One of the areas we are most keen to see tackled in the Bill is challenging attitudes towards VAW and we are disappointed that no such strategies are included within this stage. Victims are routinely belittled, silenced and blamed for their experiences and the Bill must seek to address the attitudes that cause this.

We are particularly concerned with the rise of “Lad Culture” within colleges and universities. Lad Culture is a group or ‘pack’ mentality which often manifests in activities such as sport and heavy alcohol consumption (including during initiation ceremonies) and so-called ‘banter’, which is typically misogynistic and homophobic. We would hope to see consideration of how Lad Culture affects the lives of students and what provisions the Bill will include to tackle these attitudes and behaviours. NUS Wales and Amnesty International undertook joint research on *Violence Against Women: The Perspective of Students in Wales* which surveyed 733 students at FE and HE institutions throughout Wales. A shocking 34% of respondents answered that a woman is totally responsible or partially responsible for being raped or sexually assaulted if she is drunk; 36% answered that a woman is totally or partially responsible for being raped or sexually assaulted if she has acted in a flirtatious manner; 28% answered that a woman is totally or partially responsible for being raped or sexually assaulted if she is alone and walking in a dangerous or deserted area. These are clearly unacceptable, victim-blaming attitudes for such a large portion of the student population to hold (although they are not unique to students – a comparable study of UK adults found 30% considered a woman to be totally or partially responsible if she was drunk, 22% if she was alone and walking in a dangerous or deserted area, etc.).

NUS’ research report *Hidden Marks: A study of women students’ experiences of harassment, stalking, violence and sexual assault* demonstrates how these attitudes affect the lives of women students. Key findings showed that 68% of women students have experienced harassment in and around their institution; that one in seven women students had experienced a serious physical or sexual assault during their time as a student; over a third felt unsafe when visiting their university or college buildings at night. Furthermore, the research showed that of women who were victims of serious sexual assault, only 4% reported this to their institutions and only 10% reported to the Police. The most common reason for not reporting serious sexual assault was that the victim felt ashamed or embarrassed; 43% also thought they would be blamed for what had happened, and one in three thought they would not be believed.

If we are to eradicate sexual violence, we must place blame solely on perpetrators and build trust in a justice system that has too often failed survivors of sexual assault. Furthermore, we need a cultural shift in attitudes towards VAW if we want to see widespread change in behaviour. As discussed later, we consider consent and healthy relationship education to be a vital tool in this aim. The Welsh Government’s “Respect – Give It” campaign targeted at students was a step in the right direction, however a one-off campaign is not sufficient to change institutionalised attitudes that have been cemented over a lifetime.

We must also demand colleges and universities play a role in stamping out violence and sexist attitudes. Institutions have a duty of care for their students and should be expected to make provisions to prevent and respond to VAW as much as every other public body. We would recommend colleges and universities are mandated to tackle this growing epidemic through national and local strategies. Education is a highly formative stage of life and attitudes and behaviours learned then can be very difficult to unlearn; we would be highly disappointed if this was not recognised and addressed within the Bill.

### Local Strategies

NUS Wales believes that collaboration between agencies is an important step in ensuring local strategies are as effective as possible and are pleased the Bill ensures Local Authorities and Local Health Boards will work together to tackle VAW.

NUS Wales remains concerned about the need for VAW services to cover all of Wales adequately. VAW is in no way more of an urban issue than a rural issue: research from the WI shows that domestic abuse happens at the same levels in both urban and rural settings ('Violence against Women in Rural and Urban Areas', National Federation of Women's Institutes & University of Bristol, May 2009). A regional approach must not disadvantage geographically large, diverse and sparsely populated areas such as Powys and Dyfed, and support services must still be delivered locally. There is the definite risk of a variation (postcode lottery) when it comes to providing services. There has simply never been enough service provision for victims of VAW. There were 63 services for victims of VAW across Wales in 2009, for a population of 1,526,000 women. The services include domestic violence services, specialist domestic violence courts and a single rape crisis centre. This provision is very patchy across Wales. Regional co-ordinators would have a massive job on their hands when working with all the public bodies. Therefore, there is an urgent need for improved services throughout Wales, and for women to be able to access these services, particularly in rural areas.

Within rural areas there is often the perception that so-called honour-based violence does not exist, due to far fewer residents originating from countries where this routinely takes place. In many of these areas however, there are large student populations (a third of the Aberystwyth population, for example, are students) which include international students from countries that practice FGM and forced marriage. We recognise that it is unlikely that every local authority will be able to provide specialised services in all areas of VAW, however we would not like to see the needs of students (whether international or home) being overlooked in the Bill.

For students, there are two more issues with regards to a localised approach: campuses which cut across regions; and students with a home address in one region but who study in another. These students will need clarity about which region they belong to, and information must be shared between the regions.

### Ministerial Adviser

NUS Wales welcomes the creation of the Ministerial Adviser; however we are concerned that, as currently proposed, this role will lack the independence to fully scrutinise and hold to account the Welsh Government. NUS Wales envisages that this person should bring much-needed leadership, accountability and scrutiny to the governance of Wales. They should bring valuable expertise to the Welsh Government, and keep the Government and Ministers informed on the best ways to tackle VAW.

Further, the proposed functions of the Adviser are very wide-ranging, and will be difficult for one person to fulfil. Such an individual would need expertise in all forms of VAW, in addition to expertise in policy; legislation; service delivery; training programmes; public relations; international best practice, research and evaluation. They also need time to carry out these duties.

As a result, NUS Wales recommends an Independent Commissioner on Ending VAW, with a Commission of advisers, researchers and administrative staff to support their work. The Commissioner will have a similar role to the proposed Adviser, but with the ability to hold the Welsh Government to account. They must be able to enforce legislation and impose sanctions if organisations are failing to end VAW, not just have a role in monitoring compliance. They must also have genuine independence from government. NUS Wales supports the plan for the Commissioner to produce a report which will hold local authorities, education, health and third sector organisations to account over their compliance with the legislation. However, the report needs to be released more frequently than once a year.

Creating the role of Commissioner would show that the Welsh Government and others take the problem of VAW seriously. They will clarify exactly what is meant by 'Violence Against Women'. The term is currently little understood amongst agencies and among the general public.

Several examples of Commissioners on Ending VAW exist around the world (Spain, Denmark, Philippines, Honduras); while here in Wales, the current role of Children's Commissioner could be used as a model for the plans on ending VAW.

The Commissioner must be a person who has experience of working with the victims of VAW and abuse. They must have a leading role and an educative role, empowering people to stand up. The person must have links with the Police and local authorities. They should also have strong connections with Black and Minority Ethnic (BME), Lesbian, Gay, Bisexual and Transgender (LGBT) and disability related services.

As previously stated, our research report *Hidden Marks* showed that many victims of VAW do not report their experiences out of concern that their problems will not be taken seriously, they will not be believed, or even that they might be blamed for the incident. The Commissioner can take a leading role in reassuring women and women students in Wales that should such an incident occur and they report it, it is not their fault, they will be believed, and their institution/the Police will respond appropriately.

Student support services will need to be included in the Commissioner's overview. As such services are often 'first points of contact' for students accessing other services, they must also be linked in with the Commissioner. Whenever local services are looked at, the student population also needs to be considered, particularly students at rural campuses.

NUS Wales also agrees that the Commissioner must challenge the impact of non-devolved functions from the UK Government with relation to VAW, including immigration laws. Currently, women international students on Tier 4 visas have no access to public funds, meaning they are unable to access refuges. We suggest that the Commissioner works to challenge this issue and others.

Of course, creating the role of Commissioner will not be the whole story. Other agencies must still play their role. However, in terms of bringing expertise, the Commissioner would be a valuable new position. A Commissioner supported by a Commission will be much more effective in achieving the specified outcomes than a single Adviser.

The structure of a Commissioner, Commission and regional co-ordinators will be a positive step. It will enable a consistent all-Wales approach to the monitoring and the sharing of information, and it will allow groups to work together to tackle VAW. It will increase awareness of the issues surrounding VAW, making it a priority in public life, and communicating how the public and key workers can identify 'signs of abuse'.

For individual cases, we need one agency to take charge at a local/regional level for all matters relating to VAW. This single agency will collect all data, and co-ordinate the sharing of information between all public bodies.

The ability of elected local authority members to provide scrutiny on the 'front line' will, of course, be limited. However, the new tougher stance against VAW will still communicate to service providers that these forms of abuse cannot be tolerated.

In addition, the Commissioner needs to engage with Higher and Further Education institutions, to ensure these institutions develop policies to combat VAW, as well as providing advice, support and signposting for victims of VAW in education.

### Elements Not Included

#### Workplace Policies

NUS Wales are concerned that workplace policies have been omitted from the Bill at this stage. The Equality Act 2010 already protects against unfair treatment due to protected characteristics including sex, gender reassignment, pregnancy and maternity. It prohibits unfair treatment in the workplace, such as discrimination, harassment and victimisation. In particular, Section 149 places a

duty on public sector bodies to consider everyone when carrying out their work. This includes users of public services, and their own employees.

However, more can and absolutely should be done. A workplace policy on VAW is a positive and complementary step, which will communicate clearly to workers and managers that VAW is unacceptable, and show exactly where their responsibilities lie. The policies will explain the duties of employers and employees under the Equality Act. Workplace policies would also be helpful for staff working in HEIs and FEIs, and this should also be encouraged. Policies should attempt to identify and assist employees who are victims of VAW and should take into account the effect of violence on employees' performance at work – many women experiencing domestic abuse, for example, will arrive late or miss days of work as a result of the violence.

NUS Wales believes that work place policies can and should go further than a right to 'information and support'. A stronger right would be "The right to a life free from gender-based violence, abuse and harassment". Such a right would be a powerful demonstration that VAW is unacceptable, and that everyone must take steps to reduce its normalisation and prevalence.

### **Healthy Relationships and Consent Education**

NUS Wales are extremely disappointed in the omission of any healthy relationships or consent education from the Bill. Such education is vital in teaching children that VAW, abuse, domestic violence and sexist behaviour are all unacceptable and would play a huge part in both preventing and challenging societal attitudes towards VAW. We understand that there is potential for this to be addressed in the upcoming curriculum review, however with so many other factors to consider we remain far from convinced that Healthy Relationships and Consent Education will be incorporated into the review. We simply cannot emphasise enough how valuable we consider this education to be and the extent to which we think it will change lives for the better in Wales.

We would highly recommend such measures being incorporated into the Bill. It will create an atmosphere of equality, and should form an incredibly important part of the PSE curriculum. Within the healthy relationships education, all forms of violence against women and girls must be covered. There must also be a focus on teaching children about consent, as well as on healthy relationships.

Currently there are 26 domestic abuse initiatives taking place in schools across Wales. One of these, the All-Wales Schools Liaison Programme, is a one-off session which itself presents problems. Others include the Spectrum Programme, Keeping Safe and Crucial Crew. None of these are compulsory, and delivery can be limited by funding. Other forms of VAW receive little attention. In addition, children may not see a healthy relationship at home. A proportion of children witness domestic abuse in the home and will go on to have abusive relationships in their adult life. Therefore it is important to teach children what exactly a "healthy relationship" is.

The content of the education must be age appropriate. NUS Wales supports the introduction of compulsory age-appropriate modules on healthy relationships and consent, throughout primary and secondary education. Children are influenced from a very young age and may well see violence and abuse at home. Therefore primary education must deliver an anti-bullying message. At secondary school PSE can go beyond anti-bullying education, to consider abuse between people in a closer relationship. NUS Wales believes that education should go beyond healthy relationships, to include consent. Consent education would empower girls and young women to say 'no' if they want to, and educate boys to respect that decision. It would also teach young people to seek enthusiastic consent from their partners, which would help to prevent unwanted experiences and reduce assumed consent.

Alternative forms of healthy masculinity should also be explained to boys, by tackling the link between masculinity and aggression/dominance (including over women) which encourages so much VAW. Education must also cover human rights and UK law, to combat harmful cultural practices and

'honour-based' violence including FGM and forced marriage. Finally, the education needs to recognise that VAW is a gendered issue, and a form of gender-based discrimination.

Such issues as sexting, name calling such as 'slut' and 'slag' in schools, access to pornography, peer pressure, victim-blaming, and the sexualising and objectifying attitudes towards women which these behaviours promote should be tackled. Children should be taught how to cope with potentially abusive or violent situations, without resorting to violence themselves. Education on consent and healthy relationships needs to focus on perpetrators and remove victim-blaming stigma.

There also needs to be a focus on the relationships which young people actually enter. Of course, nobody can dictate to people the relationships they should make, but a 'Healthy Relationships' education will lay the foundations now and for the future. The original White Paper sought 'less acceptance' of VAW, but NUS Wales believes that a zero-tolerance approach to VAW is necessary. By taking such an approach in the classroom, not only will bullying immediately be reduced in the school setting, but children will learn that later on in life, when relationships are more complicated, violence of any kind is unacceptable.

As well as pupils, teachers must also be considered. The core comprehensive "healthy relationships" education should be delivered by existing VAW specialists in the Third Sector. Such an approach would be cost-effective, considering their existing expertise on VAW. However there is still a significant role for teachers to play. Some may not feel confident in dealing with these issues. One risk of teachers not being properly trained on the issues is that they could focus on trying to teach girls to change their behaviour (such as not walking alone at night or dressing conservatively) rather than teaching boys to respect boundaries. As a result, all teachers need to receive specialist training in identifying and tackling VAW, and on how to teach about VAW in the classroom. Another remedy would be to employ a 'champion' in every school, a further provision that has been omitted from this version of the Bill. There is also a role for school counsellors in identifying VAW and referring pupils as appropriate.

Healthy relationships education needs to take place in all primary and secondary educational settings, including the youth justice system and youth clubs.

Other measures could include:

- The Welsh Government working with Estyn to ensure schools are delivering this education, with sanctions for schools which do not comply
- Looking at schools' policies, including discussions with head teachers
- Through parent-teacher associations
- Ensuring that every school has one expert on VAW to mitigate the risk of poorly-trained delivery of this education

### Barriers to Implementation

Given the limited changes described by this Bill, NUS Wales does not see at this stage significant barriers to implementation. Our concerns are focused on what is missing from the Bill, and the real changes in public policy required to make a significant reduction in the prevalence of violence against women.

### Unintended Consequences

We would be concerned, as we have described above, if policies and services are entirely gender neutral. It is important to recognise the need for women-only services and we must ensure that any changes brought about by this Bill do not endanger that.

As previously outlined, we would also be concerned that the lack of duties relating to Further and Higher Education settings would serve to suggest that institutions do not need to take strong action to protect students.



NUS Wales also feels as if there is a lack of clarity around some areas and aims of the Bill, which may lead to its misinterpretation. Section 21 refers to gender-based violence as “violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation”. NUS Wales considers homophobic and biphobic violence every bit as reprehensible as misogynistic violence and supports legislation to tackle violence against members of the LGBT community. However, we are unsure of the appropriateness of an isolated reference to sexual orientation in a Bill regarding gender-based violence. Is this a Bill addressing GBV or all forms of discriminatory violence? We would, however, welcome an approach that identified how different forms of discrimination interact with each other to produce ‘double discrimination’, such as the specific violence faced by black women, lesbian women, etc.

Research has shown that disabled women, for example, experience abuse at least twice as often as non-disabled women. Trans-gender women are also far more likely to face violence than women who are not trans-gender (i.e. cis-gender women).

### Financial Implications

Currently the Bill is overly optimistic. If funds for existing services are simply re-allocated, this will seem to result in money being taken from the front line service providers, a position which NUS Wales would find difficult to support. One additional cost would be the salaries for the Commissioner, Commission staff and regional co-ordinators.

Whilst the current economic climate is difficult, any additional funding would bring great benefits considering the social cost of VAW to Wales. The total cost of domestic violence in Wales was estimated to be £826.4 million in 2009. This includes healthcare, criminal, legal, social service and housing costs, lost economic output, and human/emotional costs. It is likely to be an underestimate because the figures do not include domestic violence by family members who are not intimate partners. Professor Sylvia Walby estimated the cost of domestic violence across the whole UK to be £16 billion in 2009. Whilst shockingly high, this had fallen by £7 billion over the previous five years, a fall which can be attributed to increased use of public services. This highlights the importance and benefit of properly funded services.

### Subordinate Legislation

As we have yet to see the content of subordinate legislation, it is difficult to support the position that powers are balanced between the Bill and secondary legislation when it comes to services for students. We feel that clarity on educational settings and the bodies that have to comply with the new duties should be included within the face of the Bill.

We look forward to considering future stages of the Bill, and will be raising issues related to definitions of violence against women in the Bill and in subordinate legislation. For example, the definition of harassment seems to lack clarity, and the elements related to domestic abuse do not recognise the difference between isolated incidences of violence and the pattern of repetitive incidents of violence and control.

2nd floor, Cambrian Buildings  
Mount Stuart Square  
Cardiff CF10 5FL

t 029 2043 5390

e [office@nus-wales.org.uk](mailto:office@nus-wales.org.uk)

[www.nus.org.uk/en/nus-wales](http://www.nus.org.uk/en/nus-wales)