

The Crown Prosecution Service

**VIOLENCE
AGAINST
WOMEN**

**STRATEGY AND
ACTION PLANS**



April 2008

VIOLENCE AGAINST WOMEN STRATEGY AND ACTION PLANS

1. INTRODUCTION

- 1.1 The Crown Prosecution Service (CPS) recognises VAW as a fundamental issue of human rights. Human rights are the principles that underpin the development of violence against women (VAW) work, drawing on the United Nations conventions that the UK has signed and ratified. Freedom from violence and abuse is explicitly recognised in international law with respect to both human rights and gender. Violence against women is also recognised internationally and nationally as a cause and consequence of broader social, economic and cultural discrimination experienced by women.
- 1.2 Crime affects all communities in England and Wales. The criminal law is there to protect all members of our society and to ensure that those who break the law are dealt with appropriately. In developing this strategy, the CPS aims to provide an overarching framework to tackle crimes of VAW that have been committed primarily by men, within a dynamic of power and control. For example, CPS data shows that 89% of victims of domestic violence are women and 94% of perpetrators are men.¹
- 1.3 The CPS is committed to the fair and consistent application of the criminal law so that offenders of VAW crimes are properly dealt with; victims and witnesses are properly supported and protected; and society as a whole is safer.
- 1.4 The CPS has a vision of becoming a world-class prosecution service. In December 2006, the CPS launched a Single Equality Scheme (SES), to develop further our improvements in delivering justice for all and being valued and respected by the communities we serve and our employees.
- 1.5 The Single Equality Scheme covers the equality strands of race, gender and gender identity, disability, age, religion or belief and sexuality. It also demonstrates the holistic approach to equality and diversity taken by the organisation.
- 1.6 The associated SES Action Plans deal with issues common to all of the strands. There are also strand specific plans, which allow the CPS to focus on the key obligations under each of the three positive duties that arise in respect of race, gender and disability. The development of a VAW strategy as part of the Gender and Gender Identity Equality Action Plan helps us to meet part of our obligation under the Gender Equality Duty (GED).

¹ CPS December 2006 Domestic Violence Snapshot.

Violence against Women Strategy and Action Plans

- 1.7 The CPS has included VAW in the top business priorities for 2008-11, alongside hate crimes and community engagement.
- 1.8 This is set against a background of national and international developments. Since the early 90s the United Nations, European Union and Council of Europe have all identified VAW within a human rights framework. They have recommended that governments develop national VAW action plans.
- 1.9 In the UK, the End Violence against Women (EVAW) campaign,² launched in November 2005, is a coalition of organisations that has assessed Government departmental approaches to VAW.
- 1.10 In 2006, the CPS was assessed for the first time by EVAW and was awarded the highest marks across Government for its work on VAW. EVAW recommended further work by the CPS to reduce attrition rates in relation to rape, domestic violence, stalking and child sexual abuse. It also recommended that the CPS introduce a VAW indicator to monitor offences of VAW brought to justice.
- 1.11 The CPS VAW strategy sets out the vision for developing our VAW work, building on the work of 2006-07, and provides supporting action plans for future work.

TERMINOLOGY

- 1.12 In this document, all references to 'men' should be read to include 'boys' and all references to 'women' should be read to include 'girls'. The terms 'men' and 'women' have been used in order to include transgender individuals, regardless of whether or not they have undergone formal gender re-assignment.

² EVAW was coordinated in 2005-06 through the Women's National Commission and in 2006 onwards through Amnesty International.

2. BACKGROUND AND CONTEXTS

2.1 INTERNATIONAL CONTEXT

2.1.1 The background to the VAW agenda is both international and national. The international agenda includes the work of the United Nations (UN) and the Council of Europe (CoE).

2.1.2 UNITED NATIONS

- The UN has prioritised VAW work within a human rights framework since the early 1990s. In 1995 the UK Government signed the Beijing Declaration and Platform for Action on VAW. The UN defined gender-based violence against women as:

“violence that is directed against a woman, because she is a woman, or violence that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”

- Further information on the UN and its expanded VAW definition is in Annex A.

2.1.3 COUNCIL OF EUROPE

- The Council of Europe has developed a number of initiatives to combat VAW since 1993 and is currently running a campaign to combat VAW,³ including domestic violence, which is being overseen by a European task force.
- The Council works to a definition similar to that of the UN. The work of some Member States has also included addressing pornography.

2.2 NATIONAL CONTEXT

2.2.1 GOVERNMENT-WIDE DELIVERY PLANS

Currently there is a range of Government-wide Delivery and Action Plans overseen by Inter-Ministerial Groups (IMGs), including on domestic violence, sexual violence, human trafficking and prostitution. Further details are contained in Annex A.

2.2.2 The strong links between domestic violence and sexual violence have been recognised by the Ministry of Justice. This is reflected by the fact

³ The CoE drew up the first international instrument to propose a global strategy to prevent violence and to protect victims; developed a VAW action plan in 2005; and developed a monitoring framework with Member States to provide regular updates about their progress on VAW issues.

that the same Minister now has responsibility for both IMGs. The Home Office has also combined work on domestic violence, sexual violence and prostitution.

2.2.3 The Inter-Ministerial Groups on Domestic Violence and Sexual Violence are under review in the light of the development of a cross-Government Violent Crime Action Plan. The Reducing Reoffending IMG now has responsibility for implementing the Government's Response to the Corston Report. The Corston Report proposed links between the work on violence against women and women offenders.⁴

2.2.4 The Minister for Women and Equality have indicated that tackling VAW and improving the way in which women who commit crimes are dealt with are among their top three priorities.

2.2.5 **END VIOLENCE AGAINST WOMEN CAMPAIGN**

- Since 2005, the EAW campaign has conducted an annual, independent analysis of Government departmental initiatives on VAW – “*Making the Grade?*”
- EAW recommends a Government-wide national strategy and action plans on VAW. The recent ‘*Map of Gaps: The Postcode Lottery of Violence against Women Support Services*’, published by EAW and the Equality and Human Rights Commission (EHRC), has identified inconsistencies in the provision of services for victims of VAW. This suggests that there is a need for Government work on VAW to be more ‘joined-up’ and funded in a consistent and sustainable way.
- EAW believes that a strategic and integrated approach to VAW would provide many benefits. We have identified those likely to impact on the criminal justice system (CJS) in paragraph 5.
- The EAW recommendation for future work by the CPS was: “*to ensure the effective delivery of justice in cases of violence against women*”.
- The accompanying EAW recommended target and indicator for the CPS were to “*reduce attrition rates in rape and domestic violence, stalking and child sexual abuse cases*” and to “*increase the proportion of violence against women offences brought to justice*”.
- This CPS VAW strategy and action plans take on board the recommendations of EAW.

⁴ The Corston Report - A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system, March 2007.

- In 2007, for the second year running, the CPS scored the highest mark across all Government Departments. This score was based on our 2006-2007 work and future plans on VAW.

2.3 LEGISLATIVE CONTEXT

- 2.3.1 Violence against women is recognised as a human rights issue. The main Articles from the European Convention on Human Rights that apply are listed in Annex A.
- 2.3.2 Protection from violence against women is also found in a number of other European conventions. These are also listed in Annex A.
- 2.3.3 The Equality Act 2006 established the Commission for Equality and Human Rights (CEHR), which is responsible for overseeing the implementation of the Gender Equality Duty, with effect from October 2007. Given the fact that violence against women is rooted in the inequalities found throughout society between men and women, the GED provides a way for public authorities to look at how they operate in order to address systemic inequalities.
- 2.3.4 Although there is no specific offence of VAW, there are some specific offences within the criminal law that may constitute VAW. For example, perpetrators can be prosecuted for offences of rape, sexual assault, human trafficking, prostitution, child pornography and female genital mutilation.
- 2.3.5 For some of the strands of VAW, there are no specific offences to prosecute under. However, if an offence falls within a specific policy or within an agreed definition, then it will be prosecuted as such. For example, there is no specific offence of "domestic violence", so cases of "domestic violence" are prosecuted under a range of other offences from common assault to murder. Forced marriage and so-called honour crimes are prosecuted within the domestic violence policy and identified through individual definitions. Child abuse and crimes against the older person also include a range of offences, similar to domestic violence.
- 2.3.6 The Government has passed several pieces of legislation in the last five years that reflect an increased focus and commitment to tackling violence against women. These are outlined in Annex A.
- 2.3.7 While the criminal law is crucial in holding perpetrators to account, the civil courts in England and Wales provide vital injunctive relief for victims who need protection that may not be available through the criminal courts.
- 2.3.8 VAW can also arise in employment situations, for example through bullying, harassment and other forms of discrimination.

2.3.9 In the context of immigration, women who are refugees and asylum seekers and have suffered physical or sexual violence in their country of origin may be particularly vulnerable. They may also face the additional difficulty of having no recourse to public funds.

2.4 MULTI-AGENCY CONTEXT

2.4.1 Work on many of the VAW strands is currently being addressed with partners in local and national multi-agency frameworks. Alongside the Government-wide delivery plans, some Government criminal justice departments consult regularly with external partners. In addition, there are a number of cross-criminal justice system initiatives, such as the Specialist Domestic Violence Court Programme, which involve partnership working between Government departments, statutory agencies, and key national voluntary sector organisations.

2.4.2 Multi-agency working is equally crucial at a local level. Local Criminal Justice Boards and Crime and Disorder Reduction Partnerships have been developed over the past decade, in recognition of the importance of partnership working in addressing local issues and ensuring the delivery of outcomes.

2.5 CPS CONTEXT

2.5.1 The CPS has developed a VAW strategy and action plans, not only in recognition of UN, CoE and EVAW initiatives, but also in recognition of the importance the Service places on improving the prosecution of these crimes and supporting victims in the process.

2.5.2 The strategy has been amended following a 12-week public consultation. In total, 44 responses were received, from both non-governmental organisations and statutory agencies. The responses demonstrated widespread support for the strategy and for a gendered framework more generally.

2.5.3 The CPS consultation also included the CPS VAW Project Assurance Group, VAW Board, Community Accountability Forum, Domestic Violence Board and the Performance Management Project Board, which all involved Chief Crown Prosecutors from a number of Areas and senior CPS staff. The documents were also put on the CPS Infonet for consultation with CPS staff.

2.5.4 CPS work over the past few years has focused on the improved prosecution of many gender-related crimes. Since 2001, the CPS has developed policies and guidance on domestic violence, rape and sexual offences, prostitution, and human trafficking; and more recently on children and young people and crimes against the older person. The lessons learnt from these individual strands of work can now be shared, and patterns of crime, victimisation and support addressed.

- 2.5.5 The CPS has had inspections on domestic violence and rape that have highlighted areas for future action.
- 2.5.6 We have made most progress within domestic violence prosecutions and have variable levels of success in other areas.
- 2.5.7 The CPS Board includes VAW in its top priorities for 2008-11, and VAW is one of the Director of Public Prosecutions' personal objectives.
- 2.5.8 We now wish to bring the various strands of VAW work together. The CPS Single Equality Scheme makes specific provision for the development of a single cohesive VAW strategy, with supporting action plans, by March 2008.
- 2.5.9 The VAW strategy will cover work within the remit of the CPS with respect to the prosecution of cases; support for victims, including CPS staff; and increasing public confidence in the CJS, as outlined in section 3 below.
- 2.5.10 The strategy will be underpinned by effective partnership working at both a local and national level. The CPS has organised national work with external partners on a range of VAW strands. For example, the domestic violence work has a governance structure that includes an External Consultation Group consisting of voluntary sector domestic violence organisations and statutory agencies to advise quarterly on CPS work. At an Area level, the CPS works with communities through local partnership structures (for example, domestic violence forums and Hate Crime Scrutiny Panels).

3. WHAT WE ARE AIMING TO ACHIEVE

3.1 OVERALL AIMS

- 3.1.1 The VAW strategy aims to secure the coordination and improved prosecution response to a range of crimes that fall under the umbrella of VAW. In 2008-09, the focus will be on putting systems in place to coordinate, rationalise and integrate work across the VAW strands. This will include a focus on rationalisation of VAW strand coordinators, specialist prosecutors, development of VAW Guidance and a VAW indicator and systems to monitor victim, witness and stakeholder satisfaction. In 2009-11, the emphasis will move to embedding the strategy into core CPS business, monitoring performance across the strands, monitoring support for victims and witnesses and external satisfaction.
- 3.1.2 The CPS will address work within its remit that falls under the UN definition of VAW, excluding state crimes, as outlined in Annex A. Work on pornography and sexual harassment will be included in line with the definitions from the Scottish Executive and the Council of Europe.
- 3.1.3 Specifically the strategy will focus on:
- domestic violence, including harassment;⁵
 - forced marriage;
 - so-called honour crimes;
 - female genital mutilation;
 - rape and sexual offences;
 - human trafficking, with a focus on trafficking for sexual exploitation;
 - prostitution, including child prostitution;
 - crimes against the older person;
 - child abuse;⁶
 - pornography – obscene publications; and
 - sexual harassment at work.⁷
- 3.1.4 CPS work on VAW will focus on crimes where sexual exploitation occurs, in a broader sense, not just where actual physical or sexual violence is involved. This is in line with cross-Government strategies. For example, in relation to prostitution, crimes such as kerb-crawling will be included, as these fuel the exploitation of women by indirectly

⁵ Harassment is used instead of the term "stalking" (which is used by EVAW) as criminal cases of stalking are dealt with under the Protection from Harassment Act 1997.

⁶ At present the CPS has no formal definition of child abuse. Work to develop this is underway.

⁷ All forms of harassment that are criminal offences will be addressed as part of domestic violence. Sexual harassment at work, although not a criminal offence, will be dealt with in relation to CPS staff through Human Resources.

supporting drug-dealers and abusers, as well as perpetuating a market fraught with violence and abuse.⁸

3.2 OBJECTIVES

3.2.1 The CPS specific objectives in crimes involving violence against women are to:

- improve prosecutions;
- increase public confidence;
- improve support, safety and satisfaction for victims; and
- address any disproportionality across the equality strands.

3.2.2 This strategy will help to deliver the overall criminal justice system Public Service Agreement of bringing more offenders to justice and increasing public confidence (PSA 24), by providing a framework and supporting action plans for the range of crimes outlined above. It will also help to deliver PSA 23 around reducing the rate of serious violent crime, including tackling the most serious sexual violence and domestic violence offences.

3.2.3 The VAW strategy will help the Government to fulfill its obligations under the Convention for the Elimination of Discrimination against Women (CEDAW) and will also help the CPS to meet its obligations under the Gender Equality Duty.

3.3 BROAD MEASURES OF SUCCESS

3.3.1 The criminal justice system PSA target shared by the CPS, Home Office (HO) and Ministry of Justice (MoJ) for 2008-11 (PSA 24) is as follows:

- To deliver a more effective, transparent and responsive criminal justice system for victims and the public through:
 - improving the effectiveness and efficiency of the CJS in bringing offences to justice;
 - improving public confidence in the fairness and effectiveness of the CJS;
 - improving the experience of the CJS for victims and witnesses;
 - understanding and addressing race disproportionality at key stages in the CJS; and

⁸ Part of the Government-wide prostitution strategy involves responding to community concerns by deterring those who create the demand for prostitution, and removing the opportunity for street prostitution to take place. This includes a campaign to deter kerb-crawlers. CPS work will include the prosecution of kerb-crawlers as well as bringing to justice those who exploit individuals through prostitution, and those who commit violent and sexual offences against those involved in prostitution.

- the recovery of criminal assets.

3.3.2 The CPS Business Plans, Equality and Diversity Strategy and Single Equality Scheme, including the Gender and Gender Identity Equality Action Plan, all reflect previous similar targets around:

- increasing the number of offences brought to justice by 2007-08;
- increasing public confidence in the CJS – including the confidence of Black and minority ethnic (BME) communities; and
- increasing the satisfaction with the services of victims and witnesses, while respecting the rights of defendants.

3.3.3 The CPS recognises that measures of success should address the support, safety and satisfaction of victims as well as bringing offenders to justice. The VAW strategy will therefore reflect these measures, which are linked to the following current CPS PSAs:

- Improving the effectiveness and efficiency of the CJS through bringing more offenders of VAW crimes to justice:
 - reducing unsuccessful prosecutions of VAW crimes;⁹
 - coordinating VAW work;
 - rationalising VAW work, including resources and personnel; and
 - sharing good practice across VAW strands.
- Improving public and stakeholder confidence in the CPS:
 - further enhancing CPS performance in addressing VAW and our local, national and international reputation in this area.
- Improving victim and witness support, safety and satisfaction:
 - working with partner agencies in supporting victims and witnesses;
 - providing and improving appropriate support for VAW victims and witnesses; and
 - addressing VAW issues relating to staff policies and practices.
- Addressing any disproportionality across all of the equality strands.

3.4 PAINTING A PICTURE OF SUCCESS IN 2011-12

3.4.1 Here we picture the CPS in 2011-12, recognised as being increasingly successful in this area.

⁹ The aim is to reduce unsuccessful prosecutions through increased guilty pleas and convictions at trial without reducing the number of appropriate cases coming into the criminal justice system.

By 2011-12 we would want to see:

- increased successful prosecutions of all VAW crimes, without reducing the number of appropriate cases coming into the criminal justice system;
- all women victims report significantly increased levels of support, safety and satisfaction with the CPS at all stages of the process;
- women from a range of communities report significantly increased levels of confidence in the CPS;
- voluntary sector partners involved with CPS in relation to VAW work commend the outcomes;
- a thematic inspection of VAW commends CPS progress in recent years (2011-12);
- external assessors rate CPS VAW work positively and highly;
- specialist prosecution resources on VAW exist and are working effectively across each CPS Area; and
- women who are employed by the CPS report high levels of confidence in how they are, or believe they would be, supported by managers when facing harassment or violence.

4. THE NEED FOR AN OVERARCHING GENDERED FRAMEWORK

4.1 OVERALL RATIONALE

- 4.1.1 There are many categories of offence that involve violence against women (such as rape) and there are many general descriptions of unlawful behaviour that, of themselves, are not criminal offences but in respect of which women are the substantial majority of victims (such as domestic violence). The link between all these offences is that most often the victims are women and the defendants are men. Often, the nature of the offending indicates that the defendant exerts a controlling influence on the victim's life. The context is frequently one of abuse of power, used by the perpetrators, the majority of whom are men, to control victims who are women – forcing them, for example, into marriage, prostitution, pornography or sex.
- 4.1.2 Often, the defendant and the victim will be known to one another and may be partners or relatives. The nature of the relationship between the two may well mean that the victim has additional issues to consider before even reporting an offence to the police. For example, there may be children and/or young people involved, or there may be a high level of financial dependency, which may in turn cause the victim to become financially insecure if the defendant is removed from her environment. There may also be cultural issues to be addressed.
- 4.1.3 The purpose of drawing the most common strands of VAW together is so that the expertise and experience acquired in respect of some strands can be brought to bear on others that have the same dynamics (for example, men being violent towards women with whom they are in a relationship). This will help prosecutors to be aware of the raft of issues that they may need to address. For example, prosecutors should be aware of the potential for repeat victimisation, which is a significant factor in many cases of violence against women. Not only is specialised support needed for the victim, but the approach to the prosecution of the defendant also needs to be specialised. This is reflected, for example, in the policies and guidance provided on domestic violence and rape. Prosecution policies also need to address issues relating to evidence in the light of the often close relationship between victim and defendant and the increased likelihood of victim intimidation and retractions.
- 4.1.4 There is a clear benefit in devising a strategy so that a common approach may be adopted in cases where offences are directed at women and girls, because of their gender, or in cases that disproportionately affect women and girls as victims,. This is an approach that has been favoured by the UN and EVAW.
- 4.1.5 VAW issues should be addressed within a gendered framework because:

- the majority of victims of these crimes are women (see paragraph 6);
- the majority of defendants are men (see paragraph 6);
- unlike other forms of violent crime, the majority of offenders are known to the victim, which creates more complex dynamics of crime for both the victims and the criminal justice system to deal with;
- most of the crimes are committed within a context of power and control used by men against women – for example, forcing them into marriage, prostitution, pornography or sex;
- there are specific intimate or family relationships between many of the perpetrators and victims – for example, domestic violence, forced marriage, so-called honour crimes, FGM, rape within relationships, familial child abuse or crimes against the older person. The existence of this intimacy creates a context of coercive control;
- offenders known to the victim create a more complex dynamic of crime, for both the victims and the criminal justice system to deal with;
- a family or intimate link in many VAW cases often leads to a reluctance of victims to report to the criminal justice system or to stay in the system after reporting;
- abuse may be organised – as, for example, in trafficking for sexual exploitation and child sex abuse networks;
- historic abuse, especially abuse in childhood, also appears to make women vulnerable to other forms of violence – for example, sexual assault, harassment or domestic violence in adolescence or adulthood;
- patterns of coercive control of victims, present in many of these cases, often leads to victims' reduced ability to act – especially for children and young people, immigrant women, and trafficked women;
- there is a sexual nature to many of these crimes – pornography, rape, sexual assaults, prostitution, trafficking for the sex industry, forced marriage and some aspects of child abuse. This makes naming and reporting even more complex;
- rehabilitation, where possible, needs to recognise the root causes of power and control by challenging disrespect based on gender.

4.2 MEN AS VICTIMS OF VIOLENCE

4.2.1 The VAW strategy provides an overarching framework for crimes that have been identified as being committed primarily by men, against women. The gendered patterns and dynamics involved need to be acknowledged and understood in order to provide an appropriate and effective service. However, the CPS VAW strategy and action plans sit alongside other general policies (for example, on domestic violence and rape), which address the prosecution of offences of violence. All of our existing policies are gender neutral, and will be applied fairly and equitably to all victims of crime.

4.2.2 Although this strategy focuses on women as victims, the CPS is fully aware that men may also be victims (such as in cases of rape and domestic violence). These victims will have the same access to protection and legal redress. CPS policies and procedures on victim and witness care are applicable in all cases. The impact of violence on all victims will be recognised and men who are victims will be treated with dignity. An assessment of the safety and needs of victims will be conducted on an individual basis.

4.2.3 In recognising the dynamics of VAW, the CPS will not neglect the abuse directed towards men or perpetrated by women. The gender of the perpetrator will not make a difference to the CPS approach to bringing offenders to justice. All defendants will continue to be prosecuted fairly and justly, in accordance with the Code for Crown Prosecutors.

4.3 INTERSECTIONALITY – RECOGNISING THE DIVERSITY OF WOMEN

4.3.1 Although we refer to ‘women’ throughout the strategy, the CPS recognises the diversity of women. The CPS is keenly aware that the experiences of women subject to violence may be affected by other factors or ‘identities’ such as their ethnicity, gender identity, age, disability, sexuality, religion or belief, or social class.

4.3.2 Whilst there may be some commonality of experience on the basis of gender, the interaction of gender with other identities can produce a substantively distinct experience of violence for each individual woman and can ‘contribute to unique experiences of oppression and privilege’.¹⁰ The CPS considers that an understanding of these different identities – referred to as ‘intersectionality’ – is crucial to tackling violence against women.

4.3.3 As a result of intersectionality, individual women’s experiences of violence will be different. Women may also encounter additional barriers to accessing justice. For example, a lesbian might be anxious about reporting violence because of a fear of homophobia, or being forced ‘to come out’. An older, disabled woman could find it difficult to report violence because of her disability and because of fears that there are no services available for her.

4.3.4 Without the benefit of an overall, co-ordinated strategy on violence against women, women’s experiences may be dealt with in a piecemeal fashion. Where links are not made between the different aspects of a woman’s identity, the prosecution response is likely to be ineffective. We recognise that women’s different experiences require specific responses from the CPS.

¹⁰ Symington, A (2004) *Intersectionality: A Tool for Gender and Economic Justice*.

5. THE BENEFITS OF A VIOLENCE AGAINST WOMEN STRATEGY

5.1 We have identified the following potential benefits of addressing CPS work on these issues under a VAW umbrella:

- **better policy making**, as it can be gender-informed and appropriately targeted;
- **improved tackling of the cross-cutting connections** between VAW crimes in terms of victimisation and perpetration, and ensuring that the links between different types of offending are not missed and work is coordinated (for example, trafficking and prostitution; forced marriage and so-called honour crimes; domestic violence, sexual offences and child abuse);
- **alerting prosecutors to the multifaceted nature of such prosecutions** (for example, recognising that honour killings may involve organised international crime that is linked to trafficking or prostitution), which will help to strengthen the prosecution process and bring more offenders to justice;
- **recognising that some victims may experience more than one offence**; for example, a woman trafficked to the UK may be forced into prostitution through violence by a partner. If she is under 16, this also amounts to sexual abuse of a child;
- **improved multi-agency working**, including linking of services, to ensure that a victim facing many crimes is supported in the most efficient and appropriate way;
- **potential to develop integrated expertise** on VAW and the transfer of knowledge across VAW strands; and to move away from an exclusively strand-specific approach;
- **good practice can be shared across the topics**; for example, improvements in enhanced evidence gathering or dealing with victim retractions through Independent Domestic Violence Advisors (IDVAs) and Independent Sexual Violence Advisors (ISVAs);
- **victims may benefit from support to address a range of issues** that could also reduce the likelihood of further victimisation;
- **reducing the number of women who offend in the longer term**; the Corston Report highlighted the longer term effect of abuse on women's lives, leading to their own increased offending;
- **more efficient and effective community engagement**;
- **linking into more preventative work** to develop longer term solutions;
- **development of a more targeted approach**; and
- **more consistent handling of VAW cases to promote greater public confidence in the CPS and wider criminal justice system.**

6. GATHERING THE EVIDENCE

6.1 DATA ANALYSIS FOR VAW PLANS

6.1.1 2006-07 CPS Case Management System data is provided for those VAW strands where data is currently available. Data is provided on the volume of cases in each of those strands; their respective targets, where available; their proportion of unsuccessful outcomes; and key reasons for any unsuccessful outcomes. A breakdown of data from April to September 2006 has also been undertaken to identify any equality or diversity issues.

6.2 VOLUME AND OUTCOME OF EACH VAW STRAND, 2006-07

6.2.1 Defendant data from charge to outcome is obtained from the CPS Case Management System for cases flagged as domestic violence, rape and child abuse, cross referenced with principal offences.¹¹ Prostitution and trafficking data from charge is only available by key offence and not by defendant or outcome.¹² The Equality and Diversity Impact Assessment (EDIA) provides further data on the gender breakdown. The December 2006 domestic violence snapshot indicated that 89% of victims of domestic violence were women. This data has been consistent since 2002. Data recorded on the Witness Management System is at an early stage and is not yet robust enough to be able to draw meaningful conclusions. However, of those cases flagged and analysed in the EDIA for rape, 89% of victims were women; and for all types of child abuse, 67% of victims were girls. Table 1 overleaf provides more detailed data.

¹¹ Principal offences are grouped offences covering: Homicide, Offences Against The Person, Sexual Offences, Burglary, Robbery, Theft And Handling, Fraud And Forgery, Criminal Damage, Drugs Offences, Public Order Offences, All Other Offences (excluding Motoring), Motoring Offences, Admin finalised.

¹² Data is purely numbers of offences that reached at least one hearing in the magistrates' courts and also counts on indictments.

**Table 1:
Volume and outcomes in 2006 - 07 violence against women cases from charge to outcome**

	Domestic Violence	Rape	Sexual offences (excluding rape)	Child abuse Homicides	Child abuse Sexual offences	Child abuse offences against the person	Prostitution	Trafficking
Numbers of defendants	57,361 (95% men)	3,262 (99% men)	8,165 (96% men)	30 (80% men)	3,801 (98% men)	2,306 (76% men)	647 kerb crawling 115, children; 214 gain/control, (gender not available)	116 (sexual offences linked to trafficking; gender not available)
Targets to reduce unsuccessful prosecutions	36%	No targets yet set						
% unsuccessful outcomes achieved¹³	34.8% (65.2% successful)	45.5% (54.5% succ/ful)	31.4% (68.6% succ/ful)	16.7% (83.3% succ/ful)	30.5% (69.5% succ/ful)	27.8% (72.2% succ/ful)	Not available as these are recorded as offences rather than as defendants ¹⁴	

- The targets set for hate crimes aim to reduce unsuccessful outcomes. In this context, the data above reflects improvements in prosecutions through reducing unsuccessful cases.
- The data indicates the very high volume of domestic violence defendants out of all the recorded VAW cases. The unsuccessful outcomes for domestic violence in 2006-07 (34.8%) went beyond the target of 36%. Successful prosecutions reached 65.2% by April 2007, an increase from 46% in December 2003. By December 2007, successful prosecutions reached 69.3%.
- For rape cases, unsuccessful outcomes fell from 50.8% in 2005-06 to 45.5% in 2006-07 and for sexual offences from 36.9% to 31.4%.
- In child abuse cases, the greatest numbers of flagged cases were for sexual offences.
- Unsuccessful prosecution outcomes for all flagged child abuse cases (homicides, sexual offences and offences against the person) fell from 30.9% in 2005-06 to 28.9% in 2006-07.

6.2.2 The national average for all defendants in 2006-07 was 16.4% unsuccessful or 83.6% successful outcomes. Where data for successful outcomes is available for VAW crimes (domestic violence, rape, sexual offences and child abuse), in 2006-07 there was a total of 74,925 VAW defendants with 49,093 successful outcomes. **This is an average of 34% unsuccessful or 66% successful outcomes.**

¹³ Unsuccessful outcomes include dismissed, acquitted and discharged cases as well as all discontinued cases. Successful outcomes include guilty pleas, convictions after trials and proof in absence.

¹⁴ Outcomes can only be recorded in relation to defendants rather than in relation to specific key offences, as they are in separate data universes.

6.3 KEY REASONS FOR UNSUCCESSFUL PROSECUTIONS

6.3.1 Of all VAW crimes, in 2006-07, data was only available on reasons for unsuccessful prosecutions for cases flagged as domestic violence, rape and child abuse, cross referenced with principal offence categories. The table below provides key reasons for unsuccessful prosecutions as recorded on the Case Management System in 2006-07.

**Table 2:
Unsuccessful outcomes in violence against women cases, 2006-07**

	Domestic Violence	Rape	Sexual offences (excluding rape)	Child abuse Homicides ¹⁵	Child abuse Sexual offences	Child abuse offences against the person
Total number of cases prosecuted	57,361	3,262	8,165	30	3,801	2,306
Total number of cases that were unsuccessful	19,978	1,486	2,562	5	1159	642
Total % unsuccessful outcomes	34.8%	45.5%	31.4%	16.7%	30.5%	27.8%
Key reasons for unsuccessful outcomes were victim issues, cautions and bindovers as listed below. Each is given as a percentage of the total number of unsuccessful outcomes. Not all reasons are provided, therefore totals do not add up to 100%.						
Victim Retraction	22.2%	10.9%	5.5%	20.0%	3.9%	9.5%
Victim Non-Attendance	9.6%	1.0%	1.8%	0.0%	0.8%	3.3%
Evidence of Victim does not support case	15.7%	7.3%	4.5%	0.0%	5.3%	6.7%
Caution¹⁶	1.4%	0.4%	2.0%	0.0%	0.8%	3.3%
Bindover	9.6%	0.0%	1.3%	0.0%	0.2%	6.7%

6.3.2 Table 2 shows the proportion of unsuccessful cases linked to victim issues, cautions and bindovers. It therefore illustrates some key difficulties in the prosecution of these cases.

¹⁵ Homicide data in CPS includes murders, attempted murders, threats or conspiracy to murder, manslaughter and causing death by aggravated vehicle taking – the victim retractions must relate to non- murder/manslaughter cases.

¹⁶ This data relates to cases that have been charged and result in a caution.

6.4 EQUALITY AND DIVERSITY ISSUES BASED ON APRIL – SEPTEMBER 2006 DATA

- 6.4.1 As above, in April - September 2006, data is available only for domestic violence, rape, other sexual offences and child abuse (which is further broken down by homicides, sexual offences, and offences against the person). For April – September 2006, only gender and ethnicity data is available. From April 2007, disability and religion/belief is also being recorded and from November 2007 data on same sex relationships in domestic violence cases is being recorded. Data on age is being recorded from April 2008 and data on sexuality is being explored.
- 6.4.2 The main data available from the CPS Case Management System and the Witness Management System has been used to inform an Equality and Diversity Impact Assessment of the VAW strategy. The key data is summarised in Annex B.
- 6.4.3 The available ethnicity statistics of the population of England and Wales do not give enough detail to enable proper comparisons to be made. Combined with missing values for ethnicity, this means that the statistics on ethnicity cannot be taken as evidence of any particular behaviour on the part of the population as a whole, or as evidence of the CPS response to cases involving different communities. The statistics simply show a need for further investigation.

7. CHALLENGES AND OPPORTUNITIES

7.1 We face a number of major challenges. These include:

- the timescale for the development of the strategy has posed challenges because of the breadth and complexity of the issues covered;
- existing views of the issues have led to a single-strand approach to the work and the challenge for the future will be to fully integrate work across the strands;
- there may be challenges in ensuring full participation and support due to a lack of widespread understanding of a gendered approach to these crimes;
- ensuring clarity of work with the overlapping Hate Crime work programme;
- currently some of the VAW strands cannot be flagged on the CPS Case Management System, some have poor flagging and many have no targets or monitoring – this will be addressed in the 2008-09 action plans;
- more work is needed to develop national monitoring system to assess the support, safety and satisfaction of victims of sensitive violent crimes such as those encompassed within the VAW work;
- competing priorities within each strand; and
- insufficient volume of voluntary sector service provision in some Areas.

7.2 There are also a range of opportunities:

- CPS Board has identified VAW in its top priorities and to use this opportunity to improve prosecutions and outcomes in relation to all of these crimes;
- VAW strands will be coordinated, improved and rationalised in a better way to provide more effective prosecutions and reduce duplication of information, advice or roles through:
 - provision of guidance and training on the overlap of issues;
 - consider rationalisation of coordinators across VAW strands;
 - using prosecutors who are trained and who develop specific expertise on these issues;
 - monitoring of the issues;
 - identification of agencies who can advise on this range of issues;
 - sharing of good practice.

8. WHAT WE WILL FOCUS ON IN NEXT THREE YEARS – FUTURE PROPOSALS

8.1 From 2008-2011, the time frame of the current PSAs, we will focus on the actions outlined in paragraphs 8.2 to 8.5. Each individual strand of work will link into corresponding cross-Government action plans, where these exist. For further details of the CPS work programme, see the national action plans, at page 42.

8.2 Improving the effectiveness and efficiency of the CJS through bringing more offenders of VAW crimes to justice:

- **Reducing unsuccessful prosecutions of VAW crimes:**
 - **Area Performance Reviews** – a VAW indicator has been included in the Area Performance Review system from April 2008, with targets for VAW strands;
 - **linking into mainstream work streams** – Charging, Criminal Justice: Simple, Speedy, Summary (CJSSS), Victim and Witness Care & Delivery, Hate Crimes and Community Engagement;
 - **developing VAW Guidance** – retaining each separate policy strand, with overall VAW guidance to inform prosecutors of the links between existing policies and guidance, and gender implications;
 - **specialist prosecutors** – exploring the feasibility of rationalising existing specialist prosecutors across the VAW strands to improve VAW prosecutions; and
 - **training** – linking VAW into future training plans.
- **Better coordination and rationalisation of the work across VAW strands:**
 - **Area coordinators** – rationalising current coordinators across the VAW strands and developing specific VAW coordinator posts;
 - **sharing good practice** – through Area coordinators, VAW Team and Project Assurance Group;
 - **increasing knowledge and evidence base of service** – through training of prosecutors and better performance data and analysis.

8.3 Improving public and stakeholder confidence:

- involving community and stakeholder representatives in the VAW governance structure;
- linking across Government, specifically with the Office for Criminal Justice Reform, Home Office, Association of Chief Police Officers (ACPO) and Ministry of Justice to address public and stakeholder confidence;
- developing community engagement and consultation at national and Area levels;

- working with Local Criminal Justice Boards and Crime and Disorder Reduction Partnerships at an Area level;
- working in multi-agency partnerships and local forums to address the gender implications of these crimes;
- working with specialist support agencies and Witness Care Units providing support for the victims of these crimes; and
- developing methods to measure views of stakeholders.

8.4 Improving victim and witness support, safety and satisfaction:

- providing and improving appropriate support for VAW victims and witnesses through the specialist VAW sector;
- working across Government on the further expansion of IDVAs, ISVAs and MARACs. Specialist support and risk assessments for all VAW crimes will also be considered;
- linking across Government on all individual VAW strands;
- considering systems for WCUs to support victims of VAW and ensuring monitoring of outcomes;
- considering mainstreaming the selection of further SDVCs;
- considering SDVC options to deal with a range of VAW cases including cases dealt with at the Crown Court;
- involving a range of agencies to advise on this aspect of the programme;
- developing a system to measure victim access to support, safety and satisfaction;
- addressing any implications for staff policies and practice; and
- considering briefing Human Resources advisors on dealing with VAW issues in relation to staff.

8.5 Improving our understanding of the equality and diversity issues within VAW crimes and addressing any disproportionality:

- identifying the issues faced by a range of communities;
- consulting and engaging with support agencies working with victims of VAW crimes to provide specialist support appropriate by gender, ethnicity and other diversity profiles; and
- monitoring VAW strands by gender, ethnicity, disability, religion/belief, age and, where possible, sexuality.

9. MANAGING RISK

- 9.1 A risk register has been produced in consultation with external and internal advisors on the VAW Project Assurance Group, as well as the CPS Strategy, Policy and Diversity Committee.
- 9.2 The major risks that we have identified and are planning to manage are:
- the timescales for the project are very short and there is limited time for slippage;
 - existing views on the issues may lead to a single-strand approach to the project;
 - limited buy-in to the strategy, due to a lack of widespread understanding of the gender context for the VAW agenda;
 - limited resources and personnel available for the development and implementation of the strategy; and
 - competing priorities between all of the strands of VAW work being rationalised and co-ordinated under this strategy.

10. HOW WE WILL MEASURE PROGRESS AND SUCCESS

10.1 Currently the only indicator related to VAW is for hate crimes, covering domestic violence, racially and religiously aggravated crimes, homophobic crimes and disability aggravated crimes.¹⁷ There is a target for 2007-08 of 72% successful outcomes for all hate crimes, with a specific target of 70% successful outcomes for domestic violence cases. For further details of monitoring, see the national action plan on page 42.

10.2 Monitoring VAW crimes, setting targets and addressing any data gaps:

- **Indicator, flagging and targets** – setting-up a VAW indicator with flags and sub targets for the range of VAW strands and address how this would fit with the current Hate Crime Indicator. This would be a public service outcome focused target in line with the Capability Review recommendations.
- **Monitoring** – continuing to record and monitor domestic violence and rape cases; in addition monitoring sexual offences in 2008-09 and consider recording and monitoring of further VAW strands from 2009.
- **Analysis** – evaluating monitored data with further analysis by defendant and victim profile and cross-analysing with other crimes, especially hate crimes.¹⁸
- **VAW Report** – producing a VAW performance report in 2008-09, linked to a new Hate Crime Report, based on 2007-08 data.
- **Hate Scrutiny Panels** – considering how VAW will fit with the Hate Scrutiny Panels framework.

10.3 Monitoring victim support, safety and satisfaction:

- Reviewing service provision for VAW victims and witnesses.
- Developing a system to measure victim safety and satisfaction. The national WAVES survey measures the satisfaction of the majority of victims and witnesses but excludes victims of rape, sexual assaults and domestic violence because of safety issues in contacting them. In relation to rape, the CPS Rape Delivery Unit is currently linking into the Home Office Violent Crime Unit, which is undertaking a feasibility study to measure the satisfaction of victims of serious sexual offences. The VAW action plans for 2008-09 will build on the Home Office experience of measuring views of victims who are currently excluded from the national WAVES survey.

¹⁷ Work is underway to develop a VAW indicator. In future, domestic violence will be monitored as part of that indicator instead of the hate crime indicator.

¹⁸ For April - September 2006, only gender and ethnicity data is available. From April 2007, disability and religion/belief has been recorded and from November 2007 data on same sex relationships in domestic violence cases has also been recorded.

10.4 Monitoring stakeholder confidence:

- Developing methods to measure views of stakeholders. The VAW Team will first scope this project, will present options to the Project Assurance Group involving key stakeholders, and will then draw up detailed proposals.

11. SCHEDULE FOR STRATEGY DEVELOPMENT

11.1 The Governance structure is outlined in Annex C.

Project assurance group and VAW Board set up	July 2007
First Board meeting of VAW Board	July 2007
Draft VAW strategy and action plans	August 2007
Draft to Strategy, Policy and Diversity Committee	August 2007
Impact assessment	end of August 2007
First meeting of PAG	first week September 2007
Second Board meeting	September 2007
Clearance by DPP, SG and AG of draft copy for consultation	October 2007
Broader consultation on VAW report (November – January)	January 2008
PAG meeting to sign off final document	February 2008
Board meeting to sign off final document	March 2008
Clearance by DPP, SG and AG of final documents	March 2008
Finalisation of VAW strategy and action plans	April 2008

12. EQUALITY AND DIVERSITY IMPACT ASSESSMENT

- 12.1 An Equality and Diversity Impact Assessment (EDIA) has been undertaken to identify the issues faced by different communities. National data has been used on all strands of VAW. CPS data has also been used, but currently this is only disaggregated by gender and ethnicity in relation to domestic violence, rape and child abuse.
- 12.2 The EDIA consists of an analysis of the above mentioned data, together with the results of the formal consultation process undertaken between November 2007 and January 2008.
- 12.3 A final EDIA will be published alongside the VAW strategy in April 2008.
- 12.4 The equality and diversity issues identified in the EDIA will be regularly monitored and addressed through the VAW Project Assurance Group.

13. ACTION PLANS

- 13.1 The national overarching Violence against Women (VAW) action plan is set out in Annex D. This is organised under the PSA targets and demonstrates the links between the various individual strands of VAW. It will be expanded by themes in quarter one of 2008-09.
- 13.2 There are also eight strand-specific operational plans, which will be used for monitoring work across the individual strands. These cover the main VAW strands – domestic violence, forced marriage and honour crimes, female genital mutilation, rape and sexual offences, human trafficking, prostitution, crimes against the older person, pornography and child abuse. They were developed in conjunction with relevant lead officials in CPS Policy Directorate, Business Development Directorate (BDD) and Equality and Diversity Unit (EDU). These are available on request.
- 13.3 It is clear from the content of the strand-specific action plans that work to address each of the VAW strands will start at very different stages (for example, CPS work on honour-based violence and forced marriage is still in its infancy, whereas work on domestic violence has progressed significantly over the past five years). Consequently, whilst we accept that the work on each strand will progress at different rates, the desired outcome is for each strand to reach its own national targets by 2011.
- 13.4 All of the action plans run from 2008 until 2011, but they will be subject to continuous review. As outlined in paragraph 3.1.1, 2008-09 will focus on the rationalisation and coordination of the VAW strands, identifying cost implications alongside setting up systems to implement the strategy, such as the performance management system and systems to monitor victim, witness and stakeholder satisfaction. In 2009-11 the strategy will be embedded into the core CPS business with implementation of the VAW guidance, training, reporting on VAW prosecution performance. Monitoring of victim safety and support and monitoring of victim and stakeholder satisfaction will also be undertaken.

ANNEX A

BACKGROUND AND CONTEXTS

INTERNATIONAL CONTEXT

UNITED NATIONS:

- The United Nations (UN) first situated VAW within the human rights framework in 1993, and in 1995 the UK Government signed the Beijing Declaration and Platform for Action (BPfA) on VAW.
- The Convention for the Elimination of Discrimination against Women (CEDAW) and the UN Article that prohibits torture have both brought VAW out of the private and into the public sphere and in doing so have recognised VAW as an infringement of women's basic human rights.
- The UN has defined VAW in the following terms:

“Violence against women refers to any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Violence against women shall be understood to encompass, but not be limited to the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”

- In 2006, the UN published a summary definition of violence against women that reiterated and defined the definition above. The UN further defined gender-based violence against women as:

“Violence that is directed against a woman, because she is a woman, or violence that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”.

NATIONAL CONTEXT

GOVERNMENT-WIDE DELIVERY PLANS:

There are a range of Government-wide Delivery and Action Plans for 2007-08 relating to VAW, which are overseen by Inter-Ministerial Groups. These include:

- National Domestic Violence Delivery Plan, overseen by the Domestic Violence Inter-Ministerial group;
- Sexual Violence and Abuse Action Plan, overseen by the Inter-Ministerial Group on Sexual Offending;
- UK Action Plan on Tackling Human Trafficking, overseen by the Inter-Departmental Ministerial Group on Human Trafficking; and
- UK Prostitution Strategy, overseen by the Home Office Prostitution Review Team.

The Inter-Ministerial Groups on Domestic Violence and Sexual Violence are under review in the light of the development of a cross-Government Violent Crime Action Plan. The Reducing Re-offending IMG now has responsibility for implementing the Government's Response to the Corston Report (which proposed links between the work on violence against women and women offenders).¹⁹

SCOTTISH EXECUTIVE:

The work on violence against women is also informed by examples closer to home. The Scottish Executive has recently published a draft strategic framework on violence against women.

The definition adopted by the Scottish Executive is similar to the UN and CoE definition but includes commercial sexual exploitation and pornography.

"Violence against women encompasses but is not limited to the following:

- *Physical, sexual and psychological violence occurring in the family, within the general community, or in the institutions, including: domestic abuse; rape; incest and child sexual abuse;*
- *Sexual harassment and intimidation at work and in the public sphere; commercial sexual exploitation, including prostitution, pornography and trafficking;*
- *Dowry related violence;*
- *Female genital mutilation;*
- *Forced and child marriages;*
- *Honour crimes."*

LEGISLATIVE CONTEXT

EUROPEAN CONVENTIONS:

Violence against women is recognised as a human rights issue. The main Articles from the European Convention on Human Rights that apply are:

¹⁹ The Corston Report - A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system, March 2007.

Violence against Women Strategy and Action Plans

- Article 2 – the right to life. This is a fundamental right, enshrined and protected by the European Convention.
- Article 3 – the prohibition against torture. This right deals with the protection of individuals from inhuman or degrading treatment inflicted by another private individual.
- Article 8 – the right to a private and family life.

Protection from violence against women is also found in a number of other European conventions, demonstrating the breadth and importance of the issues. Examples of some of the other key conventions are as follows:

- Convention on Eliminating Discrimination Against Women (CEDAW);
- Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment;
- Convention on the Rights of the Child; and
- Convention Against Trans-national Organised Crime, including the Protocol to prevent, suppress and punish trafficking in persons, especially women and children.

EQUALITY ACT 2006:

The Equality Act 2006 established the Commission for Equality and Human Rights (CEHR). The Commission will have a number of duties, including monitoring the effectiveness of legislation, enforcement of the legislation as well as an investigatory function in certain circumstances. The CEHR will therefore be responsible for overseeing the implementation of the Gender Equality Duty (GED), with effect from October 2007. The GED is an important mechanism through which violence against women can be tackled. The duty requires relevant public authorities to promote equality between men and women and to pay 'due regard' to the need to eliminate unlawful discrimination and harassment between men and women. Given the fact that violence against women is rooted in the structural inequality between men and women, the GED provides a way for public authorities to look at how they operate in order to address systemic inequalities.

OTHER RECENT LEGISLATION LINKED TO VAW:

- The Domestic Violence Crime and Victims Act 2004 (DVCVA 2004) is the first dedicated piece of domestic violence legislation for 30 years. Key provisions include:
 - making the breach of a non-molestation order a criminal offence;
 - granting courts the power to impose restraining orders for any offence, on conviction or acquittal; and
 - introducing a new offence of 'familial homicide'.
- The legal framework for dealing with sexual offences was completely overhauled by the Sexual Offences Act 2003 (SOA 2003). The SOA 2003 widened the definitions of some offences. For example, non-consensual penile penetration of the mouth is now defined as rape. The Act also created new offences, such as paying for sex with a child

and 'voyeurism' and extended the age of 'children' from 16 to 18 for some specified offences.

- The SOA 2003 also introduced a new offence of 'trafficking people into, within and out of the country for the purposes of sexual exploitation'. The UK Government has become a signatory to the Council of Europe Convention on Action Against Trafficking in Human Beings. The legislation and the obligations under the Convention combine to punish perpetrators of human trafficking, whilst providing support and assistance for victims.
- The Criminal Justice Act 2003 (CJA 2003) overhauled the hearsay provisions, the bad character rules, and the circumstances in which a witness can refresh their memory. The CJA 2003 also provides procedural guidance for the admissibility of earlier statements and earlier inconsistent statements.
- The Female Genital Mutilation Act 2003 repealed the Prohibition of Female Circumcision Act 1985 and closed a loophole that enabled victims to be taken out of the UK for the purposes of FGM, without any sanctions for the perpetrators. The international jurisdiction of the Act now allows for UK nationals or permanent nationals to be prosecuted for aiding and abetting, counselling or procuring the carrying out of FGM, even in countries where it is legal.

ANNEX B

EQUALITY AND DIVERSITY DATA TO INFORM IMPACT ASSESSMENT

EQUALITY AND DIVERSITY DATA

Domestic violence

- 95% of domestic violence defendants were men.
- From April – September 2006-07, homicide data indicated that there were 76 defendants during April – September 2006-07 of which 87% were men.²⁰
- There were 2,740 harassment offences recorded.²¹
- The position in relation to ethnicity is more complex. Home Office data shows Black and Asian suspects for all crimes are arrested more than their representation in the population as a whole. Similarly Black, Asian and Mixed Ethnicity defendants were represented in higher proportions of those charged in 2006-07 and those cases completed in April 2006-September 2006, in comparison with the population.
- The CPS 2006-07 charging data shows that proportionally fewer Black (57.5%) and Asian (55%) suspects were charged compared with White suspects (59.6%). There was also a higher percentage of successful outcomes with White defendants than for Black, Asian or Mixed ethnicity defendants.
- However, as outlined above, all ethnicity data needs to be treated with caution.
- Victim gender is poorly recorded,²² but, where recorded, just under 90% of victims were women.

Rape and sexual offences

- The gender breakdown of defendants for rape and sexual assaults shows that men were responsible for 99% of rape and 96% of sexual offence.
- For April – June 2006, 53% of men were successfully prosecuted for rape compared with 67% for other sexual offences.
- Few women were prosecuted for rape; of those prosecuted for other sexual offences, 73% pleaded guilty.
- Ethnicity was not recorded for 12% of cases. Where it was recorded, there was a lower proportion of White offenders than in the population as a whole, and a higher proportion of Black, Asian and Mixed Ethnicity offenders. Similar to the domestic violence data, there was also a higher

²⁰ Homicide data in CPS includes murders, attempted murders, threats or conspiracy to murder, manslaughter and causing death by aggravated vehicle taking.

²¹ Protection from Harassment Act cases are recorded as offences rather than by defendant so it is not possible to break down by gender or outcome

²² Victim data can be collected on COMPASS Case Management System (CMS) or Witness Management System (WMS). Currently the recording is low. Areas have been asked to reach local area agreements as to who should be responsible for entering victim data, either the CPS or the WCUs. In some Areas this may be a joint responsibility. It should be noted that the majority of WCU staff are police employees and cannot therefore be mandated to record this information on behalf of the CPS. Information for WMS is mainly collected from cases in which a not guilty plea has been entered and where the Witness Care Officer is the single point of contact for the victim, therefore some DV data will not be collected. The domestic violence team is working with the Victim and Witness Care Delivery Unit to address this and develop systems that will help to improve the data collection and quality.

percentage of successful outcomes with White defendants than for Black, Asian or Mixed Ethnicity defendants. However, as outlined above, all ethnicity data needs to be treated with caution.

- The gender breakdown of victims of rape shows only 31% of cases had gender recorded,²³ and, of those with recorded gender, 89% of victims were women.

Child abuse

- 98% of child abuse sexual offence cases were perpetrated by men.
- There were 10 homicides: 8 of the 10 defendants were men and 7 were successfully prosecuted.
- Men were responsible for 75% of cases involving offences against the person. There were no differences between the genders in the outcomes of those prosecuted.
- Ethnicity was not recorded in 9% of cases. For child sexual abuse cases where ethnicity was recorded, there was a higher percentage of White defendants and lower percentages of Black and Asian defendants compared with the population. Successful outcome patterns were similar to those for domestic violence and rape cases. However, as outlined above, all ethnicity data needs to be treated with caution.
- The breakdown for victims of child abuse showed that only 31% of cases had recorded gender. Of these, 67% were girls²⁴.

Trafficking and prostitution

- Trafficking and prostitution data is currently only available from the "offences" database, which is separate and distinct from the "defendant" data base that records the profile of defendants and victims as well as outcomes. There is therefore no breakdown of gender or ethnicity currently available within CPS. Limited data below has been secured from the Home Office.
- On 15 January 2007, the Home Secretary responded to a question on the link between domestic violence and trafficking of women, stating that Operation Pentameter – a three month national enforcement operation – identified 87 potential victims of trafficking for sexual exploitation, 12 of whom were minors or children (Hansard). Margaret Moran MP noted that in the Ukraine it is estimated that 50% of people who are trafficked had suffered from domestic violence.
- Home Office data confirms that 182 defendants were sentenced for trafficking-related offences in 2005, of which 12 were linked to sexual offences. This data is not broken down by gender.
- Between March 2003 and June 2007, the POPPY project had 674 referrals of women who have been or who claim they have been trafficked for sexual exploitation. Of these, 145 were provided with accommodation and support, and 74 received an outreach service.
- Home Office statistics from 2005 show that 269 men were cautioned (and one woman) for kerb crawling; 42 men were cautioned for soliciting of women and 23 men for soliciting of men. No women were cautioned. 629

²³ Ibid

²⁴ Ibid

men and 6 women were convicted for kerb crawling; and 36 men were convicted for soliciting. In 2006, 332 offences were recorded²⁵.

Women offender data

- The Corston Report 2007 indicated that women with histories of violence and abuse are over-represented in the criminal justice system and often can be described as victims as well as offenders. The report also indicates that relationship problems feature strongly in women's pathways to crime and many women in prison had been sexually, emotionally and physically abused.
- The Corston Report noted that one in three women in prison had suffered sexual abuse, compared with one in ten men.
- A survey carried out in Her Majesty's Prisons, revealed that nearly half of the women interviewed had experienced domestic violence, and a third sexual assault²⁶. It was also noted that this figure was similar to a survey carried out in Holloway Prison, where 36% of women disclosed experience of sexual abuse in childhood and 45% had experienced physical abuse.

Forced marriage, so-called honour crimes and female genital mutilation

- In June 2007, CPS pilots were set up in four CPS Areas²⁷. to flag cases of forced marriage and so-called honour crimes. The pilots aim to improve prosecutions and support for victims and will help quantify the gender dynamics in these crimes. National data indicates that in line with all domestic abuse, the majority of defendants are men and victims are women. No cases of FGM have yet been prosecuted, although a number of cases have been investigated by the police.

Crimes against the older person

- Some "crimes against the older person" are included within the VAW strategy because of the overlap with other VAW crimes such as domestic violence. It is recognised that the main focus of these crimes is age rather than gender. The majority of older people are women and therefore more women are likely to be victims of crimes against the older person. The research indicates that there can be an overlap with domestic violence – for example, it could be domestic violence that has continued for decades or abuse of elders by their carers who are also partners or family members. As the policy is currently being developed no CPS data is yet available.

Obscene publications and sexual harassment

- No data has yet been collected in relation to these issues.

²⁵ The 2006 statistics provided to the CPS by the Home Office were not broken down by gender. The 2005 figures are used to illustrate the gender breakdown of these figures.

²⁶ Social Exclusion Unit (2002) Reducing re-offending by ex-prisoners, London: Social Exclusion Unit.

²⁷ Lancashire, London, West Midlands and West Yorkshire

ANNEX C

VAW GOVERNANCE STRUCTURES

VAW GOVERNANCE STRUCTURES

1. A VAW Team, consisting of leads from the National DV Team, Policy and the Business Development Directorate, has been set up. The Team will report to a VAW Project Assurance Group (PAG).
2. The VAW Project Assurance Group, involving internal and some external representatives, will oversee the strategy and action plans.
3. A VAW External Consultation Group (ECG) will involve a broader range of representatives from across the VAW strands. These key VAW agencies and organisations will advise the CPS on its VAW work. The ECG will send three representatives to the PAG.
4. The PAG will report to a VAW Board, consisting of the Directors of Equality and Diversity, Policy and Business Development Division.
5. The VAW Board will report to CPS Board level.

ANNEX D

ACTION PLANS 2008-2011

ACTION PLANS 2008-2011

The national overarching Violence against Women (VAW) action plan is set out below. This is organised under the PSA targets and demonstrates the links between the various individual strands of VAW. It will be expanded by themes in quarter one of 2008-09.

There are also eight strand-specific operational plans, which will be used for monitoring work across the individual strands. These cover the main VAW strands – domestic violence, forced marriage and honour crimes, female genital mutilation, rape and sexual offences, human trafficking, prostitution, crimes against the older person, pornography and child abuse. They were developed in conjunction with relevant lead officials in CPS Policy Directorate, Business Development Directorate (BDD) and Equality and Diversity Unit (EDU). These are available on request.

It is clear from the content of the strand-specific action plans that work to address each of the VAW strands will start at very different stages (for example, CPS work on honour-based violence and forced marriage is still in its infancy, whereas work on domestic violence has progressed significantly over the past five years). Consequently, whilst we accept that the work on each strand will progress at different rates, the desired outcome is for each strand to reach its own national targets by 2011.

All of the action plans run from 2008 until 2011, but they will be subject to continuous review. The 2008-09 plans will focus on the rationalisation and coordination of the VAW strands, alongside setting up systems to implement the strategy, such as the performance management system and systems to monitor victim, witness and stakeholder satisfaction. In 2009-11 the strategy will be embedded into the core CPS business with implementation of the VAW guidance, training, reporting on VAW prosecution performance. Monitoring of victim safety and support and monitoring of victim and stakeholder satisfaction will also be undertaken.

Key activities and tasks	Q1 2008-09	Q2 2008-09	Q3 2008-09	Q4 2008-09	2009-10	2010-11	Achieved
OVERALL NATIONAL PLAN FOR VIOLENCE AGAINST WOMEN							
Outcome areas/Objective 1: Improving the effectiveness and efficiency of the CJS through bringing more offenders of VAW crimes to justice							
Areas for Action - Monitoring VAW crimes, set targets and address any data gaps							
These plans will link into the Government - wide delivery plans.							
Tasks: i. Establish a VAW Indicator, with a target to reduce unsuccessful outcomes in VAW crimes, on a phased incremental basis from 2008-09 to include: <i>Domestic violence, rape and sexual offences</i>	Q1				Q1	Quarterly	
<i>All above, with consideration of inclusion of forced marriage, so-called honour crimes, child abuse and crimes against the older person.</i>							
<i>All above, with consideration of inclusion of prostitution and human trafficking.</i>	Q1			29%		Quarterly	
ii. Implement VAW indicator, with targets (see reducing unsuccessful outcomes for all targets, below):	Quarterly		Quarterly	Quarterly	Quarterly	Quarterly	
iii. Evaluate VAW data including targets for successful prosecutions.							
iv. Analyse 2007-08 data from the 64 SDVCs.			Q3			Annually	
v. Publish VAW report.			Q3				
vi. Consider how VAW will fit with the Hate Scrutiny Panels framework:							
<i>Scope project</i>					Q1		
<i>Present options</i>					Q3		
<i>Finalise plans</i>					Q4		
<i>Deliver new set up</i>						Q1	

Violence against Women Strategy and Action Plans

Key activities and tasks	Q1 2008-09	Q2 2008-09	Q3 2008-09	Q4 2008-09	2009-10	2010-11
OVERALL NATIONAL PLAN FOR VIOLENCE AGAINST WOMEN						
Outcome areas/Objective 1: Improving the effectiveness and efficiency of the CJS through bringing more offenders of VAW crimes to justice						
Areas for Action - Reducing unsuccessful prosecutions of VAW crimes						
These plans will link into the Government - wide delivery plans.						
Tasks: i. Reduce unsuccessful outcomes of VAW crimes to 29%, with sub targets of:				29%		
Domestic Violence				28%	26%	24%
Rape				41%		
Sexual Offences				28%		
Set new targets annually				Q4	Q4	Q4
ii. Scope and develop VAW Guidance to inform prosecutors of the links between existing policies and guidance, and gender implications.						
Scope project						
Finalise guidance			Q3		Q1	
iii. Development of revision of CPS Policy and/or guidance of individual VAW strands.						
Domestic Violence revision of Policy and Guidance:						
Focus Groups		Q2				
Completion						
Forced Marriage, So-Called Honour Crimes and Female Genital Mutilation			Q3			
consideration of guidance			Q3			
Rape revision of policy			Q3			

Violence against Women Strategy and Action Plans

Key activities and tasks	Q1 2008-09	Q2 2008-09	Q3 2008-09	Q4 2008-09	2009-10	2010-11	Achieved
OVERALL NATIONAL PLAN FOR VIOLENCE AGAINST WOMEN							
Outcome areas/Objective 1: Improving the effectiveness and efficiency of the CJS through bringing more offenders of VAW crimes to justice							
Areas for Action - Reducing unsuccessful prosecutions of VAW crimes							
These plans will link into the Government - wide delivery plans.							
Cont'd							
iii. Development of revision of CPS Policy and/or guidance of individual VAW strands.							
Human Trafficking update guidance	Q1				Q1	Q1	
Prostitution update guidance	Q1				Q1	Q1	
Crimes against the older person launch of policy and guidance		Q2					
Revision of Policy		Q2					
Children and Young People launch of guidance						2010-11	
Revision of Policy					2009-10		

Violence against Women Strategy and Action Plans

Key activities and tasks	Achieved				
	Q1 2008-09	Q2 2008-09	Q3 2008-09	Q4 2008-09	2009-10
OVERALL NATIONAL PLAN FOR VIOLENCE AGAINST WOMEN					
Outcome areas/Objective 1: Improving the effectiveness and efficiency of the CJS through bringing more offenders of VAW crimes to justice					
Areas for Action - Reducing unsuccessful prosecutions of VAW crimes					
These plans will link into the Government - wide delivery plans.					
iv. Link into mainstream work streams - Charging, CJSS, Victim and Witness Care & Delivery, Hate Crimes and Community Engagement.	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly
v. Deliver training in VAW strands.					
Domestic Violence training completed	Q1				
Rape - Training of coordinators and specialist prosecutors completed					Q4
Human Trafficking training for complex case work units			Q4		
Crimes against the older person training day			Q3		
Pornography seminar	Q1				
vi. Link VAW into future training programmes including through Proactive Prosecutor Programme (PPP) cases.					
Scope project	Q1				
Individual strands to develop Proactive Prosecutor Programme cases (see individual plans)					
Present options			Q3		
Finalise				Q4	

Key activities and tasks	Q1 2008-09	Q2 2008-09	Q3 2008-09	Q4 2008-09	2009-10	2010-11
OVERALL NATIONAL PLAN FOR VIOLENCE AGAINST WOMEN						
Outcome areas/Objective 1: Improving the effectiveness and efficiency of the CJS through bringing more offenders of VAW crimes to justice						
Areas for Action - Better coordination and rationalisation of the work across these strands.						
These plans will link into the Government - wide delivery plans.						
Tasks: i. Rationalisation of current coordinators across VAW strands.						
Scope project	Q1					
Map current coordinators		Q2				
Finalise plans			Q3			
ii. Consider rationalisation of VAW specialist prosecutors.						
Scope project	Q1					
Map specialist prosecutors		Q2				
Present options paper to the PAG			Q3			
Finalise plans				Q4		
iii. Share VAW good practice through Area coordinators, VAW Team, Project Assurance Group (PAG).	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
iv. Seminar for coordinators across VAW strands.	Q1			Q4		Bi-annually

Violence against Women Strategy and Action Plans

Key activities and tasks	Achieved					
	Q1 2008-09	Q2 2008-09	Q3 2008-09	Q4 2008-09	2009-10	2010-11
OVERALL NATIONAL PLAN FOR VIOLENCE AGAINST WOMEN						
Outcome areas/Objective 2 : Improving public and stakeholder confidence						
These plans will link into the Government - wide delivery plans.						
Tasks: i. Involve community and stakeholder representatives in the VAW Project Assurance Group (PAG).	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly
ii. Link across government, specifically with the Office for Criminal Justice Reform, Home Office, ACPO and Ministry of Justice to address public and stakeholder confidence.	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
iii. Review of each strand on community engagement and stakeholder involvement.				Q4	Annually	Annually
iv. Develop methods to measure views of stakeholders.		Q2				
<i>Scope project</i>						
<i>Present options</i>				Q4		
v. Measure stakeholder views.						
vi. Develop an overall Communications Plan and individual plans for each VAW strand.	Q1				Annually	Annually

Key activities and tasks	Achieved					
	Q1 2008-09	Q2 2008-09	Q3 2008-09	Q4 2008-09	2009-10	2010-11
OVERALL NATIONAL PLAN FOR VIOLENCE AGAINST WOMEN						
Outcome areas/Objective 3: Improving victim and witness support, safety and satisfaction						
These plans will link into the Government - wide delivery plans.						
Tasks: i. Review service provision for VAW victims and witnesses.						
ii. Work across government on the further expansion of IDVAs, ISVAs, consideration of specialist support for victims of VAW crime; and any extension of SDVCs.						
iii. Work with Victim and Witness Delivery Care Unit to consider support systems for VAW victims and ensure monitoring of outcomes.		Q2		Q4		
iv. Develop a system to measure victim's satisfaction, safety and/or access to support.		Q2			Q1	
v. Measure victim satisfaction, safety and access to support.		Q2			Q1	Q2
vi. Work with HR to address any implications for staff policies and practice.					2009-10	2010-11

Violence against Women Strategy and Action Plans

Key activities and tasks	Achieved									
OVERALL NATIONAL PLAN FOR VIOLENCE AGAINST WOMEN										
Outcome areas/Objective 4: Improving our understanding of the equality and diversity issues within VAW crimes and addressing any disproportionality										
These plans will link into the Government - wide delivery plans.										
Tasks: i. Analyse the equality profiles of all defendants and victims in VAW cases as part of the overall monitoring of data.	Achieved	Q1 2008-09	Quarterly							
ii. Ensure Witness Care Units have support systems set up and include in their WCU directory support for victims and witnesses from all communities.	Achieved	Q2 2008-09	Quarterly							
	Achieved	Q3 2008-09	Quarterly							
	Achieved	Q4 2008-09	Quarterly							
	Achieved	2009-10	Quarterly					Q1		
	Achieved	2010-11	Quarterly						Annually	