


## MERCHED CYMRU: RESPONSE TO VAWG STRATEGY CONSULTATION

**About us**

*Merched Cymru is a grassroots group of women from across Wales working to promote the sex-based rights of women and girls. We include women from all age groups, ethnic backgrounds, sexual orientations, all faiths and none. In our working lives we have a broad range of professional and practical expertise relevant to this inquiry, as well as extensive relevant life experience. We are not aligned to any political party.*

*Merched Cymru welcomes the opportunity to take part in the Government's Consultation on the proposed Violence against Women and Girls (VAWG) Strategy 2021-2024 and congratulates the Government on highlighting and responding to the seriousness of Violence against Women and Girls in the UK.*

### SUMMARY

This consultation response argues for the following:

1. Formally recognise prostitution as a form of VAWG.
2. Abandon plans for separate domestic abuse and VAWG strategies and instead retain a single overarching VAWG strategy.
3. Take a human rights-based approach to the Strategy, in line with obligations under CEDAW, the Palermo Protocol, and the UNCRC and its first optional protocol.
4. Ratify the Istanbul Convention.
5. Revise the Modern Slavery Act 2015 to conform fully with the Palermo Protocol.
6. Introduce a Nordic Model approach to prostitution legislation and policy by giving full support to Dame Diana Johnson's Sexual exploitation Bill.
7. Provide a nationwide network of specialist women-only services for women involved in prostitution in order to provide support and assistance exiting the sex trade.
8. Understand pornography as a form of VAWG and urgently introduce robust age restrictions on access to online porn.
9. Recognise misogyny as a hate crime.
10. Implement in full the recommendations of the CEDAW Committee in its 2019 Concluding Observations.
11. Adapt the Channel and Prevent programmes to include extreme misogyny.
12. Undertake preventive work with young people of both sexes.
13. Ensure the Equality Act 2010 is enacted in relation to sex as a protected characteristic.

**VAWG**

We are keen to see the criteria of VAWG widened to include the many forms of violence and abuse that women and girls experience throughout their lives that are currently not included. These include emerging issues that girls and young women are particularly facing.

We want to make it clear that women and girls of all backgrounds, ages, religions and ethnicities, women that are heterosexual, lesbian or bi-sexual, and women with disabilities of all kinds are affected. The Strategy must be mindful of how VAWG affects women from all backgrounds and minorities.

We are deeply concerned about the Government's plans to take a dual approach to Domestic Abuse and Violence Against Women and Girls and to create two separate policies. VAWG organisations have worked tirelessly towards a single, comprehensive, integrated, rights-based framework for addressing sex-based violence. A framework that is intersectional, inclusive of all marginalised groups of women and girls, and based on the principle of non-discrimination, sex equality and human rights.

The proposed move to a dual approach was decided without any prior consultation with women's groups or any assessment of the effectiveness of the previous Strategy. We believe this move is regressive. It will take away the emphasis on the highly gendered nature of domestic abuse and put a halt to the positive steps made so far.

We need a single comprehensive and integrated framework of policies which align with the Istanbul Convention and the provisions of CEDAW. Contradicting this approach will undermine the work already done in communities to promote an understanding of abuse and its roots in gender inequality. The fragmentation of these strategies will be of no benefit to anyone affected by domestic abuse but will have a serious, negative impact on women and girls. We strongly dispute the idea that a dual strategy will strengthen policies and services.

Here in Wales, The Welsh Government has an inclusive *Violence against Women, Domestic Abuse & Sexual Violence Act (2015)* that we believe has strengthened the approach to services here. We would urge the Government to take the lead from Wales and look at the evidence already gathered in the Welsh context.

**Prostitution and Sexual Exploitation**

It is vital that the Government explicitly recognises sexual exploitation, including prostitution, as a form of violence against women and girls and includes this in the Strategy. This specific form of violence is already recognised as VAWG by the Crown Prosecution Service,[1] the Scottish Government[2] and the Mayor of London's Tackling Violence against Women and Girls Strategy[3.] We urge the UK Government to follow suit.

Prostitution is both a cause and consequence of gender inequality. Whilst prostitution exists, therefore, women will never achieve true equality and will continue to be subject to male violence and

abuse. We acknowledge that men and boys can be involved in prostitution, but it is widely recognised that women and girls are disproportionately represented, and that almost all the buyers are male.

Prostitution exists because of a power imbalance between the sexes. It is inherently harmful,[4] both psychologically and physically, and keeps the women involved stuck in a cycle of poverty and harm.

Prostitution has many forms and is part of the wider commercialised 'sex industry'. It involves men buying sexual access to women's bodies. It can include, but is not limited to:

- prostitution: on street, in a brothel or own premises
- online cam work
- telephone work
- Sugar Daddy websites
- escort work
- gateway sites, such as Only Fans
- performing in pornographic films.

There is no single route into prostitution, but a childhood of trauma and poverty often precedes entry with many women starting as adolescents. Involvement in prostitution is often an extension of their childhood abuse and all the consequences that spring from it. We overwhelmingly see women involved in prostitution with experiences of:

- childhood in care
- drug or alcohol dependencies
- poverty
- domestic abuse as a child or adult
- sexual violence
- homelessness
- mental ill health
- poor education.

Women involved in prostitution are subjected to incidents of violence and abuse every day. One study[5] showed that:

- 64% had been threatened with a weapon
- 73% had been physically assaulted
- 57% had been raped – i.e. for the purpose of this study, forced to have sex for which they were not paid.

The structural inequalities that support violence against women and girls and cause the routes that push women into prostitution are the same barriers that stop women from being able to exit. In another study[6], 9 out of 10 women said they would leave prostitution if they could.

The Treasury, Home Office and Department for Work and Pensions all need to consider the implications of their policies on women. It is essential that they ensure that policies do not risk making women more economically vulnerable and thus inadvertently driving the most vulnerable into prostitution through lack of alternatives. Women need real, concrete alternatives. Under the Public Sector Equality Duty (PSED), these implications should already be considered, but the evidence is that

they are consistently ignored. Explicitly defining prostitution as a form of VAWG would help to focus policy-makers' thinking in relation to women's needs and circumstances.

Women involved in prostitution not only need alternatives, but practical assistance to exit prostitution and rebuild their lives. However, most Government spending on services for women in prostitution is currently focused on 'harm reduction' rather than providing women with genuine exiting routes. Many of the organisations that receive public funding to provide these services are ideologically committed to the full decriminalisation of the sex trade, including of pimps and brothel keepers. They view prostitution as a legitimate form of work. Services that are underpinned by these attitudes serve to prolong women's involvement in prostitution and to maintain a thriving sex trade.

For most women who are involved in prostitution, the most immediate barriers to exiting are (a) the lack of an adequate alternative income; (b) drug addiction; (c) being under the control of a pimp or trafficker, who is often their 'boyfriend' or intimate partner; and/or (d) homelessness. Other longer-term issues can include physical and mental ill-health, including PTSD and crippling anxiety, and the lack of a social network outside of the prostitution milieu. To be able to exit quickly and for the long term, support services need to address these issues effectively.

There has been an erosion of women-only services in areas like homeless hostels, refuges, addiction and mental health. This can be particularly catastrophic for women who are or have been involved in prostitution. Their needs are often acute and can be very different from those of men. Furthermore, their trauma has been caused by the actions of men. The current pressure on women's refuges and shelters to admit men who identify as women – as staff, volunteers and residents – creates further trauma for the women (and children) concerned and is an additional barrier to their use.

The recommendations we have made in this section are in line with the those of the CEDAW Committee in its 2019 Concluding Observations [7]. We urge the Government to implement their recommendations in full and without delay. If prostitution is not recognised as a form of violence against women, then society is saying that the consequences outlined above are acceptable, and that women's and girls' lives are not worth anything.

**Human trafficking**

Prostitution and human trafficking are inextricably linked – not least because so much money can be made from exploiting women's prostitution. Most pimping fits the Palermo Protocol definition of human sex trafficking for the purpose of 'the exploitation of the prostitution of others and other forms of sexual exploitation'. Many, if not most, women and girls who are involved in prostitution have a pimp – one or more third party exploiting (i.e. profiting from) their prostitution. Thus they fit the definition of human trafficking victims.

It is of considerable concern therefore that the definition of human trafficking in the Modern Slavery Act 2015 (MSA) does not conform to the definition set out in the Palermo Protocol.[8] As a result, there is not only considerable confusion about what actually constitutes human trafficking, but also systemic official failure to recognise and identify the vast majority of victims of sex trafficking and to provide them with appropriate support, and to hold the perpetrators to account.

But even those who are recognised as victims of sex trafficking are not served well, with few cases reaching court, and few of those that do ending in a conviction.[9] The MSA is currently not working well. It lacks a gendered analysis and normalises and trivialises prostitution.

This is a violation of the terms not only of the Palermo Protocol, but of the Council of Europe Convention on Action against Trafficking in Human Beings, CEDAW, and the UN Convention on the Rights of the Child (UNCRC) and its first optional protocol. Revising the MSA to bring the definition of human trafficking into line with the Palermo Protocol was recommended by the CEDAW Committee in its 2019 Concluding Observations.

As a response to these issues, Dame Diana Johnson has tabled a Sexual Exploitation Bill[10] under the 10-minute rule, which is described as follows:

> *"A Bill to criminalise paying for sex; to decriminalise selling sex; to create offences relating to enabling or profiting from another person's sexual exploitation; to make associated provision about sexual exploitation online; to make provision for support services for victims of sexual exploitation; and for connected purposes."*

If implemented, this would bring about a Nordic Model[11] approach in England and Wales and bring the law into line with Article 6 of CEDAW and Article 9 of the Palermo Protocol.

We very strongly urge the Government to support this Bill and ensure that it successfully passes through the legislative process to become law.

**Migrant Women**

The proportion of migrant women involved in the UK sex industry is staggeringly high. And the women who have no recourse to public funds are hardest hit of all.

Nick Mai (2009) states that 'there is a direct correlation between the degree of difficulty in obtaining and maintaining documentation and the vulnerability of interviewees to exploitation, whether they work in the sex or in other industries… immigration status is the most important single factor engendering migrant workers' vulnerability to exploitation in the UK sex industry'.[12]

Once within in the sex trade, whether trafficked or not and whether the trafficking started outside this country or within it, the hostile environment policies make it harder for migrant women to escape because of the fear that reporting to the police or other authorities will lead to arrest and deportation.

It cannot be right that Government policies and legislation are directly contributing to the human rights abuses of huge numbers of migrant women in this country.

We urge the Government to end the hostile environment policies and separate the enforcement of human trafficking legislation from immigration control. We also urge the Government to ensure that migrant women who are subject to the 'no recourse to public funds' rule (NRPF) have access to the full range of services for women who have experienced gender-based violence, including domestic abuse, prostitution and sex trafficking.

**Pornography and Online Activity**

The pornography industry harms women in multiple ways - those used in making it, those hurt by men who use it, and those living in a society in which subordination and abuse becomes sexual entertainment. Pornography is a mirror that shows us how men see women. It is unsettling to look into that mirror. Pornography can be seen as a document of a woman's humiliation.

The factors that compel women into pornography are the same factors that compel women into prostitution *(see above).*

Mainstream pornography sites such as Pornhub are producing increasingly extreme material, offering a frighteningly sexist and racist range of themes. Women are categorised in the most degrading and humiliating way by means of race, disability, body size, sexuality, age etc. with violence and coercion being the overriding message. It is a highly profitable global industry:

- 25% of all search engine requests are sex related
- 35% of all downloads are pornography
- 70% of men aged 18-24 visit porn sites at least once a month.[13]

Porn therefore encourages and incites viewers to see women and girls as second class, as not fully human and to treat them with contempt and hatred. We would argue that porn is a form of hate propaganda in that it legitimises and promotes VAWG.

On average, boys start watching online porn by age 11, a year before they typically start puberty. So, children are being exposed to porn, most of which consists of graphic depictions of sexualised, and often racist, violence against women. This is a form of child abuse. It teaches that violence is acceptable and a normal part of sex and leads to a reduction in the ability to empathise and form mutually satisfying relationships. It is having a profoundly disturbing effect[14] on our young people. We must urgently address porn and see it as one of the most serious contributing factors to VAWG. The Government must introduce age restrictions on online porn as a matter of urgency.

Merched Cymru are particularly concerned by the direct and indirect impact of pornography on girls and young women are being conditioned/coerced in to accepting violence and abuse within sexual relationships as the norm. There is now widespread violent assault of women in sex: An estimated two million UK women have experienced unwanted choking or strangulation within consensual sex; 3.5 million women report experiencing these and other violent behaviours such as slapping, spitting or gagging.

Hundreds of women have told We Can't Consent to This - 'I thought it was normal' of their experiences of violence from sexual partners, as part of ongoing relationships or with new sexual partners. Research[15] by Lucy Snow at London Metropolitan University in partnership with *We Can't Consent to This*, found that being subjected to non-consensual violence in sex is very often in the context of a wider pattern of control and abuse. 80% of research respondents had experienced non-consensual violence in sex from a partner or ex-partner. Of the women who detailed incidences of repeat abuse from the same man:

- 75% said the same man had been abusive in other ways (for example: controlling, possessive, emotionally abusive, physically abusive).
- 46% said he had done it before; 33% said it happened regularly.
- 41% said he had raped or sexually assaulted her in ways other than non-consensual violence in sex.
- 64% said he used sex as a way to control her - for example, by shaming or guilt-tripping her into to doing particular things.
- 28% said he had taken sexual images or videos of her and threatened to share them.

There is a related and very real concern in the the rise of the 'rough sex' defence. In a 2020 survey of men under 40 by Savanta Comres for the BBC [16], more than a third said they'd choked women. The same proportion said they'd gagged women, and just under a quarter of men admitting to criminal assault - choking, gagging, slapping or spitting on women - without prior discussion or consent. In the survey, 57% of men who'd violently assaulted women during sex said porn influenced them to do this.

**Misogyny**

Merched Cymru believes the Government should, as a matter of urgency, include misogyny as a form of VAWG. The evidence we have presented above clearly shows the direct link between the violence and abuse women and girls experience as a daily occurrence and the misogynistic ideas that men and boys hold.

Author and campaigner Laura Bates, founder of the Everyday Sexism Project spent months undercover on the internet to lift the lid on the 'manosphere'. This is an online community made up of various sub-groups including men's rights activists, pick-up artists and 'incels' who blame their lack of sexual activity on women. They believe society has been destroyed by feminism. Bates argues that we are dangerously underestimating the power and influence of these online groups. She is calling for them to be considered a terrorist threat. These online groups have inspired real life acts of violence against women. She has linked more than 100 deaths or serious injuries among women in the last 10 years to extreme misogynist ideology[17].

Even more concerning is the fact that this online hatred is filtering down to children, with young boys being groomed and radicalised in this misogynist ideology. Bates' research shows that teenage boys are being deliberately targeted by these online groups through forums and chatrooms frequented by teenagers.[18] These young boys are then taking this misogynist doctrine into school playgrounds to spread the word unchecked.

There is also growing evidence of a link between far-right ideology and misogyny, with both appearing to act as a gateway to white supremacy and neo-Nazism. Hope Not Hate[19] found that traditional far-right groups are dwindling, but that 'younger and more dangerous individuals' are leading the spread of dangerous misogyny. This is being driven by online engagement. Extraordinarily little is being done on a political level both here and in the US to combat this threat. We would urge the UK Government to recognise the link and the danger that this misogyny is fuelling, and to combat it through their Prevent programme. It is disappointing to find that since the publication of Laura Bate's book, only

one member of the Government's Prevent team has contacted her, in contrast to large numbers of parents with concerns about their teenage sons being radicalised by misogynists. Parents are looking for ways to tackle this. They need government guidance and support.

**Accurate Data**

Finally, to ensure that the proposed VAWG Strategy is effective we would urge the Government to be mindful when writing it that sex is not conflated with gender identity. Accurate records by sex are being undermined with negative consequences for women and girls.

We call on the Home office to provide clear direction to the police, courts, CPS and others in the criminal justice system to insist on accurate data collection by sex to ensure that male crimes and male criminals are correctly recorded as such; to protect women who are victims of male violence from having to refer in court to violent men as women; to keep women's prisons single sex in order to protect women in prison from males, no matter how those males identify [20]. We believe that the latter is nothing short of state sanctioned violence against women.

## CONCLUSION

Misogyny and violence against women and girls are not inevitable. There are many initiatives that can prevent and disrupt this behaviour. Perpetrators of violence against women and girls must be held accountable and we urge the Government to do the right thing and support and safeguard the female population of the UK.

In countries where the Nordic Model is effectively implemented for example, on-street prostitution and indoor prostitution have decreased dramatically because sex buyers are deterred by the prospect of criminal sanctions. One study on the commercial sex industry in Boston US[21] found that 88% of Boston sex buyers say they'd be deterred by knowing that a notification would be sent to a family member if they were arrested. (In Sweden, where the Nordic Model is in place, a letter ordering the buyer to appear in court is sent to the man at his home address.) A majority of buyers say higher fines would dissuade them. Other deterrents include being put on a sex offender register; having their pictures or names in the local newspaper, on a billboard, or on the Internet (although we recognise these public measures are disastrous to their innocent wives and children); having a driver's license suspended or car impounded. The Covid-19 lockdown has also shown that men are not visiting prostituted women to the extent that they did before the pandemic struck. This shows that men *can* live their lives without buying access to women's bodies.

It is easier to prevent violence against women and girls and the radicalisation of young boys than to deal with the consequences after the event. We acknowledge that this is a multi-layered problem requiring a multi-layered response, but we have to start somewhere to halt the crisis of violence and abuse we are seeing perpetrated against women and girls in this country.
Misogyny is what perpetuates and fuels the male sense of entitlement over the bodies of women and girls. It is imperative that the Government recognises this and includes misogyny in the hate crime legislation.

Pornography and prostitution are both a cause and a consequence of this misogyny and hate. Women and girls are rendered deaf to the hum of violence and abuse and misogyny that surrounds them on a daily basis. This harm is rooted in structural inequality, curtailing their potential and preventing them from living a better, more rewarding and productive life. Women and girls deserve better. The Equality Act 2010 includes sex as a protected characteristic, but still women are discriminated against and their needs overlooked. Support services cannot be effectively developed without true analysis and data.

We are calling on the Government to invest in women, in their safety, in their economic, cultural and social equality. We need laws that are fit for purpose and which align with our obligations under CEDAW, the Palermo Protocol, and the UNCRC and its first optional protocol. The Government must provide specialist single-sex services that have ring-fenced, long-term funding so that they can develop expertise and build trust. In our laws, our attitudes and our behaviour, we need the Government to take a lead in holding men accountable for the violence and abuse they perpetrate. We need an holistic strategy that focuses on prevention, working with boys to help them grow up respecting women and understanding that there is never a justification for violence and abuse. And we need funding and resources to genuinely empower girls to develop confidence, assert their own boundaries, challenge the pornification and sexualisation of society, and assert their human right to live free from violence and abuse.



February 2021

**References**


[1] Violence Against Women and Girls, Crown Prosecution Service (Accessed February 2021)
[2] Equally safe: Scotland's Strategy to Eradicate Violence against Women, Scottish Government and COSLA
[3] A Safer City for Women and Girls: The London Tackling Violence against Women and Girls Strategy 2018-2021, Mayor of London, Greater London Authority
[4] Psychiatric Times www.psychiatrictimes.com
[5] www.nordicmodelnow.org
[6] Streetlight UK www.streetlight.uk.com
[7] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f8&Lang=en
[8] http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx
[9] http://www.scotsman.com/read-this/more-19000-slavery-and-human-trafficking-crimes-left-unsolved-uk-police-forces-2015-modern-slavery-act-3135128
[10] http://services.parliament.uk/bills/2019-21/sexualexploitation.html
[11] http://nordicmodelnow.org/what-is-the-nordic-model/
[12] Mai, N (2009) Migrant Workers in the UK Sex Industry, London Metropolitan University Institute for the Study of European Transformations
[13] The Recovery Village
[14] http://www.notbuyingit.org.uk/sites/default/files/Porn Harms.pdf
[15] https://wecantconsenttothis.uk/i-thought-it-was-normal-research
[16] Savanta Comres / BBC March 2020
[17] Bates, L (2020) The Men Who Hate Women
[18] Newsweek December 17 2020
[19] Hope Not Hate (2020) State of Hate
[20] https://fairplayforwomen.com/sex_data_wrong
[21] https://boston.com August 8 2011