Welsh Government Equality, Diversity, Inclusion and Human Rights Impact Assessment

Consultation on the 2022-2026 National Strategy for Violence against Women, Domestic Abuse and Sexual Violence

Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010

The draft Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) National Strategy sets out our proposals to permanently change the culture and response to VAWDASV in Wales, improve support for survivors and their children, and to prevent offending and reoffending. We believe this will have a positive impact on everyone, regardless of any protected characteristics.

In the year ending March 2020, an estimated 2.3 million adults in the UK aged 16 to 74 experienced domestic abuse in the previous year according to the Crime Survey for England and Wales (1.6 million women and 757,000 mean). These figures are a slight, but not significant, decrease on the previous year.

We are advocating a whole Wales approach, bringing together public, private and third sector organisations, as well as devolved and non-devolved bodies. Working with our partners – both devolved and non-devolved – via a blueprint approach will enable us to continually review our actions, monitor and evaluate their outcomes. We intend the Strategy to be a live document, which is able to be adapted to meet new challenges over its five year timescale.

We will work to ensure a better understanding of VAWDASV – with the public and with professionals.

The Welsh Government established a Working Group of key partner organisations to review progress against the existing Strategy, barriers to delivering its objectives and changes in the policy landscape that can impact on tackling violence against women, domestic abuse and sexual violence.

Our partners have been able to represent the needs and views of those who access their services and the service providers themselves. The organisations represented on the Working Group represent individuals with protected characteristics, and included the NSPCC, Welsh Women's Aid, Bawso and the Office of the Older People's Commissioner for Wales.

We will use evidence, such as that gathered in the <u>What Works to Prevent VAWDASV?</u> Report published by the Wales Violence Prevention Unit, to inform our approach. We will create a 'central repository of knowledge' to co-ordinate and disseminate what and known about VAWDASV and to shape future research.

Our principle aim is to reduce the rate of VAWDASV in Wales. As part of the work relating to the National Strategy, we will monitor progress via a set of National Indicators.

One of the proposed actions included in the draft Strategy is the creation of a 'central repository of knowledge' to co-ordinate and disseminate what and known about VAWDASV and to shape future research. We will ask the Repository to consider available evidence in relation to equalities.

Our proposals will have an effect on public, private and third sector bodies, as well as individuals. The groups most likely to be affected by the proposals in our Strategy are:

- Victims / survivors
- Perpetrators / alleged perpetrators
- Police / Police and Crime Commissioners / Judiciary / Prison and Probation services
- VAWDASV support services / representative groups (public, private and third sector).

The Equality Act 2010 protects people against discrimination because of protected characteristics everyone has. People are protected from discrimination in the workplace, when they use businesses and other organisations that provide services and when they have contact with public bodies.

All public, private and third sector organisations should be aware of what equality law requires them to do. This is relevant for both direct discrimination such as when an organisation puts a rule or policy in place which has a worse impact on someone with a protected characteristic than someone without one.

The Equality Act 2010 requires public sector bodies to comply with the public sector equality duty. Private sector organisations also have to comply with a duty if they are carrying our public functions.

Where our proposals may require organisations to revise the way in which they undertake certain tasks, we would expect them to take equality impacts into account in revising existing procedures or policies. Our approach will be to encourage collaboration and co-production with our partners as we move forward with our proposals, so we do not anticipate the need to review their own equality procedures in line with proposed changes resulting from the Strategy would have a significant impact on organisations.

During the public consultation, we will be working with partners to engage with those directly, and indirectly, impacted by VAWDASV to understand what they think of the draft Strategy. We will endeavour to ensure that the consultation events are open and accessible.

We will welcome evidence in support of our proposals, or alternative suggestions, including evidence related to the potential impact of our proposals on equality. We will update out impact assessments as necessary prior to publishing the final Strategy in 2022.

Record of impacts by protected characteristic:

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate impacts?
Age	The VAWDASV Strategy is intended to cover all ages, although some age ranges are more likely to be victims of VAWDASV. Overall, we do not anticipate that the Strategy will disadvantage certain age groups. As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will take appropriate action to mitigate any negative impacts.	The Crime Survey for England and Wales (CSEW) for the year ending March 2020¹ showed that women aged 16-19 were significantly more likely to be victims of any domestic abuse in the last year than older women. There were few significant differences by age for men. There have been few UK studies examining the incidence and prevalence of elder abuse. CSEW data shows for female victims of violence against women, domestic abuse and sexual violence the person offences flagged as domestic-abuse related, as age increased, the proportion of offences tended to decline. For men, the proportion of violent offences that were domestic abuse-related tended to increase with victim age.	We do not anticipate that the Strategy will have a negative impact on any particular age groups. As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will take appropriate action to mitigate any negative impacts.
Disability ²	The VAWDASV Strategy is intended everyone.	The Crime Survey for England and Wales (CSEW) for the year ending	We do not anticipate that the Strategy will have a negative impact on disabled people, but we will ensure there is a

² Welsh Government uses the social model of disability. We understand that disabled people are not disabled by their impairments but by barriers that they encounter in society. Ensuring that your proposal removes barriers, rather than creating them, is the best way to improve equality for disabled people. For more information, go to the intranet and search 'social model'

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate impacts?
	Vulnerability resulting from a disability may make a disabled person less able to recognise report or escape VAWDASV. They may also face more barriers to accessing support. Overall, we do not anticipate that the Strategy will disadvantage disabled people.	March 2020³ showed that adults aged 16-74 years with a disability were more likely to have experienced domestic abuse in the last year than those without. Women who were disabled were more likely to experience any domestic abuse in the last year (15%) compared to women who were not (6%). In 2015/16, SafeLives estimated that disabled people are underrepresented in domestic abuse services, despite being twice as likely to experience domestic abuse. 2008 research (Hague et al, Welsh Women's Aid) indicated that disabled women or those with mental health problems are at a higher risk of victimisation. Disabled women may be around twice as likely to be assaulted or raped, and more than half of all women with a disability may have experienced some form of domestic violence in their lifetime.	focus on the specific needs of victims and survivors of VAWDASV from minority or marginalised group, such as disabled people. As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will take appropriate action to mitigate any negative impacts.
Gender Reassignment	The VAWDASV Strategy is intended everyone.	There is limited research on how many transgender people experience VAWDASV in the UK.	We do not anticipate that the Strategy will have a negative impact on people in the act of transitioning or transgender people.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate impacts?
or group	Overall, we do not anticipate that the Strategy will disadvantage people in the act of transitioning or transgender people.	A Scottish Trans Alliance report published in 2010 indicated that 80% of transgender people had experience some form of VAWDASV from a partner or ex-partner, although only 60% of them recognised the behaviour as domestic abuse. The type of domestic abuse most frequently experienced by the respondents to the research was transphobic emotional abuse, with 73% of the respondents experiencing at least one type of transphobic emotionally abusive behaviour from a partner or expartner. A National LGBT survey conducted in 2017 found trans respondents had much higher declared rate of most incident types involving people they	As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will take appropriate action to mitigate any negative impacts.
		lived with. Transgender men were notably more likely to have experienced an incident than transgender women and non-binary respondents. For all respondents, physical harassment and violence, sexual harassment and violence, and threats thereof, were generally more likely to have gone unreported than other incident types for reasons reflecting feelings of shame or embarrassment, being upset, not thinking that reporting	
		would be taken seriously, or for fear of retaliation.	

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate impacts?
Pregnancy and maternity	The VAWDASV Strategy is intended everyone. Overall, we do not anticipate that the Strategy will disadvantage someone due to pregnancy or maternity.	A 2002 study on abuse during pregnancy and femicide: urgent implications for women's health (McFarlane et al, 2002) found evidence of a proven link between abuse during pregnancy and the mother's chance of being killed by the perpetrator. VAWDASV is an under-reported crime so it is difficult to accurately assess prevalence, but a study (Why Mothers Die 2000-2002 by the Confidential Enquiry into Maternal and Child Health) found around 30% of domestic abuse starts during pregnancy.	We do not anticipate that the Strategy will have a negative impact on someone due to pregnancy or maternity. As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will take appropriate action to mitigate any negative impacts.
Race	The VAWDASV Strategy is intended everyone. Overall, we do not anticipate that the Strategy will disadvantage a person because race or migrant status.	For the year ending March 2020, the CSEW showed that those in the Mixed ethnic group were significantly more likely than those in the Black or Asian ethnic groups to experience domestic abuse within the last year. In the White, Mixed and Black ethnic groups, women were more likely than men to have experienced domestic abuse in the last year. The evidence suggests that women from mixed ethnic groups are most likely to experience domestic abuse although women from other groups such as Asians are less likely to come forward to the statutory agencies.	Some communities may have increased vulnerability due to the isolated nature of some communities, cultural expectations and issues such as lack of appropriate interpretation facilities. Evidence suggests that Black, Asian and Minority Ethnic women are less likely to come forward, which may result in service provision which may be of limited benefit to these women. We will ensure regional groups take this into account and works to encourage greater reporting to ensure appropriate services can be provided.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate impacts?
		According to Walby and Allen 2004, there is little variation in the prevalence of domestic violence by ethnicity. Batsleer, et al 2002; and Rai and Thiara, 1997 found that Black and other minority ethnic communities are less likely to access statutory services. A report from the British Medical Association 2014 into domestic abuse found evidence to suggest that black and minority ethnic women experience abuse for a longer period and are more reluctant to access services. Most refused asylum seekers are not entitled to any form of financial support leaving many women at high risk of destitution and violence. Not allowed to work, they are forced to find other survival strategies like illegal work or begging and are more likely to enter into or remain in exploitative or abusive relationships, engage in transactional sex or resort to prostitution to survive.	One of the immediate priorities in the Strategy is to continue to work with UK Government and other partners to find appropriate solutions to meet the needs of survivors of VAWDASV with no recourse to public funds due to immigration status in line with Welsh Government's Nation of Sanctuary Action Plan. As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will take appropriate action to mitigate any negative impacts.
Religion, belief and non-belief	The VAWDASV Strategy is intended everyone. Overall, we do not anticipate that the Strategy will disadvantage a person because of their religion or beliefs.	In the 2011 Census22, Christianity was the largest religious group in England and Wales with 33.2 million people (59% of the population). The second largest religious group were Muslims with 2.7 million people (5 %). The proportion of people who reported that they did not have a religion was 14.1 million people (25%). In 2011, over nine	We do not anticipate that the Strategy will have a negative impact on a person because of their religion or beliefs. As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will take appropriate action to mitigate any negative impacts.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate impacts?
		out of ten Christians in England and Wales were White (93%) accounting for 30.8 million people.	
		There is limited research on the relationship between religious beliefs and domestic abuse victimisation in the UK. For example, a 2011 report on forced marriage in Luton observed that forced marriage has historically been practised in many different communities. However, it concluded that, due to their relative size within the UK population, forced marriage was now most common in the UK amongst South Asian communities (South Asian, Pakistanis, Bangladeshis and Indians). Forced marriage is a violation of human rights and is seen in the UK as a form of domestic violence.	
Sex / Gender	The VAWDASV Strategy is intended everyone regardless of sex / gender. Overall, we do not anticipate that the Strategy will disadvantage a person because of their gender. As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will	The Strategy recognises that both women and men are victims and survivors of VAWDASV, while acknowledging that there is a disproportionate impact on women. In year ending March 2020, the CSEW estimated that 1.6 million women and 757,000 men aged 16-74 years experienced domestic abuse.	Statutory agency staff should be aware that men can also be victims of domestic abuse and ensure they take allegations as seriously as with women, offering appropriate advice and support. As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will take appropriate action to mitigate any
	take appropriate action to mitigate any negative impacts.	Women were significantly more likely to be victims of each type of abuse than men, with the exception of sexual	negative impacts.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate impacts?
Ŭ i		assault by a family member where, although higher, the difference was not significant. For example, 6.7% of females aged 16-74 years were victims of non-sexual domestic abuse in the last year, compared with 3.3% of males. Similarly, 1.3% of females aged 16-74 years were victims of domestic stalking in the last year, compared with 0.7% of males.	
		A 2014 report by Refuge found that the ways in which women experience domestic abuse is also different: the intensity and severity of violence used by male perpetrators is more extreme and more likely to include physical violence, threats and harassment. The report found that female victims of domestic abuse experience more serious psychological consequences than male victims and are much more likely to feel afraid of their partners.	
		For the year ending March 2020, in 74.1% of all domestic abuse-related offences recorded by the police the victim was female. This proportion of female to male victims was similar for most of the offence categories other than for sexual offences, for which 94.1% of the victims were female (based on 28 of 44 police forces in England and Wales).	

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate impacts?
Ŭ .		Of the 362 domestic homicides recorded by the police between March 2018 and March 2020, ONS figures on homicides in England and Wales show 276 of the victims were female (victims aged 16 and over).	
		The data suggests that men are more likely to be perpetrators of domestic abuse than women. Data for 2019/20 from the Crown Prosecution Service's (CPS) Case Management System showed that in domestic abuse prosecutions, where the defendant's gender was recorded, 92% were male and 8% female (ONS, Domestic abuse and the criminal justice system England and Wales, Nov 2020).	
		A 2017 report (Amnesty: Social media can be a dangerous place for women) found 1 in 5 women (21%) have experienced some form of abuse or harassment online, 1 in 10 (10%) on more than one occasion.	
		Women are more likely to be complainants of domestic abuse than men. Where the gender of victim's in domestic abuse-related prosecutions was recorded, 82.3% were female and 17.7% were male (Violence against women and girls report 2018-19).	

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		Men are also victims of domestic abuse. Stigma and fear of feeling emasculated can make men less likely to report domestic abuse than women.	
		The Office for National Statistics data (2014/15), shows that male victims (39%) are over three times as likely as women (12%) to not tell anyone about the partner abuse they are suffering from. Only 10% of male victims will tell the police (26% for women), only 23% will tell a person in an official position (43% for women) and only 11% (23% for women) will tell a health professional (ONS, Focus on violent crime and sexual offences 2014/15) In England, there were 5,395 individual women and girls who had attendances at NHS Trusts or GPs, where FGM was	
		identified between April 2020 and March 2021 (NHS Digital FGM Annual Report).	
Sexual orientation	The VAWDASV Strategy is intended everyone. Overall, we do not anticipate that the	People with certain sexual orientations are more likely to be victims of domestic abuse.	We do not anticipate that the Strategy will have a negative impact on a person because of their sexual orientation.
	Strategy will disadvantage a person because of their sexual orientation.	The CSEW for the year ending March 2020 show the percentage of men and women aged 16-74 who had been victims of domestic abuse in the last year by sexual orientation:	As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will take appropriate action to mitigate any negative impacts.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate impacts?
y val		 3.5% of men and 6.9% of women who identified as heterosexual or straight; 6.0% of men and 12.2% of women who identified as gay or lesbian; 7.3% of men and 19.6% of women who identified as bisexual. 	
		Stonewall's research found that one in four lesbian and bisexual women have experienced domestic abuse in a relationship. Two thirds of those say the perpetrator was a woman, a third said the perpetrator was a man. Almost half (49%) of all gay and bisexual men reported having experienced at least one incident of domestic abuse from a family member or partner since the age of 16.	
		Evidence suggests that LGBT communities face complex barriers to seeking support for domestic abuse, with a reported 60-80% of LGBT+ victims have never reported incidents to the police or attempted to find protection from services (Galop survey on LGBT priorities for the UK Government Domestic Violence and Abuse Act).	
		A National LGBT survey conducted in 2017 found trans respondents had much higher declared rate of most incident types involving people they	

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate impacts?
		lived with. Trans men were notably more likely to have experienced an incident than trans women and non-binary respondents.	
Marriage and civil partnership	The VAWDASV Strategy is intended everyone. Overall, we do not anticipate that the Strategy will disadvantage a person with respect to their marriage or civil partnership status.	The Strategy is expected to have a positive impact on all survivors of VAWDASV regardless of whether they are married, in a civil partnership or neither. The Crime Survey for England and Wales (CSEW) for the year ending March 2020 ⁴ showed that adults aged 16-74 years who were separated or divorced were more likely to have experiences domestic abuse than those who were married or in a civil partnership, cohabiting, single or widowed. Both men and women who were married or in a civil partnership were less likely to be victims of domestic abuse.	We do not anticipate that the Strategy will have a negative impact on a person with respect to their marriage or civil partnership status. As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will take appropriate action to mitigate any negative impacts.
Children and young people up to the age of 18	The VAWDASV Strategy is intended to cover all ages, although some age ranges are more likely to be victims of VAWDASV.	Witnessing and living with domestic abuse can have a detrimental impact on children and young people.	We do not anticipate that the Strategy will have a negative impact on children and young people.
		In addition to the consideration set out in the Strategy, children and young people are entitled to the right to be safe	As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate impacts?
		,	take appropriate action to mitigate any negative impacts.
		as well as witnessing domestic abuse (8%) • Emotional abuse and witnessing domestic violence or abuse (6%). The Crown Prosecution Service Violence Against Women and Girls Report 2018-19 (where age was recorded) showed complainants as follows: 10-13 0.1% 14-17 2.0% 18-24 16.9%	

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate impacts?
		25-59 78.8%	
Low income households	The VAWDASV Strategy is intended to cover everyone, regardless of their household income.	2019/20 research in England found around 1 in 11 household (8.7%) who were homeless or threatened with homelessness recorded domestic abuse	We do not anticipate that the Strategy will have a negative impact on low income households.
	Overall, we do not anticipate that the Strategy will disadvantage people in low income households.	as the main reason.	As we monitor progress against delivering the Strategy, any emerging impacts will be considered and we will take appropriate action to mitigate any negative impacts.

Human Rights and UN Conventions

The European Court of Human rights, which oversees the implementation of the European Convention on Human Rights, has made it clear that domestic abuse can fall within the scope of Articles 2, 3, 8 and 14 (more detail in following table).

The Welsh Government's current Programme for Government includes a commitment to incorporate the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the United Nations Convention on the Rights of Disabled People (UNCRDP) into Welsh law. Previous administrations have also stated their commitment to the Istanbul Convention. This Strategy strengthens our commitment to the principles of the Convention by setting out further measures which are directly relevant to the provisions of the Convention.

Welsh Ministers are under a duty to comply with the European Convention on Human Rights in the exercise of all their functions, as are all other public authorities. The Welsh Ministers also support the principles contained in the UN Sustainable Development Goals. This includes goal 5 - Achieve Gender Equality and empower all women and girls which includes a target in relation to violence against women and girls.

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate the negative impacts?
Article 2 Right to life	We anticipate the Strategy will have a positive impact on Article 2.	Article 2 means that no one can end another person's life and that the government should take appropriate measures to safeguard life. In working to stop VAWDASV, we are working to safeguard life.	
Article 3 Right to be free from inhuman and degrading treatment	We anticipate the Strategy will have a positive impact on Article 3.	Article 3 sets out the right of freedom from torture and inhuman and degrading treatment. Inhuman treatment is treatment which causes intense physical or mental suffering. Degrading treatment is defined as extremely humiliating and undignified. The VAWDASV Strategy aims to stop all forms of VAWDASV, which can include inhuman and degrading treatment of victims.	

Article 8 Right to respect for private & family life and correspondence		Article 8 protects the right to family life, which means the right to enjoy family relationships and to live with family (or where this is not possible, to have regular contact). It also sets out the right of an individual to enjoy their home peacefully. It also includes the right to private life, which includes the right to make friendships and other relationships. The Strategy aims to stop all forms of VAWDASV, which should be a positive impact.	
Article 14 Prohibition of discrimination in respect of these rights and freedoms	We anticipate the Strategy will have a positive impact on Article 14.	Article 14 states that all of the rights in the Convention must be applied without discrimination. The VAWDASV Strategy is a strategy for everyone.	

EU/EEA and Swiss Citizens' Rights

EU/EEA & Swiss Citizens' Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate the negative impacts?
Residency	The Strategy will have no impact on residency.		We do not anticipate any negative impacts.
Mutual recognition of professional qualifications	The Strategy will have no impact on mutual recognition of professional qualifications.		We do not anticipate any negative impacts.
Access to social security systems	The Strategy may have a positive impact on certain social security services, such as access to services to support survivors of VAWDASV.	One of the immediate priorities in the Strategy is to continue to work with UK Government and other partners to find appropriate solutions to meet the needs of survivors of VAWDASV with no recourse to public funds due to immigration status in line with Welsh Government's Nation of Sanctuary Action Plan.	We do not anticipate any negative impacts.
Equal treatment	We do not anticipate the Strategy will have any impact on equal treatment.		We do not anticipate any negative impacts.
Workers' Rights	We do not anticipate the Strategy will have any impact on workers' rights.		We do not anticipate any negative impacts.