



**Submission to the United Nations Human Rights Committee under the
International Covenant on Civil and Political Rights**

By FiLiA

11 January 2020

1. This submission is prepared on behalf of FiLiA, a Charitable Incorporated Organisation (CIO) advocating for women's human rights. The objects of the CIO as set out within the governing document include:
 - a) To advance the education of the public in the subject of gender equality;
 - b) The promotion of equality and diversity
 - c) To promote human rights (as set out in the Universal Declaration of Human Rights and subsequent United Nations conventions and declarations) and in particular women's rights throughout the world.
2. In working towards these objects, FiLiA's principles are sisterhood and solidarity, amplifying the voices of women, and defending women's human rights.
3. This submission will provide suggestions for issues to be raised regarding women's civil and political rights in the UK.

Femicide and domestic abuse

4. FiLiA is concerned by the number of women who are murdered by men every year. The 2018 Femicide Census¹ showed that 139 women were killed by men in 2017, 76% by someone they knew and most in their own homes or the home they shared with the perpetrator. Disturbingly, 40% of these featured “overkilling” where the force and / or methods used were greater than that required to kill the victim.
5. Police and social attitudes continue to affect women's ability to report escalating domestic violence. In one particularly striking case, nineteen year old Shana Grice was murdered by her ex boyfriend Michael Lane, after reporting him for harassing and stalking her five times in six months. Instead of being assisted she was fined £90 for wasting police time. The officer concerned subsequently defended the decision at a police misconduct panel, telling the hearing that she had “absolutely” wasted his time because she had not initially disclosed that she was in a relationship with Lane.
6. Although this is a particularly egregious example, FiLiA has spoken to a number of women in the UK who report that they are reluctant to report domestic abuse to police fearing a dismissive attitude.
7. We take the view that police failure properly to investigate domestic abuse and domestic partner violence, including stereotyping women as lying if they return to a violent partner, amounts to potential violations of women's Article 2 (right to life) and Article 3 (freedom from torture) rights.

Rape and Serious Sexual Offending (RASSO)

8. FiLiA is dismayed by the recent HMCPSI Rape Inspection report published in December 2019. That report reveals that there were 58,657 allegations of rape made in the year ending March 2019 but only 1,925 successful prosecutions followed – 3.28%. This represents near impunity for rapists in the UK and

¹ <https://www.womensaid.org.uk/what-we-do/campaigning-and-influencing/femicide-census/>

FiLiA is horrified by this. The report itself acknowledged that “something must be wrong.”

9. The report indicated that in 2018-19 the CPS removed the “levels of ambition” (target outcomes) for rape and domestic abuse. Although it will continue to measure and monitor outcomes, the removal of levels of ambition means that there is no ambition against which those outcomes are being measured.
10. Delay, the practice of “admin finalisation” which means returning the case to police to request more information, and risk aversion by the CPS are all flagged as potential obstacles to successful prosecution. Although the Inspectorate exonerated the CPS from allegations of risk aversion, the two 'blunt measures' both showed a marked rise. As such it is difficult to resist the conclusion that risk aversion has indeed played a part.
11. FiLiA believes that legal responses to RASSO offending must improve as a matter of urgency. A climate in which rape only results in conviction in around 3% of cases is one where there is a real risk to women of inhuman and degrading treatment contrary to Article 3 ECHR, against which the state is bound to protect.

“Release under investigation”

12. In all crimes, but including crimes of violence against women and girls, there has been a huge increase in 'release under investigation' where a suspect is released without being bailed, meaning that no conditions are imposed.
13. This leaves suspects 'in limbo' for lengthy periods of time, which inevitably means it affects the rights of suspects who are not guilty, and it also means that those who are guilty are at liberty to reoffend. FiLiA considers it is a matter of time before a woman is killed by a man released under investigation and encourages the UK to end this practice.

Impact of pornography on civil and political rights

14. Increasingly violent pornography is widely available to boys and men. This has contributed to a climate of normalisation of violence in sex in which the torture and degradation of women is sexualised and fetishised.
15. It is within this climate that men who murder their female partners claim in defence that it was a “sex game gone wrong;” seven in 2018 alone². It is not possible to consent to torture and FiLiA takes the view that protection against torture should extend to non-state torture (NST) within intimate partner relationships. This is not a matter of state intrusion into private sexual practices (which we would oppose) but of protection against serious human rights abuses.
16. It is the same climate in which over a third of girls at school reported sexual harassment³. As the government recognises in that report, “*Sexual harassment is likely to: violate a child’s dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.*”
17. Sexual harassment at school interferes with the right to education. It is important that the interface between pornography, sexual harassment and violence against women and girls is considered when addressing harm. FiLiA considers that the wide availability of violent, racist and sexist pornography is a public health issue affecting women's human rights.

Treatment of asylum seeking women and other migrant women

18. Women who are seeking asylum in the UK face a culture of disbelief. In particular women are not believed when they report rape and / or domestic violence as a mechanism of torture. FiLiA is aware through speaking to asylum seeking women that the practice of encouraging lesbian asylum

² <https://wecantconsenttothis.uk/>

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719902/Sexual_violence_and_sexual_harassment_between_children_in_schools_and_colleges.pdf

seekers to 'prove' their sexuality via video evidence has not altogether ceased, and that those who submitted such videos at the time of the previous scandal have not had that footage returned to them.

19. FiLiA deplores the 'hostile environment' policies in which migration is discouraged through the criminalisation or impossibility of maintaining livelihood. This does not prevent migration; all it achieves is to make a vulnerable population yet more vulnerable to exploitation by the unscrupulous, including black market employers, traffickers and pimps. Women are particularly vulnerable in this regard particularly if they have dependent children.

Treatment of women in prison

20. Women in prison continue to be an extremely vulnerable minority. FiLiA is aware that a disproportionate number of women prisoners are held on remand and that most of those remanded do not go on to receive an immediate custodial sentence. Almost all women in prison (over 80%) are serving for non violent offences.
21. According to the organisation Women In Prison⁴, women account for a disproportionate amount of self-harm in prison; despite making up only around 5% of the population women accounted for 19% of all self-harm incidents in prison in the year to March 2019. 46% of women in prison report having attempted suicide at some point in their lifetime. This is twice the rate of men (21%) and more than seven times higher than the general population. The same report states that over 60% of women in the criminal justice system have experienced domestic abuse and 53% of women in prison report having experienced childhood abuse. This translates to a very large number who have been victims of male violence.

4 <https://www.womeninprison.org.uk/research/key-facts.php>

22. At the same time, sexual assaults on prisoners have tripled since 2010 (across the male and female prison estate) which may partially be attributable to the growing population in custody of sex offenders⁵.
23. In 2017 a male born rapist was transferred to the women's prison estate after identifying as a woman and subsequently sexually assaulted two prisoners. Although the perpetrator in that case was returned to a male prison and sentenced to life in 2018 for the attacks, further concerns⁶ have arisen over the practice of transferring biologically male sex offenders identifying as transgender to the female estate. In view of the vulnerability of women in prison, it is important that the psychological safety as well as the physical safety of women, both protected under Article 8 ECHR, is preserved.

Freedom of expression, association and opinion

24. One of the express aims of the Equality Act 2010 is to foster good relations between communities. Failures in this aim have been thrown into sharp relief during discussions over reform of the Gender Recognition Act, where there is significant tension between those who wish to classify gender in law as an innate state of being within a person's sense of self, and those who regard it as an oppressive hierarchy and the mechanism by which women are subjugated. The proposals by those in the first category including Stonewall were to replace the legal classification of sex with gender identity, and to abolish single sex exemptions in the Equality Act, leaving single sex services impermissible.
25. Evidently there has been, and will continue to be, much to discuss before any legal change is made. However, women must be permitted to meet and to contribute to those discussions without impediment. In the last two years women's meetings have been the subject of numerous protests⁷, including

5 <https://www.bbc.co.uk/news/uk-45499591>

6 <https://www.thetimes.co.uk/article/female-prisoner-takes-government-to-court-after-alleged-assault-by-transgender-inmate-n5wtg2nf7>

7 <https://womansplaceuk.org/a-record-of-womans-place-uk-meetings/>

bomb threats⁸ and physical violence⁹ along with the more common aggressive picketing¹⁰. The police have a duty to facilitate lawful protest but also to facilitate lawful assembly by dealing robustly with aggression, which has not always happened. Women's freedom of association and assembly, along with freedom of speech and of belief, must be taken seriously by the authorities.

Suggestions for List of Issues

26. In light of the above we respectfully suggest that the Committee submit the following questions to the authorities of the United Kingdom:
- a) Provide detailed information as to the measures in place and those to be taken to improve investigations and convictions for RASSO offences;
 - b) Provide detailed information as to the measures in place and those to be taken to ensure that intimate partner violence, domestic abuse, and femicide are dealt with appropriately;
 - c) Set up an investigation into the availability to young people and the effect on public health of pornography;
 - d) Explain how they will ensure that consent is not held to be a defence to torture;
 - e) Provide detailed information on the measures in place to protect the psychological and physical safety of women in prison;
 - f) Explain how they will ensure that migrant and asylum seeking women are not treated in a hostile manner;
 - g) Provide detailed information as to the measures in place and those to be taken to ensure that women may freely and without aggression or intimidation meet and hold political discussions.

8 <https://www.hastingsobserver.co.uk/news/police-investigating-bomb-threat-against-hastings-meeting-1-8539357>

9 <https://www.thetimes.co.uk/article/trans-attacker-tara-wolf-is-a-thug-says-feminist-maria-maclachlan-pq0bwvthv>

10 <https://www.theargus.co.uk/news/17923150.hundreds-protesters-picket-womens-rights-meeting-hours/>