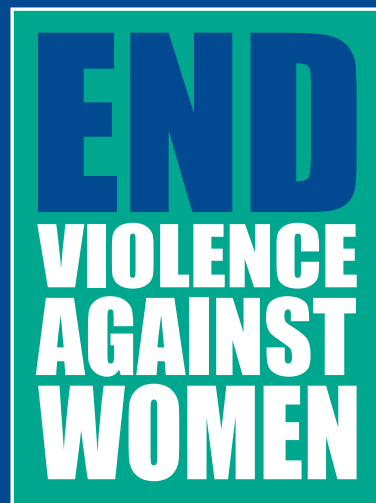


From the Outset:

Why violence should be a
priority for the Commission for
Equality and Human Rights

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Women. Men. Different. Equal.
Equal Opportunities Commission

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Introduction

This paper developed out of submissions made by End Violence Against Women (EVAW) to the Equalities Review in December 2006. It argues that a priority issue for the new Commission for Equality and Human Rights (CEHR) to consider when it is established in October 2007 should be how it addresses violence, safety and security across all the equality strands. There has been insufficient analysis of violence as an equality issue by statutory bodies and so little legacy of work on this issue to pass on to the CEHR. We believe that the impact on individuals, communities and the State means that it is essential that the CEHR prioritises these issues. There is considerable expertise in knowledge creation and service provision with respect to gender based violence and child abuse, where violence is understood as a cause and a consequence of inequality. We suggest that this, and other experiences across the strands, demonstrate that the CEHR has an opportunity to develop an innovative approach rooted in human rights and an understanding of intersectionality.

In addition to positive obligations on the State to protect people from human rights violations, there are now duties on the public sector to promote equality with respect to race, disability and gender. It is possible that, following the Discrimination Law Review, there will be legislation to introduce a single positive duty on the public sector to promote equality. Under the Equality Act 2006 the CEHR has a duty to promote good relations between individuals and groups across all the equality strands albeit that race and religion have been prioritised. There is a risk, therefore, that these areas will become the main focus, resulting in a neglect of how violence, the exemplar of 'poor relations', applies across the piece.

In preparing this paper experts and stakeholders who work within or across the equality strands and human rights were either asked to fill in a questionnaire (See Appendix 3) or engaged in discussions. Questionnaires were distributed to all members of the Equality and Diversity

Forum, EVAW and to people who attended the Equalities Review seminar on Crime and Victimisation in November 2006. Responses were received from individuals working in all equality strands as well as human rights. Responses are drawn on throughout this paper alongside material from a literature review.

Gaining ground

We view this short piece as a beginning, to be built on in the work of the new body, with more attention paid to similarities and differences across forms, frequency and contexts of violence. We offer some ground clearing with respect to key concepts, especially the inadequacy of 'hate crime' as an overarching concept, also access to an evidence based argument of why violence must be addressed at the intersections of both disadvantage and equalities and human rights thinking. Human rights offers the legal and philosophical foundations with which we can seriously engage with intersectionality.

Intersectionality can be considered 'a problem', a perspective and/or a lived reality. The concept originates in the work of Kimberle (Williams) Crenshaw, in exploring the specificities for African American women and violence. Since that time it has become a major concept in social theory, often preferred to as diversity, since it is based on acknowledging the complexity and multi-layering of identities and experience. Rather than talking of 'double' or 'triple' oppression/disadvantage, intersectionality proposes that people are whole, and that race changes gender and gender changes race: Rather than thinking in terms of woman + race, the concept of 'raced woman' expresses one aspect of intersectionality, how one is a woman is changed by race and ethnicity. The concept can also accommodate complexity whereby individuals can be simultaneously members of majority and minority communities. Which are most salient will depend on context. Simplistic discrimination and equality formulations have floundered on these issues, which are actually the warp and weft of everyday lives.

The foundation of human rights thinking was to protect individuals from state violence, from the illegitimate use of power to silence, intimidate and demean. As awareness of how social groups are discriminated against by state and civil society increases human rights have been extended, especially with respect to understandings of gender and generations. Both the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child address violence and abuse by private actors including in the family. More recent work on racism and disability has drawn too little on this analytic framework and the CEHR has the opportunity to be ground-breaking in this respect.¹

Violence, equalities and human rights

We argue violence is both a cause and consequence of inequality, meaning that there are a range of ways in which experiences of victimisation and perpetration are connected to equalities and human rights. At the most obvious level abuse and assault violate the physical integrity of persons protected by human rights principles by the prohibition of inhuman and degrading treatment and the right to a private life. Perpetrators of violence are more likely to select someone over whom they have a privileged position. These patterns ensure that victimisation follows the contours of disadvantage and exclusion.

In other words belonging to a group that is discriminated against increases the likelihood of experiencing violence/abuse.² We present some relevant research in Table 1 (see Appendix 1), presented along the separate strands, as research and policy is currently focused in this way. However, it is acknowledged that this can be restrictive and ignores socio-economic inequality, a significant factor in disadvantage for many. Here we set out some illustrative findings.

- Two women a week are killed by a partner or former partner, and the British Crime Survey shows that just under half

of women experience at least one incident of domestic violence, sexual assault or stalking at some point in their lives.³

- In one survey almost half (48%) of East London lesbians and gay men had experienced homophobic crime.⁴
- Abuse of older people primarily by carers remains hidden. The majority of the abused are female.⁵
- One in two children and young people have experienced physical abuse outside their home.⁶
- Almost a quarter (23%) of adults with learning disabilities have been physically abused.⁷
- High levels of harassment are reported in the transgender community.⁸
- Ethnic minority community members are more likely to be victims of crimes and serious threats.⁹
- Ethnic minority women face additional forms of violence. Asylum seekers and refugees often fleeing violence, and through the 'no recourse'¹⁰ rule those with insecure immigration status, are denied protections and safety available to other women.

If government is to fulfil one of its core functions, to provide for the safety and security of its citizens as enshrined in human rights law, it must address violence as it affects people in and across the equality strands.

What is violence?

There is limited exploration in British social policy of the meaning of violence, and for an overarching definition the most widely cited comes from the World Health Organisation (WHO):

The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation. (WHO, 2002, p31)¹¹

This definition immediately alerts us to ways violence plays a part in inequality, through both the targeting of groups/communities and the consequences of maldevelopment and deprivation, alongside its use as a form of ‘power over’ another. When assault and/or abuse takes place in the context of longstanding unequal social relations it is both tolerated because of them and a reinforcement of positions in hierarchies. For the victim it is an experience of having agency/space for action/control over one’s own body limited. Whilst victimisation is not a position of total powerlessness – resistance and resilience are possible – it does harm which has to be coped with.

The WHO definition is, however, overly focused on physical injury and as a result underplays sexual violence and harassment. We have already noted that the most developed thinking and research currently addresses violence against women, although too often this is reduced to domestic violence. Domestic violence itself has varying definitions. Many researchers now use the concept of Intimate Partner Violence (IPV) to make the context clear, but the Government has produced a much wider definition.

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or who have been intimate partners or family members, regardless of gender or sexuality. This includes issues of concern to black and minority ethnic (BME) communities such as so called ‘honour killing. (2004)¹²

This is not a widely recognised definition, indeed it is unique to England and Wales. We follow the definition used by the UN, and drawn on by the End Violence Against Women campaign, which is located in a human rights framing and is internationally recognised.

The UN Declaration on the Elimination of Violence Against Women defines violence against women as;

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 in private life.

This wider framing was also supported by questionnaire respondents. One stated: ‘Violence ranges across a wide spectrum of social practices from name calling to harassment to the extremes of physical violence’. Another; ‘violence concerns the misuse of power and the exercise of control by one person over another’. A number propose that violence should be conceptualised broadly as a continuum,¹³ elements of which may be physical, emotional, physiological, psychological, sexual or financial. This paper proposes that this dimensional understanding of violence should be the foundation of the CEHR’s work. Betsy Stanko states:

Many different forms of violence are ever-present in the UK. ‘Violence’ as a term is ambiguous and its usage is in many ways moulded by different people as well as by different social scientists to describe a whole range of events, feelings and harm.¹⁴

The broader context also needs to be considered in, for example, the role that alcohol and drugs play. Whilst crime framings tend to present violence as discrete ‘incidents’, it is often repeated and experienced as a process. For example the majority of 164 LGBT (Lesbian, Gay, Bisexual and Transgender) questionnaire respondents from Bexley and Greenwich to a survey who had experienced violence report it took place more than once, with almost all (9 in 10) females reporting multiple incidents.¹⁵ Stalking and IPV are by definition courses of conduct involving repeat victimisation, but this is also the case for much racial and sexual harassment, abuse of children and the elderly. Part of the harm of violence is its presence as a threat/potential that diminishes both safety and sense of ‘being’ in the world with others.

Violence suffered by self or members of one’s community often takes place in

contexts of deprivation, fear and unsafety. We know fear of crime is often more significant than direct experience of criminal acts and in the case of women links to concerns about sexual violence. We need to trace such concerns across the strands, including how they impact on quality of life and how we understand good relations.¹⁶

Hate crime and its limitations

The hate crime concept originated in the USA, and was applied to homophobic and racist violence – in early discussions violence against women was excluded on the grounds that there was too much of it! It has undoubtedly been effective in bringing attention and resources to areas of crime that had been ignored or treated dismissively. The concept has subsequently been extended by the Crown Prosecution Service and the Metropolitan Police to domestic violence, whilst excluding other forms of violence against women which are arguably more relevant to the concept. Discussions are ongoing about its relevance to abuse of people with disabilities.

Data from the USA, and more recently from Australia, indicates that many crimes are committed because of real or perceived differences in race, religion, ethnicity or national origin, sexual orientation, disability or gender (Cunneen et al, 1997).¹⁷ This research makes clear that the effects of such crimes are felt not only by the individual victim but also by the group to which they are perceived to belong, confirming the relevance of human rights understandings (op cit). Whether all of these contexts can and/or should be included within hate crime is the critical question to which we now turn.

There is no consistently used definition of hate crime. Some currently in use are presented below:

Any criminal offence committed against a person or property that is motivated by an offender's hatred of someone because of their; race,

colour, ethnic origin, nationality or national origins, religion or belief, gender or gender identity; sexual orientation, disability. (Home Office)

Where the perpetrators' prejudice against any identifiable group of people is a factor in determining who is victimised. (The Metropolitan Police and the Association of Chief Police Officers)

Violence motivated by prejudice, bias or hatred towards a particular group of which the victim is presumed to be a member. (Mason, 1993)¹⁸

The common theme is that behaviour is motivated by hatred or prejudice connected to a characteristic of another person or group of persons. The current Home Office definition applies across all of the equality strands apart from age, this exclusion is justified on the basis that violence is very unlikely to occur because a person 'hates' children or elderly people. But how far is the attribution of hate relevant to other areas? Whilst on one level the concept of hate crime recognises that violence takes place within unequal social relations and has played an important role in raising awareness, it has considerable limitations. It presumes motivations of animosity towards the victim based in separation from, and stereotypes of, the other group. Such motivations are far less evident not just with respect to violence against women but also the violences experienced by children, the elderly and people with disabilities. The most likely perpetrators of such violence are familiar – partners, relatives, friends, professionals – positioned in relationships of intimacy, trust and care. In these contexts violent and abusive practices are frequently normalised, taken for granted forms of social interaction based on perceptions of others as 'worth less' and/or undeserving of the same entitlements or rights as the perpetrator of the violence. 'Hate crime' does not enable an understanding of these processes, and with respect to all violence has a tendency to reduce structural inequalities to individual psychology.

Respondents to the consultation for this paper were united that 'hate crime' was a problematic concept. Violence does not occur because those committing the violence 'hate' the victim but because they belong, or are thought to belong, to a specified social group. One questionnaire respondent stated:

Concepts around hate crime are clumsy, partly because they are based on simplified notions of identity. The understandings and meanings of hate crime are, therefore, inconsistent and do not offer a sufficiently inclusive and complex understanding of the intersections between violence, equalities and human rights.

At the same time the concept has rhetorical power, and has marshalled attention and resources to certain kinds of crime. In this context advocates for groups whose victimisation remains marginalised may make bids for 'inclusion'. Groups representing the elderly and disabled people are divided as to whether moves towards inclusion, whilst conceptually inappropriate, may deliver increased recognition and access to justice.

The current knowledge base

Violence is typically not addressed as an equalities issue but rather as a specific area of criminology, law, sociology or psychology. This section presents a preliminary exploration for each strand (age, sexuality, race, religion and belief, disability and gender) of available data whilst also pointing to relevant intersections; gender and generation are keys to understanding patterns of violence, alongside differential targeting of minorities, with respect to ethnicity, sexual orientation, black and other ethnic minorities, refugees and disabled people.

1. Age

A UN study published in October 2006 provided a powerful and authoritative account of children's experiences of violence. The definition of violence drew on article 19 of the Convention on the Rights of the Child; "all forms of physical or mental

violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse", and on the World Health Organisation's definition of violence (see above).

Over the last thirty years the annual number of child homicides in England and Wales has remained constant, averaging one or two deaths per week.¹⁹ Babies under one year old have the highest homicide rate in England, Wales and Scotland, higher in fact than young males aged between 16 and 24 who are the next largest victim group. Successive British Crime Surveys²⁰ have found that young men (16- 24) are most at risk of violence, primarily from each other in the public sphere. This pattern also needs to be understood in terms of gender analysis – that these encounters are about how young men 'do' masculinity in public space and peer groups. Whilst these incidents can be costly for individuals and the public purse they are not recurrent patterns rooted in structural inequalities.

Very few studies look at all forms of child abuse, but an exception was one undertaken by the NSPCC which interviewed 2,869 18-24 year olds.²¹ The study encompassed bullying and discrimination, physical abuse, physical neglect, emotional or psychological maltreatment and sexual abuse. Amongst many significant findings the study showed a quarter of the sample had at least one violent experience and most of which (78%) happened at home with fathers (40%) or mothers (49%) being responsible.

The intersection of gender and age is important in a range of contexts. For example, the majority of perpetrators of sexual abuse and of serious physical abuse of children are male, whilst women (mothers) are much more likely to be charged with neglect. Intersections of age and disability are evident in the high rates of abuse of disabled children.²² In terms of interventions, intersectionality helps us explain the patterns of both under and over intervention in ethnic minority families.²³

At the opposite end of the age spectrum, how should we understand elder abuse?

Traditionally statistics and understanding are drawn from reported and clinical cases, in which the most common scenario is of frail elders dependent on, often female, carers; abuse is seen to arise from the 24/7 responsibility for a needy elderly person. The typical policy response has been to provide relief and support for carers (Steinmetz, 2005). Findings from a wider population study (Pillemer, 2005) presents a somewhat different picture. Here elder abusers are:

- Often not carers;
- May be themselves dependent on the elderly person for housing, money, transport, food and cleaning;
- Have problems with alcohol, substance abuse, and mental health and have been violent in other contexts.

The typical case here involves adult sons returning to live with elderly mothers. The policy approach of support for carers would, in these cases, serve to blame the victim and Pillemer asks whether elderly victims would be better served by the more usual approach to violence – advocacy and support for victims, removal and prosecution of offenders.

Intersection 1: Older women

Older women seeking to end a violent relationship face additional challenges and barriers:

- Their economic situation and limited economic potential narrows options;
- Lack of separate pension provision;
- Limited availability of appropriate safe housing (including refuge accommodation);
- Limited access to temporary refuge with friends or relatives;
- Limited capacity to rebuild social networks.

2. Sexuality

Liberal democratic theory posits that the State is the ultimate provider and guarantor of individual and collective safety and security. In return individuals respect the law. In this context Shane Phelan (2001) argues that the failure of states to take violence against gay men and lesbians seriously is a clear manifestation of the denial of sexual citizenship.²⁴

Research by Cardiff University (2006) shows that boys as young as nine use anti-gay statements as an element in playground bullying.²⁵ Accusing other boys of being “gay” and/or a “girl” simultaneously insults and controls the other whilst serving to establish the masculinity of the bully. Dr Alison Parken, director of Stonewall Cymru, adds further emphasis on the intersection of gender, sexuality and bullying in schools, “there is quite a lot of evidence that kids are homophobically bullied if boys or girls think they are gay”. Whilst only six per cent of schools in England and Wales mention sexuality in their anti-bullying policies, research in the late 1990s by GALOP established disturbingly high rates of suicide and self-harm in LGBT youth.²⁶

In 1999 a national survey of 2,500 respondents found that two thirds (66%) had been a victim of a homophobic incident, but only 18% were reported.²⁷ Further a more recent study in 2001 by GALOP of LGB men and women from black and minority ethnic backgrounds found a similar proportion (68%) had experienced homophobic abuse and with an even higher rate for racist abuse (81%). Levels for actual physical assault were lower with 10% experiencing homophobic violence and 24% racist violence.²⁸ Some intersectional theorists would argue that their complex positioning makes allocating abuse into such clear cut categories problematic – that it may precisely be the intertwining of identities which explains why they are targeted so frequently.

Intersection 2:
Older disabled lesbian

Mary, an older disabled lesbian called wanting information and support on how she could stop abuse. Although she was still married and lived in the same house she and her husband had lived separate lives for some years. He lived upstairs and she downstairs, although he continued to be her carer. Regular verbal and emotional abuse had escalated since she found a new partner who was a female to male transsexual. No services could cater for Mary's complex needs.

(Case study provided by a respondent working in the sexuality strand)

3. Race

Police in England and Wales recorded 50,000 racially or religiously motivated hate crimes in 2005. The British Crime Survey suggests that there were 260,000 such offences in 2006. The Metropolitan Police alone recorded 11,799 incidents of racist and religious hate crime in the 12 months to January 2006 meaning that less than 1 in 5 incidents are reported and recorded. Racial harassment is the most common form of racially motivated incident in recorded crime figures: The increased incidence is attributed to greater willingness to report and improved recording.²⁹ High levels of harassment and racial attacks are reported by individuals who are in a position to create opportunities of belonging in neighbourhoods, such as shopkeepers/small businesses.

Data compiled by the Commission for Racial Equality shows that ethnic minority people experience heightened levels of fear of crime. This fear could be said to be well-founded, since race/ethnicity elevates the risk of being a victim of interpersonal crimes (mugging or violence).

Intersectional analysis suggests a fruitful line of exploration might be the connections between riots/disturbances

and race and gender. Insightful commentary in the early 1990s by Bea Campbell in *Goliath*,³⁰ suggested that gangs seek to control not only a neighbourhood space, but also sexual access to women within it. Both are significant aspects of how gang members construct their masculinity. Conflict can, therefore, erupt over attitudes of 'sexual propriety' to 'our' women. The disturbances in Lozells, Birmingham in 2005 involving Asian and black youths are a case in point, sparked by a rumour that a Jamaican girl had been raped by a group of Asian men.

Working with an intersectional lens may illuminate ways in which racial violence/harassment takes specific forms when directed at or enacted by women/men/children, and could usefully explore whether it has gendered impacts. The box below outlines an intersectional perspective with respect to recent migrants suffering domestic violence.

Intersection 3: Migrant women

Recent migrants who are living in a violent relationship face a specific set of barriers:

- They may not speak English or be aware of their rights;
- They are less likely to have friends and family to offer support;
- Their abusive partner may misinform them as a power and control tactic;
- If they have recently arrived and have no documentation of the abuse the 'no recourse to public funds' rule means they may not be able to access rights and protections;
- They may not be eligible for welfare or housing benefits, which in turn means they will not be able to access a refuge.

4. Religion and Belief

Religion is increasingly becoming the main marker of identity, especially in relation to ethnic minority women, at the same time as it is implicated in violence along a range of dimensions, including gender. We only address the connections between religion and interpersonal violence in this section, and note there are currently limited data with respect to the prevalence of violence. There is evidence internationally that suggests religious fundamentalisms may increase the tolerance of forms of violence against women, children and sexual minorities.

Religious markers of identity have become a new focus for discrimination and attack in the West, and affect sense of safety and fear of crime: Safety was the most significant issue raised by Muslim women in a recent consultation;³¹ police data for just three months in 2006 record 107 anti-semitic attacks.³²

Religious leaders are also evident as perpetrators of violence, with the victims, in the main, children and vulnerable women. Such breaches of trust are not just about the individuals but also strain that of entire congregations. A number of well-publicised cases across denominations have illustrated the failure of faith-based governance systems to hold abusers to account. Many commentators have pointed to the ways traditional religious doctrine has been interpreted in ways that blames victims, especially for sexual violence. This stance has compounded the harms of violence, since survivors were deprived of the support and solace they expected from their community.

So religion is connected to violence as a source and a targeting factor. There are also challenges with respect to intersectionality, the fluidity of identities and human rights, since religious fundamentalisms seek to exclude some groups from full inclusion/citizenship. Further illuminating the connections between religiosity and violence are important areas for research.

5. Disability

The European Disability Forum maintains that disabled people face higher levels of violence than non-disabled people, with some studies finding incidence rates as much as four times higher, and elevated rates especially for adults and children with learning disabilities.³³ A significant report on the sexual abuse of people with learning difficulties was produced jointly in 2001 by the charities Voice, Respond and MENCAP.³⁴ The majority of victims are women and among reported cases those involving disabled adults are least likely to result in a charge and/or conviction (Kelly et al, 2005). Another study tracked 284 suspected cases, of which only a quarter (63) were investigated by the police. Just two (less than one per cent) proceeded to court, and only one resulted in a conviction.³⁵

Many studies suggest that disabled children and adults are differentially targeted for violence and abuse and disability advocates have exposed the taken for granted ways in which the basic human rights of people with disabilities to privacy and bodily integrity are routinely violated. Here the concept of a continuum of violence can be applied with abuse ranging from disrespectful treatment and rough handling through to rape, sexual exploitation and murder. The intersections of disability, age and gender create contexts which not only predict high levels of interpersonal violence but also simultaneously severely reduce access to redress/justice.

6. Gender

Gender-based violence encompasses, but is not limited to sexual violence, female genital mutilation, stalking, sexual harassment, prostitution, forced and early marriage and domestic violence. These forms of violence are normally addressed in silos or as stand-alone issues rather than linked to women's status in society.³⁶ Whilst violence against women is mostly commonly perpetrated by known offenders, sexual harassment in public is widespread and contributing to women's fear of crime and whether they feel safe in public spaces at night. The most recent British Crime

Survey (2005-2006) found that for each age group, women were more than twice as likely to be worried about violent crime as men and this was especially apparent among 16-24 year-olds.³⁷

The connections between gender and violence are probably the most well documented in the equality strands,³⁸ yet despite urging from the UN in 1993 the UK still lacks a coherent and integrated Plan of Action addressing the issues as a matter of gender inequality.³⁹

The women's movement has made violence a critical issue, creating innovative responses in the 1970s which are now regarded as core services: Refuge/shelters; telephone helplines; advocacy. Other early models – such as self-help groups and self-defence training have been less institutionalised. What is rarely acknowledged is the sophisticated gender analysis underpinning this work which outlines the many ways in which violence is used as a resource by young and adult men to construct and reinforce masculine identities. Here again an intersectional perspective might provide original insights and new approaches to intervention and prevention.

Many examples provided by respondents illustrated the intersections of gender with other strands, and that violence is common and complex. For example girls and young women are more likely to experience sexual violence than older women, older women are more likely to be abused by carers than older men. In both the intersections of age and gender are key.⁴⁰ Some recent analysis in the USA is also raising complex questions about the levels of violence suffered by poor Black women.

Under the Equality Act 2006 the CEHR has a duty to promote good relations. Britain's experience of statutory bodies promoting good relations lies in work on race relations and relations between different religious communities, and in Northern Ireland on tensions between communities defined by religion, political opinion and racial group. However, the

data presented in this paper makes clear that the CEHR's role in promoting good relations should extend beyond these areas. Indeed, there are many examples of voluntary agencies working to promote good relations such as WOMANKIND Worldwide in England and the Zero Tolerance Trust in Scotland who are working in secondary schools on violence against women, that of Stonewall on LGBT issues and some work in local authorities on bullying and harassment. What should be used as templates are those approaches which embrace and use intersectionality and have a critical approach to masculinities constructed through violence. Again the human rights agenda will provide a solid foundation and reference point. An example of a failure to use such an approach is the recent Ofsted report⁴¹ which congratulates men's magazines such as Nuts and Zoo for providing sex education for young men, whilst also recognising that much of the content of the magazines is sexist – and we would add hetero-sexist. Hetero-sexist sex education does not pass the intersectional test, since it is likely to reproduce some of the values and beliefs that underpin the acceptability of pressure and coercion in sexual encounters and teasing, bullying and harassment of young people about sexual orientation.

Multiple identities/intersectionality

Social positions are relational; that is to say there is no inequality without more and less powerful social groups, more and less valued social identities. These social positions are linked and constructed in relation to one another. The concept of intersectionality aims to make visible the multiple positioning that constitutes everyday life for many people.⁴²

It is widely accepted that class, race, faith, gender, sexual orientation, disability and age produce distinct identities and inequalities in UK society, and these aspects of diversity are now addressed explicitly in policy areas such as neighbourhood renewal

(Office of the Deputy Prime Minister, 2005).

Our identities are not just made up of these singular building blocks, but have multiple aspects which interact and change over time and vary from place to place. (Pain, 2005, p9)⁴³

Social Identity theory offers another way of exploring these issues.⁴⁴ It suggests that individuals define their identities along two dimensions: social, defined by membership in various social groups; and personal, the idiosyncratic attributes that distinguish an individual from others.⁴⁵ For example, Moran and Sharpe (2004) outline the multiple and simultaneous operation of various social and cultural divisions in transgender identity. They note that traditional faith-based communities are more likely to be intolerant with respect to sexuality, resulting in some residential areas being experienced as dangerous by LGBT individuals. Here not only do intersections reinforce marginalisation, but relations between communities produce insecurity, threat and even violence. The safer communities agenda needs to be alert to these complexities alongside the dangers of positing communities as homogenous resulting in implicit presumptions such as 'all ethnic minorities are heterosexual' or 'all gay men and lesbians are white'.

It draws attention to the impact of existing multiple structures of social division in the production of social hierarchy upon each individual, in some instances compounding a person's experience of social disadvantage and in other cases qualifying the impact of that disadvantage, placing that person in a position of relative advantage. Intersectionality is a term that points to the experience of social exclusion in general and its connection to violence in particular, as a composite of many different distinctions, of race, class, gender, sexuality, ethnicity and so forth and different contexts. (Moran & Sharpe, 2004, p400)⁴⁶

Linking multiple identities and intersectionality Mieke Verloo⁴⁷ highlights the probability and possibility of changes in identity and status over the life course. For example, we have all been young and most will become old, everyone may become disabled and some will change their sex or ethnic identity. Verloo argues that social divisions are categories, and as such are unstable and contested; 'what counts' as race or ethnicity in specific contexts, what counts as young or old, is intertwined with power. She also makes the crucial but complex point that inequalities have dissimilar roots, histories and practices, demanding an analysis which can encompass both difference and similarity simultaneously.

The challenges of intersectional analysis are substantial and yet to be developed systematically, although we do have some examples from the fields of gender and sexuality to draw upon. Equalities work to date in the UK, including that by the equality commissions, has tended to be one, at the most two, dimensional. Failure to think about the equality strands as interconnected can result in unhelpful policy responses. For example, in seeking to implement the positive duties in the Race Relations (Amendment) Act on public bodies to promote racial equality, consultation with 'community leaders' has taken place. These individuals have overwhelmingly been male, meaning that women's different needs and perspectives have often been excluded. The increasing tendency to conflate race with religion serves to further compound the problem, which in turn runs the danger of compromising the gender equality agenda. The ongoing dissent from elements of the UN gender equality agenda by faith-based coalitions is an instructive example here. If policy on good relations is to have anything other than rhetorical meaning, cohesion must be understood as layered, complex and not amenable to 'single strand' engagement. The human rights framework provides us with one useful route out of this conundrum.

Perpetrators of violence

Another way of thinking about intersections and violence as a cross-cutting issue is through the lens of the perpetrator. Recent research on men who commit acts of sexual or domestic violence reveals that they are not specialists; they may assault children and adults, males and females. In addition to a range of other offences, including acquisitive crime (e.g. theft) both in private and public. Table 2 (see Appendix 2) provides more examples from research that challenges conventional demarcations between sex offenders. We should also bear in mind individuals like Ian Huntley, who committed a string of sexual offences against young women, and abused several girlfriends before he killed Holly Wells and Jessica Chapman.

The majority of perpetrators of violence, especially the most lethal forms, are male. There is increasing academic focus on how gender is a key aspect in not only who commits violence, but also how masculinities are constructed. Creating an overarching framework for understanding the contours of violence, therefore, demands new concepts, and new ways of engaging with difficult messages, especially how boys and men 'do' masculinity in relation not only to women and children but also men and boys from their own and other social groups. For example there has been little public analysis of how masculinity played a role in the recent spate of killings of young black men in London.

Earlier sections noted the cross-over between domestic violence and elder abuse perpetrators. We lack evidence with respect to other aspects of cross-over offending, for examples, whether men who commit violence against women/children also commit racially motivated and homophobic assaults. These associations deserve more detailed exploration.

What Human Rights principles brings

There is strong support already for taking human rights as the foundational principles to underpin its work, drawing on the UN

conventions which the UK has signed and ratified. The relevance of violence is also clear; freedom from violence and abuse is not just a basic human right but also explicitly recognised in international law with respect to gender, age, race and disability. The Equality Act further requires that the CEHR must take human rights into account in its work on equality issues and good relations (section 9 (4)).

As human rights thinking has become more sophisticated, and competing rights have been identified, an in-built mechanism for mediating between them has emerged. Some rights are deemed foundational – such as bodily integrity – others are 'qualified', such as the right to respect for private and family life. Whilst foundational rights are absolute, qualified rights are not, and have to be balanced against the rights and interests of others and the community as a whole. It is this reasoning which results in the rights of children and women to protection from abuse in the household being considered more deserving of protection than the right of a perpetrator to privacy and a family life.

Human rights jurisprudence, especially in its most recent formulations, offers a number of keys which can be used by the CEHR to unlock an integrated approach to violence including: Specifying who is responsible for promoting, protecting and fulfilling rights – states; providing a framework which empowers people to claim rights and to participate in efforts to make them real; and a prioritisation of the most disadvantaged groups. Whilst human rights apply to everyone, human rights jurisprudence is most engaged with social groups that are especially vulnerable to human rights violations. Women, children, ethnic minorities, disabled people, asylum seekers, LGBT communities, indigenous peoples, the elderly, ex-offenders, those experiencing socio-economic disadvantage and other marginalised groups are prioritised in a human rights based approach, albeit that the starting point is the recognition that a human being has been poorly treated.

The next step requires asking if that human being has been disproportionately affected because of their membership of a particular group or groups. In other words, human rights requires that we explicitly consider whether membership of one or more of the equality 'strand' classifications is relevant, in the context of this paper, to being a victim of violence. Thus unlike a traditional equality (anti-discrimination) approach which requires that individuals are 'allocated' to a strand, human rights can work with multiple identities in addressing issues and exploring solutions, as illustrated in box below. This example illustrates not only the critical importance of combining intersectional approaches with human rights, but also the unique potential of the CEHR to pursue work on violence as a cross-cutting issue.

Intersection 4: Disabled Asian Boy

A case was referred to a local Race Equality Council (REC) of a disabled Asian boy who was being harassed by his neighbours. It was unclear whether he was being harassed because of his race or disability, and the REC was unsure which equality framework it should be using.

The openness of the human rights approach, which can invoke principles for the whole child was thought to be far preferable than the current state of affairs. Not only can human rights recognise the intersections of age, race and disability in this case but also suggest lines of action, including that the REC could approach the police and local authority and remind them of their positive obligations, which are absolute in nature, to protect the child from inhuman and degrading treatment.

(From BIHR training session on human rights)

Violence as a cross-cutting issue for the CEHR

There was an overwhelming consensus in consultation responses that violence is both critical and applies across the equality strands, and that it is disproportionately targeted at disadvantaged groups. Moreover, how violence is connected to intersections across strands was a recurrent theme, reflected in the boxed case examples.

Of course it spans and is linked. For example, the role of women is different in different religions, belief traditions and groups. This intersects strongly with culture, which may be allied to race - racially motivated violence intersects with faith, notably for Sikhs, Jews and Muslims.

There was also acknowledgement that gender-based violence can be examined within all the strands, necessitating an intersectional gender analysis and the development of more holistic responses. We have argued that a human rights approach offers practical ways to chart a way forward in such complex situations. A further common observation involved how the harms of violence are compounded by discriminatory responses from service providers which in turn affects what we know about experiences of violence.

Another illustration of this link is the experience of homo/bi/transphobic hate crime. Where an individual encounters a poor or discriminatory response to their experience, this is likely to impact on their response to future incidents of victimisation for this or other issues.

Whilst most contributions focused on violence from the victims perspective, the role of perpetrators and potential perpetrators was also highlighted. For example, one respondent from the disability strand stated:

There is also lack of access to information and preventative help for people who may become perpetrators of violence.

Further comments underline the importance, yet neglect, of these issues in contemporary equalities work.

There is a widespread perception that Islam condones violence and this is untrue. There may be Muslim men who abuse women but this is against the teachings of Islam.

There is very little research into violence against deaf people, in particular those who are more vulnerable (children, women in BME communities, older people). However whatever information is available indicates that deaf children and adults are more likely to experience abuse and violence compared to others who are not disabled. There is also little evidence of accessibility of services aimed at those who have suffered violence.

The victim/survivor may disclose any number of issues which might also include discrimination which may or may not include violence because of their sexual identity, gender, ethnic origin, age, disability or religious belief both in relation to the domestic violence but also the service they may or may not receive.

Many were alert to the continued limits in knowledge since it requires victims to name and speak about violence. The ability and confidence to do one or both being profoundly linked to inequalities including: Access to language; the expectation that one will not be heard/believed/ understood; and/or the anticipation that intervention/action will be discriminatory.

From the Outset: Conclusions and recommendations

EVAW welcomes the establishment of the CEHR and we look forward to working with the new body to take this agenda forward. The aim of this paper is to support the CEHR's work as it considers its priorities. The CEHR's draft Mission states that it will 'develop an evidence based understanding of the causes and effects of inequality for

people across Britain, and will be an authoritative voice for reform.' We believe that the evidence presented in this paper powerfully demonstrates that violence is an issue that cuts across equality strands and that a human rights approach can provide a foundation for the CEHR in its efforts to address it in a more sophisticated, holistic way. The data we have gathered demonstrates that consultation with service providers and those with grassroots experience across all the strands is vital to ensure we have a better grasp of the contours of violence and how it operates as a cause and consequence of inequality.

We have also argued that addressing violence from the outset requires that the three pillars of the CEHR – equality, human rights and good relations – work together, offering a promising route for linking human rights and equalities in ways that encourage safety and cohesion across groups and communities.

The equalities agenda, and the establishment of the CEHR, presents us with an exciting opportunity to take a fresh approach to violence, safety and security for all members of society. The strongest knowledge base currently addresses gender-based violence, which is understood as a cause and consequence of inequality, and increasingly framed in an intersectional and human rights framework. This provides a template from which to embrace the other strands more fully.

We organise our recommendations in relation to the next ten steps that conclude the Equality Review.

1. Defining equality

Whilst accepting that an accessible and intersectional definition is desirable, the current proposal lacks reference to human rights concepts, and does not adequately recognise violence/safety. Language is critically important in framing policy and practice, in including and excluding. With this in mind we propose that 'violence against women and girls' is a more inclusive concept than 'domestic and sexual violence', especially with respect to ethnic minority communities. Similarly this paper

demonstrates that ‘hate crime’ only works for some strands, and has other limitations.

We recommend:

- *The definition of equality should include reference to personal safety, bodily integrity and human dignity.*
- *An initial piece of work is undertaken to build a inclusive conceptual approach, which expands existing human rights language.*

2. Building a consensus on equality

Enhancing the definition and conceptual framework so that it is more inclusive of human rights and the question of violence provides a mechanism for building wider consensus on equalities. This will also be furthered, in our view, if the rights, responsibilities and priorities across the equalities agenda are seen to be even-handed and fair.

To ensure that this is seen to be the case we recommend:

- *Human rights should be the underpinning framework.*
- *Harmonisation and levelling up of the good relations duty linked to violence as a cross-cutting policy issue within the CEHR.*
- *Continued recognition of the cross-cutting relevance of class and poverty as part of an intersectional approach.*
- *Consultation to be recognised as a critical tool, within an intersectional framework i.e. extending beyond recognised/traditional community leaders.*

3. Measuring progress towards equality

The Equalities Review notes the lack of data to underpin analysis and track progress. We have also noted gaps in the data on violence. We concur that without a strong knowledge base, which enables tracking of trends over time, we are not in a position to measure progress.

We recommend:

- *The CEHR should commission research to fill gaps in our knowledge about the connections between violence and inequalities.*

- *The CEHR should champion the production of intersectional data and analysis across government and agencies.*

4. Transparency about progress

Making data widely available and creating a framework for assessing public progress are both vital moves. We commend here the moves of the Justice Department in New Zealand which has made much of its regularly collected data available online. Such moves are, however, undermined by the failure to collect or present data fields that allow analysis to explore all equality strand variables.

We recommend:

- *The CEHR builds and widely promotes a set of required data fields for all government sponsored research and evaluation and official data from statutory bodies.*
- *The CEHR takes cognizance of, and points out, inconsistencies in approaches between government departments that undermine equality and fail to uphold universal human rights. For example: Work on forced marriage is being undermined by immigration law; the ‘no recourse to public funds’ rule resulting in unequal protections and rights for women with insecure immigration status in the UK.*

5. Targeted action on persistent inequalities

It has been our contention that violence and abuse form part of the warp and weft of persistent inequalities – both the view of some groups as legitimate targets and the sense of entitlement/superiority/grievance among perpetrators of violence. As a society, we have yet to address it coherently and consistently, with prevention work piecemeal and short-term.

We recommend:

- *The CEHR set a strong medium and longer-term violence prevention agenda with transparent measures of progress;*
 - *this should be both cross-strand and single-strand in content and focus;*
 - *action and buy in must be across government departments, with particular emphasis on linking*

public health, crime prevention and education;

- *the ground-breaking work of Stonewall and Womankind Worldwide on changing attitudes and exploring new forms of masculinity should be drawn upon as promising practices.*

6. A simpler legal framework

The need for a coherent equality law has been highlighted by government and is echoed in the review.

We recommend:

- *Harmonisation of laws and levelling up of public sector equality duties.*
- *Public bodies should work with stakeholders to build upon objectives on violence and safety in equality schemes.*

7. More accountability for delivering equality

We concur that without accountability delivery cannot be tracked or monitored.

We recommend:

- *Public Service Agreements should be 'equality proofed', and required to address cross-strand data collection and analysis.*
- *An analysis of disproportionality in Criminal Justice System measures, covering access to justice and outcomes.*
- *All layers of discrimination to be identified and addressed.*
- *An analysis of the extent to which violence is implicated in sustaining inequality, and setting targets for its reduction as a step to achieving equality.*

8. Using public procurement and commissioning positively

Public procurement and commissioning of services can be done in ways that increase equity of provision, access and outcomes. It can also be used to require commissioners and service providers to address violence, its consequences and aftermaths across a range of policy priorities.

We recommend:

- *Public procurement and commissioning are used to ensure all who need*

support to cope with the aftermaths of violence – including those in residential and custodial settings⁴⁸ - have access to appropriate services. These may be best provided in single strand – such as women only, or ethnic minority, or LGBT – but within an intersectional understanding.

9. Enabling and supporting organisations in all sectors

We understand this in two ways – supporting organisations to address equalities agendas more effectively and in an integrated way, at the same time as recognising the role and contribution of specialism within strand services. The Office of the Third Sector has a key role here to work in partnership with the sectors and the CEHR. With respect to violence, there has long been recognition of the importance of creating safe space in which it is possible to explore and address complex legacies and harms. It may be most productive for these spaces to be specialist rather than generalist – e.g. women only, for LGBT, for young people, for deaf women/men.

We recommend:

- *The CEHR develop guidelines which encourage and enable equitable access to resources and services alongside supporting the provision, where relevant, of specialist services for groups which experience discrimination and victimisation.*

10. A more sophisticated enforcement regime

We agree with the Equalities Review that enforcement needs to be able to address the complexities and multi-dimensions of inequalities, and believe that our recommendations contribute to that direction.

Throughout this paper we have argued that the CEHR is uniquely positioned to take this work forward and that work to date on gender-based violence as a human rights issue provides a foundation for developing a cross-strand approach to violence as a key equalities issue. We urge that this opportunity be grasped from the outset.

End notes

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- 2 Faith operates somewhat differently, but has formed a foundation for justifying violence and targeting particular groups.
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- 29 See http://www.cre.gov.uk/duty/reia/statistics_justice.html
- 30 Campbell, B. (1993) Goliath. London, Methuen.
- 31 Muslim Women's Network (2006) *She Who Disputes – Muslim women shape the debate*. Available from http://www.thewnc.org.uk/wnc_work/muslim_women.html
- 32 Available from <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2006/12/17/nislam117.xml>
- 33 Retrieved from http://www.edf-feph.org/en/policy/nondisc/nond_pol.htm
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Appendix 1

Table 1: Selected data on criminal victimisation and equality strands

Strand	Sample	Relevant Finding	Country & Year
Race	3,622 adults aged 55 and older	African American and Hispanic adults are more likely to be to be victims of intimate partner violence. ^a	USA, 2004
Race	National Crime Statistics, data from 1993-1998	African Americans report significantly higher domestic violence (DV) rates: 35% higher for females, 62% higher for males. ^b	USA, 2000
Race	Adults	Ethnic minorities more likely to be victims of crimes and serious threats. ^c	UK, 1996
Race		Young black people are overrepresented in the Criminal Justice system. ^d	UK, 2006
Age	Adults	Older people are more likely to sustain serious injury due to degenerative conditions. ^e	2002
Age	Adults over 60 years old	2% of elderly people reported physical abuse, 5% verbal abuse and 2% financial abuse. ^f	UK, 1992
Age	Adults over 60 years old	5-7% of elderly people reported DV during the last 5 year period, 6-7% reported other crimes of violence. ^g	Germany, 1995
Age	2,420 children and young people	51% had been a victim of physical abuse outside their home. ^h	UK, 1998
Disability	People with learning difficulties	People with learning difficulties (LD) are more vulnerable to abuse. ⁱ	UK, 1995
Disability	Callers to VoiceUK between 1993-2000	VoiceUK received 327 calls on sexual violence to people with LD. 41% of the calls were from males. ^j	UK, 2002
Sexuality	930 adult gay males	27.6% (257) had been subjected to non-consensual sex at some point in their lives. ^k	UK, 1994
Sexuality	2000 homosexual & bisexual adults	52% had been victims of violence. 77% of Lesbian, Gay, Bisexual and transgender (LGBT) persons under 20 years stated they had been victims of some sort of 'hate crime', 20-30 years = 64%, middle aged = 40-50%, 60-70 year olds about 10%. ^l	Sweden, 2004
Sexuality	164 LGBT adults	69% had experienced homophobic violence threats or harassment in their lifetime. ^o	Bexley & Greenwich, UK, 2004
Sex/Gender	Transgender and intersex adults	50% had been raped or assaulted by a romantic partner. ^m	USA, 1998
Sex/Gender	24,498 men & women aged 16-59 (nationally representative)	Over a quarter of women (28%) have experienced one of more forms of abuse by a partner. ⁿ	UK, 2004
Gender	19,411 adults over 16	The 2000 British Crime Survey estimates that 29 per cent of women are 'very worried' about being raped. ^p	UK, 2000
Gender	47,769 adults over 16	For each age group, women were over twice as likely to be worried about violent crime as men and this was especially apparent in the younger age groups; among 16 to 24 year olds 32 per cent of women had high levels of worry compared with 12 per cent of men. ^q	UK, 2005/2006

Appendix 2

Table 2: Offenders do and do not discriminate

Sample	Relevant Finding	Country & Year
1,345 adult male sexual offenders	24.5% (330) offended across victim groups on at least one of the dimensions of age, gender or relationship. These offenders were also assessed as significantly riskier. ^f	UK, 2006
Domestic violence offenders	1 in 4 were committing a range of offences outside the home, and 1 in 8 were defined by police measures as high risk and dangerous. ^g	UK, 2004
206 male adolescents, their parents and best friends	Aggression towards a female partner was predicted by hostile talk about females with male peers, prior antisocial behaviour. ^h	USA, 2001
3,363 parents	Almost 100% correlation between chronically violent abuse of women by men and those men's physical abuse of children. ⁱ	USA, 1996
223 incarcerated adult sexual offenders	The majority admitted to sexually assaulting both children and adults across relationship types. A sub-group of offenders who sexually assaulted children admitted to sexually assaulting both relatives and non-relatives. ^j	USA, 2003
Adult sexual offenders	12% of child abusers admitted to also attempting forced sex on an adult female. 34% of extrafamilial child abusers also committed incest. 50% of intrafamilial child abusers offended outside the home. ^k	USA, 1991
1,139 youths	Young men who committed relationship and gang violence were also involved in a variety of other crimes. Further relationship violence was significantly associated with current gang membership. ^l	USA, 2003

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Appendix 3: Questionnaire Violence as Cross-Cutting Issue

End Violence Against Women (EVAW) has commissioned the Child and Women Abuse Studies Unit at London Metropolitan University to develop a paper on violence as a cross-cutting issue for the Commission for Equality and Human Rights (CEHR).

We are interested to know your views.

1. How is violence understood and dealt with in the equality strand you specialise in?

2. Do you think violence spans and is linked across the equality strands?

Yes No

Please tell us why you think this

3. Have you done, or do you know of, any research that illustrates the presence of violence in a particular equality strand or across a number of strands?

Yes No

Please tell us more and where we can find the research

4. Could you or any of your constituency provide any case studies that we could use to illustrate the how violence is a cross-cutting issue?

Yes No

If yes, how can we contact you to get more details?

5. What do you think the priorities for the CEHR to address about violence and equalities are in the immediate future and longer term?

Immediate Future:

Longer Term:

Would you be willing for us to contact you to discuss any of the issues you've raised?

If yes please could you provide your contact details:

Please return this form to
Miranda Horvath, Child and Women Abuse Studies Unit,
Ladbroke House, 62-66 Highbury Grove, London, N5 2AD

For an electronic copy of the questions or further information please email:
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