

Violence against women and girls



Background

“Violence against women is not a new phenomenon, nor are its consequences to women’s physical, mental and reproductive health. What is new is the growing recognition that acts of violence against women are not isolated events but rather form a pattern of behaviour that violates the rights of women and girls, limits their participation in society, and damages their health and well-being” (World Health Organisation, 2013).

Violence against women and girls (VAWG) is both a human rights and a public health issue. It is a global phenomenon, which adversely affects individuals who experience it and carries social and financial costs for the societies in which it occurs. VAWG incorporates a wide range of violent and abusive behaviours including rape and other forms of sexual violence, domestic violence (or intimate partner violence), stalking and child sexual exploitation. The [World Health Organisation \(WHO\) recently estimated](#) that more than 35% of women worldwide have experienced either intimate partner violence or non-partner sexual violence in their lifetime. We know that men and boys are victims of violence too, and this violence is no less harmful. However, there are gendered patterns in both the prevalence and experience of such violence, in that it is overwhelmingly perpetrated by men against women and girls. VAWG is both a cause and a consequence of gender inequality in society.

Violence: *“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)*

Violence against Women and Girls (VAWG): *“any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”*
(United Nations)

Women and girls worldwide experience a wide spectrum of violence. Forms of violence include (but are not limited to):

- Violence occurring in the family (including physical, psychological and sexual violence): this includes domestic abuse, rape and child sexual abuse
- Forced and child marriages
- Honour-based violence
- Sexual harassment and intimidation in the public sphere and in the workplace
- Sex trafficking and other forms of sexual exploitation.

This briefing specifically explores domestic abuse and sexual violence, focusing on Scotland.

Domestic abuse

Domestic abuse: *(as gender-based abuse) can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape), and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends).*

(as agreed upon at the National Strategy to Address Domestic Abuse in Scotland, Scottish Partnership on Domestic Abuse, in Edinburgh, November 2000)

The World Health Organisation (WHO) estimates that most violence against women occurs within relationships. **Almost one-third of women worldwide experience intimate partner violence;** in some regions, the figure is as high as 38% ([WHO, 2013](#)).

A note on terminology:

Domestic abuse and *domestic violence* are terms which are used interchangeably. However, in Scotland, domestic abuse is the preferred term since it better captures the whole picture of an abusive relationship and living situation. It also gives a wider conception of violence than solely *physical* violence.

Partner abuse or *intimate partner violence* is abuse or violence that occurs between partners (including former partners). Since the majority of instances of domestic abuse are perpetrated by partners or ex-partners (and not other family members), these terms are and can be used somewhat interchangeably.

Domestic abuse can happen to anyone

Domestic abuse can happen at any time, to anyone. Domestic abuse can happen in married, cohabiting and non-cohabiting relationships. Domestic abuse cuts across all age, class, sexuality, race and social boundaries.

Context

Until the 1970s, domestic abuse was for the most part an *invisible crime*. Until this time, acts of violence that occurred ‘behind closed doors’ were seen as private and largely free from any state intervention. From the 1970s onwards, politicised feminist movements played a key role in increasing awareness of domestic abuse and this led to the setting up of women’s shelters (to house women fleeing from abusive partners) and the establishment of organisations such as Women’s Aid, which work to prevent domestic abuse and offer support and advice services to women and their children (see, for example [Scottish Women’s Aid](#)).

Tackling domestic abuse (prevention, supporting victims and bringing perpetrators to justice) is now a top priority of the Scottish and UK Governments. These are some recent policy and strategy documents from the Scottish Government:

- Scottish Government (2014) *Equally Safe, Scotland’s Strategy for preventing and eradicating violence against women and girls*
<http://www.gov.scot/Resource/0045/00454152.pdf>
- Scottish Government (2013) *Safer Lives: Changed Lives, A Shared Approach to Tackling Violence Against Women in Scotland*
<http://www.gov.scot/Resource/Doc/274212/0082013.pdf>

The complexity of domestic abuse

Domestic abuse is rarely a one-off incident, but often characterised as a process, whereby the abuse becomes more frequent and increases in severity. Domestic abuse typically involves various types of abuse (as listed above) and is characterised by a *pattern of coercive control*. Academic **Evan Stark** coined the term, which he defined as a “*pattern of behaviour which seeks to take away the victim’s liberty or freedom, to strip away their sense of self. It is not just women’s bodily integrity which is violated, but also their human rights*”. [More information on coercive control](#).

Therefore, domestic abuse involves much more than physical violence, and all of these acts of abuse are part of a broader pattern of abuse in which an individual is repeatedly controlled, restricted and violated by a partner or former partner.

What are the effects of domestic abuse?

Domestic abuse has “*profound and far-reaching effects*” ([CRFR, 2013](#)). Research for Scottish Women’s Aid found that domestic abuse can be considered a form of “*everyday terrorism*” ([Scottish Women’s Aid, 2012](#)).

In addition to the physical and psychological effects on individuals outlined in the Scottish Crime and Justice Survey (see below), there are a number of other adverse social and economic consequences of domestic abuse:

- Victim/survivors can experience loss of income or work; emotional and psychological effects such as anxiety, depression and lowered levels of self-esteem; physical injury or impairment (temporary or lasting); and can be murdered ([Scottish Women’s Aid, 2012](#)).
- Domestic abuse is a “*major contributor to homelessness*” ([Scottish Government, 2010](#)).
- Children who experience domestic abuse are at increased risk of becoming victims of abuse themselves; are at significant risk of harm to their social, emotional and physical development; and some end up in a cycle of violence, becoming perpetrators themselves ([UNICEF, 2009](#)).

*not an exhaustive list

“Why don’t victims just leave?”

This question is often asked rhetorically, but victims of domestic abuse may also be asked this by individuals. This is a problematic question for various reasons. One reason is that it fails to appreciate the complexity of domestic abuse and the number of difficulties women face when even considering leaving an abusive partner:

- Situational difficulties: it is often difficult to leave any situation you have been in for a long time (even if a very negative one). An abused woman has to consider leaving her home, possibly moving away from friends and family and to a new and unfamiliar area.
- Conflicting feelings: in some cases, the abusive situation is not a constant one. There may be periods where there is no abuse, or if there is abuse, apologies and reassurances that it will never happen again are given to the victim. The victim may still have hope that the abuse will end.
- Children: children may be used to blackmail their mother into staying.
- Threats: women in abusive relationships are frequently threatened, and threats often focus on what the abuser will do should she leave.
- Financial dependency: abusive partners often control the amount of money they give their partners, leaving women with little or no financial resources. This makes leaving very difficult, especially where there are children to care for.
- The nature of abuse means that in some cases, victims may not feel that they can cope if they leave. Due to the abuse, victims often have very low levels of confidence and self-esteem.
- Risk of further violence: domestic abuse can continue despite the relationship ending; victims can continue to be abused by former partners.
- Feelings of embarrassment or shame: some attitudes concerning domestic abuse and victims are unhelpful; victims may be blamed for entering into an abusive relationship and for staying in one. However, we know that no relationship starts as abusive, relationships *become* abusive, and a victim should never be blamed for his/her victimisation.

This [report by Dartington Research in Practice](#) offers a comprehensive research review of domestic abuse and its effects on children and young people, including domestic abuse in young people’s own relationships.

This [short article from Scottish Justice Matters](#) offers insights into children and young people experiencing domestic abuse in Scotland.

For information on transgender people's experiences of domestic abuse in Scotland see [this report from the Scottish Transgender Alliance](#).

This report conducted for the Scottish Government highlights the experiences of men Gadd, D., Farrall, S., Lombard, N., & Dallimore, D. (2002) *Domestic Abuse against Men in Scotland*, Scottish Executive: Edinburgh.

<http://www.gov.scot/Publications/2002/09/15201/9609>

For information on any links that may exist between domestic abuse and football, see this [recent SCCJR report](#).

This factsheet from [Women's Aid \(England and Wales\)](#) offers answers to frequently asked questions about domestic abuse

Domestic abuse in Scotland: nature and extent

The most recent Scottish Crime and Justice Survey (See [SCCJR 'Scottish Crime and Justice Survey: victimisation'](#)) has a specific section on 'Partner Abuse'.

Some key findings on the characteristics of abuse:

- The abuse is likely to be ongoing in nature.
- The risk of being a victim of partner abuse is the same for both men and women (3%). However, women are more likely to report suffering from a number of forms of psychological abuse, report being threatened, report money being withheld from them, and report being victims of particular forms of physical violence, compared to male victims.
- There are various negative impacts of domestic abuse; psychological effects were more commonly reported in the survey than physical effects.
- In around one-third of cases where partner abuse was reported in the last 12 months, children were living in the household when the most recent incident took place. Of this third, just more than two-thirds reported that a child was present (in the home or nearby) at the most recent incident.
- The impact of abuse varies by gender, with women significantly more likely to report multiple psychological impacts of the abuse than men.
- Most victims do not report the abuse to the police, but many do report to informal support sources such as friends or relatives, or report to organisations or medical professionals.

[Statistics from Police Scotland and recorded by the Scottish Government](#) also offer information on the extent and nature of domestic abuse in Scotland today.

Some key findings:

- There were 60,090 incidents of domestic abuse recorded by Police Scotland in the year 2012/2013, which is a very slight increase from the previous recording year.
- The most common crime or offence reported was assault: 42% of all incidents where a crime or offence was recorded. Threatening or abusive behaviour was the second most common (19% of all incidents).
- The overall number of domestic abuse incidents recorded by Police Scotland in 2012-2013 was 1,131 per 100,000.
- Incidents with a female victim and male perpetrator comprised 80% of all domestic abuse incidents recorded. Incidents involving a male victim and female perpetrator have been steadily increasing in recent years.
- For incidents where information about repeat victimisation was available in 2012-2013 (see [SCCJR 'Scottish Crime and Justice Survey: victimisation'](#) for a definition of 'repeat victimisation'), 61% involved victims who had previously experienced domestic abuse.
- When looking at the number of incidents per 100,000 population in 2012-2013, women were most at risk of becoming victims of domestic abuse when they were aged between 22 and 25. For men, the age was between 26 and 30.

Legal situation

Criminal measures *In legal terms, there is no 'one' crime of domestic abuse in Scots law. There are, however, a number of common law offences associated with domestic abuse (see [SCCJR 'Scottish criminal justice system'](#) which explains what the common law is). These include:*

- Assault
- Breach of the peace
- *Breach of* a non-harassment order, interdict, bail
- Murder
- Attempted murder
- Rape and sexual assault
- Possession of an offensive weapon.

If found guilty of one or more of these criminal offences, then an offender could face a criminal sanction such as a fine, a community sentence or imprisonment..

Civil measures (See [SCCJR 'Scottish criminal justice system'](#)) for dealing with domestic abuse (though these measures can be applied for other situations):

- Exclusion order: a court order that suspends the right of a married person, civil partner or cohabitee to live in the family home
- Interdict: a court order that prohibits a person from a particular action or behaviour and can prevent a person behaving unlawfully towards another.
- Non harassment order: an order that can be obtained to prevent a person from behaving in a way that is not on the face of it unlawful, but which is intended to cause fear or distress to another person e.g. constant phone calls, sending letters or unsolicited gifts.

*this is not an exhaustive list of existing legal provision for domestic abuse in Scotland.

Domestic Abuse (Scotland) Act 2011

This Act made some changes to the requirements of civil measures (see [SCCJR 'Scottish criminal justice system'](#)) in relation to domestic abuse (It removed the requirement for a person who is the victim of harassment to show that there has been a 'course of conduct' before a Non-Harassment Order will be granted. Now, one incident of harassment is sufficient.

- It also makes it a criminal offence for a person to breach a Domestic Abuse Interdict or Interim Interdict which has a power of arrest attached to it.

Should there be a single offence of domestic abuse?

Here is the [Scottish Government's \(March 2015\) Consultation Paper](#) on reforming criminal law, including considering whether or not there should be a single offence of domestic abuse.

Responses to domestic abuse

- Specialist domestic abuse courts were piloted in Glasgow in 2004 and have since been rolled out across Scotland. These have a number of aims including improving victims' experience, confidence and satisfaction in the CJS, and in reducing attrition and repeat victimisation and recidivism.
- Following the nationalisation of Scotland's police forces (See [SCCJR 'Scottish criminal justice system'](#)), a national Domestic Abuse Task Force was launched, with dedicated domestic abuse regional units across Scotland
- A number of third-sector organisations such as Scottish Women's Aid, Rape Crisis Scotland, ASSIST, Shakti Women's Aid and Victim Support (this represents a mere handful) have a key role in supporting victims of domestic abuse in Scotland, in raising awareness and in campaigning for change.

Sexual violence

Extent of sexual violence in Scotland today

The [Scottish Crime and Justice Survey \(Sexual Victimization and Stalking findings\)](#) found that 3% of adults had experienced at least one form of serious sexual assault since the age of 16. Serious sexual assault includes rape (including attempts) and forced engagement (including attempts) in another sexual activity.

Approximately **1,700 rapes** were reported to Police Scotland in year 2013-2014.

The problem of (under) reporting

Reporting for sexual violence has been increasing in recent years:

- Between 2012-2013 and 2013-2014, there was a 13% increase in the number of sexual crimes recorded.
- For rape specifically in this period, there was a 24% increase in reporting (Both [Scottish Government Recorded Crime 2014](#)).

Under-reporting of rape has been recognised as a problem in Scotland and other parts of the UK. However, in recent years there has been an increase in the numbers of rapes and other forms of sexual violence reported to the police. This does not necessarily mean that rapes have increased, but rather might be attributed in part to the introduction of changes designed to encourage women to report. These include the training of specialist police officers and the introduction of advocacy support (See [SCCJR's Evaluation of Support to Report Pilot Advocacy Service: Summary Report](#)).

Researchers have also suggested that increased reporting can be attributed to:

- A widening of the definition of rape, which came with the Sexual Offences (Scotland) Act 2009 (this relates to rape reporting only).
- Increased public confidence following high-profile police investigations such as **Operation Yewtree**. It has been suggested that there has been a '*wider Yewtree effect*', with members of the public and therefore victims feeling more confident that they will be believed, treated well and that a positive justice outcome is possible.

Operation Yewtree: the investigation by London Metropolitan Police into sexual abuse allegations (primarily concerning the abuse of children) against Jimmy Savile and other celebrities. The investigation started in 2012 and is ongoing.

High reporting rates may be superficially alarming: at first glance, it may seem that rape is especially prevalent in a particular country. Although it is not clear if these

figures indicate actual increases in the incidences of sexual violence, or increases in reporting, the consensus is that increases in reporting in any given country are indicative of high or higher public confidence in the police and criminal justice system (highlighted by [Lovett and Kelly](#), who in 2009 conducted an EU-wide study of rape cases).

But there is still a significant problem of under reporting in Scotland (and the UK):

- The SCJS ([Sexual Victimization and Stalking](#)) asked those who had experienced serious sexual assault since the age of 16 if they reported the most recent or only incident to the police: reporting rates were highest amongst those who had experienced forced sexual intercourse, at 19%. For attempted forced sexual intercourse, the proportion was 11%; for forced engagement in other sexual activities, the proportion was 14%; and for attempts of forced other sexual activities, the proportion was only 7%.
- Rape Crisis Scotland reports that **fewer than one-fifth** (approximately 17%) of those victims who were supported by the organisation reported to the police. This figure includes all forms of sexual violence (including child sexual abuse), not solely rape. ([Rape Crisis Scotland, Annual Report 2012-2013](#)).

Focus on rape reporting: why is reporting so low?

Reasons for low reporting rates

A victim's decision to report a rape to the police is very complex one. There are often multiple reasons behind a victim's decision to either report or not report.

The reasons which help explain a general under-reporting can be loosely grouped into two categories: broader, societal reasons; and individual, personal reasons, though there is some overlap between the two.

1. Broader, societal reasons

A major structural or societal barrier for victims is the existence and prevalence of rape myths.

Some of the characteristics of the 'stereotypical' idea of rape include:

- The victim is raped by a stranger
- The victim is injured physically in a violent attack
- The victim resists an attack
- The victim reports a rape immediately to the police and gives a clear and coherent account of what has happened to him/her.

This stereotypical view of rape bears little resemblance to the real picture of rape in Scotland.

Rapes that have the above characteristics are considered by some to be ‘*real rapes*’; and rapes which do not have a resemblance to this stereotypical view of rape are sometimes viewed as ‘lesser rapes’ or ‘not *real rapes*’ ([Stern Review 2010](#)). This is completely untrue: all rapes and all forms of sexual violence are deeply damaging, are violations of a victim’s bodily integrity and typically have lasting effects.

‘Rape myths’

Defining or considering rape in relation to this stereotypical picture of rape are “*examples of a larger set of cultural beliefs known as rape myths*” (Heath et al. 2013).

‘Rape myths’ are “*specific beliefs about rape that are widespread and persistently held, despite the fact that they are largely false*” (Heath et al. 2013). What often accompanies rape myths is a culture of victim-blaming where the victim is seen as partly or fully responsible for his/her victimisation, and is blamed for it as a result. This is not unique to victims of sexual crime, but is especially pronounced in the treatment of victims of sexual violence (Taylor and Cohen. 2010).

You may have heard people make comments such as:

“She was drinking; she was asking for it”
“She was wearing a short skirt”
“They’re married; rape doesn’t happen in marriage”
“She shouldn’t have been walking home alone late at night”
“No doesn’t mean ‘no’ it means ‘yes’”
“She wanted sex really”

These are examples of false beliefs about rape and victim-blaming.

Another prevalent rape myth is the over-estimation of the number of false rape allegations that occur each year. As [the Stern Review in 2010](#) outlined, estimates for the number of false allegations suggest this is actually very rare.

What are the effects of these rape myths?

Rape victims are not only exposed to these harmful views and messages, but these ideas may also affect how they view what has happened to them. In order for a victim to report a rape, the first step is that the victim believes that he/she was a victim of rape. The prevalence of these rape myths may mean that fewer victims self-identify as victims, which then contributes to under-reporting.

Concerns have also been raised that criminal justice professionals, being members of the public too, may endorse (to some degree) these rape myths. However, research suggests that this can be countered by comprehensive training regarding the true situational characteristics of rape, and the unique effects of rape on victims.

Media campaigns

In Scotland alone, there have been a number of media campaigns, attempting to raise awareness of these issues. These include Rape Crisis Scotland campaigns [‘This is not an invitation to rape me’](#) (2008); [‘Not Ever’](#) (2010); and [‘Top Tips to End Rape’](#) (2011). Police Scotland has its own campaign titled [‘We Can Stop It’](#) (2014).

2. Individual reasons

Extensive research suggests that the following are common reasons for not reporting rape to the police:

- Fear of reprisal from the offender; this fear may be heightened in those cases where the rape has occurred in a family context.
- Given its nature, victims often see the rape as being a ‘private matter’, perhaps too private to report to the police. Related to this are feelings of embarrassment or shame, and fears of additional embarrassment or shame upon reporting. Indeed, in a 2014 EU wide study, nearly 25% chose not to report their experience of sexual violence (including rape) due to shame and embarrassment, or viewing the incident as private ([FRA 2014](#)).
- There are negative connotations associated with being identified as a ‘victim’ in general. Being a victim of ‘rape’ also carries a certain stigma which can disincline victims from sharing ([Angiolini 2015](#)).
- In the context of acquaintance/intimate partner/domestic rape, the victim may not want to view their friend, partner, or former partner as a ‘rapist’, or may find

this very difficult because they cannot conceptualise this man as a rapist, because he does not fit with their image of a 'rapist'. This reason in particular demonstrates the interaction between rape myths and more personal reporting inhibitions. There may also be a link with how the media commonly portray rapists (see [SCCJR 'Crime and the media'](#) for more information about the relationship between crime and the media).

- Fear of being blamed; this is especially the case when victims have engaged in socially deemed 'high-risk' behaviours such as consuming alcohol or drugs.
- Since rape myths are so powerful, victims may in fact blame themselves, which prevents them from reporting.
- A lack of confidence in the police and criminal justice system may mean that a woman decides not to report
- There are also concerns about appearing in court and having to undergo cross-examination on the rape and aspects of a woman's personal life, including her sexual history (see [Burman, 2009](#))
- Quite simply, victims fear not being believed. Part of this is due to societal and structural barriers.

Convictions and sentencing

All information from [Scottish Government, Criminal Proceedings in Scotland 2013-2014](#):

- The number of people convicted for sexual crimes is rising, with a 22% increase overall from year 2012-13 to 2013-14.
- For rape specifically (including attempted rape), there was a 13% increase in convictions.
- In year 2013-2014, there were 87 convictions for rape (including attempted rape).
- Custody is the most frequent disposal for most types of crime involving violence, including rape and attempted rape. For rape and attempted rape, custody was imposed in 92% of cases.
- The typical custodial sentence imposed is around 6.5 years. Aside from murder, rape and attempted rape attract the longest average custodial sentence.

Further Reading

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