

# Refugee Women Digital Empowerment and Connect Project

Guide to accompany workshop 5



Women, children, gender-based violence  
and the right to protection

This guide has been developed as a supporting tool for women participating in the Digital Refugee Women Empowerment and connect project workshops. It is targeted at women who have refugee status, humanitarian protection or refugee family reunion and live in the UK. The project is funded by the Home Office Refugee Asylum Support and Integration fund.

The following material has been created based on work by the Safe Women in Migration project, a partnership that aims to strengthen protection against gender-based violence for migrant, refugee and asylum-seeking women in the UK. More information on the SWIM project can be found [here](#).

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## Preface

This tool is unable to fully explore and explain all threats and measures of protection available but hopes to draw your attention to some key points and where you can find further information. Although this guide contains information about rights, it is not a legal document. It is illegal for anyone not accredited to give immigration advice or legal advice. We refer to relevant specialist organisations who can provide tailored information for individuals where possible. It is important to note that we provide information about rights to protection, but we cannot promise that information or a course of action will lead to safety.

We acknowledge that discussing Gender Based Violence, abuse including sexual abuse and criminal offences can be sensitive and often taboo. Our humanitarian mission and the principle of do no harm means we are called to action to do what is in our power to tackle gender-based violence, including providing information to support people to make choices that empower them and decisions that protect them.

Throughout this guide you will find embedded links within the text, which if you click on these will take you to the website mentioned. For example, if you click [here](#) you will be taken to the British Red Cross website. Where possible, we have tried to include links to translated resources, but many of the links in this guide are for information which is in English. Whilst we acknowledge the limitations of automated translation, we have given information about how to use this function in guide two.

Comprehensive, confidential advice on all forms of gender-based violence including domestic abuse is available from Refuge [www.refuge.org.uk](http://www.refuge.org.uk) and the National Domestic Abuse Helpline **0808 2000 247** [www.nationaldahelpline.org.uk](http://www.nationaldahelpline.org.uk). Additional information and support for victims of online abuse are available from Stop Online Abuse – [www.stoponlineabuse.org.uk](http://www.stoponlineabuse.org.uk). If you are in danger or want to report a crime – 999 (emergency) – 101 (non-emergency).

## Key terms

**Abuse** - is the misuse of power. It can include physical, emotional, financial and sexual abuse.

**Consent** - is agreeing to something by choice. It cannot be assumed not to change and can be withdrawn.

**Criminal Offence** - an action which is punishable under the law.

**Protection** – a measure, including legal measures, which upholds a person's freedom and equality.

**Violence** - an act of physical force which causes or is intended to cause harm. Damage caused by violence can be both physical and psychological.

## What is Gender-Based Violence

Gender based violence is a widespread global human rights violation. Women and girls, particularly those going through migration and on the move, are more exposed to sexual exploitation, discrimination and abuse than men.

What distinguishes “Gender Based Violence” from any other form of violence is not the act but that it is “gender-specific”. For instance, if a person is attacked because they are not fulfilling their expected traditional gender role, or because they are transgender or homosexual, this is a gender-based crime.

**In this guide we will explore some of the core concepts around gender-based violence, with a focus on women and children; the forms that abuse can take, and the rights to protection that exist in the UK.**

**Take a moment to consider the following questions:**

1. Do Violence and abuse mean the same thing?
2. What do you think is the relationship between abuse and power?
3. Do Survivor and Victim mean the same thing?
4. Who are abusers? Who are the victims/ survivors?

## **Violence v Abuse**

Violence and abuse are not the same thing; both are terms for harmful actions, but violence is strictly linked with physical harm whereas abuse can take many forms.

**There are many forms of abuse**

- **Physical abuse** e.g., hitting, slapping, choking, cutting, burning.
- **Emotional abuse:** e.g., threats of physical or sexual violence, intimidation, humiliation, forced isolation, social exclusion, stalking, unwanted attention and so on.
- **Financial Abuse:** e.g., preventing from getting a job, controlling over financial decisions.
- **Sexual Abuse:** e.g., attempted rape, touching genitalia, forced prostitution and so on.

## **Abuse v Power**

**Abuse** is the misuse of power. Abuse prevents someone from making free decisions and forces them to behave in a manner against their will. Children are especially vulnerable to abuse due to their extremely limited power in any given situation. In the context of violence and abuse, most people think of physical power but there are many different types of power that are relevant in the context of gender-based violence, such as: social/ community power, economic power, political power, gender-based (social) power and age-related power. Power is related to choice: People who are dis-empowered have fewer choices and are therefore more vulnerable to abuse.

## **Victim or Survivor**

The terms “victim” and “survivor” are often used interchangeably. There is no right or wrong with either term. In this guide we use the term ‘survivor’ however the important thing is how the person who has suffered the abuse chooses to refer to themselves at any point.

## **Who are Perpetrators & Survivors?**

Perpetrators are in a position of real or perceived power, decision-making and/or authority and can thus exert control over someone. It is a myth that sexual and gender-based violence is usually perpetrated by strangers. In fact, most acts of sexual and gender-based violence are perpetrated by someone known to the survivor, and many violent incidents are planned. Perpetrators can be anyone: Intimate partners, family members, close relatives and friends; influential community members; members of the security forces and soldiers; peacekeepers; humanitarian aid workers and institutions.

Anyone can be subject to sexual and gender-based violence: In many situations, women and children experience a higher risk of sexual and gender-based violence. Some people are more vulnerable to sexual

and gender-based violence due to contributing factors such as forced displacement, lack of family protection, disabilities and so on.

## Types of Gender-Based Violence

Gender based violence includes sexual violence and exploitation, forced and child marriage, FGM, so called 'honour' based violence and intimate or domestic violence. It can be physical, psychological, sexual, emotional and material or economic.

### So-called honour-based violence:

So-called Honour-based abuse is defined as an incident or crime which has or may have been committed to protect or defend the honour of the family and or community, often where a person is punished by their family or community for doing things that are not in keeping with the traditional beliefs of their culture. For example, you may be a victim of honour-based abuse because you: resist a forced marriage; have a partner from a different culture or religion; live a westernised lifestyle; want a divorce.

### Forced marriage

Forced marriage is when one or both people do not consent to a marriage, and pressure or abuse is used to force and coerce them into marriage. Forced marriage is a criminal offence. It is also a criminal offence for someone to lie to you so that you go abroad and force you into a marriage.

#### Is this a forced marriage case?

*"X was a 17-year-old girl who lives in London. Her parents arranged a meeting with a prospective husband, Y, who was 18 years old. X did not feel comfortable to get married due to her young age but also because she thinks she is attracted to women, but her parents told her that she needs to honour the name of the family. X felt she did not have any other options, so she agreed to get married to Y and make her beloved parents happy."*

Yes. This is a case of **forced marriage** and a criminal offence: Women and girls often describe a '*feeling*' or just '*knowing*' that they could not say no to a marriage, and that if they did, there would be some kind of consequence if they tried to resist being married e.g., being told they have brought shame on the family, and even being physically harmed. The pressure put on you to marry against your will can take place in many ways.

**For advice, help and more information on so called honour violence, forced marriage and abuse you can contact Karma Nirvana, 0800 5999 247, [www.karmanirvana.org.uk](http://www.karmanirvana.org.uk)**

### Early marriage

Child marriage is a form of gender-based violence driven by gender inequality. In England, Wales, and Northern Ireland, the minimum age for marriage is 18, but children aged 16 and 17 can marry with their parents' permission. In Scotland, the minimum age of marriage is 16, with no parental permission required.

### Female Genital Mutilation

According to UK law, Female Genital Mutilation or cutting is a criminal offence. Performing or arranging FGM is a criminal offence: This means that it is a criminal offence to carry out FGM. If you (the victim) live in the UK, then it is a criminal offence whether the procedure/FGM happens in the United Kingdom or abroad. It is also a criminal offence to help or encourage a girl or a woman to perform FGM on herself.

## **Discrimination and abuse on the basis of sex, sexuality or gender identity**

You may want to reflect on what are considered traditional male and female roles in the country you come from?

Many times, fitting in with traditional gender roles gives people a sense of protection. However, traditional gender roles can also be a form of control where you are judged, or even threatened or punished for not conforming to the expected role. Laws in the UK promote an individual's freedom to identify and express their gender and sexuality.

If someone is specifically targeted or abused because of their sex, gender or sexual orientation it could be considered discrimination, harassment or even hate crime depending on the nature of the discrimination or abuse.

## **What is Domestic Abuse?**

'Domestic abuse' is a term used to describe any violence or action used to exercise or gain control and power over a partner or family member. It is a crime in the UK. It can include physical, sexual, psychological, verbal, emotional and financial abuse, and coercive control. For example, it is against the law to hit your partner or children, but it is also illegal to control your partner's movements, who they talk to, their access to money or their freedom to visit friends.

### **Story of Kedija**

Kedija arrived in the UK in 2017 to join her husband in the UK. Originally from Eritrea, Kedija had been living in Sudan with her two young children where she worked to support them and other relatives. Kedija had not seen her husband for 3 years before she arrived in the UK and did not know anyone apart from him. She did not have access to her own phone or money as everything was in her husband's name. She found the flat they shared small and cramped for the 4 of them. A caseworker helped with registering the children at school. They gave Kedija information about a women's group and she started attending every week while the children were at school. She started to make friends and her English improved, but her husband complained about her being out of the house and stopped giving her money to travel to the group. Gradually he prevented her from attending English classes or doing much outside of the house apart from taking and collecting the children from school. One evening during an argument he hits her, and after that he begins to hit her regularly, sometimes in front of the children.

**Thinking about Kedija, what type of abuse do you think she has experienced, and what type of barriers might this mean she faces to ask for help?**

- Financial abuse. For example, Kedija does not have access to money. She was also prevented from learning English and therefore unable to get a job.
- Emotional/ psychological abuse and control. Kedija's husband isolated her and made her feel guilty that she was not at home but making friends.
- Physical Abuse –Kedija may fear questions about bruising or marks so may not want to leave the house or speak to people.
- Children are always impacted by domestic abuse, regardless of whether they are direct witnesses or not.

Controlling behaviour or coercive control is where an abuser's behaviour has a serious effect on you and your life.

### **Common examples of coercive control:**

- isolating from your friends and family
- controlling the money
- monitoring activities and movements
- repeatedly putting the other person down, calling names or saying that person is worthless
- threatening to harm or kill
- threatening to publish information or to report to the police or the authorities
- damaging property or household goods
- forcing to take part in criminal activity or child abuse

### **Do you agree or disagree with the following statements?**

**1. All people are equally likely to become a victim of abuse.**

Everyone can become a victim of domestic abuse. However, some people are more vulnerable than others due to different contributing factors such as destitution, migration and family breakdown.

**2. Rape within marriage isn't as serious as rape by a stranger.**

Under the law in the UK rape is rape, within and outside the marriage. In fact, marital rape is a criminal offence in the UK.

**3. Abusers grow up in violent homes**

This is a myth. Many children who experience domestic violence do not become victims or perpetrators. Many children are repelled by the idea of perpetrating violence because they have seen the damage it causes. While it is true that exposure to domestic abuse is harmful to children, it is untrue to say it predicts adult behaviour. Violence is a choice of the abuser. <sup>1</sup>

**4. Alcohol and drugs make people more violent**

The relationship between the use of alcohol and drugs and violence is complex but one does not cause the other. Many people are violent when stone cold sober and many problem drinkers are not violent. Blaming drink or drugs is an excuse, a way of denying responsibility. Both may be the trigger for a particular attack, but they are not the underlying cause.

**5. Survivors would leave if the abuse was that bad**

This is not true. It can be extremely difficult to leave an abusive partner. The survivor may fear what their partner will do if they leave, particularly if the abuser has threatened to kill her/him or their children. The survivor may believe that staying with the abuser is better for the children and many other reasons such as insecure financial or immigration status.

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<sup>1</sup> Domestic Violence resource manual for employers. Second edition. Refuge and Respect.

## What if I am experiencing domestic abuse?

If you experience **domestic violence or abuse** in your relationship and want to leave your relationship, there are places you can go to for help. You are entitled to protection and can access a safe place to live – this is called a refuge.

**Emergency Services** Always **call 999** if you or someone else is in immediate danger.

**National Domestic Abuse Helpline** [www.nationaldahelpline.org.uk](http://www.nationaldahelpline.org.uk) provide advice and help any time, day or night, confidentially. They can refer you to accommodation, refuges, and specialist services. **Tel: 0808 2000 247.**

1. Report Domestic Abuse and call 999 if you or your children are in danger now.
2. Get independent and confidential advice and support from the national domestic violence helpline.
3. **Seek legal advice** (family law, immigration law, community care law, housing law)
4. Make a safety plan before leaving home

## Sexual Abuse

Sexual abuse may occur inside or outside a relationship. UK law requires consent for sex. Consent is when someone has the freedom and confidence to make a choice. That means that both people say yes to sex, every time they have sex. If you change your mind and say no, your partner must listen. Even if you are married, consent is still needed every time.

Having sex with a woman or man, even your spouse, without their informed consent is illegal and considered rape in the UK. It is a crime, and you can report it to the police.

The age of consent to any form of sexual activity is 16 for both men and women, regardless of the gender or sexual orientation of a person and whether the sexual activity is between people of the same or different genders.

It is an offence for anyone to have any sexual activity with a person under **the age of 16**. **The Sexual Offences Act 2003** provides specific legal protection for children aged 12 and under who cannot legally give their consent to any form of sexual activity. There is a maximum sentence of life imprisonment for rape, assault by penetration, and causing or inciting a child to engage in sexual activity.

It is an offence for a person aged 18 or over to have any sexual activity with a person under the age of 18 if the older person holds a position of trust (for example a teacher or social worker) as such sexual activity is an abuse of the position of trust.

## Types of Sexual Abuse

There are different types of criminal offenses that are all a form of sexual abuse.

### Rape

It is a criminal offence when:

- A man intentionally penetrates the vagina, anus or mouth of another person with his penis, and
- The victim does not consent to the penetration

Punishment: Up to life imprisonment

In Scotland, the legal provision for rape can be found in the Sexual Offences (Scotland) Act 2009.

### Assault by Penetration

It is a criminal offence when:

- Anyone intentionally penetrates the vagina or anus of another person with a part of his body or anything else. For example, other part of the body might be finger or tongue or with an object.
- the penetration is sexual, and
- The other person does not consent to the penetration.

Punishment: Up to life imprisonment

### **Sexual Assault**

It is a criminal offence when:

- Anyone intentionally touches another person,
- the touching is sexual,
- the person does not consent to the touching, and

Punishment: on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

### **Sexual Harassment**

Sexual harassment is any unwanted behaviour of a sexual nature that makes you feel distressed, intimidated or humiliated. It can take lots of different forms. It can include or be called sexualised bullying. Examples could include someone making sexually degrading comments or gestures, unwanted e-mails or text messages with sexual content, unwelcome sexual advances and touching, someone displaying sexually explicit pictures in your space or a shared space, like at work, or offers of rewards in return for sexual favours.

### **Sexual Abuse: true or false?<sup>2</sup>**

#### **1. Rape can be committed by women and men under the UK law definition**

No. Rape is one 'type' of sexual violence. Sexual violence is the general term we use to describe any kind of unwanted sexual act or activity. The legal definition is "penetration with a penis (only men) of the vagina, anus or mouth of another person without their consent".

#### **2. Someone who's drunk lots of alcohol or taken drugs shouldn't complain if they end up being raped or sexually assaulted.**

In law, consent to sex is when someone agrees by choice and has the freedom and capacity to make that choice. If a person is unconscious or incapacitated by alcohol or drugs, they are unable to give their consent to sex. Having sex with a person who is incapacitated through alcohol or drugs is rape. No-one asks or deserves to be raped or sexually assaulted; 100% of the responsibility lies with the perpetrator.

#### **3. If two people have had sex with each other before, it's always OK to have sex again.**

If a person is in a relationship with someone or has had sex with them before, it doesn't mean they can't be sexually assaulted or raped by that person. Consent must be given and received every time two people engage in sexual contact. It is important to check in with our sexual partners and make sure anything sexual that happens between us is what we both want, every time

#### **4. Women are most likely to be raped after dark by a stranger, so women shouldn't go out alone at night.**

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<sup>2</sup> <https://rapecrisis.org.uk/get-help/looking-for-information/what-is-sexual-violence/>

Rapes are not most likely to be committed by 'strangers'. Around 90% of rapes are committed by men the victim knows, and often by someone who they previously trusted or even loved. Rapists can be friends, colleagues, clients, neighbours, family members, partners or exes. Risk of rape shouldn't be used as an excuse to control women's movements or restrict their rights and freedom.

5. **People often lie about being raped because they regret having sex with someone or for attention.** Disproportionate media focus on false rape allegations can give the impression it's common for people to lie about sexual violence. This is not true. False allegations of rape are very rare. Most victims and survivors never report to the police. One reason for this is the fear of not being believed. It's important we challenge this myth so those who've been through sexual violence can get the support and justice they need and deserve.

**If you still have questions on what sexual consent is or how you can explain it to others, you may want to watch this video on consent created by Thames Valley Police**

Tea and consent - YouTube link: <https://www.youtube.com/watch?v=pZwvrxVavnQ&t=39s>

Advice and help after sexual abuse can be found here:

**Rape Crisis** [www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)

## Financial abuse <sup>3</sup>

Financial abuse can happen as part of a pattern of domestic abuse and control by a partner, or it could be by a family member, a carer or another trusted person.

Financial abuse can leave women with no money for essentials such as food and clothing, without access to their own bank accounts, with no access to any independent income and with debts that have been built up by abusive partners set against their names. Even when a survivor has left the home, financial control can still be exerted by the abuser withholding child maintenance.

Economic abuse (a broader term) can also include restricting access to essential resources such as food, clothing or transport, and denying the means to improve their economic status (for example, through employment, education or training). The charity Surviving Economic Abuse describes it in the following way:

*“Economic abuse is designed to reinforce or create economic instability. In this way it limits women’s choices and ability to access safety. Lack of access to economic resources can result in women staying with abusive men for longer and experiencing more harm as a result.”* <sup>4</sup>

## Financial and economic abuse of a victim may include:

- Taking money from them
- Not allowing them access to shared money
- Making them account for everything spent
- Making them beg for money
- Preventing them from gaining employment
- Causing them to lose, or forcing them to give up, employment
- Taking out loans, credit cards or running up debts in the victim’s name
- Forcing them to commit crimes for money

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<sup>3</sup> <https://www.moneyadvice.service.org.uk/en/articles/protecting-against-financial-abuse>

<sup>4</sup> <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/financial-abuse/>

- Not allowing them to buy necessities, for themselves or their children, including sufficient food
- Financial abuse can also be when the perpetrator is spending money needed to maintain the home on themselves, or gambling with family assets

## Things to consider if you have concerns about financial abuse

**Passwords and security:** If you have given a partner, family members, friends etc passwords. It's important to change them ASAP so the abuser doesn't have access to your personal accounts and finances

**Keeping your information safe:** Think about where your letters are, and where they are being posted to. If you worry they will go to the wrong hands you can ask your financial services provider to send them elsewhere. It's important to note that some transactions on your bank statements can give away where you are (such as what cash machine's you've used), so it's important to keep this information as safe as possible.

**Review your payments:** If you're not sure what's coming in and coming out of your bank account, contact your provider and they can help you work out with this information. It might be a good idea to fill out a budget planner, which can help you plan your money a bit more, so you know where you are with your daily finances. You might want to open a new account as this will help separate your money from the abuser.

**Dealing with debts:** Some abusers will take out loans, overdrafts or credit cards in your name, or use your property for security for a loan, either with or without your knowledge and consent. Common debts can include:

- rent arrears
- credit card debts
- council tax arrears
- energy or water bills

Seek Debt Advice and speak to your service providers.

Debt advisers can provide free, confidential advice on managing debt that may be in your name. Some examples include:

**Citizen Advice Bureau**  
[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

**National Debt line**  
[www.nationaldebtline.org](http://www.nationaldebtline.org)

## Harassment and Stalking:

Harassment happens when you receive unwanted behaviour from another person which alarms or distresses you. Examples of harassment include malicious phone calls, threatening texts, threatening and insulting language and damage to property.

Stalking is a form of harassment and may include behaviour such as following, contacting or trying to contact you, monitoring your email and internet, watching and spying on you and other similar behaviour. It is a criminal and civil offence for another person to harass or stalk you, whether this happens online or in person. You can report the matter to the police.

## Right to Protection

No course of action can ever guarantee protection or safety, but you have a right to ask for protection if you feel threatened, or at risk. This will normally involve speaking to a specialist abuse service or contacting the police. If you are in immediate danger, call the police on 999 or you can contact their non-emergency services on 101.

You can find a list of advice and support organisations who can help through the Citizens Advice Bureau [here](#):

## What happens if you report abuse to the police?

All victims of sexual violence and most victims of Domestic Abuse will be entitled to be told of major developments within 24 hours and will be offered specialist support from an independent sexual violence adviser (ISVA) or Independent Domestic Violence Advisor (IDVA) who can support through the investigation and court proceedings.

Information on [reporting an offence to the police and a guide to criminal investigations](#) has been produced by Rights of Women [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)

Reporting a rape to the police	<ul style="list-style-type: none"><li>• Phone</li><li>• Police station</li></ul>
Police investigation	Police will investigate if the abuser has committed a crime which against the UK law.
Arresting the abuser:	Police might arrest the abuser and if they have enough evidence, they may charge him with a criminal offence and taken to the criminal courts.
Seeking legal Representation	The victim does not need to contact a lawyer, pay any court fees or prepare her/his case while the abuser does.
Court hearing	<ul style="list-style-type: none"><li>• Court Hearings are held in Magistrates' Courts and Crown Courts and they are public.</li><li>• CPS is the victim's solicitor</li><li>• The Standard of proof test is "beyond reasonable doubt".</li><li>• The victim normally only required to attend court when she/he gives evidence.</li><li>• The abuser can choose to plead guilty or not guilty</li></ul>
Sentence	If the abuser plead not guilty, he will go to trial and the court will decide and sentence him.
Criminal injuries compensation	If you received an injury because of crime of violence you may be entitled to compensation through the Criminal Injuries Compensation Scheme.

## Relevant legal provisions

UK law offers protection and remedies through both criminal and civil courts for different forms of abuse and gender-based violence. Be aware that some statutory services might share information with the Home Office if somebody is undocumented. Seeking legal advice in these cases is always advisable.

**Legal Aid and advice:** If you need legal help, you should get advice from an independent domestic violence adviser or a solicitor who is experienced in family law. You may be able to get help with your legal costs. Legal aid helps you with your legal costs including advice and help if you have to go to court.

**Domestic Violence Immigration Rule (limited eligibility)<sup>5</sup>:** The domestic violence rule is one of the Immigration Rules. This rule applies if a person in the UK as a spouse, partner, or civil partner of someone who is British, or has Indefinite Leave to Remain (ILR), or holds a refugee family reunion visa and has experienced/ is experiencing domestic abuse. People applying for ILR under the Domestic Violence Rule must seek legal advice. It is a criminal offence to provide immigration advice without being a qualified solicitor or accredited OISC immigration advisor.

## Getting an injunction if you have been the victim of abuse<sup>6</sup>

**Non-molestation orders:** A non-molestation order can protect you and any relevant child from violence or harassment. You can obtain a non-molestation order against someone who has been physically violent or against someone who is harassing, intimidating or pestering you. You can apply for a non-molestation order even if you still want to (or have to) live with your abuser. Examples of what a non-molestation order might include:

- Your abuser must not be violent, threaten violence, intimidate, pester or harass you
- Your abuser must not contact you by telephone, email, social media or in person
- Your abuser must not attend or contact for any reason your place of work

**Occupation Orders:** An occupation order is a type of injunction which deals with who lives at the family home. An occupation order can:

- Order your abuser to move out of the home or to stay away from the home
- Order your abuser to keep a certain distance away from the home
- Order your abuser to stay in certain parts of the home at certain times (for example it can order him to sleep in a different bedroom)
- Order your abuser to allow you back into the home if he has locked you out
- Order your abuser to continue to pay the mortgage, rent or bills

## Other provisions and schemes designed to help protect from GBV or abuse

**Domestic Violence Protection Notices (Police):** The police can forbid your abuser from molesting you of from entering or coming within a certain distance of your home. It last for 48 hours.

**Domestic Violence Protection Order (Magistrate's Court):** A Domestic Violence Protection Order can protect you from further abuse, and if you live with the perpetrator, ban them from returning to the home and contacting you. If the perpetrator does not keep to the Order, they can be arrested and brought before the court. A Domestic Violence Protection Order lasts for up to 28 days and gives you time to explore your options and get further support.

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<sup>5</sup> <https://www.gov.uk/government/publications/victims-of-domestic-violence>

<sup>6</sup> <https://www.gov.uk/injunction-domestic-violence>

**Harassment Injunctions:** protection from someone who causes you distress or alarm on more than one occasion.

**Forced –Marriage protection orders:** If someone forces you into marriage, they could go to prison for up to seven years. You can apply if you have been forced into marriage or you believe you are being forced into a marriage. The marriage does not need to have occurred for you to gain protection.

**Female genital mutilation protection orders:** You can apply if you have been subjected to FGM or you feel you may be pressured or forced into FGM. FGM need not have occurred for you to gain protection.

Rights of Women provide additional information on legal terms of abuse and legal mechanisms of protection here: [www.rightsofwomen.org.uk/get-information/violence-against-women-and-international-law](http://www.rightsofwomen.org.uk/get-information/violence-against-women-and-international-law)

## Protection of children and the role of Social Services

Social services have a statutory obligation to safeguard and promote the welfare of children and adults at risk

### Think about the following questions:

1. Do you know what children's social services do?
2. Do you know the difference between a "child in need" and "child protection"?
3. Do you think children social services have the power to remove children from their parent's case easily?

**Children social service:** Social services have a statutory obligation to safeguard and promote the welfare of vulnerable children and can provide a wide range of services to children and their parents, usually within the own home environment and co-ordinated by a social worker. Families often feel anxious at the prospect of social services' involvement because of experiences they may have heard from others, or just because they are frightened that social workers will remove their children from the family home. Children's services offer a wide range of care services to children and their families, following an 'assessment of need' and are obliged by law to ensure children are healthy, safe, and well looked after.

### How families become involved with children social services

There are various ways in which families become involved with children's services. The most common way is when a family directly asks children services for help. In other cases, the referral of a child might be made by the police, another professional like a GP or teacher, or a member of the public. The referral will be made because there are safeguarding or welfare concerns about the child and there is a need for children's services to intervene.

### Children's services duty to safeguard and protect

If child social services receive a referral for a child, they will decide within one working day whether:

- the child is in need. e.g., they need assistance with accommodation, financial or other support such as food vouchers, and should be assessed under section 17 of the Children Act 1989 (called "section 17" support).
- there is reasonable cause to suspect that the child is suffering, or likely to suffer, significant harm, and whether enquires must be made and the child assessed under section 47 of the Children Act 1989.
- the child requires immediate protection and urgent action is required.

## Child in Need assessment

A child is assumed to be “*in need*” if, without the support of the local authority:

- They are unlikely to have a reasonable standard of health or development or;
- Their health or development is likely to suffer.
- If there are no means to provide your child with adequate food and shelter, your child is likely to be found to be a ‘child in need’ and a section 17 assessment should be carried out.

## Child protection plan

- Where children are judged to be at risk of suffering harm, a plan to protect them is created involving professional and key family members in the child’s wellbeing.
- The plan states the steps needed to safeguard the child and the services who should be involved, for example, regular visits by social workers to the family home to offer practical or emotional support and other services, such as a place in a nursery or a home help.
- It will say what will happen if the plan is not followed, and the plan will be reviewed to make sure it is working.

## When children can be taken away from their parents

In most cases, initial assessments result in children’s services providing help to get support and access services —such as day care—so children can stay at home. However, children’s services also have the legal responsibility to protect children from abuse and neglect. This may mean to keep the child safe from harm that the child is taken away from the family situation.

Children can only be removed from parents:

- By parental consent: when the parents or guardians of a child agree he or she should be cared for away from the family home.
- By order of the courts: when a family court decide a child needs to be looked after away from home
- Political asylum: when a child comes to this country unaccompanied and is claiming asylum.

Social workers do not have the power to remove your child from your care, unless this is ordered by the court or you agree that your child should be removed.

If the children’s services of your local authority consider your child is at risk of harm or in need of help, they have a duty to investigate the situation and to assess what actions should be taken to safeguard your child or promote their welfare. Under the Children Act 1989 a council can apply for a care order if it believes a child is suffering or at risk of suffering significant harm. The court decides if the child can be taken into care by the council.

A useful point of reference is the NSPCC as they have information here: <https://learning.nspcc.org.uk/child-protection-system/england/>

## Protection from discrimination and hate crime

You are protected under the UK Equality Act 2010 from these types of discrimination:

- Age

- Disability: A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
- Gender reassignment: The process of transitioning from one gender to another.
- Marriage and civil partnership: Marriage is a union between two people: it doesn't matter if the couple are heterosexual or homosexual. Couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples.
- Pregnancy and maternity: Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
- Race: your race, colour, and nationality (including citizenship) ethnic or national origins.
- Religion and belief: Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief.
- Sex: whether you are a man or woman.
- Sexual orientation: Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

## **Human Rights Act 1998**

Human Rights Act 1998 has sixteen basic rights, which affect all aspects of human rights, from freedom from torture and killing to individual rights in everyday life. It also includes the right not to be treated differently because of your race, religion, sex, political views or any other status, unless it can be objectively justified.

## **Hate Crime**

Hate crimes are crimes targeted at you because of a prejudice or hostility towards your race, ethnicity, religion, sexual orientation or transgender identity. It can be committed against you or your property.

## **Reporting a Hate Crime**

You can report hate crime online through True Vision at [www.report-it.org.uk](http://www.report-it.org.uk)

In Scotland you can use the Police Scotland Online reporting form.

Help and support to report can also be found at [Stop-Hate UK](http://Stop-Hate UK)

