

The proposed violence against women, domestic abuse and sexual violence duty

Guidance for developing an effective workplace policy



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Equality and
Human Rights
Commission

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Supporting materials are available online at www.equalityhumanrights.com/yourbusiness

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Foreword

A steady income is often key to a survivor's economic independence and opportunities to escape violence against women, domestic abuse and sexual violence. So it is particularly important that employers are aware of the steps needed to support their staff.

In 2008 the Commission's **Who Do You See?** research found that 19% of the Welsh population believe that domestic abuse is best handled as a private matter.¹

In responding to this the Commission welcomed the opportunity to work with a **range of partners** to produce 'Domestic abuse is your business: guidance for developing a workplace policy.' I am pleased to see how this has led to a number of organisations implementing effective workplace policies.

The Welsh Government's White Paper Consultation to end violence against women, domestic abuse and sexual violence (Wales) proposed a duty for all public sector employers to have a violence against women, domestic abuse and sexual violence workplace policy. To support organisations in being able to do this, we have **updated** our guide to include violence against women and sexual violence as well as domestic abuse.

Our aim is that **every employer in Wales benefits** from taking effective action in the workplace to tackle violence against women, domestic abuse and sexual violence and that their staff feel safe and supported at work.

This is an ambitious aim but one that we can achieve together - and help to save lives - if we all take some **small steps** in the same direction.

Kate Bennett National Director Wales

Partners

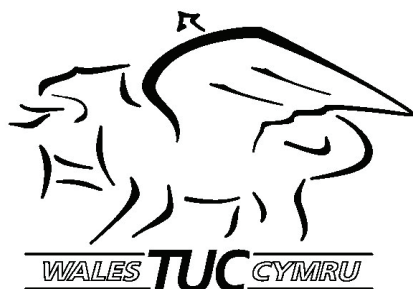


Llinell Gymorth Camdriniaeth yn y Cartref
a Thrais Rhywiol Cymru Gyfan
All Wales Domestic Abuse and Sexual
Violence Helpline

0808 80 10 800



Llywodraeth Cymru
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Preventing Abuse • Promoting Independence

Introduction

What is violence against women?

Every year across the UK at least **three million women** experience violence and many more are living with the legacies of past abuse.² By having a violence against women, domestic abuse and sexual violence workplace policy, employers are able to support employees who may be experiencing domestic abuse and other forms of violence against women.

The enduring social problems of violence against women, of which domestic abuse and sexual violence are key elements, undermine our workplaces and communities and should have no place within them.

The term violence against women includes **domestic abuse, rape and sexual violence** and many other forms of violence that predominately affect women. They are grouped together by the term violence against women to highlight that they are a cause and consequence of women's inequality.

It is estimated that violence against women costs society **£40 billion**³ in England and Wales each year. This includes costs to public services and the lost economic output of affected women. More information on the definition and other forms of violence against women and can be found in appendix 1.

What about men?

The umbrella term of violence against women is used, due to the disproportionate affect on women.

Nevertheless, we know that men can experience domestic abuse and sexual violence, from their female partner and in same sex relationships. Workplace policies can include men but it should be acknowledged that their experiences are likely to be different to women's and may require specialist support e.g. Safer Wales Dyn Project .

VAW in the workplace

The **Welsh Government's 10,000 Safer Lives** project includes the need for a violence against women, domestic abuse and sexual violence workplace policy, as one of the eleven minimum standards for public services in Wales.

The Welsh Government's White Paper consultation on **legislation to end violence against women, domestic abuse and sexual violence (Wales)** proposed a duty on all devolved public sector employers to have a workplace policy for violence against women, domestic abuse and sexual violence.

Focus on domestic abuse

Domestic abuse is the most prevalent form of violence against women. This guide focuses on supporting employees who have experienced or are experiencing domestic abuse. But it is important to recognise that whilst employees are more likely to be affected by domestic abuse - rape and sexual violence and harassment are often interlinked with domestic abuse.

Why is violence against women, domestic abuse and sexual violence a workplace issue?

Good people management

Being a good employer includes **supporting staff** through new or difficult periods in their lives. Violence against women, domestic abuse and sexual violence can all have a devastating impact on individuals and their families.

Domestic abuse

In 2008/09 domestic abuse accounted for 68% of female homicides and 15% of male homicides in England and Wales.⁴

Research shows that **seventy-five per cent** of those experiencing domestic abuse are targeted at work⁵. It is often possible for perpetrators to use workplace resources, such as phones, email and other means, to threaten, harass or abuse their current or former partner. For others the workplace can be a **safe haven** and provide a route to safety.

Colleagues may also be affected. They may be followed from work, or subject to questioning about the victims contact details or locations. They may have to cover for other workers while they are off, try to fend off the abuse and fear for their own safety. Furthermore, colleagues may be aware of the abuse and violence but not know how to help.

Employers have a responsibility to provide all staff with a **safe and effective work environment**. Having a violence against women, domestic abuse and sexual violence workplace policy can clearly demonstrate that it is **not tolerated** within or outside the workplace.

It will show a commitment to provide support for staff and **take action** against perpetrators.

The business case

Violence against women, domestic abuse and sexual violence is a **performance and productivity concern** and supporting staff that have or are, experiencing violence against women, domestic abuse and sexual violence makes business sense.

Domestic abuse

In England and Wales domestic abuse costs **£1.9billion**⁶ a year in lost economic output. This is due to decreased productivity, administrative difficulties from unplanned time off, lost wages and sick pay. It can cause employees to be distracted at work, arrive late, leave early, or miss work, and can increase employee turnover.

What's more domestic abuse can impact negatively on an employee's health and wellbeing. It can impact on staff morale as well as an **organisation's image and reputation**.

With research showing that **1 in 4 women** will experience domestic abuse at some point in their lifetime⁷, it is likely that all workplaces have staff that have or are experiencing abuse as well as those who are perpetrators.

Introducing an effective workplace policy and practice will be a **good investment to retain skilled and experienced** staff, thereby, increasing their commitment to you as an employer.

A duty of care

Under the **Human Rights Act** all public bodies have an obligation to protect the human rights of individuals and to ensure that their human rights are not being violated. Violence against women, domestic abuse and sexual violence denies women and girls the most fundamental of human rights. Implementing a workplace policy can help authorities meet their human rights duties in relation to incidents of violence against women, domestic abuse and sexual violence. Failing to tackle this could lead to an infringement of the Human Rights Act.

The **Equality Act** 2010 includes a **public sector duty** and those subject to the general equality must have **due regard** to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity for protected groups; and foster good relations.

The **scale and impact** of violence against women, domestic abuse and sexual violence is so significant that the majority of public authorities in Wales may wish to gather data, consult stakeholders and prioritise this issue. A **specific action** to deliver real outcomes would be to develop and implement a violence against women, domestic abuse and sexual violence workplace policy.

Health and safety laws ensure workers have the right to work in a safe environment where risks to health and wellbeing are considered and dealt with effectively.

There are **four main areas** of health and safety law relevant to violence at work:

- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1992
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- The Health and Safety (Consultation with Employees) Regulations 1996

An effective workplace policy on violence against women, domestic abuse and sexual violence can ensure that employers are complying with these laws.

In designing a workplace policy:

- A policy could be developed in **consultation** with local Community Safety Partnerships and voluntary and community organisations that have specialist knowledge on gender equality and violence against women, domestic abuse and sexual violence. The All Wales domestic abuse and sexual violence helpline can provide further information and advise on developing workplace policies.
- **Assess the anticipated impact** of the policy and any supporting guidelines. This will make sure there is no discrimination in the way that the workplace policy is designed, developed and delivered. It will also ensure an equality of opportunity is promoted.

- Take account of the **different needs and experiences** people may have, for example:
 - **Older women** are less likely to report their experiences of domestic abuse
 - **Disabled women** are more likely to experience domestic abuse and sexual violence than non-disabled women.
 - **Ethnic minority women** face additional barriers to accessing support
 - **Lesbian, gay and bisexual women and men** can be vulnerable to abusers who undermine their sexuality and threaten to 'out' them to colleagues, employers and family members.
 - **Transgender women and men** may have fewer services available to them.
 - **Men** experiencing domestic abuse and sexual violence may find it more difficult to disclose abuse and may find more barriers to accessing support.
- Consider how the impact of the policy will be assessed and what data can be collected to monitor the policy.

What is in an effective violence against women, domestic abuse and sexual violence workplace policy?

Based on the knowledge and experiences of the voluntary sector and employers, there are several **steps** that employers can take in order to **effectively address** violence against women, domestic abuse and sexual violence. These steps cover key areas that can be included within a workplace policy. It is important that all organisations develop their own workplace policy to **reflect the needs** of their employees.

To raise awareness

- **A policy statement and/or organisational commitment which opposes all forms of violence against women, domestic abuse and sexual violence**

This can include a commitment to treat violence against women, domestic abuse and sexual violence seriously, to understand the risks and consequences in the workplace, to fully support colleagues and take action against perpetrators.

- **A clear definition of violence against women, domestic abuse and sexual violence**

This can be based on the definition given by the United Nations Declaration in the elimination of violence against women. It will also be important to set out what is meant by domestic abuse and sexual violence. This will help to ensure a shared understanding. Further information can be found in the appendix.

- **Statistics to demonstrate the extent and prevalence of violence against women, domestic abuse and sexual violence**

National statistics can be used and by involving local voluntary groups it may be possible to get statistics for your region or area.

- **Clear indicators to identify different forms of violence against women, domestic abuse and sexual violence**

On average a woman will experience 35 episodes of domestic abuse before seeking help.⁸ Using clear examples and indicators of violence against women, domestic abuse and sexual violence can make managers aware of the possibility that these issues may be the cause of a number of workplace issues. Although this should not to be used as a checklist, it can allow for appropriate support to be offered.

- **Review and monitor the policy on a regular basis**

This will gauge how the policy is working for employees and managers. All information should be kept confidential and anonymous. One way to do this would be to have an employee monitoring form which could be printed off and sent to HR. Staff who use the policy can be encouraged to complete the form which does not need to include any personal or identifiable details.

To identify responsibilities

- **Clarify the specific roles and responsibilities for managers**

This can include practical steps to encourage the disclosure and discussion of abuse and identify appropriate support. Managers should endeavour to support those experiencing violence against women, domestic abuse and sexual violence in a sympathetic, non-judgemental and confident manner. They can also assist in recording details of incidents in the workplace. Further information on asking difficult questions can be found on page 10.

- **Clarify the specific roles and responsibilities for the human resources team**

This can ensure a central responsibility for developing a policy and procedures on supporting staff experiencing violence against women, domestic abuse and sexual violence. The human resources team can pledge to review and update other policies, procedures and practices that are linked and could affect the implementation of a workplace policy. For example, by making links with existing policies this can allow individuals to change working patterns. Special leave may also help to facilitate any practical arrangements. Links can also be made to dignity at work, sexual harassment and email and internet usage policies.

- **Clarify the specific roles and responsibilities of employees**

If they feel able to, this can allow employees to take basic steps to assist friends and colleagues. By behaving in a supportive manner, an employee can assist an affected colleague in gaining confidence to tackle and report the problems that they might experience.

- **A commitment to challenge perpetrators**

This recognises that abusive and violent behaviour is the responsibility of the perpetrator. Employees should be aware that misconduct inside and outside of work is viewed seriously - and can lead to disciplinary action being taken. Employees should be aware that violence against women, domestic abuse and sexual violence, are serious matters that can lead to a criminal conviction. However, it may also be appropriate to support an employee who is seeking help to address their behaviour.

- **An obligation to prioritise confidentiality wherever possible**

As far as possible information should only be shared on a needs to know basis in order to achieve the best outcome for the employee. Where possible this should be done with the employees permission. Managers are responsible for ensuring information is not disclosed and that all employees are aware of their responsibilities in relation to confidentiality. There are exceptions when confidentiality can be broken, for example when there are concerns about children or vulnerable adults. It is important to seek specialist advice before doing so and to discuss this with the employee.

To ensure provision, support and safety

- **Clear information on practical and supportive measures in the workplace**

A number of clear steps can be identified which will ensure that those experiencing violence against women, domestic abuse and sexual violence are able to work in a safe and supported workplace. This may include diverting phone calls or alerting reception and security staff. Links can also be made to any employee assistance programme and services offered by trade unions, such as legal advice. Further examples of practical support in the workplace can be found on page 11.

- **An assurance to prioritise health and safety at work**

The dangers of violence against women, domestic abuse and sexual violence should not be underestimated. Undertaking a risk assessment can ensure that the potential risk to employees and colleagues is lessened. It is important to note each person's needs are different and that any measures should only be used with the authorisation / consent of the individual concerned.

- **Appoint violence against women, domestic abuse and sexual violence link staff and provide contact details**

This recognises that staff may not wish to go through line managers or human resources. Having key link staff means they can be approached in confidence to discuss issues relating to violence against women, domestic abuse and sexual violence.

They would not be expected to be a counsellor, but would be provided with specific training and have clear responsibilities.

- **A clear commitment to provide training to all staff on the implications of violence against women, domestic abuse and sexual violence in the workplace and what the policy offers**

This will ensure that all staff are aware of violence against women, domestic abuse and sexual violence, the policy and the support it offers. Local experts are key partners to assist in providing this training. More detailed training can be provided to managers.

- **A commitment to distribute the policy to all employees**

Through policy holders and the intranet, all staff can be made aware and have information on the policy and its aims. This can include displaying posters and including information on violence against women, domestic abuse and sexual violence within other training sessions e.g. harassment and bullying. For more ideas on raising awareness in the workplace please see our [workplace pack](#).

- **A list of local and national support and advice agency contacts**

This could include the All Wales Domestic Abuse and Sexual Violence Helpline as a first point of contact. Having an accessible list of support agencies will give staff experiencing violence against women, domestic abuse and sexual violence the opportunity to access vital advice on financial, health and housing issues as well as legal assistance.

Asking difficult questions

If a manager has reason to believe that an employee is experiencing a form of violence against women, domestic abuse and sexual violence, they should **facilitate a conversation** to be able to discuss this and identify and implement appropriate support.

Domestic abuse

Shying away from the subject can perpetuate fear of stigma and increase feelings of anxiety. Often employees will not feel confident in speaking up, so a manager making the **first move** to begin a conversation can be key.

Managers should ask the employee **indirect and open questions**, to help establish a relationship with the employee and develop empathy.

Below are some examples of questions that could be used.

- How are you doing at the moment?
Are there any issues you would like to discuss with me?
- I have noticed recently that you are not yourself, is anything the matter?
- Are there any problems or reason that may be contributing to your frequent sickness absence/under-performance at work?
- Is everything all right at home?
- What support do you think might help? What would you like to happen? How?

Avoid victim blaming. It is important that managers are able to provide a **non-judgemental** and **supportive** environment. Respecting the employee's boundaries and privacy is essential.

The role of a manager is not to deal with the abuse itself but to make it clear through a workplace policy that employees will be supported and to outline what help is available.

The All Wales domestic abuse and sexual violence helpline can provide further information and advice on discussing violence against women, domestic abuse and sexual violence with employees.

Tel: 0808 80 10 800

Examples of practical support in the workplace

- Using **existing policies** to allow an individual to change work patterns or workload and allow flexible or more flexible working or special leave to facilitate any practical arrangements
- **Diverting** phone calls and email messages
- **Alerting reception and security staff** if the abuser is known to come to the workplace
- Providing a copy of any **existing orders** against the abuser and a photograph of the abuser to reception and security staff.
- Checking that staff have **arrangements** for getting safely to and from home
- Reviewing **content of personal information**, such as temporary or new addresses, bank or health care details
- Reviewing the employee's **next of kin information**
- Where practical, **considering offering a temporary or permanent change** of workplace, working times/patterns
- Where practical, **offering changes in specific duties**, such as not expecting the employee to answer telephones or sit on reception
- Moving the employee **out of public view** i.e. ensuring that they are not visible from reception points or ground floor windows
- Ensuring that the employee **does not work alone** or in an isolated area
- **Agreeing with the employee** what to tell colleagues and how they should respond if the violent partner/ex-partner telephones or visits the workplace
- Keeping a **record of any incidents** of abuse on the workplace, including persistent telephone calls, emails or visits to the employee by their partner/ex-partner.

Getting further information

There are many useful guides for employers which offer advice and practical guidance on violence against women, domestic abuse and sexual violence in the workplace.

All Wales Domestic Abuse and Sexual Violence Helpline

www.allwaleshelpline.org.uk

0808 80 10 800

The Wales domestic abuse helpline offers free confidential information and support to women and men experiencing domestic abuse. It is also an information service for people who are concerned about someone they know, and for agencies that need information on the support available in Wales for adults and children.

BAWSO

www.bawso.org.uk

BAWSO are a specialist agency, which can provide culturally sensitive and appropriate information and services to black and other minority ethnic groups.

Broken Rainbow

www.broken-rainbow.org.uk

Broken Rainbow provides support for lesbian, gay, bisexual and transgender people experiencing domestic abuse.

Corporate alliance against domestic violence

www.caadv.org.uk

The corporate alliance aims to raise awareness and reduce the social and economic impact of domestic violence in the workplace. Working together their vision is to create a work environment where employees have the opportunity to seek practical support and advice and, ultimately, take positive action to end domestic violence. Membership is open to any employer, trade union or representative body in the UK.

Dyn Project

www.dynwales.org

The Dyn Project works across Wales to support men who experience domestic abuse.

Refuge

www.refuge.org.uk

Refuge is one of the largest single provider of specialist accommodation and services to women and children escaping domestic violence, supporting over 1,000 women and children every day.

Respect

www.respect.uk.net

Respect is the UK association for professionals working with domestic violence perpetrators and associated support services. The organisation's key aim is to increase the safety of those experiencing domestic violence through promoting effective interventions with perpetrators.

Welsh Women's Aid

www.welshwomensaid.org

Welsh Women's Aid is a national umbrella organisation representing local women's aid groups situated throughout Wales. Welsh Women's Aid can provide specialist training, support and information to member groups and outside organisations.

Wales CABs

www.citizensadvice.org.uk/cr_wales

The Citizens Advice Bureau Service offers free, confidential, impartial and independent advice on a range of issues including debt, benefits, housing and legal matters. Advisers can help you to fill out forms, write letters, negotiate with creditors and represent you at court.

Appendix - some definitions

Violence against women

Violence against women is defined by the [United Nations](#) 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 private life’

Accordingly, violence against women encompasses but is not limited to the following:

1. Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
2. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
3. Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”⁹

Domestic abuse

The Home Office’s definition of domestic abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners of family members regardless of gender or sexuality. the abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional

Within this definition controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim¹⁰.

Rape and sexual violence

Sexual violence and abuse can be defined as any behaviour perceived to be of a sexual nature which is unwanted and takes place without consent or understanding. Sexual assault covers any other sort of sexual contact and behaviour that is unwanted, ranging from touching to any other activity if it is sexual.

Rape is when someone has penetrative sex with another person against their will. This includes vaginal, anal and oral penetration¹¹.

Sexual harassment

For incidents that took place after 1st October 2005 there are two types of sexual harassment – unwanted conduct on the grounds of your sex and unwanted physical, verbal or non-verbal conduct of a sexual nature.¹²

Crimes in the name of ‘honour’

The CPS and ACPO have a common definition of honour based violence:

“Honour based violence” is a crime or incident, which has or may have been committed to protect or defend the honour of the family and/or community’.

“Honour Based Violence” can be distinguished from other forms of violence, as it is often committed with some degree of approval and/or collusion from family and/or community members. Examples may include murder, un-explained death (suicide), fear of or actual forced marriage, controlling sexual activity, domestic abuse (including psychological, physical, sexual, financial or emotional abuse), child abuse, rape, kidnapping, false imprisonment, threats to kill, assault, harassment, forced abortion. This list is not exhaustive.¹³

Human trafficking and sexual exploitation

The most widely cited definition of human trafficking is in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (1):

‘[T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.’¹⁴

Sex trafficking is human trafficking for the purpose of Commercial Sexual Exploitation.

Female genital mutilation

Female genital mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons¹⁵.

Forced and child marriage

A forced marriage is defined as a marriage “conducted without the valid consent of one or both parties and is a marriage in which duress - whether physical or emotional - is a factor”.

Child marriages must be viewed within a context of force and coercion, involving pressure and emotional blackmail and children that lack the choice or capacity to give their full consent¹⁶.

Prostitution

Prostitution is a sexual act undertaken in exchange for some form of payment (money, drugs, food, accommodation etc).¹⁷

There are two types of prostitution:

- Off the street prostitution (women selling sex in brothels, saunas, massage parlours, escort agencies, private flats and other premises).
- Street prostitution (outdoor prostitution, usually on the street).

Pornography

Pornography is defined as any printed or visual material containing the explicit description or display of sexual organs or activity, intended to stimulate sexual excitement.

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