About the author/ Centre

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This submission is written on behalf of the Centre for Gender and Violence Research in the School for Policy Studies at the University of Bristol. We are a leading national and international centre of research and policy expertise on gender and violence, conducting empirical studies and evaluations of policy and practice nationally and locally. We also conduct international research including collaborative and cross-national studies. A major theme of our research is identifying and promoting best practice in violence against women initiatives.

Current research from the Universities of Bristol, Cardiff and UWE (on Justice, Inequality and Gender-Based Violence (hereafter ‘Justice project’), led by Professor Marianne Hester and funded by the ESRC, is casting new light on why sexual abuse and harassment cases require handling with particular care. During 2016-17, the research team interviewed over 250 victims of domestic and sexual abuse and harassment to ask “What is justice?”.

This submission sets out some early research findings relevant to the Committee’s inquiry.

SUMMARY

This submission particularly addresses the inquiry’s terms of reference on:

- who experiences sexual harassment in the workplace, who perpetrates it and what the impact is on different groups
- actions that the Government and employers should be taking to change workplace culture to prevent sexual harassment, give people more confidence to report sexual harassment, and make this issue a higher priority for employers

Drawing on evidence from victims/survivors of sexual and domestic abuse (including sexual harassment) from the Justice project, and on wider research evidence, we set out that:

- Sexual harassment is gendered, disproportionately perpetrated by men and disproportionately affecting women
- Sexual harassment is part of a continuum with other forms of gendered violence and abuse, arising from inequalities of power and (often) misogynistic attitudes
- What victims/survivors say they want from reporting, and what is ‘justice’
- When mediation (and other relevant informal justice approaches) can be helpful
- What some of the potential problems with mediation can be
- The importance and strengths of specialist advocacy

DETAIL
Who experiences sexual harassment, who perpetrates it and what is the impact?

1. As with other interpersonal abuse, at its core, sexual harassment is about power inequalities which allow one person to exploit another with impunity. In common with other forms of interpersonal violence and abuse, it disproportionately affects women and is disproportionately carried out by men. It is one of many expressions of unequal power between the genders, in which men feel entitled to behave in predatory or sexually aggressive ways, and believe they can do so with impunity. Men can also be victims (of both women and men), and women can be perpetrators (against both men and women).

2. The expectation of perpetrators that they can ‘get away with it’ has in practice often been proved true, for three linked reasons: (1) inadequate policies for reporting and recording allegations of harassment, (2) victims having no confidence that they will be believed, listened to with respect or taken seriously - and therefore not speaking out, and (3) unreformed workplace cultures which minimise or even collude in harassment behaviour.

3. Much more insidiously, victims who have bravely spoken out (often at considerable personal and professional risk) have found their claims dismissed or undermined or minimised. They have often seen no action taken, and this drives a further cycle of silence, especially when other victims can observe that speaking out achieves nothing and come to have little trust in the system. At the same time, this reinforces the implicit message to perpetrators that they can get away with it.

4. Workplaces where there are already unequal power imbalances operating at the core of the culture (e.g. in Parliament, between members and staff) are particularly problematic because power imbalances make it harder for victims to come forward with a reasonable expectation of being taken seriously, and they face considerable damage to their future job prospects and reputation simply from speaking out.

5. Sexual harassment often overlaps and interacts with other forms of harassment and abuse. In the Justice project, over a third (39%) of interviewees we had recruited for experiences of domestic abuse or rape also reported having experienced sexual harassment in the workplace or on the street. The figures confirm that these experiences rarely operate in isolation: sexual harassment and violence frequently occurs as part of a continuum which disproportionately affects women (Kelly, 1987).

Changing workplace culture, giving victims confidence to report

What victims/survivors want – how to increase confidence to report

6. During the Justice project, we spoke to victims/survivors of a range of sexual, domestic and other forms of gender-based violence, including sexual harassment. Victims/survivors are consistently clear about what constitutes a fair response to speaking out, and what would create the conditions for them to feel able to speak out.
7. These lessons are relevant for the Committee in its inquiry. These priorities must be placed at the heard of employers’ and workplace policies, processes and culture in any good response to sexual harassment.

8. **To be listened to.** Part of the process of justice, victims told the *Justice* project, was being given the space and place to say what had happened, and be heard. A strong theme throughout our interviews was the importance victims placed on external recognition that harm had been done. This was very often the first response to the question “What is justice?” and, for many, overrode ideas of punishment or revenge. As one female victim said, “he doesn’t accept that there’s anything wrong–and that isn’t justice to me. Justice would have been a realisation on his part that what he did was utterly dreadful and the impact it had was utterly dreadful”.

9. Management responses to allegations of harassment which are to minimise the claim or move the victim quietly elsewhere, powerfully strengthens the message that the victim is to blame. Interviewees in the *Justice* project identified this pattern of behaviour when asked to define what “injustice” meant to them. One female victim of sexual harassment described this as: “that person... does something wrong but then tries to put the blame onto the person they’ve actually done wrong by”.

10. **The perpetrator to be held accountable.** This was the other side of the same coin. It was very important to victims that the perpetrator take (at least partial) responsibility for the harm done. For many victims, ideally this would come from the perpetrator themselves, and involve a genuine apology and expression of remorse. But in many cases this had not happened. Here, the next best thing was for another party (the state, the police, their friends and family, their employer, colleagues) to offer this recognition, and to hold the perpetrator (rather than the victim) responsible.

11. **To have choice, control and voice in the process.** Another key element in achieving justice for victims was getting back some control over what happened to them. This meant informed choices about what remedies they could pursue, and being put at the centre of decision-making about their case. The *Justice* project is finding that those experiencing violence, harassment and abuse sometimes choose not to pursue public or punitive justice options for a range of reasons, including fear of retaliation or consequences and concern for their status or assets (which, in the case of workplace sexual harassment, could be their job or professional reputation). This makes it vital that they can access a range of remedies when making a complaint. In part, this is because they often have had power and control taken away from them as part of the abuse or harassment. Offering them some control over the process therefore becomes an important part of justice.

**The role of non-formal justice approaches**

12. For some victims (excluding those where the perpetrator was an intimate partner, where informal approaches can be dangerous), informal justice approaches - such as a facilitated dialogue with the perpetrator, involving specialist facilitators/mediators - can
offer the opportunity to have a voice, express the impact of the harm done to them, and create the space for the perpetrators to hear the victim and express remorse.

13. In the *Justice* project we found this was especially true when the abuse had occurred within a closed or tight-knit (e.g. activist, traveller, religious) community, where victims often faced additional barriers to reporting abuse because they feared losing their membership of the community—for instance, being ostracised, disbelieved or expelled. These contexts affected the choices victims made about reporting, and have parallels with victims who are members of other closed groups e.g. some workplaces, or political parties. In the case of one victim we interviewed, the community organised an informal meeting between them and the perpetrator. For her this showed that the community recognised the harm done, and held the perpetrator to account.

14. Great care is required with mediation or guided discussion approaches in contexts or workplaces where there has been a history of institutional downgrading and minimising of complaints. In these cases, it is even more vital to make sure that victims are taken seriously, that specialists who understand the dynamics of sexual violence are engaged, and that remedies should always include options for punitive sanctions alongside any less formal routes.

15. However, there is evidence that less formal justice approaches can play an important part in some cases of sexual harassment - but only when they involve specialist mediators who can recognise power imbalances (including gender) and challenge abusive behaviours through a process of ‘transformational mediation’ (McCormick, 1997; Irvine, 1993).

16. Such ‘transformational mediation’ only works when it is voluntary and other options are also available to the parties involved (McLay, 2009). It should never be used as an alternative ‘first step’ in responding to allegations of sexual harassment, since the process by which a perpetrator accepts responsibility for their actions often requires a more formal investigation or finding of facts. But it can form part of an overall response.

17. It is important to note that if not managed by specialists, mediation approaches can perpetuate harm; but when victims are properly supported by specialists who can reduce the intensity of their participation, they are valued by victims because of the process of recognition involved (Fileborn and Vera-Gray, 2017).

**The importance of specialist advocacy for victims**

18. Successive research studies have shown the importance of specialist advocacy support for domestic and sexual violence – and many of these findings are applicable also to sexual harassment:

- Hester (2012) reviewed findings from three evaluation studies of Independent Domestic and Sexual Violence Advisors (IDVA/ISVAs) in England and Wales. The review found all three studies indicated that, at least during the period of the interventions,
victim/survivors experienced reduction in violence and abuse from partners and, to a lesser extent, from ex-partners.

- Howarth et al (2009) study across England and Wales found evidence that the work of IDVAs with mothers had a positive impact on the safety of their children; and the Donovan et al (2010) study in Gateshead/Cumbria found that mothers valued the work done by IDVAs with children.

- Donovan et al (2010) found a decrease in re-referrals to IDVAs as a result of their intervention, and that staff and service users reported increased perceptions of safety for the women, reduced risk, and greater confidence in seeking help.

- Howarth et al (2009) found that the odds of feeling safer and abuse decreasing doubled when victims accessed between 2 and 5 support interventions, and increased by 4 times where there were more than 6 different interventions.

- Howarth et al (2009) found a reduction in domestic violence across the period of the IDVA intervention, especially in physical abuse, with a smaller reduction in other abuse such as stalking and harassment. Monitoring data showed a clear relationship between intensity of intervention and reduction in domestic violence, with 67% of the victim/survivors receiving intensive support achieving an overall cessation in abuse compared to 44% of those victim/survivors receiving limited support.

- This picture is confirmed by latest Insights monitoring data published by national charity SafeLives: 53% of IDVA clients reported no abuse in the past month after receiving support from an IDVA; 84% reported feeling safer, 83% that their quality of life had improved, and 89% that they felt confident to access support in the future (SafeLives, 2017).

19. The evidence from the Justice project and elsewhere (Hester and Lilley, 2017; Howarth et al 2009; SafeLives, 2017) is unequivocal on the importance and effectiveness of specialist victim advocacy. Specialist sexual violence advocates play a crucial role in supporting victims using counselling, emotional support through court/other justice processes, practical help, and referrals to other support agencies. Advocates also can change cultures in other agencies and actors through so-called “institutional advocacy” (Coy and Kelly, 2011). The Justice project has examined over 400 police rape case files and found a statistically significant link between victims receiving support from a specialist sexual violence advocate and a criminal charge being made.

20. This body of evidence underlines the importance of victims getting targeted advocacy support from specialists who understand the dynamics of gendered abuse and harassment. This is true for sexual harassment in the workplace as well as abuse and violence in other contexts. Such support should not be contingent on what resolution or justice processes victims choose to follow—it is a vital element, irrespective of whether the route to remedy is an internal process, a formal resolution, or criminal justice.

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The research team will be publishing a range of papers from the project during 2018, including on models and victim perspectives of justice, criminal justice attrition in rape and domestic abuse cases, procedural justice, child contact in domestic abuse cases, BME women’s experiences of justice, Sharia and other religious arbitration.

References


