

**Written submission from Dame Vera Baird QC,
Police and Crime Commissioner (PCC) for Northumbria (SPP0087)**

Executive Summary

The Police and Crime Commissioner for Northumbria takes great interest in this inquiry, due to the impact of sexual harassment on victims and its links with gender inequality and other forms of violence against women. There is currently no specific law against sexual harassment which can be utilised by police and a fruitful discussion is therefore needed about how to effectively tackle sexual harassment and ensure women feel safe in public spaces, as is their right.

The Angelou Centre, a black-led women's centre offering holistic women-only services for black and minority ethnic women, also contributed to this response.

The scale and impact of sexual harassment of women and girls in public places

1. How widespread is sexual harassment of women and girls in public places and what form does it take? Do we know whether this has increased or decreased over time?

- 1.1 The Committee's terms of reference for this inquiry have highlighted recent findings of the prevalence of sexual harassment – for example the 2016 YouGov survey which found that 85% of women aged 18-24 had experienced unwanted sexual attention in public and 45% had been sexually touched.
- 1.2 Though there is a lack of study into sexual harassment in the UK, it is a part of women's lives. One visit to Laura Bates' 'everyday sexism' website will unveil the scale and forms of the problem¹. This project was launched as an online space for women and girls to log their experiences of sexism and sexual harassment. The project spread to over 18 countries and has collected tens of thousands of stories. Example of women's entries are below, which highlight some of the forms sexual harassment can take:
- 1.3 *"I've made it a habit to never, ever be alone with him. Last summer he cornered me, "helping" me put my groceries in my truck. He stood pointedly between the door and door frame. I'm hard-wired for politeness and live alone, so I struggle with being assertive enough to make the point but not put myself in harm's way due to his shredded ego. He's sizeable and menacing. I asked him politely to move. As I went to leave he suddenly went in for a hug. I kept my hands close to my body. He whispered creepily, "I*

¹ <http://everydaysexism.com/>

just want to eat you up.” I replied, “not going to happen” and as he released me his hands grazed my breasts.”

1.4 *“Clubs seem to be acceptable places in a guy’s mind for public, non-consensual, ‘casual’ groping. In crowds, they will VERY often over the course of a night pass behind you whilst just lightly stroking your butt (or just above, but close enough that you can feel where those hands want to be). Depending on where I go, this sometimes happens near constantly. You have to be hyper-aware of everyone around you and by the time it’s happened and you turn around to call them on it, they’ve practically disappeared into the crowd”*

1.5 *“Whilst walking one from school last Friday a car of dudes was waiting at traffic lights as I walked past them. They began cat calling and making highly sexist remarks. It wasn’t til they’d driven away that I realised how fast my heart was beating and how scared it made me feel. It was also highly disgusting”.*

1.6 Sexual harassment takes many forms. Fiona Vera-Grey prefers to refer to this harassment as ‘men’s stranger intrusions’, so as not to discount experiences that do not fit the dominant narrative of sexual harassment on the street². She also uses the term ‘men’, rather than male, to emphasise how male violence is not a product of their biological maleness³. This approach widens the remit for women and girls’ experiences to be acknowledged. Vera-Grey found from her recent research that her participants’ experiences of sexual harassment (or men’s stranger intrusions) could be categorised into 6 typologies, 3 that were common:

- 1.6.1 Ordinary interruptions - are often dismissed as trivial and just a ‘daily hassle’. For example, men forcing conversation on women in public spaces or sitting uncomfortably close.⁴
- 1.6.2 Verbal intrusions - sexualised comments, comments commanding happiness in women’s demeanour and insults/explicitly threatening comments⁵
- 1.6.3 The gaze – this includes men staring at women in public spaces as if they are objects. This can also include men taking ‘creepshots’ – photos of women in public spaces. Creepshots are a lasting record of the male gaze and intrusion⁶.

1.7 And three that were less routine but more memorable:

² Vera-Grey, F. (2016). *Men’s Intrusion, Women’s Embodiment: A critical analysis of street harassment*. Routledge.

³ Ibid, p11

⁴ Ibid, p72-3

⁵ Ibid, p77

⁶ Ibid, p90-92

- a) Physical intrusions
- b) Flashing
- c) Public masturbation

1.8 The Angelou Centre also highlighted that their work with black and minority ethnic women in the North East has uncovered multiple ways that sexual harassment is endemic and often linked with levels of vulnerability and circumstance. This can take the form of verbal insults on the street that are sexist but also involve forms of racism. For example, unwanted sexualised behaviour from men, name-calling when women don't respond to advances and physical harassment such as standing in close proximity and not respecting women's wishes. Women have reported sexual harassment from statutory agency staff, immigration centres and even supermarkets when the cashier recognises they are using asylum vouchers. Women talk about this as part of the dehumanising and degrading treatment they often face on a daily basis, as if they have no 'right' to be safe. Women have reported men pulling off their hijabs to see their 'sexy hair', having their traditional clothes referenced and touched, as well as parts of their body and hair touched by men.

1.9 Sexual harassment is widespread, but is often trivialised or considered so regular and mundane that the experience is silenced and becomes invisible, as just a part of life.

2. Who are the perpetrators and the victims, and how does it happen?

- 2.1 Though men can also be victims of sexual harassment, overwhelmingly women are victims and men perpetrators.
- 2.2 Sexual harassments/men's intrusions are a routine manifestation of the historical power relations between men and women, a replication of the gender order. Instances of sexual harassment sit on the continuum of sexual violence – a concept explored by Liz Kelly as early as 1988⁷.
- 2.3 The response of women to sexual harassment demonstrates how it sits on this continuum – women's responses are often framed in a context of fear of what will happen next – touching, assault or even rape.

3. What is the impact of sexual harassment on the lives of women and girls? Are there other effects, such as on bystanders, or on society in general?

⁷ Kelly, L. (1988). *Surviving Sexual Violence*. Polity Press.

3.1 The impact of this violence and harassment is that it often re-traumatises already vulnerable women or those at risk, to feel that there are no public safe spaces, it restricts access to support as women feel that there is nowhere safe to go. Many women normalise these experiences but they deeply affect them and impact directly on women and girls' mental health and wellbeing.

3.2 As mentioned above at question 1, Fiona Vera-Grey recently conducted research with 50 women and girls about their experiences of sexual harassment/men's intrusions. Categorised into 6 different forms, women and girls reported a range of feelings and impact: robbed, a sense of having their internal world broken into, a feeling of their freedom being restricted, fear, anger, humiliation, shame, helplessness, and fear of escalation into violence. Some women in this study explained how rape is not just a possibility of their situation as women, but an imminent potentiality. Women felt lucky if they had not been raped. One woman who had been raped reported feeling close to relieved that the worst had finally happened, and she now felt more free in public, knowing that she had the worst thing happen. Rape and violence against women by men is perceived as just a part of growing up as a girl. Those women who had experienced rape and other forms of sexual violence explained how the continuum between sexual harassment and male violence was very clear – sexual harassment anchored the fear of male violence. Women who had been raped or sexually abused also reported feeling more vulnerable and fearful of sexual harassment as they knew what it could lead to.

3.3 Staff at The Angelou Centre have had reports from young women not wanting to go anywhere after school as they are sexually harassed by adult men when in uniform, and often they are approached in the street by men they don't know. Black and minority young women also face harassment from men within their communities as codes of honour and respect can be ways for perpetrators of these behaviours to stop women from speaking out or reporting the harassment. There is a wider impact in a society where the majority of women are harassed but there also remains many black and minority ethnic women whose experiences are not those of the majority, therefore the ways that harassment is perpetrated against them are not recognised by majority communities and are often silenced.

4. What gaps exist in the evidence about sexual harassment in public places?

4.1 As mentioned above, there are not many studies into sexual harassment in the UK. This is potentially because sexual harassment is considered so mundane, ordinary and every-day behaviour, that it is discounted.

4.2 Some women may not even consider certain behaviour as sexual harassment. As mentioned at question 1, this is why some researchers such as Vera-Grey have broadened their definition to 'men's stranger intrusions', to widen the scope of her study. In this, men's non-sexual insults or long creepy stares can be included, as they rightly should be, into considerations of sexual harassment, for these behaviours have the same effect of intruding into women's personal space and causing them to fear for their safety. By broadening understandings of harassment, gaps in the evidence may be closed.

4.3 As noted by the Angelou Centre, some women come from communities where codes of honour and shame prevent them from speaking out about their experiences. More research needs to be undertaken in minority ethnic communities to uncover the scale and nuance of the issue.

Why does sexual harassment of women and girls in public places happen?

5. What are the factors (including social and cultural factors) that lead to sexual harassment of women and girls in public places?

6. How do men and boys learn what is acceptable behaviour?

5.1 Traditional power relations between men and women are being broken down in other ways – with campaigns for equal pay, more women becoming leaders etc. Sexual harassment however is one subtle and prevalent way that women can be reminded of their traditionally inferior position to men, backed up with a real threat of violence. This idea of women being subordinate needs to be broken down wherever possible.

6.1 Men and boys learn behaviours from wider social and structural inequalities as well as from their families and communities. If boys and men do not receive consistent messages about equality and women and girls' rights then behaviours will not fundamentally change. Such abusive behaviour is a result of macro inequalities and the deeply embedded societal expectations of masculinity/femininity that are replicated in a range of micro forums such as; peer pressure, media, learning environments and families.

6.2 Education and the media are two key institutions in changing attitudes. Many campaigns around sexual violence have been launched and gone global in recent

years, such as #metoo and #timesup. This is positive and promotes the message that harassment and violence is unacceptable, however there is still a way to go and this can be assisted by educating young people from an early age. It is hoped that the changes to sex and relationships education under the Children and Social Work Act 2017 will assist in creating this change of attitudes.

7. What evidence is there of links between harmful attitudes that men and boys have towards women and girls and sexual harassment?

- 7.1 As discussed at question 2, Liz Kelly's concept of the continuum of sexual violence is crucial in understanding the links between men and boy's harmful attitudes and sexual harassment/other forms of violence. Cases such as that of Levi Bellfield, who was convicted in 2008 of murdering two young women and the attempted murder of another, demonstrates how misogynistic attitudes towards women are linked to violence. Bellfield also stalked, harassed, raped and abused several other women and following his trial, police and ex-partners spoke of his intense loathing of women and his desire to hurt, kill, stab and rape women.
- 7.2 However the links are not always this clear and need to be explored more. Oftentimes, men may not expressly hate women and wish them harm, but consider them subordinate and objects to please men. These attitudes are just as harmful and lead to violence by men and fear and intrusion experienced by women.
- 7.3 Intersecting forms of inequality and abuse also need to be highlighted. The Angelou Centre points out that when women face multiple disadvantages, they then become more vulnerable to forms of harassment that are both visible and invisible, recognised and unrecognised. Black and minority ethnic women including those who may have uncertain immigration status, lack economic independence or have additional needs/disabilities often simultaneously face multiple and intersecting forms of violence and harassment. The increase in the use of social media where messages are often proliferated to large audiences without intervention, discussion or filter means that whilst some things have changed in relation to areas such as work place harassment - online sexual harassment, revenge porn and bullying have massively increased.

8. What evidence, if any, is there of links between harmful attitudes and other behaviours such as paying for sex or using pornography?

- 8.1 Pornography depicts unrealistic sexual relations and standards, often in which women are demeaned and controlled. The prevalence of free online pornography

available to men and boys (as well as women and girls who may also see this as normal sexual standards) is concerning, particularly when this is not explained to them as unrealistic and abusive. Men and boys may then carry these ideals into life, after becoming saturated by these depictions, and consequently treat women as inferior sexual objects there to be controlled by men. Following the idea of Kelly's continuum of sexual violence, these ideas may manifest themselves as harassment of women in public, groping, or even rape.

9. How can negative attitudes and behaviours be changed?

- 9.1 Education is key in addressing subtle, everyday forms of sexual harassment. As discussed above, the attitudes of men and boys towards women which are manifested in sexual harassment and other forms of violence along the continuum, are rooted in historical notions of women being subordinate to men. Though these attitudes are slowly changing, more work needs to be done to teach all people that these attitudes and behaviours are fundamentally wrong and unacceptable.

Preventing and responding to sexual harassment of women and girls in public places

10. How should the Government tackle sexual harassment in public places?

- 10.1 The Government has a responsibility to ensure substantive equality for women. Under Article 5 of the Convention on the Elimination of Discrimination Against Women (CEDAW), the UK *"must take all appropriate measures...to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women"*.
- 10.2 This involves ensuring women are not targeted and harassed based on their gender. The Government therefore has a responsibility to ensure young people are educated properly at school, that the media does not portray scenarios of harassment as normal and that campaigns and projects to do with sexual harassment are supported.

11. What are the police, local authorities or other bodies doing to tackle sexual harassment in public places? Who else has a role?

12. Are more or different laws needed? Or do existing laws need to be better understood or enforced?

- 12.1 Everybody has a role in tackling sexual harassment. There have been several recent developments which relate to sexual harassment.

Misogyny as a hate crime

- 12.2 Nottinghamshire police have essentially made sexual harassment an offence by making misogyny a hate crime. They define misogyny hate crime *as 'incidents against women that are motivated by the attitude of men towards women, and includes behaviour targeted at women by men simply because they are women. Examples of this may include unwanted or uninvited sexual advances; physical or verbal assault; unwanted or uninvited physical or verbal contact or engagement; use of mobile devices to send unwanted or uninvited messages or take photographs without consent or permission'.*
- 12.3 Nottinghamshire police hope that through recording incidents in this way they will:
- Raise awareness of the seriousness of these incidences and encourage women to report
 - Gather better intelligence to disrupt activities/perpetrators
 - Better manage risk and support women affected
 - Reduce women's fear of crime in public spaces which is frequently informed by their fear of sexual assault, informed in large part by experiences of street harassment
- 12.4 The long term aim is to nudge people towards a culture shift and to reframe these behaviours as socially undesirable. In doing so they hope to challenge the way that some men express their 'masculinity' to the detriment of women.
- 12.5 Notably, Nottinghamshire police acknowledged that although terms such as 'street harassment' and 'sexual harassment' are more commonly understood by the general public, they are problematic when dealing with the police as they have a very distinct meanings, and also do not necessarily cover the whole range of behaviours that women might experience or the places that they might experience these. Therefore misogyny hate crime was felt to be more inclusive and appropriate.
- 12.6 As promising as this sounds, however, it is to be noted that misogyny hate crime is not an offence within itself in Nottinghamshire. Instead this constitutes a flag/qualifier on an incident log, characterising another offence. So, for example,

anti-social behaviour would become anti-social behaviour with a misogyny hate crime qualifier. As such, some hate incidents may not constitute an offence at all, and will not be recorded as such. However, they will be recorded as a hate incident within the police crime recording system, to track emerging trends.

12.7 Therefore the benefit of having such a qualifier is debatable, for victims will not necessarily obtain any justice or support by reporting an instance of sexual harassment/misogyny hate crime. There are also serious concerns about the practicalities of such a practice, where perpetrators are usually strangers who will not always be easily identified and there is unlikely to be any evidence.

12.8 Therefore the premise behind this is promising, yet it is uncertain whether there are any benefits which outweigh the issues and it is debatable whether criminalisation is always the best method of tackling behaviour such as sexual harassment.

Upskirting

12.9 One promising element to Nottinghamshire police's definition of misogyny hate crime, is that it appears to incorporate 'upskirting' – men taking photos up women's skirts/dresses. However, as discussed, as this sits as part of misogyny hate crime, it is still not an offence in itself, which is problematic. There have been strong calls recently for an offence to outlaw upskirting and the Government should seriously consider this, as this behaviour is not currently covered by legislation unless it takes place in private and therefore meets the definition of voyeurism. There is a serious gap in the law here, which leaves victims, who are disproportionately women with no redress.

12.10 There needs to be a coordinated response to sexual harassment that combines a strong legislative approach where it is needed and a government-led response with an informed and appropriate educational programme in school, work and community settings. Sexual harassment needs to be understood in a broader context of gender based violence. There needs to be a societal shift in attitudes towards sexual harassment where it is seen to be unacceptable and no longer the norm.

12.11 The sexual harassment and violence many black and minority women and girls face (as outlined above) needs to be brought into a reviewed definition of sexual harassment, as there has been with domestic and sexual violence, this should also be a government endorsed definition of harassment. The inclusion of misogyny as

a hate crime by Nottinghamshire police is an example of where the seriousness of sexual harassment and its impact on its victims is acknowledged, however as discussed there are drawbacks to this approach. There needs to be further national research (that includes marginalised people's experiences) funded by the government into the extent of sexual harassment, its impact and recommendations on ways to decrease and hopefully end the widespread acceptance of this crime, which is a form of abuse and also sits on the continuum of violence against women and girls.

13. What interventions are available, or should be available, for perpetrators and potential perpetrators?

14. Is current support adequate for victims of sexual harassment in public places?

- 14.1 Organisations such as Rape Crisis are able to support women who have experienced sexual harassment. However the issue for many women and girls is that sexual harassment is seen as so mundane and part of the ordinary that they do not view it as a large event in their daily lives for which they need support. This normality of sexual harassment needs to be unpicked, for women and girls should not be experiencing this harassment as a matter of course, or as a matter of being a woman/girl. Women and girls should not have to experience harassment – whether it be shouting insults or sexualised comments, having men stare or follow them, being groped or having a man take a photo up their skirt – as a part of life.

15. Are there good practice examples or innovative thinking about tackling sexual harassment in the public realm either in the UK or internationally?

- 15.1 There are several examples of good practice regarding sexual harassment and sexual violence more broadly, in the North East:

Shout Up!

- 15.2 Safe Newcastle, in partnership with Rape Crisis Tyneside and Northumberland has developed a new campaign focused on raising awareness of sexual violence and harassment in pubs, clubs and venues across Newcastle. The 12-month long campaign entitled 'Shout Up!' aims to deliver a safer Newcastle, a safer place for women and safer venues across the city. The campaign focuses on bystander

intervention, by making the venues and patrons collectively responsible for the safety of women and for calling out sexually aggressive behaviour.

- 15.3 The objective of the campaign is to remove the responsibility to stay safe and report perpetrators from victims/potential victims and instead create a collective responsibility to challenge sexual harassment. The aim is to heighten awareness about sexual violence in pubs, bars and venues and communicate that as a society we have a moral responsibility to watch out for each other and stand up against sexual violence and harassment. The campaign will also communicate that venues have a legal responsibility for the safety of their patrons.
- 15.4 As part of the campaign, staff in venues will be trained on sexual violence and harassment and how to intervene, door staff will be trained on how to check women are safe if they seem vulnerable or men seem predatory towards them, social media campaigns will be utilised and any victims who require support will be signposted to Rape Crisis Tyneside and Northumberland.

Safeguarding training for night time economy workers

- 15.5 The Office of the Police and Crime Commissioner for Northumbria, in partnership with Northumbria Police, have delivered safeguarding training to night time economy staff across Northumbria, including bar staff, licensed taxi drivers, hotel staff, university security etc. Following the case of a young woman who was thrown out of a club for being drunk and was then picked up by men who repeatedly raped her, it was acknowledged that staff at the venue could have done more to protect her in such a vulnerable state. Therefore, staff are now trained on how to deal with vulnerable women and ensure their safety, even after they have left the premises. Northumbria Police officers have also been trained to support door staff actions and be alert for vulnerability. The SIA have now made this training compulsory for all door staff across the region.

Safe Haven

- 15.6 Linked to the above, a static van known as 'Safe Haven' has been established in Newcastle city centre at weekends and busy times. Staffed by Northumbria police, North East Ambulance Service, St John's Ambulance and Newcastle Street Pastors, this van offers a safe place for anybody who is vulnerable or lost on a night out in the city. Similarly, door staff with safeguarding concerns can signpost or accompany people to this venue for assistance. This initiative ensures that anybody experiencing harassment or abuse on a night out can seek urgent assistance.

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