



JOINT SUBMISSION TO THE DOMESTIC ABUSE BILL COMMITTEE A FAIR SYSTEM URGENTLY NEEDED FOR ALL

MAY 2020

This submission represents the views of the organisations listed below and on the last page, working together as members of the **Step-Up Migrant Women Coalition**, to ensure that the Domestic Abuse Bill provides protection for migrant women. This submission focuses only on provisions we believe the Bill should include which would provide equal protection to migrant survivors of domestic abuse; it does not deal with other aspects of the Bill which our organisations may also have individual or collective positions on.

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Summary of key recommendations

The Bill should be amended to include:

- (1) a principle of **non-discrimination** in line with Article 4(3) of the Istanbul Convention to ensure all victims of domestic abuse have equal access to protection and support regardless of immigration status (this should apply to any statutory duty on local or public authorities contained in the Bill);
- (2) a provision to establish **safe reporting mechanisms and an end to data-sharing for immigration enforcement purposes between vital public services and the Home Office**, to ensure all survivors can safely report abuse to police and other services without fear of immigration control;
- (3) **extension of eligibility for the Domestic Violence (DV) Rule and Destitute Domestic Violence Concession (DDVC)**, so every migrant survivor can access routes to regularise/confirm their immigration status and can secure public funds (which must be provided for at least six months) while doing so;
- (4) **a provision to ensure all victims of domestic abuse can access public funds** and vital, often life-saving support and routes to safety; and that no survivor, whatever her immigration status, is treated as being in breach of her leave conditions for accessing those funds;
- (5) **provision to reverse the crisis in funding for specialist refuges and domestic abuse services** particularly those run 'by and for' Black, 'minority ethnic' (BME) and migrant women, to comply with the Government's human rights obligations.

Introduction

1. Domestic abuse is a devastating and widespread problem that impacts roughly two million people a year in the UK, the majority of whom are women. We welcome the commitment of this government to tackling the issue, however the reintroduced Domestic Abuse Bill (the Bill) does not address the significant inequality inherent in the current system, which is almost totally inaccessible by society's most marginalised and isolated victims, particularly migrant women.
2. The COVID-19 pandemic, which is exacerbating and worsening domestic abuse, has exposed the desperate need for a fair, adequately funded system of protection and support, led by the women's sector and particularly 'by and for' Black, Minority Ethnic (BME) and migrant organisations¹. The Government should respond urgently to the current crisis (the Step Up Migrant Women Coalition members have collectively and individually written to the Home Secretary calling for a number of emergency response measures²) but must also ensure the Bill introduces a fit-for-purpose, fair system for the long term.
3. The measures necessary to achieve a fair system of protection for all victims are clear and have been recommended consistently by the women's sector, service providers and human rights organisations. Those recommendations were supported by the Parliamentary Joint Committee on the draft Domestic Abuse Bill, in its report of 14 June 2019, which made clear and robust recommendations to the Government to extend protection to migrant survivors and ensure their ability to report safely. During the

¹ <https://www.imkaan.org.uk/covid19-position-paper>

² <https://stepupmigrantwomen.org/2020/03/30/domestic-abuse-services-call-for-urgent-support-for-migrant-victims-blocked-from-safety-healthcare-and-refuges-press-release/>

Bill's Second Reading (28 April 2020) cross-party MPs made impassioned cases for the Bill to ensure migrant women's ability to escape situations of abuse.

4. Very regrettably, the Government has not incorporated any of these recommendations into the Bill. A wealth of evidence has been submitted to the Government consultation on the Domestic Abuse Bill and the Home Office in its subsequent review of measures to protect migrant women, which demonstrates the barriers that migrant women without secure immigration status face and how they find it virtually impossible to seek protection when experiencing domestic abuse. Furthermore, the Istanbul Convention (IC)³, which the Government intends to ratify through the introduction of this Bill, makes it crystal clear that protection must be afforded to all survivors without discrimination, including based on immigration status.
5. It is therefore extremely disappointing to note that migrant women are not mentioned anywhere on the face of this legislation and have been offered insignificant concessions in the Government's package of 'non-legislative' commitments in the consultation response and since, including the £1.5 million pilot project announced by the Minister in the Bill's Second Reading debate. Southall Black Sisters have prepared a detailed briefing outlining why this latest announcement, even as an interim measure, is an untenable and inappropriate solution to the urgent need to protect all migrant women subject to abuse (Annex A). The proposal for a pilot project to conduct an assessment of the level of need completely fails to appreciate the wealth of evidence that already exists as well as the urgency and the seriousness of the risk of abuse and destitution that abused migrant women currently face. The briefing paper also shows how the amount of £1.5 million set aside for the pilot project is simply insufficient to support women and children with no recourse to public funds. They set out their alternative estimation of the costs likely to be involved in their Domestic Abuse Bill briefing paper 2⁴.
6. The Government's response to the Joint Committee on the draft Domestic Abuse Bill (the Joint Committee), regarding its clear and robust recommendations to extend protection to migrant survivors and ensure they are able to report safely⁵, was wholly inadequate, announcing a review into "the overall response to migrant victims of domestic abuse". This review has yet to be published and instead the 'pilot project' has been announced. The delay in publishing the conclusions of the review is completely unsatisfactory, particularly given how consistent and unified the message has been from the sector – delivered multiple times now through the course of a series of consultations, inquiries, meetings and reviews – that the only way to ensure the Bill is compliant with the IC and creates a fair system for all, is to adopt the measures recommended in this submission.
7. **We urge Committee members to amend the Bill rather than rely on the Home Office review resulting in any substantive change in the protection available to migrant women.** The review is highly unlikely to introduce any legislative change, given the Government will not publish its conclusions before Committee Stage. While some of the measures proposed in this submission could be achieved by policy change alone, the Bill itself needs to place protection for some of the most marginalised victims in our society on a

³ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, also known as the Istanbul Convention, creates a legal framework at pan-European level to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence.

⁴ Southall Black Sisters, '[The Domestic Abuse Bill and Migrant Women](#)', 20 March 2019.

⁵ https://publications.parliament.uk/pa/jt201719/jtselect/jtddab/2075/207512.htm#_idTextAnchor064

statutory footing. Moreover, if the Government was minded to make the policy changes we suggest, we cannot see why there would be any reason to wait to do so.

8. This Bill must promote equality, security, liberty and dignity for *all* survivors of abuse. To do this it must fully incorporate the IC or risk violating the UK's domestic and international human rights obligations under the European Convention on Human Rights (ECHR) and the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). The reform measures proposed in this submission would go some way to creating a fair system that all survivors can access, whatever their gender, their age or where they are from.

NON-DISCRIMINATION PRINCIPLE

9. **Article 4(3) of the IC** sets out that the provisions in the treaty “*shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or any other status.*” The right to be free from discrimination is also protected by Article 14 ECHR when read together with other ECHR rights, particularly Articles 3 and 8 in the context of domestic abuse. **To ensure the protection and support of all victims, regardless of immigration status, we recommend a non-discrimination clause which applies to any statutory duty on local or public authorities is added to this Bill.**
10. The introduction of a non-discrimination clause was recommended by the Joint Committee. The aim of this clause is to strengthen the legislative framework that requires public authorities to effectively respond to *all* victims of domestic abuse. It addresses a crucial gap in protection for migrant victims subject to multiple forms of discrimination and barriers to accessing support. The Equality Act (2010) which prohibits discrimination (whether direct or indirect) against people who possess one of the protected characteristics, does not include migrant or refugee status as a characteristic.
11. The Government's consultation on ‘Transforming the Response to Domestic Abuse’ placed significant emphasis on the need to improve protection for victims, but this Bill does not meaningfully address the significant additional barriers faced by migrant women in accessing that protection. The proposals set out in the Bill also fail to centre the crucial role of prevention work and the provision of services, as foregrounded in the Home Office's Ending Violence Against Women and Girls 2016-2020 Strategy Refresh⁶.
12. The exclusion of protections for migrant women is notable given that the Government in part recognises some of the issues migrant women face – in particular accessing refuge and welfare support; and safely reporting abuse to public services, including the police. Encouraging women to come forward to support the charging and prosecution of perpetrators without ensuring that adequate protection is available for them increases the risk of further harm and their vulnerability. When victims of domestic abuse are adequately supported by specialist services, they are less likely to return to a situation of violence⁷ and / or drop out of the criminal justice process altogether. Migrant women face additional barriers because

⁶ <https://www.gov.uk/government/publications/strategy-to-end-violence-against-women-and-girls-2016-to-2020>

⁷ Imkaan (2012) Vital Statistics 2: Key findings report on Black, Minority Ethnic and Refugee Women's and Children's experiences of gender-based violence. London: Imkaan.

abusers commonly use women's fears of immigration enforcement and separation from their children to control them. Research⁸ has pointed to particular vulnerabilities of migrant women, including:

- a higher proportion of homelessness⁹,
- a greater financial impact of abuse because of their own inability to work on account of their immigration status,
- being disproportionately affected by lack of resources for support when facing forms of abuse such as FGM, forced marriage and so called 'honour-based' violence
- being more likely to report multiple perpetrators
- being more likely to face a justice gap, with police not pursuing criminal charges.

13. Clause 53 of the Bill places a duty on local authorities to deliver support to victims in safe accommodation, such as refuge. Whilst this will benefit some victims of domestic abuse, the majority of victims will continue to remain in the family home which is why a wider duty on public authorities to commission specialist support in the community is essential. Just 5% of refuge spaces listed last year were accessible to woman with NRPF¹⁰. The local authority duty alone will not tackle the barriers and challenges that migrant survivors face in accessing refuge, unless there is a clear legal commitment to equal access which would be achieved by introducing a non-discrimination clause.

14. A non-discrimination clause in the Bill, reflecting the language in **Article 4(3) of the IC**, ensures all survivors, regardless of characteristics such as age or immigration status, are entitled to access support that would provide protection from abuse, It confronts a two-tier system of safety that exists for migrant women, and demands that public authorities effectively respond to all victims of domestic abuse as a matter of law, incorporating a central principle of the IC into the very legislation intended to enable its ratification.

SAFE REPORTING PATHWAYS

15. **Article 50 of the IC** sets out that *"Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims"* - read with **Article 4(3)** this must apply regardless of immigration status.

16. The Government's 'hostile environment' agenda has prioritised immigration enforcement over the need to provide safety and security to survivors of domestic abuse. Invasive data-sharing agreements between public services¹¹ and Immigration Enforcement prevent survivors without secure immigration status from accessing the services they need, as they often fear reporting violence due to the real risk of detention or

⁸ See Bristol University Justice Project <http://www.bristol.ac.uk/media-library/sites/sps/documents/justice/migrant-women-policy-evidence-summary.pdf> (2018)

⁹ See Women Against Homeless and Abuse report A Roof Not a Home http://lawadv.org.uk/wp-content/uploads/2019/10/WAHA_A-roof-not-a-home-report_WEB.pdf

¹⁰ Women's Aid (2020) [The Domestic Abuse Report 2020: The Annual Audit, Bristol: Women's Aid.](#)

¹¹ Public services involved include the police, social services, health professionals, schools and others.

deportation.¹² As part of the Step Up Migrant Women coalition¹³, we are particularly concerned by the police’s routine referral of victims of crime to the Home Office – considering 60% of police forces have admitted to doing so¹⁴. Research¹⁵ revealed that 2 in 3 migrant women who experienced domestic abuse feared that at the moment of reporting, police would not support them because of their lack of secure immigration status. In one account, a survivor undergoing physical and psychological abuse who reported to police on 3 occasions, was told that she was an ‘illegal’ and that she should refrain from calling again; in another case, the police arrested a survivor as she reported in her local police station and was detained and questioned by immigration officials.¹⁶

17. Liberty and Southall Black Sisters have submitted the first police super-complaint¹⁷, regarding data sharing between the police and immigration forces, which details a number of cases in which survivors have been subject to arrest and detention, instead of having crimes committed against them properly investigated (including a pregnant rape victim being arrested on immigration charges after going to the police). The policy is also now subject to a legal challenge brought by a user of Southall Black Sisters services against the Metropolitan Police, on the basis that it is potentially discriminatory and unlawful.
18. The Government’s own guidance on coercive control recognises that perpetrators of abuse often leverage immigration status as a tool of coercive control¹⁸, by using the threat of deportation to prevent victims from reporting violence and confiscating victims’ vital documentation and paperwork. This leaves survivors fleeing violence in an impossible position – where they are forced to choose between the risk of destitution/detention/deportation or staying in a situation of violence. In one case¹⁹, a survivor who left her abusive husband found out that he had been lying about managing her immigration paperwork, and as a result she had overstayed her visa. She had a real fear of detention or deportation – particularly as a victim of Female Genital Mutilation who was terrified her daughters would be at risk of being cut if they were removed to Nigeria. The precarious nature of her immigration status, as weaponised by the perpetrator, left her in a state of uncertainty and at very high risk of further abuse.
19. The Government acknowledges in its response to the Joint Committee’s report the very clear recommendation to separate reporting of crime from immigration control. However in response the Government merely refers to ongoing work to better implement the existing National Police Chiefs’ Guidance, which contradictorily states that survivors should be treated “first and foremost...as a victim”

¹² For further information, please see [Latin American Women’s Rights Service and Step Up Migrant Women’s briefing on safe reporting](#), August 2018 and Liberty’s [‘Care Don’t Share’ report](#), December 2018.

¹³ Step Up Migrant Women coalition is led by the Latin American Women’s Rights Service and is formed by 38 organisations in the women, migrant and social justice sectors. [More info here](#)

¹⁴ Catrin Nye, Natalie Bloomer and Samir Jeraj, [‘Victims of serious crime face arrest over immigration status’](#), BBC News, 14 May 2018.

¹⁵ King’s College London and the Latin American Women’s Rights Service [‘The Right to be Believed: Migrant women facing violence against women and girls \(VAWG\) in the ‘hostile immigration’ environment in London’](#) report, May 2019

¹⁶ Ibid

¹⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/767396/Super-complaint_181218.pdf

¹⁸ [Controlling or coercive behaviour - statutory guidance](#)

¹⁹ End Violence Against Women Coalition, [‘Women Living in a Hostile \[Environment\], Personal Stories’](#).

but also that it would be “wholly appropriate” for an officer to notify immigration enforcement if they become aware that an individual is an “illegal immigrant”.

20. This is an entirely inadequate response to the reality that such data-sharing schemes not only conflict with existing domestic policy to prioritise the needs of victims, but in fact potentially violate the Government’s international human rights obligations. The CEDAW Committee’s General Recommendation 35 on gender-based violence (2017) calls on states to repeal “...restrictive immigration laws that discourage women, including migrant domestic workers, from reporting this violence...”²⁰ and in its most recent report examining the UK, the Committee also recommended that, “asylum-seeking women, migrants and women with insecure immigration status are able to seek effective protection and support services without fear of having their immigration status reported to authorities...”²¹
21. The Government has not provided a single piece of evidence to demonstrate that the police sharing the information of domestic abuse survivors with immigration enforcement is necessary in order to safeguard the victim. This is unsurprising, because safeguarding is not a role of Immigration Enforcement and is not the purpose of sharing the data. In fact, as evidence has shown, the only likely result would be to trigger immigration enforcement procedures against survivors. The role of the police is to protect victims and investigate crime, not to act as an extension of Immigration Enforcement. The NPCC guidance is – at best – ambiguous and sends conflicting messages to Police Officers about their role in supporting victims. Survivors who report to the Police should be offered protection, have the crimes they are reporting investigated and signposted to a specialist domestic abuse service, where appropriate legal advice and support can be accessed in order to resolve immigration status.
22. **In order to comply with the UK’s domestic and international human rights obligations, we recommend the Bill is amended to include a provision establishing safe reporting mechanisms and an end to data sharing for immigration enforcement purposes between public services and the Home Office. Survivors of domestic abuse and violence must be able to safely report abuse to the police, social services, health professionals and others without fear of immigration enforcement.** Examples of good practice on ‘firewalling’ and ‘safe reporting’ to the police and statutory agencies can be found in Amsterdam (Netherlands), Antwerp (Belgium) and Helsinki (Finland). These practices encourage the reporting of crimes, in the interest of more effective policing and community engagement²².
23. Further, **Article 61 of the IC** provides that States must not under any circumstances return survivors of gender-based violence who are in need of protection, regardless of their status or residence, to any country where their life would be at risk or where they might be subjected to torture or inhuman treatment. These standards require the Home Office not to deport survivors of domestic abuse to countries where they may be at risk of stigmatisation, ill-treatment and further abuse. However, routine referral of survivors of domestic abuse to immigration enforcement exposes them to the risk of deportation and thereby to risk of violation of these and other of their human rights.

²⁰ [CEDAW General Recommendation No. 35, July 2017.](#)

²¹ CEDAW, ‘Concluding observations on the eight periodic report of United Kingdom of Great Britain and Northern Ireland’, Advance Unedited Version, CEDAW/C/GBR/CO/8, 14 March 2019, p. 7.

²² See examples on best practice of firewalling in the [LAWRS’ Step Up Migrant Women coalition Roundtable report on safe reporting, May 2018](#)

DOMESTIC VIOLENCE RULE AND DESTITUTION DOMESTIC VIOLENCE CONCESSION

24. Women without secure immigration status find it virtually impossible to access refuges and other forms of safety and support in order to escape violence and abuse. Without access to public funds they are not eligible for housing benefits, which are required to cover the cost of a stay within a refuge service. Women with no recourse to public funds therefore face insurmountable barriers to accessing refuge spaces and other forms of safe accommodation,²³ and therefore face the impossible decision of becoming destitute/homeless or returning to the perpetrator. Only 5.8% of refuge vacancies in England in 2018-19 could accept a woman with no recourse to public funds (NRPF).²⁴ Many often find they are unable to regularise or confirm their immigration status for a host of complex reasons, including because their status depends on the perpetrator's status, or because the perpetrator has control of necessary documents and evidence.
25. **Article 59 of the IC** states that victims whose residence status depends on their partner should be *"granted...an autonomous residence permit"*. The Domestic Violence (DV) Rule – an immigration application that survivors can make in order to obtain indefinite leave to remain – is crucial, but it is only available to migrant women on spousal or partner visas. The Destitute Domestic Violence Concession (DDVC) enables survivors applying for leave under the DV Rule to access public funds for three months. Women experiencing abuse who are on work visas, visitor visas, student visas, domestic workers, or those with status under right to family life rules, may in one way or another be dependent on their partner for their status, or their status may have become insecure as a direct result of abuse (not least, for example, if their partner is in possession of their documents). They must also be able to access protection without discrimination. **The Bill should therefore ensure all migrant survivors are eligible to apply for indefinite leave to remain under the DV Rule.**
26. Further, making a distinction for the provision of support on the basis of whether a survivor has a spousal or partner visa goes against **Article 4(3) of the IC**, which prevents discrimination on the basis of *"marital status ... or any other status"*. **It is therefore crucial that the DV Rule and DDVC are widened so that any migrant survivor can apply for indefinite leave to remain and associated support from the state. Additionally, the length of time in which survivors are able to access public funds under the DDVC must be extended to at least six months – so they have sufficient time to find safety and obtain financial security²⁵.**
27. We believe proposals may be made to make funding available to survivors to access emergency accommodation, without extending eligibility to apply to regularise their immigration status through the DV Rule. **We strongly urge committee members to resist this suggestion.** While it is of course critical to ensure that survivors are able to access emergency protection in the form of refuge or other safe accommodation and welfare support, if survivors are not at the same time able to access a route to regularise their immigration status should they need to – through the DV Rule – they will quickly find themselves once more in an incredibly vulnerable and precarious situation when the emergency funding

²³ Women's Aid's ['No Woman Turned Away' project](#) found that during 2016/17, only 5.4 per cent of vacancies for refuges on Routes to Support would consider applications from women with NRPF, 2018, p.23.

²⁴ Women's Aid (2020) *The Domestic Abuse Report 2020: The Annual Audit*, Bristol: Women's Aid.

²⁵ Southall Black Sisters has shown through their Tampon Tax funded No Recourse Project that at least six months access to public funds is necessary, ['The Domestic Abuse Bill and Migrant Women'](#), 20 March 2019.

ends i.e. unable to access public funds, unable to work and unable to rebuild their lives. Refugees, who face a funding crisis, are likely to still be reluctant to accept women with no recourse if there is only an 'emergency fund' available and they are not eligible for welfare benefits in the long-term, which is essential for move-on and resettlement. Migrant women's safety cannot be made contingent on a precarious and temporary pot of funding.

28. The DV Rule and the DDVC taken together have proved to be a vital lifeline for women on spousal and partner visas, by removing survivors' dependency on abusive partners and family members for their survival and shelter and their fear of deportation and risk of further harm. Southall Black Sisters state that it is a model of protection that works extremely well albeit there is always room for improvement. The DV Rule provides survivors with a fast track route to permanent settlement if they meet the criteria and the DDVC provides survivors with the resources needed to obtain safe accommodation and prevent destitution pending their application for settlement. In view of the effectiveness of this twin track approach to protection, the extension of the model to all migrant victims of abuse, irrespective of their visa status is both viable and necessary. We urge the UK Government to build on this foundation of good practice, by extending the same model of protection to all abused migrant women.
29. Note too that on 21 May 2020, the High Court ruled that the NRPF policy²⁶ does not adequately recognise the Government's obligation to ensure the NRPF condition is not applied, or is lifted, where a person is at imminent risk of suffering inhuman or degrading treatment (contrary to Article 3 of the European Convention of Human Rights) by being prohibited from accessing public funds. This followed a legal challenge brought by a child supported by the Unity Project (which supports migrant families facing destitution as a result of the NRPF policy). In view of this, the Government's response to provide £1.5 million at some point in the future, in order to conduct a pilot project to assess the needs of abused migrant women with NRPF is problematic and could be potentially unlawful.
30. Egregiously, since 2015 those eligible to apply through the DV Rule have also no longer had the right to appeal decisions to the Tribunal, only leaving them with recourse to an administrative review – which is limited to procedural errors rather than reconsidering the substance of a decision. This new system is clearly impeding access to justice for migrant survivors of domestic abuse as before 2015, DV Rule appeals had a high success rate – with 82% being overturned in 2011.²⁷ However, between 2015 and 2018, only 2% of administrative reviews resulted in an overturned decision.²⁸ **We are calling for the 2015 change to be reversed, to ensure survivors have the right to appeal decisions to the Tribunal.**
31. For a more detailed analysis of issues relating to the Domestic Violence Rule and the DDVC, please see Southall Black Sisters' briefing paper on 'the Domestic Abuse Bill and migrant women' which calls for the introduction of a comprehensive strategy on violence against migrant women and girls.²⁹

²⁶ <https://dpglaw.co.uk/high-court-ruling-over-no-recourse-to-public-funds-delivers-further-blow-to-home-offices-discredited-hostile-environment-policy/>

²⁷ Rights of Women, '[Written evidence submitted to Public Bill Committee, Immigration Bill](#)', Session 2013-14.

²⁸ Niamh McIntyre and Alexandra Topping, '[Abuse victims increasingly denied right to stay in UK](#)', The Guardian, 16 August 2018.

²⁹ Southall Black Sisters, '[The Domestic Abuse Bill and Migrant Women](#)', 20 March 2019.

ACCESS TO PUBLIC FUNDS

32. Many migrant survivors of domestic abuse are excluded from various public funds (including various welfare benefits and social services) and the right to occupy accommodation. This may be because they have leave to enter or remain with a condition of NRPF or because they do not have leave to enter or remain. In these circumstances, survivors are effectively prevented from accessing the support and assistance they require to escape their abuser. Many women fleeing abuse with NRPF become destitute and even street homeless, as they are far more likely to be turned away from a refuge space³⁰. The consequent threat of destitution or homelessness, and in many cases inability of the survivor to support her children, is one factor that further empowers abusers to exercise coercive control.
33. The extension of access to public funds through extending the DDVC (and DV Rule) is critical and would make potentially life-saving difference to migrant women. Nevertheless, the reality is that while some survivors are unable to access public funds and associated support services, the UK will fail to comply with the IC. When applied to survivors NRPF itself is arguably discriminatory under Article 4(3) and perpetuates a two-tier system of safety, leaving even those currently eligible under the DDVC vulnerable and unable to access funds until their application has been accepted.
34. BME women's organisations, in particular Southall Black Sisters and Imkaan, have been campaigning for the abolishment of NRPF for survivors for many years. In 2009, 107 cross-party MPs supported a motion that acknowledged NRPF as having a devastating effect on women who are trapped in a cycle of abuse, and stated that *"the Government has a duty to protect the human rights of all women entering the UK regardless of immigration status, as stated in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)"* and recognised *"the need for a permanent solution for all women; and therefore calls on the Government to exempt women fleeing domestic violence from the no recourse to public funds rule"*.³¹
35. More than ten years later we have seen no progress, despite the Government's own admission – in the Bill's consultation response – that women with no recourse are in need of crisis support. We urge Committee members to amend the Bill to ensure that, **at an absolute minimum, all survivors of abuse can access public funds; and would not be treated as being in breach of their leave conditions for doing so.**

SPECIALIST SERVICES AND REFUGE PROVISION

36. **Articles 8 and 20 of the IC** require (respectively) States to provide adequate funding for policies and programmes; and ensure victims have access to services, including housing. Council of Europe Guidance is also clear that a range of support options must be available for women facing multiple discrimination,

³⁰ Women's Aid's, ['Nowhere to Turn' report](#) found that only one quarter of women seeking refuge were accommodated in suitable refuge spaces, while only 7 per cent of women with no recourse to public funds were accommodated.

³¹ House of Commons, ['Violence Against Women and the No Recourse to Public Funds Rule'](#), Early Day Motions, Tabled 24 November 2009, 2009-10 Session, EDM No.214.

and that service providers are skilled and specialist.³² However, specific policy decisions of the Government have resulted in the decimation of these crucial services since 2010 – with more than 65% of England’s local authorities slashing their spending on refuges.³³ As a result, 64% of all referrals to refuges were declined in 2018-19³⁴, which rises to 80% for BME women.³⁵ It is evident that our refuge services are at crisis point. No survivor of abuse or child should ever be turned away from safety.

37. The Ministry of Housing, Communities and Local Government (MHCLG) will introduce a new statutory duty on local authorities to fund support for victims and their children in accommodation based domestic abuse services, including refuges and services that provide dedicated specialist support to victims with protected characteristics such as BME women, to the Bill at Committee Stage. The Government has committed to underpin this with stable and secure funding, to be determined in 2020.
38. While the statutory duty signals welcome commitment from the Government to end the post-code lottery that survivors currently face when seeking safety, we are concerned that many of the current barriers to specialist support will remain. Smaller, specialist services led ‘by and for’ BME and migrant women will continue to struggle within a localised funding system and under local needs assessments alone, as they will often be supporting survivors from across local authority boundaries and over the entire country. Robust national oversight arrangements, a national needs assessment and ring-fenced national funding for services led ‘by and for’ BME and migrant women will be essential. These issues require addressing through amendments to the Government’s statutory duty in Part 4 of the Bill. In addition, reforms to the DV Rule and DDVC will still be required to ensure migrant women can access refuge services and safe accommodation.
39. The Government has committed to underpin their proposed statutory duty with stable and secure funding, estimated at £90million per year³⁶. However, there is no clarity about how this figure was calculated. Women’s Aid Federation of England have called for an investment of £393 million annually for domestic abuse services, including £173.8 million to ensure the national network of refuge services is sustainable, safe and can meet the needs of all survivors and their children³⁷. The methodology for this estimate is published, and documents the importance of ring-fenced funding, and dedicated funding for specialist refuges led ‘by and for’ BME women and other marginalised survivors. This estimate will also likely need to be revised in light of the anticipated increase in demand due to COVID 19.
40. Specialist services led ‘by and for’ BME and migrant women have suffered the most as a result of budget cuts³⁸ or competitive tendering practices, and subsequently these women are more likely to be denied

³² Council of Europe – Professor Liz Kelly, Roddick Chair on Violence Against Women, [‘Combating violence against women: minimum standards for support services’](#), September 2008, Directorate Gender of Human Rights and Legal Affairs, p.16.

³³ Jamie Grierson, [‘Council funding for women’s refuges cut by nearly £7m since 2010’](#), The Guardian, 23 March 2018.

³⁴ Women’s Aid (2020) The Domestic Abuse Report 2020: The Annual Audit, Bristol: Women’s Aid.

³⁵ Imkaan, [‘Capital Losses: the state of the specialist BME ending violence against women and girls sector in London’](#), 2016.

³⁶ HO0353, The Home Office, Ministry of Justice, Impact Assessment: The Domestic Abuse Bill, February 2020

³⁷ Women’s Aid (2019) Funding Specialist Support for Domestic Abuse Survivors Bristol: Women’s Aid

³⁸ Imkaan (2018) From Survival to Sustainability (available online)

safety. 'By and for'³⁹ specialist services are critical as providers hold unparalleled levels of skill and knowledge, and deliver wraparound support rooted in a nuanced understanding of social and cultural contexts, and provide holistic care to survivors from minoritized and marginalised groups who face barriers to accessing welfare, housing and immigration advice support⁴⁰. **We believe the Government must meet the basic needs of all survivors, grounded in minimum standards of human rights – including for BME, LGBTI and disabled survivors, as well as older victims of abuse.**

CONCLUSION

41. We believe the Bill is an opportunity to create a fair system that can be accessed by all survivors without discrimination, however it must be amended in order to do so. We believe that the recommendations in this briefing will create a system that is fair, just and equal for all - and crucially places survivors at the heart of all measures.

This submission is supported by the below **Step Up Migrant Women** coalition members:

- The Angelou Centre
- Asian Women's Resource Centre
- Kiran Support Services
- Kurdish and Middle Eastern Women's Organisation
- Middle Eastern Women & Society Organisation
- Latin American Women's Aid
- London Black Women's Project
- Safety4Sisters
- Hillingdon Women's Resource Centre
- Migrant Rights Network
- Project 17
- Maternity Action
- Women for Refugee Women
- Refugee Women Connect
- Refugee Women's Centre
- Lewisham Refugee & Migrant Network
- The Unity Project
- Rape Crisis
- Rights of Women
- Women's Resource Centre
- Women's Budget Group

This submission is also supported by the following organisations:

- Women and Girls Network
- Refuge

³⁹ "Specialist services are designed and delivered **by and for** the users and communities they aim to serve." Voice4Change England and NAVCA Specialist Services: A Guide for Commissioners 2012, accessed online at <http://www.navca.org.uk/news/view-article/equalities-new-report>

⁴⁰https://www.sistersforchange.org.uk/wp-content/uploads/2019/03/83-SistersForChange_UnequalRegardUnequalProtection_Nov2017-1.pdf