



## THE DOMESTIC ABUSE BILL: A FAIR SYSTEM URGENTLY NEEDED FOR ALL

### Second Reading briefing

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 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. 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 organisations.

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 Bill's Second Reading in the last Parliamentary session (2 October 2019) cross-party MPs made impassioned cases for the Bill to ensure migrant women's ability to escape situations of abuse. Very regrettably, the government has not incorporated any of these recommendations into this reintroduced 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 that women without secure immigration status find it virtually impossible to seek protection when experiencing domestic abuse. Furthermore, the Istanbul Convention (IC), which the Government intends to ratify through the introduction of this Bill, includes crystal clear language that protection must be afforded to all survivors without discrimination, including based on immigration status.

### Key Recommendations:

The Government has an opportunity to make this Bill truly transformational through creating a system which is fair and accessible to all – it must enable anyone experiencing abuse to escape to safety, whatever their age, gender or where they are from. We believe the Bill would currently fail to meet the Government's international and domestic human rights obligations, including the requirements of the IC, because it does nothing to ensure migrant victims can access the same protection as others. Our key recommendations to remedy the Bill are:

1. **Ensure all survivors of domestic abuse can equally access support, welfare systems and legal tools that provide protection from abuse, without discrimination on any grounds**, in accordance with the language in Article 4(3) and fundamental principle of the Istanbul Convention. This would confront the existing hierarchy of safety that exists for migrant and BME women and strengthen the legislative framework that requires public authorities to effectively respond to *all victims* of domestic abuse.
2. **Amend the Bill to include a provision establishing safe reporting mechanisms for survivors accessing vital public services**, so they can safely report abuse to the police, social services, health professionals and others with confidence they will be treated as victims and without fear of immigration enforcement. Examples of good practice on safe reporting to the police and statutory agencies can be found in the Netherlands, Antwerp (Belgium) and Helsinki (Finland). These practices encourage the reporting of crimes, in the interests of community engagement and more effective policing where perpetrators are held to account. For more information see <https://stepupmigrantwomenuk.files.wordpress.com/2018/06/lawrs-safe-reporting-roundtable-report.pdf>
3. **Abolish the No Recourse to Public Funds (NRPF) condition for victims of domestic abuse** and ensure all women are able to access vital, often life-saving support and routes to safety; and **extend eligibility for the existing Domestic Violence (DV) Rule**. Currently the DV Rule and associated access to funds is only available to those on spousal visas and many women are subject to an NRPF condition, which prevents access to the vast majority of refuge spaces and other welfare support. We believe all survivors – whether students, domestic workers or others – should be able to apply to regularise their immigration status independent of their perpetrator, if it is their wish to do so, and access public funds at the point of need in order to escape abuse.

## Why must the Bill be improved?

GG came to the UK in 2015 from Brazil, she was convinced by her British partner that she would have a spousal visa, but he later refused to apply for one. G endured domestic violence and repeatedly received threats of deportation as he took away and hid her passport and documents. She reported the abuse to the Police but was refused support on the basis of having no recourse to public funds and being an overstayer. She became destitute and lost custody of her daughter.

*CASE STUDY PROVIDED BY LATIN AMERICAN WOMEN'S SERVICE*

- **Women without secure immigration status find it virtually impossible to access refuge and other welfare support in order to escape violence and abuse.** Without access to public funds and housing support, they are routinely denied access to refuge spaces, safe accommodation and welfare and are therefore faced with the impossible decision of becoming destitute/homeless or returning to the perpetrator. 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. When migrant survivors and those with NRPf are supported, it is likely to be by a specialist BME organisation at a significant cost to the organisation. These frontline organisations must be sustainably resourced in order to provide a lifeline to women. For more information see Briefing Papers 1 and 2 by Southall Black Sisters: <https://southallblacksisters.org.uk/wp-content/uploads/2020/03/The-Domestic-Abuse-Bill-Migrant-Women-Briefing-Paper-2.pdf>
- **Immigration enforcement has been prioritised over treating victims as victims and providing health, safety and security to survivors of domestic abuse.** Invasive data-sharing agreements between public services and Immigration Enforcement mean migrant women are often too scared to report abuse and are prevented from accessing the services they need to escape, as they fear and face the real risk of detention or deportation. In one account, a survivor undergoing physical and psychological abuse who reported to the police on three 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. For more information see Briefing paper by LAWRS <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>
- **The Bill does not meaningfully acknowledge or address the significant additional barriers faced by migrant women in accessing safety and support**, including that abusers commonly use women's fears of immigration enforcement and separation from their children as a form of coercive control. Research has pointed to particular vulnerabilities of migrant women, including:
  - Higher proportion of homelessness
  - Greater financial impact of abuse because of their own inability to work on account of their immigration status
  - More likely to experience domestic abuse from multiple perpetrators
  - Children's social services failing to uphold their duty of care to migrant children and their mothers
  - More likely to face a justice gap, with police not pursuing criminal charges.

See Briefing Papers 1 and 2 by Southall Black Sisters (link above) which calls for the need for a comprehensive strategy on abuse against migrant women and girls to address the multiple barriers that they face.

### CONTACT

KARLA MCLAREN, AMNESTY UK, [karla.mclaren@amnesty.org.uk](mailto:karla.mclaren@amnesty.org.uk)

ANDREA SIMON, EVAW, [Andrea.Simon@evaw.org.uk](mailto:Andrea.Simon@evaw.org.uk)

ELIZABETH JIMÉNEZ-YÁÑEZ, LAWRS, [elizabeth@lawrs.org.uk](mailto:elizabeth@lawrs.org.uk)

JANE GORDON, SISTERS FOR CHANGE, [jgordon@sistersforchange.org.uk](mailto:jgordon@sistersforchange.org.uk)

LEAH COWAN, IMKAAN, [leah@imkaan.org.uk](mailto:leah@imkaan.org.uk)

SAM GRANT, LIBERTY, [samg@libertyhumanrights.org.uk](mailto:samg@libertyhumanrights.org.uk)