

**End Violence Against Women Coalition**

**Submission to House of Commons Home Affairs Select Committee Inquiry into Domestic Abuse**

# July 2018

**About the End Violence Against Women Coalition**

1. The End Violence Against Women Coalition is a UK-wide coalition of more than 80 women’s organisations and others working to end violence against women and girls (VAWG) in all its forms, including: sexual violence, domestic violence, forced marriage, sexual exploitation, FGM, stalking and harassment. We campaign for improved national and local government policy and practice in response to all forms of violence against women and girls, and we challenge the wider cultural attitudes that tolerate violence against women and girls and make excuses for it. Our trustees include women who are globally renowned for their pioneering work in setting up the first domestic and sexual violence crisis services, for their academic research in this area, and for having successfully campaigned for considerable legislative and policy change in the UK to end and prevent abuse over the last four decades.

**Introduction**

1. The proposals set out by Government for the Domestic Violence and Abuse Bill are very narrow and fail to guarantee women will be protected. Though proposing some useful measures, overall the Government ‘offer’ cannot possibly be seen as a “once in a generation” attempt to end abuse and protect survivors. EVAW would like to see a more ambitious Bill which responds to the realities of women’s lives.

**No prosecution without protection**

1. The proposed Bill is set to include several new criminal sanctions and sentencing changes, and the Government’s stated purpose of these measures is to encourage and increase reporting to the police of domestic violence as much as possible. But there is no equivalent commitment or vision for ensuring women will be safe and receive protection from violence if they seek it. Encouraging women to come forward and support the charging and prosecution of offenders, without ensuring that adequate protection for them is available, amounts to an experiment with women’s safety. We propose a clear legislative commitment that all survivors of gender based violence will have full access to specialist support and advocacy.

**Defining domestic violence**

1. The current working definition of domestic violence has developed incrementally, and can be contradictory in places and confusing. A new statutory definition can provide clarity for frontline workers across public services and in the criminal justice system who use it every day. For women’s groups, decades of experience supporting women and families leads us to believe that it is essential that (1) coercive and controlling behaviour in intimate partner or ex-partner relationships is centred in any definition; (2) that patterns of behaviour rather than single incidents are understood as integral to domestic abuse; and (3) that domestic violence is understood as deeply ‘gendered’ and related to inequalities – this is not to say that men are not also sometimes victimized, but concerns the reality that the causes and consequences of domestic violence feature powerful cultural ideas about male and female roles, stereotypes and justifications for abuse and controlling behaviour.

**Migrant women living in the ‘hostile environment’ must be included prominently**

1. Women who have insecure immigration status – for example those in the UK on spousal visas, those subject to forced marriages, victims of trafficking, some foreign students and workers, and asylum seekers - are among the most vulnerable to abuse and least able to access support services or justice. The ‘hostile environment’ immigration policy has been weaponised by abusers and can result in women being treated as immigration offenders when they seek safety or report crimes. This Bill is an opportunity to remove the barriers to help and support for these women.

**The new Commissioner needs a broader brief**

1. The limited ambition for the Commissioner set out in the Government’s proposals is out of step with the long established national policy framework and need in this area. The new Commissioner should be a Violence Against Women and Girls Commissioner who is able to respond comprehensively to gender-based violence.

**Bill must recognise continuum of violence and abuse, including sexual violence**

1. It is disappointing and incongruent that this Bill is limited to domestic violence, and largely to criminal justice measures, when women’s and girls’ lived experience of gender-based violence is not in separate boxes. We want to see radical change to the way all public services respond to the violence which prevents too many women and girls from living free and equal lives. The Government should enhance the national VAWG policy framework, ensure that a truly national network of specialist support services are available to women when they need them, and ensure that statutory services are able to prevent and respond to abuse appropriately.
2. Below are answers to some of the specific questions raised by this inquiry, based on discussions we’ve had with our Coalition members.

**What further measures need to be taken to help prevent domestic abuse?**

1. The Bill aims to increase the numbers of women reporting abuse to the police, without matching commitments to extending provision of crisis and long-term advocacy and support. When women and men who are victims of domestic violence are not adequately supported, they commonly return to the perpetrator and/or drop out of the criminal justice process. Support usually needs to be material, in the form of alternative housing or enabling victims to stay safely in their homes, as well as support to keep children in school for example. And, the support which works best includes ‘advocacy’ where women receive tailored, practical and emotional support which explains what is happening at any stage, what is likely to happen next and what the outcomes may be.
2. Currently, there is a [shortage](https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2017/11/Womens_Aid_Data_DVA_Provision.docx.pdf) of refuge spaces and reforms to funding for supported housing are set to have a catastrophic impact on future provision; there is a ‘postcode lottery’ in access to for specialist advocacy from IDVAs and ISVAs (Independent Domestic Violence Advocates and Independent Sexual Violence Advocates); and the closure in particular of specialist services for BME women, who research shows have better outcomes when they can access services run ‘by and for’ women who understand their particular needs and barriers to justice and rebuilding their lives. In addition, women with complex needs, including homelessness, mental health problems, addictions and women who have been in prison, face severe difficulties getting help, and systems at present can actually further traumatise them. Making the UK compliant with the Istanbul Convention, which is included in this Bill’s stated aims, also requires adequate provision of advocacy and support services as well as criminal law compliance. We recommend a legislative commitment that all survivors of gender based violence are guaranteed access to specialist support and advocacy.
3. An authoritative, Ofsted-led joint inspectorates’ [report](https://www.gov.uk/government/publications/joint-inspections-of-the-response-to-children-living-with-domestic-abuse) published September 2017, made the critical observation that statutory agencies’ focus on the immediate crisis in response to domestic violence leads them to reduce their attention to perpetrators. Tackling perpetrators, who are overwhelmingly adult men and usually repeat offenders, is the key to long-term prevention of domestic violence. There is a growing evidence base about what kinds of interventions work with perpetrators of domestic violence. We need those who commission and fund this work, including national government, Police and Crime Commissioners, local authorities and others, to guarantee that they will invest in developing this evidence base and only support work which is safe and effective. It is essential that community-based programmes for perpetrators have a clear commitment to victim safety at the centre (as to programmes which address the perpetrator in isolation). The [Respect Standard](http://respect.uk.net/what-we-do/accreditation/) is the only way to ensure programmes are safe and should be a requirement.
4. Long-term prevention of domestic violence must focus on ensuring young people learn about equal and respectful relationships. The introduction of Relationships and Sex Education into schools as a compulsory subject is urgent but has again been [delayed](https://www.endviolenceagainstwomen.org.uk/government-must-not-delay-mandatory-rse-for-another-two-years/). Good quality Relationships and Sex Education needs to be delivered as part of a “[Whole School Approach](https://www.endviolenceagainstwomen.org.uk/campaign/schools-safe-4-girls/)” to ending and preventing domestic and sexual violence, where school policies, teacher training and links with the broader community are all used to set an example of what is and is not acceptable in intimate relationships.
5. There are more than a million domestic violence ‘incidents’ reported to the police every year. This is abuse is extremely widespread and as such merits not only criminal justice and social support interventions at an individual level, but surely also a public health based, whole community attempt to challenge the acceptability and tolerance of the behaviour, as has been done with drink-driving for example. The Home Office has supported a very commendable long-running awareness campaign aimed at teenagers featuring TV, cinema and online materials, and the Mayor of London is committed to an awareness campaign on violence against women across London soon. Government should look at every possible lever to eradicate the acceptability of this behaviour at systemic not just individual level. It is notable that DFID and the FCO, work to a theory of change on ending violence against women and girls, have supported such an approach, and wear achievements in this area on their sleeves, when so much development is needed in our domestic practice.

**Is the response of public authorities to domestic abuse good enough, and if not, how could it be improved?**

1. Most abusers are serial abusers, and it is likely that at any one time most of them are not subject to a criminal sanction. It is therefore essential that combating domestic violence is understood to be everyone’s business and isn’t left mainly to the police. At present there is extremely patchy awareness, training and practice across the large workforces of the public sector. Data collection also needs improvement.
2. Many key public sector workers, including teachers, social workers, GPs and mental health workers, still do not receive adequate initial vocational training on domestic violence or other forms of violence against women. (A recent [report](https://www.cumberlandlodge.ac.uk/our-news/violence-against-women-public-health-epidemic) by Cumberland Lodge found that some medical and dental schools don’t include it in the curriculum at all, and very few adequately recognise abuse as a determinant of health).
3. In health, the [IRIS](http://www.irisdomesticviolence.org.uk/iris/) system for training all GP surgery workers should be rolled out nationally (it is currently voluntary despite having proven, excellent outcomes in terms of victims disclosing to their GPs that they are being abused).
4. In schools, ‘RSE’ and the “whole school approach” (para 14 above) should be policy priorities, including a national guarantee that teachers will receive the initial vocational training needed to make the approach work.
5. In social work, the recommendations of the Ofsted-led joint inspectorates [report](https://www.gov.uk/government/publications/joint-inspections-of-the-response-to-children-living-with-domestic-abuse) are a good starting-point for a review of training through to practice to ensure we can get to a place where perpetrators and not women are ‘risk assessed’, and where women are not made to hold responsibility for keeping children safe from violent men and deterred from disclosing abuse.
6. Welfare policies need a thorough review for the ‘unintended consequences’ some may have on women in abusive relationships; a recent [report](https://wbg.org.uk/uncategorised/press-release-universal-credit-risks-increasing-womens-vulnerability-financial-abuse-say-womens-groups/) by women’s groups predicted that Universal Credit will increase the financial barriers to leaving an abusive partner, and the ‘two-child limit’ is completely incompatible with the recognition that women in abusive relationships often do not have control over their fertility.
7. When public authorities commission training, policies and interventions on domestic violence they should be required to be well evidenced and safe. This sounds obvious but the fact is that in recent years many new commissioners (health, PCCs, parts of local government and more) have quickly acquired very significant local commissioning powers in this area and the roll out of commissioned projects, using significant public funds, has sometimes felt highly “experimental”, prizing “innovation” over some solutions that are known to work. This has also left the women’s voluntary sector, where the initial development of protection and advocacy was done, in an even more unpredictable environment. There should be requirements for evidence on women’s safety and minimum levels of support provision in every area.

**How to secure the equal protection of BME and migrant women who are victims of domestic abuse?**

1. Black and Ethnic Minority women who are British citizens are known to face worse criminal justice outcomes related to domestic violence, and find it more difficult to access advocacy and support. Politicians and decision makers at every level should be trying to understand and tackle this.
2. BME women in the UK have built a set of ‘by and for’ voluntary support services across the UK over decades which are expert in understanding and responding to the specific abuse some women experience and the barriers that stop them leaving. These include support services for Black, South Asian, Irish, African, Latin American and Jewish women. These services have often developed around domestic violence support and have acquired specialist expertise on forced marriage and so-called ‘honour-based’ violence, faith, specific cultural needs, legal advocacy and barriers to engagement with the police.
3. These precious and life-saving support services have been hit hardest by competitive tendering and ‘austerity’ cuts, as local commissioning has replaced them with more generic services, which can offer ‘economies of scale’ but commonly do not have their expertise and never meet their self-referral rates (an extremely important indicator). [Research](http://www.bristol.ac.uk/media-library/sites/sps/documents/justice/advocacy-policy-evidence-summary.pdf) shows that specialist advocacy can have a significant impact on justice outcomes and reduce the numbers of victims ‘disengaging’ from the system. This is true for all women and has a notable impact on BME and more marginalised women. There should be national, ring-fenced funding for these services before a critical safety net is lost.
4. Evidence from [Bristol University’s Justice Project](http://www.bristol.ac.uk/media-library/sites/sps/documents/justice/migrant-women-policy-evidence-summary.pdf) points to very poor outcomes in the criminal justice system for women who have insecure immigration status. EVAW’s own [briefing](https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/FINAL-living-in-a-hostile-environment-for-Web-and-sharing-.pdf) on migrant women and the Domestic Violence and Abuse Bill describes some of the main barriers to reporting and makes recommendations to strengthen protections for migrant women in the Bill.
5. Fundamental change is needed which clearly sets the needs of abuse victims before immigration enforcement, not least because abusers commonly use women’s fears of deportation and separation from their children to control them. The statutory definition of domestic violence should recognise that threats concerning women’s immigration status, and control of documents and application processes, can be part of domestic violence and abuse; and that fear of their and their children’s deportation is a key barrier which stops migrant women being able to report and seek protection and justice. Protection of women facing abuse should be put clearly before any immigration enforcement, and there should be a “firewall” between all critical public services and immigration control policies.
6. We are deeply concerned that the [‘No Recourse to Public Funds’ rule](https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/FINAL-living-in-a-hostile-environment-for-Web-and-sharing-.pdf) (NRPF) is preventing migrant victims of domestic and other abuse who have insecure immigration status from accessing safe and secure accommodation. The Destitution Domestic Violence Concession (DDVC), which only applies to those with spousal visas, is too restrictive to be an effective safety net, and should be extended and widened to include more women reporting domestic abuse with varying leave conditions.

**What are the key difficulties encountered by victims of domestic abuse in the justice system, and in particular in the family courts?**

1. Key problems faced by domestic violence victims throughout the justice system include being disbelieved, a tendency to focus on individual incidents of abuse rather than the day after day reality of controlling behaviour, a failure of the system to see the links between the different forms of gender-based violence that women experience (including the sexual coercion which is part of domestic violence and forced marriage), the system’s focus on sanctioning the perpetrator when a survivor’s needs may be complex and make it difficult for her to support this. Cuts to the CPS and courts lead to frequent rescheduling of court dates which can be very traumatic for survivors.
2. There is a need to ensure cooperation and recognition of decisions/sanctions between court jurisdictions. Many women see their perpetrator sanctioned by the criminal courts only to find that this is ignored and seems irrelevant when they appear in the family court. There may be no special measures, court workers may display little understanding of abuse, especially coercive and controlling behaviour, and in adjudications, abusive parents who have convictions may still be given access to children. We endorse the recommendations in the recent [report](https://www.womensaid.org.uk/research-and-publications/domestic-abuse-human-rights-and-the-family-courts/) on this matter by Women’s Aid and Queen Mary University.

**The proposed role and powers of the Domestic Abuse Commissioner**

1. We welcome the creation of a new independent commissioner in this area. But, if the new commissioner’s brief is limited to domestic violence only, they will be out of step with the established national policy framework in this area: the Home Office-led but cross-departmental [strategy to end violence against women and girls](https://www.gov.uk/government/publications/strategy-to-end-violence-against-women-and-girls-2016-to-2020), leaving them working on a limited set of objectives, only parts of service provision, only some relevant data, only parts of local commissioners’ powers, and inevitably needing to review law and practice in areas stretching beyond what is termed domestic violence (in the area of new and emerging forms of abuse online for example).
2. As discussed above, many women’s experience of abuse involves multiple forms of gender based violence, and policy and practice should reflect this. We recommend a Violence Against Women and Girls Commissioner. Established ‘VAWG’ policy frameworks at the Home Office, the CPS, in London and other local areas, are inclusive of men’s and boys’ victimisation, and criminal justice and other statutory agencies usually find that it makes sense to be tasked and to report on their work in relation to the different forms of gender-based violence, not domestic violence alone.
3. The new Commissioner should have powers to commission and collect data; review the effectiveness of the law and policy and practice; and to ensure law and practice meets the needs of ALL women’s lives.

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