

End Violence Against Women (EVAW) Coalition

Domestic Abuse Bill Briefing for House of Commons Final Stage

Effective protection and support for all victims of domestic abuse



Clause 86: Effective protection and support for all victims of domestic abuse

(1) The Secretary of State must take steps to ensure that all victims of domestic abuse, irrespective of their status, receive—

- (a) equally effective protection against domestic abuse, and
- (b) equally effective support.

(2) In this section— “status” includes a status for the purpose of Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence and any combined forms of such status. “victims of domestic abuse” includes persons who are reasonably believed to be at risk of domestic abuse.”

Member’s explanatory statement: This new clause ensures all victims of domestic abuse are protected, regardless of their status, in line with Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

Background

The End Violence Against Women Coalition is a UK-wide coalition of 100 women’s organisations, academics and experts in the field of violence against women and girls (VAWG). We encourage MPs to support this crucial non-discrimination clause to ensure the Domestic Abuse Bill is a truly victim-centred bill, which complies with the best standards of protection in the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) which the Bill seeks to ratify.

What a non-discrimination amendment does

Equal Protection and Support for All: This amendment seeks to ensure all victims/survivors of domestic abuse can access protection and justice equally. This is a principle that sits at the very heart of the Bill’s intention.

Enables the UK to fully ratify the Istanbul Convention: Despite signing the Istanbul Convention **nearly 9 years ago in 2012**, the UK still is not compliant with all articles of the Istanbul Convention and has failed to ratify it. It has been the Government’s intention to ratify with the Domestic Abuse Bill, however to do so the Bill would need to address the key outstanding area of protection and support for migrant survivors of VAWG.

- In October 2020 the Home Office published their fourth annual report on the UK’s progress towards ratification of the Istanbul Convention. In this report the status of

progress on Articles 4(3) and 59 is designated as “Under Review” pending outcomes of Support for Migrant Victims pilot scheme.

- **The specialist VAWG sector is clear that a pilot scheme is not necessary, due to the wealth of evidence provided by specialist services led “by and for” BME and migrant women on the needs of migrant women survivors and the gaps in protection and support. A pilot would only add unnecessary delays to changes that would protect migrant survivors.**
- [Minister Atkins](#) recently suggested to the International Agreements Committee that one way to expedite ratification would be to **enter reservations on articles 4(3) and 59**. This is very concerning as this would mean the gaps in protection and support for migrant women could go unaddressed for at least five years. The government should instead adopt this amendment and **fully ratify the Istanbul Convention without delay**.

Consistent with current equalities legislation: The list of non-discrimination grounds set out in Article 4(3), which a non-discrimination principle would be in line with, draws on that in Article 14 of the European Convention on Human Rights (‘ECHR’) and Protocol No 12 to the ECHR and overlaps with the protected characteristics listed under the Equality Act 2010. However, and importantly, Article 4(3) of the Istanbul Convention goes **further** by stating that rights of victims must be protected without discrimination on the grounds of **migrant or refugee status**. **This is crucial as migrant and refugee women are excluded from many protection and support mechanisms because of their immigration status.**

What the amendment would not do

Interfere with the UK Immigration Regulations: This amendment would not change the government’s immigration regulations or impact on its ability to decide. It simply enshrines the right of migrant victims to be treated equally as victims first and foremost. There are significant gaps in our systems of protection and support but these are related but separate issues.

How would the amendment work?

Enshrine a consistent and cohesive approach: This amendment would ensure all public authorities adopt a consistent and cohesive approach to making arrangements for victim protection. **This would address the risks of a post-code lottery approach to victim protection which is currently in place.**

- [Research by LAWRS and King’s College London](#) found **that 46% of migrant women were denied support by the police when reporting abuse**. The criminal justice measures introduced in the Bill are welcome but the efficacy of these rely on victims self-identifying and the criminal justice process responding positively to the victim’s complaint. **They do not address the well-known barriers to disclosure and reporting faced by victims of domestic abuse**. These are particularly great for migrant victims.
- Additionally, [EVAW’s report on Police and Crime Commissioners’ \(PCCs\) Police and Crime plans](#) found responses to VAWG were **“very inconsistent, and even haphazard”**. This is particularly true when it comes to the chronic under-funding of specialist services run “by and for” Black and minoritised women which have particular expertise, knowledge and links to minoritised communities so are uniquely placed to support migrant women. [Imkaan reported 43%](#) of the requests for VAWG support to BME specialists were from women needing support connected to

immigration related issues and around 60% of women who approach Southall Black Sisters (SBS) for support have insecure immigration status.

Inform public authorities' decisions on DA response: A non-discrimination principle applied to local or public authorities would inform **their dealing with a victim or alleged victim of domestic abuse, or strategic decision-making about how to exercise functions** and so needs to be placed on a statutory footing.

Take away a tool of abuse: Perpetrators **use immigration status as a tool to continue control and abuse**. The continuum between insecure and settled status is complex, and this is exploited by perpetrators and often misunderstood by public authorities. Enshrining in law the right to protection from domestic abuse without discrimination would remove a significant tool of abuse for perpetrators and enable survivors to escape abusive situations and hold perpetrators to account.

Why the amendment is needed

Disproportionate impact of abuse for BME and migrant victims: A non-discrimination principle enshrined in the Bill in line with Article 4(3) of the Istanbul Convention would ensure that Black, minoritised and migrant victims of abuse are protected. Research and data have shown BME and migrant women are more likely to report multiple perpetrators, experience domestic violence for longer, and the violence is more likely to escalate to a much more serious level before they seek help. They can face a higher risk of homelessness, and a greater financial impact of abuse, because of an inability to work on account of their immigration status.

Other necessary amendments: In order to address serious barriers to protection and support, the following amendments should be included in the Bill:

- **Clause 84:** Include a **safe reporting 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 that they will be treated first and foremost as victims and without fear of immigration enforcement. This would be in line with the 2020 [HMICFRS report](#) into the super-complaint submitted by Southall Black Sisters and Liberty which recommended that police officers should immediately stop sharing domestic abuse victims' immigration status with Immigration Enforcement and consideration of a firewall between the police and Home Office.
- **Clause 83:** **Extend eligibility for the existing Domestic Violence (DV) Rule and Destitution Domestic Violence Concession (DDVC)** to all migrant women experiencing or at risk of abuse. This would enable all migrant women to access refuge and escape violence and abuse. With no recourse to public funds (NRPF) 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(s).

Support for a non-discrimination principle: This amendment was voted in favour of in the House of Lords with cross-party support. The need for a non-discrimination clause within the Bill itself **was endorsed in the Report of the Joint Committee of MPs and Peers who undertook pre-legislative scrutiny** of the draft Domestic Abuse Bill. There have been calls for a non-discrimination principle on all sides of both Houses throughout the passage of the Bill. **The Minister herself has stated that the Bill should ensure "that all victims of**

domestic abuse are treated first and foremost as victims, regardless of their immigration status". In [a letter to Minister Atkins regarding the ratification of the Istanbul Convention](#) the International Agreements Committee voiced support for a non-discrimination amendment as a way to expedite full ratification.

If this Bill is to be truly transformational, then enshrining a non-discrimination principle in the Bill, is the only way to ensure we do not leave behind society's most marginalised and isolated survivors of domestic abuse.

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About the End Violence Against Women Coalition

The End Violence Against Women Coalition is a UK-wide coalition of 100 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.