

End Violence Against Women (EVAW) Coalition

Domestic Abuse Bill Briefing for House of Lords

Effective protection and support for all victims of domestic abuse



Proposed Non-Discrimination Amendment

(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 more than 85 women’s organisations, academics and experts in the field of violence against women and girls (VAWG). We encourage Peers to support a non-discrimination amendment 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.

This amendment seeks to ensure all victims /survivors of domestic abuse can access protection and justice equally, and this sits at the very heart of the Bill’s intention.

Article 4(3) of the Istanbul Convention 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.

The Joint Committee of MPs and Peers who undertook pre-legislative scrutiny of the Bill recommended a duty on public authorities dealing with a victim or alleged victim of domestic abuse or making decisions of a strategic nature, to have due regard to the need to protect the rights of victims without discrimination. A non-discrimination amendment would strengthen the legislative framework to require an effective response to *all* victims of domestic abuse.

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. A non-discrimination amendment would address a crucial gap in protection for migrant victims, currently subject to multiple forms of discrimination and barriers to accessing domestic abuse support.

Migrant Victims of Domestic Abuse

Migrant women have severely restricted routes to accessing safety and support when victims of domestic abuse, for example the Destitute Domestic Violence Concession is only accessible to those with spouse visas (see Southall Black Sisters [Briefing](#) on the lack of routes to safety).

Migrant women face additional barriers to safety because abusers commonly use women's fears of immigration enforcement and separation from their children to control them. Research has pointed to particular vulnerabilities of migrant women, including:

- a higher proportion of homelessness,
- 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
- Black and minority ethnic women are also more likely to experience domestic violence for longer, and the violence is more likely to escalate to a much more serious level before they seek help.

Many migrant women living, studying and working in the UK who experience domestic abuse would be effectively excluded from the protective measures for victims in this Bill, as they have no recourse to public funds. This means the Bill in its current form is not compliant with the requirements of Article 4, paragraph 3 of the Istanbul Convention.

Support in the House of Commons

The need to address the additional barriers faced by migrant women who are victims of domestic abuse was a major theme of the Bill's Second Reading debate, with nearly 20 MPs on all sides of the House including the Minister stating that the Bill should ensure "that all

victims of domestic abuse are treated first and foremost as victims, regardless of their immigration status”.

The Committee Stage of the Bill took powerful evidence from migrant survivors of domestic abuse and women’s organisations about the barriers to support migrant women face. Throughout the journey of the Domestic Abuse Bill calls to ensure that all victims of domestic abuse are able to access equal protection and support regardless of their immigration status have been a consistent theme that remains unaddressed.

The impact of the COVID 19 pandemic

This Bill is making its way through Parliament in the midst of a coronavirus pandemic, which has created a context for increased domestic abuse and exacerbated significant inequalities in existing systems of support and protection for victims. Migrant women, who are at a heightened risk of the most serious and prolonged abuse, are also disproportionately reflected in the most ‘at risk from COVID 19’ categories. Those from a Black and Minority Ethnic (BME) background are over-represented in critical jobs in the care sector and NHS, and in other key worker roles that cannot be done from home.

The pandemic has exposed the already desperate need for an adequate and ring-fenced funded system of protection and support, which is led by the specialist ‘by and for’ BME and migrant women sector. However, as referenced in Meg Hillier MP’s adjournment debate on Black Women and Domestic Abuse (30 June 2020) many specialist BME services are at risk of being lost at this time of crisis, due to precarious funding and competitive tendering processes which favour larger non-specialist organisations. The Bill must comprehensively address barriers to accessing specialist support for BME and migrant women.

A duty on safe accommodation

Clause 53 of the Bill places a duty on local authorities to deliver support to victims in safe accommodation, such as refuge, but neglects the commissioning of specialist support in the community which is essential.

Migrant women face severe challenges in accessing refuge and welfare; and in safely reporting abuse to public services, including the police. Just 5% of refuge spaces listed last year were accessible to woman with No Recourse to Public Funds (NRPF)¹. There are approximately only 30 specialist ‘by and for’ Black and minoritised women’s refuges for the whole of the UK, and 50% of Black and minoritised specialist refuges have been forced to close or been taken over by a larger provider due to lack of funding in the last decade. Almost half of all the women that struggled to find a refuge space in the past year (identified through Women’s Aid NWTa project) were from Black and Minority Ethnic (BME) backgrounds, clearly demonstrating the structural inequalities faced by BME and migrant women.

A duty on local authorities to ensure safe accommodation for victims will not tackle the barriers and challenges that migrant survivors face in accessing refuge, unless there is a

¹Women’s Aid (2020) [The Domestic Abuse Report 2020: The Annual Audit, Bristol: Women’s Aid.](#)

clear overarching intention by the Secretary of State to ensure access to equally effective protection and support.

It is not safe to encourage women to come forward to support the charging and prosecution of perpetrators, without ensuring that adequate protection is available for them, doing so places victims at risk of further harm.

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About the End Violence Against Women Coalition

The End Violence Against Women Coalition is a UK-wide coalition of more than 85 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.