

Debate on support available to survivors of domestic abuse and preventing further abuse

House of Lords
22 March 2018

SUMMARY:

- This briefing addresses the experience of survivors of domestic violence and abuse in England and Wales, and the support they require.
- Much good practice exists for supporting survivors of domestic abuse and violence. However, there is a need for more sustainable funding for support services in England and Wales. This would enable advice bodies and refuges to focus their time and expertise on delivering life-saving services.
- To improve the support available to survivors of domestic abuse and to prevent further abuse, the Commission recommends that:
 - The number of refuge places in England and Wales should meet the minimum levels recommended by the Council of Europe.
 - Advice bodies and refuges, including specialist provision for Black, Minority and Minority Ethnic (BME) women, women with learning difficulties and women with complex needs, should receive sufficient and secure funding from the UK and Welsh Government.
 - A full-time Government-funded Domestic Violence and Abuse Commissioner should be established with sufficient and stable resources.
 - The UK and Welsh Governments should undertake joined-up, strategic action to tackle domestic violence and abuse.
 - The UK Government should take the necessary steps to ratify the Convention on Preventing and Combating Violence Against

Women and Domestic Violence (the 'Istanbul Convention'), and allocate resources for its implementation.

- The UK Government should put an end to the cross-examination of domestic violence victims by their perpetrators in the family courts.

ISSUE:

- Domestic violence, in all its forms, can have a devastating impact on the lives of those affected by it, their families and wider society. These impacts can be far-ranging and include: threats to life; physical injuries; mental ill-health; homelessness; limited independence and a lack of financial and other resources. We also know that it has a serious and long term impact on children.
- Domestic abuse can be experienced by both sexes, with women being around twice as likely as men to experience domestic violence.¹ Disabled women experience disproportionate levels of all forms of violence.²
- Survivors face a range of barriers when trying to access support and civil or criminal law remedies for the abuse they experience. This can include a shortage of refuge beds; financial obstacles; legal hurdles; housing issues; restrictions set by local authorities; and limited access to psychological therapy and other services.

EVIDENCE:

Prevalence

- Statistics from the Crime Survey for England and Wales³ (CSEW) show an estimated 1.9 million adults (aged 16-59) experienced domestic abuse during the year ending March 2017 (1.2 million women, 713,000 men).⁴ The Crown Prosecution Service (CPS) reported that 70,853 domestic abuse cases were convicted in 2016/17.⁵
- The majority of domestic homicides are women killed by men. On average, two women are killed each week by their current or former partner in England and Wales, a figure that has changed relatively

¹ Office for National Statistics (2017), *Domestic Abuse in England and Wales*; Crown Prosecution Service (2016-17), *Violence against women and girls report*, 10th edition.

² Specialised services for disabled women that provide accessible support are sparse.

³ This survey typically records a higher number of crimes than police figures because it includes unreported crimes. It has previously shown that only 4 in 10 crimes are reported to the police.

⁴ Office for National Statistics (2017), *Domestic Abuse in England and Wales*.

⁵ Crown Prosecution Service (2016-17), *Violence against women and girls report*, 10th edition.

little in recent years.⁶ Between March 2014 and 2016, 242 women were killed by a male partner/ex-partner. 32 men were killed by their male partner/ex-partner, and 40 by their female partner/ex-partner.⁷

- Women survivors of violence in England are more likely to experience poor mental and physical health, disability, substance misuse, poverty, debt, poor housing and homelessness.⁸

Diverse support needs of survivors

- Half of BME women experiencing abuse, do so from multiple perpetrators.⁹
- Ethnic minority and migrant women in England experience higher rates of domestic homicide¹⁰ and their support needs are different.¹¹ Specialist services for these women have been more affected by funding cuts than mainstream domestic violence services.¹² The Women's Resource Centre advises that such organisations are particularly vulnerable as they work across two equality areas (sex and race), so they can receive cuts to both areas.¹³
- Disabled women face additional barriers to accessing appropriate support. A recent Women's Aid report showed that less than 2% of refuges are wheelchair accessible.¹⁴

Cuts in funding for support services

- Women's Aid reported that 1,695 (or 31.1%) more refuge spaces are needed in England,¹⁵ in order to meet the minimum levels recommended by the Council of Europe.¹⁶ They highlighted that 11,867 referrals to refuge services in England were declined during 2016/17.¹⁷ The main reason for this was a lack of space.

⁶ Office for National Statistics (2016), *Crime Statistics, Focus on Violent Crime and Sexual Offences, Year ending March 2016*, Chapter 2: Homicide.

⁷ Office for National Statistics (2017), *Domestic Abuse in England and Wales: year ending March 2017*, Appendix Table 14.

⁸ Agenda (2017), *Hidden hurt: Violence, abuse and disadvantage in the lives of women*.

⁹ Sisters for Change (2017), *Unequal regard, unequal protection. Public authority responses to violence against BME women in England*.

¹⁰ Sisters for Change (2017), above, note 9.

¹¹ Sisters for Change (2017), above, note 9.

¹² UN Office of the High Commission for Human Rights (2014), *UK: UN rights expert calls for improved actions to fight violence against women and girls*.

¹³ Women's Resource Centre (2013), *The impact of public spending cuts on women's voluntary and community organisations in London*.

¹⁴ <https://www.womensaid.org.uk/survival-beyond-report/>.

¹⁵ Women's Aid (2018), *Survival and Beyond: The Domestic Abuse Report 2017*.

¹⁶ Council of Europe (2008), *The Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence* at p. 51: "... safe accommodation in specialised women's shelters, available in every region, with one family place per 10,000 head of population".

¹⁷ Women's Aid (2018), *Survival and Beyond: The Domestic Abuse Report 2017*.

- A 2014 UN review identified negative impacts due to changes in the way support services are funded in the UK, and highlighted the fact that support services for women have had to be cut due to reduced funding.¹⁸ These changes include: open tendering; short-term commissioning; gender-neutral services and the participation of sectors with insufficient expertise. This has been at the expense of community-based providers, who have developed expertise to address the needs of female survivors over many years (including for BME).
- The UK's withdrawal from the European Union is likely to have an impact on funding streams. For example, to date, there are no plans to replace the separate Rights, Equality and Citizenship (REC) programme. This funds strategic initiatives and frontline support, including for hate crime and domestic violence. A third of REC-funded projects directly support people in the UK¹⁹.

Legal aid

- Under the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012, the requirements for evidencing domestic abuse prevented women from accessing legal aid. In 2015, Rights of Women and Women's Aid found that 37 per cent of survivors in a study did not have any of the required evidence²⁰. The UK Government reviewed this following a Court of Appeal ruling, and increased the range of acceptable evidence²¹. They allowed statements from domestic violence support organisations and housing officers and removed the time limit on evidence²².
- Since LASPO, more people now represent themselves in court²³. In the first three quarters of 2017, 3,234 (27 per cent) of applicants in domestic violence cases were unrepresented, compared with 1,309 (16 per cent) for the same period in 2012²⁴. In such cases, women survivors may need to cross-examine their abuser or be cross-

¹⁸ UN Office of the High Commission for Human Rights (2014), above, note 12.

¹⁹ Equality and Diversity Forum (2018), *Shared Prosperity, Shared Rights: replacing EU funding for equality and human rights after Brexit*.

²⁰ Rights of Women, Women's Aid and Welsh Women's Aid (2015), *Evidencing domestic violence: nearly 3 years on*. Available at <http://rightsofwomen.org.uk/wp-content/uploads/2014/09/Evidencing-domestic-violence-V.pdf>.

²¹ *Rights of Women v The Lord Chancellor and Secretary of State for Justice* (2016) EWCA Civ 91.

²² Ministry of Justice (2017), *More legal aid support for victims of domestic violence*. Available at <https://www.gov.uk/government/news/more-legal-aid-support-for-victims-of-domestic-violence> [accessed: 12 January 2018].

²³ National Audit Office (2014), *Implementing reforms to civil legal aid*. Available at <https://www.nao.org.uk/report/implementing-reforms-to-civil-legal-aid/> [accessed: 27 November 2017].

²⁴ Ministry of Justice (2017), *Family court statistics quarterly, July to September 2017, table 11: legal representation status of applicants and respondents in cases with at least one hearing*. Available at <https://www.gov.uk/government/statistics/family-court-statistics-quarterly-july-to-september-2017>.

examined by them²⁵. Legislation protects survivors in the family courts was introduced, but dropped after the 2017 General Election²⁶.

Criminal justice response

- Women's Aid has raised concerns about abusive fathers being given access to their children.²⁷ They report that child contact is one of the greatest concerns of survivors, yet abuse towards the mother is often seen by public bodies as separate from a child's safety and wellbeing. 19 children in England and Wales were killed by their fathers between 2005 and 2015, all of whom were known to the police as domestic abuse perpetrators. Contact for 12 of these children with the fathers was approved by the courts.
- Although progress has been made amongst police forces, more needs to be done to keep people safe. A recent report by HMI Constabulary and Fire and Rescue Services (HMICFRS) identified that some forces are still failing to assess the risk and respond appropriately, upon contact²⁸. Others are inconsistent in the way they use their powers to keep people safe. Some are not doing enough to ensure perpetrators are charged and brought before a court.

Government infrastructure

- The UK Government signed the Convention on Preventing and Combating Violence Against Women and Domestic Violence (the 'Istanbul Convention') in 2012, but has not yet ratified it. In 2017, new legislation required the Secretary of State for Home Affairs to report annually to Parliament, setting out steps taken, and the timescale for ratification.²⁹ A report was published in November 2017 as required, but no timetable was provided.
- The Ministry of Justice recently published proposals for a Domestic Violence and Abuse Commissioner to be established.³⁰ This was recommended by the Joint Committee on Human Rights, following its inquiry into violence against women³¹.

²⁵ The All-Party Parliamentary Group on Domestic Violence (2016), *Report: domestic abuse, child contact and the family courts*.

²⁶ Queen's Speech 2017. Available at <https://www.gov.uk/government/speeches/queens-speech-2017>. Measures to end cross-examination of domestic abuse victims were included in the Prisons and Courts Bill 2016-17, which was withdrawn due to the 2017 General Election.

²⁷ Women's Aid (2017), *Child First: A Call to Action One Year On*.

²⁸ HMICFRS (2017), *A progress report on the police response to domestic abuse*.

²⁹ Preventing and Combating Violence Against Women and Domestic Violence (Ratification of the Convention) Act (2017).

³⁰ Ministry of Justice (2018), *Transforming the Response to Domestic Abuse Government Consultation* (full version).

³¹ House of Lords and House of Commons Joint Committee on Human Rights (2015), *Sixth Report of Session 2014-15, Violence against women and girls*.

- Those fleeing domestic violence across EU borders currently enjoy the protection of the European Protection Order (EPO). This means that bail conditions or conditions of a restraining order can travel with the victim, with the aim of preventing any form of harassment across borders. However, as the UK withdraws from the EU, there is no guarantee that this kind of international cooperation will continue to protect victims in the UK escaping violence³².

RECOMMENDATIONS:

- The number of refuge places in England and Wales should meet the minimum levels recommended by the Council of Europe (one family place per 10,000 population)³³.
- Life-saving third sector services for survivors of domestic violence - including refuges and advice bodies - should receive sufficient and secure funding from the UK and Welsh Government. This includes specialist provision for BME women, women with learning difficulties and women with complex needs.
- The UK and Welsh Government should take all necessary steps to improve the reporting and recording of domestic violence and abuse, and increase prosecution and conviction rates.
- We welcome Ministry of Justice proposals for a domestic violence and abuse Commissioner to be established³⁴. However, in order for this body to work effectively (to prevent and respond to domestic violence and abuse), it will require sufficient and stable resources, and to operate as a full-time organisation.
- The UK and Welsh Governments should ensure they are undertaking joined-up, strategic cross-UK and cross-Government action to tackle violence against women, including domestic violence and abuse.
- The UK Government should take urgent steps to implement the necessary legal, policy and practice changes to be able to ratify the Istanbul Convention and, once it is ratified, dedicate sufficient resources to central, devolved and local authorities to ensure its effective implementation.
- The UK Government should put an end to the cross-examination of domestic violence victims by their perpetrators in the family courts.

THE COMMISSION'S WORK:

³² The Criminal Justice (European Protection Order) (England and Wales) Regulations 2014. Available at: <http://www.legislation.gov.uk/ukxi/2014/3300/contents/made> [Accessed 19 March 2018].

³³ See above, note 16.

³⁴ Ministry of Justice (2018), *Transforming the Response to Domestic Abuse Government Consultation* (full version).

- We will be producing more detailed recommendations on supporting survivors, as well as on preventing domestic abuse, in response to the Government's recent consultation: 'Transforming the response to domestic abuse'.³⁵
- In July 2018, we will be submitting a shadow report to the UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW). We will report on the prevalence and response to domestic abuse in the UK.
- As part of our strategic focus on equality and human rights in prisons, we will work with partners to develop recommendations to prevent the criminalisation of female survivors of domestic violence.
- In late 2018, we will publish our triennial review of equality and human rights in Great Britain. We will cover domestic violence within the justice and personal security domain. This will collate and report on existing data on domestic violence as well as new data, which we have commissioned for the review.

FURTHER INFORMATION

The Equality and Human Rights Commission is a statutory body established under the Equality Act 2006. Find out more about the Commission's work at: www.equalityhumanrights.com

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³⁵ Ministry of Justice (2018), above, note 34.