

Response of the Equality and Human Rights Commission to the Home Affairs Committee Inquiry:

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Background to our response

The Equality and Human Rights Commission (the Commission) is a statutory body established under the Equality Act 2006. It operates independently to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote human rights.

We welcome the opportunity to respond to this inquiry. Our submission seeks to respond to the following questions set out in the terms of reference:

Sections 1 and 2

- What national oversight framework is required to ensure that there are sufficient quality services available at a local level for victims of abuse?

Section 3

- What further measures need to be taken to help prevent domestic abuse?
- Is the response of public authorities to domestic abuse good enough, and if not, how could it be improved?
- What else is required to ensure that there is sufficient support, protection and refuge for victims of abuse?
- How to secure the equal protection of BME and migrant women who are victims of domestic abuse.
- What are the key difficulties encountered by victims of domestic abuse in the justice system, and in particular in the family courts?

Our response

1. Legal Framework for domestic abuse

Domestic abuse¹ is an abuse of human rights, and both domestic and international equality and human rights law impose obligations on the UK government to take steps to address and prevent it.

The key rights engaged by domestic abuse under the European Convention on Human Rights (ECHR) are Articles 2 (right to life), 3 (freedom from inhuman and degrading treatment), Article 8 (right to private and family life), and Article 14 (non-discrimination in the enjoyment of ECHR rights). The UK has a positive obligation to take steps to prevent violations of these rights by private individuals. For serious acts such as domestic abuse, this includes a requirement for effective police investigations and prosecutions².

The UK Government is also required to act compatibly with the international conventions it has ratified. This includes the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The CEDAW Committee's General Recommendation No.35³ emphasises that gender-based violence in the form of domestic violence may amount to torture or cruel, inhuman or degrading treatment, and constitutes discrimination against women⁴.

The UK Government has also signed (and is committed to ratifying) the Istanbul Convention⁵. This sets out a detailed blueprint of the type of actions required to prevent, prosecute and eliminate domestic abuse,

¹ Throughout our response, for brevity, we have used the term 'domestic abuse'. By this, we mean domestic violence, as well as other non-physical abuse. We have used the term 'survivors' throughout this document, but we are mindful that too many people lose their lives as a result of domestic abuse.

² See e.g. *MC v Bulgaria* (2003) 40 EHRR 20, *Opus v Turkey* [2009] ECHR 33401/02, *DSD v Commissioner of Police of the Metropolis* [2018] UKSC 11.

³ CEDAW Committee General Recommendation 35, 2017. Available at: <https://www.ohchr.org/en/hrbodies/cedaw/pages/recommendations.aspx>.

⁴ *Ibid*, para. 16.

⁵ Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention'). Available at: <https://www.coe.int/fr/web/conventions/full-list/-/conventions/rms/090000168008482e>.

and the frameworks, policies and measures required to protect and assist survivors.

Article 6 of the Istanbul Convention requires policies to address domestic violence to be gender-sensitive. When developing domestic abuse strategies and services, public authorities⁶ are subject to the Public Sector Equality Duty under the Equality Act 2010. This requires them to have due regard to the need to tackle unlawful discrimination and advance equality, including taking steps to meet the particular needs of people with protected characteristics. Failure to ensure that funding policies and service provision for victims and perpetrators of domestic abuse are designed to meet the specific needs of different protected groups may constitute indirect discrimination, for example on the basis of sex, gender reassignment, race, disability or age⁷.

2. Over-arching context

There is wide-ranging evidence about the prevalence of domestic abuse in the UK. For example:

- Women account for an estimated 95% of rape victims, and are five times more likely than men to experience sexual assault⁸.
- An estimated 1.9m adults⁹ in England and Wales experienced domestic abuse in the year ending March 2017 (1.2m women and 0.7m men)¹⁰. In 2016/17, 95% of cases at Multi-Agency Risk Assessment Conferences related to female victims¹¹.

⁶ As well as those who are carrying out public functions.

⁷ *Kaur and Shah v London Borough of Ealing* [2008] EWHC 2062 (Admin), para. 52.

⁸ ONS. Sexual offences in England and Wales: year ending March 2017 - Appendix Tables. 2018. Available at:

<https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/datasets/sexualoffencesappendixtables/yearendingmarch2017/sexualoffencesappendixtablesmarch2017.xls> [accessed: 29 April 2018].

⁸ ONS. 'Compendium: Domestic abuse, sexual assault and stalking'. 2017. Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/compendium/focusonviolentcrimeandsexualoffences/yearendingmarch2016/domesticabusesexualassaultandstalking> [accessed: 29 April 2018].

⁹ Aged 16 to 59.

¹⁰ ONS. Statistical bulletin. Domestic abuse in England and Wales: year ending March 2017.

Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/june2017> [accessed: 20 May 2018].

¹¹ MARACs deal with the highest risk domestic abuse cases.

- A 2011 study estimated that 137,000 women and girls in England and Wales were affected by FGM¹².

In light of the prevalence of domestic abuse, and the government's obligations under both human rights and equality law, we welcome government action to prevent and tackle domestic abuse. However, we want to ensure that any action complies fully with domestic and international human rights and equality obligations.

A policy framework has been established to address violence against women and girls (VAWG) in the UK, including a national strategy¹³. The UK Government's approach to domestic abuse should therefore be fully integrated with its work on VAWG. The Government has committed to introducing a bill on domestic abuse. However, in light of the existing VAWG policy framework, and the continuum of violence that women and girls face, we urge the UK Government to consider whether it would be more appropriate for them to publish a 'VAWG and Domestic Abuse' Bill. This approach has been taken by the Welsh Government in the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

Once any new legislation is in place, it is likely that the VAWG strategy and the National Statement of Expectations (NSE) will need to be updated¹⁴. The UK Government will also need to co-ordinate implementation with local authorities, and with the Welsh Government (in relation to any reserved matters).

The Istanbul Convention sets out four core principles for action:

- Prevention: addressing the root causes of domestic abuse and VAWG.
- Protection: ensuring all survivors are provided with the services they need to stay safe.
- Prosecution: providing survivors with access to justice, effective investigations and criminal proceedings.

¹² Macfarlane, A. 'Prevalence of female genital mutilation in England and Wales: national and local estimates'. 2015. Available at: https://www.city.ac.uk/_data/assets/pdf_file/0004/282388/FGM-statistics-final-report-21-07-15-released-text.pdf [accessed: 29 April].

¹³ Home Office. 'Strategy to end violence against women and girls: 2016 to 2020', 2016.

¹⁴ The NSE sets out what local authorities must do, in relation to domestic abuse.

- Integrated policies: implementing state-wide policies that address all forms of domestic abuse and VAWG.

Whilst we welcome many of the recent policy developments and proposals, the UK Government's recent consultation on domestic abuse was very narrow in focus.¹⁵ For example, it contained very little information on how widespread and long-standing concerns about funding for support services would be addressed.

In our response to the consultation, we recommended that the new statutory definition of domestic abuse should apply to both sexes, but that the disproportionate impact of domestic abuse on women and girls should be explicitly highlighted in the text of the bill and the statutory guidance. We advised that the definition should include online abuse and coercive control over a person's immigration status. Our response provides further information about many of the issues that this inquiry is examining¹⁶.

We recommend that the UK Government:

- **Undertakes joined-up, strategic cross-UK and cross-Government action to tackle domestic abuse and VAWG.**
- **Considers whether it should publish a 'VAWG and Domestic Abuse' Bill.**
- **Establishes a Violence Against Women and Domestic Abuse Commissioner, with sufficient powers and resources.**
- **Implements the necessary changes to legislation, policy and practice, to ratify the Istanbul Convention, with sufficient resources for implementation.**

3. Priority concerns and recommendations

Prevention

¹⁵ UK Government. 'Transforming the response to domestic abuse'. 8 March 2018. Available at: <https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation/>.

¹⁶ Equality and Human Rights Commission. 'Consultation response: Transforming the response to domestic abuse'. 31 May 2018. Available at: <https://www.equalityhumanrights.com/sites/default/files/consultation-response-transforming-response-to-domestic-abuse-may-2018.pdf>.

Proactive work is vital to prevent and reduce domestic abuse. The Istanbul Convention requires states to develop materials for education bodies, to promote gender equality and tackle VAWG. We have welcomed the forthcoming introduction of statutory relationships education in English schools¹⁷ and the UK Government's teen abuse campaigns. We are concerned about the level of sexual harassment in schools, as highlighted by the Women and Equalities Committee inquiry on sexual and violence harassment in English schools. **We recommend that the Women and Equalities Committee recommendations are fully implemented**¹⁸. The Welsh Government may wish to consider whether any of the recommendations are relevant to its own policy context.

Economic abuse

Article 3 of the Istanbul Convention refers to 'economic violence'. We therefore welcome the UK Government's focus on this important issue, and the proposed inclusion of 'economic abuse' within the statutory definition.

Universal Credit (UC) was introduced by the UK Government in 2013, with the stated aim of simplifying the benefits system through consolidating the payment of a number of benefits into a single payment.¹⁹ Which partner in a couple receives this payment has implications for women's economic independence, particularly where there is domestic abuse. Whilst the UK Government has allowed for split payments in exceptional circumstances, this does not provide sufficient protection for survivors.²⁰

¹⁷ Equality and Human Rights Commission. 'Response of the Equality and Human Rights Commission to the DFE Consultation: Changes to teaching of sex and relationships education, and PSHE'. 2017.

¹⁸ House of Commons Women and Equalities Committee. 'Sexual harassment and sexual violence in schools, Third Report of Session 2016–17'. September 2016.

¹⁹ Kennedy, et. al. 'Universal Credit roll-out: Autumn/Winter 2017'. House of Commons Library. 2017. Available at: <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8096> [21st November 2017].

²⁰ Women's Budget Group. 'Briefing paper: Universal Credit and financial abuse'. 2018. Available at: <https://wbg.org.uk/analysis/briefing-papers/briefing-universal-credit-financial-abuse/> [accessed 29 April 2018].

We therefore recommend that the UK Government should make split payments standard for all couples, in line with the approach taken in Scotland.

Online abuse

Online abuse often reflects a pattern of coercive and controlling behaviour. It is important that online abuse is taken as seriously as ‘real world’ offences, as the impact on survivors is significant. A Home Affairs Committee Inquiry found that women had become particular targets for abuse and misogynistic harassment. In June 2018, Jess Phillips MP called for new legislation to tackle online abuse²¹. She reported that she had received 600 rape threats in one night.

With due regard for the right to freedom of expression, we recommend that the UK Government should undertake further research into online abuse marked by misogyny and violence against women and girls and develop mechanisms for tackling it.

The UK Government should also include information about online abuse within any policies, training or communications about domestic abuse and coercive control.

Support services

A 2015 report by the All-Party Parliamentary Group (APPG) on Domestic Violence concluded that ‘the current model for funding specialist domestic and sexual violence services is not fit for purpose.’²² **We recommend that the UK Government undertakes a comprehensive review of funding across all aspects of support for survivors of domestic abuse and sexual violence.** The public sector equality duty should be at the heart of this, to ensure that the needs of survivors with different protected characteristics are identified and met.

²¹ <https://www.independent.co.uk/news/uk/home-news/labour-mp-jess-phillips-rape-death-threats-one-day-social-media-attacks-training-a7915406.html>.

²² APPG on Domestic Violence, Women’s Aid and Rape Crisis. ‘The Changing Landscape of Domestic and Sexual Violence Services: All-Party Parliamentary Group on Domestic and Sexual Violence Inquiry’. 2015.

We recommend that a new national funding mechanism is introduced, with sufficient and sustainable funding for services.

This should include advice on domestic abuse, legal support, psychological counselling, accommodation and financial assistance. It should also include support to navigate the criminal justice process, such as funding for independent domestic violence and sexual violence advisers (IDVAs and ISVAs).

Article 23 of the Istanbul Convention requires states to provide sufficient, safe and easily accessible shelters for victims, especially women and their children²³. Despite this, refuge spaces are still nowhere near the required levels²⁴. **We recommend that the number of refuge places in England and Wales should meet the minimum levels recommended by the Council of Europe²⁵.**

In addition to the number of places available, refuges often face restrictions in who they can admit, such as being unable to accept women outside their locality. This is a significant problem, as around three quarters of women cross local authority boundaries to access a refuge.²⁶ **We recommend that a statutory ban be introduced, to prevent local authorities from requiring applicants to demonstrate a local connection.**

A number of domestic violence services have also raised concerns about UK Government proposals to remove women's ability to pay for their refuge accommodation with housing benefit in England.²⁷ Women's

²³ Council of Europe. 'Convention on preventing and combating violence against women and domestic violence'. 2011.

²⁴ Women's Aid. 'Leave no woman or child behind'. 2017. Available at: <https://www.womensaid.org.uk/leave-no-woman-child-behind-womens-aid-launches-16-days-campaign/> [accessed 30 April 2018].

²⁵ Council of Europe. '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". 2008.

²⁶ Women's Aid. 'Meeting the Needs of Women and Children: Findings of the Women's Aid Annual Survey 2016'. 2017.

²⁷ Ministry of Housing, Communities & Local Government and Department for Work and Pensions. 'Funding for supported housing - two consultations'. 2017. Available at: <https://www.gov.uk/government/consultations/funding-for-supported-housing-two-consultations> [accessed 29 April 2018].

Aid reported that housing benefit payments account for an average of 53% of refuge funding. **We recommend that proposed changes to housing benefit are withdrawn, which would prevent women from using it to pay for refuge accommodation.**

Article 24 of the Istanbul Convention requires states to provide free 24-hour telephone helplines for survivors.²⁸ Despite this, the APPG on Domestic Violence reported that service users face long waiting lists for counselling, are unable to get through to helplines and have limited information about services. They recommended that women are assessed and supported by organisations focussing on their needs, rather than just on risk or criminal justice outcomes.²⁹

Survivors with different protected characteristics may be particularly affected by domestic abuse, or experience certain hurdles when trying to access support. For example, disabled women experience disproportionate levels of all forms of violence and abuse from carers, partners and those in the community,³⁰ and face additional barriers in accessing support.³¹ It is estimated that less than 2% of refuge spaces in England have wheelchair access.³²

Ethnic minority and migrant women in England experience higher rates of domestic homicide, and half of black, minority and ethnic (BME)

²⁸ Council of Europe. 'Convention on preventing and combating violence against women and domestic violence'. 2011.

²⁹ APPG on Domestic Violence, Women's Aid and Rape Crisis. 'The Changing Landscape of Domestic and Sexual Violence Services: All-Party Parliamentary Group on Domestic and Sexual Violence Inquiry'. 2015.

³⁰ Equality and Human Rights Commission. 'Disability rights UK Independent Mechanism Submission to inform the CRPD List of Issues on the UK', p.46. 2017. Available at: https://www.equalityhumanrights.com/sites/default/files/united_kingdom_main_submission_to_crpd_u_k_loi_-_ukim13march.pdf [accessed 29 April 2018].

³¹ Specialised services for disabled women that provide accessible support are sparse. See: Woodin and Shah. National Empirical Report UK: Access to specialised victim support services for women with disabilities who have experienced violence. May 2013. Available at: <http://women-disabilities-violence.humanrights.at/countries/united-kingdom>; Women's Aid annual survey, available at: <https://www.womensaid.org.uk/womens-aid-releases-annual-survey-2015-statistics/> and Harvey, S., Mandair, S. and Holly, J (2013) Case by Case: Refuge provision in London for survivors of domestic violence who use alcohol and other drugs or have mental health problems. London: AVA & Solace Women's Aid, available at: <https://avaproject.org.uk/wp-content/uploads/2016/03/Case-by-Case-London-refuge-provision-Full-Report.pdf> [accessed: 29 April 2018].

³² Women's Aid. Survival and Beyond: The Domestic Abuse Report 2017. 2018. Available at: <https://1q7dqy2unor827bjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2018/03/Survival-and-Beyond.pdf> [accessed 29 April 2018].

women survivors, have multiple perpetrators.³³ Sisters for Change advise that BME women's support needs are different, due to factors like language, family structure, income or immigration status.³⁴ Funding cuts to VAWG services have had a disproportionate impact on BME organisations. In some areas, they have lost over 40% of their refuge funding. In other areas, the local authority has removed specialist BME-led provision from their contracts.³⁵ **We recommend that sufficient funding is available to provide appropriate support to all survivors. This includes LGBT people, ethnic minorities, young people, disabled people, and those with complex needs.**

Migrant women

The Istanbul Convention requires states to protect all victims of gendered violence, whatever their immigration status. However, women with no recourse to public funds (NRPF) can struggle to access support. Women's Aid reported that on average, only one refuge space per region is available in England for women with NRPF.³⁶ In 2016, we intervened in a case which found that excluding spouses of refugees from protection under the Domestic Violence Concession was discriminatory³⁷. This means that spouses of refugees who have left abusive partners should be given the same rights and protections as spouses of British citizens/settled persons³⁸. **We recommend that the UK Government changes the Immigration Rules to reflect this.**

The End Violence Against Women Coalition (EVAW) has reported that '[t]he hostile environment policy, which has extended immigration control into many more areas of public and private life, is being used by abusers

³³ Sisters for Change. 'Unequal regard, unequal protection. Public authority responses to violence against BME women in England.' 2017.

³⁴ Sisters for Change. 'Unequal regard, unequal protection. Public authority responses to violence against BME women in England'. 2017.

³⁵ All Party Parliamentary Group for Domestic and Sexual Violence, Women's Aid, Rape Crisis England & Wales 'The Changing Landscape of Domestic and Sexual Violence Services: All-Party Parliamentary Group on Domestic and Sexual Violence Inquiry.' 2015.

³⁶ EVAW. 'Women living in a hostile environment. Increasing justice and protection for migrant women in the Domestic Violence and Abuse Bill'. 2018.

³⁷ This enables survivors with insecure immigration status to apply for indefinite leave to remain.

³⁸ A v SSHD [2016] CSIH 38. <https://www.scotcourts.gov.uk/search-judgments/judgment?id=856415a7-8980-69d2-b500-ff0000d74aa7>.

against women.’³⁹ Southall Black Sisters have identified cases where the police provided a poor response to BME or migrant women, or were preoccupied with immigration enforcement⁴⁰.

For the UK Government to comply with the Istanbul Convention, we recommend that it takes steps to protect and support all survivors, regardless of their immigration status. They should fully consider the needs of migrant women, when implementing the VAWG strategy.

To ensure victims of domestic abuse with insecure immigration status can seek the assistance of police without fear, the Government should act on the Home Affairs Committee’s recommendation to end the requirement for police to share the data of victims of crime with immigration enforcement.⁴¹

Hate crime

There are no separate offences or enhanced sentencing provisions⁴² for hate crimes on the basis of a person’s sex. We have previously made a number of recommendations to the Committee on Hate Crime⁴³. **We also recommend that the UK and Welsh Governments undertake a full-scale review of hate crime offences and enhanced sentencing powers in England and Wales, to ensure adequate protection for women.**

³⁹ EVAW. ‘Women living in a hostile environment. Increasing justice and protection for migrant women in the

Domestic Violence and Abuse Bill’. 2018.

⁴⁰ Southall Black Sisters have identified a number of failures in relation to the police response to migrant and BME women who have suffered abuse. These include: a failure to treat BME women with respect and sensitivity or explicit racism and a failure to supervise interpreters and ensure they don’t breach confidentiality or prevent advocates from attending interviews. The police can also be preoccupied with immigration enforcement rather than protection, where a victim’s immigration status may be insecure.⁴⁰

⁴¹ Home Affairs Committee. ‘The Windrush generation’, para. 83. 3 July 2018. Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/990/990.pdf>.

⁴² There are enhanced sentencing provisions for hate crimes which allow judges to uplift a sentence to reflect that hostility against a protected characteristic was an aggravating feature. See ss.145 and 146 Criminal Justice Act 2003. Available at: <https://www.legislation.gov.uk/ukpga/2003/44/contents> [accessed 23 March 2018].

⁴³ Equality and Human Rights Commission. ‘Response to Home Affairs Select Committee inquiry on Hate Crime and its violent consequences’. 2016.

Police

Article 50 of the Istanbul Convention requires states to ensure that law enforcement agencies respond to domestic abuse and VAWG, and protect victims.⁴⁴ However, some police forces are failing to assess risk or respond appropriately. Others are inconsistent in the way they use their powers or don't do enough to bring cases to court.⁴⁵ As stated above, migrant women are particularly vulnerable to domestic abuse, but they may be reluctant to report it.⁴⁶

We recommend that the police collect and use a range of evidence to charge and prosecute perpetrators, rather than relying only on evidence from survivors. This might include, for example, 999 tapes, CCTV evidence, or evidence from GPs, Accident and Emergency staff or social workers.

We recommend that the police take action to protect women with insecure immigration status from domestic abuse.

Prosecutions and convictions

The Crown Prosecution Service recorded a decrease in the number of police referrals, prosecutions and convictions between 2015-16 and 2016-17 for domestic abuse in England and Wales. The total number of completed prosecutions in 2016-17 (93,590) was similar to the total in 2014-15 (92,779) but lower than in 2015-16 (100,930). The conviction rate increased slightly from 73.9% in 2014-15 to 75.7% in 2016-17 (3.8 percentage points higher than in 2010-11)⁴⁷.

We recommend that all criminal justice agencies take steps to improve the reporting and recording of domestic violence and abuse, and to increase prosecution and conviction rates.

⁴⁴ Council of Europe. 'Convention on preventing and combating violence against women and domestic violence'. 2011.

⁴⁵ HMICFRS. 'A progress report on the police response to domestic abuse.' 2017.

⁴⁶ Southall Black Sisters. 'The Bach Commission: Evidence Submitted by Southall Black Sisters.' 2016.

⁴⁷ Crown Prosecution Service [CPS]. 'Violence against women and girls report 2016-17'. Tenth edition.

Female offenders

The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) require 'diversionary measures and pre-trial and sentencing alternatives...taking account of the history of victimisation of many women offenders and their caretaking responsibilities'.⁴⁸

The Prison Reform Trust has identified strong links between women experiencing domestic and sexual abuse and violence, being involved in coercive relationships, and their offending. Legal defences aren't available in relation to the psychological, physical and financial abuse that drives some women's offending, including women reacting against their abusers. It has advised that magistrates and judges are not always informed about the impact abuse has played in a particular woman's offending.⁴⁹

The Government has just published its Female Offender Strategy⁵⁰. It clearly acknowledges the link between domestic/sexual abuse and violence, and women's offending, which we welcome. It sets out a range of actions for public sector agencies to take, to meet the needs of women. However, in order for the strategy to be successful, **we recommend that sufficient resources are made available, to support women in prison and on release, who are survivors of abuse and violence.** This includes housing, mental health support, drug and alcohol services, counselling and welfare rights advice. There are no women's prisons in Wales, so it is vital that provision is available close to home, if women return to Wales on release.

As women offenders are more likely than not to have experienced domestic abuse, **we recommend that all agencies make routine enquiries about women's history of abuse**⁵¹.

⁴⁸ General Assembly Resolution 65/229, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. They apply in the UK, as a UN member state.

⁴⁹ Prison Reform Trust. 'There's a reason we're in trouble. Domestic abuse as a driver to women's offending'. 2017.

⁵⁰ Ministry of Justice. 'Ministry of Justice Female Offender Strategy for women in the criminal justice system'. June 2018.

⁵¹ The National Offender Management Service found that 67% of women surveyed in custody and 61% of those managed in the community had experienced domestic violence.

Family courts

There is widespread evidence that more must be done to protect survivors in the family courts. They often lack the special measures that are available in the criminal courts.⁵² Women may also be followed or harassed when leaving court, which can have implications for other survivors if they live in a refuge.⁵³

Since the adoption of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO),⁵⁴ more people now represent themselves in court⁵⁵. 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 2012⁵⁶. Women survivors may need to cross-examine their abuser or be cross-examined by them. **We recommend that UK Government creates a statutory ban, to prevent the cross-examination of domestic violence victims by their perpetrators in the family courts.**

⁵² APPG on domestic violence. 'Domestic Abuse, Child Contact and the Family Courts'. 2016.

⁵³ APPG on domestic violence. 'Domestic Abuse, Child Contact and the Family Courts'. 2016.

⁵⁴ The Legal Aid, Sentencing and Punishment of Offenders Act 2012.

⁵⁵ National Audit Office. Implementing reforms to civil legal aid. 2014. Available at: <https://www.nao.org.uk/report/implementing-reforms-to-civil-legal-aid/> [accessed: 27 November 2017].

⁵⁶ Ministry of Justice. 'Family court statistics quarterly, July to September 2017', *table 11: legal representation status of applicants and respondents in cases with at least one hearing*. 2017. Available at: <https://www.gov.uk/government/statistics/family-court-statistics-quarterly-july-to-september-2017>.