Response of the Equality and Human Rights Commission to the Consultation:

Consultation details

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<th>Title</th>
<th>Transforming the response to domestic abuse.</th>
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For more information please contact

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<thead>
<tr>
<th>Name of EHRC contact providing response and their office address:</th>
<th>Bridget O’Rourke, Senior Associate, EHRC, Arndale House, Arndale Centre, Manchester M4 3AQ.</th>
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<tbody>
<tr>
<td>Telephone number:</td>
<td>0161-8298567</td>
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<tr>
<td>Mobile number:</td>
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</tr>
<tr>
<td>Email address:</td>
<td>Bridget.O’<a href="mailto:Rourke@equalityhumanrights.com">Rourke@equalityhumanrights.com</a></td>
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The Commission

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. The Commission enforces equality legislation on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It encourages compliance with the Human Rights Act 1998 and is accredited by the UN as an ‘A status’ National Human Rights Institution.

The consultation

Domestic abuse,¹ 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; a lack of financial and other resources and a serious and long term impact on children.

We welcome the UK Government’s consultation on this issue and seek to ensure, in line with our mandate, that the transformation of the response to domestic abuse is compliant with international and domestic human rights and equality standards, including ensuring ratification of the Convention on Preventing and Combating Violence Against Women and Domestic Violence (the ‘Istanbul Convention’). We have answered many, but not all of the questions in the consultation. Our submission relates to England and Wales, although learning is included from Scotland, where relevant.

Summary of our response

Statutory definition: We agree that the statutory definition of domestic abuse should apply to both sexes, but urge the UK Government to highlight the disproportionate impact of domestic violence on women and girls within the text of the bill and in the statutory guidance. We recommend that the statutory definition defines the different types of domestic abuse, as well as coercive control over a person’s immigration status. A communications strategy should be delivered, to raise awareness about the new definition, and any relevant statutory guidance should be updated. Public sector staff should receive training, including those working for police, healthcare, social services, prisons and probation agencies.

Age limit: We agree that the current age limit of 16 should be maintained. Separate specific action should, however, be taken to prevent intimate partner or family violence affecting those under 16, in line with the requirements of the UN Child Rights Convention.

Role of schools: We welcome the efforts that the UK Government is making to promote relationship education in schools. A rights-based approach should be built into the school environment, by ensuring respect for individuals’ human rights within the curriculum, policy and practice. To enable young people to understand what behaviours will not be tolerated, more should be done to tackle sexual harassment in schools. We encourage the UK Government to

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. Although we have used the term ‘survivors’, we are mindful that too many people lose their lives as a result of domestic abuse. This includes an average of two women a week in England and Wales, who are murdered by their current or former partners¹. Office for National Statistics ‘Crime Statistics, Focus on Violent Crime and Sexual Offences, Year ending March 2016, Chapter 2: Homicide’. 2016. In a number of instances, we refer to ‘victims,’ where we are reporting on policy or practice by criminal justice bodies, such as in relation to special measures in court.
evaluate the impact of their teen abuse campaigns, and to develop new communications, based on their findings.

**Role of statutory agencies:** While all of the agencies identified in the consultation document have a crucial role to play, it is our view that the UK Government should focus its efforts on helping healthcare staff; judges/magistrates and the police to better identify domestic abuse.

**Further public support:** We urge the UK Government to undertake awareness-raising campaigns in colleges, universities and work places. Work with employers is vital, as many people spend much of their life in work, and survivors can be subject to disciplinary action. UK Government departments and agencies should develop workplace domestic abuse policies, and promote this as good practice amongst those they do business with.

**Central Government funding:** We consider that the provision of accommodation (including refuges) and advice and advocacy services are high priorities for central government funding. Therapeutic support to help survivors begin to recover is also vital. Despite compelling evidence published by domestic abuse service providers about the impact of funding changes on support services, the consultation paper contains very little on this critical issue. There is a need for a comprehensive review of the funding mechanisms across all aspects of support for survivors.

**Multi-agency working:** We consider that the most effective ways for the UK and Welsh Governments to promote multi-agency working are by providing incentives through funding, and by sharing best practice. The VAWG strategy should be fully implemented, and it should be the focus of UK Government efforts to promote partnership working between different agencies. To prevent and address domestic abuse faced by men and boys, the Government should identify any national priorities for relevant departments and agencies.

**Funding for specialist provision:** To support those who face multiple barriers, advice bodies, support services and refuges should receive sufficient and secure funding for specialist provision, including for ethnic minorities, disabled people, LGBT people, and individuals with complex needs.

**Female offenders:** We welcome the UK Government’s intention to improve the identification of women offenders experiencing domestic abuse. We recommend that routine enquiries about domestic abuse; the use of pre-sentence reports and providing support to women in prison (who have survived domestic abuse) should be priority areas.

**Women-specific services:** While all of the proposals highlighted in the consultation paper represent important ways to deliver women-only services, we consider that the provision of Independent Domestic Violence Advisers (IDVAs), health interventions and advice services are particularly critical.

**Victims with no recourse to public funds:** In order for the UK Government to be compliant with the Istanbul Convention, it needs to develop and implement new provisions to protect and support all individuals who experience domestic abuse, regardless of their immigration status.

**Economic abuse:** Allocating all of the Universal Credit payment to just one partner can increase financial inequality between couples, and create a risk of economic abuse. The UK Government should make split payments standard for all couples, in line with the approach taken in Scotland.

**Online abuse:** It is important that online abuse is taken as seriously as ‘real world’ offences, as the impact on survivors is significant. We recommend that online abuse is included in the statutory definition of domestic abuse, and highlighted in the statutory guidance.
Improvements in policing: Once the new statutory definition is finalised, the police will need to be trained about what it includes, which should help them to better identify and respond to domestic abuse. The police should take further action to protect women with insecure immigration status from domestic abuse and they should collect and use a range of evidence to charge and prosecute perpetrators, rather than relying on evidence from survivors.

Eligibility for assistance: We welcome the UK Government’s proposal for a legislative assumption that all domestic abuse victims should be treated as eligible for assistance on the grounds of fear and distress. This is an important step in promoting access to justice and providing better support for survivors.

Protection in family court: There is widespread evidence that more needs to be done to protect survivors within our family courts. The UK Government should create a statutory ban, to prevent the cross-examination of domestic violence victims by their perpetrators in the family courts.

Data collection: There is limited information available about the experiences of survivors with protected characteristics, especially disabled survivors, LGBT survivors and survivors from ethnic minorities. This has important implications for the location of, and resourcing of specialist service provision.

Independent Commissioner: We welcome the proposal to create an independent commissioner, to tackle domestic abuse. We note that a number of agencies with long-standing expertise in supporting survivors have urged the UK Government to create a Violence against Women and Girls Commissioner. We propose that the Government establishes a Violence against Women and Domestic Abuse Commissioner, in line with the Istanbul Convention.

Our response

Q1. Do you agree with the proposed approach to the statutory definition?

Application to both sexes

We agree that the statutory definition should apply to both sexes, as both women and men experience domestic abuse. However, women are around twice as likely as men to experience domestic violence, and men are far more likely to be perpetrators. The majority of domestic homicide victims 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 little in recent years. 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.

Violence against women and girls (VAWG) is both a cause and a consequence of women's inequality. The continuum of violence against women, in its many forms, reflects the wider structural gender inequalities that make it ‘one of the most pervasive human rights issues in the

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2 Under the current cross-government definition of domestic abuse, ‘women’ also includes 16 and 17 year olds.
It impacts on women’s health and independence, reduces their ability to work and creates a cycle of economic dependence. Women's inequality limits their ability to escape from abusive relationships; it can make it more difficult for them to enforce their rights and more likely to experience sexual harassment and violence.

The Istanbul Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) underlines that violence against women is a form of gender-based violence that is committed against women, because they are women. The Council of Europe states that ‘[t]he Convention leaves no doubt: there can be no real equality between women and men if women experience gender-based violence on a large-scale and state agencies and institutions turn a blind eye’.

We therefore urge the UK Government to highlight the disproportionate impact of domestic violence on women and girls within the text of the bill and in the statutory guidance. This is in line with the Istanbul Convention. The Council of Europe advises that ‘[w]hile the focus of the convention is on all forms of violence against women, which includes domestic violence committed against women, the convention also recognises that there are other victims of domestic violence, such as boys and men.’ It states that ‘parties to the Convention are encouraged to apply the protective framework it creates to men who are exposed to violence within the family or domestic unit. Nevertheless, it should not be overlooked that the majority of victims of domestic violence are women and that domestic violence against them is part of a wider pattern of discrimination and inequality.’

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (the Wales VAWG Act) also takes this approach. It requires those exercising relevant functions to ‘have regard to the need to remove or minimise factors which increase the risk, or exacerbate the impact, of violence against women and girls.’ It recognises that although the prevalence and severity of gender-based violence, domestic abuse and sexual violence disproportionally affects women, anyone can be affected by such violence and abuse.

It is important that the statutory definition reflects the gendered impact, as it is likely to have implications for the way resources are allocated to support survivors. The UN Special Rapporteur on violence against women examined the impacts of recent changes to commissioning models, such as open tendering and short-term commissioning. In 2015, she reported that there has been increasing participation by sectors without the expertise to provide fit for purpose services, and that there has been an increase in the commissioning of gender-neutral services, which disregard the specific needs of women and girls.

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8 Council of Europe ‘About the Convention.’ https://www.coe.int/en/web/istanbul-convention/the-convention-in-brief#%2211642301%21%212[0] [Accessed 29 May 18]


10 Council of Europe ‘About the Convention.’ https://www.coe.int/en/web/istanbul-convention/the-convention-in-brief#%2211642301%21%212[0] [Accessed 29 May 18]


Different types of domestic abuse

We welcome the fact that the proposed statutory definition includes coercive and controlling behaviour, and ‘economic’ rather than ‘financial’ abuse. These behaviours are at the heart of many survivors’ experiences of domestic abuse.

We recommend that the statutory definition defines the different types of domestic abuse. It should clarify that the predominant type of domestic violence is intimate partner violence, but that other forms of abuse also take place in a domestic setting. These include: parent-child violence, forced marriage, Female Genital Mutilation (FGM) and so-called ‘honour based violence’.13 It is critical that the definition is sufficiently inclusive, in order that survivors don’t face barriers when trying to access support. For example, the Southall Black Sisters have reported that without legal advice and support, their service users often find it difficult to access legal aid for domestic violence cases.14 The VAWG Wales Act takes this approach, and the definition of domestic abuse set out in that legislation includes both FGM and forced marriage.15

Immigration status

The Istanbul Convention requires victims of violence against women and girls (VAWG) to be protected, regardless of their immigration status.16 However, the End Violence Against Women Coalition (EVAW) has reported that recent changes to immigration policies are being used by abusers to prevent women survivors from seeking help. They reported that ‘[t]hreats concerning women’s immigration status, and control of documents and application processes, can be part of domestic violence and abuse; and 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’.17 We therefore recommend that coercive control over a person’s immigration status is included in the statutory definition, and included in the statutory guidance. This would ensure that the definition reflects the reality that many migrant women currently face.

Online abuse

The All-Party Parliamentary Group (APPG) on domestic violence examined the issue of online abuse in 2017. They reported that women and girls experience specific online offences, such as image-based sexual abuse, as well as more traditional crimes like stalking and harassment. They advised that online abuse and harassment often reflects a pattern of coercive and controlling behaviour.18 A study by Women’s Aid in 2013 found that 45% of survivors had experienced online abuse.19 They also found that nearly a third of survivors had had spyware or GPS locators placed on their phone or computer by a partner or ex-partner, in order to monitor their movements.

In light of this evidence, we welcome the recent commitment by the Department for Culture, Media and Sport to publish a White Paper on online safety legislation.\textsuperscript{20} We urge the UK and Welsh Governments to ensure that online abuse is taken as seriously - by the police and other statutory agencies - as ‘real world’ offences, as the impact on survivors is significant. We recommend that online abuse is included in the statutory definition, and explained in the statutory guidance. This will bring the definition up to date, to reflect the ongoing experiences of survivors, and to encourage statutory bodies to respond accordingly.

**Recommendations:**

- The disproportionate impact of domestic violence on women and girls should be highlighted in the text of the Bill and in the statutory guidance.
- The statutory definition and the statutory guidance should define the different types of domestic abuse, including harmful practices like Female Genital Mutilation (FGM).
- ‘Coercive control over a person’s immigration status’ and ‘online abuse’ should both be included in the statutory definition and highlighted in the statutory guidance.

**Q2. How can we ensure that the definition is embedded in frontline practice?**

Article 15 of the Istanbul Convention requires that ‘Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.’\textsuperscript{21}

Public sector staff play an important role in identifying and responding to domestic abuse. For example, in 2010, the Alberti Review recommended that all NHS staff were made aware of VAWG issues, as well as their role in addressing them.\textsuperscript{22} It is therefore important that relevant public sector staff are made aware about the new statutory definition, including the different types of domestic abuse. A communications strategy should be delivered, to raise awareness of the new definition, and any relevant statutory guidance should be updated. Public sector staff should receive training, including those working for police, healthcare, social services, prisons and probation agencies.

**Recommendations:**

- A communications campaigns should be delivered, to raise awareness of the new definition.
- All relevant statutory guidance should be updated to reflect the new definition and public sector staff should receive training about it.

**Q5. We are proposing to maintain the current age limit of 16 years in the statutory definition – do you agree with this approach?**

We agree that the current age limit of 16 should be maintained. Although those aged 16 and 17 are still children, in accordance with the definition in the Convention on the Rights of the Child,\textsuperscript{23}

\textsuperscript{21} Council of Europe. ‘Convention on preventing and combating violence against women and domestic violence’. 2011.
\textsuperscript{22} Taskforce on the Health Aspects of Violence Against Women and Children. ‘Responding to violence against women and children – the role of the NHS.’ 2010.
\textsuperscript{23} The Office of the United Nations High Commissioner for Human Rights (OHCHR). http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx
and must therefore be treated as such, we note that the Crime Survey for England and Wales (April 2014 - March 2017) has reported that of all age groups, 16 to 19 year-olds were the most likely to say they had experienced domestic abuse in the last year (11% women, 7% men).\textsuperscript{24}

In relation to under 16s, a study by the NSPCC (of 1,353 teenagers) revealed that a quarter of girls reported experiencing physical violence from a partner. In comparison, 18 per cent of boys had experienced violence from a partner. Girls were much more likely to report that the physical violence had occurred more than once\textsuperscript{25}. Research shows that children experiencing domestic abuse can be negatively affected in their development including their safety, physical and mental health and well-being. The effects may continue into adulthood, affecting their ability to form peer friendships and healthy partner relationships. In the most extreme cases, children can be seriously injured or die as a result of domestic violence and abuse.\textsuperscript{26} The UN Committee on the Rights of the Child expressed concern in 2016, about the high prevalence of domestic violence against women and girls in the UK, and the negative impact on children, whether as victims or as witnesses.\textsuperscript{27}

In light of this high incidence, we urge the UK Government to take separate specific action to prevent intimate partner or family violence affecting those under 16, in line with the requirements of the UN Child Rights Convention. This should include the collection of data and information about domestic violence cases involving those under 16; awareness-raising programmes and due respect for the views of children concerned in the responses to violence (including in criminal and family law proceedings). It should also involve the provision of adequate protection and care to the child victim and an increase of the number and capacity of social workers, to address domestic violence against children.\textsuperscript{28}

Recommendations:

- The current age limit of 16 should be maintained in the statutory definition.
- A bespoke action plan should be developed for preventing intimate partner or family violence against those under 16.

Q 6. In addition to the changes being made to how relationship education will be taught in schools, what else can be done to help children and young people learn about positive relationships and educate them about abuse?

The Istanbul Convention requires that States Parties ‘[t]ake, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education’.\textsuperscript{29}

We therefore welcome the efforts that the UK Government is making to promote relationship education in English schools. In our recent submission to the consultation on that issue, we


\textsuperscript{25} NSPCC. ‘Partner exploitation and violence in teenage intimate relationships. Incidence and impact of partner abuse in young people’. 2009.


\textsuperscript{27} UN CRC. ‘Concluding Observations on the UK’ 2016.

\textsuperscript{28} UN CRC. ‘Concluding Observations on the UK.’ 2016.

\textsuperscript{29} Council of Europe. ‘Convention on preventing and combating violence against women and domestic violence’. 2011.
highlighted that the current lack of teaching in schools about conflict resolution in interpersonal relationships and gender-based violence, may mean that the UK is falling short of full compliance with Article 14 of the Istanbul Convention.\textsuperscript{30}

We hope that this current consultation will give the Department for Education a new impetus to design an inclusive curriculum which is fit for purpose, and to produce effective new guidance for teachers in England. High-quality education about healthy relationships can contribute to earlier recording and prevention of sexual abuse and to a reduction in intimate partner violence.\textsuperscript{31} Evidence from Wales demonstrates that any guidance produced for schools in relation to relationship education should be put on a statutory footing. Without this, there is likely to be a lack of consistency or plans to map out how schools and other bodies should implement the guidance.\textsuperscript{32} However, it is not enough for healthy relationships to be promoted within dedicated lessons. A rights-based approach should be built into the school environment, by ensuring respect for individuals’ human rights within the curriculum, policy and practice.

In order for young people to understand what behaviours will not to be tolerated, and in addition to relationship education, it is important that more is done to tackle sexual harassment in schools. In our response to a Department for Education consultation on sexual harassment and violence in English schools, we advised that ‘[r]ecording sex / gender-based bullying is an important part of preventing sexual violence and harassment. Recording bullying incidents can be an important way of identifying issues early, such as sexual ‘banter’ and harassment, and putting a stop to them before they escalate.’\textsuperscript{33}

The Women and Equalities Committee has also examined this issue. They exposed the scale of sexual harassment and sexual violence against girls in English schools, finding that 59% of girls and young women (aged between 13 and 21) said they had faced sexual harassment at school or college in the past year.\textsuperscript{34} They concluded that some teachers lack the knowledge or training to discuss these issues effectively, and that some use misleading information and/or value-based judgements when harassment is reported. The Committee recommended that the UK Government create an obligation on all school governing bodies to prevent and respond to sexual harassment and sexual violence in England. They advised that teachers, governors, school leaders, parents, young people and specialist sector organisations in England should work together and that Ofsted and the Independent Schools Inspectorate should assess schools on how well they are recording, monitoring, preventing and responding to sexual harassment and sexual violence. The Committee’s recommendation that a ‘whole school approach’ should be taken, mirrors learning from Wales.\textsuperscript{35}

We welcome the campaigns that the UK Government has delivered on teen abuse and note the positive response from NGOs in the sector. EVAW has reported that international research (on preventing VAWG) demonstrates that public awareness-raising can successfully change attitudes towards domestic abuse, early marriage and FGM, if participants are given opportunities for face

\begin{footnotesize}
\textsuperscript{33} Department for Education. ‘Keeping Children Safe in Education. Sexual Harassment and Sexual Violence in Schools’. 2018.
\end{footnotesize}
to face conversations about the ideas presented. In the UK, teen abuse campaigns would likely be more effective if they were integrated into schools’ delivery of Relationships Education.

We encourage the UK Government to evaluate the impact of their campaigns to date, and to develop new communications, based on these findings. Schools should show the resources developed within such campaigns to children during sex and relationship lessons, providing an opportunity to debate and digest the messages.

Recommendations:
- A rights-based approach should be built into the school environment, by ensuring respect for individuals’ human rights within the curriculum, policy and practice.
- The recommendations of the Women and Equalities Committee’s on combating sexual harassment and sexual violence against girls in English schools should be implemented.
- The impact to date of the UK Government’s teen abuse campaigns should be evaluated, and further communications developed, taking into account its findings.

Q7. Which statutory agencies or groups do you think the UK government should focus its efforts on in order to improve the identification of domestic abuse?

While all of the agencies identified in the consultation document have a crucial role to play in identifying and responding to domestic abuse, it is our view that the UK and Welsh Governments should focus its efforts on helping healthcare staff; judges/magistrates and the police and to better identify domestic abuse.

During her country visit to the UK in 2014, the UN Special Rapporteur on violence against women reported that '[t]he need for greater prioritization and investment by the National Health Service in tackling violence against women and girls was an issue raised by numerous interviewees.' In relation to the judiciary, a report by the Prison Reform Trust identified that magistrates and judges are not always informed about the impact that abuse has played in a particular woman’s offending. In terms of the police, a report by HMICFRS found that some forces are still failing to assess the risk and respond appropriately to survivors, at the first point of contact with the police. The report advised that '[t]he first point of contact with the police can be the most daunting time for a victim of domestic abuse; in many cases the victim has suffered over a period of years before deciding to contact the police for help. The importance of the quality of that first contact cannot be underestimated.'

Recommendation:
- Action should be taken to improve the ability of healthcare staff, judges/magistrates and the police to identify domestic abuse.

Q 9. What further support can we provide to the public (employers, friends, family, community figures) so they can identify abuse and refer victims to help effectively?

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36 End Violence Against Women Coalition ‘DRAFT Submission to Government Consultation on the proposed Domestic Violence and Abuse Bill’. April 2018.
38 See our response to question 7. Prison Reform Trust. ‘There’s a reason we’re in trouble’ Domestic abuse as a driver to women’s offending. 2017.
To comply with the Istanbul Convention, the UK Government will need to ‘[t]ake the necessary steps to promote the principles [set out in the Convention] in informal educational facilities, as well as in sports, cultural and leisure facilities and the media’. In addition to schools (which are referred to in more detail in response to earlier questions), we urge the UK and Welsh Governments to undertake awareness-raising campaigns in colleges, universities and work places.

Work with employers is vital, as many people spend much of their life in work, and survivors can be subject to disciplinary action or lose their jobs if their behaviour is misinterpreted, such as being late for work. Their job may serve as a lifeline to their economic independence, and give them further options to escape an abusive relationship. In 2013, the Commission published guidance (with the Chartered Institute of Personnel Development) on managing domestic violence at work. This advised employers to reassure employees that they will: be supportive; understand how domestic abuse can affect work performance and refer survivors to local support services. We have also published advice for employers in Wales about developing VAWG, sexual violence and domestic abuse policies at work. The Department for Health has published a guide with Safelives, for employers, to help them respond effectively to colleagues who are experiencing domestic abuse.

We recommend that UK and Welsh Government departments and agencies develop workplace domestic abuse policies, and promote this as good practice amongst those they do business with. Existing resources, such as those developed by the Department for Health and the Commission, should be disseminated to workplaces via employer bodies and unions.

Recommendations:
- Awareness-raising campaigns should be undertaken in colleges, universities and work places.
- Government departments and agencies should develop workplace domestic abuse policies.

Q10. We are in the process of identifying priority areas for central government funding on domestic abuse. Which of the following areas do you think the UK government should prioritise?

The awareness-raising campaigns recommended in our response to Question 9 above will be of limited value if inadequate funding is available to provide timely and appropriate support to survivors. Article 20 of the Istanbul Convention requires States to ‘[t]ake the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment. Parties shall take the necessary legislative or other measures to ensure that

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45 Department of Health and Safelives. ‘Responding to colleagues experiencing domestic abuse: Practical guidance for line managers, Human Resources and Employee Assistance Programmes’. Undated.
victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services’. 46

Despite these requirements, in practice, survivors face a range of barriers when trying to access support, as well as civil or criminal law remedies for their abuse. There are too few services for survivors, and there is a need for more consistency in relation to the services that are available. A 2015 report by the All-Party Parliamentary Group on domestic and sexual violence concluded that ‘the current model for funding specialist domestic and sexual violence services is not fit for purpose’. 47

On her 2014 country visit to the UK, the UN Special Rapporteur on violence against women identified that women’s support services must now devote more time to fundraising, bidding, and reporting. Due to reduced funding, they have had to cut services, such as by closing refuges, reducing support hours, or increasing waiting lists. 48

A further barrier to individuals leaving abusive relationships are financial concerns. Housing and childcare costs are high and many jobs are low paid or inflexible. The UN Special Rapporteur on violence against women recognised women’s poverty and unemployment levels as ‘contributory factors to violence against women and girls’. She advised that to prevent and respond to domestic abuse, the UK Government must address women’s ‘basic survival needs, such as subsidized housing, income support, childcare and educational support’. She reported that these issues have been exacerbated by recent changes to the benefits system and cuts to public services. 49 We consider that the UK Government’s ‘localism’ approach, pursuant to which local authorities are expected to fund support services for survivors, is not a realistic proposal in light of the budget restraints that those authorities have faced in recent years. This has contributed to the postcode lottery that survivors face when trying to access services.

As a result of the range of barriers that survivors face, we consider that all of the areas that have been identified in the consultation paper are critical for preventing and addressing domestic abuse. However, we consider that accommodation (including refuges) and advice and advocacy services are very high priorities. Therapeutic support to help survivors begin to recover is also vital.

**Accommodation**

Article 23 of the Istanbul Convention requires states to ‘[t]ake the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children’. 50 Despite this, Women’s Aid has reported that refuge spaces are still nowhere near the required levels, and 94 women and 90 children were turned away from refuge services in England on just one day in 2017, primarily due to lack of space. 51 They advised that in order for a woman to be able to access a refuge space, it must be available when and where she

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needs it, and have sufficient room for her children. They highlighted that 1,695 more refuge spaces are needed in England alone to meet the minimum levels recommended by the Council of Europe.

A Welsh Women’s Aid report on the state of the sector revealed that 11,512 women, men, children and young people were provided with refuge and/or community based support services in Wales, 2016/17. In the same year, 388 survivors of domestic abuse could not be accommodated because there was no space. Meanwhile 46% of services received cuts and 92% of service providers stated that funding and service continuation were the main challenges facing their organisations.

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. Women’s Aid advised that ‘Councils can be reluctant to spend cash on those from other counties’. They highlighted that ‘the majority of women in refuges come from outside the authority, with some travelling hundreds of miles from the far reaches of England and Wales, for security reasons.’

A number of domestic violence services have raised concerns about UK Government proposals to remove women’s ability to pay for their refuge accommodation with housing benefit in England. Women’s Aid reported that housing benefit payments account on average, for 53% of refuge funding. This is set against a background of serious cuts in local government support. It was reported last year that in response to budget cuts, council funding for refuges in England dropped from £31.2 million in 2010/11 to £23.9 million in 2016/17. The UK Government has committed to reviewing funding for domestic abuse services, including refuges, by summer 2018.

Advice and advocacy

Article 24 of the Istanbul Convention requires States to ‘[t]ake the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.’

A report by the APPG on domestic violence advised that specialist sexual violence and domestic violence services are vital for supporting women to cope and recover from the trauma they have experienced. They also help them to seek criminal justice outcomes. The APPG highlighted that 85% of survivors of sexual violence never report their experiences to the police, and that

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52 Women’s Aid. ‘Nowhere to turn. Findings from the first year of the No Woman Turned Away project’. 2017.
56 The Guardian. ‘Women’s lives at risk from changes to funding for refuges, say charities’ 26 November 2017. Available at: https://www.theguardian.com/society/2017/nov/26/womens-lives-at-risk-funding-changes-refuges-charities
57 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].
58 The Bureau of Investigative Journalism. ‘Revealed: Thousands of vulnerable women turned away as refuge funding is cut’. 2017. Available at: https://www.thebureauinvestigates.com/stories/2017-10-16/a-system-at-breaking-point [accessed 29 April 2018].
59 Home Office and Ministry of Justice. ‘Transforming the response to domestic abuse: government consultation’.
60 Council of Europe. ‘Convention on preventing and combating violence against women and domestic violence’. 2011.
insufficient support is available to survivors. They advised that service users reported: long waiting lists for counselling, being unable to through to helplines, struggling to get evening appointments and a lack of information about existing services. They recommended that women’s needs should be carefully assessed and fully met by organisations that focus on the needs of the individual, rather than only on risk or criminal justice outcomes.\(^{61}\)

Despite compelling evidence published by domestic abuse service providers about the impact of funding changes on support services, the consultation paper contains very little on this critical issue. This should be a top priority for the UK and Welsh Governments, and there is a need for a comprehensive review of the funding mechanisms across all aspects of support for survivors. The UK and Welsh Governments should ensure that these services have appropriate funding to meet demand, and that funding is provided on a long-term basis. This should include specialist services for people from ethnic minorities, LGBT people, those with disabilities and people with complex needs.

**Recommendations:**

- The number of refuge places in England and Wales should meet the minimum levels recommended by the Council of Europe.
- There is a need for a new national funding mechanism, to provide sufficient and sustainable funding for domestic and sexual violence services.
- A statutory ban should be introduced, to prevent local authorities from requiring those seeking refuge places from having a local connection to the area.
- Proposed changes to housing benefit should be withdrawn, which would remove women’s ability to use it to pay for refuge accommodation.

**Q11. What more can the government do to encourage and support effective multiagency working, in order to provide victims with full support and protection?**

We consider that the most effective ways for the UK and Welsh Governments to promote multi-agency working, are by providing incentives through funding, and by sharing best practice. The VAWG strategy should be fully implemented, and it should be the focus of UK Government efforts to promote partnership working between different agencies.\(^{62}\)

We note however, the concerns raised about the strategy by witnesses to a 2014 Joint Committee on Human Rights (JCHR) inquiry into VAWG. The witnesses advised that there was a lack of accountability when UK Government departments did not deliver against the Action Plan (which is part of the strategy). They criticised the fact that the VAWG strategy was developed in isolation from immigration policy, and that immigration officials are not represented on the Inter-Ministerial Group (IMG) on Violence Against Women.\(^{63}\) The Commission responded to the consultation, flagging potential risks to effective delivery of the strategy, due to the lack of a central budget and the emphasis on local decision-making.\(^{64}\) In response, the JCHR welcomed the VAWG strategy, but advised that they shared the concerns about the implementation of actions across Government. They recommended that the Minister for Women should hold departments to account for delivering against the Action Plan, and that the IMG should also cover immigration.\(^{65}\)

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In order to prevent and address domestic abuse faced by men and boys, the UK Government should identify any national priorities for relevant departments and agencies and take action to implement them.

Recommendations:
- Multi-agency working should be promoted by fully implementing the UK Government VAWG strategy, in partnership with relevant agencies.
- National priorities for men and boys experiencing domestic abuse should be identified and implemented.

Q12. What more can the government do to better support victims who face multiple barriers to accessing support?

The UN Special Rapporteur on violence against women stated that ‘[i]t is crucial to acknowledge that violence, inequality and discrimination does not occur solely on the basis of gender, and that women and girls face multiple forms of discrimination on the basis of their race, ethnicity, class, sexuality, and other factors, including their immigration status. Multiple forms of discrimination have an impact on women’s experiences of violence, their perceptions of those experiences, and their ability to seek and receive support’. 66

A range of survivors face additional barriers when trying to access support in England. This includes ethnic minority and migrant women. 67 Ethnic minority and migrant women in England experience higher rates of domestic homicide, and half of BME women experiencing abuse, do so from multiple perpetrators. 68 Sisters for Change have reported that the nature of, and support needs of BME women are different from those of other women. Their needs are different due to a range of factors, including race, ethnicity, language, family structures, social exclusion, income and in some instances, immigration status. 69

The All-Party Parliamentary Group (APPG) on domestic violence reported in 2015 that funding cuts by statutory agencies to violence against women services have had a disproportionate impact on BME-led VAWG organisations. Witnesses to their inquiry stated that in some areas, BME women’s organisations had lost over 40% of their refuge funding. In other areas, the local authority had cut these services by removing specialist BME-led provision from their contracts. 70 A further issue is that there is limited provision for BME women outside of London. 71

Women’s Aid have identified a number of other groups that face particular barriers in accessing support. For example, women may struggle to get a refuge place if they have substance abuse needs. Just 10% of refuges had an alcohol or drug support worker, and less than one in four could offer specialist mental health support. Women with several children may also be unable to get a refuge space, due to a lack of provision for larger families. These women are more likely to be from ethnic minority groups. Survivors with older male children are also unlikely to be accepted in

66 Special Rapporteur on violence against women finalizes country mission to the United Kingdom and calls for urgent action to address the accountability deficit and also the adverse impacts of changes in funding and services. [Accessed 29 May 18]
67 See our response to question 15.
71 Women’s Aid. ‘Nowhere to turn: Findings from the first year of the No Woman Turned Away project.’ 2017.
refuge accommodation, due to security concerns. Friends, Families and Travellers have found that Gypsy and Traveller women may face barriers in accessing accommodation, due to having larger families. Despite the fact that disabled women experience disproportionate levels of all forms of violence, they face additional barriers to accessing support. A recent Women’s Aid report showed that less than 2% of refuges are wheelchair accessible.

LGBT people may also face particular barriers. Research on domestic abuse amongst LGBT people in Wales revealed that they are under-represented in referrals to the national helpline, as well as to Multi-Agency Risk Assessment Conferences (MARACs) across Wales. The evidence shows that this group experiences domestic and sexual abuse at similar rates to heterosexual and cis women. The study reported that LGBT people may be unaware that domestic abuse can occur in same-sex relationships, or that they were ‘covered’ by legislation, and able to call the police. It highlighted that abusers may use tactics like ‘outing’ someone, in order to control them. The study concluded that there is limited knowledge about the support needs of LGBT people, and that services in Wales and across the UK are focused on the needs of heterosexual and cis women.

Recommendation:
- Advice bodies, support services and refuges (including those which provide specialist provision for ethnic minorities, disabled people, LGBT people, and individuals with complex needs) should receive sufficient and secure funding from the UK and Welsh Government.

Q13. How can we work better with female offenders and vulnerable women at risk of offending to identify their domestic abuse earlier?

The United Nations rules on the treatment of women offenders (the Bangkok Rules) require ‘diversionary measures and pretrial and sentencing alternatives…taking account of the history of victimisation of many women offenders and their caretaking responsibilities’.

The Prison Reform Trust has identified strong links between women experiencing domestic and sexual abuse, being involved in coercive relationships, and their offending. They advised that ‘[w]omen can become trapped in a vicious cycle of victimisation and criminal activity’ and that many women in prison are victims of crimes which are much more serious than those they are convicted of. They report that legal defences aren’t available in relation to the psychological, physical and financial abuse that drives some women’s offending, and highlight that this is critical for women using reactive violence against abusers. They stress that while Sentencing Council guidelines do recognise coercion as a mitigating factor in some cases, magistrates and judges are not always informed about the impact that abuse has played in a particular woman’s offending.

We welcome the UK Government’s intention to improve the identification of women offenders experiencing domestic abuse. All of the approaches proposed are vital, in order to identify and support these women. We recommend that routine enquiries about domestic abuse; the promotion

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73 See: https://www.gypsy-traveller.org/ [accessed 29 April 2018].
75 The All Wales Domestic Abuse & Sexual Violence Helpline.
77 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.
78 Prison Reform Trust. ‘There’s a reason we’re in trouble. Domestic abuse as a driver to women’s offending’. 2017
of liaison and diversion services to women in police custody, and providing support to women in prison (who have survived domestic abuse) should be high priorities for the UK Government.

As women offenders are more likely than not to have experienced domestic abuse, all agencies should make routine enquiries about their history of abuse. Evidence from 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. It is notable that women may need time to establish trust with professionals before they can disclose traumatic experiences. They may also be reluctant to disclose, due to concerns about the impact on their children. Statutory and voluntary agencies need to come together, to find effective solutions to this challenge. The UK Government can play an important role in gathering and promoting good practice on this issue. We note that a number of pilot schemes are being developed to develop a ‘whole system approach to female offenders,’ which we welcome. These should be independently evaluated, their results published, and effective approaches rolled out more widely.

The Prison Reform Trust have reported that too little information is provided to judges, to enable them to make fitting sentencing decisions. They highlighted that that the quality, depth and availability of pre-sentence reports is variable. They recommended that mechanisms should be established to ensure that sufficient and timely information is provided to sentencers, where the offender has primary care responsibilities.

The limited availability of support services after prison leaves women vulnerable to further abuse and offending. Criminal justice agencies can play a key role in breaking the cycle of victimisation and offending, and when criminal justice agencies work collaboratively with specialist women’s support services, their responses to women offenders are shown to improve.

Recommendations:

- All criminal justice agencies should routinely inquire about women’s history of abuse, and, where relevant, recognise their status as victims of crime. They should work with support services to help women disclose their abuse.
- Pre-sentence reports should be produced before women go to court. These should include information about whether the offending is linked to abuse or coercive control.
- Sufficient resources should be made available to support women in prison and on release, who are survivors of domestic abuse. This includes housing, mental health support, drug and alcohol services, counselling and welfare rights advice.
- Pilot schemes to develop a ‘whole system approach to female offenders’ should be independently evaluated and effective approaches rolled out more widely.

Q14. How can we make greater use of women-specific services to deliver interventions in safe, women-only environments?

While all of the proposals highlighted in the consultation paper represent important ways to deliver women-only services, we consider that the provision of Independent Domestic Violence Advisers (IDVAs), health interventions and advice services are particularly critical.

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82 Prison Reform Trust. ‘There’s a reason we’re in trouble. Domestic abuse as a driver to women’s offending.’ 2017.
IDVAs play a crucial role in supporting survivors. They can assess the level of risk posed by the perpetrator, explain the options available and develop safety plans. Research has shown that measurable improvements in safety can be achieved, when those at high risk engage with an IDVA. This includes a reduction in the severity and instances of abuse.\(^{83}\) A survey by Safelives in 2016 indicated that out of 43 police forces in England and Wales, 15 have less than half the number of IDVAs that they require. Safelives advised that a further 216 IDVAs are required, in order to protect those at high risk of harm or murder.\(^{84}\)

It is vital that women in prison who have experienced domestic abuse receive adequate support. This will enable them to recover, start to take some control over their lives and help to reduce their reoffending. This is also important for women who are serving sentences in the community, or who are on probation. Women’s centres can play a very important role in meeting these needs.

A further issue for the UK Government to consider is access to support services for Trans women. Under the Equality Act 2010, service providers are allowed to provide single-sex services, where this can be objectively justified.\(^{85}\) Due to the high incidence of violence against women by male perpetrators, women-only services have a key role to play in supporting survivors. The Act allows service providers to prevent Trans people from accessing single-sex services, where exclusion would be ‘a proportionate means of achieving a legitimate aim.’\(^{86}\) It is, however, crucial that such decisions are made on a case-by-case basis.

A recent inquiry by the Women and Equality Committee explored the effectiveness of this legislation.\(^{87}\) Some witnesses expressed the view that the law is appropriate, particularly in relation to domestic violence services. Others provided examples of Trans women being turned away from critical services, such as refuges, and called for the legislation to be repealed, to prevent discrimination against trans people. We urge the UK Government to give careful thought to how domestic abuse support services can be made accessible to Trans women. For example, it might involve service providers undertaking robust risk assessments to assess who can use their services, or providing specialist services to meet the needs of Trans women.

**Recommendation:**
- The Government should give careful thought to how domestic violence support services can be made more accessible to Trans women.

Q15. In addition to reviewing who may be eligible for the Destitute Domestic Violence Concession, what other considerations could the government make in respect of protecting domestic abuse victims with no recourse to public funds?

The Istanbul Convention requires states to protect victims of gendered violence, no matter what their immigration status may be. It says that the ‘implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, 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,

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sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.  

Migrant women are disproportionately affected by domestic abuse. This is particularly the case for women with an insecure immigration status, or if their status is dependent on a spouse or employer. Ethnic minority and migrant women in England experience higher rates of domestic homicide. These groups require specialist support, but relevant services are often unavailable. Women with no recourse to public funds (NRPF) face particular barriers when trying to access life-saving support. For example, Women’s Aid identified that an average of only one refuge space per region in England available is available for a woman with NRPF. 

In 2016, the Commission intervened in a case which found that excluding spouses of refugees from protection under the Domestic Violence Concession – a rule that enables victims of domestic violence with insecure immigration status to apply for indefinite leave to remain – was discriminatory. As a result, spouses of refugees who have separated from their abusive partners should be given the same rights and protections as spouses of British citizens and settled persons who leave an abusive marriage to retain their immigration status and have access to public funds. The Immigration Rules have yet to be formally amended to reflect the court’s decision.

A particular challenge has developed in response to recent changes to immigration policy. 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 against women.’ They advised that public authorities are prioritising immigration enforcement over the protection of victims and the pursuit of justice.

In order for the UK Government to be compliant with the Istanbul Convention, it needs to develop and implement new provisions to protect and support all women who experience domestic abuse, regardless of their immigration status.

Recommendations:

- The Government should produce an overarching strategy, to support and protect migrant women from domestic abuse and sexual violence.
- Amend the Immigration Rules to ensure spouses of refugees do not have to choose between staying with an abusive partner, or having no recourse to public funds.

Q35. What practical barriers do domestic abuse victims face in escaping or recovering from economic abuse and how could these be overcome?

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

We are aware of a range of evidence about the economic abuse that survivors face. A survey by Refuge and the Cooperative bank revealed that one in five adults in Britain had experienced financial abuse. Victims existed across all gender, age and income groups, but women reported 60 per cent of incidents. 82 per cent of all victims also experienced other forms of abuse. Various types of economic abuse were identified. Financial control might include: making demands about how money is spent; making big financial decisions without consultation; keeping financial information secret or making a partner ask for money. Financial exploitation might include: not paying household bills; spending a partner’s money (which is needed for bills); and building up debt in a partner’s name. Financial sabotage can take the form of demanding or preventing a partner from going to work or college. 53% of women victims reported experiencing financial control and 45% had experienced financial exploitation. The experience of male victims was rather different, with 14% of male victims experiencing financial control and 43% experiencing a single incident of financial exploitation.

We focus here on the issue of Universal Credit as it is a very pressing issue, and it presents an opportunity for the Government to prevent further impact on survivors. We recently published a report which assessed the potential impacts of tax and spending decisions on people from different groups. It examined how various assumptions (about who would receive Universal Credit) would lead to very different impacts on women. For example, if it is allocated to the primary earner, women often lose out as the male partner is the primary earner in around four-fifths of couples.

Allocating all of the Universal Credit payment to just one partner can increase financial inequality between couples, and create a risk of economic abuse. This is more likely to be against women. Abused women fear that if their abuser were to receive all of the money, they would fail to provide essential resources for children, and this, in turn, inhibits their ability to leave an abusive situation. We share many of the concerns of third sector organisations about allocating all the Universal Credit payment to one partner, due to these risks. We are also concerned that if survivors are able to apply for ‘split’ payments, as an exception, they will have to disclose their abuse and manage the consequences resulting from that. Until Universal Credit is fully rolled out, an assessment can’t be made about who is receiving the payment, and what the impact will be. However, it is reasonable to assume that in couples where abuse, or coercive and controlling behaviour exists, the abuser is more likely to become the payee.

Recommendation:
- In relation to Universal Credit, the Government should make split payments standard for all couples, in line with the approach taken in Scotland.

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95 Refuge and Co-operative Bank. ‘Research into the extent and nature of financial abuse within intimate relationships in the UK’ Undated.
98 See also: https://www.womensaid.org.uk/what-we-do/campaigning-and-influencing/campaign-with-us/sos/
Q36. What more can we do to tackle domestic abuse which is perpetrated online, or through control of technology?

We welcome the Government’s focus on this important issue, as well as its proposed White Paper, expected in the Autumn. As stated in our response to Question 1 above, the APPG on domestic violence examined the issue of online abuse in 2017.100 They advised that online abuse and harassment often reflects a pattern of coercive and controlling behaviour.

A study by Women’s Aid in 2013 found that 45% of survivors had experienced abuse online during their relationship. They also found that nearly a third of survivors had had spyware or GPS locators placed on their phone or computer by a partner or ex-partner, to monitor their movements. They recommended that the UK Government should include online abuse within policies, strategies, training and awareness-raising on domestic abuse and coercive control. They advised that victims of image-based sexual abuse should be granted anonymity, and online providers should take further action to prevent and respond to online abuse. They stated that the police needed sufficient resources to respond to the volume of online abuse, and that survivors need specialist support to facilitate their safety and recovery.101

It is important that online abuse is taken as seriously as ‘real world’ offences, as the impact on survivors is significant. We therefore recommend that online abuse is included in the statutory definition of domestic abuse, and highlighted in the statutory guidance.

Recommendation:
- Online abuse should be included in the statutory definition, and highlighted in the statutory guidance (see response to Question 1 above)
- The Government should include information about online abuse within any policies, training or communications about domestic abuse and coercive control.
- Protection Orders should include online contacts, which should be a breach of the Order.

Q37. How can we continue to encourage and support improvements in the policing response to domestic abuse across all forces and improve outcomes for victims?

Article 50 of the Istanbul Convention requires States to ‘take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims’.102

A range of evidence has demonstrated that the police need to do more to protect survivors of domestic abuse. This includes a recent report by HMI Constabulary and Fire and Rescue Services (HMICFRS) which identified that some forces are still failing to assess the risk and respond appropriately, upon contact. Others are inconsistent in the way they use their powers to keep people safe. Some are not doing enough to ensure that perpetrators are charged and brought before a court.103 Once the new statutory definition is finalised, the police will need to be trained about what it includes, which should help them to better identify and respond to domestic abuse.

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An effective way for the police to improve their charging and convictions for domestic abuse, is to gather and use good quality evidence that does not rely on the involvement of survivors. This might include, for example, 999 tapes, CCTV evidence, or evidence from GPs, Accident and Emergency staff or social workers. An inquiry by the APPG on domestic violence identified a heavy reliance by the police on survivor statements, with less onus on alternative evidence collection by the police. Witnesses reported that the police often advise women that there is insufficient evidence for cases to proceed, rather than ensuring that evidence is collected from all possible sources, including at the scene of the crime. The inquiry did however, identify that some forces are building cases to go to the Crown Prosecution Service, without the involvement of the victim and that this enables survivors to avoid a traumatic the court process.104

Migrant women are particularly vulnerable to domestic abuse and may be reluctant to go to the police. 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.105

A number of tools are available to the police, including non-molestation orders, occupation orders, restraining orders and Domestic Violence Protection Orders. However, concerns have been raised by support bodies as well as survivors, about a lack of action when civil orders are breached. Inaction or delays put survivors at risk and negatively affect their confidence in the criminal justice system. HMICFRS raised concerns about this issue, advising that ‘If DVPOs and other orders are to be sought and obtained, then they need to be enforced’.106

Recommendations:
- All necessary steps should be taken to improve the reporting and recording of domestic violence and abuse, and to increase prosecution and conviction rates.
- The police should collect and use a range of evidence to charge and prosecute perpetrators, rather than relying only on evidence from survivors.
- The police should take further action to protect women with insecure immigration status from domestic abuse.
- Breaches of orders and injunctions should result in an urgent police response.

Q38. Do you think creating a legislative assumption that all domestic abuse victims are to be treated as eligible for assistance on the grounds of fear and distress (if the victim wants such assistance), will support more victims to give evidence?

Article 56 of the Istanbul Convention requires States to ‘[t]ake the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings.’107

We therefore welcome the Government’s proposal that a legislative assumption should be created that all domestic abuse victims should be treated as eligible for assistance on the grounds of fear and distress. This is an important step in promoting access to justice and provide better support for survivors.

104 APPG on domestic violence. ‘Women’s access to justice. From reporting to sentencing.’ 2014.
Recommendation:
• A legislative assumption should be created that all domestic abuse victims should be treated as eligible for assistance on the grounds of fear and distress.

Q41. Do you think extending the prohibition on cross-examination in criminal proceedings would support more domestic abuse victims to give evidence?

The Commission is not aware of any criminal proceedings when an application to prevent cross-examination of a victim by an unrepresented defendant has been denied in a domestic abuse case. This is a potentially sensitive area where the rights of the accused need to be balanced with the rights of the victim. In principle we are opposed to (alleged) victims being cross examined by their (alleged) perpetrators where there is the potential for further abuse and re-victimisation. Prosecutors will also be aware that the threat of a potential cross-examination might also discourage victims from reporting or giving evidence in the first place.

Q44. Are there other aspects of the criminal court treatment of vulnerable people which the family court could learn from?

There is widespread evidence that more needs to be done to protect survivors, within our family courts. The APPG on domestic violence has reported that ‘[t]he family courts often lack the special measures that are in place in the criminal courts, which provide victims with fair access to justice and protect their safety and well-being when they are on the family court estate.’\(^\text{108}\) They reported that ‘[i]t is not uncommon for women to be followed, stalked, harassed and further traumatised after leaving the court. Crucially, if a woman is living in a refuge, this can also put the safety of every resident at the refuge at risk.’\(^\text{109}\) A survey of survivors found that 55% of women respondents who had been to the family courts had no access to any special measures.\(^\text{110}\) 39% were verbally or physically abused by their former partner in the family court. Requests to wait in a separate waiting room had also been refused.

Recommendation:
• The UK Government should create a statutory ban, to prevent the cross-examination of domestic violence victims by their perpetrators in the family courts.

Q 58. Please select which of the following you believe should be priorities for improving data collection.

Article 15 of the Istanbul Convention requires States to ‘[c]ollect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention’ and ‘[s]upport research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention’.\(^\text{111}\)

We welcome the fact that further work is being undertaken to improve data about domestic abuse. This will help the UK Government to produce an informed and appropriate response to prevent abuse and support survivors. It will support them to develop effective public awareness-raising, training for the police and judiciary, and commissioning of services, including specialist services.

\(^{110}\) Women’s Aid. ‘Women’s Aid: survey of survivors of domestic abuse.’ 2015.
\(^{111}\) Council of Europe. ‘Convention on preventing and combating violence against women and domestic violence’. 2011.
for different groups. There is limited information available about the experiences of survivors with protected characteristics, especially disabled survivors, LGBT survivors and survivors from ethnic minorities. This has important implications for the location of, and resourcing of, specialist service provision.

**Recommendation:**
- The UK and Welsh Governments should work with local authorities to collect and monitor data about the number of refuge spaces needed.
- There is a need for better data about domestic abuse for survivors with different protected characteristics, including ethnic minority, disabled and LGBT people.

Q 59. Do you agree with the proposed model for a Domestic Abuse Commissioner outlined above?

Article 10 of the Istanbul Convention requires states to ‘designate or establish one or more official bodies responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention’.\(^{112}\) We therefore welcome the UK Government’s proposals to create a new and independent commissioner, to tackle domestic abuse but note that the Istanbul Convention also requires a body to be established with a remit which covers all forms of violence against women.

We note that a number of agencies with long-standing expertise in supporting survivors have urged the UK Government to create a Violence against Women and Girls Commissioner. For example, EVAW advises that the creation of a domestic violence commissioner would be out of step with the established national policy framework in this area.\(^{113}\) They highlight that existing VAWG policy frameworks, such as those at the Home Office and CPS, are already inclusive of men and boys who experience abuse. They report that criminal justice and other statutory agencies usually find that it makes sense to report on their work in relation to all forms of gendered violence, not just domestic violence.

We recognise that this approach would acknowledge the gendered nature of this crime and capture the full range of abuse faced by women and girls. It would also make practical sense, by enabling the Commissioner to hold the Government to account on its VAWG strategy and fit with the way that CJS agencies work to address these issues. However, we are aware that men and boys are also affected domestic violence and abuse. We therefore propose that the Government establishes a ‘Violence against Women and Domestic Abuse Commissioner’ in recognition that the Istanbul Convention has a focus on both of these issues.

**Recommendation:**
- The Government should establish a Violence Against Women and Domestic Abuse Commissioner.

Q 60. Of the proposed powers and resources, which do you consider to be the most important for a Domestic Abuse Commissioner?

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\(^{112}\) Council of Europe. ‘Convention on preventing and combating violence against women and domestic violence’. 2011.

\(^{113}\) End Violence Against Women Coalition ‘DRAFT Submission to Government Consultation on the proposed Domestic Violence and Abuse Bill’. April 2018.
Article 10 of the Istanbul Convention states that any body established to comply with its requirements ‘shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results’.\textsuperscript{114}

While all of the proposed powers set out would be important for the Commissioner, we consider that mapping domestic abuse services; requiring statutory agencies to co-operate and providing recommendations to Government are of particular importance.

We urge the UK Government to examine the nature of, and progress made by any similar bodies, and to take on board any lessons learned, when setting up the Commissioner. For example, the VAWG Wales Act requires the Welsh Ministers to appoint a National Adviser on violence against women and girls, domestic abuse and sexual violence. The Adviser’s role is to advise or assist Welsh Ministers about relevant issues; undertake research; advise or assistance others and produce reports. The Adviser can request information from relevant bodies, who in most cases, will need to comply. If they don’t comply, they must notify the Adviser of their reasons in writing. The Adviser needs to prepare, submit and publish an annual plan each financial year.\textsuperscript{115}

In order to be fully effective, it is critical that the Commissioner has adequate - and sustainable - resources. The UK Government has indicated (in its impact assessment), that a budget of 15 staff has been proposed for the Commissioner. Given the scale of domestic abuse and sexual violence in England and Wales, and the devastating impact it has on survivors and their families, we are concerned that this level of resource will not be sufficient to enable the Commissioner to have a significant impact. It is also critical that the Commissioner is both independent, and seen to be independent from Government. We note that the first Anti-Slavery Commissioner has recently resigned, citing concerns about the level of independence his organization had in relation to the Home Office.\textsuperscript{116}

We look forward to working with the Commissioner, and to sharing our approach of using research, data, inquiries, legal cases, guidance and making recommendations, to promote human rights and equality. In light of the expertise and experience we have gained over the last ten years, we recommend that the UK Government should consider granting the Commissioner powers to:

\begin{itemize}
  \item Collect information from public authorities about prevalence, response and criminal justice outcomes, and to further question the information submitted.
  \item Undertake inquiries to examine to what extent organisations are preventing or responding to violence against women or domestic abuse.
  \item Intervene in or institute legal proceedings, including judicial review, where it has evidence that organisations are taking insufficient action to prevent violence against women or domestic abuse.
  \item Provide advice and guidance, undertake research and publish information and reports (to be laid before Parliament).
\end{itemize}

We advise that it should have a remit to:

\begin{itemize}
  \item Map the provision of support services (including specialist services for BME, NRPF, disabled people, and those with addictions) and hold commissioners to account, where the National Statement of Expectations is not being met.
  \item Hold the Government to account in relation to its Violence Against Women and Girls Strategy.
\end{itemize}

\textsuperscript{114} Council of Europe. ‘Convention on preventing and combating violence against women and domestic violence’. 2011.

\textsuperscript{115} Violence against Women, Domestic Abuse and Sexual Violence (Wales) Bill (As Passed). 2015.

\textsuperscript{116} The Independent. ‘UK’s first Independent Anti-Slavery Commissioner resigns citing government interference’. 17 May 2018.
- Promote action across the CJS to improve their response to rape and sexual violence offences.
- Provide recommendations to national and local Government for improving their response to violence against women, and domestic abuse. This includes lessons from domestic homicide reviews.

Recommendation:
- During the Commissioner’s first year, it should scope out a three year strategic plan, based on its agreed remit and powers. It should have the option to apply for and access further resources, if required.