



Joint response to the Mayor of London consultation on the second London Domestic Violence Strategy

This response is submitted on behalf of the following organisations:

The Refugee Council
Iranian Association
Latin American Women's Rights Services
British Afghan Women Society
Kurdistan Refugee Women's Organisation
African Women's Care

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About the Refugee Council

The Refugee Council is the largest charity in the UK providing help and advice to asylum seekers and refugees. We provide help and support to asylum seekers and refugees, and work with them to ensure their needs and concerns are addressed by decision-makers. We also work with refugee community organisations (RCOs) including women's RCOs, providing support with project development at a community level. We have had experience through our One Stop Services of seeing victims/survivors of domestic violence who have difficulty in accessing support services. This response draws on the experiences of our caseworkers and of those RCO's and refugee agencies consulted.

Introduction

On 9th September 2005, the Refugee Council held a consultation event with refugee community organisations (RCOs) and women's RCOs. This event focused on RCOs experience of working with domestic violence in their community. The purpose of the event was to gather feedback on the progress of the first London Domestic Violence Strategy and discuss the Refugee Council's response to the second London Domestic Violence Strategy document.

The Refugee Council and consultation participants welcome the opportunity to respond to the second London Domestic Violence Strategy document. We welcome the progress made since the publication of the first London Domestic Violence Strategy and we were pleased that the second London Domestic Violence Strategy document includes clear targets and recommendations.

Consultation participants:

Refugee Action
Migrant Helpline
Refugee Arrivals Project
Scottish Refugee Council
Welsh Refugee Council

1. General comments

We are pleased that both the London Domestic Violence Strategy 1 and London Domestic Violence Strategy 2 note that domestic violence impacts differently on different communities irrespective of race, culture, nationality, religion, sexuality, disability, age, class or education level. Furthermore, they both acknowledge the need for a developing strategy that meets the needs of all women and includes various proposals to address the needs of black and minority (BME) women, migrant women and asylum seeking women. We are also pleased that the strategy has numerous provisions for abused women with additional needs such as lobbying for changes in policy and legislation to ensure that survivors with no recourse to public funds are supported, and undertaking research on the needs of BME women.

However, we are deeply concerned the consultation document overall makes no specific reference to refugee women and there are no proposals specifically targeting the needs of refugee women. We welcome the proposals aimed at meeting the needs of BME women but are concerned that refugee and asylum seeking women should not be overlooked. Refugee and asylum seeking women should be seen as a group with specific needs which require tailored responses distinct from those appropriate for BME women generally.

- 1.1 Women who have come to the UK seeking refuge from persecution or armed conflict, who subsequently experience domestic violence, have complex needs which require specialist consideration and support. Women experience the types of persecution suffered by men, but they also often undergo forms of abuse specifically linked to their gender. It is sometimes harder for women to have their asylum claims accepted because the issues of gender are not explicitly recognised by international refugee law. A lack of gender sensitivity in service provision can also make accessing essential services problematic or impossible. For example, if a woman is accompanied by a man and seen as his dependent then her claim to asylum is often not considered by legal advisors. Therefore, asylum seeking women who travel to the UK with abusive partners are often 'dependent' on their partner's asylum claim and unaware of their rights of their own claim.
- 1.2 Domestic violence is one of many problems facing refugee and asylum seeking women. Other challenges include: language, immigration status, social isolation, supporting traumatised children, setting in new country, grief at the loss of relatives, continuing fear of persecution, hostility from neighbours or others, loss of status/job/possessions.
- 1.3 Refugee and asylum seeking women face a range of additional barriers to reporting and accessing the help they need after experiencing domestic violence. These can include cultural attitudes amongst their community towards the issues. Sometimes, disclosure often means rejection by the family, sometimes the community, and under some religious laws divorce can result in the loss of custody of their children. These barriers are especially pronounced for women who have insecure immigration status. Women who have lived in oppressive regimes prior to arriving in the UK are likely to fear seeking help from the police or local government therefore greatly reduces their ability to access safety.

- 1.4 There are many barriers for reporting domestic violence for any woman, but for refugee and asylum seeking women these barriers seem to be more challenging. English is often not the first language for asylum seeking and refugee women. Consequently, they face barriers in accessing information and in presenting their situation and needs, including:
- Information about refuges and their legal rights;
 - Reporting their partner's abuse to a police station or social services department.
- 1.5 Going to a police station or social services department to report your partner's behaviour is a difficult prospect even if English is your first language. For women who speak little or no English the idea of trying to make themselves understood in an unfamiliar and potentially hostile environment can be terrifying. RCO's consulted have raised concerns that women giving statements to the police have found themselves being lectured by an interpreter who knows their husband.
- 1.6 Our experience suggests that current Home Office policies and procedures fail to effectively and appropriately protect or support domestic violence victims from asylum seeking or refugee backgrounds or their dependants.
- 1.7 NASS Domestic Violence Policy acknowledges that asylum seekers often do not report domestic violence and this may be for a number of reasons including:
- Fear that their asylum claim or appeal may not be considered any further
 - Fear that they will be removed from the UK or become homeless or destitute
 - Fear that they will not be believed or even blamed
 - Uncertainty of services available, and/or legal rights both for themselves and their dependants.¹
- 1.8 We welcome the current climate and developments in policy aimed at addressing domestic violence through a more holistic approach. We welcome the Domestic Violence, Crime and Victims Act, which includes measures to improve legal protection and provision for victims/survivors of domestic violence, as part of a range of measures introduced by government since the publication of Safety and Justice.
- 1.9 We are pleased that some women who have experienced domestic violence may now be eligible to apply to remain permanently in the UK under the Immigration Rules. The RCO's consulted, in common with NGOs such as Southall Black Sisters, Women's Aid and Women National Commission feel that majority of the women with insecure immigration status experiencing domestic violence have a stark choice: stay within the marriage and risk their own life and that of their children, or leave the marriage and face deportation and destitution. These women are also not allowed access to public funds, such as social security benefits or council housing.
- 1.10 Consulted participants' experiences of NASS domestic violence policy indicate that NASS provides inadequate support for victims of domestic violence. We

¹ NASS Policy Bulletin 70: Domestic Violence, January 2004

believe that NASS Domestic Violence Policy is not appropriately administered, implemented or monitored. Therefore there is an urgent need to monitor and assess the effectiveness and implementation of NASS Domestic Violence Policy.

- 1.11 Furthermore, accommodation providers' roles and responsibilities are unclear, as are the processes for monitoring these duties. We feel NASS does not develop appropriate action plans or monitoring processes for the support of victims of domestic violence. Therefore, we feel there is an urgent need to audit the standard of implementation and the effectiveness of the policy.
- 1.12 RCOs consulted raised their concerns regarding the effectiveness of these NASS accommodation services in assisting victims of domestic violence. They felt women and children are often isolated in accommodation/removal centres especially outside London, where they are easily targeted by violent spouses/partners or relatives, and lack access to essential safe and specialist refuges and support services. RCOs supporting victims/survivors of domestic violence have difficulty in finding safe accommodation at refuges and they sometimes have found themselves stretched to look for a safe place for a woman within community homes and in some extra cases in their organisation's offices.
- 1.13 We strongly believe NASS should use a holistic approach when responding to the support needs of victims of domestic violence. Support needs should be discussed with the victim including relocation options. Re-dispersal should not occur without consideration for the needs and wishes of the victim and their family. We request guidance from NASS on how victims of domestic violence may lodge a separate asylum or humanitarian claim on deciding to separate from the perpetrator. We recommend that the NASS Policy Bulletin acknowledges that victims of domestic violence may decide to return to the perpetrator after a short separation period, with no desire to continue with proceedings against the offender. We believe NASS should use local authorities' procedures with domestic violence refuges to support clients. We are concerned that this policy places many burdens on accommodation providers. Domestic violence is clearly not their priority and consequently there is concern that abuse will be overlooked.
- 1.14 We are concerned that NASS Domestic Violence Policy does **NOT** cover issues around the access to legal advice and it does not address the difficulties experienced by asylum seeking women in trying to access legal advice and support. In 2004, a Joint Council for the Welfare of Immigrants (JCWI) report outlined multiple problems faced in accessing legal and social welfare assistance.² The report identifies problems experienced by women in obtaining the necessary legal advice promptly and accessing financial assistance at all stages of the legal process. Lack of legal help representation, and cuts in legal help funding for immigration cases were also identified as major problems.

² *Victims of Domestic Violence: Accessing Legal and Social Welfare Assistance under EU and UK Legislation*

2. Specific comments

We will now turn to the specific questions you have asked:

2.1 Do you agree with these priority areas for service development and improvement? Are there any significant gaps? Is your agency able to fulfil its role in these plans? (Page 22)

2.1.1 We welcome the proposal that advocacy services be developed in each borough that will particularly benefit women with additional needs, such as women with insecure immigration status or those whose first language is not English. RCOs consulted asked for a community-based domestic violence advocacy service to provide guidance on the support systems, to be available in every local area, and to be accessible to refugee and asylum seeking women. For three top local authorities with highest number of refugee and asylum seekers, this group needs to be specifically targeted.

2.1.2 We are very pleased that the strategy acknowledges that women with insecure immigration status are one of the key groups who are poorly served by current provisions. We welcome the GLA's commitment to lobby for changes in policy that will ensure survivors with no recourse to public funds can access safety and justice.

2.1.3 However, we feel that the strategy should have greater clarity around the support that can be given to women with insecure immigration status leaving violent partners. The strategy should outline the type and extent of support, which can be given and funded in terms of accommodation, refuge centres, and interpreting and translation services. Our experience and that of the consulted organisations suggests that many asylum seeking women do not receive adequate support or intervention due to unclear policy between services and public agencies, such as social services and refuges.

2.1.4 Many of the consultation participants expressed concerns over barriers to reporting domestic violence. As outlined above, refugee and asylum seeking women may be afraid to report domestic violence to the police for a range of reasons including cultural barriers or previous experiences with police in country of origin. RCOs and women's RCOs consulted have stressed the importance of police intervention and found prompt intervention by the police to be very useful in immediately stopping violent abuse.

2.1.5 However, once reported, there is some evidence of discrimination by the Metropolitan Police on account of gender, race and immigration status of their users. The testimonies collected by Latin American Women's Rights Service highlight a range of concerns including:

- failures to investigate claims, leaving victims and at times children, in immediate danger;
- inappropriate focus on investigating immigration status of the victims or community advisers as opposed to the alleged abuse;
- failure to arrest the aggressor or believing aggressor rather than victim;

- failure to provide an interpreter for the victim, instead using children or aggressor as interpreter;
- arrest of the victim, verbal abuse of the victim (including threats to arrest her), and
- complete lack of action and investigation by the police.³

2.1.6 We propose GLA in partnership with refugee agencies to undertake an action research on the needs and experiences of refugee and asylum seeking women. This study should focus on identifying barriers to reporting and barriers to accessing services, possible networks and resources to supporting victims/survivors of domestic violence, specifically women with insecure immigration status. A toolkit for agencies working with victims/survivors of domestic violence, refugee organisations and crime prevention agencies, along the lines of Stella Project will be a useful resource for training and capacity building. We are happy to co-ordinate the work among London refugee agencies and would welcome the opportunity to discuss this.

2.2 Do you agree with these processes and structural priorities? Are there any significant gaps? Is your agency able to fulfil its role in these plans? (Page 24)

- 2.2.1 We are aware that there is very little development and dissemination of effective methods for consulting and engaging with refugee women. We are concerned that refugee women are invisible to policy makers and service providers, particularly victims/survivors of domestic violence. Their specific experiences, perspectives, needs and concerns remain unheard and, in many cases, unrecognised.⁴ Therefore, we propose GLA should consider working more closely with refugee assisting organisations and RCOs and women's RCOs and monitor effective involvement/engagement of RCOs and women's RCOs in the development of these strategies.
- 2.2.2 We are concerned that there is very limited publicly available information on the rights of refugee women suffering domestic violence, particularly information translated into community languages.
- 2.2.3 We welcome the development of a domestic violence resource centre and raising awareness through high quality domestic violence training. However, we believe that the pan-London training needs to highlight refugee and asylum seeking women's issues. We are eager to support the pan-London domestic violence training and ensure that RCOs and women's RCOs are aware of such training.

³ Latin American Women's Rights Service: *Report about incidence of discrimination by the Metropolitan Police on account of gender, race, and immigration status of our users*, August 2005

⁴ Refugee Council: *Making women visible, strategy for a more woman-centred asylum and refugee support system*, March 2005

2.3 Do you agree with this assessment framework? Are there any gaps? (Page 34)

- 2.3.1 We welcome independent advocacy services but feel that boroughs with higher numbers of asylum seeking and refugee women should have advocacy workers who work specifically with this group. We also recommend development and the promotion of cross-sector work between domestic violence services and the refugee sector.
- 2.3.2 Whilst we support the assessment framework, we believe that the strategy should develop a monitoring and evaluation system that pays greater attention to equality and diversity of its users. It is very important that refugee community organisations and women's RCOs are given the opportunity to fully participate in the assessment of framework development in order to ensure it is sensitive to the needs of refugee women.

3 Recommendations

- 3.1 Metropolitan Police Authority should provide safe and confidential environment for victims/survivors of domestic violence during investigation especially during interviewing refugee and asylum seeking women. Children should not be used as interpreters. Ideally women asylum seekers should be interviewed by female staff trained in dealing with women who are vulnerable. The choice of having a female interpreter should be offered wherever possible when working with refugee and asylum seeking women. Interviews should be in a private space where children or perpetrator can not overhear them.
- 3.2 We welcome the funding allocated towards the cost of a research study into the needs of BME women (page 39). However, we believe this research study should include an explicit focus on the needs of refugee and asylum seeking women.
- 3.3 We recommend the incorporation of sections on refugees and asylum seekers who are victims of domestic violence in the police training.
- 3.4 We welcome the recommendation on collecting data on forced marriages and gender-based crimes in affected communities. However, we believe that the annual analysis of domestic violence collected by MPS should specifically monitor incidents reported by refugee and asylum seeking women.
- 3.5 Local authorities should allocate bed spaces in safe houses specifically for domestic violence victims on NASS support. Accessible services for refugee and asylum seeking victims of domestic violence requires recognition of the following:
- Language barriers
 - Cultural barriers
 - Insecure immigration status
 - Lack of information about rights and services
 - Role of pre-arrival experiences in determining willingness to disclose.

- 3.6 On-going efforts should be made to disseminate information to refugee women. This information should be available, written or provided orally, in a variety of languages, and available on-line. Translated information should be put in waiting rooms, toilets and all accommodation. Organisations should consider having a dedicated women's section on their websites, providing information on women's issues with appropriate links to other information leaflets and websites.
- 3.7 Women must be given information on the support available and their rights, regardless of whether or not they are experiencing domestic violence.
- 3.8 Housing providers must provide better continuity of support and more comprehensive information to clients once they are dispersed to new accommodation.
- 3.9 We would like the GLA to lobby NASS on the following:
- The effectiveness and implementation of NASS Domestic Violence Policy should be monitored and assessed.
 - NASS must treat requests from either member of a couple to be separated from their partner **for any reason** as the highest priority.
 - NASS should address in its Domestic Violence Policy access to legal advice and ensure that victims/survivors of domestic violence have access to legal representation.
 - Information on domestic violence in a variety of languages should be provided for husbands and wives on arrival.
 - NASS should clearly communicate and consistently apply its procedure for reimbursing refuge centres when they assist victims/survivors of domestic violence.
 - NASS should include refuges and women's support organisations in consultations on domestic violence policy.
 - NASS must provide emergency support tokens to domestic violence victims who leave their partners much faster than the current three days.

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