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# Communities And Culture Committee

## Scrutiny Inquiry: Domestic Abuse

Response from Amnesty International

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## 1 Introduction

Amnesty International is a worldwide membership movement. Amnesty International's *vision* is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. In pursuit of this vision, Amnesty International's *mission* is to undertake research and action focused on preventing and ending grave abuses of these rights.

Amnesty International believes that violence against women is one of the greatest human rights scandals of our times, with one in three women being beaten, coerced into sex or otherwise abused in their lifetime<sup>1</sup>. The experience or threat of violence affects the lives of women everywhere, cutting across boundaries of wealth, race, and culture. Addressing violence against women through the human rights framework specifies government's obligations under international law to promote and protect *all* women's rights. AIUK recognises that violence against women is a global issue on which we focus and campaign on both internationally and here in the UK.

This submission has been prepared by the Wales office of the UK national section of Amnesty International (AIUK). AIUK welcomes the decision of the Communities and Culture Committee to undertake an inquiry to

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<sup>1</sup> Heise, L Ellsberg M and Gottemoeller 'Ending Violence Against Women' Population reports No11 1999



assess the implementation of Assembly Government strategy for tackling domestic abuse, consider service provision for victims and address ways to reduce the prevalence of domestic abuse.

The prevalence of violence against women remains extensive and is not declining. The costs of violence against women are significant, both in economic terms and in the pain, emotional harm and restrictions in freedom to women and children. The following indicates the extent of the issue here:

- One in four women in Wales will experience violence at the hands of a partner during their lives.
- The emergency services receive one call a minute about violence in the family in the UK. About 70% of female murder victims are killed by their male partners
- 91% of victims of domestic violence are women.
- Less than three in 10 domestic violence incidents reported to police result in conviction – only one in four incidents are even recorded
- Domestic violence accounts for more death and ill-health than cancer or traffic accidents in Europe.
- On average, a victim of domestic violence is assaulted 35 times before her first call to the police.
- Attitudes in the UK indicate a high tolerance of violence against – approximately one in three adults and young people say that hitting a woman is “ok” under certain circumstances.

## **2 All Wales National Strategy on Domestic Abuse**

The All Wales National Strategy on Domestic Abuse, published by the Welsh Assembly Government in 2005 was broadly welcomed, and included a commitment to increase public awareness and challenge the notion that domestic violence is acceptable. Amnesty International welcomes the commitment shown by the Welsh Assembly Government in establishing a working group and consulting widely. The strategy includes recognition of the needs of diverse black and ethnic minority communities in Wales, and also the need to address the issue amongst young people. The development of the strategy and the working group has raised awareness of this issue across government and within the public sector, and ensures that Ministers take on board advice from specialists and service providers. It has also been the catalyst for further funding, and the Assembly Government should be congratulated for its determination to take action in this area.

Despite existing legislation and some good policies covering different forms of violence against women, however, the incidence of various forms of violence is not decreasing. It is timely, therefore, to scrutinise government activity in this area and consider where improvements can be made and where new ideas can be tested. There are a number of areas where we believe the Committee may want to focus their interest, which are expanded further below:

### **1) Integrated Strategy**

Amnesty International is concerned that the strategy does not adequately cover the different forms of violence against women, such as sexual violence, forced marriage, female genital mutilation and trafficked victims. The strategy does not consider adequate support and rehabilitation for victims of all forms of gender violence, nor does it recognise the links between different types of violence.

### **2) Support Services for Victims**

Investment in the Domestic Abuse Help-line and support for Welsh Women's Aid is to be welcomed, but provision across Wales for victims of violence is patchy and some local authorities have cut funding at a local level.

### **3) Women with No Recourse to Public Funding**

The strategy does not cover the sub-section of women who suffer violence and yet cannot access many of the support services available.



#### 4) Prevention

Since its introduction, the working group has charted some success in increasing prosecutions and reducing re-offending rates, mainly due to the work of cross cutting agencies such as the Women's Safety Unit in Cardiff. Such activity, however, is not delivered Wales-wide.

#### 5) Implementation and Evaluation

There are some areas where the strategy provides excellent guidance, but where there may be issues in turning the guidance into reality on the ground.

#### 6) Awareness Campaigns

Government can play a leading role in running awareness campaigns. Though some investment has been made in raising awareness of services for victims, there has not been a significant investment in a campaign to challenge attitudes towards violence against women.

### 2.1. An Integrated Strategy

Amnesty International is keen to see stronger scrutiny of the outcomes of the All Wales Strategy, and would like to see a more integrated strategy to tackle violence against women all its forms, with clear targets, continual monitoring and ring-fenced funding.

Current initiatives to tackle violence against women tend to take place in silos, and there is often clear separation in policy and delivery between domestic violence, sexual violence and other forms of violence against women. In order to tackle violence against women effectively, action must be based on the recognition that forms of violence against women are connected, as formally recognised in Scotland, and that the response should be similarly integrated.

We are keen to see an integrated policy on violence against women implemented throughout the areas of devolved functions, including health, education, and social services, with the legislative focus widening to violence against women as a whole. Devolution, whilst it has provided excellent opportunities to address the needs of women in Wales more effectively, has also led to further complexity in this area. If the UK Government moved towards an integrated strategy in this area, it is likely that that it would deliver effectively only for women in England. If the Welsh Assembly Government developed a distinct integrated strategy only on devolved matters, then the link with the criminal justice system would be broken. Further work is required to ensure that governance structures do not limit the approaches to tackling violence against women, and that a seamless response in Wales can be delivered.

A call for an integrated strategy sits well with developments by the Welsh Assembly Government. Ministers responsible for this area have considered broader issues of violence against women, such as female genital mutilation, trafficking for the sex trade and forced marriage. They take a positive view of more activity in this area and have set aside some specific funding. It also fits with *Making the Connections*, the broader recognition that improved services to communities and citizens requires a new and integrated approach to public services – that which ensures all public bodies and organisations in Wales work together, with a common approach.

*What a Waste*<sup>2</sup> provides a good grounding in the benefits of considering an integrated strategy. Committee members may also want to meet counterparts in Scotland to consider how the Scottish Government has developed an integrated strategy.

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<sup>2</sup> Kelly, L. and Lovett, J. "What a Waste: the case for an integrated violence against women strategy" (2005). [www.endviolenceagainstwomen.org.uk](http://www.endviolenceagainstwomen.org.uk)



## 2.2. Support Services for Victims

A recent report on behalf of the End Violence Against Women campaign demonstrated that services support victims of all types of violence is variable. The *Map of Gaps*<sup>3</sup> shows a shortfall of provision in many parts of the UK. It also shows that, whilst not the worst part of the UK in terms of provision, Wales is lagging behind in a number of key areas.

There is no domestic violence refuge in many local authority areas in Wales. There are a number of areas where there are no services for BME women, no perpetrator programmes and no specialist domestic violence courts.

Service providers such as Welsh Women's Aid and Bawso can provide a more in-depth analysis of the geographic spread of services and the adequacy of funding. Tackling such variation will require an absolute commitment and direct leadership by the Welsh Assembly Government to ensure that each local authority delivers for women across Wales, and that best practice in all forms of service is spread around the nation.

## 2.3. Women with No Recourse to Public Funding

In the course of campaigning to end violence against women in the UK, we have found that a particularly vulnerable group of women attempting to flee violence are failing to be sufficiently protected and supported by the UK government due to the effect of the 'no recourse to public funds' rule. Committee members will have received our report *No Recourse No Safety*<sup>4</sup>, which outlines how many women fall into this category.

As the committee will be aware the majority of immigrants entering the UK have restrictions upon their visas, the most common of which is the 'no recourse to public funds' condition. In most cases they will not be able to claim any of the benefits, tax credits or housing assistance that count as public funds.<sup>5</sup> Usually, women who are fleeing violence and enter refuges are able to do so by claiming housing benefit to pay for their rent and income support to provide minimum financial support during their stay. However, women who have 'no recourse to public funds' cannot claim housing benefit and thus have restricted access to refuges, which means that they are likely to either remain in a violent situation or face destitution.

Women fleeing violence who are affected by the 'no recourse to public funds' rule include women from EU Accession countries who have either been in the UK for less than twelve months or who are not registered under the Workers Registration Scheme, women who have become overstayers (some of whom have remained due to the situation of control and violence), women who have been trafficked into the UK and women on spouse, student, tourist and work visas.

There are no accurate figures to indicate the number of women fleeing violence who are affected by the 'no recourse to public funds' rule. Unfortunately most of the figures can only be estimated on the basis of the numbers of the few women who are able to get access to refuges. This can happen because the refuge themselves will cover the costs of their stay or the local authority will accept some responsibility to house the woman and where relevant their children. During the course of our research we came across the following figures:

- In an ad hoc survey amongst its group members in 2007, Welsh Women's Aid found that 2% of all women in refuges had no recourse to public funds.
- BAWSO have reported that in 2006, 77 women within this category were referred to them. Only 12 could be housed in refuges – the other 65 were offered outreach services.

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<sup>3</sup> Coy, M. et al 'Map of Gaps: the postcode lottery of violence against women support services' (2007) [www.endviolenceagainstwomen.org.uk](http://www.endviolenceagainstwomen.org.uk)

<sup>4</sup> 'No recourse no safety: the Government's failure to protect women from violence' (2008) [www.amnesty.org.uk/swaw](http://www.amnesty.org.uk/swaw)

<sup>5</sup> <http://www.ind.homeoffice.gov.uk/applying/generalcaseworking/publicfunds>



Many service providers will feel compelled to tell women that if they have 'no recourse to public funds' then they are unlikely to be able to access a refuge. In a situation where it can take several attempts by a woman to break free from violence, the fact that she is not guaranteed access to a place of safety has a negative impact on her ability to escape and can prevent her from even trying. Research has shown that women in general can suffer up to 35 incidents of violence before they seek help<sup>6</sup>.

When there is no possibility of finding an alternative and safe place for the woman to stay, it greatly reduces the likelihood that she will be able to help the police with their investigations. The police can be reluctant to pursue a case where the woman is still in the home with the perpetrator or his/her family members. In the case of women with 'no recourse to public funds' often the owner or leaseholder of the family home is a family member not the partner, this means that the method of ejecting the perpetrator is not used. Furthermore where a husband is moved out of the home, the woman often feels extremely unsafe remaining in a property known to the perpetrator, his family, friends and often the community and would rather be out of the house herself.

Where women are able to access a refuge space this is often because the refuges themselves allocate a space for women with 'no recourse' whose costs they will cover from their own limited funds. In Wales, many such women are referred to BAWSO, which caters specifically for black and ethnic minority women. BAWSO can accommodate only three women at any one time. They estimate it costs around £15,000 per annum to house a woman with no recourse to public funds in their refuges.

BAWSO report that a substantial number of the women who fall into this category and are referred to them have come to the UK from Asia and Africa to marry UK nationals. During the first two years, only the spouse who has arrived from overseas cannot access public services in her own name, but is reliant on her husband to do so. The husband should apply at the end of the two year period to the Home Office for permission for the wife to settle here, but the threat not to apply has also been used as a form of power in relationships where there is domestic violence.

A number of women from other parts of the World, including Eastern Europe, have been referred to BAWSO as they have been trafficked here to the UK. Their uncertain immigration status also means that they have no recourse to public funding. Such women can suffer appalling treatment. When they are found by the police in Wales, however, it is difficult to find accommodation for them as they also have no recourse to public funds.

Local authorities in Wales are likely to refuse to cover the costs of housing women in this situation. Sustained advocacy by legal advisers is usually required before local authorities accept their obligations to these women. On 16 February 2006 the Home Office wrote to local authorities to inform them that they *may* be able to support women subjected to 'no recourse' rule who are fleeing violence. In this letter they listed the different forms of legislation that they might be able to support the women under but failed to indicate that any extra funds would be made available for them to do so. This has not therefore resulted in guaranteed access to refuges for women fleeing violence who are subjected to this rule.

Some local authorities do provide women with children support under the obligations deriving under s.17 of the Children's Act but only on a case-by-case basis. Before agreeing to pay for a woman with children who are fleeing violence and are subjected to the 'no recourse' rule to stay in a refuge, most of the local authorities will first indicate that they could take the child into care in order to fulfill their obligations. Some women have been told that their husbands or their families (that in some instances are the very perpetrators of the violence against them) could take the child and they can return home. When presented with these options, many women fleeing violence will stop pursuing support from the local authority and they will either return to their husbands or expose themselves to the very real risk of exploitation amongst other family members or strangers within their community.

Even where local authorities have agreed to provide support for women with children they often put time limits on the support of two weeks, one month or three months. When each deadline approaches the fear of losing their place of safety has a negative effect upon the woman. This could be solved by ensuring that women fleeing

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<sup>6</sup> [www.victimsupport.org.uk](http://www.victimsupport.org.uk)



violence have access to housing benefit and income support in their own right giving them stability in recovering from the violence they have been subjected to.

In 1999 the UK Government publicly recognised the need to provide women with uncertain immigration status a route through which to secure certain status. They did this by introducing the domestic violence concession, which was then introduced in the immigration rules as the Domestic Violence Rule in 2002. Under the domestic violence rule a woman who is a spouse or long-term partner of a British national or somebody who is settled here can apply to stay in the UK permanently if their relationship breaks down during the two-year probationary period and she can prove that domestic violence was the cause of the relationship breakdown. In 2004 the UK Government recognised the problems caused by the 'no recourse' rule and made two payments of £40,000 to a 'last resort' fund to deal with the problem. This money ran out in 2005 and has shown that ad hoc solutions are not sustainable. These women need certainty – to know that when they flee violence they can get help.

By not providing adequate support for these vulnerable women Amnesty International believes that the UK government is failing to uphold its international obligations (including the International Covenant on Civil and Political Rights and the Convention Elimination of Discrimination Against Women) which direct states to respect, protect and fulfill the human rights of *all* those living within their jurisdiction.

We believe that wider immigration concerns are preventing the government from protecting these women. We urge the committee to seriously consider recommending that an amendment might be made should a review of the Act take place, or whether an alternative piece of legislation or change in practice could overcome the no recourse rule for women fleeing violence.

Until the UK Government amend the immigration status regulations, this will continue to be a real issue in Wales. It may be exacerbated following the implementation of a new Convention designed to tackle trafficking as current signs suggest that victims of trafficking will be offered residence permits but will also fall into this category. In Wales, extra funding for BAWSO is required to adequately support the women who are in this situation in Wales.

## **2.4. Prevention**

A significant consideration is that despite this strategy, and the commitment by the Assembly Government and the UK Government to tackle the issue, the incidence of various forms of violence is not decreasing.

There is a lack of integrated work on prevention, which will require changing the attitudes not only of the public and perpetrators, but of the professionals/sectors who are supposed to help women - police, CPS judiciary, health, immigration, social services, housing, media.

The preventative programmes it advocates are limited to education on domestic abuse, with PSE (Personal and Social Education) lessons in schools that are focused purely on gender issues within relationships, rather than wider issues of gender equality.

There is little provision made for preventative work to address attitudes in young men and to challenge attitudes that tolerate violence against women.

Perpetrator programmes are delivered in limited local areas. Such programmes can reduce the prevalence of violence against women, and should be replicated across Wales.

There is no provision for specific measures to reduce other forms of violence within Community Safety plans.

## **2.5. Implementation and Evaluation**

There are some areas where the strategy provides excellent guidance, but where there may be issues in turning the guidance into reality on the ground. For example, though there is good work on providing guidance for schools in tackling the issue, there is little follow up in ensuring that all schools consider how to include the best practice into their work. A small number of local authorities may be implementing this activity but delivery is patchy, and we need to ensure that all schools take part.



Amnesty International is unaware of outcomes of evaluation of the strategy. For example, the strategy outlines and a commitment to increase public awareness and challenge the notion that domestic violence is acceptable, but we have yet to see a an evaluation report outlining whether this has been achieved.

## **2.6. Awareness Campaigns**

There are two key purposes to such national campaigns – one may be to raise awareness of the services available to those that have suffered violence, and the other is to challenge attitudes towards violence against women. The strategy has led to an increased investment in raising awareness of services for victims, but we have yet to see a comprehensive campaign to challenge attitudes in Wales.

Research in 2006 carried out by ICM on behalf of the End Violence Against Women coalition, which surveyed 524 16 to 20 year olds, found that less than one quarter - 23% - of respondents felt that they had enough information and support to take action on issues of domestic violence and coerced sex, and that only 16% of the girls surveyed reported that they had sufficient information and support.

Similar research in 2005 indicated that 34% of people in the UK believe that a woman is partially or totally responsible for being raped if she has behaved in a flirtatious manner.

Such results are very worrying, not least that it seems young people's attitude towards VAW is not changing, as it has in a number of different socio-political areas such as race and sexuality. It is vital that the Assembly Government invests leadership as well as public funding in a communications campaign that focuses on prevention through attitude change, in order to ensure that violence against women becomes unacceptable and levels of tolerance towards violence against women are diminished. Some investment has been made in publicising the hotline service for victims, but there has been no major, comprehensive campaign that specifically targets men in relation to changing attitudes and prevention.

There are a number of different models that could be considered in this area. The White Ribbon campaign, where men pledge not to tolerate violence against women could be one element, although a long-term, high profile campaign to ensure that drink-driving is seen as taboo is the model we should try and replicate. Government-led attitude campaigns can be very successful, such as those on smoking cessation and drink driving. They are most effective when combined with independent expertise and independent endorsement. Specialist marketing expertise on how to effectively target young men should be a requirement for such a campaign.

## **3 The Scottish Experience**

The Scottish Government have taken a lead on this issue and have adopted an integrated approach to violence against women. This involves developing a National Violence Against Women Strategy and action plan for broader work on violence against women. Furthermore, the National Domestic Abuse Delivery Group for Children and Young People is also working on a plan for addressing issues for children and young people affected by domestic abuse. The Government's budget includes a Violence Against Women Funding Stream, a funding stream for Women's Aid to fund children's services and a separate budget line for the Rape Crisis centres.

The Scottish Government have also led the way in developing national campaigns to challenge attitudes, highlighting the unacceptability of domestic abuse. The 'No Excuse' advertising campaign has been shown to have been very effective in raising awareness. There have been a number of phases including Domestic Bliss, Behind Closed Doors and Dolls House which focuses on the effect that domestic abuse has on the children in the family.



## 4 Conclusion

In conclusion, there is much to be commended in the direction of policy and delivery with regards to domestic abuse. That said, there are gaps within the current strategy that would merit serious and urgent consideration. Many of the issues involved in domestic abuse fall unfortunately within the complexity of the devolution settlement, and some issues can be resolved only by the UK Government. The Welsh Assembly Government, however, has an excellent opportunity to learn from Scotland in particular on ensuring that devolution and funding complexities do not get in the way of safeguarding women and children from abuse.