

DOMESTIC VIOLENCE BILL - POLICY EVIDENCE SUMMARY 1: MIGRANT WOMEN

The information in this briefing note has been prepared to assist End Violence Against Women (EVAW) and others engaging with the UK Government's forthcoming Domestic Violence Bill. It draws on data collected for the ESRC-funded research project *Justice, Inequality and Gender-Based Violence* (Grant number: ES/M010090/1), carried out by the Universities of Bristol, West of England and Cardiff between 2016 and 2018 (PI: Professor Marianne Hester).

Please reference this note as:

Bates, L., Gangoli, G., Hester, M. and Justice Project Team (2018), Policy Evidence Summary 1: Migrant Women. University of Bristol, Bristol.

1. The data in this note

Drawing on new evidence from the *Justice, Inequality and Gender-Based Violence* project (*justice project*), this note summarises key issues for migrant and immigration-insecure women who have experienced domestic or sexual violence, drawing on analysis conducted by Dr Bates and Dr Gangoli for the project.¹ This note arranges issues under the themes of the current DV Bill Consultation.

For the overall research study, 251 victims/survivors of domestic and sexual violence were convenience sampled (with over-sampling for certain experiences e.g. honour-based violence and forced marriage) and interviewed about their experiences of abuse, help-seeking and justice. This note looks at the interviews done with non-EU national women, and compares them with the UK and EU national women using descriptive statistics on key characteristics. Nationality is used as a proxy for migrant/insecure immigration status, since interviewees were not systematically asked about their immigration status. However, most if not all of the non-UK/non-EU nationals in the sample had leave to remain dependent on a spouse, and had to apply for Indefinite Leave to Remain (ILR) or asylum. In total, 37 interviewees were non-UK/EU nationals, and 202 were UK/EU nationals (12 were not known).

2. Summary of migrant women's characteristics

Group characteristics (table 1)

- **27%** (10/37) of the migrant women in this sample were left **Destitute** as a result of being on spousal visas or having 'No Recourse to Public Funds'.
- On several measures of poverty and lack of access to resources, in this sample, non-UK/non-EU women were particularly vulnerable compared with the UK/EU nationals:
 - A higher proportion were homeless (10% compared with 3%)
 - A much higher proportion of the migrant women were in refuge (30% compared with 3%). This fits with other data collected from Women's Aid services for the *justice project*, which indicates that BME women are over-represented in the refuge population: in 2014, a total of 42% of women in Women's Aid refuges were BME, compared with 16% BME in the general population (2011 Census).
 - Far fewer migrant women in this project sample owned their own home (10% compared with 35% of UK/EU nationals), and fewer were Council tenants (5% compared with 15%).
 - A higher proportion of migrant women reported that they were not in paid work (40% compared with 31%).

¹ A journal paper (Gangoli, Bates and Hester, forthcoming) will explore more fully issues for BME women and justice, and especially migrant and immigration-insecure women.

Table 1: Characteristics of sample (251 victim interviews)	UK/EU nationals (202)	Non UK/non EU nationals (37)
Homeless	3%	10%
In refuge	3%	30%
Owens house	35%	10%
Council tenant	15%	5%
Rents property	39%	35%
Financial impact of abuse?	87%	95%
Not in paid work	31%	40%

Experiences of abuse (table 2)

- Similar proportions of migrant women to UK/EU nationals in this sample reported domestic abuse but **fewer migrant women reported serious SV** (rape, sexual assault) than UK and EU nationals.
- Many more migrant women in this sample reported **multiple perpetrators** (41% vs 14%)
- Many more migrant women in this sample reported **Honour-Based Violence (HBV), Forced Marriage (FM) or Female Genital Mutilation (FGM)**

Table 2: Experiences of abuse (251 victim interviews)	UK/EU nationals (202)	Non UK/non EU nationals (37)
Any domestic abuse (physical, emotional, financial, control, harassment, stalking)	88%	92%
Multiple DA perpetrators	14%	41%
Rape or sexual assault	51%	11%
Honour based violence (FGM, HBV, forced marriage)	14%	38%

Justice accessed (table 3)

- In this sample, of those victims/survivors who made a report to the police, just over half (56%) the UK and EU nationals had an arrest made in the case; compared with just under half (45%) of the migrant women.
- In this sample, the police were much less likely to conduct a criminal investigation in the cases involving migrant women (32% compared with 66% for UK/EU nationals) and similarly less likely to bring a criminal charge in these cases involving migrant women (19% compared with 39%).
- In this sample, migrant women were also less likely to get a civil injunction or order (26% compared with 40%) or to use the family courts (26% compared with 41%).

Table 3: Justice accessed (186 victim interviews where a report to police was made)	UK/EU nationals (155)	Non UK/non EU nationals (31)
Those reporting to police	100%	100%
Arrest made	56%	45%
Police investigation	66%	32%
Criminal charge	39%	19%
Any civil injunction or order (e.g. non-molestation, occupation, forced marriage protection order)	40%	26%
Used family court	41%	26%

3. Possible policy asks: migrant women and the DV Bill

Bill Consultation Chapter 1: Promoting awareness of domestic abuse

Any new definition of domestic abuse must recognise the specific dynamics and needs of migrant women.

- **Domestic abuse has particular dynamics in particular communities:**
 - Multiple perpetrators are more common for migrant women (*justice project* evidence shows that 41% of the migrant women in this sample had multiple perpetrators compared with 14% of the UK/EU national women (table 2 above)).
 - Perpetrators may be intimate partners, family members, in-laws – or combinations of these groups (Siddiqui, 2014; Bates, 2017)
 - There can be international/cross-border elements of abuse for migrant women – for instance: immigrant spouses ‘sent back’ to their families overseas, or migrant women’s relatives back home abused or intimidated. These elements mirror the pattern of British girls being sent overseas for marriage (Gangoli, Bates and Hester, forthcoming).
 - Migrant women face culturally-specific forms of abuse: e.g. abandonment, visa control, forced marriage, FGM, honour-based violence, dowry violence.
- There is a **blurring of understanding and definition between domestic and honour-based violence/abuse**. Any definition of domestic abuse must recognise that both intimate partner and non-intimate partner abuse may involve honour (and abuse from intimate partners and from family members are often labelled ‘honour-based violence’ when they relate to minority ethnic or migrant victims and perpetrators) (Siddiqui, 2014; Bates, 2017).
- (As with all women), **domestic abuse experiences by migrant women often involves sexual violence** (and other forms of GBV) – but there may be more taboo or shame for migrant women in recognising and disclosing sexual violence.

Bill Consultation Chapter 2: Protect and support victims

- Migrant women have **specific needs, which are often best served by specialist services**. Those with No Recourse to Public Funds are especially vulnerable:

- They are particularly vulnerable to specific forms of abuse – table 2 above shows considerably more migrant women reported experiencing FGM, forced marriage or honour-based violence.
- Migrant women face particular barriers of conceptualisation, shame, language, and cultural understandings. They require culturally-sensitive support to disclose and access help (Gangoli, Bates and Hester, forthcoming)
- Migrant women are often more at risk of poverty and destitution: table 1 above shows that 27% of the migrant interviewees were left Destitute as a result of being on spousal visas or having No Recourse. Additionally, a higher proportion were homeless or in refuge, whereas fewer were council tenants or homeowners. Again, data from Women’s Aid services shows that BME women form a much higher proportion of the refuge population (42%) than of the general population (16%).
- In terms of migrant women **accessing criminal justice**, it seems there is a justice gap, with **markedly fewer cases involving migrant women victims/survivors proceeded from police report to a criminal charge** (table 3, above). This story is supported by qualitative evidence, from Bristol University’s interviews with victims of HBV carried out for HM Inspectorate of Constabulary (Hester *et al.*, 2015), and victim interviews done for the Justice Project (Gangoli, Bates and Hester, forthcoming). These interviews show that the police first response to migrant women experiencing domestic and/or honour-based violence was often good – usually a quick removal of the woman from the marital or family house; but that there was subsequently little or no further police action. Women were frequently removed to a hostel or B&B, and/or referred to a BME women’s organisation but criminal justice action (e.g. charge, investigation) was not pursued further. The Justice Project victim interviews (and the HMIC report) suggest that women quite often were not asked whether they wanted a charge to be pursued, and in a number of cases their husband or in-laws suggested to police that the migrant wife would ‘return home’ to family overseas. It seems that this can be seen as a ‘solution’ in these cases (whether or not the woman wants it), which may be being used as an alternative to criminal justice.
- **Advocacy is vital for all women**, including migrant and insecure status women. A forthcoming paper (Lilley-Walker *et al.*) from the *justice project* analysing police rape cases shows that, where women received specialist advocacy support, the case was statistically significantly more likely to proceed to a criminal charge.
- **Non-UK EU nationals and their spouses**. There is already anecdotal evidence of a ‘hostile environment’ with non-UK EU nationals being excluded from access to services, e.g. to private rental accommodation. It will be important to make sure they (and especially non-EU spouses of non-UK EU nationals) do not become another group whose immigration status means they can’t access help and justice.

Protection orders

- **In this sample, migrant women were less likely to access civil injunctions or orders** (23% compared with 52% of UK/EU nationals accessed such an order – table 3 above). Women often incur costs in applying for civil orders, and navigating the legal and administrative systems can be especially confusing and challenging for migrant women, where English is not their first language. The government will need to look specifically at the barriers for migrant women in accessing its proposed new synthesised Domestic Abuse Protection Order and whether they need specialised support to increase uptake, including specialist advice and legal support.
- **The Criminal Justice System is challenging for migrant women**: they can be penalised, even deported, when they report to the CJS with irregular status (*justice project* data suggests police are less likely to pursue criminal action and lower rates of charge – table 3). So – these women are currently less likely to access criminal as well as civil justice options.

Dr Lis Bates for End Violence Against Women. Drawing on Justice, Inequality and Gender-Based Violence project (ESRC-funded, Grant Number ES/M010090/1; PI Professor Marianne Hester)

- Another key issue for migrant women in accessing any new Domestic Abuse Protection Order will be the how the orders apply to **multiple perpetrators**.
- As outlined above, for many of these migrant women, there are cross-border and international elements to their case. The Government will need to consider how the Protection Order applies in these cases, and how it can protect these women effectively.

Bill Consultation Chapter 4: Improve performance

A new Commissioner

- The Commissioner could be charged with a specific duty of a **championing role around BME women and girls, and especially protection of migrant and insecure status women**.
- Migrant women sit on the intersection of lots of different forms of violence and abuse including domestic abuse, sexual violence, honour-based violence, forced marriage and FGM. Migrant women give an important illustration of why the Commissioner will need to have oversight of all forms of gender-based violence, and they should be a VAWG Commissioner (not limited to domestic abuse).

References

Bates, L. (2017). *Honour-based abuse in England and Wales: Who does what to whom?* PhD thesis, Bristol: University of Bristol.

Gangoli, G., Bates, L. and Hester, M. (forthcoming). *What does justice mean to black and minority ethnic (BME) victims/survivors of gender-based violence?*

Hester, M., Gangoli, G., Gill, A.K., Mulvihill, N., Bates, L., Matolcsi, A., Walker, S-J. and Yar, K. (2015). *Victim/survivor voices – a participatory research project. Report for HMIC honour-based violence inspection*. Bristol: University of Bristol.

Lilley-Walker, S.J., Hester, M., McPhee, D., Patsios, D., Bates, L. and Rumney, P. (forthcoming). *Rape, inequality and the criminal justice response in England: the importance of age, gender and mental health*.

Siddiqui, H. (2014) *Violence against minority women: Tackling domestic violence, forced marriage and honour-based violence*. A thesis submitted for the Degree of PhD at the University of Warwick.