

Refugee Council

Consultation Response



Refugee Council response to the consultation on the Violence Against Women and Girls (VAWG) Strategy 2021-2024

February 2021

Background

The Refugee Council is one of the leading charities in the UK working with refugees and people seeking asylum. As a human rights charity, independent of government, we work to ensure that refugees are given the protection they need, that they are treated with respect and understanding, and that they have the same rights, opportunities and responsibilities as other members of our society.

In 2010, the government first published its 'Call to End Violence against Women and Girls' with the simple proposition that no woman should live in fear of violence. Yet the strategy said almost nothing about asylum seeking and refugee women. In the subsequent action plan published 6 months later, only one of the 100 actions committed the then-called UK Border Agency to help women seeking asylum.

The clear omission of asylum seeking women from the cross governmental strategy to end violence against women led to the launch of the Women's Asylum Charter's 'Missed Out' campaign, supported by the Refugee Council, calling on the Government to ensure that no woman is missed out and that women seeking asylum are protected from violence.

In 2013, the Government published an updated VAWG action plan, which included six new actions on women in the asylum system, including a significant new commitment to facilitate access to specialist services for women seeking asylum affected by sexual violence. Progress on these six actions was slow; however, they eventually resulted in concrete improvements for women in the asylum system.

In March 2016, the new Government published a new strategy to end violence against women for 2016-2020. Once again the strategy was based on a simple proposition, that 'no woman should live in fear of violence, and every girl should grow up knowing she is safe, so that she can have the best start in life'. Stakeholders working with the Home Office on issues affecting women in the asylum system were not consulted on the strategy, and disappointingly, the published strategy included only a short paragraph referencing asylum.

Furthermore, the accompanying 95-point action plan published six months later did not include a single commitment to taking action to address the specific risks experienced by women seeking asylum. Instead, the 2016-2020 strategy referenced a UK Visas and Immigration (UKVI) gender action

plan. Whilst we welcomed the content included in the UKVI gender action plan, there was no explanation as to why the actions in the UKVI gender action plan were not included in the broader VAWG action plan linked directly to the strategy.

In March 2019, the government published the 'VAWG Strategy Refresh', restating the government's aim to ensure that 'no woman should live in fear of violence'. The Strategy Refresh provided an update on progress against sections of the strategy along with 54 new actions in a revised action plan. Once again, the refreshed Strategy and accompanying action plan made no reference to asylum seeking women or migrant women.

In November 2020, the government announced its intention to develop a new VAWG strategy for 2021-2024, along with a separate strategy on Domestic Abuse. Our understanding from the Home Office VAWG stakeholder group meetings is that there will not be a separate call for evidence for the Domestic Abuse strategy, and that evidence relating to domestic abuse should be submitted as part of VAWG call for evidence. As such, this paper serves to provide evidence to help inform both the new VAWG strategy and the separate Domestic Abuse strategy.

The need to include specific reference to women seeking asylum

Women seeking asylum are more likely to have experienced gender-based violence because of their experience of persecution and conflict; and the precariousness of their economic and social circumstances during flight from their country, and after their arrival in the UK.

For over 10 years, women seeking asylum have been noticeably absent from successive government strategies and action plans tackling the issue of violence against women, despite the fact that these strategies were based on the proposition that 'no woman should live in fear of violence'. It is unsurprising that the failure to include specific reference to asylum seeking women has resulted in a much slower rate of progress than would have been the case had they been included in the strategy and accompanying action plan rather than the UKVI gender action plan.

The crucial difference between the cross-government action plan and the UKVI gender action plan is one of accountability. The cross-government action plan is a public document and so offers the opportunity for far greater scrutiny, including by parliamentarians. By contrast, the UKVI gender action plan is subject to a reduced level of scrutiny and accountability.

This serious gap in the government's approach towards the inclusion of asylum seeking women in successive VAWG strategies is deeply concerning. It undermines the principle underpinning the strategy that 'no women should live in fear of violence', and leaves women and girls who are already more likely to have been affected by VAWG in their home countries or during difficult journeys in search of safety, exposed to greater risk.

As an example, Chapter 2 of the 2016-2020 VAWG strategy focusing on the provision of services, lists the following outcome to be achieved by 2020: 'No victim is turned away from accessing critical support services delivered by refuges, rape support centres and FGM and forced marriage units'.

It is difficult to see how the government expected to meet this outcome given the fact that many groups of migrant women, including asylum seeking women who fall outside of the asylum support system are unable to access refuge accommodation given they have no recourse to public funds. Any future strategy needs to address this glaring omission if it is to succeed.

Specific areas of concern for women seeking asylum

The Refugee Council has worked for many years to improve the outcomes for women seeking asylum who have experienced, or are at risk of, violence and abuse after arriving in the UK.

This work has led to an increased recognition of the importance of gender in the asylum decision-making process. Improvements in recent years include the publication of guidance for asylum decision makers on gender in asylum claims, training for decision makers on gender-based persecution, the provision of childcare asylum interviews across the UK, and training for Home Office screening officers on responding to disclosures of sexual violence.

However, the focus on gender has predominantly been in the context of the asylum decision-making process. Far less progress has been made in ensuring that the system of financial support and accommodation for people seeking asylum in the UK (the asylum support system) considers women's needs and experiences. Even less progress has been made to address the needs of women seeking asylum who fall outside the asylum support system.

People seeking asylum who do not have an independent source of income are entirely dependent upon state support in order to survive. Asylum seekers are not eligible for mainstream welfare benefits, and the 1999 Immigration Act set out the basis for the Asylum Support system, which created a parallel system for providing people seeking asylum with support. The Home Office administers this system, with the accommodation contracted out to a number of private providers. It is the only form of state support available to people who have sought asylum as they are, in most cases, unable to work and so are wholly dependent on this form of support.

Asylum support payments

Asylum support provides a subsistence payment of £39.63 per person, per week, along with 'no choice', usually shared, accommodation. People seeking asylum who have friends or family willing to accommodate them are able to apply for the subsistence element.

Asylum support does not ordinarily make provision for separate payments to women and men within family units. One adult in the family is provided with a single weekly payment that covers the whole family's entitlement, accessible only by a single ASPEN card issued in the name of the main applicant for support. Such a system, of a single familial payment, can leave women from all backgrounds open to financial abuse and has been heavily critiqued in the context of Universal Credit where a similar household payment mechanism exists.

Asylum accommodation

Once a person has registered their claim for asylum, if they are destitute and unable to support themselves they are able to access emergency accommodation known as 'Initial Accommodation'. This ordinarily takes the form of full board hostel type accommodation. Although some single-sex Initial Accommodation (IA) units do exist; and in some regions, Initial Accommodation is offered in individual flats or accommodation units rather than in hostel-type spaces, concerns remain about the appropriateness of some IA provision. These most commonly related to the difficulties of living in mixed sex environments for women who have suffered any type of gender-based violence. The fact that Initial Accommodation is provided early on in the asylum system, often means that women who have suffered gender-based violence are not yet recognised as such.

People seeking asylum would ordinarily spend a few weeks in Initial accommodation before being dispersed on a 'no choice; basis to a town or City across the UK. They will be accommodated in this dispersal accommodation whilst they await a decision on their asylum claim.

The current accommodation contracts allow accommodation providers to house unrelated people together, and this extends to single parent families. Families in this situation will be allocated separate and lockable rooms but will normally share washing and kitchen facilities. This leads to difficulties and tensions inherent in asking unrelated adults to share a living space.

It is unclear as to what level of Domestic Abuse training staff working for the accommodation providers receive. Certainly, there does not seem to be a consistently applied training package for the key staff coming into contact with women seeking asylum who might be expected to act as a 'first responder' to any disclosure of abuse.

Domestic Violence Support

In July 2018, the Refugee Council and the Asylum Support Appeals Project published a report 'Women seeking asylum: Safe from violence in the UK?'¹, looking at how the UK government responds to women facing domestic violence and other forms of gender-based violence after arrival in the UK and during their time in the asylum system.

Following the publication of that research, the Home Office revised their guidance on responding to reports of domestic abuse from people seeking asylum. The revised guidance, published in July 2019, includes a number of new safeguards, including a new funding mechanism enabling women seeking asylum to access specialist refuge accommodation and support services, funded through the asylum support budget. The guidance also sets out the roles and responsibilities Home Office caseworkers, accommodation providers and Migrant Help are required to take when responding to women at risk of abuse. Migrant Help hold the national contract to provide advice and information to people seeking asylum in the UK. They are also the first point of contact for the reporting of issues relating to accommodation and support, so in many cases would be in a position of acting as a first responder to women at risk of abuse.

Since the publication of the revised guidance, we have been working with partners to monitor how the guidance is being implemented. Sadly, we found that awareness of the revised guidance amongst Home Office safeguarding hub officials, accommodation providers and Migrant Help staff was poor and remains inconsistent, frequently leaving women at risk of continued abuse. It is clear that the Home Office failed to put in place an effective communication plan to inform the key stakeholders (Home Office Safeguarding Hubs, Accommodation providers and Migrant Help) and to support them to implement the guidance.

Whilst the revised Domestic Abuse guidance offers additional protection to women seeking asylum who are eligible for asylum support, women who become Appeal Rights Exhausted (ARE) and do not have s4 eligibility) after coming through the UK asylum system are not covered by the guidance, and are unable to access domestic violence services, leaving them at increased risk of violence or abuse.

Women who become appeal rights exhausted are extremely vulnerable to homelessness and destitution, which in turn can expose them to an increased risk of abuse and exploitation. There is a particular risk of sexual exploitation when women have no alternative but to rely on friends, acquaintances, or strangers for accommodation.

Previous VAWG strategies have categorically failed to address this issue. The new VAWG and domestic abuse strategies need to ensure all victims of domestic abuse can access public funds and vital, often life-saving support and routes to safety; and that no survivor, whatever her immigration status, is treated as being in breach of immigration laws or the immigration rules for accessing those funds.

¹ Refugee Council & ASAP Report – 'Safe from Violence in the UK?' – July 2018
<https://www.refugeecouncil.org.uk/resources/women-seeking-asylum-safe-from-violence-in-the-uk/>

To date, the Government response to the issue of migrant survivors being unable to access services has been wholly inadequate. The recent announcement of a new Support for Migrant Victims (SMV) pilot is an illustration of this. It is difficult to see how the results of this pilot will be able to inform the new VAWG strategy given the timeframes involved. We are also concerned as to how the specific needs of women seeking asylum will be addressed in a pilot aimed at a broader cohort of ‘migrant women’.

The approach to undertake a pilot is ill conceived, given the breadth and depth of available evidence highlighting the issues migrant women face. For many years, organisations working with migrant survivors, including Refugee Council, have provided the Home Office with evidence that many survivors are excluded when they need support. A pilot will not tell Government more than can be learned from the decades of work that specialist women’s services working with migrants have undertaken, with accompanying evidence. These unnecessary delays only mean that more time goes by without survivors being able to access life-saving accommodation.

The Impact of Covid-19

The Covid-19 pandemic has had a significant impact on the functioning of the asylum system. The backlog of cases awaiting an initial decision increased sharply in 2020 and many thousands of people seeking asylum found themselves accommodated in hotels and other forms of ‘contingency’ accommodation due to a lack of capacity and pressure on the asylum accommodation estate. The impact of being accommodated in a hotel room with limited access to communal spaces and outside spaces for months has increased the risk of them being exposed to violence or abuse.

Women accommodated in contingency accommodation have found it far more difficult to access information and advice on support services, and have been less likely to make a disclosure of abuse or be recognised as being at risk due to the reduced contact with accommodation provider staff.

The situation in hotels and other forms of contingency asylum accommodation is often further complicated when the accommodation providers then sub-contract to smaller firms or specific hotels. Often staff working at those sites do not appear to have the experience nor the training to work with vulnerable people who might not have a good command of the English language. This again, reduces the likelihood of women at risk of violence being identified, or feeling comfortable towards making a disclosure.

The pandemic has also had an impact on the capacity of Migrant Help to respond to women at risk of abuse. It is often difficult for women and/or advisors to get through to the national help-line. Urgent cases are not picked up properly and that there are long delays before people receive a response from Migrant Help. This puts women at continued risk of being exposed to violence, if they are unable to contact the main organisation set up to provide them with information and advice.

In August 2020, Women’s Aid released a report entitled ‘A Perfect Storm’² examining the impact of Covid-19 on VAWG. The report found that domestic abuse had increased during the pandemic and that women are finding it harder to seek support due to either challenges from lockdown restrictions or their abuser actively preventing them from doing so. The report also found that the availability of refuge spaces has been reduced during the pandemic, making it much more difficult for women to access safe accommodation and specialist support.

²Women’s Aid – A Perfect Storm, August 2020 <https://www.womensaid.org.uk/wp-content/uploads/2020/08/A-Perfect-Storm-August-2020-1.pdf>

Whilst official data relating to the number of asylum seeking women at risk of abuse is lacking, it is reasonable to expect that issues identified in the report are reflected in the experiences of women seeking asylum.

Barriers to disclosures of violence

Women with insecure immigration status fear reporting domestic abuse because they believe this could affect their status or asylum claim, or they could be subject to punitive measures, rather than being offered protection. In the context of asylum, women may be a dependant on their partner's asylum claim and be unaware that they have the right to lodge their own request for international protection.

Coercive control exerted by the perpetrator, combined with women's insecure immigration status, can contribute to feelings of fear, particularly around the possibility of being removed from the UK. This fear can manifest itself in an unwillingness to report abuse to authorities.

The new VAWG strategy needs to ensure the provision of safe reporting mechanisms and an end to data-sharing for immigration enforcement purposes between vital public services and the Home Office. This would ensure all survivors would be more comfortable in reporting abuse to police and other services, rather than staying in abusive and dangerous situations because of a fear of immigration control.

Current Legislation

It is difficult to see how a new VAWG strategy will be able to successfully address the needs of all women in the context of existing legislation, policy & practice. The government need to ensure that the Domestic Abuse Bill 2020 contains the necessary measures to ensure UK compliance with the Convention on Preventing and Combatting Violence against Women and Domestic Violence (the Istanbul Convention) and with the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The need to improve transparency on the monitoring of outcomes

The new VAWG strategy needs to set out a clear framework to monitor the desired outcomes. The previous 2016-2020 strategy included an accompanying action plan that listed a number of actions, but contained very little detail on the relationship between the list of actions and the stated outcomes of the strategy.

The March 2019 Progress Report simply lists whether actions have been completed, and makes no attempt to evidence how the completion of a planned action had contributed to the achieving the desired outcome. The progress report states that of the 95 actions, 54 have been completed, 29 are on track to be delivered by the date set out in 2016, and 12 remain a work in progress, due to be delivered by 2020.

The March 2019 Strategy Refresh document provided a narrative update on progress against sections of the strategy along, but was lacking in any detail as to the progress against the strategic outcomes. It also went on to list 54 new actions in a revised action plan.

The information in the public domain is entirely focused on reporting progress against actions rather than outcomes, creating a lack of transparency as to how progress is being measured. The new strategy needs to be much more robust and transparent in its approach to the measurement of outcomes.

Recommendations for the VAWG Strategy 2021-24

1. The new VAWG and Domestic Abuse strategies need to recognise and include specific reference to the needs of women seeking asylum.
2. The new VAWG and Domestic Abuse strategies need to include specific actions relating to the needs of asylum seeking women the action plan.
3. The new VAWG and Domestic Abuse strategies need to have a robust and more transparent mechanism to monitor and report on progress against outcomes.

For further information or for any questions relating to this consultation response please contact Andy Hewett, Head of Advocacy at the Refugee Council at andy.hewett@refugeecouncil.org.uk