

The Wales Migration Partnership (WMP) is based at the Welsh Local Government Association and is funded by the Home Office to provide an enabling function and a strategic leadership, independent, advisory and consultative body on migration in Wales.

- 1) There is much evidence to suggest that women and girls from asylum seeker, refugee and migrant communities face levels of domestic violence likely to be comparable to if not greater than those affecting Welsh women. *Uncharted Territory; violence against migrant, refugee and asylum-seeking women in Wales (WMP, Cardiff University, November 2013)* contains evidence of how to *prevent, protect and support* women and girls from asylum seeker, refugee and migrant communities, alongside recommendations from focus groups with men and women undertaken across Wales. We will endeavour to reflect this evidence, and the views of people from affected communities, in our response to this consultation and throughout our ongoing work with Welsh Government and the Home Office on ending Gender-based violence, Domestic Abuse and Sexual Violence (also recognizing that many trafficked women are victims of sexual violence).

The WMP is in ongoing dialogue with partners, including Welsh Government, WLGA, Police and Home Office to discuss moving forward with the recommendations from our research. In addition, we are contributing to the development of Welsh Government policy and strategy through membership of the *Right to Be Safe Implementation Group* and *National Training Framework Content Development* sub groups including participation in a forthcoming meeting to discuss *Domestic Abuse doesn't Discriminate* campaign.

- 2) We are in agreement with the WLGA response to the consultation, submitted separately, but would add the following points, many of which are outlined in more detail in *Uncharted Territory*.
 - a) The Wales Migration Partnership welcomes the **general principles** in the **Gender-based violence, Domestic Abuse and Sexual Violence (gbvdasv) Bill** to ensure prevention, protection and support for victims, to create a duty on relevant authorities to develop strategies, issue guidance to relevant authorities on the exercise of their functions and the appointment of a Ministerial Advisor.
 - b) The Bill needs a statement regarding the proper interface with non-devolved agencies and services e.g. UK Government (Home Office and Ministry of Justice), Police (including National Crime Agency) and other criminal justice partners including Crown Prosecution Service, Probation and the Prison Service.
 - c) There is recognition at a UK Government level of the issues asylum seeking women face, for example, the *End Sexual Violence in Conflict Summit* (summer 2014). The Welsh Government *Refugee Inclusion Strategy* updated

Action Plan (July 2012) stated that the Welsh Government will take steps to ensure that the implementation of the 'Right to be Safe' strategy, recognises all forms of violence against women and domestic abuse faced by refugee and asylum seeker women and girls before, during and after their journey to the UK. Given immigration is non-devolved, this aim requires ongoing discussions between the Welsh Government, WMP, WLGA and others to manage that interface, and consider evidence about the experiences of asylum, refugee and migrant women in Wales, understanding which actions are relevant for UK government and Welsh Government respectively, and those where joint work is required.

- d) **Protection and Support:** unless more work is done to address issues for women and children with No Recourse to Public Funds¹, the reality is that many women with insecure immigration status from migrant communities may well remain outside the frame of 'prevent/protect/support'; women and girls with NRPF status will continue to be treated differently and not within the standards set by national and international policy frameworks. We will continue to advocate for the provision of support for women and girls with NRPF who have experienced gbvdasv, regardless of immigration status.
- e) **National and local strategies;** we would question whether some Local Authority strategies are truly reflective of all the variant forms of domestic abuse and gender-based violence that may be experienced in local communities in Wales. Currently, many Local Authority strategies appear to be focussed on domestic abuse. We would like Welsh Government Guidance on the Bill to include direction on how to include all forms of gender based violence, domestic abuse and sexual violence in LA and LHB strategies (as appropriate).
- f) We would like Welsh Government to ensure the Bill remains focussed on the wider issues (FGM, modern slavery, 'honour'-based violence, sexual abuse and exploitation), ensuring that **the full range of domestic abuse and gender-based violence issues are given equal prominence** and focus as domestic abuse throughout the Bill and associated guidance, and take account of recent announcements by the Home Secretary at the Girl Summit (on FGM, and child, early and forced marriage).
- g) A critical element of delivery on the aims of the Bill will be evidence-based **Needs Assessments**, and given the inconsistencies in how Needs Assessments are being undertaken, and knowing that there are significant data gaps for variant forms of domestic abuse, the WMP would like to ensure that

¹ No Recourse to Public Funds (NRPF) legislation affects many women with insecure immigration statuses and can make finding support such as refugees very difficult because income support or housing benefit is the usual method of funding these services. This can lead to women having to choose between tolerating abuse or becoming homeless.

concerted work goes ahead on research and data on gbvdasv which will underpin Needs Assessments. Without proper Needs Assessments to inform the development of local strategies, the aims of the Bill will not be met.

- h) The Duty to prepare local strategies mentions working with voluntary organisations or any person who is able to contribute to the pursuit of the purpose of this Act. The draft 'Effective Multi-Agency Collaboration Document' States that Service users' experiences should 'regularly and systematically be used to inform the partnership on the effects of its work and to suggest improvements' (p.6). We recommend that the statutory guidance include a section on how to involve survivors in the design and delivery of services, in line with CEDAW and UNHRC recommendations. UNHCR recommend inter-agency, multi-sectoral approach to addressing sexual and gender-based violence, and they emphasise that the refugee community (especially women and girls) should be engaged in all stages of programme delivery, design implementation, monitoring and evaluation. UNHCR guidelines call for strategic partnerships to address the problem, including those between men and women. The WMP has evidence and recommendations from focus groups with communities which we would like to be considered in the design and delivery of services and training content.
- i) We welcome the fact that the Bill does not limit action to end violence against women and girls, in recognition of the evidence that women and girls are disproportionately affected, and that under the Bill, the Welsh Government will be able to give direction around measures to end violence against women and girls. We also highlight suggestion by the WLGA that an element of Annual Reports cover measures to end violence against women and girls.
- j) We would like to see more emphasis on long-term prevention and effectively tackling perpetrators. We have evidence from focus groups we convened with men (and women) which could inform the development of preventative work and work with perpetrators.
- k) **Guidance;** we agree that multi-agency collaboration is fundamental to gather intelligence, share information and develop effective responses in supporting groups and individuals vulnerable to forms of gender-based violence, domestic abuse and sexual violence and exploitation. Although the draft guidance on multi-agency working states that 'vulnerable adults often have regular access to services' (p.10), assumptions cannot be made of asylum seeker, refugee and migrant women's engagement with services. Poverty and destitution, often caused by their NRPF status, means women have additional vulnerability to physical and sexual violence and research shows that destitute asylum seekers, as well as women from some communities and those with insecure immigration status, for a variety of reasons, will avoid coming into contact with authorities, even if they are subject to abuse or the victims of criminal behaviour. For these women and girls, support interventions may be harder to

implement due to issues of isolation, language, fear of engaging with services, fear of children being taken into care and having no recourse to public funds. Therefore the Bill and associated guidance needs to include direction on how Local Authorities and Health Boards and other public services can engage with women and girls who face the intersection of several kinds of discrimination which may prolong their exposure to abuse, and frustrate their attempts to seek help: as women, as minorities, as victims of abuse, and as non-UK citizens.

- l) **MARAC**; some UK research has shown that there is also a lack of representation from some community groups on Domestic Violence Forums and a **lack of cultural awareness** amongst some partners on the **MARAC** (Multi-Agency Risk Assessment Conferencing) also negatively affects the decisions taken to protect women and children from some communities. Guidance should include good practice in ensuring that multi-agency work and domestic abuse fora are representative of local communities.

For further information please contact:

Anne Hubbard, Director
Wales Migration Partnership, 3-7 Columbus Walk, Brigantine Place, Cardiff, CF10 4SD
Tel: 029 20909550/07950954925