

Home Office Domestic Violence Policy Bulletin 70
Response from Eaves Housing for Women
December 2007

Eaves was established in 1977 and has since grown to become London's largest provider of high-quality women only supported housing, with a total of 155 bed spaces in nine boroughs providing medium-term supported accommodation, specialist advice and advocacy for single homeless women with a variety of support needs. Service users include women who have experienced sexual violence, women with mental or physical health needs, women recovering from substance misuse issues, women leaving the criminal justice system and women living with HIV.

Eaves manages a range of additional projects including:

- Eaves Women's Aid, which delivers domestic violence outreach, legal services and refuge accommodation with 66 bed spaces across four London boroughs;
- The POPPY Project, which provides support and accommodation for women trafficked into the country for the purposes of sexual exploitation. It has 35 bed spaces and an outreach service.
- The Lilith Project, a second-tier project that combines research, campaigning and development in order to combat all forms of violence against women. The Lilith Project also manages the Kalabash Forum, which supports organisations working with Black Minority Ethnic (BME) women, and the Sexual Violence Action Awareness Network (SVAAN), which supports sexual violence services in London.

As a long term service provider for women, Eaves works to support its service users whilst maintaining a feminist ethos. We are committed to ending violence and discrimination against women and girls in all its forms, and lobby regularly on a range of subjects, including criminal justice, the rights of rape victims, the right of women to access appropriate services, the need to integrate violence against women services and the rights of trafficked women.

General Comments

Eaves welcomes the Home Office's policy bulletin on dealing with reports of domestic violence in connection with a Border and Immigration Agency accommodated asylum seeker; we are concerned however that this document is very much process-driven, when we feel that a more victim-centred approach would be more appropriate. The safety and support needs of any victims of interpersonal violence should always be the Agency's primary consideration. Under no circumstances should a victim be placed in a position where she may be exposed to further abuse, and all Agency staff that may come into contact with a victim of domestic violence should be trained in the realities and effects of interpersonal violence on a victim and any children involved.

We feel that it is also important to reinforce to all agency staff that domestic violence is a gendered crime. Although Eaves do not dispute that some victims of interpersonal violence are men, research shows that 'women are considerably more likely to experience repeated and severe forms of violence, including sexual violence.' As such we would recommend that the policy bulletin demonstrate this in their use of gendered terminology.

In addition, as the practice of human trafficking increases, it is important that all Agency staff are aware of the possibility that women in their accommodation may be victims of trafficking. All staff should receive training on how to recognise a potential victim of trafficking and know who to contact if they suspect that an asylum seeker in their accommodation has been trafficked; staff should also be aware of support services available to women and children who have, or may have, been trafficked. The POPPY Project (poppy@eaveshousing.co.uk, 0207 840 7141) can offer more guidance on trafficking training.

Individual Points to be Addressed

- 2.2 Terminology

While Eaves acknowledges that some agencies do prefer to refer to women who have experienced domestic violence as ‘survivors’ because they feel that ‘victim’ implies passivity, Eaves feel that the term ‘survivor’ implies that the woman has completely recovered from her experience, which is rarely the **case**. We therefore prefer use of the term ‘victim’ of domestic violence to move responsibility for that violence from the victim to the perpetrator. In terms of generic terminology we are also keen to highlight the fact that not all victims of domestic violence could be classified as ‘survivors’, for example in the case of a so-called ‘honour killing’ which the government includes within the definition of ‘domestic violence’.

Comment [f1]: Maybe add something here to say that if this is to cover a range of experiences, not all could be classified as survivors eg. Honour killing

- 2.3

The Policy Bulletin’s definition of domestic violence as **‘any incident of threatening behaviour , violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality’** fails to acknowledge that domestic violence is a gendered crime, with the majority of victims being women and children¹. We are encouraged however that the policy bulletin’s definition of domestic violence does acknowledge that domestic violence is a pattern of behaviour, systematic abuse rather than an isolated incident.

- 2.7

Eaves admires the intention of the policy bulletin to explore and explain the various feelings a victim of domestic violence may experience, but we are concerned that the structure and order of the ‘stages’ may be misleading. While we acknowledge that a woman may experience a

¹ http://www.womensaid.org.uk/landing_page.asp?section=0001000100050010

combination of the feelings you describe, e.g. adapting her behaviour to try and appease her abuser, and that a woman will make several attempts to access services and end a violent relationship before she can successfully do so, the structure of the stages in a '6-step' style implies that this is a progressive development and does not take into account the complexities of different types of violence experienced, and victims' individual situations. Domestic violence is a pattern of repeated abuse, physical, psychological and sexual, which often takes place over many years, and Eaves is concerned that these stages oversimplify the complex emotional and physical situation of victims. We would urge you to keep these explanations of the feelings a victim may experience in the policy bulletin, but would like to see you move away from the sense that they are progressive stages.

Eaves is also concerned that the policy bulletin fails to acknowledge the complexity of reasons why women do not end an abusive relationship after the first incident of violence. We are worried that the policy bulletin implies that women have the opportunity to end the relationship at this point but simply choose not to, 'Some survivors may end the relationship at this point, but the majority do not, finding or accepting an explanation for the incident.' A 2000 Study by Dobash & Dobash found that women in abusive relationships were 'actively engaged in trying to deal with the violence and seeking outside assistance with these efforts. The women were neither helpless or hopeless.'² There may be long intervals between incidents of domestic violence; the violence may have been trivialised when she attempted to access services or support, or she may mistakenly have been told that she would lose her children if she were to attempt to leave the relationship; psychological and emotional abuse are very hard to identify and explain; the effect separation and relocation may have on any children as well as feelings of guilt and shame are just some of many reasons why it is not a straightforward decision to end a violent relationship. We are very concerned that the policy bulletin is shifting

² http://www.womensaid.org.uk/landing_page.asp?section=0001000100050011#helpless

blame on to the victim and away from the abuser for not ending the relationship after the first incident of abuse.

- 2.9

We are encouraged that in point 2.9 the policy bulletin does attempt to explore in slightly more depth the reasons why a victim may be afraid to report abuse. We would like to also see a more comprehensive explanation of why a woman may feel that her **'partner's behaviour is normal and all relationships are like theirs'**; in our experience this is only the case when a woman has suffered a history of abuse, in which case a very comprehensive support package is required, and we would like to see the policy bulletin focus on empowering the victim to disclose an abusive history. The stigma surrounding domestic violence should also be included in this section. A study in 2004 found that 52% of women would be too ashamed to disclose domestic violence to a friend and 59% would be too embarrassed to confide in a family member³.

- 2.11

Eaves likes the comparison between how the victim's abuser behaves and how support services should conduct themselves. We would like to see stability added to certainty, **'The abuser is unpredictable: services must offer certainty'**; it is important that a victim has continuity with regards to professionals working on their case. If this is not possible ensure that detailed notes are given to new members of staff at handover to avoid the victim having to re-live traumatic experiences unnecessarily, which may add to her distress and could make her discontinue with her support.

In addition we would like to see the policy bulletin expand the point which states that 'services must be accepting'. It is crucial that at no stage during the process of reporting abuse a victim feels that she is not being believed.

³ Ibid

This, obviously, would have a detrimental effect on the victim and could encourage her to return to an abusive relationship and prevent her from attempting to access further services. Anyone who comes into contact with a victim of domestic violence must be tolerant with them, no matter what previous experiences they disclose. Many victims of domestic violence are also victims of sexual violence, and victims may have been coerced or forced into prostitution; it is essential that all services that come into contact with victims of domestic violence are entirely non-judgemental and in no circumstances blame the victim for their situation.

- 3.2

‘The accommodation provider (including any sub-contractors) must have a domestic violence policy statement and procedure that conforms to the requirements of this policy bulletin and which has been agreed as such by the Home Office’

Eaves feels that it is important to highlight to all Agencies that it is now a legal requirement for accommodation providers to have a domestic violence policy and procedure, in order to comply with the requirements of the Gender Equality Duty adopted in April of this year, to

- eliminate unlawful discrimination and harassment on the grounds of sex, and
- promote equality of opportunity between women and men.

We would like to see all obligations of the Gender Equality Duty outlined and reinforced with regards to specific points throughout this document.

- 3.3

We would urge the policy bulletin to stress the importance that this action is taken immediately. Under no circumstances should a victim be made to,

or made to feel that she has no other option but to, return to a violent partner. If the process of finding alternative safe accommodation will take a few days to arrange, immediate emergency accommodation must be provided for the victim and any children. The safety of the victim and any children must be paramount at all times

- 3.4

Eaves would like to see a standard policy of zero tolerance to any form of violence including domestic violence, and ensure that violence is clearly defined as cause for eviction in the accommodation provider's 'Protection from Abuse' policy. Eviction of an abusive tenant is seen as best practice amongst accommodation providers, and as such Eaves recommend this course of action where possible.

- 4.1

'with the consent of the survivor, report the matter to their accommodation provider'

While Eaves of course recognises the need for empowering victims of any gendered violence, we also would like to emphasise that the Agency's primary duty is one of protection, particularly in cases involving vulnerable women. We feel that in any case where domestic abuse is reported staff must be aware of the danger and difficulty of the victim's situation, and so we stress that, in such circumstances, staff may need to assume some of that responsibility. Abuse is a crime and should not be ignored under any circumstances.

- 7.1

Eaves are very pleased that the policy bulletin states that **'staff need to be sensitive to whether the survivor may have a fear of authorities,**

such as the police, due to persecution in their country of origin.' This is a very important point to stress. We would also urge that victims of domestic violence including sexual violence are asked whether they would be comfortable talking to a male officer, and if not, a female officer is assigned to their case.

We would also like point 7.1 **'consult with the survivor about whether the incident should be reported to social services, particularly if there are children in the household'** to include assurance to the victim that her children will not be taken away from her if she decides to report the abuse.

- 7.5

Eaves would like additional information in point 7.5 addressing the victim's safety. A case conference must not be convened in any area which is not safe for the victim, whether that is the area her abuser lives in, an area he frequents, or an area where she would feel threatened or harassed by friends or family of the abuser or other members of the community. We would also urge the policy bulletin to stress the importance of accompanying the victim to the case conference if she wishes to attend for her own safety and to ease any anxieties she may be feeling.

7.7

Eaves are gravely concerned that the policy bulletin suggests that a possible outcome of the case conference may be to **'return the survivor to their Agency accommodation either to rejoin the abuser or after the abuser has vacated that accommodation'** The safety of the victim must always be the first consideration and in no circumstances should a victim ever be placed in a position where she is vulnerable to further abuse. It is important to remember the nature of domestic violence, that is systematic abuse often over a long period of time, therefore we could

never recommend that a victim, after reporting domestic violence, be returned to join her abuser.

Eaves would also like to see the policy bulletin include guidance on dealing with continued harassment or violence on the part of the abuser after the relationship has ended. Research shows that for 37% of women, the violence does not end with the relationship; 18% of women who have left a violent partner are subjected to stalking and other forms of harassment.

Eaves would like the policy bulletin to include guidance and signposting towards other services a victim may require. We would recommend that every accommodation provider knows of specialist support services for women, particularly BMER women, who have experienced domestic violence and/or sexual violence, and refer victims to these services to enable them to access longer term support including counselling services and other services such as advice on immigration law and their rights.

7.8

Eaves feels very strongly that any form of violence should be a cause for eviction, and the safety and well-being of the victim and any children always be the primary concern when considering any course of action. Violence against women is an abuse of human rights and as such, appropriate measures should be taken with any perpetrator.

Annex A

Eaves is encouraged by the policy bulletin's explanation of other forms of violence against women, although we would like to see them explained in more depth, including statistics and examining prevailing attitudes which allow such abuse.

Honour Crimes

Eaves feels it is important to point out that honour killings are, in fact, not relatively rare in the UK; between April 2003 and March 2005 the Metropolitan Police alone opened over 500 cases of so-called 'honour crimes'.⁴

Female Genital Mutilation

Eaves are deeply concerned that the comment 'The procedure is reversible to a certain extent' is very misleading; female genital mutilation can cause extensive damage to the external reproductive organs, difficulties with menstruation, urinary incontinence, painful sexual intercourse and/or sexual dysfunction, an increased risk of vesico vaginal fistula, complications with childbirth, exposure to HIV, immediate fatal haemorrhaging and psychological damage including trauma and depression.

We would like the explanation of FGM to include other countries where the practice also takes place, such as parts of India and Pakistan; amongst Muslim populations in Malaysia and Indonesia; in other parts of the Middle East including Yemen and Oman; and, as a result of immigration and refugee movements, amongst ethnic minority communities in countries such as the USA, Canada, Australia, New Zealand and Europe.⁵

Forced Marriage

Eaves would like this definition to incorporate child marriage. Under the age of 16, a child can never give legal consent to marriage. It may also be useful to include statistics on the number of cases of forced marriage referred to the Forced Marriage Unit each year (approximately 300⁶).

⁴ Pathways to Justice: BMER Women, Violence & the Law, Rights of Women 2007, p. 119

⁵ <http://www.forwarduk.org.uk/key-issues/fgm>

⁶ Honour Crimes and Forced Marriage, Hackney Council 2007