

# Uncharted Territory



Violence against migrant, refugee  
and asylum-seeking women in Wales

**Uncharted Territory: violence against migrant, refugee and asylum- seeking women in Wales**

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**About the Wales Migration Partnership**

The Wales Migration Partnership (WMP) is funded by the Home Office and Welsh Government and is based at the Welsh Local Government Association. The Partnership is funded to enable strategic and political oversight on migration, and to provide an independent leadership, advisory and coordinating body on migration in Wales. The WMP includes and works with a wide range of organisations including Local Authorities (Elected Members, Adult and Children's services, Housing, Education), Police, Legal Services Commission, Welsh Refugee Council, Private Sector Providers (Clearsprings), Displaced People in Action, Public Health Wales, British Red Cross, Cardiff University, Centre for Migration Policy Research Swansea University, Churches Together in Wales (Cytun), Equality and Human Rights Commission, NSPCC, BAWSO, Save the Children Fund, Job Centre Plus.

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*“This is the tip of a very big iceberg. There are loads of people who can contribute to this discussion-put the message out there that this is going on. The more that come forward, the better things will be.”*

**Focus group participant**

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## Executive summary

This research is directly relevant to both Home Office and Welsh Government strategic aims to end violence against women, and in particular speaks to the following actions in the Welsh Government's Programme for Government and Strategic Equality Plan:

- Reduce the incidences of all forms of violence against women, domestic abuse, 'honour' based violence, hate crime, bullying and elder abuse.
- Ensure that cultural differences are taken into account in the provision of social care services. Ensure that cultural differences are taken into account in the provision of public services through specific equalities duties.
- Focus on putting the needs of service users/people with protected characteristics, at the heart of delivery in key public services including health, housing and social services.

The executive summary of this report mirrors the structure of the full report for ease of cross-reference. The full report can be downloaded from the Wales Migration Partnership's website at [www.wmp.org.uk](http://www.wmp.org.uk).

### 1. Starting points

#### 1.1 Violence against refugee, asylum-seeking and migrant women

Given the global prevalence of gender-based violence (a term that includes domestic abuse, rape, intimate partner violence, trafficking, honour-based violence, etc.), it is likely that a large proportion of asylum seeking, refugee and migrant women in Wales have experiences of such violence. Gender-based violence may have occurred in their country of origin (alongside torture and ethnic persecution), as well as after their arrival into the UK. Research shows that asylum-seeking, migrant and refugee women face higher levels of violence than native-born women due to a variety of factors, such as age, language barriers, vulnerability, isolation, and poverty. Their vulnerability is exacerbated by their immigration status which may limit their entitlements to support and services.

#### 1.2 Lack of Welsh research

The lack of Wales-centred research into the position represents a serious gap in our knowledge which is of particular concern within the context of recent policy and legislative proposals (e.g. Welsh

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Government's proposed legislation for 'ending violence against women, domestic abuse and sexual violence in Wales'). This research draws upon a range of sources in order to ensure that these particular and very complicated issues are not neglected within Welsh policy and law.

### **1.3 Research methodology**

This report was based on extensive desk-based research and field work with 55 male and female respondents from asylum-seeking, refugee and migrant communities who took part in focus groups carried out at various sites across Wales.

### **1.4 Forms of abuse**

Forms of abuse discussed by our respondents: domestic violence (including physical violence, psychological abuse and controlling behaviour), intimate partner violence, sexual violence, 'honour'-based violence, forced marriage, female genital mutilation and trafficking. Women were subjected to violence from in-laws and members of the extended family as well as by husbands.

## **2. Topics identified**

### **2.1 Violence in the country of origin**

Asylum-seeking and refugee women are highly likely to have experienced forms of gender-based violence prior to their arrival in the UK, of which the most common form is rape, which are often part of the basis for their claim for asylum. The asylum system has been frequently criticised in the literature for a lack of sensitivity towards, and understanding of, women's claims for asylum within a system which has historically been geared towards male experiences. This is reflected in a high rate of successful appeals in women's claims for asylum, meaning that the first decision to deny asylum was overruled. Lack of confidence and dissatisfaction with the asylum system in relation to gender based violence were common themes raised by our participants.

### **2.2 GBV in the asylum interview**

The asylum interview can be a traumatic experience for women who have experienced gender-based violence which is material to their claim, and some may not feel able to disclose information, particularly around sexual violence, due to cultural taboos, a lack of preparation and support and the nature of disclosure itself, which can be traumatising, particularly within some encounters which may be adversarial, and the

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requirement for detailed testimony at a very early stage of arrival in the UK. Some asylum-seeking women develop negative attitudes to the British state as a result of their initial asylum interviews. These can influence their attitudes thereafter, leading to reluctance to approach state bodies if they experience violence while in the UK.

### **2.3 Access to legal support**

Women seeking asylum require 'front-loaded' and expert legal advice and support for their claims, preferably from professionals experienced in the nature of gender-based violence. New restrictions upon legal aid will negatively impact upon asylum-seeking, refugee and migrant women by further narrowing the support available.

### **2.4 Dispersal**

The dispersal of asylum-seekers tends to break down social support networks, where they exist, leading to increased isolation and vulnerability. Dispersed women have been groomed for sexual and labour exploitation, which can also involve the co-option of their allocated accommodation by those exploiting them. Several women reported that men from their communities 'preyed' upon vulnerable, often young asylum-seekers through offering assistance, but which ended up leading to deeply exploitative relationships.

### **2.5 Experiences of LGBT asylum seekers**

Lesbian women and girls have particular difficulties in claiming asylum on the basis of their sexual orientation due to difficulties in providing evidence. Some LGBT asylum seekers are forced to share housing with people who hold the same homophobic prejudices that had led them to flee their country initially.

### **2.6 Human trafficking**

Women told us that trafficking is poorly recognised by the police and there is very little available support for trafficked women. Women and girls who have been trafficked into the UK are often criminalised for acts carried out under the duress of traffickers, rather than treated as people in need of support.

### **2.7 Poverty and destitution**

Evidence from the Children's Society to a recent Parliamentary inquiry highlighted that some families live on less than £5 per person each day, and women told us they were living on £36 per week. Many asylum seeking, refugee and migrant women told us they were living in poverty

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or destitution, which makes them vulnerable to various forms of violence and exploitation, from forced labour to prostitution.

### **2.8 No Recourse to Public Funding**

No Recourse to Public Funding (NRPF) legislation affects many women with insecure immigration statuses and can make finding support such as refuges very difficult, because income support or housing benefit is the usual method of funding these services. This can lead to women being given the unacceptable choice of tolerating abuse or becoming homeless.

### **2.9 The Home Office Destitution Domestic Violence Concession**

The Home Office Destitution Domestic Violence Concession (DDV) was developed to address the problems of women and girls experiencing violence but unable to seek help due to NRPF. However, this process is very bureaucratic, and requires a high standard of proof and excludes several categories of vulnerable women and girls such as women in marriages which are not legally recognised in the UK, and women married to EU nationals. This complicated situation means that there is a great deal of confusion around women's entitlements which impacts upon service provision.

### **2.10 The ten-year route**

For women entering the country under spousal visas, an extension to the period of time it will take to regularise their status means that they may have to endure extended experiences of domestic violence and this also increases the likelihood of escalation to more severe forms of violence.

### **2.11 Lack of awareness**

Our research indicated a general lack of awareness on both sides: participants were largely unaware of the available services which can provide assistance to those experiencing violence, and services lack understanding of the entitlements of asylum-seeking, refugee and migrant women and girls. Respondents identified a 'culture of referral', wherein women and girls seeking support are passed from service to service without receiving help, because some professionals do not understand their 'cultural' issues or the ramifications of their immigration status.

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### **2.12 Fear of deportation**

Many women and girls of migrant backgrounds, particularly irregular migrants and asylum seekers, fear engagement with services because they have concerns about being deported from the UK, which in the case of those seeking asylum is exacerbated by their fears of return to persecution and abuse in their country of origin. This is often used as a threat by their abusers in order to maintain control.

### **2.13 Language barriers**

Language barriers often prevent women and girls who do not speak English or Welsh from accessing services. Respondents identified that the provision of language support is inadequate.

### **2.14 Children**

Parents we spoke to expressed concern about raising children in violent households, they also feared the reactions of social services if they did seek support. This made women reluctant to engage with services.

### **2.15 Relationships and gender**

Men we spoke to tended to note the strains placed upon relationships due to the difficulties of leaving their home country and settling in the UK, which they felt led to frustrations which could result in violence. Women and girls tended to identify gender-based violence as an aspect of social and cultural inequalities within their communities. They felt that traditional structures of power within the family could be disrupted through the experience of settling in the UK, which led men to resort to violence to shore up their dominant roles.

### **2.16 Community pressures**

Women we spoke to identified family and community pressures to remain in violent relationships, including an expectation that they bore violence with stoicism. This tended to discourage the reporting of abuse: many women feared talking about abuse to anyone in their community. Women and girls who took action to end abusive relationships often faced criticism and exclusion from the community.

### **2.17 Specialist services**

Specialist services were identified by our respondents as the best placed to deliver support to women facing violence within these communities. However, the geography and demographics of Wales means that some

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women are isolated from services, and NGOs face considerable strain due to high demand and insecure funding.

### **3.1 Respondents' recommendations**

Both CEDAW and the UNHRC have emphasised that the refugee community (especially women and girls) should be involved in all stages of programme delivery, design implementation, monitoring and evaluation. With that in mind, we asked respondents to identify their own recommendations for the development of services. These include:

#### **3.1.1 Raising awareness and Women's rights**

- Literature in plain language for greater accessibility, and in different media for those who are not literate, as well as extending the languages in use; leaflets to be widely distributed in a variety of settings, including at doctors surgeries, ladies' toilets and police stations.
- Advice and guidance on rights, including the right to request a female interpreter and interviewer at the initial screening interview and at the substantive Asylum interview.
- On-going specialist training in gender-based violence for social services, local authorities, police, housing and health on gender-based violence.

#### **3.1.2 Services and support**

- Greater support for women undergoing the asylum interview — and clearer explanations of the process and their rights.
- Services should recognise women's particular needs rather than focussing upon their immigration status.
- Abuser programmes which are accessible to people who do not speak English and which are available in community settings.
- Positive Parenting tools for mothers who have experienced abuse and guidance on how to parent children who have witnessed abuse.
- Reassurance from the social services regarding the custody of children at first engagement.
- Mentoring and befriending programmes for women experiencing gender-based violence.
- Wider ESOL provision; specialised ESOL for men and women working in the field of gender-based violence (like Police ESOL).
- Choice of speaking to a female police officer.
- Access to professional female interpreters.
- Better partnership and collaboration between NGOs in Wales supporting BME women.
- Funding for NGOs and community groups working to address issues of violence against women.
- Greater employment of people from ethnic minorities across all sectors.

## 3.2 Recommendations for Welsh Government

### Leadership

These recommendations have been developed as an extension of the WMP's response to the Welsh Government's consultation on legislation to 'End Violence Against Women, Domestic Abuse and Sexual Violence', submitted earlier in 2013.

- **Welsh policy** should reflect the different social and cultural contexts that normalise violence against women while keeping sight of the general and widespread prevalence of gender-based violence across all social groups.
- **No Recourse to Public Funds:** although this is a non-devolved policy area, nevertheless the impacts are felt in Wales as a 2008 report by the National Assembly into Domestic Abuse outlined. The response to the report stated that the Welsh Government and the UK Government remain committed to finding a solution to victims of domestic abuse with NRPF. Given this commitment and the findings of our research, we recommend that expenses for refuge or other accommodation for women and children with no recourse to public funds should be made available, and underwritten by the Welsh Government where necessary, in order to address their needs and protect their human rights, where they would otherwise be homeless. This should be a cost effective solution and weighted against the overall costs of gender-based violence across the broader economy. In making this provision available, the Welsh Government will be upholding the human rights treaties to which it has signed.
- We recommend that the Welsh Government addresses its commitment in the Right to be Safe Strategy to issue guidance to Local Authorities in Wales on this complex problem (Right to be Safe, p.13).
- There is a need for a full review of NRPF cases in Wales, in order to gauge the capacity of existing systems, and discern how many women are unable to achieve help. This review should canvass all Local Authorities and organisations dealing with people who are experiencing gender-based violence , and ask:
  1. How many survivors affected by NRPF are currently being accommodated in refuges and other emergency accommodation across Wales? – to assess the current capacity of the system;
  2. What mechanisms are currently being used to provide support to women with NRPF? – to learn from current practise, identify creative solutions and develop best practise recommendations to deal with this issue across Wales;
  3. What are the situations of the survivors affected by NRPF who are currently in the system? – to understand how many survivors can

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be helped through expediting the Home Office Destitution Domestic Violence (DDV) Concession application process, and how many require alternative solutions to be found;

4. How many survivors have been refused accommodation and support on the basis of NRPF? – to discover the capacity shortfall of the current system.
- For those women who have NRPF but are unable to apply for the DDV, a number of funded places may need to be established in order to provide short-term accommodation to fill gaps in the capacity of the existing system. This provision should be reviewed yearly to ensure that it is adequate to fit changing demand.
  - Robust challenges should be made to the **negative media reporting** of migration which can impact on attitudes and service provision.

### **Training and Awareness**

The **National Training Framework** proposed in the Welsh Government’s White Paper in 2012 should focus upon those persons most likely to make initial contact with a person at risk of violence, and include police, teachers and other school staff, housing and homelessness officers and social services as a priority, with clear and immediate lines of referral in the event of a disclosure of abuses such as ‘honour’-based violence, forced marriage, FGM and trafficking, and how best to assist women with NRPF.

- Full training on trafficking, NRPF and the Domestic Violence Concession, ‘honour’-based violence, forced marriage and FGM should be part of the requirements of Stage 3 and 4 training within the Wales National Training Framework.
- Training needs to be developed along with specialists from sectors currently addressing issues of gender-based violence including BME women’s organisations and organisations working with the immigration and asylum system. Their insights should be mainstreamed into the leadership and training element.
- Training should include methods of identification and clear and immediate routes of referral for women and girls who need assistance due to NRPF, or because they have been trafficked.
- Interpreters and translators should be trained on gender-based violence under the Framework with a robust Code of Conduct—both in the public sector and in other environments. Increasing the availability of trained, preferably female, interpreters will mean that women experiencing domestic violence are more able to disclose their experiences with confidence.
- ‘Healthy Relationships’ education should sensitively address a variety of patterns of violence within the family, in all primary and secondary

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schools in Wales in order that girls at risk of forced marriage, 'honour'-based violence, FGM and other forms of abuse can have confidence that their concerns are understood and that there is support available to them. These topics should be broached early in the programme, given that these issues may affect girls at young ages. Education on violence against women should be delivered within a human rights framework emphasising gender equality.

- Make teachers aware of the indicators of 'honour'-based violence, FGM and forced marriage.
- Addressing violence in the workplace is currently delimited to public sector workers, although the Welsh Government intends to encourage compliance with the Welsh EHRC scheme for dealing with violence against women in the workplace. However, while the Welsh EHRC provides materials and guidance, the guidelines neglect forms of violence such as forced marriage, 'honour'-based violence and FGM. Work with employers to raise awareness of violence against women in the workplace need to take all forms of violence against women into account, and to ensure that employers provide information in ways which are accessible to employees who do not speak English or Welsh as first languages. It is recommended that the Welsh Government include liaison with the Gangmasters Licensing Authority within their outreach strategy, to ensure that isolated workers in rural areas are able to access information and resources.
- Information on all forms of gender-based violence such as forced marriage, 'honour'-based violence and FGM and Human Trafficking should be available for all statutory and non-statutory services, and targeted in areas where it is likely to be most prevalent. Information should include sources of support and expertise.

### Services and support

- There is a need for a streamlined identification of victims of **trafficking** and consistent use of the National Referral Mechanism, which should be monitored, in order to establish and analyse referral rates. Identification questions should be incorporated into the DASH Risk Assessment Checklist, which has been in use since 2009 by police and other agencies, and should be conducted wherever there are indicators of trafficking.
- Ensure sustainable funding for support services for children and young people affected by violence, in accordance with the increases in demand that this proposal will engender.
- Specialist agencies providing services to the BME women's sector need secure sources of funding so they can concentrate on supporting and meeting the needs of BME women affected by gender-based violence. Government should ensure that women's BME community groups are able to access sufficient resources to progress this work.

### 3.3 Recommendations for UK Home Office

- In our focus groups, asylum-seeking women described being ‘scared’ by their initial interview and being accused of lying. Adversarial approaches should not be used in such sensitive issues as gender-based violence. If gender-based violence arises as part of a claim for asylum, the claimant needs to have a tailored interview in surroundings conducive to facilitating disclosure, conducted by a person with expertise in gender-based violence. Women should be able to be accompanied by trained support workers, volunteers or other companions if they choose.
- The initial **screening interview** document should be amended to ask question around torture (and marks and scars) at this stage. A question around gender based violence would alert the Home Office to these types of cases at an early stage. Relevant routes to support should be signposted upon the basis of evidence given at the screening interview.
- The Home Office should ensure that women are offered choice of female interpreter at the initial screening event as well as the Asylum Interview.
- The provision of a same-sex interviewer should be offered as standard rather than as a special request. This should not be a person who has worked elsewhere in relation to the same case. The interpreter should be properly vetted and subject to a professional code of conduct.
- People who do not speak English as a first language should not be required to sign the Interview Record, given that they may not understand the contents of the document and the implications of signing it; inaccurate screening interview records may later be used to undermine women’s claims if statements appear contradictory.
- The Home Office should review the guidelines and training on conducting the Asylum Interview with a focus on how survivors of torture and sexual violence are enabled to give proper account of their experiences, ensuring parity with victims of violence going through the Criminal Justice System.
- The Home Office interviewer should not be making/typing verbatim notes during the course of the interview, which means some interviews can take several hours. Instead, the interview should be videoed or tape recorded, with the Interviewer making ‘trigger’ notes instead of a verbatim record. They should be free to engage with the applicant, build rapport, and be more able to focus the interview on the following four areas;
  - Is there a well-founded fear/convention reason for the claim?
  - Is there sufficient protection in the home state?
  - Is there a safe relocation option?
  - Is the applicant at risk on return?
- For trafficked women, the Trafficking Interview should be conducted separately from the Asylum Interview.

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- Claimants currently have just five days to submit comments to the Home Office after their interview. This is inadequate, and should be extended to ten days.
- The Home Office (and also legal and judicial stakeholders) need to consider how their staff are trained and supported on gender issues and enable input from local, expert agencies on training on violence against women issues. They should also ensure the right structures and processes are in place in the Home Office to counter professional ‘burn out’/’detachment’ from rape and other traumatic narratives.
- The development of local panels of experts who can provide expert statements in gender-based violence cases, including psychiatric, psychological, medical and cultural expertise, and are able to produce ‘Istanbul-Compliant’ reports would speed up the process and lead to more accurate understandings of women’s situations. Currently, women in Wales who are referred to the *Medical Foundation for Victims of Torture* or the *Helen Bamber Foundation* have to travel to London which institutes delays into the process.
- Given the high levels of successful appeals in women’s claims for asylum, there is a need for scrutiny of the decision-making process and a review of the given reasons for refusal.

### **3.4 Further Recommendations**

#### **3.4.1 Local Authorities**

- Relevant Local Authority staff should be made aware of training and information on NRPF and should maintain records of cases supported, and ensure proactive management of cases.
- Social Services should improve accessibility and relationships with BME women and provide reassurance around concerns around fears of deportation and having children taken into care when women report violence and abuse.

#### **3.4.2 Health**

- All NHS workers should be made aware that they are a significant route for women in these categories to achieve support and need to be aware of how to identify gender-based violence in all its forms, how to enable disclosure and to provide support and routes of referral.
- Trafficking should be recognized as a health issue: health care providers should receive training on the health consequences of human trafficking, in terms of physical, sexual, reproductive, social, and mental health consequences, and culturally competent approaches to supporting trafficked persons.

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### **3.4.3 Police**

- There needs to be concerted, consistent and continued engagement to build, improve and maintain relationships with women from BME communities.
- Police should establish community cohesion reference groups which are comprised of BME women only and led by female police officers.

### **3.4.4 Welsh Women's Aid**

- The All-Wales Domestic Abuse & Sexual Violence helpline should include specialist call-handlers with the ability to assist women to make an application for the Home Office Destitution Domestic Violence (DDV) Concession. Call-handlers should be trained to be able to identify 'honour'-based violence, forced marriage and FGM; specialists able to provide suitable responses should be available at all times to ensure appropriate and timely responses.

### **3.4.5 All agencies**

We need to ensure the development of gender and culturally appropriate service provision for the psychological, physical and social rehabilitation of survivors of gender-based violence;

- **More effective multi agency co-operation and collaboration** is required across the sectors in Wales to provide much more coordinated, sensitive and intensive support to women and girls who have experienced violence in country of origin and in the UK.
- All service providers should ensure that women dispersed to Wales are aware at the earliest stage of the services available to them, which, for asylum-seeking women, should include their rights in relation to the Home Office Asylum Interview according to the Home Office Gender Guidelines.
- Ensure that asylum-seekers, refugees and migrant women are encouraged to form mutual support networks. A 'Community Chest' fund or other forms of funding should be made available and publicised so that BME women can establish Survivor Support Groups within their communities, and link to other 'mainstream' Survivor Forums and other services.
- Agencies should not be put in a position of turning women away on the basis of their NRPF status. Services should help or signpost eligible persons with NRPF to make an application for the Home Office Destitution Domestic Violence Concession at first contact, either through the helpline or an appropriately trained staff member within the organisation who is able to identify eligibility and provide support throughout the process.

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- The Wales Migration Partnership should develop an Action Plan from the recommendations and all relevant partners should work to deliver a collective and joined up response to these recommendations, engaging with service users and the Welsh Government.

### **3.4.6 Closing the evidence gap**

- The **Welsh Government** has acknowledged a gap around protected characteristics in its Strategic Equality Plan and Equality Objectives 2012-2016, and has committed to strengthening the evidence base (p14). The Welsh Government should establish data collection for all of the relevant activities of the Welsh Government, from ‘Healthy Relationship’ education to referral outputs across agencies — and all demographic data collected should record the immigration status (where possible and appropriate) and ethnic identity of clients, and discover their first languages (both written and spoken). There is a need for greater recording of variant identities, including immigration status and sexual orientation, and the publication of disaggregated data in order that trends and access to services can be assessed and services planned accordingly.
- **The Home Office** should maintain and share statistics on incidences of gender-based violence within their records with agencies across the UK in order to build a better picture of prevalence.
- **Local Authorities and other public sector agencies** should consider using the Wales Migration Portal to assist in giving an overview of ethnic diversity by local area in Wales and in assisting with development and monitoring of strategic equality plans.

<http://wmp.infobasecymru.net/IAS/>

We would also recommend that research and policy developed both internally and externally to Wales takes into account Wales’s specific situation: the fact that Wales has fewer asylum seeking, refugee and migrant women than other parts of the UK should not mean that their situations demand less attention: rather this report indicates the existence of a subject which urgently needs to be broached and addressed, and that there is a need to learn from approaches developed in the rest of the UK in order to develop the best practises for the Welsh context.

Finally, while these specific recommendations were framed within the Welsh context and took into account the delimitations under which the Welsh Government operates, we also would wish to draw attention to recommendations made in relationship to law and policy at an England and Wales level, and commend and support their conclusions:

- Rights of Women (2011) Silenced Voices Speak: Strategies for protecting migrant women from violence and abuse

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- In terms of good practice, a PICUM (Platform for International Cooperation on Undocumented Migrants) report, 'Strategies to End Double Violence Against Undocumented Women' provides an evaluation of laws, practices and partnerships and their development.

### **4. Summary and conclusion**

Asylum-seeking, refugee and migrant women and girls face numerous barriers to accessing services to various degrees, some of which stem from their communities and cultural pressures, but many of which result from immigration policy, and shortfalls in service delivery to BME, asylum-seeking, refugee and migrant women.

Welsh Government and agencies in Wales have the potential to ensure that every woman and girl shares the right to be safe, by taking steps to extend the protections enjoyed by the majority of women to the most vulnerable women and girls in Wales.

We would like all partners identified in this research to work with us in ensuring the recommendations in this report are addressed.