



JOINT COMMITTEE ON THE DRAFT DOMESTIC ABUSE BILL

Written evidence submitted by Sisters For Change

ABOUT SISTERS FOR CHANGE

1. This submission is made by Sisters For Change (Registered Charity No. 1165647), an international NGO working to eliminate discrimination and violence against women and girls worldwide through legal reform, legal empowerment, legal advocacy and legal accountability strategies. Sisters For Change works to generate systemic change in how governments combat violence, structural change to give women voice and agency in justice mechanisms and social change to end the social acceptance of violence against women and girls.
2. In 2016-2017, Sisters For Change conducted a legal accountability project investigating public authority responses to violence against Black, Asian and minority ethnic (BME) women and the adequacy of support services provided to BME women victims of violence. The project focused on an in-depth review of six local authority areas across five regions in England conducted in partnership with five specialist BME VAW service providers.¹ In November 2017, SFC published the report of its findings. The report, *Unequal Regard, Unequal Protection: Public authority responses to violence against Black and Minority Ethnic women in England*,² presented a comprehensive evaluation of current practices of commissioning and funding of VAW services and a legal analysis of weaknesses and failings in public authority and criminal justice responses to BME victims of violence. Chapter 7 of the report made a number of recommendations in relation to the then proposed Domestic Violence Bill.
3. Since the Government's announcement of its intention to introduce a Domestic Abuse Bill, SFC has been involved in legal advocacy work around the Domestic Abuse Bill, highlighting limitations in the current legal framework and advancing substantive evidence-based recommendations for legislative reform in order to ensure an *inclusive and effective* Domestic Abuse Bill. During 2018, SFC convened a number of roundtables on *Securing an inclusive and effective Domestic Abuse Act* with participants including HMICFRS Lead on Domestic Abuse and CSE; NPCC Domestic Abuse Portfolio Coordinator; London's Deputy Mayor for Policing and Crime; London's Victim's

¹ Panahghar based in Coventry and Leicester; Ashiana based in Sheffield; The Angelou Centre based in Newcastle-upon-Tyne; Apna Haq based in Rotherham and London Black Women's Project based in Newham, East London.

² SFC Report available here: <https://www.sistersforchange.org.uk/2017/11/20/unequal-regard-unequal-protection/>



Commissioner; the Police & Crime Commissioner for Northumbria; MPs and Peers; officials from the JCHR, Home Affairs Committee and Women & Equalities Committee; local government representatives; and legal and policy experts from the women's sector across England, Wales, Scotland and Northern Ireland.

4. SFC has developed a series of briefing notes looking at some of the most important issues it believes the Domestic Abuse Bill needs to address to ensure an inclusive and effective domestic abuse bill for all women, including that the domestic abuse bill and accompanying non-legislative package should:
 - Recognise the gendered nature, causes and impacts of domestic abuse, which affects women and girls disproportionately.
 - Recognise the different lived experiences of different groups of women victims and the specific protections and support services they need.
 - Include ring-fenced funding for specialist BME VAW services.
 - Ensure improved co-ordination and implementation of multi-agency arrangements for the protection of high-risk victims, which should be victim-centred.
 - Strengthen public authority safeguarding and risk assessment processes.
 - Give the proposed Domestic Abuse Commissioner effective powers to be able to hold local authorities to account for their response to domestic abuse & VAW.
 - Ensure all women victims of domestic abuse have access to protection and support services, irrespective of immigration status.
 - Ensure compliance with the requirements of CEDAW and the Istanbul Convention.
5. SFC submits this written evidence to assist the Joint Committee on the Draft Domestic Abuse Bill's scrutiny of the Government's current Draft Bill. The submission will address the specific issue of unequal and inconsistent protection of victims of domestic abuse across the UK devolved administrations.

UK DEVOLVED ADMINISTRATIONS AND DOMESTIC ABUSE LAWS

6. Devolution in the UK transferred and continues to transfer, varying levels of power from Westminster to the UK's nations. Each of the Devolved Administrations has the power (to varying degrees) to introduce laws on gender-based violence against women (GBVAW). This has resulted in inconsistent approaches and significant inequality in legal protection and support for women victims of domestic abuse across the UK and raises serious questions as to the UK's compliance with its obligations to eliminate discrimination and gender-based violence against women under the Convention on the



Elimination of All Forms of Discrimination Against Women (CEDAW)³ and the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

7. This issue was raised by the CEDAW Committee in its Concluding Observations on its review of the UK in February 2019. The Committee made the following recommendation:

Recalling its previous concluding observations, the Committee recommends that the State party incorporate all the provisions of the Convention into its legislation without further delay to ensure that the rights of women are guaranteed systematically and on an equal footing throughout all territories under its jurisdiction, including Northern Ireland. It also recommends that the State party, in accordance with its obligations under the Convention, take proactive measures to ensure that the Convention is given effect in all of its overseas territories and Crown dependencies.⁴

Domestic abuse laws in England

8. The Westminster Government's Draft Domestic Abuse Bill⁵ applies only to England and in part to Wales on the grounds that the provisions of the Bill are within the legislative competence of the Scottish Parliament and Northern Ireland Assembly, and provisions relating to the Domestic Abuse Commissioner are within the legislative competence of the National Assembly of Wales.

Domestic abuse laws in Northern Ireland

9. The Northern Ireland Assembly has full legislative powers on transferred matters including justice and policing; health and social services; education; employment and skills; social security; pensions and child support; housing; local government; and equal opportunities.⁶ To date, the Northern Ireland Assembly has failed to introduce legislation on domestic abuse and coercive control or to liberalise abortion laws.

³ As set out in CEDAW Committee General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 26 July 2017.

⁴ CEDAW Committee, Concluding Observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/8, 14 March 2019, para.14.

⁵ Analysed in detail in Sisters For Change submission to the CEDAW Committee dated 26 January 2019 available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fGBR%2f33635&Lang=en

⁶ The Westminster Government retains responsibility for excepted matters of national importance, including the constitution; international relations; defence and armed forces; nationality, immigration and asylum; elections; national security; and international treaties: Northern Ireland Act 1998, Schedule 2. Legislative authority also generally rests with Westminster in relation to reserved matters: Northern Ireland Act 1998, Schedule 3.



Northern Ireland has not been able to pass new laws since the Executive and Assembly collapsed in January 2017.

Domestic abuse laws in Scotland

10. The Scotland Act 1998⁷ established a Scottish Government and a Scottish Parliament. Powers previously exercised by the Secretary of State for Scotland and other UK ministers were transferred to Scottish ministers on 1 July 1999.⁸ The Domestic Abuse (Scotland) Act 2018 creates a specific statutory offence of domestic abuse consisting of abusive behaviour towards a partner or ex-partner⁹ and makes a range of associated reforms to criminal procedure, evidence and sentencing relating to the new offence, including prohibiting an accused person in a domestic abuse case from personally conducting the defence in court.¹⁰

Domestic abuse laws in Wales

11. The Government of Wales Acts of 1998 and 2006 established the National Assembly of Wales and provided for the transfer of all the powers of the Secretary of State for Wales to the new Assembly. The areas in which the Assembly can legislate include education and training; health services; housing; local government; social welfare; economic development; and the environment.¹¹ The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 strengthens arrangements for the prevention of gender-based violence, domestic abuse and sexual violence and the protection and support of victims. It imposes specific duties on Welsh Ministers to prepare and implement a national strategy to meet the objectives of the Act and requires local authorities and health boards to jointly prepare and implement local strategies.¹² It also established a National Adviser to advise Ministers on pursuing the purpose of the Act.¹³

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⁷ As amended by the Scotland Acts 2012 and 2016. The Scotland Act 2012 devolved financial powers from Westminster and the Scotland Act 2016 devolved further powers including significant areas of income tax and welfare.

⁸ Reserved matters include the constitution; foreign affairs; defence and national security; international development; and immigration and nationality: Scotland Act 1998, Schedule 5.

⁹ Domestic Abuse (Scotland) Act, Part 1.

¹⁰ Domestic Abuse (Scotland) Act, Part 2.

¹¹ The 20 areas devolved to Wales are set out in Schedule 7 to the Government of Wales Act 2006. In addition, The Wales Act 2014 devolved fiscal powers and The Wales Act 2017 put in place a reserved powers model of devolution for Wales and devolved further powers to the Assembly.

¹² 2015 Act, ss. 3-4 and 5-8.

¹³ 2015 Act, ss.20-21.