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Home Affairs Committee

Forced marriage

Eighth Report of Session 2010–12

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oral and written evidence*

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The Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

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1 Introduction

Our inquiry

1. In 2008 our predecessor Committee published a detailed Report on *Domestic Violence, Forced Marriage and "Honour"-Based Violence*, which drew attention to the abusive practice of forced marriage, highlighted its scale and noted significant weaknesses in the response from Government and frontline professionals. The Committee made a number of recommendations for improving action to prevent forced marriage and to support victims, which were on the whole favourably received by the previous Government. We decided to investigate how much progress had been made in implementing these recommendations over the past three years.

2. To this end, we took oral evidence from Karma Nirvana, one of the few national organisations dedicated to supporting victims of forced marriage and campaigning on their behalf, from a survivor of forced marriage and from the Minister for Equalities, Lynne Featherstone MP, on 22 March 2011. We received written evidence from Southall Black Sisters, a London-based organisation working with black and minority ethnic female victims of violence, Cris McCurley, a family law practitioner from the North-East of England, and relevant Government Departments. We also took evidence from further witnesses on other aspects of our predecessor's Report, particularly the funding of domestic violence support services, to which we intend to return later in the Parliament and therefore do not consider here. We thank all those who contributed to our inquiry.

Nature and prevalence of forced marriage

3. Forced marriage is "a marriage conducted without the valid consent of both parties where duress (emotional pressure in addition to physical abuse) is a factor".¹ It is *not* an arranged marriage into which, while families may be involved in choosing the marriage partner, both parties probably, on the whole, enter freely; nor is it a religious practice. While our predecessors observed that forced marriage has historically been practised in many different communities, they found that in 2008, due to their relative size within the UK population, forced marriage was most common amongst Pakistani, Bangladeshi and Indian communities. At the time of the inquiry the Government's Forced Marriage Unit handled around 300 cases of forced marriage each year but it was considered that this was likely to represent "only the tip of the iceberg."² Subsequent research commissioned by the then-Department for Children, Schools and Families, at the Committee's behest, estimated that the national prevalence of reported cases of forced marriage in England was between 5,000 and 8,000.³

1 Home Affairs Committee, Sixth Report of Session 2007-08, *Domestic Violence, Forced Marriage and "Honour"-Based Violence*, HC 263, para 11

2 Home Affairs Committee, Sixth Report of Session 2007-08, *Domestic Violence, Forced Marriage and "Honour"-Based Violence*, HC 263, para 31

3 Department for Children, Schools and Families, *Forced Marriage—Prevalence and Service Response*, DCSF-RB128, July 2009

4. The number of cases of forced marriage dealt with by the Forced Marriage Unit rose to 430 in 2008 and remained at around 400 in 2009 and 2010, with the ratio of male to female victims also remaining stable over this period at around 86% female to 14% male.⁴ Jasvinder Sanghera told us that Karma Nirvana had recently become aware of instances of forced marriage taking place in a broader range of communities than before, citing cases from Egypt and an increase in at-risk dual heritage children.⁵ Karma Nirvana reported a rise in callers to their national Honour Network Helpline since 2008, peaking at 5,599, and in particular an increase in the number of males reporting; the ratio of callers is now 70% female to 30% male.⁶

5. The increase in the number of cases handled by the Forced Marriage Unit and the number of calls made to the Honour Network Helpline since our predecessor Committee's inquiry in 2007–08 demonstrates that forced marriage remains a serious concern, affecting thousands of young people in the UK. The fact that more young women and, increasingly, young men are coming forward to seek help is encouraging but underlines the requirement for sufficient support mechanisms to be in place to meet their needs.

4 Data provided by the Forced Marriage Unit to the Equalities Committee of the Scottish Parliament, December 2010, www.scottish.parliament.uk/s3/committees/equal/inquiries/documents/SuzelleDickson.pdf

5 Q 26

6 Qq 40, 66

2 The impact of legislative changes

The Forced Marriage (Civil Protection) Act 2007

6. Forced marriage is not in itself a criminal offence, although those who perpetrate it may commit a range of criminal offences, including kidnapping, false imprisonment, assault and battery, threats to kill, harassment, sexual offences and blackmail. The Forced Marriage (Civil Protection) Act 2007, which came into force in November 2008, introduced civil remedies to protect individuals at risk of being forced into marriage, or to help remove them from a forced marriage situation, in the form of Forced Marriage Protection Orders. Any of the 15 designated county courts, or the High Court, may make an order to prevent a forced marriage from occurring; to hand over passports; to stop intimidation and violence; to reveal the whereabouts of a person; or to stop someone from being taken abroad. An order can be sought on a victim's behalf by a third party, including the police and local authorities. Those who fail to obey an order may be found in contempt of court and imprisoned for up to two years.

7. Our predecessors recommended that the Government produce an initial progress report one year after the implementation of the Act, followed by fuller reports in following years. In November 2009, the Ministry of Justice accordingly published *One Year On*. The review found that 86 Forced Marriage Protection Orders were issued in the first year of the Act, which the Ministry described as “more than we anticipated”. On the positive side, the police were found to have been very active in pursuing orders and the process was judged straightforward to use; however, degree of use varied by locality, and there was concern about underuse in some areas due to fear of approaching the courts and fear of offending the local communities; some local authorities had been slow to get involved; and there was a need for better understanding of the impact of an application on a young person in terms of long term protection and support. No breaches were recorded.⁷

8. No further progress reports have been published by the Ministry of Justice. As of the end of February 2011, 293 orders had been issued.⁸ Karma Nirvana told us that the Act had been “a positive step forward” but highlighted a number of outstanding concerns with its implementation. Firstly, the organisation noted that “there has been no real penalty for breaches of Forced Marriage Protection Orders bar one recent penalty of imprisonment”, which “lessens the Forced Marriage Act's deterrent effect”.⁹ Only five breaches had been recorded as of December 2010: in two cases, lack of evidence and the unwillingness of the victim to cooperate meant that allegations could not be proceeded with; in a third case, the previous order was extended by nine months; in a fourth, bail was awarded conditional on restriction of behaviour of the respondent in relation to some of the witnesses; and in a fifth, the hearing had been adjourned.¹⁰ However, on 14 February 2011, the first jail sentence for breaching an order was handed down: Lydia Erhire refused to sign documents

7 Ministry of Justice, *One Year On: the initial impact of the Forced Marriage (Civil Protection) Act 2007 in its first year of operation*, 2009

8 Data provided by the Ministry of Justice

9 Ev 19

10 Data provided by the Forced Marriage Unit to the Equalities Committee of the Scottish Parliament, December 2010, www.scottish.parliament.uk/s3/committees/equal/inquiries/documents/SuzelleDickson.pdf

allowing for the repatriation of her son after he was allegedly taken from the UK to Nigeria against his will and was jailed for eight months.¹¹

9. There appears to be little, if any, monitoring of an order once made, which is likely to account for such a low level of recorded breaches; certainly the Ministry of Justice was “surprised” that no breaches were recorded during the first year of the Act’s operation.¹² Jasvinder Sanghera pointed out that:

I am not aware of any other injunction in this country under which the individual is returned to the perpetrators. In these cases, forced marriage protection orders are issued to our victims, in the main minors, then those victims are returned to multiple perpetrators in that house. Once that front door closes, I am not aware of who is monitoring the implementation of that order because the named people may not be intimidating them but, believe me, there are many other family members that are. Then our victim is put under great pressure and that is a huge concern to us.¹³

Karma Nirvana added that “some professionals obtain Forced Marriage Protection Orders for minors and deem this as the ‘problem solved’, without any real appreciation for the further risks that this may cause.”¹⁴

10. Of perhaps even greater concern is an apparent lack of awareness on the part of many professionals of Forced Marriage Protection Orders: evaluation carried out by Karma Nirvana at a series of road shows showed that 70% of professionals in attendance had not heard of the Act, nor did they feel the duty to implement the statutory guidance associated with it.¹⁵ This reflected evidence taken by our predecessor Committee from the Crown Prosecution Service in 2010, particularly in relation to local authorities.¹⁶ Karma Nirvana considered that all local authority solicitors and safeguarding board members should undertake training in the Act in order to include its measures in child protection procedures.¹⁷ The Government’s Forced Marriage Unit is in the process of reviewing implementation of the statutory guidance with a view to identifying patterns, good practice and possible areas for improvement by relevant agencies; the report is due to be published in spring 2011.¹⁸ Cris McCurley, a family law practitioner, noted that the Forced Marriage Designated Courts Resource Manual, introduced in May 2010, has not yet been made public, although this would be of benefit to the vast majority of practitioners who do not currently have access to it.¹⁹ We return to the issue of awareness and training in chapter three.

11 “First person jailed for breaking forced marriage laws”, *Solicitor First*, 15 February 2011

12 Ministry of Justice, *One Year On: the initial impact of the Forced Marriage (Civil Protection) Act 2007 in its first year of operation*, 2009, para 30

13 Q 64

14 Ev 19

15 *Ibid*

16 Oral evidence taken before the Home Affairs Committee on 9 March 2010, HC (2009-10) 429, Q 26

17 Ev 19

18 Home Office, *Call to End Violence Against Women and Girls Action Plan*, March 2011, Actions 34, 50, 51

19 Ev 29

11. The passing of the Act in 2007 followed a debate about the most appropriate means of legislating against forced marriage, including the option of criminalisation. Our predecessors concluded that “it would not be appropriate at this time to create a specific criminal offence of forced marriage.” However, they considered it “imperative that the implementation and effect of the Forced Marriage Act is monitored with extreme care” and that the question of criminalisation should be revisited if “concrete progress in reducing the prevalence of forced marriage and increasing the safety of victims could not be demonstrated”.²⁰ On this point, Cris McCurley wrote to us that:

Forced marriage is not a crime but a much stronger, healthier message would be sent ... if it were. A review of the 2005 report on the question of whether to criminalise forced marriage inexplicably recorded that the decision was taken not to criminalise it as black and minority ethnic communities may feel targeted. I cannot think of another criminal offence that has been considered and rejected on the basis that the perpetrators might feel “got at”. The argument that criminalisation would discourage reporting is also spurious; if the victim were given the choice of a civil or a criminal route (such as with the Protection from Harassment Act 1997) then they would have the protection, and the choice.²¹

12. We are pleased that victims and professionals are utilising the provisions of the Forced Marriage (Civil Protection) Act 2007, with 293 Forced Marriage Protection Orders made during the two years and four months following its enactment. However, the evidence presented to us suggested inadequacies in the monitoring of compliance with an order after it is made and a lack of effective action in cases of breach, with only one person receiving a jail sentence for breach of an order thus far. We echo our predecessors in recommending that the Government undertake and publish a further review of the operation of the Forced Marriage (Civil Protection) Act by the end of this calendar year, and then on an annual basis, in particular to investigate how orders are monitored, the real level of breaches and the judicial response to recorded breaches. It is not at all clear that the Act is wholly effective as a tool in protecting individuals from forced marriage and from repercussions from family members. While the measures in the Act should continue to be used, we believe that it would send out a very clear and positive message to communities within the UK and internationally if it becomes a criminal act to force—or to participate in forcing—an individual to enter into marriage against their will. The lack of a criminal sanction also sends a message, and currently that is a weaker message than we believe is needed. We urge the Government to take an early opportunity to legislate on this matter.

13. We are also concerned at the level of awareness of the Act’s provisions amongst frontline professionals. We look forward to receiving a copy of the review currently being undertaken by the Forced Marriage Unit of the execution of the statutory guidance on forced marriage and recommend that this include consideration of measures to extend its implementation across all agencies in all parts of the country.

²⁰ Home Affairs Committee, Sixth Report of Session 2007-08, *Domestic Violence, Forced Marriage and “Honour”-Based Violence*, HC 263, paras 412-414

²¹ Ev 24

We further recommend publication of the Forced Marriage Designated Courts Resource Manual so that it is available to all professionals practising in this area.

Amendment to the Immigration Rules regarding marriage visas

14. At the time of our predecessors' inquiry, the Immigration Rules required marriage visa sponsors and their incoming spouses to be over the age of 18 but the Home Office was considering raising the minimum age as a means of preventing forced marriage. On the basis of the evidence presented to it, our predecessor Committee concluded that:

Survivors told us that raising the age of sponsorship for marriage visas from 18 to 21 could better equip victims to refuse an unwanted marriage. However, associated with such a change is a significant risk that young people would be kept abroad for sustained periods between a marriage and being able to return to the UK with their spouse.

We have not seen sufficient evidence to determine whether or not raising the age of sponsorship would have a deterrent effect on forced marriage. Given the potential risks involved, we urge the Government to ensure that any changes it proposes to its policy on visa application procedures in respect of sponsorship are based on further research and conclusive evidence as to the effect of those changes.²²

15. With effect from November 2008, the previous Government amended the Rules to increase the minimum age of sponsorship to 21, after research had satisfied the then-Home Secretary that the targeted age group was particularly vulnerable to this form of abuse and that there was no practical way of differentiating within it between forced and voluntary marriages. However, on 21 December 2010 the Court of Appeal ruled that this amendment, notwithstanding its proper objective, was a disproportionate inhibition on family and private life and on the right to marry, as guaranteed by Articles 8 and 12 of the Convention for the Protection of Human Rights and Fundamental Freedoms. In the Court's view, the "arbitrary and disruptive impact" of the Rule on the lives of a large number of innocent young people made it impossible to justify.²³ We note that this matter is still currently before the courts.

16. Karma Nirvana supported the change in the Immigration Rules on the grounds that:

We at Karma Nirvana have received feedback from victims that they have been helped by the rule. On the helpline we receive a number of calls from potential victims (and professionals on their behalf) under the age of 21 years asking about their 'legal' position. Most, if not all, seem quite relieved to find that they have extra 'breathing space' in which to make up their minds.²⁴

17. However, Southall Black Sisters disagreed that the change has had a positive effect, stating that "it does not in reality protect victims from forced marriage, but simply

22 Home Affairs Committee, Sixth Report of Session 2007-08, *Domestic Violence, Forced Marriage and "Honour"-Based Violence*, HC 263, paras 110-111

23 England and Wales Court of Appeal (Civil Division) Decisions, *Quila & Ors v Secretary of State for the Home Department & Ors* [2010] EWCA Civ 1482 (21 December 2010)

24 Ev 18

increases pressures on them to remain within an abusive situation, and discriminates against migrant communities.”²⁵ In evidence to our predecessor Committee in March 2010, Nazir Afzal of the Crime Prosecution Service, had mixed views:

I have spoken to several members of the third sector and police officers ... and they tell me that it has had a very positive effect in terms of the people who would ordinarily have been forced into marriage at an earlier age ... several hundred women have not been forced into marriage because they have been given the opportunity to wait until beyond 21 ... It has sent out a message to some families and to some communities that they need to be taking this a little bit more seriously than they have done. However, there has been an increase in relation to fraud involving birth certificates obtained abroad for individuals who are trying to pretend that they are 21 when they are not.²⁶

18. We have received mixed evidence about the impact of the change in the Immigration Rules in 2008 to require sponsors of marriage visas and their incoming spouses to be over the age of 21. We recognise that the change may be seen as discriminatory and has the potential for young people to be held in abusive situations for longer; however, it has undoubtedly helped a number of young people to resist forced marriage.

25 Ev 22

26 Oral evidence taken before the Home Affairs Committee on 9 March 2010, HC (2009-10) 429, Qq 1, 3

3 Response of frontline professionals

First response

19. The initial response from frontline professionals when confronted with a victim or potential victim of forced marriage is crucial:

That response is critical to [victims] either being alive or not being alive, and I will say it as clear as that, because what we know and what past evidence clearly tells us ... that the failure to risk assess appropriately in these cases did lead to homicides of individuals.²⁷

Jasvinder Sanghera told us that “teachers are your top people from a preventative point of view. Second to that would be primary care—so, GPs. Police officers are normally a last resort for our victims.”²⁸ We heard harrowing testimony from a survivor of forced marriage detailing the consequences of the failure of her school, social worker, the police and the UK Border Agency to respond to her appropriately.²⁹

20. Cris McCurley is a practitioner and trainer in forced marriage and “honour”-based violence who has delivered more than 60 accredited training presentations over the last two and a half years to judges, barristers, solicitors, police officers, social workers, probation officers, GPs, health workers and voluntary organisations. She told us that there remains:

- a) A great deal of ignorance and a culture of disbelief around the risks involved;
- b) An enormous fear of tackling the issues in case they get it wrong and appear racist. This is a huge burden on our frontline workers that they will be “in serious trouble with my boss/funders/superiors” ... if they tackle this issue.³⁰

Schools

21. One of the key issues uncovered during our predecessor Committee’s inquiry was the unwillingness of schools to engage with awareness-raising about forced marriage. This appeared to stem from a fear of causing offence within communities where forced marriage is prevalent. Our predecessors concluded that:

We strongly recommend that the Department for Children, Schools and Families take steps to ensure that all schools are promoting materials on forced marriage, whilst allowing them to retain discretion on the details.³¹

27 Q 21 [Jasvinder Sanghera]

28 Q 22

29 Qq 27-35

30 Ev 24

31 Home Affairs Committee, Sixth Report of Session 2007-08, *Domestic Violence, Forced Marriage and “Honour”-Based Violence*, HC 263, paras 93-94

22. Jasvinder Sanghera was unconvinced that progress had been made in the intervening three years:

With conviction, I am saying that the situation is the same ... In March 2011 Karma Nirvana wrote to the Heads and Chair of Governors of schools across the country, seeking to highlight issues and concerns pertinent to school children with a view to offering free training to teachers and governors. At the very least we requested that the school put our forced marriage posters up. Since sending the letters to a hundred schools across the country, we have only received one response expressing a willingness to participate.³²

Cris McCurley agreed. She told us that:

I work extensively with teenage girls from the Asian communities, none of whom have ever heard about forced marriage protection in schools. What we know from the schools in this region (and from what I know from colleagues across the UK about schools across the board) is that it is not on the curriculum, it is not on the agenda, and the posters are not on the walls.³³

This was further supported by evidence from Davina James-Hanman, Director of the Greater London Domestic Violence Project, in March 2010 in relation to schools in West London.³⁴

23. Furthermore, many individual teachers remain unaware of how to respond to pupils at risk of forced marriage, with potentially dangerous consequences. Jasvinder Sanghera told us that:

Sometimes their responses actually put our victims at risk. Yesterday I had a call from a victim from Leicester and this young girl was at risk of being taken out of school. She told the teacher and the teacher contacted the family. Now, the first rule is you do not contact the family. Sadly, that young girl was put at risk as a result of that and still is not back at school.³⁵

She added that, despite some initial encouragement from Government, there is evidence that the statutory guidance is not being implemented on the ground.³⁶

24. Our predecessors uncovered a disturbing link between children missing from formal education and victims of forced marriage and a lack of follow up from the authorities in many cases.³⁷ Evidence from a recent victim of forced marriage suggested that this remains unchanged:

32 Q 23; Ev 20

33 Ev 24

34 Oral evidence taken before the Home Affairs Committee on 9 March 2010, HC (2009-10) 429, Q 14

35 Q 24

36 Q 64

37 Home Affairs Committee, Sixth Report of Session 2007-08, *Domestic Violence, Forced Marriage and "Honour"-Based Violence*, HC 263

I was 16. I was achieving good grades; I was achieving As and Bs. They took me out of college. The college didn't ask why I was going out, what was I going to do with my life, if I was going to carry on with my education ...

During this period of time, my college didn't contact my parents, they didn't contact me. They had my email address. No one bothered as to where I was, if I was okay, if I was still alive.³⁸

25. When we put these concerns to the Minister for Equalities, she responded that:

Schools have an absolute duty to safeguard and if the front-line awareness is being raised enough, that should ring alarm bells, because it is a school's duty to then involve the local authority, which has the local duty of safeguarding children.³⁹

We further pursued this by correspondence with the Secretary of State for Education. He replied, in relation to awareness-raising, that:

I am aware that in 2008 and 2009 the previous Government wrote to local authorities and schools during the summer term to remind them of their responsibilities in relation to forced marriage. The Department did not send a similar letter last summer and I do not intend to do so this year. Schools will already be aware of the guidance available on forced marriage and I firmly believe that they are best placed to decide how to address the issue.

In terms of training, he did not propose to make dealing with cases of forced marriage a compulsory part of the teacher training curriculum, due to the "considerable pressure for new content".⁴⁰

26. The Secretary of State for Education did see the need for further action in relation to children missing from education. He wrote to us that, in addition to the current duties of schools to maintain attendance registers and report continuous absences to the local authority:

We are further strengthening this to widen the range of situations where schools must report to their local authority, in particular where a child has failed to return to school following an extended family holiday. We are planning to bring this change in by 1 September 2011.

Ofsted's report last August, evaluating the effectiveness of actions taken by local authorities in relation to children and young people who are missing from education, highlighted concerns around the reasons for missing education and the lack of cooperation between councils and schools. We are currently considering what further action is necessary in these areas.⁴¹

38 Qq 29, 32

39 Q 94

40 Ev 20

41 Ev 20-1

27. We are extremely worried about the fact that many schools continue to refuse to engage in preventative activity with children at risk of forced marriage and have written to the Secretary of State for Education to express this view. We are disappointed by his response. On the basis of the evidence we have received, we do not accept his assurance that “schools will already be aware of the guidance available on forced marriage” or that, if they are, they are acting on it. Teachers who are not trained to respond properly to cases of forced marriage can inadvertently put pupils in greater danger by, for example, contacting their families. In the light of clear evidence that many schools are not fulfilling their statutory responsibilities with regard to forced marriage, the Department for Education must provide more active support to teachers to enable them to carry out a role which may risk upsetting cultural sensibilities but is nonetheless vital for child protection. We therefore recommend the schools are reminded annually of their responsibilities in this matter by the Secretary of State.

28. As noted above, the Forced Marriage Unit is currently reviewing implementation of the statutory guidelines on forced marriage, and the Department for Education must act on the findings in relation to schools. In addition, we recommend that Ofsted inspectors pay particular attention to policies in place to deal with forced marriage in their assessments of the safeguarding arrangements of schools where pupils are likely to be at risk of forced marriage.

29. We welcome the Secretary of State for Education’s intention to widen the range of situations where schools must report pupil absence to the local authority, in particular where a child has failed to return to school following an extended family holiday, and to respond to concerns raised by Ofsted about the reasons for missing education and the lack of cooperation between councils and schools. We ask him to report back to us in due course on the action eventually taken to address these matters.

Police

30. The response from police officers to victims of forced marriage varies enormously. Jasvinder Sanghera told us that “if you were to do a straw poll of ringing six police forces today, you would get a very different response.”⁴² We heard evidence of good practice in some parts of the country from Cris McCurley:

I am grateful to be able to evidence that the police in the North East of England have finally stopped referring matters of domestic violence, honour violence and forced marriage back to the (male) community leaders who ... uphold the very values and traditions that lead to the abuse of these women in many cases.⁴³

Jasvinder Sanghera cited Cambridgeshire, Cleveland and Derbyshire as forces that were performing well in terms of forced marriage—Cleveland, for example, launched the first Choice helpline dedicated to giving advice and assistance to anyone suffering from “Honour”-Based Violence or forced into marriage.⁴⁴

42 Q 42

43 Ev 25-6

44 Q 46

31. However, the recent survivor of forced marriage who gave evidence to us did not receive a positive response from the police:

I went to the police. I wanted to take action, but I got told I had to have 15 pieces of evidence to go to court or else I can't go to court ... the police officer would change every day. I would have to explain my story every day to someone, and it got really tedious because forced marriages, it is not a small matter, it is a big matter.⁴⁵

Jasvinder Sanghera told us that, while the national guidance from the Association of Chief Police Officers had been helpful, effective action was currently dependent upon an officer driving it forward at force-level.

32. The Government's *Call to End Violence Against Women and Girls Action Plan* pledges to "work on the development of learning programmes for the police on sexual and domestic violence, including Female Genital Mutilation, forced marriage and honour-based violence" and to "review the forced marriage e-learning tool for frontline practitioners" by September 2011.

33. The police have been leading the way in pursuing Forced Marriage Protection Orders for victims and potential victims of forced marriage. However, the response to victims varies greatly on a force-by-force basis. We were greatly disturbed by evidence from a victim of forced marriage that she was required to report her situation to a succession of police officers, none of whom treated it sufficiently seriously. We are pleased to note that the Government recognises the importance of training for frontline practitioners in its *Call to End Violence Against Women and Girls Action Plan* and we request information about the outcome of the review of the forced marriage e-learning tool. All appropriate police officers should receive training in recognising and responding to forced marriage and we recommend that the Government consider how best to ensure that this kind of learning is cascaded down to officers, as part of its current review of police training delivery.

The UK Border Agency

34. Our predecessor Committee identified a problem in relation to the way in which the UK Border Agency handled British victims who had been forced into marriage abroad and who were reluctant to sponsor a visa for their spouse to enter the UK. Reluctant sponsors face very great danger if their family becomes aware that they have raised their concerns with the authorities. The Committee concluded that:

The fact that visa sponsors are only interviewed when they themselves come forward as a reluctant sponsor means that forced marriage is unlikely to be detected unless the victim takes the initiative. Second, even when a forced marriage victim alerts the authorities, one twelfth of the visas refused on this basis are currently overturned at appeal by the Asylum and Immigration Tribunal, because the reluctant sponsor is unwilling to make a public statement in evidence to the Tribunal.

We recommend that interviews with visa sponsors take place not only when reluctant sponsors come forward themselves, but also in cases where there is a suspicion of forced marriage by immigration and visa-granting authorities, or other third parties.

We consider it essential that a power of refusal without the need for an evidential statement be attached to visa applications in cases of reluctant sponsors. The Code of Practice which has been proposed by the UK Border Agency, may provide a mechanism for implementing this measure.⁴⁶

35. Jasvinder Sanghera stated that the situation has not changed since our predecessor's Report, adding that:

Very often our victims require their disclosures to be confidential. That is the key significant thing here because they don't wish that information to be passed on to their family or passed on to the person abroad.⁴⁷

She did, however, note some more positive developments in relation to victim support:

One of the things that has changed, I would say, and that we need to build on is the relationship with the Forced Marriage Unit and support services in supporting the victim when that is happening. We need to build on that.⁴⁸

36. We have also previously raised with the UK Border Agency the plight of estranged or abused partners who are under pressure from their families to sign a request for their spouses to have indefinite leave to remain in the UK, or who simply want to be kept informed of the progress of their spouse's application, but are treated as 'third parties' in the application process. The response from the UK Border Agency has been that it is not possible for their staff to pass on this information to spouses unless the visa applicant has consented to their data being passed on to a third party, in order for them to meet their obligations under the Data Protection Act.

37. We wrote to the Information Commissioner to clarify the law in this area. He replied that "very often" it is appropriate that the UK Border Agency treats resident spouses as a third party and does not disclose information about the applicant to them as their personal data is protected by the Data Protection Act. However, he added that:

The UK Border Agency should bear in mind that in cases where an application is based on marital status and the estranged or abused spouse is referred to in the visa application form, the information being requested may well be the personal data of both the resident spouse and the applicant spouse. In these cases, the resident spouse would have a direct interest in the application and they would have a right under the Data Protection Act to make a subject access request for some of the information ... In broad terms the Agency is required in these situations to weigh the right of the resident spouse seeking access to the personal data that relates to both of them,

46 Home Affairs Committee, Sixth Report of Session 2007-08, *Domestic Violence, Forced Marriage and "Honour"-Based Violence*, HC 263, paras 119-121

47 Q 51

48 Q 55

against the right of the applicant spouse not to have their personal data disclosed without their consent ...

It should also be born in mind that in any case the Data Protection Act recognises that sometimes it is appropriate to disclose personal data in circumstances which would otherwise breach the Act. This is where there is an overriding reason to disclose the information. This might be where a failure to disclose would prejudice the prevention or detection of crime, or where a disclosure is necessary in connection with any legal proceedings. In these cases, the normal restrictions on disclosure do not apply. Again the Border Agency would have to consider the application of these exemptions on a case by case basis.⁴⁹

38. We are disappointed by the lack of progress made by the UK Border Agency to resolve the issue of reluctant sponsors being unable to deny the foreign national whom they have been forced to marry a visa because they are afraid that their intervention will become known to their family, who might take action against them. We therefore reiterate our predecessors' call for a power of refusal without the need for an evidential statement to be attached to visa applications in cases of reluctant sponsors.

39. We are also surprised that estranged or abused spouses are routinely treated as 'third parties' under the Data Protection Act by the UK Border Agency in respect of their partner's application for indefinite leave to remain. While we recognise that data protection issues must be taken into account, there are instances where exemptions can be made and the Agency is therefore permitted to disclose information to a spouse. We were pleased to note the Information Commissioner's assertion that the Data Protection Act recognises that sometimes it is appropriate to disclose personal data in circumstances which would otherwise breach the Act. The UK Border Agency should acknowledge this, and encourage its staff to make decisions about disclosure on a case-by-case basis, with the aim of ensuring that British spouses have every opportunity to alert the immigration authorities in confidence to cases of marriage breakdown. Clamping down on these immigration abuses is essential first and foremost in order to protect current and future victims of forced marriage, but also to form part of a controlled immigration policy.

Voluntary sector agencies

40. Cris McCurley drew attention to the important role played by black and minority ethnic women's frontline domestic abuse projects in tackling forced marriage, a view shared by our predecessors. She told us it "cannot be understated":

There is no substitute for the knowledge and expertise that they can provide through their input and if the first response is to refer to them for advice and assistance, then we are likely to get it right. That assumes that they will be there, and adequately funded.

What prevents (white) professional services from giving the right response is a complex and multi-faceted issue. Fear of being labelled racist is at the heart of it, but

there is also ... the “culture of disbelief”. I see this routinely in my work and awareness raising is essential, but then again so is taking expert advice from those who know from the inside.⁵⁰

41. Karma Nirvana runs the Honour Network Helpline, a national helpline for victims of forced marriage and “honour”-based violence, launched in 2008. In the first year they received 2,532 calls; in 2009 the number of calls more than doubled to 5,599; and in 2010 they received 4,815 calls (the decrease a result of a reduction in service because of a funding cut). 63% of their callers do not report to agencies such as police, teachers and GPs,⁵¹ which demonstrates the significance of the helpline as a means of support for victims.

42. Our predecessors welcomed the launch of the helpline in April 2008 and urged the Government to ensure that it was “fully resourced to be able to operate effectively.”⁵² Karma Nirvana told us that they would be forced to close the helpline in April 2011 if they did not receive further funding but “sadly to date we have not been invited to discuss sustaining the Helpline despite our pleas.”⁵³ The Government has pledged to allocate £900,000 a year for national helplines for the victims of domestic violence, but this does not appear to include helplines with specialist expertise in forced marriage.⁵⁴ We are awaiting further information from the Secretary of State for Justice on the outcome of this particular application. We have also been made aware that other specialist services for black and minority ethnic victims of violence, including Southall Black Sisters, are particularly under threat from the current round of spending cuts.⁵⁵

43. Specialist services run by the voluntary sector provide a vital means of support to individuals at risk of forced marriage, who are often failed by statutory agencies or do not feel able to approach them; 63% of the thousands of callers to the Honour Network Helpline do not contact statutory agencies. We understand that a number of such specialist services, including the highly-respected organisation Southall Black Sisters and the Honour Network Helpline run by Karma Nirvana, are under threat of closure due to potential withdrawal of funding from Government or local authorities. It is our view that the Government should urge local authorities to support these local services and both Government and local authorities should move quickly to make funding decisions affecting these services. The closure of these services would materially damage the UK’s ability to protect and support victims and potential victims of forced marriages, and the Government should take steps to avoid this outcome.

50 Ev 25

51 Q 40

52 Home Affairs Committee, Sixth Report of Session 2007-08, *Domestic Violence, Forced Marriage and “Honour”-Based Violence*, HC 263, para 186

53 Q 66; Ev 19

54 Home Office, *Call to End Violence Against Women and Girls Action Plan*, March 2011, Action 38

55 Ev 22

Conclusions and recommendations

1. The increase in the number of cases handled by the Forced Marriage Unit and the number of calls made to the Honour Network Helpline since our predecessor Committee's inquiry in 2007–08 demonstrates that forced marriage remains a serious concern, affecting thousands of young people in the UK. The fact that more young women and, increasingly, young men are coming forward to seek help is encouraging but underlines the requirement for sufficient support mechanisms to be in place to meet their needs. (Paragraph 5)
2. We are pleased that victims and professionals are utilising the provisions of the Forced Marriage (Civil Protection) Act 2007, with 293 Forced Marriage Protection Orders made during the two years and four months following its enactment. However, the evidence presented to us suggested inadequacies in the monitoring of compliance with an order after it is made and a lack of effective action in cases of breach, with only one person receiving a jail sentence for breach of an order thus far. We echo our predecessors in recommending that the Government undertake and publish a further review of the operation of the Forced Marriage (Civil Protection) Act by the end of this calendar year, and then on an annual basis, in particular to investigate how orders are monitored, the real level of breaches and the judicial response to recorded breaches. It is not at all clear that the Act is wholly effective as a tool in protecting individuals from forced marriage and from repercussions from family members. While the measures in the Act should continue to be used, we believe that it would send out a very clear and positive message to communities within the UK and internationally if it becomes a criminal act to force—or to participate in forcing—an individual to enter into marriage against their will. The lack of a criminal sanction also sends a message, and currently that is a weaker message than we believe is needed. We urge the Government to take an early opportunity to legislate on this matter. (Paragraph 12)
3. We are also concerned at the level of awareness of the Act's provisions amongst frontline professionals. We look forward to receiving a copy of the review currently being undertaken by the Forced Marriage Unit of the execution of the statutory guidance on forced marriage and recommend that this include consideration of measures to extend its implementation across all agencies in all parts of the country. We further recommend publication of the Forced Marriage Designated Courts Resource Manual so that it is available to all professionals practising in this area. (Paragraph 13)
4. We have received mixed evidence about the impact of the change in the Immigration Rules in 2008 to require sponsors of marriage visas and their incoming spouses to be over the age of 21. We recognise that the change may be seen as discriminatory and has the potential for young people to be held in abusive situations for longer; however, it has undoubtedly helped a number of young people to resist forced marriage. (Paragraph 18)
5. We are extremely worried about the fact that many schools continue to refuse to engage in preventative activity with children at risk of forced marriage and have

written to the Secretary of State for Education to express this view. We are disappointed by his response. On the basis of the evidence we have received, we do not accept his assurance that “schools will already be aware of the guidance available on forced marriage” or that, if they are, they are acting on it. Teachers who are not trained to respond properly to cases of forced marriage can inadvertently put pupils in greater danger by, for example, contacting their families. In the light of clear evidence that many schools are not fulfilling their statutory responsibilities with regard to forced marriage, the Department for Education must provide more active support to teachers to enable them to carry out a role which may risk upsetting cultural sensibilities but is nonetheless vital for child protection. We therefore recommend the schools are reminded annually of their responsibilities in this matter by the Secretary of State. (Paragraph 27)

6. As noted above, the Forced Marriage Unit is currently reviewing implementation of the statutory guidelines on forced marriage, and the Department for Education must act on the findings in relation to schools. In addition, we recommend that Ofsted inspectors pay particular attention to policies in place to deal with forced marriage in their assessments of the safeguarding arrangements of schools where pupils are likely to be at risk of forced marriage. (Paragraph 28)
7. We welcome the Secretary of State for Education’s intention to widen the range of situations where schools must report pupil absence to the local authority, in particular where a child has failed to return to school following an extended family holiday, and to respond to concerns raised by Ofsted about the reasons for missing education and the lack of cooperation between councils and schools. We ask him to report back to us in due course on the action eventually taken to address these matters. (Paragraph 29)
8. The police have been leading the way in pursuing Forced Marriage Protection Orders for victims and potential victims of forced marriage. However, the response to victims varies greatly on a force-by-force basis. We were greatly disturbed by evidence from a victim of forced marriage that she was required to report her situation to a succession of police officers, none of whom treated it sufficiently seriously. We are pleased to note that the Government recognises the importance of training for frontline practitioners in its Call to End Violence Against Women and Girls Action Plan and we request information about the outcome of the review of the forced marriage e-learning tool. All appropriate police officers should receive training in recognising and responding to forced marriage and we recommend that the Government consider how best to ensure that this kind of learning is cascaded down to officers, as part of its current review of police training delivery. (Paragraph 33)
9. We are disappointed by the lack of progress made by the UK Border Agency to resolve the issue of reluctant sponsors being unable to deny the foreign national whom they have been forced to marry a visa because they are afraid that their intervention will become known to their family, who might take action against them. We therefore reiterate our predecessors’ call for a power of refusal without the need for an evidential statement to be attached to visa applications in cases of reluctant sponsors (Paragraph 38)

10. We are also surprised that estranged or abused spouses are routinely treated as ‘third parties’ under the Data Protection Act by the UK Border Agency in respect of their partner’s application for indefinite leave to remain. While we recognise that data protection issues must be taken into account, there are instances where exemptions can be made and the Agency is therefore permitted to disclose information to a spouse. We were pleased to note the Information Commissioner’s assertion that the Data Protection Act recognises that sometimes it is appropriate to disclose personal data in circumstances which would otherwise breach the Act. The UK Border Agency should acknowledge this, and encourage its staff to make decisions about disclosure on a case-by-case basis, with the aim of ensuring that British spouses have every opportunity to alert the immigration authorities in confidence to cases of marriage breakdown. Clamping down on these immigration abuses is essential first and foremost in order to protect current and future victims of forced marriage, but also to form part of a controlled immigration policy. (Paragraph 39)
11. Specialist services run by the voluntary sector provide a vital means of support to individuals at risk of forced marriage, who are often failed by statutory agencies or do not feel able to approach them; 63% of the thousands of callers to the Honour Network Helpline do not contact statutory agencies. We understand that a number of such specialist services, including the highly-respected organisation Southall Black Sisters and the Honour Network Helpline run by Karma Nirvana, are under threat of closure due to potential withdrawal of funding from Government or local authorities. It is our view that the Government should urge local authorities to support these local services and both Government and local authorities should move quickly to make funding decisions affecting these services. The closure of these services would materially damage the UK’s ability to protect and support victims and potential victims of forced marriages, and the Government should take steps to avoid this outcome. (Paragraph 43)

Formal Minutes

Tuesday 10 May 2011

Members present:

Rt Hon Keith Vaz, in the Chair

Dr Julian Huppert
Steve McCabe
Rt Hon Alun Michael

Mark Reckless
Mr David Winnick

Draft Report (Forced Marriage), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 43 read and agreed to.

Resolved, That the Report be the Eighth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 17 May at 10.30 am

Witnesses

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Jasvinder Sanghera , Karma Nirvana and [Witness] , a survivor of forced marriage	Ev 6
Lynne Featherstone MP , Minister for Equalities	Ev 12

List of printed written evidence

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2	Karma Nirvana	Ev 18
3	Correspondence from the Department for Education to the Chair	Ev 20
4	Correspondence from the Ministry of Justice to the Chair	Ev 21
5	Loudmouth Education and Training	Ev 21
6	Southall Black Sisters	Ev 22
7	Cris McCurley (Partner), Ben Hoare Bell LLP	Ev 23
8	Correspondence from the Information Commissioner	Ev 30
9	Asylum Aid	Ev 31

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Report	Immigration Cap	HC 361
Second Report	Policing: Police and Crime Commissioners	HC 511
Third Report	Firearms Control	HC 447
Fourth Report	The work of the UK Border Agency	HC 587
Fifth Report	Police use of Tasers	HC 646
Sixth Report	Police Finances	HC 695
Seventh Report	Student Visas	HC 773

Oral evidence

Taken before the Home Affairs Committee

on Tuesday 22 March 2011

Members present:

Keith Vaz (Chair)

Mr James Clappison
Dr Julian Huppert
Steve McCabe
Alun Michael

Bridget Phillipson
Mark Reckless
Mr David Winnick

Examination of Witnesses

Witnesses: Nicola Harwin, Women's Aid, and Nicola Sharp, Refuge, gave evidence.

Q1 Chair: Ms Harwin and Ms Sharp, thank you very much for coming to give evidence to the Committee this morning. Perhaps I could start with this question: have you both been consulted on the development of a Violence against Women and Girls Strategy and the action plan that has been published by the Government?

Nicola Harwin: Yes, we have. Our organisations have indeed been consulted.

Nicola Sharp: Yes, that is correct.

Q2 Chair: Are there any key omissions from this consultation, in your view?

Nicola Harwin: Probably in terms of the areas that we discussed in the consultation, even those issues that were not put forward originally, we would have fed back our whole range of concerns. But one of our prominent concerns on the action plan and what has come out of it, is that, while we welcome the national funding that has been allocated to national helplines, the provision of independent domestic violence advisors and independent sexual violence advisors—IDVAs and ISVAs—and support for multi-agency risk assessment conferences—MARACs—of £28 million, and indeed the funding that has come in from the Ministry of Justice for rape crisis funding, nevertheless many other local and often key refuge and outreach services are not going to benefit from this ringfenced funding from central government and face direct risk at the present time.

Nicola Sharp: We would echo the concerns that Nicola Harwin has put forward. The other thing that we really welcomed was the UN definition of violence against women and girls, but I think we are also concerned in relation to the strategy and the action plan that it does not address the issues of trafficking and prostitution as well. We see those as key omissions to the violence against women and girls strategy.

Q3 Chair: What is the UN definition?

Nicola Sharp: The UN definition of violence against women and girls has been adopted cross-governmentally and it includes sexual violence, domestic violence, female genital mutilation, false marriage—all the things that we would consider to be violence against women and girls, apart from

trafficking and prostitution, which fall under the UN definition, but the UK Government are not using.

Q4 Bridget Phillipson: Could you just tell us what you think the impact of spending cuts will be on local services, particularly women's refuges?

Nicola Harwin: In responding, I want to draw on two surveys that we have carried out in the last year. The first is a survey that we do annually, which we carried out in June 2010, that told us how many refuges, bed spaces and outreach services there were in the country and how many women and children were being supported in the previous year—125,000 women and 55,000 children were being supported through refuge, outreach and similar services. That survey also revealed to us that we still have under 75% of the bed spaces that a select committee in 1974 recommended. That is 35 years ago.

Our most recent survey, carried out in February, revealed that 60% of the respondents had no knowledge of any funding, had no guaranteed information about funding after 1 April this year; 72% of those did not have any information on funding for outreach services, 60% for refuge, 72% for outreach, 60% for children's services. Looking at the statistics for survivors who were supported in 2009–2010, if we look at it proportionally we could say that if those services are not funded and those cuts are carried out we will be looking at something like 70,000 women and their children who might not have a service in the coming year.

Nicola Sharp: What I would add to that is that the cuts at local level seem to be disproportionate to the cuts that were made to the spending budget at national level. I think the Government sent a really strong message to local authorities by minimising those cuts that, at local level, the cuts should not be disproportionate to the services. Speaking as the largest service provider in England, Refuge is negotiating with about 20 local authorities at the moment. We have negotiated contract reductions with them. We are realistic. We realise that there is going to be less money. We are trying to protect the quality of our services through doing that, but cuts have ranged from 2% to 25%. In a way, it is luckily nowhere near the levels of cuts experienced elsewhere. For example, in Devon I think the initial

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cut was going to be 100% and now it has been negotiated down to 42%. Again, Devon recognised that it would not be able to support the women and children within the county who needed those services. The other thing that Refuge is finding as a service provider is that, in making those cuts, we are having to take a real hit on our management charge, which means that the infrastructure that allows us to negotiate with local authorities is under threat. It means that we have to do more fundraising in order to raise core funds to keep the organisation going and obviously that is really challenging in this current climate. Refuge is actually facing a large financial deficit for the next financial year, so we are really concerned about the future.

Something else that I would like to raise in relation to the local authority decision-making is that a lot of local authorities, particularly those in rural areas, are questioning whether they should be providing refuge space for women who do not come from the local area. Obviously, this is a key concern to us, because national government previously recognised that refuges were a national resource. A third of local authorities do not provide specialist domestic violence services anyway. Some local authorities are looking to limit how many women from outside the local area can come into refuge, which is having a negative impact again on women's ability to access refuge space. It is a question of safety. If women need to move away, they may need to move out of the local area across local boundaries in order to access safety.

Q5 Bridget Phillipson: On that front, I understand those concerns and, Ms Harwin, you co-signed a letter, I think just last week, to the *Daily Telegraph* with the Housing Minister and the National Housing Federation on that issue. I would like to ask for a further explanation on the rationale there. I accept the points that you are making that local authorities do have choices in this, but at the same time a 12% cut to supporting people is still quite a significant cut. Would it not perhaps be better to be arguing for reintroduction of ringfencing in supporting people?

Nicola Harwin: I think that is where there is a contradiction in Government policy, because effectively there has been ringfencing for IDVAs and ISVAs, though of course that has to be matched by local authority funding, which is reasonable. Some IDVA and ISVA posts are run by organisations like ourselves, along with refuge services and other outreach services. They have a particular role in working with high-risk victims. One of the concerns about this is that those services are to some degree—we welcome that—being ringfenced because they are a funding process that local authorities can match, but the other services are not. I think there is a real problem with that. Because we have had supporting people ringfenced off, as we have heard, the cuts are being made disproportionately. Many of our members were prepared. They had initial notice of the cuts and they were prepared to try to work out how they could deliver leaner services, but we have cut all the fat we can, basically. We cannot do any more.

The other thing I want to add is that it is a false economy to be making these cuts, because many of

our member services, particularly in refuges, are dealing with families with multiple needs. If refuge places are being cut—there are local authorities around the country that have two refuges and are going to cut one—that means that something like 100 families may not be accommodated that year. So we are thinking, “Where are those families who have high support needs going to go?” It is quite likely that some of their children may need to be taken into care. That costs the taxpayer between £500 and £700 a week. There are a lot of issues that I think local authorities are not addressing.

The other thing we are finding, and we were talking about this before we came in, is that the commissioning framework that is now in existence—it has been a problem for several years really—means that we are seeing services commissioned where the independent local provider, who may have been in existence for a very long time and providing high-quality services, is being driven out by local authorities tendering out services to large-scale providers, often national registered social landlords, who are actually seriously cutting the kind of provision. One example is in west London. A refuge that for 25 years has had three refuge workers to deal with 12 families—I mean 12 families at any one time; it could be 100 families in a year—is now cut down to one refuge worker who is supposed to be providing a service 24/7. I worked in a refuge in 1980, three decades ago, and I had 12 families to look after. At that time, I was the only paid staff and could not provide the quality and safe service required to prevent repeat victimisation.

Q6 Dr Huppert: Can I go back briefly to a comment Ms Sharp made about authorities not wishing to fund services for people who are not from their area? It does seem to be quite a serious concern, given the nature of this. I went to the Cambridge refuge relatively recently and the whole purpose was to have people who were not from Cambridge. That is exactly the point. I understand that there was a certain reciprocal arrangement between various authorities. Are you saying that authorities will not fund people who do not go to a refuge in their own area, or that they will not fund people from their area to go to a refuge elsewhere? Both sound quite alarming, but I would be interested if you could just comment on exactly what is going on.

Nicola Sharp: Yes, I would say practice is quite mixed at the moment. As you say, it is a nonsense really to expect local women to go to local refuges. What used to happen under the Supporting People regime was that if a refuge was going to be decommissioned then the Secretary of State had to give permission for that to happen, recognising that there was a national level of spaces that were needed in order to meet the demand across the country. Unfortunately, the spaces have never met the demand. What we are finding with the localism agenda, as I said, is that local authorities are saying, “Our services are for local people. We are not going to pay for people outside of the local area to use services based in our vicinity.”

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There are, as you said, some authorities that have operated reciprocal agreements, but that works only where both local authorities have services. Obviously, that cannot work for women who are coming from outside the local authority area. People are also suggesting something called cross-purchasing, whereby if one local authority takes a woman in from another local authority then the local authority from which the woman came should pay for her refuge space. That has brought in lots of difficulties at the most basic level in terms of increased administration for refuges, who are then having to chase lots of local authorities in order to get funding for women to come to that refuge.

Q7 Alun Michael: I was going to ask an open-ended question, but I think you have answered it. It is difficult to see the Government developing and delivering a national strategy if there has been such a level of reduction of facilities at the local level, isn't it?

Nicola Sharp: Yes. What we have always argued for is a national delivery plan for domestic violence services. As I indicated in an earlier answer, a third of local authorities do not provide specialist domestic violence services anyway and demand exceeds supply.

Q8 Alun Michael: How does the central funding commitment from the Home Office now compare with the commitments of the previous Government?

Nicola Sharp: As Nicola Harwin has already indicated, we welcome the ringfenced funding for the IDVAs, ISVAs and MARACs. I think that sends a good message to local authorities, as I have previously mentioned, but we are finding it very challenging on the ground. For example, our experience with the IDVAs is that the Home Office is putting up £20,000 per advisor per local level. That is obviously not enough to pay for a whole IDVA, so we are looking to local agencies to contribute the rest of the money. What we are finding is that local authorities will not make decisions in relation to the IDVA funding until they find out whether the Home Office is going to fund that post, which means that decisions that need to be taken now because of the financial year we will not be able to take until the end of March.

Q9 Alun Michael: The commitment, which this Government have committed themselves to as well, in the Compact process of three-year rolling funding, has disappeared then, has it, effectively?

Nicola Sharp: Well, we have been given the funding on a three-year rolling basis from central government. The trouble is that it does not pay for the whole role at local level.

Q10 Alun Michael: Yes, but that is not what is being followed by local government then?

Nicola Sharp: No, it isn't. They are waiting to hear what the Home Office is going to do.

Q11 Alun Michael: Because the commitment was for local government as well as national government in the Compact process.

Nicola Sharp: Local authorities should stick to the Compact process as well, but what we generally find is that they don't.

Q12 Alun Michael: That presumably puts pressure on fundraising and looking for other sources of money. Given public preferences about where they put their donations, do you think that the concept of participatory budget is going to lead to this area of activity losing out? What is your experience here?

Nicola Harwin: I think it is going to be extremely difficult. I know that pilots are going on at the present time in a number of areas, but they seem to consist of various proposals being put forward at meetings that the public can attend to comment on. I think the difficulty is that because domestic abuse, and in fact all forms of domestic and sexual violence, are such hidden crimes and so difficult to talk about, it is going to be quite hard for anybody. It is not a popular subject with the public. I think it is going to be quite hard to have a powerful lobby. I think we are going to see more pressure for roads and not refuges, to be perfectly honest.

Q13 Alun Michael: A final question from me. There is quite a lot of evidence, isn't there, that the victims of domestic violence typically have been injured and, therefore, required use of public services, hospital services, on a large number of occasions before anything comes to the attention of either the police or those who can help. Is there any evidence that constraints on the public finances are leading to more being done to give information and intervene at an earlier stage rather than waiting for that very often delayed report to be made?

Nicola Harwin: I think there are some opportunities in the current proposals for public health. While there are problems in other areas, there is actually for the first time a recognition of domestic violence in those proposals. There have been some important studies that have shown how intervention in A&E or in a hospital setting or in a community-based health setting can make a difference. But I think the critical issue is that we have to have sufficient advocates, whether you call them IDVAs, ISVAs, outreach workers, whatever. You have to have that specialist role because that is the role that research has shown makes a key difference in the performance of the public health service and, indeed, the early intervention that means that you don't get the escalation.

Chair: We are coming on to early intervention in one second.

Q14 Dr Huppert: Just to return to funding for particular individuals, there is a particular problem, as I understand it, for people whose immigration status means that they are tagged as not having access to public funds. In Cambridge we have had a number of people like that. There was a Sojourner scheme to try to provide some funding for them; I think it was for 20 days initially and another 20 days while an application was processed. Again, we have used the Sojourner project in Cambridge quite a few times. How successful do you think it has been? As you probably know, the Home Secretary, I think two

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weeks ago, announced that it was going to be continued. Is that something that you welcome? Are there any changes that should be made in it?

Nicola Harwin: We certainly do welcome it. As a national organisation, Women's Aid for a number of years had our own voluntary fund called the Last Resort Fund, by which we continually attempted to raise money to support women in order to stay in refuges. The Sojourner Project, the programme over the last period, has been extremely welcome and certainly our annual survey showed that 445 women with no recourse to public funds stayed in refuges last year and about 40% of those had actually used the Sojourner Project.

On the other hand, one of the concerns is that because the period of time is limited during which support is given and the woman has to have a successful outcome of her application for indefinite leave to remain, a lot of refuge services were unwilling to take the risk, if the application was unsuccessful, of then having the person and the family in the refuge and having to support them.

We certainly welcome the work that the Home Office has done with the UK Border Agency and the fact that we are going to be seeing some support coming from the Department for Work and Pensions in the future. It is a much better position than it was, but I think there are still a number of concerns, including the fact that only those who are here on a spousal visa will be eligible for this scheme. Other women at risk and in vulnerable situations with different immigration status will not be able to use it.

Q15 Steve McCabe: I take it you are both familiar with the Bristol University NSPCC research, I think it was 2009, which said that one in six young women said they had been pressured into having sex and one in 16 said they had been raped. What do you think are the policy implications of that kind of information for any early intervention strategy to help protect young women?

Nicola Harwin: In Women's Aid, and indeed in Refuge, we have always supported effective prevention work and I think it needs to be done on a number of levels. It needs to be done in terms of public awareness, but it also needs to be done within the education system. At Women's Aid, two years ago now we developed something called the Expect Respect toolkit as part of our campaign to promote healthy relationships, because I think that is the key. It is about promoting healthy, respectful relationships with children and young people, girls and boys, from a very early age. I think that it is important that the Department for Education takes a significant role in looking at how that can be developed in schools in an effective way.

Nicola Sharp: I think we were all very disappointed that personal social health and economic education did not become statutory under the previous Administration, and we are concerned that there are no plans for it to become so under the new coalition Government. It really is important that issues like this are talked about in schools because, as you rightly noted, younger people are more at risk of violence than older people. It is really important that they are

taught about these issues in school so that they can recognise abuse.

I think three previous Select Committees have made this recommendation that domestic violence and violence against women and girls more generally is talked about in schools. I know that the women we support just say, "We wish we had known earlier. We wish we knew what domestic violence was." If they had known, for example, the range of control that some partners used against them, they would have been in a better position to identify it and to exit early from the relationship.

Q16 Steve McCabe: As you have acknowledged, there are probably now no plans for any specific education component in the schools, but I think there is going to be some kind of public awareness campaign. What do you think is the major difference? If we are trying to save money and times are tight, why not just a public awareness campaign? What is missing by doing that by itself?

Nicola Harwin: Well, I think the trouble with a public awareness campaign is that it is very hit and miss and there has never been any successful evaluation of them. We know from campaigns like drink driving and wearing a seatbelt and HIV and Aids that when you run these campaigns awareness can change practice for a short period afterwards, so there is a value in that. But I am not sure how much children and young people engage in those campaigns, and I think it really is about prevention and protection, enabling children to develop protective behaviours at a very early age.

Nicola Sharp: The Home Office ran a communications campaign specifically targeted at teenagers last year, and that was really welcomed. It was important; there were primetime adverts. It really helped raise awareness and I know Refuge and Women's Aid worked on the internet microsite that supported that campaign. Unfortunately, the Department for Education—or the Department for Children, Schools and Families at that time—did not engage with the campaign. So children were seeing the adverts; they had lots of questions; it was raising their awareness. They went to school, but the teachers did not know anything about the campaign. I know we worked at the last minute to try and get some resources into schools, but they did not get there in the time that was needed. There were lots of unanswered questions. So what you are doing is raising awareness about an issue but unless professionals can respond to that awareness-raising activity when it is raised by their students, and they can talk to them about it, unless they are aware of the specialist agencies that we run to put those people in touch with, then you are opening a can of worms but you are not then directing people to the support services that they need.

Nicola Harwin: I think that is the thing, really; you have to have the services in place so that people who are living in violent and abusive situations—we know that three quarters of a million children are every year—can get help and support. Children's services in terms of specialist domestic abuse services have always been the poor relation. It is catch as catch can from charity to run those services.

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Q17 Mark Reckless: Do you believe that the Government's strategy sufficiently addresses the evidence of failings, particularly in police procedure, that we saw from the Independent Police Complaints Commission's report into the Maria Stubbings murder?

Nicola Sharp: What we are concerned about from the IPPC's investigations and just through what we hear about in our practice on a day-to-day basis is that the basics in terms of responding to domestic violence just are not there. I think the key thing for us still is the attitudes of police officers and people who come into contact with victims of domestic violence. There are still people who do not understand the dynamics of domestic violence; who continue to blame the victim. When high-risk victims such as Maria Stubbings are calling out for support, not enough is being done to respond to them and to take their concerns seriously.

Nicola Harwin: I think ACPO has recognised, and the Scrutiny Committee for the domestic violence protection orders—the "Go" orders—recognised, that hundreds of thousands of victims call the police and there is no further action. The problem with this, even though there has been some very, very good training and guidance has been issued, is that what is happening across the country is very, very patchwork. The police response has implications for all the other sources of support that victims of domestic violence might have. Very often, evidence that the police have held an investigation is critical for getting legal aid, or for not having to go into mediation if you are going for divorce and separation. There are a lot of things that it links into, so if police do not perform well at local level then that has a knock-on effect on victims' other choices.

Q18 Mark Reckless: You mentioned legal aid. I think the proposal is that legal aid should still be available for victims of domestic violence or in divorces where domestic violence has been an issue. I have had concerns raised from two angles on this and I am not sure how significant they are. One is that there is a suggestion of a 12-month cut-off, so if it was more than 12 months ago then you would not have eligibility; and the other is that—I don't know if there is any basis for this at all—allegations of domestic violence might be made that might not otherwise be made because of the availability of the legal aid. Are either of those real concerns in your mind?

Nicola Harwin: My real concern is that a number of different things are happening in terms of policy and they are not being linked in. Take the situation, and I have a particular survivor in mind here, of someone who has been abused and controlled and living in a very fearful situation for, say, 15 years. The physical violence might have been quite a long time in the past, but her whole life is controlled. If she then got to a position where she really couldn't stand to live in that situation any more or felt that the risk was escalating, and she applied for legal aid to get a non-molestation order or an occupation order, for example, then she wouldn't necessarily be able to get it because the violence was so long ago. But if she then thinks, "Right, my only choice is to get out of this place and

go to a refuge" and then after that wants to get a divorce and make arrangements for children, the new regulations on mediation—the practice direction that is coming in on 6 April—will say that if she has not had a police investigation or a protection order of some kind, then she has to go into mediation with the person of whom she is terrified. What I am saying is that these things are not being linked together and some women are really going to be put at risk with the current position and arrangements for legal aid.

Nicola Sharp: I would echo all of that, but I would also refer to the definition that is being used of domestic violence within the legal aid reform proposals, which is only acknowledging physical harm. You say that some people will be coming forward and perhaps falsely claiming domestic violence, but that won't be the case at all. People who are experiencing domestic violence and really need support will not be able to get that support because, unless they can demonstrate physical harm, they will not be deemed to have experienced domestic violence. While we recognise that domestic violence is being recognised as a particular issue, we need to recognise that physical harm is just one element of domestic violence. You need to be looking at financial harm, emotional harm, sexual harm, and so on.

Q19 Mark Reckless: I didn't say false allegations, though that could be covered by what I said, but I am also aware that domestic violence is often significantly under-reported. The availability of legal aid, not least because of the difficulties of someone in that situation without it, could perhaps lead to people coming forward with genuine cases who might not otherwise have done.

Nicola Sharp: I think my response would be the same. Women who are experiencing domestic violence generally are going to struggle to come forward and access legal aid under these current proposals because the definition is so problematic. In a way, we do not see it as an exemption at all because very few women will be able to demonstrate physical harm. The most high-risk women's lives are so controlled that they have never been able to go to the doctor on their own to disclose domestic violence. They have never been able to have physical injuries photographed or documented because they have never been able to phone the police, for example. It really is those high-risk women who are most in need who are going to most struggle to get the legal aid support going forward.

Nicola Harwin: There is an irony that the Supreme Court ruled only a month ago that domestic violence should not be defined purely as physical violence in relation to court proceedings—civil court proceedings, housing proceedings—yet we have a legal aid framework that says you cannot even get into that court to have your domestic violence discussed because you are going to be barred if it is not physical violence. There is a real irony there.

Q20 Chair: Ms Harwin, Ms Sharp, thank you very much for your evidence today. What you have had to say to the Committee is extremely helpful and useful and it certainly will be reflected in the report that we

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will publish. If there is anything that you have forgotten to say to us or any additional information that could be helpful to us, please write to us and let us have that information.

Nicola Harwin: That we will do.

Nicola Sharp: Thank you very much.

Examination of Witnesses

Witnesses: **Jasvinder Sanghera**, Karma Nirvana, and [**Witness**], a survivor of forced marriage, gave evidence.

Q21 Chair: Could I call to the dais Jasvinder Sanghera and [**Witness**], please? Ms Sanghera, you are a veteran of these committees, having given evidence before, so you know the format. Welcome, [**Witness**], to this hearing. We are looking at the issue of violence against women and we want to concentrate in our evidence from you today, which you will give before the Minister comes in at about 1.15pm, on the issue of forced marriages.

I wonder if we could start with you, Ms Sanghera. Could you tell us something about your experiences of forced marriages, and especially perhaps focus—we don't need the whole history of forced marriage because the Committee knows about these matters, having taken evidence before—on the role of the front-line professionals and how they reacted to individual cases and how you think that focus can be improved?

Jasvinder Sanghera: Well, first and foremost, I sit here today as a survivor of a forced marriage, as does [**Witness**], so we are both survivors of forced marriages. I represent Karma Nirvana, which is a national charity. We are based in Leeds and we support both men and women and all victims of forced marriage and “honour”-based violence.

The front-line professional is the most crucial individual in terms of a first front-line response because our victims will make contact with a professional, we hope—a teacher, a GP, or it can be a police officer, and certainly through us, a charity. That response is critical to them either being alive or not being alive, and I will say it as clear as that, because what we know and what past evidence clearly tells us, and certainly the last inquiry evidence, is that the failure to risk assess appropriately in these cases did lead to homicides of individuals.

Q22 Chair: Yes. Identify the types of professionals. You have been very clear as to what their role is. Are we talking about the police? Are we talking about entry clearance officers? Who are we talking about if you were trying to find the top three professionals you would have to go to?

Jasvinder Sanghera: For me, the top three would be professionals in education, certainly schools. Two years ago we saw a lack of engagement from schools, and in my opinion that is still the case. On 1 March, this month, I wrote personally to 65 schools—I have all the areas listed here in front of me—urging head teachers and governors to work with us in framing this as a child protection issue. To date, I have had two responses. I would say teachers are your top people from a preventative point of view. Second to that would be primary care—so, GP. Police officers are normally last resort for our victims.

Q23 Chair: If we can concentrate on schools for the moment, because, of course, the Committee was very concerned about the absence of young, in particular Pakistani, girls from schools all over the country, particularly in urban areas. We were not satisfied, as I remember, with the response that the then Government gave to the activities of head teachers in monitoring what happened to these pupils. Are you saying that the situation has not improved in the last two years?

Jasvinder Sanghera: With conviction, I am saying that the situation is the same. I say that from the point of view that a third of our callers to the helpline are under the age of 16 years old. Currently we receive 450 calls a month nationally on the Honour Network Helpline.

Q24 Chair: Yes. We will come on to the helpline in a moment. If we could just concentrate on the schools, I think that the Committee would be most grateful if you could give us a list of the schools that have caused you concern, because I think we would like to follow up and ask them what they have been doing. If they do not respond to you, then we would expect to see a response to the Committee; we are concerned with what is happening. There is no point in Select Committees publishing reports if nobody acts upon them. If you could give us that list, that would be very helpful.

Jasvinder Sanghera: By all means. One of the things that we have to acknowledge here also is that the teachers who call the helpline—I am going back to the teachers' experience here—have very little knowledge of the dos and the don'ts and how to respond to young people. Sometimes their responses actually put our victims at risk. Yesterday I had a call from a victim from Leicester and this young girl was at risk of being taken out of school. She told the teacher and the teacher contacted the family. Now, the first rule is you do not contact the family. Sadly, that young girl was put at risk as a result of that and still is not back at school.

Q25 Chair: Are we still saying, as we did unequivocally—not we did, as you did and others—that we are dealing primarily with girls going back to Pakistan or are we widening the areas, widening the countries?

Jasvinder Sanghera: We have to widen the areas.

Q26 Chair: So Pakistan and what other countries?

Jasvinder Sanghera: Pakistan, India. We have callers from Egypt. We have young girls and boys, too—we must not forget boys—and we are beginning to see an increase of percentages across the board where we see

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dual heritage children also being at risk of “honour”-based violence and forced marriage.

Q27 Chair: We will come back to the helpline in a moment. [Witness], in a nutshell, could you tell us your experience?

Witness: I was 14 when I first was put on the child protection register because I was beaten up by both my parents. My mum is a general practitioner and my dad is a businessman. They both went to universities here; both have been educated. I was only 15 when I got sent away to Pakistan and I came back and found out that I was engaged to someone that I didn't know. I was young, I was naïve at that time, so I was given presents, I was given money and I didn't really think of it much as I was growing up.

I then realised that things were happening and I was being put into something I didn't want to be. I was 16 and I said to my mum, “I don't think I can carry on with this. I want a career, I want an education”. My mum and dad decided to pull me out of school. I went to my social worker, who was involved with me since I was 14, and I sat down and I said to my social worker, “You need to help me. They are going to send me away to Pakistan and get me married off and this is not what I want”. She, in front of me, picked up the phone and rang my parents up and said to both my parents, “Your daughter is kicking off here. Can you come and take her home? We can't deal with her any more”. The sad point is that I was put into danger and anything could have happened to me. You hear about honour killings and stuff, but my social worker did ring up my parents and say, “Can you take her away? She's kicking off”.

Q28 Chair: What happened after that?

Witness: My parents came in. They took me away and they pulled me completely out of college. I had just passed my—

Q29 Chair: You were then 16?

Witness: I was 16. I was achieving good grades; I was achieving As and Bs. They took me out of college. The college didn't ask why I was going out, what was I going to do with my life, if I was going to carry on with my education.

One day they decided to tell me about two hours before my flight was due to leave that I was being sent to Pakistan on a holiday. I still rang up social services and I said, “This is what is happening and I'm sure there is something fishy behind it. I'm going to get married. Please help me”. No one came to help me. I told them what airport I was leaving from; I told everyone. No one came. I was sent away to Pakistan and I was only 16, just two weeks before my 17th birthday, and I got married off to a 27-year-old guy that I had never seen in my entire life.

Q30 Chair: Presumably he then got permission to come here, did he?

Witness: No, it didn't work that way.

Q31 Chair: What happened?

Witness: I got married off. I suffered domestic abuse and sexual violence.

Q32 Chair: In Pakistan?

Witness: In Pakistan. I was sexually abused by my own husband and I was domestically abused by him. I couldn't leave the house, I couldn't use the phone, I couldn't use the internet. I was like a prisoner at home.

I found out I was pregnant in August 2008 and that is when I decided to ring up my parents and tell them I wanted to come back, that I would complete my education and go to uni, but on the basis I would sponsor my husband at the same time. It took a lot of convincing and they gave my ticket and passport back to me, because I didn't have them at all. I came back and I explained to my parents what had happened to me, what I had gone through, and they said to me that at the end of the day he was my husband and even if he killed me, they had nothing to do with it.

During this period of time, my college didn't contact my parents, they didn't contact me. They had my email address. No one bothered as to where I was, if I was okay, if I was still alive. I am not going to the doctor's. I am an asthma patient. I go to the doctor's every month. No one wanted to know how my health was, if I am attending college, if I am going to go to uni. I had offers from a uni. I came back and I left home and I went to college and I told my head of sixth form what happened to me. It was only then they helped me, but even then it was too late because—

Q33 Chair: Did you have your child?

Witness: I didn't. I got stabbed.

Q34 Chair: You got stabbed by whom?

Witness: I got stabbed. There was a person who was following me from college every day to home. I was living in a young people's accommodation and one night I was out. I was heavily pregnant, six months, six and a half, and this guy, he had a hoodie on and he came and stabbed me.

Q35 Chair: Do you think that was related to your marriage?

Witness: Definitely. Definitely. That guy got caught but he got released. They knew that he was related to my parents' business. Nothing got done. I went to the police. I wanted to take action, but I got told I had to have 15 pieces of evidence to go to court or else I can't go to court. I was put in a position where I can't do things; I can't prove people wrong. I can't tell the world that this is what has happened and they need to take action.

Q36 Chair: What happened to your husband? Did he apply to come here?

Witness: My husband is in this country. He did apply to come in this country. I told the Home Office what happened to me. I warned them not to let him come into this country on any basis. I have evidence from the police to say that I was sexually abused by him, domestically abused by him, but they still let him in this country. He is in this country today.

Q37 Chair: Yes. This is one of the problems the Committee raised with the then Home Secretary about the fact that people like you are regarded as third

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parties when somebody makes an application. The Committee has written on a number of occasions and never really received a satisfactory reply. We will write again about this issue. So, he is here. Do you know whether he has citizenship?

Witness: I don't know. I have nothing to do with him. I live away, far away from my parents. I haven't spoken to my parents in the last two years.

Q38 Chair: Are you still married or divorced from him?

Witness: That is another question. That is another thing. I have to go to court every month now. One minute the judge says, "Yes, you are legally married in this country". The other minute they say, "Actually, no, we need more evidence. We need to contact this person". I was married somewhere where I don't know of. All I know is that I signed papers. I was only 16, 17 at that time. I was married in 2008 and even today I don't know whether or not I am legally married in this country. If 10 years down the line I want to get married, I don't know if I can.

Q39 Chair: Yes. Ms Sanghera, this seems like a case we have heard before where a woman like [Witness] is in this position. It ends up that the whole purpose seems to be to bring a spouse into this country. Is this a typical story? Is this the kind of stories that you hear every single day in your organisation?

Jasvinder Sanghera: Absolutely. The severity of the attack that happened to [Witness] is not typical; that is the extreme end of the scale, sadly. But the stories of victims who are pressured to sponsor foreign nationals into this country is a common story. Also we hear the story of being pressured to sponsor them into this country. They are told, "We'll just call him over, then once he is here you can leave him." All the different dynamics come into play with regards to the family members.

Q40 Bridget Phillipson: Ms Sanghera, could you just talk a bit more about the helpline you referred to earlier? Have you seen an increase in calls, and the geographic spread of those calls, and what changes have happened as a result of the helpline? What changes have there been as the public and professionals become more aware of the challenges facing women as a result of forced marriage and so-called "honour"-based violence?

Jasvinder Sanghera: I am going to refer to some of the statistics from the helpline, because we have an iCal service that collates all the calls that come to the line. We record geographical regions, the age of the caller, a number of things, and the type of the abuse, which has been submitted to the Committee. The helpline was launched in 2008. It is the only national helpline that supports victims of forced marriage and "honour"-based violence. We support men and women, and also professionals can call the line to inform their risk assessment processes. Also, a victim can access a survivor on a helpline. These are survivors who have been trained in call handling, who have been through this and come out the other end. They mirror [Witness] and offer empathy.

The line was launched in 2008. In the first year we received 2,532 calls nationally in the UK. Geographically, what I have are the top 10 cities where we are seeing trends and we seem to be getting most of the calls. One of the things that impacted the trends was where we went out and raised awareness in cities. We went to 15 cities last year, with road shows, and as a result there is a 20% increase in calls from those cities; places like Leicester, Manchester, Leeds and so on.

In 2009 the calls doubled. We received 5,599 calls. Just to note, the funding for the helpline initially was funded by the Government's forced marriage unit, then by the Ministry of Justice, and this year the funding is by the Ministry of Justice, but that ceases at the end of this month. This year we have received 4,815 calls, which is a decrease, but that is because the service was reduced last year as a result of not receiving the funding.

Just a point to note, the Home Affairs Select Committee in 2008 did urge the Government to sustain the helpline, but we have entered no discussions with any of the Government Departments, not for want of trying, to discuss sustaining the helpline. The reduced service has also calculated that we have missed calls. Every call we miss that comes to the line gets recorded. On average we are missing 50 calls a month, so these are people calling the line and we are not there to take the calls. Those calls go to our answer phone; they go to our email; some don't leave messages. But on average in a year we could be missing 600 victims because we are not there at the end of the line. Full service is 9.30 am until 9.00 pm, seven days a week. Presently it is running five days a week, office hours—9.30am until 5.00pm.

If I just give you a snapshot of calls as we stand today, we receive in the region of 450 calls a month. A year—I gave you the statistic of how many thousands we receive—2,673 calls are unique callers. So these are new callers to the line, not repeat callers. As a percentage of callers—this is a significant one—63% of the callers do not report to agencies such as police, teachers and GPs. They come to us before they go to the professionals. I think that is a significant point to make.

Q41 Bridget Phillipson: That is really helpful, thank you very much. If I could just ask you a question on a slightly different topic, and I will preface this by saying that I do fully support the need for specialist services for BME women and the different and difficult challenges that they will face that are often, as with any survivor, unique. My concern is, though that, increasingly, while a lot of professionals don't recognise the challenges women from the BME community face and don't appropriately deal with them, equally in my experience—I managed a women's refuge that had a large number of BME women before I was elected—we moved from a position of the police, for example, not being willing to intervene on the grounds that they would be seen to be racist, to compartmentalising and putting the issues in a box that was perhaps separate from the broader context of violence against women. While I accept the different challenges that BME women face,

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I was increasingly concerned that the matter could be just put in a box as “honour”-based forced marriage without understanding its context in terms of violence against women both in this country and internationally.

Jasvinder Sanghera: You are absolutely right to say that. Last year our poster campaign was, “Forced marriage is abuse, not cultural”. Many professionals will ring the helpline with real fears because they have been trained to the hilt to be culturally sensitive and there is a real fear that they may be called a racist. We have to frame this within a child protection framework and criminal activity, and that is what we are doing on the lines all the time. Many people do turn a blind eye. That has been evidenced with schools and that is still the case today with education.

This requires a public campaign. We need to say, “This is abuse” and give professionals the confidence to respond to it as that. In my experience of professionals, most of them want to do the right thing but they are not trained to do that and to respond to this as abuse in the way that you are saying. We treat it differently because it is a different culture. It is not part of my culture to be abused. The case is quite clear and I say this again, Chair—children are still missing from education today. If an Asian child goes missing from school they are not given the same level of investigation as a white child. Why? Because they are Asian. Why? Because it is their culture, it is what they do, isn’t it? This is what we are hearing from our victims, from their experiences, and this is [Witness’s] experience, too. It was the experience of my seven sisters in school and certainly my experience, and that was 30 years ago.

Q42 Bridget Phillipson: What I increasingly saw was that the police were being trained on these issues, and that was a massive improvement. They were trained to recognise, in the force area that I operated, the unique nature of some of what BME women faced, but there was a tendency, because they had had this training, to overreact once the woman was in a place of safety. They would often push the woman into making choices in a certain direction and almost in an alarmist way say, “You can’t do that. You’ll be murdered. It’s ‘honour’ based. This is what happens in your culture”. Now, I am fully accepting of the risks that women face, but I think we have to empower women to make those choices for themselves once they are in a place of safety, and I am talking very much from the context of women while in a place of safety. My worry is that we do have to allow women to make choices once they are in an informed, safe place to do so.

Jasvinder Sanghera: I completely agree with that point, but from this side of the fence, on the helpline, I have to say that if you were to do a straw poll of ringing six police forces today and six schools today, you would get a very different response. In fact, it is not the over-alarmist response; it can sometimes also be the opposite where they are looking at this and thinking, “Oh, hands off, this is ‘honour’-based violence and forced marriage. I had better tread carefully”. I have not really seen what you are telling

me with regards to the alarmist response of a professional.

Q43 Mark Reckless: First a question to [Witness]. I noted your comments about the social workers and how you weren’t properly dealt with at all by them, and also about the college not having followed up. I apologise if I have missed the comment, but can I just clarify whether you had any involvement with the police? What was the police involvement again?

Witness: Police were involved. I was 14 when I was put on the child protection register because I was beaten up by my parents. Police had been involved from the age of 14 onwards, but no one has ever come to me and said, “Oh, actually, are you okay? What has happened today?” or come and visit me. I had no one visit me. I had no one give me a call. No one said to me where am I going. So many months I was away from England, no one wanted to know me.

Q44 Mark Reckless: Was there ever a particular police officer who had any individual responsibility for dealing with you, perhaps in the way the social worker should have done?

Witness: No. There wasn’t anyone in particular who I dealt with. The police officer would change every day. I would have to explain my story every day to someone, and it got really tedious because forced marriages, it is not a small matter, it is a big matter and being stabbed is nothing. I could have been dead, I would not be here today, but I got help from people walking past. It was 8.00 pm, October time, where winter is early, it gets dark early. No one would have seen me.

Q45 Mark Reckless: Do you think that having—no guarantees—a named police officer perhaps with responsibility for you—

Witness: Absolutely, having a contact telephone number or a name of an officer who is dealing with your case or an email address, someone you can keep up to date with, would have been really helpful. It is important today that whoever is in this situation should be able to get as much help as they can.

Q46 Mark Reckless: Thank you. The police involvement didn’t work in [Witness’s] case. Could I ask Jasvinder, from your experience, where police interpersonal action works better, is that because national guidance is rolled out or is it because a particular area puts a focus on and acts successfully in this area?

Jasvinder Sanghera: I would say it is the second point. Indeed, they will be following national guidance. The ACPO strategy has certainly helped and people refer to that all the time, as has the definition of “honour”-based violence. What we have been mindful of is that our victims have multiple perpetrators, never one. There can be up to 15 people involved in the abuse. In my experience—we have managed to present to 23 of the 43 police forces in England and Wales—you normally find there is a police lead within that police force who is really driving it. That is where you see the changes—for example, in Cambridge, Cleveland and Derbyshire

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police force. That is because we have gone directly to them and worked with them and they have contacted us. There is a willingness to work with us, but not so much from the national perspective.

Q47 Mark Reckless: Locally, it has been at the force level rather than at a basic command unit level that you are having the interface and they are driving it?

Jasvinder Sanghera: It has been at the force level. We focus our energies in particular areas within a police force. Cleveland police force, for example, launched the very first Choice helpline; the focus was in the area with the majority of minority groups, which would be Middlesbrough. In Leicester, it would be Leicester City as opposed to the outskirts of Leicester.

Chair: I always like an advert for Leicester even though it is perhaps not as good news as we would have liked.

Q48 Mr Clappison: I want to ask you about the raising of the age for sponsors from 18 to 21. The previous Government raised the age for both marriage visa sponsors and the incoming spouse from 18 to 21 in November 2008. Since then, the Court of Appeal has ruled against that change and the Government are appealing that decision. Do you think that that increase is a good thing or a bad thing?

Jasvinder Sanghera: I am fully supportive of raising the age of consent and I say that again with conviction because our victims clearly tell us that that very often is a safeguard for them, only with the caveat that we are doing some preventative work. Most victims don't even know if it is 16, 17 or 21. However, where the families find out that is the case, our victims are alerted to that and there is an opportunity for them to think about options, so we need to be able to access them.

Q49 Mr Clappison: You are reflecting the evidence that you have seen in the view that you take?

Jasvinder Sanghera: Yes, from calls to the helpline, from victims. I have heard victims say to me, "Raising the age of consent has actually saved me".

Q50 Chair: It is not the age of consent that has been raised; it is the age at which you can gain admission to this country.

Jasvinder Sanghera: Yes, absolutely, apologies.

Chair: I don't think the Government have gone that far.

Jasvinder Sanghera: Yes, sorry, my apologies.

Q51 Mr Clappison: Could I ask about the procedures for visa sponsors, particularly where they are reluctant to sponsor a visa? Do you think that those procedures are as suitable as they could be from the point of view of, say, somebody who is abroad and wants to alert the authorities to the fact that they are a reluctant sponsor?

Jasvinder Sanghera: The only thing I would say in relation to that is very often our victims require their disclosures to be confidential. That is the key significant thing here because they don't wish that information to be passed on to their family or passed

on to the person abroad. They wish to make the disclosure but not for the reasons to be given to the family or to the person abroad. It needs to be confidential.

Q52 Chair: But the problem then, of course, is when the visa is refused and it gets to the tribunal in Hatton Cross, the poor victim has to go to give evidence to bring her husband in. There has to also be confidential disclosure to the judge, has there not?

Jasvinder Sanghera: Yes.

Q53 Chair: It is the process. That has not changed in two years since our report, has it? Nothing has changed?

Jasvinder Sanghera: No.

Q54 Chair: The Home Office won't tell you what is going on and the judges will not help you and the entry clearance officer won't help you?

Jasvinder Sanghera: No.

Q55 Chair: It is that process that we need to look at?

Jasvinder Sanghera: Absolutely. One of the things that has changed, I would say, and that we need to build on is the relationship with the forced marriage unit and support services in supporting the victim when that is happening. We need to build on that.

Q56 Mr Winnick: [Witness], I wonder if I could ask you first regarding the very moving account you gave of your circumstances. It is obviously, though not novel to us, deeply distressing, to say the least, to hear how you were treated. The aspect that I want to ask you about is your parents. You said, in effect, that far from having any support they took the view of the husband.

Chair: Mr Winnick, do you want to repeat the question?

Mr Winnick: When you spoke to your parents about the circumstances, if I remember what you said was that it was up to your husband, you must listen and obey your husband. Is that so?

Witness: Yes.

Q57 Mr Winnick: Did that come as a surprise to you that instead of getting the support one would expect, they took that attitude?

Witness: It is surprising because I am their daughter. They have given birth to me. They haven't given birth to my husband. He is a second person and it was shocking to say that they classified me as his property. I am a human being, I have feelings. I am no one's property. I can stand up for myself. They said that he is my husband, he has every right to do what he wants, and if he kills me they don't care. That is wrong.

Q58 Mr Winnick: To say the least, obviously. That type of culture is to be condemned. Would you say that was common among quite a number of parents from that background or was it unique?

Witness: It is, because for them this marriage is very important. They want to get this guy over here and expand their family, and they will go to any extent to

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save the marriage and make sure that the girl doesn't leave the husband and walk away from it.

Q59 Mr Winnick: Was there any financial aspect or it was simply that as far as they were concerned you were his property and that was the end of it?

Witness: Absolutely.

Q60 Mr Winnick: Are you in contact with your parents now?

Witness: Not at all.

Q61 Mark Reckless: You mentioned earlier, I think, that your mother was a GP and your father was a businessman. I suppose I had an assumption, which may well be incorrect, that having qualified at that level it was perhaps less likely for parents to have that attitude. Is there any basis for that at all in either your or Jasvinder's experience; clearly not in yours but your experience of others?

Jasvinder Sanghera: We have dealt with a case where a consultant employed by the NHS in this country held a gun to his 27-year-old daughter's head and said he would "blow her f-ing brains out" if she dishonoured this family and did not marry the man they chose. She went into witness protection. She is now rebuilding her life. That case was two years ago. This cuts across all classes, as does domestic violence. Just a point about collusion, family members collude and this is the sad thing that our victims, everybody who is meant to love you the most turns against you. I have been disowned by my family for 29 years now. That position doesn't change.

Q62 Mr Winnick: Would you say that those who are born here, when they become parents in due course will take a different attitude; that this is not a culture that cannot be broken?

Jasvinder Sanghera: I believe we need to take responsibility for sending out a very strong message that this is unacceptable and what will happen if people continue to do this. We find that younger generations are taking on the same value and belief systems, especially younger brothers who feel they have to safeguard the honour of their sister. Then they become the enforcers of the honour system within the family. If you look at honour killings here in this country, the majority of murders, the actual act of killing, is committed by a minor, because these families know that minors get lesser sentences. If I just may add, I have seen in my own family my sisters, who are British born, force their own children to marry. I have seen that personally.

Q63 Mr Winnick: It is a pretty long, drawn-out struggle, isn't it?

Jasvinder Sanghera: Which is why we have to challenge it as a Government. I believe the Government have a responsibility to send out a strong message about this issue, and that is how it is going to be tackled.

Q64 Chair: On that, the final question is about the awareness that ought to have been raised, certainly as a result of our last report, at a school level. Is enough

being done by the Government to raise that awareness? I think there were concerns that when this was raised in schools the teachers and the head teachers were regarded as being racist because they raised it. Is that still the case? Are you satisfied with the level of awareness?

Jasvinder Sanghera: I am not at all satisfied with the level of awareness that has been raised and we can evidence that and I certainly will give you the list and the evidence. More importantly, I think, the Government have done some very good work around the guidelines. We were told these were statutory guidance, which we are not seeing implemented on the ground. I understand that the deputy Education Minister wrote to all head teachers urging them to implement the guidance, but there has not been any follow-up. We only know this if our victims tell us there has been a change, but our victims do not. They are telling us the opposite.

May I just add one thing, Chair, if I may, because this concerns me greatly? Forced marriage protection orders, civil orders, are a way forward. However, I am not aware of any other injunction in this country under which the individual is returned to the perpetrators. In these cases, forced marriage protection orders are issued to our victims, in the main minors, then those victims are returned to multiple perpetrators in that house. Once that front door closes, I am not aware of who is monitoring the implementation of that order because the named people may not be intimidating them but, believe me, there are many other family members that are. Then our victim is put under great pressure and that is a huge concern to us.

Q65 Chair: Yes. We are going to have to write to you about a number of other matters because obviously the reason why we are doing this inquiry is that we want to make sure that, having published such an important report two years ago, it is followed up. That is why we are doing it. We will write to you again if we may. If you could let us have that list, we will write to the education authorities that have not responded to you because we are very keen to know what is happening. One final, factual, very brief answer: the balance between girls or women who are forced into marriage and boys or men, what is the balance? Is it 70:30, 50:50?

Jasvinder Sanghera: I would say now, since we constituted ourselves to support both men and women, we have seen an increase in males reporting. On the helplines it is 70:30.

Q66 Chair: To women, so 70% are women?

Jasvinder Sanghera: 70% women, 30% men. Incidentally—I know you have told me to hurry—our helpline is at risk of closure. It will close at the end of April if it is not funded by the Ministry of Justice. The application has gone in.

Q67 Chair: Finally, to help us, the numbers who contacted the helpline last year, just off the top of your head?

Jasvinder Sanghera: Off the top of my head, last year it was in the region of 5,500 calls. We have seen a decrease in the year 2008–2009. In 2009–2010 the

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decrease has purely been about the fact that our service has been reduced. We are currently missing 50 calls a month on the helplines.

Q68 Mr Winnick: I wanted to ask, Chair, if I may, if we could have more details, if that is possible. What I also find rather shocking is that, despite all the circumstances that you have explained, your husband, if he could be described as such, was given clearance to come into this country. How and why?

Jasvinder Sanghera: This is not uncommon.

Mr Winnick: I believe, Chair, if we could get details of this particular case, I think it would help us.

Chair: We will. It is actually in our last report as well, our concern, and we will write to you with those

details. We will pursue the issue of the third party person who is never given any information by the Home Office.

Thank you very much. Obviously what you have had to say is of great interest to the Committee. [Witness], for you it must be a daunting experience appearing before the Select Committee as you have today. We are most grateful. You have obviously had a very traumatic life, but we are so relieved to see that you are building your own life despite everything that has happened to you. You have our respect and admiration for what you have done. Thank you for coming in. Ms Sanghera, thank you.

Jasvinder Sanghera: Thank you.

Examination of Witness

Witness: **Lynne Featherstone MP**, Minister for Equalities, gave evidence.

Q69 Chair: Could I call the Minister to the dais with an apology to the Minister for keeping her waiting, having asked her to come here at 1.15pm. Minister, we know you have had a very tough morning being in a Committee. We do not want to add to your burden. I hope to end the session at 2 pm so I ask colleagues for brief, to the point questions and, Minister, I am sure you will give us brief and succinct answers as you have always done in the past. Perhaps I could start with you. What is the rationale behind introducing a violence against women strategy at this time?

Lynne Featherstone: I think it is very clear that this Coalition Government want to make a public statement and commitment to ending violence against women and girls and to build on the work that has gone before. It is also important to broaden it out to what is in our strategy, which extends the principles that came in just before the election away from simply the prosecution side to putting more emphasis on preventing violence against women and providing for the victims.

Q70 Chair: Why have perpetrator programmes been excluded from the Government's strategy?

Lynne Featherstone: Perpetrator programmes have not actually been excluded from the Government's strategy. The National Offender Management Service—NOMS—as you know, runs perpetrator programmes currently in prisons and probation and is currently piloting its new programme to make it available for the autumn. We are still funding the Respect helpline. We are also looking to things like, for example, the New York Police Department because it has a programme where it works continuously with families where there is a history of domestic violence and concentrate on the male violence within that family.

Q71 Chair: Funding issues are obviously going to be an important aspect of what is happening in this area. What are you doing to discourage local authorities from making those disproportionately large cuts that we have heard about as far as services are concerned?

Lynne Featherstone: I think in the Home Office we are doing everything we possibly can, firstly by sending out the message loud and clear. We, centrally at the Home Office, have had severe cuts, but we are ring-fencing £28 million of stable funding over four years to the domestic violence against women sector. We have £11 million from the Ministry of Justice for rape crisis centres, to send out that message that even in difficult times this is a sector that has to be protected and provided for. In terms of supporting people where a ring fence was removed two years ago, 99p out of every pound is still going on this. So any council that disproportionately cuts funding to vulnerable groups is being disproportionate. Now we have to hold them to account. Baroness Hanham is working with the Local Government Association setting up workshops to try and get it through. We recognise that this Budget has had consequences from the report that Women's Aid did, but we want to make sure by the next Budget—

Q72 Chair: Have you spoken to Eric Pickles about this? Or has the Home Secretary spoken to him?

Lynne Featherstone: I have spoken to Andrew Stunell, who is the Under-Secretary of State for Communities and Local Govt, to say that we need to get this message out loud and clear. In the Home Office, as I said, we are leading by example and we are meeting enough people that that message should go out. That is why in the inter-ministerial group we have raised the issue and that is where Baroness Hanham from DCLG has taken on that particular mission to work with the Local Government Association—to work with local councils—to make sure they understand. Also, the public sector equality duty comes in on 5 April and there will be an actual mechanism before the next Budget that people can use.

Q73 Dr Huppert: Minister, can I ask you a bit about human trafficking and what support work the Government are doing? I believe there has been an announcement today.

Lynne Featherstone: Today, indeed.

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Dr Huppert: Can you perhaps first update us on that?

Lynne Featherstone: I don't know what time the statement was made and whether I am in the clear.

Chair: Well, we give you clearance and immunity.

Lynne Featherstone: Thank you very much, Chair. We are minded to opt in to the European Directive on Human Trafficking. It now has to go through the various procedures in this House and the European Scrutiny Committee and so on. I will be very relieved, at Oral Questions, to no longer answer questions about when we are going to opt in.

Q74 Chair: The Committee is very pleased with that decision.

Lynne Featherstone: Yes, I am sure everyone is very pleased, but it is worth keeping an eye on the human trafficking strategy, which goes above and beyond.

Chair: Yes, which Dr Huppert is going to probe you on further.

Lynne Featherstone: Is he?

Dr Huppert: Is he?

Chair: Or not.

Dr Huppert: I was actually planning, Chair, to move on to the Sojourner Project, if that is all right with you.

Chair: You may. Maybe you could also cover the funding to the Poppy Project.

Q75 Dr Huppert: Indeed. We understand that funding to the Poppy Project has been reduced quite significantly. How does that leave financial support for victims of human trafficking?

Lynne Featherstone: Well, there are two things. As the Committee would know, the victims have no recourse to public funds. Is that what you are talking about? You said the Sojourner Project.

Dr Huppert: I think the Chair wants me to ask another question first.

Lynne Featherstone: About Poppy and Eaves?

Q76 Chair: Yes. Are you cutting the funding to Poppy? Poppy says that the Government are cutting the funding to the Poppy Project.

Lynne Featherstone: As I am aware it was being re-tendered. I don't have an actual answer. I am not aware of it.

Q77 Chair: Would you let us know before next week, because they are coming to give evidence to us and we would like to be accurate?

Lynne Featherstone: I will certainly let you know, Chair.

Q78 Dr Huppert: In that case, I apologise for the confusion. What I would then like to move on to is the Sojourner Project, which as I am sure you know supports women who don't have recourse to public funds. In Cambridge we have a number who go through the Cambridge women's refuge. I think we were delighted that a couple of weeks ago the Home Secretary said that funding would continue for a project like that. Is that now going to be a permanent scheme? Is it going to be the same system? How will you ensure both that there are refuge spaces available and that indefinite leave to remain can be processed

fast enough? We have heard there have been problems with the time scale for that.

Lynne Featherstone: That is about four questions in one. There are two things going on. There is the current Sojourner pilot and we will continue that until such time as the new system comes in, and that means 50 days of support and so on. The new system will come in in, I think, in April 2012, and that extends the time of support to 10 weeks, which should allow the application, which I will go into in a moment. What it does is during that 10-week period there will be a short period of leave which will give the person access to the normal benefit system to which anyone who is entitled to be here has access.

In terms of speed, there was an issue. That has now improved beyond measure. Something like 70% of cases are now processed within 20 days and 86% within 30 days. Instead of being disparate all over the country, it is specialist now; it is fast tracked. Cases go to Liverpool where you have senior case workers, who are experienced in domestic violence. The thought is that by extending 40 to 50 days, that extra time of 10 working days in the middle should be enough to get the vast majority of extra information that someone requires for an application to be approved for the permanent decision to be made. That should be enough to get it through. Obviously, we will keep a watching brief to see that it is, but we expect the vast bulk of decisions to be made within that time period so it will be sorted while they still have the support in place.

Q79 Dr Huppert: I very much welcome that. It seems very poor to leave people destitute for a long period. One thing that was touched on earlier was the number of spaces available in refuges, and a concern that refuges are closing and there is not enough space to cope with demand. Is that something you are aware of?

Lynne Featherstone: Clearly, in the financial climate, I hope this sends out a signal that there is some funding there for spaces. At the moment, that is being tendered for. There is a change in the procurement process that may also lead to concerns. There was a single provider, but that did not give the flexibility that we needed. Sometimes people were turned away and then charities stepped in, so we, as a Government, did not know where people were. The new system has more flexibility and an ability to track people through the system.¹

Q80 Mr Clappison: When will the independent evaluation of Multi-Agency Risk Assessment Conferences be completed, and do you have any concerns that the murder rate has not reduced since their introduction?

Lynne Featherstone: The review was undertaken following a request by the Home Secretary. The review has been done. It has helped improve our understanding, but we are still considering the findings before moving forward. It is quite clear to me from meeting with a number of groups from the voluntary sector, including Women's Aid, last week,

¹ This refers to the tendering of support services, including refuge spaces, for victims of trafficking.

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that there is a mixed view that MARACs have the potential to be the answer but at the moment the practice thereof is not necessarily living up to it. So we are going to analyse and then report our findings in the late spring.

Q81 Mr Clappison: Do you see any contradiction between your stated aim of putting prevention at the heart of the strategy and ring-fencing central funding for crisis services only?

Lynne Featherstone: Not really, because I think you have to make a distinction between what is urgent and what is a priority. I think if someone is in trouble and destitute they need urgent and instant provision, but the ambition is to end violence against women and you are only ever going to do that if you put in place preventative measures. Prevention is a priority, but it is not something you can do overnight. In terms of urgency, it is about making sure a woman is not in danger and has the support she needs.

Q82 Chair: We have just heard evidence, and you heard a bit of the evidence, from Ms Sanghera and [Witness] about forced marriages. Is that part of your portfolio?

Lynne Featherstone: Yes, it is.

Q83 Chair: The Committee is very concerned that many of the recommendations that we put forward two years ago have not been implemented. I know this is not your portfolio; you do not deal with immigration. One of the major concerns was the fact that when a victim of a forced marriage writes to an entry clearance officer or to the Home Office there is no feedback as to what has happened to the letter, apart from a person being told that they are a third party. I appreciate that you were probably in Committee when [Witness's] began her evidence, but it mirrors other evidence that I have seen in my surgery and others may have seen, which is that the spouse is allowed to enter the country. Given the Government's correct commitment to reduce the levels of immigration, especially of bogus people entering this country, would you accept that this is something that ought to be pursued?

Lynne Featherstone: I came in and only heard the second half of her evidence, but it seemed to me there were a number of issues raised by that evidence that we at the Home Office need to take away and have a look at more seriously.

Chair: Yes, would you?

Lynne Featherstone: I am happy to undertake to do that.

Chair: I will write to you about those issues, because we are concerned.

Lynne Featherstone: If you would.

Chair: We did ask for this to happen two years ago and it just has not happened, and [Witness] and Ms Sanghera, of course, have the prospect of going through a terrible life as a result of these dreadful people—and then they are allowed to come into Britain and settle here.

Lynne Featherstone: I must say, from that evidence, it does seem to be a serious issue that the Home Office

needs to look at and I am undertaking to do so, even though it is not my portfolio.

Q84 Chair: Would you also share concern about the fact that the helpline that Ms Sanghera runs, which is the basis of people ringing the forced marriage unit, is about to close?

Lynne Featherstone: My understanding is that she has submitted an application for funding to the Ministry of Justice, which will very soon be decided. The forced marriage unit though, has a hotline and anyone can ring the national domestic hotline, so from the Home Office we are not proposing to fund her particular line.

Q85 Chair: I understand that, but she provides, of course, specialist services, which are not provided at the moment, and the helpline has obviously been very successful, but would you look at that? I don't want you to make a funding decision now because I think the Committee will want to write to the Lord Chancellor.

Lynne Featherstone: Let us be hopeful that the Ministry of Justice will hear that and I am happy to undertake to say that I heard the evidence and to write a letter to them on that.

Chair: Wonderful. That is very helpful, thank you Minister.

Q86 Mr Winnick: Just on the aspect of people coming to this country like the witness's husband, is there not a possibility that politicians are also somewhat at fault because—that could include me for that matter—constituents come or write and ask us to make representations, and in so doing, in some instances we are not necessarily acting in the interests of the person in the United Kingdom.

Lynne Featherstone: I am sorry. I didn't quite get—

Mr Winnick: What I am saying, in effect, is that some people—

Lynne Featherstone: Are you saying someone like that young lady comes in?

Chair: No, the spouse.

Lynne Featherstone: She is already here and the spouse is—

Q87 Mr Winnick: What I am saying is Members of Parliament tend to write to Ministers arising from representation made to us by constituents, one way or another, and in some instances it may well be that we are doing a disservice to—

Lynne Featherstone: Do you mean in terms of entering into the country?

Mr Winnick: Yes. Because we are not in a position to make the checks.

Lynne Featherstone: The judgments. Yes, we are undoubtedly at fault because we act as a sort of post box sometimes. People come to see us and we refer it on and dealing with the scale of what we do, I think sometimes we can be forgiven, but that does mean that we do not perhaps always pay the necessary attention to the individual circumstances. It is difficult when someone makes representations—I think quite frankly if someone came to my surgery, if that young

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lady had come to my surgery and made—you are saying the parents—

Chair: But she wouldn't, you see, because if she came, what she would come as is—what Mr Winnick is saying is—

Lynne Featherstone: No, he is saying the parents would come—

Chair: The parents would come and say, "Write a letter because the husband got—"

Lynne Featherstone: Maybe there is an awareness raising we need to do particularly for those MPs who live in areas where this is quite an issue. It is not even across the country; some of us have more of these issues than others.

Q88 Mr Winnick: It is a factor, in my view, that all of us should take into account, from whatever political party.

Lynne Featherstone: That awareness of forced marriage is very, very important and we still are not doing enough to get the word out, even though we have guidance and we go into schools and do all of that very good work. The forced marriage unit does a tremendous amount of work; it carries out over 100 events, I think, each year. But it goes on because it is very hard to reach from a governmental position into the heart of a community.

Q89 Mr Winnick: Like all other Members of the House of Commons, I am involved so I am not taking a holier than thou attitude by any means. Minister, as far as I understand the position, turning to another aspect, domestic violence victims will be protected from cuts in legal aid but not if their partner accepts a caution. That is as I understand the situation.

Lynne Featherstone: I do not know that directly. I will have to write to the Committee, Chair, if that is all right, on that point, but the issue of legal aid for those who are claiming domestic violence is trying to find the criteria to make it validated. That is one of the key issues for those claiming domestic violence as a reason to get legal aid. It is like all of those things—once there is a provision that allows aid money, then there are always some people who may claim it falsely and you want to be sure that that money is going to those who need it. So you have to judge that objectively.

Mr Winnick: Perhaps you could write to us with all the relevant information.

Lynne Featherstone: Yes, I am more than happy to do so.

Q90 Mr Winnick: As I said, if the partner accepts a caution, it does not apply. The other question I want to ask you is how far do you feel schools should—secondary schools perhaps more than primary schools—make the subject of domestic violence a topic that is taught?

Lynne Featherstone: Young people would benefit from being taught a whole range of things, including, obviously, the issue of consent in preventing violence against women, and at the moment we are considering how these issues can be levered into schools. There is

an issue of keeping the core curriculum, and allowing teachers to teach. We have all, I think, been guilty of wanting teachers to take on the whole world because you have all these children in one place. But certainly there is a review going on of PSHE—an internal review.

Q91 Chair: Sorry, can you tell us what that means?

Lynne Featherstone: Personal health and social education, which is not statutory in schools but which the vast majority of schools do teach, and that has been the vehicle for all of these extra study subjects—domestic violence, consent and so on.

Q92 Chair: Is that compulsory?

Lynne Featherstone: It is not compulsory.

Q93 Chair: Do you think there is a case for making it compulsory?

Lynne Featherstone: It is very unlikely to be made compulsory. At the moment we are doing an internal review to see how far it goes. I think we would want schools to want to do this. Just speaking personally for a moment, Chair, my experience with schools is that if they are forced to do something it then depends totally on the teachers—how civics is taught for example; whether someone really feels it is important. So it may be that there are other people who can take it on for schools, not burdening teachers, but that is part of the internal review.

Q94 Mr Winnick: Are you satisfied that if a pupil at a school—it would probably be a female but not necessarily—tells the teacher that she is under pressure to go to India or Pakistan and has the strongest suspicion that it is for the purpose of marriage, that school will alert the appropriate authorities and give protection, or not?

Lynne Featherstone: Schools have an absolute duty to safeguard and if the front-line awareness is being raised enough, that should ring alarm bells, because it is a school's duty to then involve the local authority, which has the local duty of safeguarding children. At the moment, the forced marriage unit is undertaking a review of the arrangements for the statutory application of all of this. My feeling is, probably not. I recently launched the guidelines, for example, on female genital mutilation and I felt those were very helpful, for example, because they go into schools and it gives the teacher the ability to spot the symptom and knows where to refer it to. So I think that is the issue, and you work in a direction. You wish everyone was perfect in every school. The information is out there, but it is not necessarily taken on. That is why we are going to review how it has been implemented.

Q95 Mark Reckless: I wanted to ask you a particular point about this draft convention on preventing and combating violence against women and domestic violence, which I think is a Council of Europe document. It was reported by *The Times* on 8 March that Britain, by which I assume the Government,

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correct me if I am wrong, was trying to water this down and in particular wants to replace the words, “Violence against women is understood as a violation of human rights” with, “Violence against women constitutes a serious obstacle for women’s enjoyment of human rights”. Has the Government any comment or position on that?

Lynne Featherstone: I think four relatively small technical issues are being looked at that were raised as concerns by the Ministry of Defence, the Foreign and Commonwealth Office and, I can’t remember, it might have been another ministry as well. Obviously, the Ministry of Defence would be the likely one to have—the Ministry of Justice and the Foreign and Commonwealth Office would have raised the one you raise and we are still in negotiation, still seeking clarification to try and move forward in a consistent way.

Q96 Mark Reckless: But do you not have a role from an equalities perspective of joining up the approach between the various Departments on this type of issue?

Lynne Featherstone: I certainly write extremely cogent comments on submissions that may bring this to my attention as to where Departments should go in my view, but the Government have not multilaterally come to a decision yet on how to move forward. We are totally and utterly committed to stopping international violence. I think there has been some mischief played with some of the wording, and I don’t think it is about weakening. I think it is about trying to make sure that anything we commit to we can carry out, and it is in our own control in overseas territories so that we are not committing, in writing, in a convention, to something that we couldn’t deliver. I am hoping this will all be sorted out before we get to the other end of the negotiations.

Q97 Mark Reckless: Notwithstanding the Council of Europe or this particular convention, in your view is violence against women a violation of their human rights or merely a serious obstacle for their enjoyment of human rights?

Lynne Featherstone: It is a violation of their human rights without any question.

Q98 Mr Clappison: You are the Minister in charge of this, is that right?

Lynne Featherstone: In charge of which piece of this? I am not in charge of the Ministry of Defence or the Ministry of Justice.

Mr Clappison: No, but somebody must be in charge of the Government’s position on the convention on human rights.

Lynne Featherstone: Well, it is written around to all the Ministries. The Ministry of Justice and the Foreign and Commonwealth Office has joint-responsibility for the convention on human rights.

Q99 Mr Clappison: Could you point out to the other Departments that are getting in touch with you, who have special pleadings, that this is a convention that is being agreed by 47 member states and the more that individual member states try to change or water down the wordings of their individual requirements the more it weakens the convention as a whole?

Lynne Featherstone: I may well have done that already and I am more than happy to do it again.

Chair: Minister, you have been so helpful with your answers that we are going to adjourn slightly earlier than I anticipated. Thank you very much for giving evidence. It was very clear and very precise and we are very grateful. Would you let me have those letters that you promised?

Lynne Featherstone: I will do, Chair.

Written evidence

Supplementary written evidence submitted by the Home Office

Thank you for your letter dated 23 March 2011. Tackling violence against women and girls is a key priority for the coalition Government and I welcomed the opportunity to appear before the Home Affairs Committee to provide evidence of our work in this area. I undertook to provide the following information to you.

GOVERNMENT FUNDING FOR THE POPPY PROJECT

The Government remains committed to combating human trafficking and has guaranteed funding of up to £2 million a year for 2011–12 and 2012–13 to fund specialist support for adult victims of this crime. Over the past two years the POPPY Project has received, in total, £3.7 million of government funding to support adult female victims of human trafficking for domestic servitude and sexual exploitation.

As part of our wider strategy to combat trafficking, we are in the process of introducing a new model for funding specialist support for adult victims of trafficking in England and Wales, which will ensure that support is coordinated and tailored to the individual needs of the victim. This process has not yet concluded but the Ministry of Justice expects to be in a position to announce the outcome in April.

Foreign nationals being granted a UK spousal visa, despite notification to the UKBA that the marriage has broken down, particularly in relation to cases of forced marriage

The Government is committed to tackling the problem of forced marriage and I would encourage sponsors who have been forced into marriage to contact the Forced Marriage Unit (FMU) for assistance with this process immediately.

An agreed process between the FMU and the UK Border Agency (UKBA) regarding sponsors who have been forced into a marriage is in place and they will work together with the victim to gather further evidence in an effort to refuse a visa where appropriate.

If the sponsor is able to make a public statement to withdraw their sponsorship then the UKBA can refuse the visa. Where a sponsor is unable to do this but there is other strong evidence that the case does not meet the immigration rules then the UKBA will refuse the visa.

In cases where a foreign national spouse has been granted entry clearance and has travelled to the UK and the sponsor wishes to withdraw their sponsorship, they can write to the UKBA directly and make a public statement regarding the breakdown of the marriage.

We know that there will be cases where settled spouses who have been forced into marriage maybe too fearful of the consequences of making public statements or of withdrawing their support for visa applications. We are taking steps to tackle this, for example, the minimum age at which someone can sponsor a spouse to come to the UK was raised from 18 to 21 in November 2009. This provides an opportunity for individuals to develop maturity and life skills, which may allow them to resist the pressure of being forced into a marriage. Although this is subject to legal challenge, the Government has been granted permission to appeal on this matter to the Supreme Court.

In addition, the FMU produced a guide which was sent to all MPs and constituency offices in July 2009 outlining how they should respond to issues relating to forced marriages. The guide includes advice on how best to deal with approaches from constituents regarding settlement visa applications and sets out that MPs should always speak to the sponsor alone to determine whether forced marriage is an issue for them. If a constituent does disclose being forced into a marriage then MPs are encouraged to contact the FMU. The FMU will reissue the guide to all MPs and constituency offices shortly.

The position of domestic violence victims in terms of their entitlement to legal aid in the civil courts, should their abuser have accepted a police caution, under the Ministry of Justice proposals for reform of legal aid

Under the legal aid reform consultation proposals published by the Ministry of Justice in November 2010, the Government will continue to provide civil legal aid for victims of domestic violence to seek protective injunctions such as non-molestation orders, occupation orders and forced marriage protection orders.

While the proposals include removing most private law family cases (such as disputes about ancillary relief or children) from the scope of legal aid, we propose to retain legal aid for the individual at risk in cases where there is clear and objective evidence of the need for protection.

In the consultation document we sought views on what this evidence should be. Although our proposals did not include cautions, this point has been raised in responses to the consultation. We are considering carefully all the points made in response to the consultation and we expect to publish the Government response later this spring.

March 2011

Supplementary written evidence submitted by Karma Nirvana

We are supportive of the governments Violence against Women and Girls Strategy for the following factors:

- It highlights that ending violence against women and girls is not a one department job, but a cross-department job, for example, Immigration may be one way to support in eradicating Forced Marriages but this is only part of the solution. It is not a task for central government alone and we collectively need to work far and wide to change attitudes and entrenched mind-sets.
- The strategy demonstrates a key priority to prevent violence against women and girls by challenging attitudes and behaviours.
- The strategy provides acknowledgement in relation to forced marriages, honour based violence and female genital mutilation that the government needs to ensure effective preventative action and that we need to encourage greater reportings of these crimes.
- The strategy demonstrates a key priority to continue raising awareness of forced marriages among communities and front line practitioners through community engagement and outreach programmes.
- The strategy demonstrates a key priority to continue to raise awareness of honour based violence and to ensure victims are aware of their rights and the support available to them. An example includes the government commitment to develop a resource pack about forms of honour based violence for new and recent entrants to the UK to assist them in understanding their right here and signpost them to support services.
- The strategy demonstrates a key priority to continue to champion a different way of thinking about female genital mutilation by ensuring that front line practitioners have access to information about handling cases of female genital mutilation sensitively.
- The strategy demonstrates a key priority to continue to support outreach work on female genital mutilation with young people from the communities where it takes place to make them aware that the practice harms the women and girls' concerned and degrades the men that let it happen.
- The strategy demonstrates a key priority to early intervention on issues pertaining to violence against women and girls, especially in relation to schools.
- The strategy demonstrates a commitment to getting the first response right. We acknowledge that this is especially important when looking at cases of forced marriage and honour based violence, where risk is likely to escalate if a victim is not given the right response.
- The strategy demonstrates a commitment to provide over £28 million over next four years to fund specialist services. This is imperative to providing effective services and ensuring that specialist services like Karma Nirvana continue to exist in serving victims and survivors of this abhorrent abuse.
- The strategy demonstrates a commitment to maintain levels of funding support for specified national functions including over £900,000 available per year over the next four years to support national helplines.
- The strategy demonstrates a commitment to continue to provide support to victims of forced marriages and frontline practitioners through the Forced Marriage Unit and its national helpline. It is important however to recognise that the Forced Marriage Units helpline does not support non-British nationals (potential no recourse to public victims) and thus does not serve all victims and survivors.

The recent court ruling that preventing under 21's to enter the UK under a spousal visa is a "disproportionate inhibition on family and private life and on the right to marry"

Karma Nirvana's position is in agreement with the immigration minister Damien Green. Karma Nirvana would be supportive of the immigration's minister intention to seek leave to appeal this decision at the Supreme Court level.

We further agree with the immigration minister's comment, namely:

"Forcing someone to marry is an intolerable act and for a genuine couple, marriage is not something that should be taken lightly, especially when it involves moving to another country. I think it is reasonable to ask both parties to wait until their 21."

Our view is that the rule was designed to be a preventative measure and one that by nature would be difficult on any level to measure. We at Karma Nirvana have received feedback from victims that have been helped by the rule. On the helpline we receive a number of calls from potential victims (and professionals on their behalf) under the age of 21 years asking about their 'legal' position. Most, if not all, seem quite relieved to find that they have extra 'breathing space' in which to make up their minds.

The judge in ruling above indicated that it was not for the court to rewrite the rule. The judge further suggested that this was for the Home Secretary to do "in light of the court's reasoning, unless she decides to

abandon it altogether". Our position on this is that to abandon it altogether would be a flagrant backwards step in supporting victims of forced marriage.

Funding for HBV/FM specific services, including the Honour Network Helpline

We feel funding towards honour based violence and forced marriage services are imperative in supporting victims, survivors and professionals. Our own Honour Network Helpline has been critical to saving lives and supporting those that decide to stay or stay. This inevitably involves dedicating much time and energy to supporting victim's emotional wellbeing, physical wellbeing (through safety planning and risk assessing) and long term future. Our service user feedback demonstrates the how crucial our helpline has been to them. We at Karma Nirvana strive to provide the best service through ensuring the helpline is well resourced and that our volunteers that take the calls are well equipped to support the victims and survivors that call. This inevitably requires sustained funding to ensure a continued service.

The Home Affairs Select Committee Report into Forced Marriages and Honour Killings heard the evidence of many who had been supported through the only national Helpline. Furthermore the Committee gave the following recommendation in supporting the Helpline "urging the Government to sustain the line." Sadly to date we have not been invited to discuss sustaining the Helpline despite our pleas. Every year we find ourselves in the position of being at risk of closure and this is the case today. We have submitted an application to The Ministry of Justice this month however we have no guarantees of funding.

Last year Karma Nirvana went on the road to raise awareness to professionals about children and young adults being forced into marriage, in particularly around the summer holidays. Without any source of funding and the commitment from partners in Hull, Kent, Leicester, London, Northampton and eight others we were able to successfully channel these out and pass the awareness to 1,000 or more delegates who attended. As a consequence of them being completed we have found out that each area has managed to increase calls by an average of 20%, compared with 2009. All Road Shows were attended by professionals and survivors and were evaluated for feedback. This evaluation evidenced how more than 70% of professionals had not heard of the Forced Marriage (Civil Protection) Act (FM Act) nor felt the duty to implement the Statutory Guidance. This year with the assistance of The Network for Social Change we will be launching the Road Shows across 25 cities in the UK to highlight the FM Act and have approached the Ministry of Justice and The Forced Marriage Unit to formulate a joint message. It is our view that we have to demonstrate a joint message with the Government to ensure that collectively we raise awareness and campaign against attitudinal behaviours.

Use/enforcement of FMPO's

It is our view that Forced Marriage Protection Order's (FMPO) have been a positive step forward but it is important to be able to highlight causes for concern as and when they arise.

So far there has been no real penalty for breaches of FMPO's bar one recent penalty of imprisonment. Survivors have informed us that they have felt disempowered that breaches of these orders have not been dealt with, in their view, seriously. It is felt this in effect lessens the FM Acts deterrent effect.

We have acknowledged, through our survivors/victims informing us, that victims are reluctant to obtain a FMPO when living in the home. It is felt by some victims that this disenables them to speak about any further abuse, for the shame caused in obtaining the order in the first instance.

Further it has been felt that some professional's obtain FMPO's for minors and deem this as the 'problem solved', without any real appreciation for the further risks that this may cause. We have acknowledged that following obtaining a FMPO it is imperative that professionals maintain an interactive role in assessing risk and checking that this has improved circumstances rather than exacerbated and increased isolation.

An important point to note is that often victims are returned to perpetrators with an order in place and yet there is no monitoring of the Order. Once the front door closes the victim can be put under further pressure which may not be from the individuals named within the order. In our opinion there is a need to ensure a joint risk assessment with clear recommendations of how the order will be monitored to safeguard the victim. Furthermore, this should include face to face engagement with a professional away from family members.

The use of specialist expert advisors in this field to provide assistance to the courts and professionals should be advocated as this brings a greater knowledge to the court process and reduces risks to the victim. We feel all Local Authority Solicitors and Safe-guarding Boards should undertake training in the FM Act in order to identify this as a protection measure in child protection procedures. Often victims are misunderstood and placed in foster care with great pressures to return home. As such their support mechanisms are not widely considered and many return home due to inappropriate communication with family members allowed by the agencies.

Education on FM in schools

Karma Nirvana has tried endlessly to engage with schools. Most recently we have engaged with an all-girls school in Birmingham, who invited us to teach in an activity day on humanities before the summer holidays. This school in particular had a high black and minority ethnic (BME) community and thus really reached out

to the community we very often serve. Following delivering these group sessions, Karma Nirvana received an increase in calls from this area.

In March 2011 Karma Nirvana wrote to the Heads and Chair of Governors of schools across the country, seeking to highlight issues and concerns pertinent to school children with a view offering free training to teachers and governors. At the very least we requested that the school put our Forced Marriage posters up. Since sending the letters to a hundred schools across the country, we have only received one response expressing a willingness to participate.

We do not feel that schools since 2008 have changed their views and the evidence is compelling. Many victims are within education and this in our view is the heart of prevention as this is an opportunity to engage with some of the country's most vulnerable victims. We acknowledge that this preventative action forms part of the government's violence against women and girls strategy and Karma Nirvana seeks to support the Government in achieving this. We urge the Government to work with us to tackle this issue and to hear victim witness accounts of being taken out of school with long absences that were never questioned. The need to ensure the display of posters, awareness amongst teachers, the need to identify this as a child protection issue and not cultural is imperative if we are to prevent victims from being forced to marry.

March 2011

Correspondence from the Department for Education to the Chair of the Committee

Thank you for your letter of 29 March, following the Home Affairs Committee's session on domestic violence, forced marriage and honour based violence on 22 March.

You asked what my Department is doing to address a number of specific issues relating to forced marriage. I shall answer your questions in order.

(i) Raising school pupils' awareness of forced marriages

Issues relating to forced marriage are principally, although not exclusively, explored within Personal, Social, Health and Economic Education (PSHE), although it is up to individual schools to decide how best to address these issues, according to the needs of their pupils. We intend to hold an internal review into PSHE to determine how we can support schools to improve the quality of all PSHE teaching.

I am aware that in 2008 and 2009 the previous Government wrote to local authorities and schools during the summer term to remind them of their responsibilities in relation to forced marriage. The Department did not send a similar letter last summer and I do not intend to do so this year. Schools will already be aware of the guidance available on forced marriage and I firmly believe that they are best placed to decide how to address the issue.

(ii) Appropriate training and guidance for teachers on dealing with cases of forced marriage and embedding this into child protection procedures

The previous Government's response to the 2008 Home Affairs Committee report explained that there is no prescribed content for initial teacher training (ITT) courses. Instead, providers design and deliver their programmes so that trainee teachers meet the standards for the award of Qualified Teacher Status. Although these standards do not specifically include dealing with forced marriage, they do require trainee teachers to demonstrate that they know how to identify children and young people experiencing difficulties, and how to support them. This includes an awareness of the possible signs of child abuse.

I am, of course, sympathetic to concerns about forced marriage and I do appreciate the seriousness of the issue. However, in view of the considerable pressure for new content in ITT and the need to ensure it focuses on our policy priorities, I am not planning to make training in dealing with cases of forced marriage a compulsory part of ITT courses. I believe that schools and ITT providers should decide the detail of how to train teachers in line with the broad principles set by the Department.

(iii) Procedures to ensure that all instances of children missing from education are adequately investigated, regardless of the child's ethnicity

Schools have to maintain attendance registers of all pupils on roll and should, as part of their safeguarding duties, follow up any child who is persistently absent. All schools must inform their local authority: where a pupil fails to attend school regularly; where a pupil has been absent from school without the school's permission for a continuous period of 10 school days or more; and where a pupil is to be removed from the admissions register on certain specified grounds. We are further strengthening this to widen the range of situations where schools must report to their local authority, in particular where a child has failed to return to school following an extended family holiday. We are planning to bring this change in by 1 September 2011.

Local authorities must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children living in their area who are not receiving a suitable education. As part of this duty all local authorities must have a named individual responsible for identifying children missing education, whose

role also includes tracking and identifying children at risk of missing education. Local authorities must also have a system in place for tracking children missing education and they are expected to work, and share information, with other local authorities and agencies in order that children moving from one area to another can be tracked.

Ofsted's report last August, evaluating the effectiveness of actions taken by local authorities in relation to children and young people who are missing from education, highlighted concerns around the reasons for missing education and the lack of cooperation between councils and schools. We are currently considering what further action is necessary in these areas.

I am copying my reply to Lynne Featherstone MP, Parliamentary Under Secretary of State for Equality, and to Graham Stuart MP, Chair of the Education Committee.

April 2011

Correspondence from the Ministry of Justice to the Chair of the Committee

Thank you for your letter of 22 March about funding for the Honour Network Helpline.

I am aware of the commendable work done by Jasvinder Sanghera and her colleagues at Karma Nirvana to support victims of forced marriage and honour-based violence.

The Government is committed to supporting the most vulnerable victims of crime. As a significant step towards achieving this, we have set aside a total of £29.4 million in grant funding over the next three years to fund voluntary-sector organisations that offer support to such victims.

The deadline for submitting applications to this grants scheme was reached last month. Applications are in the process of being assessed and I expect to receive recommendations for funding shortly.

You will appreciate that it would be inappropriate for me to intervene in the funding process at this stage. I can confirm, however, that an application has been received from Karma Nirvana, and I will write to you again to advise you of its outcome.

April 2011

Written evidence submitted by Loudmouth Education and Training

I understand that the Home Affairs Committee will be taking evidence from Lynn Featherstone MP, to follow up its previous work on domestic violence and in particular on the Home Office's Call to End Violence Against Women and Girls: Action Plan and Strategy. I would like to call your Committee's attention to the work being done on this issue by my organisation, Loudmouth Education & Training and other companies like ourselves.

Many parents and teaching staff are nervous of broaching the issue of violence and abuse with children and young people. However as we know from the report there is a need to do more preventative work on the subject and for these interventions to be as early as possible. Innovative approaches such as high quality theatre in education can create a safe and appropriate environment to educate and help young people to explore these issues and are proving very successful.

Over the last four years we have been working in primary schools running a theatre in education programme called Helping Hands on domestic abuse awareness for 9–10 years old. We work with the children exploring good and bad relationships through bullying and domestic abuse scenarios. Evaluation of this work has shown that it helps to raise awareness of what makes a good and bad relationship, what domestic abuse is and where to go for support. This work has been supported by teaching staff and parents. We also run training for professionals and parents sessions on domestic abuse, a number of which have led directly to self referrals to domestic abuse support agencies.

We have also been running a theatre in education programme on teenage partner abuse called Safe & Sound with young people in secondary schools, colleges and youth centres. This prevention programme works with young people to teach them about sexual consent and respect in relationships.

We feel this work supports the Violence Against Women and Girls action plan and is an opportunity to reach a large number of children, young people and their teachers and parents; we have worked with 250,000 young people in our 17 years of existence. We have also presented evidence to the Vulnerable Children's Overview and Scrutiny Committee in Birmingham City Council. We would be happy to demonstrate the work and discuss its impact with any members of the committee.

We would be grateful if you could ask Lynn Featherstone how best we and other small organisations like ourselves could get involved and support this plan. We want to be involved as we feel we have the experience

to really support work in ending violence against women and girls and the ability to reach and communicate directly with people who might not otherwise engage with Government initiatives.

March 2011

Written evidence submitted by Southall Black Sisters

We welcome the Home Office pilot to help victims of domestic violence in the UK on spousal visas with no recourse to public funds. The pilot (also known as the Sojourner Project) was established in late November 2009 and has been extended, pending a long-term solution. The recent Home Office action plan on violence against women and girls (March 2011) announced that from March 2012, benefits will be paid to victims of domestic violence on spousal visas with no recourse to public funds. We welcome this announcement. However, we are concerned that the pilot project needs to give victims more time to submit domestic violence applications for indefinite leave to remain (it is currently a maximum of 20 days) and more time for decisions for their applications to be made (it is currently a maximum of 20 days). Women need time to obtain assistance and support, and overcome trauma, when leaving an abusive situation, and are therefore not able to make an application for indefinite leave to remain (ILR) within 20 days—that is if they can get a publically funded immigration solicitor to assist them quickly (cuts in legal aid have meant it is much more difficult to find a publically funded solicitor—this situation will become even more desperate if massive cuts in legal aid currently proposed go ahead). In addition, the UK Border Agency (UKBA) do not always make a decision on domestic violence applications within 20 days, and where they refuse ILR, there is no financial and housing assistance pending an appeal against refusal.

We are also concerned that due to poor decision making by the UKBA, more women are unnecessarily refused ILR as indicated by a high success rate of appeals. Although the Home Office may introduce some amendments to the pilot to deal with some of these concerns, we would like housing and subsistence costs extended to the full period women need them—from the point of leaving an abusive situation to the final appeal. Otherwise, women's refuges are unable to accommodate them (and often incur major deficits when they do), and women and children are faced with destitution, and driven back to abusive situations. In addition, the pilot, and the proposed long-term solution, women who are in the UK on non-spousal visas and also victims of abuse in the UK, and those who are trafficked or subjected to abuse by employers as overseas domestic workers, currently have no access to safe housing or subsistence on the same basis as those on spousal visa. Yet, our caseload shows a high number of women in this situation (about 60% of our current no recourse cases). We would like the pilot and the long-term solution to be extended to them. In addition, we would like the UKBA to consult us on the details of their long-term solution.

Since the last select committee report, when Southall Black Sisters (SBS) faced closure as a result of funding cuts from London Borough of Ealing, a successful legal challenge in July 2008 by our service users meant that Ealing Council could not withdraw our funding. Since then, we have been on interim funding, pending a review of local domestic violence services in Ealing. The Council is currently conducting research on domestic violence services in the borough, and will then make a decision on what cuts, if any, they will make to our services, which will come into effect either in October 2011 or April 2012. In the meantime, due to general public sector cuts in the borough, the level of future funding of our services remains uncertain. In addition, due to a review of their funding of all their services by London Councils, which funds two of our projects, we may also sustain a cut to these projects in September 2011.

Furthermore, increased competition for funding in the recession, has also made it more difficult to obtain funding from other sources such as donations and charitable trusts. We are therefore extremely uncertain about our survival in the coming two to three years. In the meantime, we already face a major deficit in 2011–12 which can lead to drastic reduction in services, particularly if there are major cuts by Ealing Councils and London Councils, which combined, currently give £230,000 to SBS. Other shortfalls amount to approximately £200,000 if they are not met by fund-raising (which we are currently undertaking, but as stated before, competition for grants and donations has also greatly increased). We know that this problem exists for many other black and minority ethnic (BME) women's organisations, who have been historically under-funded, and now face decimation with a combination of public sector funding cuts, and increased competition from large service providers under the commissioning model, which tend to favour low unit costs and generic provision, rather than quality of services and specialist provision. We do not believe that the “Big Society” and localism agenda will resolve this problem as the leadership within BME communities is conservative and dominated by male community and religious leaders who will not prioritise or take action to tackle violence against BME women and girls. Indeed, some fundamentalist and orthodox sections will reinforce oppressive practices such as forced marriage and honour based violence.

Since our last submission, there have also been developments on the immigration and forced marriage rules. The Court of Appeal recently ruled that the age limit of 21 for overseas spouses was a blanket approach which could not be justified in cases of genuine marriage where couples were denied family reunification. However, this decision is currently subject to appeal by the UKBA. SBS are intervenors in these cases. We would urge the select committee to recommend abolishing the age limit rule as it does not in reality protect victims from forced marriage, but simply increases pressures on them to remain within an abusive situation, and discriminates against migrant communities.

We also have major concerns about the proposed cuts in legal aid which will have a devastating impact on the lives of BME women's ability to escape abuse and access justice. We would urge the select committee to oppose these legal aid cuts.

March 2011

Written evidence submitted by Cris McCurley (Partner), Ben Hoare Bell LLP

I am a senior family law practitioner in the north east of England. I have specialised in domestic violence work and working with the Black and Minority Ethnic (BME) communities for the past 22 years. Prior to that I was employed by the North East Legal Action Group to research the effectiveness of domestic violence injunctions.

I am particularly pleased to be asked to contribute to this review. Having taken part in previous consultations I feel it is extremely important that it is not just London practitioners who are asked for their contributions on each occasion. In the North East we often feel that we have shout to make our voices heard. There is an awful lot of excellent practice and work being done in different parts of the UK and we are keen to be involved and to make our contribution.

I sit on a number of local, regional and national committees and partnerships including Resolution's National Domestic Violence Committee as Forced Marriage and Honour Based Violence Specialist. I am also a Solicitors' Regulation Authority Accredited National Trainer and Examiner in Forced Marriage and Honour Based Violence.

THE GOVERNMENT'S STRATEGY: CALL TO END VIOLENCE AGAINST WOMEN AND GIRLS

The Home Affairs Select Committee's enquiry and report of June 2008 was extremely welcome as for the first time a massive piece of research was conducted into these extremely significant issues for women and girls throughout the UK.

GENERAL POINTS

I have just returned from a working visit to Bangladesh. Whilst there I met with women's Non-Governmental Organisation's (NGO's) and legal groups (the Bangladeshi Legal Aid Services Trust or BLAST, the Bangladeshi Women Lawyers' Association, the Maridpou Legal Service) and was tremendously impressed by the work being done to meet Committee on the Elimination of Discrimination against Women (CEDAW) expectations and requirements. There is a huge commitment to funding frontline services to women experiencing violence and the Dhaka University Medical Centre "One Stop Shop" for victims of domestic, honour and sexual abuse was hugely impressive and so much further ahead of anything that I am aware of in the UK. It has the support of five government departments.

In addition, legal aid trusts and NGO's alike are doing frontline work with men and women from villages to cities, rural to urban areas right the way across Bangladesh challenging attitudes to men and women. It is a different landscape. They do not have instant and ubiquitous access to pornographic and inappropriate/degrading images of women that we are bombarded with from an early age in the UK, but they do have a different cultural mindset.

It is worth noting that the funding we provide through the Department for International Development (DFID) appears to be missing the mark. Whilst in Bangladesh I interviewed Supreme Court Judges at one end of the spectrum to law students at the other, all of whom told me that access to legal aid funding was random and patchy and that it was not reaching the right people.

Bangladesh has just enacted its first domestic violence legislation. Part of the purpose of my visit was to discuss how domestic violence legislation works in the UK and advise on pitfalls and benefits. I have been invited back to review the progress once it is more bedded in. It was interesting to see a different system in a part of the developing world. The response and zero tolerance attitude to domestic violence in Bangladesh is something that I have not seen since the early days of domestic violence activism in the United Kingdom 30 years ago.

STRATEGIC VISION

The United Nations' Declaration on the Elimination of Violence against Women, quoted at paragraph 5 carries the statement "this is used 'across all government departments'." In fact it is not. The Ministry of Justice has an extremely different definition of domestic violence in its Green Paper on legal aid. The UK Border Agency (UKBA) use a different definition of domestic violence. The Green Paper proposes to deny access to legal aid to all but victims of domestic violence "who have had their abuser tried and convicted (either in a civil or a criminal court) of physical violence in the last 12 months." The Home Affairs Select Committee report recorded very clearly on the research on domestic violence, which highlighted the fact that most victims will experience on average 35 incidents of domestic violence before they will make any report of any kind. The Home Office report on whether to criminalise forced marriage (2005) argued against

criminalisation saying that it would discourage victims from coming forward and seeking help. This is not joined up thinking. I will address the issue of legal aid further on in this paper because I think it is critical at this time that legal services are funded to all victims of all kinds of domestic violence as opposed to the very narrow classification contained in the Green Paper. This should be considered against the statement that “no level of violence is acceptable.”

THE CONTEXT

Independent Domestic Violence Advisors (IDVAs), Independent Sexual Violence Advisors (ISVAs) and Multi-Agency Risk Assessment Conferences (MARACs) are working extremely well and are to be welcomed and should be supported. I do not believe that a strong central message is necessarily the wrong way of tackling things. Too many local initiatives each with a different emphasis and agenda will not encourage a National Strategic response to things such as forced marriage or honour violence.

The UN campaign (CEDAW) will hear the UK’s report in approximately May 2012. It is unlikely that the shadow reports to the UN will be kind to the Government particularly regarding the removal of thousands of vulnerable victims of domestic violence from the scope of protection through legal aid—forcing them into contact with their perpetrator by an expectation that they will be able to fight their own corner. This does not accord with our international obligations under the European Convention on Human Rights nor does it accord with CEDAW. It should be remembered that the UK is the only country that has been asked to report early in the whole time that we have been signatories to the United Nations’ declaration. Bangladesh reported very favourably this year and perhaps we should look to what measures they are taking to tackle domestic abuse.

PREVENTION

Attitudes, Behaviours and Practices

By kerbing access to degrading images of women and children we could go a long way to challenge gender roles in society. Grossly degrading pornographic images freely available on sale in shops and visible to children, easily accessible hardcore pornography on the internet and through satellite television, mean that the very young are often exposed and made even more vulnerable. We must own the fact that there is a direct link between pornography and Rape. Whilst children are portrayed as sexual beings, adults will have sex with them.

Different issues exist in the BME communities, Many of whom are male dominated and patriarchal, viewing women very much as possessions and second class citizens. I say this with the benefit of 20 years’ plus information gathering from my clients.

Forced marriage is not a crime but a much stronger, healthier message would be sent to those communities who routinely breach the legal and human rights of its girls and women in this way if it were. A review of the 2005 report on the question of whether to criminalise forced marriage inexplicably recorded that the decision was taken not to criminalise it as BME communities may feel targeted. I cannot think of another criminal offence that has been considered and rejected on the basis that the perpetrators might feel “got at”. The argument that criminalisation would discourage reporting is also spurious; If the victim were given the choice of a civil or a criminal route (such as with the Protection from harassment act 1997) then they would have the protection, and the choice—a great message to send to women and girls who have never been given any kind of choice. By taking the decision for them that prosecution is not to be for them, we do what their parents do, and make significant life decisions for them.

As a practitioner and trainer in forced marriage and honour based violence (I have delivered more than 60 accredited training presentations over the last 2½ years) I am aware from the trainees (who include judges, barristers, solicitors, police officers, social workers, probation officers, GPs and health workers and voluntary organisation workers) that there is:

- (a) A great deal of ignorance and a culture of disbelief around the risks involved.
- (b) An enormous fear of tackling the issues in case they get it wrong and appear racist. This is a huge burden on our frontline workers that they will be “in serious trouble with my boss/funders/superiors” so I have been variously told if they tackle this issue. We are getting a very strong lead from High Court Judiciary and we also need strong governance on this matter.

Intervening Early

We have chronically lacked strong Governance in the issue of what is taught in schools. Under Ed Balls, Education Secretary, all schools were, it is true, sent the Forced Marriage Unit information pack and posters with suggestions as to how these issues could be raised with pupils, particularly with young BME pupils. I work extensively with teenage girls from the Asian communities, none of whom have ever heard about forced marriage protection in schools. What we know from the schools in this region (and from what I know from colleagues across the UK about schools across the board) is that it is not on the curriculum, it is not on the agenda, and the posters are not on the walls. Again, the message is clear that this is something people are afraid to tackle. This information must go on the curriculum and children cannot be allowed to be exempt regardless of their background religion or culture.

Getting the First Response Right

I would welcome further training for the police. 23 years ago I was employed by the Legal Action Group (LAG) to research into the effectiveness of domestic violence injunctions, the report, *It's just a domestic*, recorded the results of hundreds of interviews with women in refuges and refuge workers. The police response today in most cases is much better, but can be as chronically bad as it was in the late 80s.

CASE STUDY 1

I recently represented a woman who was assessed by MARAC as being high risk for honour violence but was still committed within court proceedings to provide contact between her children and her abuser on a regular basis. On one such contact visit when she called at the extended family home (it should never be forgotten that in many communities, people do not live in mum, dad and 2.4 children units) she was assaulted by the father in front of his family members who did not intervene. She reported this to the police who took no action. When I pursued it on her behalf they told me, "We have many witnesses saying that she was the aggressor". When pressed, the police admitted that the "witnesses" were members of her husband's extended family. I then insisted that they investigated the matter properly. I was told "If we are forced to go and knock on doors and get the same result, we are likely to charge your client with perverting the course of justice". In spite of my offers of support and advice about police complaints, my client was too intimidated at that stage to take matters further. This is wholly unacceptable.

CASE STUDY 2

A client has been relocated to this area from Dewsbury where she lived as a much abused and unwanted spouse of one of the sons of the extended family. The level of abuse she has experienced was horrific and was perpetrated by many members of her husband's family. When the police were alerted by a neighbour and called at the house she was hidden in a room upstairs. The police, so it was thought, brought a male interpreter with them who she could hear speaking to the family. She formed the impression that the interpreter was siding with the family and the police made to leave. As they walked away from the house she alerted their attention by banging on an upstairs window. She was so distraught that the window broke. The police returned to the house. The family then advised the police (through the interpreter) that she was aggressive and violent and had mental health problems. Again the police made to leave. At that stage, perhaps not surprisingly our client became hysterical with fear, and was threatened with arrest. When she could not control her fear she was in fact and lifted bodily by the police to take her out of the home in hand cuffs. Through fear she wet herself. She was taken out of the home by the (all male) group of police officers and the interpreter.

This case was followed up by a police complaint and the details of the arrest as outlined above were not known until I received the police report into the incident. She was horrified to learn from this report that the person she had assumed as an interpreter was in fact a Pakistani police officer who was known to the family. She had not been able to tell either her own solicitor or her female Asian support workers about the manner of the arrest because she was so ashamed.

Because of this arrest and the time it allowed the paternal family, they were able to make ex parte applications to court to have orders made preventing the removal of the children from the care of the father. It took her seven months and a Finding of Fact hearing before she was even able to see the children. At the first contact visit the children were terrified of her and it took some coaxing for them to be able to tell her that they had been told that she was dead. These are small children. Several months later the court finally had a Finding of Fact hearing at which significant findings of violence and systematic abuse perpetrated by the whole family towards my client were found. The abject failure of the police response meant that mother and children were separated for the best part of a year with the children living within a family who felt it appropriate to tell the children that their mother was dead. Because my client did not have her children living with her, she was threatened with deportation—her in-laws never having regularised her visa status (visa abuse).

It is worth pointing out at this juncture that under the new legal aid provisions this is a woman who would not get legal aid to fight for her children. She is one of the most victimised and abused women that I have worked with in 20 odd years of practice. The children have now been returned to her care and (again through a ruling of the Family Court Judge) she has been granted leave to remain in the UK.

Again, the role of BME women's frontline domestic abuse projects cannot be understated. There is no substitute for the knowledge and expertise that they can provide through their input and if the first response is to refer to them for advice and assistance, then we are likely to get it right. That assumes that they will be there, and adequately funded.

What prevents (white) professional services from giving the right response is a complex and multi-faceted issue. Fear of being labelled racist is at the heart of it, but there is also, the "culture of disbelief". I see this routinely in my work and awareness raising is essential, but then again so is taking expert advice from those who know from the inside.

I am grateful to be able to evidence that the police in the North East of England have finally stopped referring matters of domestic violence, honour violence and forced marriage back to the (male) community

leaders who are often self appointed in any event and, I know from my clients, uphold the very values and traditions that lead to the abuse of these women in many cases.

PROVISION

There is very little funding available and it is essential that it is spent properly and spent wisely. As the report comments, there is no “one size fits all” solution and the cheapest option may not always be the best (or even the cheapest in the longer term). Helpline services do provide a great deal of assistance but BME services, specifically the Black Women’s Domestic Violence Network and the coalition of women that come under that banner are appalled by the Government’s proposal that there be a single telephone portal for access to legal aid. The women that I work with would not be able to access legal aid at all through that facility and would just give up. In their response to the Green Paper the network suggests that women’s organisations should be empowered locally to make the telephone call on behalf of the woman because in most cases telephone advice will be absolutely inappropriate particularly where there has been violence. I agree with this, but would go further and say that the telephone advice service should be optional and not compulsory. Trauma victims, people with learning disabilities and those with mental health problems should not be expected to use this portal. The most vulnerable are likely to be sacrificed to the Green Paper, in spite of its boast to wish to do the opposite.

Through Resolution we have been discussing the National Centre for Domestic Violence (NCDV). This is an organisation which invites lawyers to go on an injunction panel. There have been grave concerns raised by most professional bodies including the Legal Services Commission (LSC) about this organisation although they seem to have acquired a level of credibility that I can say from my experience appears to mask dubious practice. They will only place solicitors on their referral list if that solicitor will agree to pay them a fee for preparation of court documents. Not only does this amount to an under the table referral fee but it leads to the provision of unsatisfactory case papers on the part of the client. On one occasion I arrived at court with a bundle of case papers prepared by them. They had clearly been prepared by someone who had little or no knowledge or experience of domestic violence and who did not know what questions to ask. It was a skimpy application and statement at best. The person who had prepared it did not know enough to ask whether the perpetrator had previous convictions. He did—about three or four pages of convictions for violence which was probably one of the most salient points. The victims’ case was prejudiced as we were refused permission to file a second (proper) statement.

Another difficulty with the NCDV, and the reason they stopped referring work to ourselves was the fact that they were clearly generating income by making local arrangements with process services (£50.00 per service) and then charging three times this much as that in their bill which they encouraged us to claim as disbursements from the LSC. We pointed out that this was fraud and never heard from them again. In the new C100 application from for the court, they are advertised which gives them the aura of approval. This is being taken up with Her Majesty’s Courts Service (HMCS) by Resolution.

The funding for MARACs, IDVAs and ISVAs is extremely welcome but other frontline/expert services such as the Rape Crisis Centre, our local BME refuge, generic refuge and specialist BME Domestic Violence support services are all facing significant funding cuts, none greater than the Rape Crisis Centre. I am told they face a 50% reduction in funding.

The proposals in the Green Paper is to end all funding for immigration work including funding for abused incoming spouses. I am delighted that the Sojourner Project has been extended but this is meaningless if there is no funding for a two year domestic violence concession application. The Green Paper makes two comments as to why this is appropriate: Firstly, it states that because these are people who are coming to the UK through choice, they are in effect volunteering to put themselves in this position therefore legal aid should not be made available to them. The vast majority of my clients from Pakistan or Bangladesh and other parts of South Asia do not, in reality, have any choice. They are told, when, who and where they will marry and whether or not they are coming to the UK. They have no power or, even rights, in their countries of origin to refuse.

Secondly the Green Paper states that immigration tribunals are non adversarial so women should be able to represent themselves. The Home Affairs Select Committee Report of 2008 very ably documented the impact of constant emotional abuse, physical abuse and visa abuse on victims. South Asian women have a far higher propensity to mental health problems and suicide (WHO figures given in the HASE 2008 report) as many have serious post traumatic stress disorders, severe depression and other trauma related issues to deal with. These are not people who would be able to represent themselves at tribunal. They would probably not even be able to recognise that they had a right to stay in the UK as a regular report I receive from clients is that they are told lies by their in-laws about their rights in the UK. They may face significant honour based violence if they are returned, shamed to their country of origin. In addition, if there is no public funding, who will pay for an interpreter/medical/expert reports to help them win their case?

Having spoken to IkROW, the BME umbrella/advocacy organisation in London, director Marai Lasari, confirmed to me what I already know: the quality of immigration advice is a postcode lottery. The fact that it should go altogether will leave literally thousands of the most vulnerable victims of domestic violence and, forced marriage and honour violence, without the expert legal advice that they will need to protect them. I say this with no personal act to grind as my company does not provide an immigration advice service.

EFFECTIVE PRACTICE AND TRAINING

The 2008 report gave us one of its recommendations that training must be provided for all frontline workers and agencies. I am aware of the training that was funded by the LSC in the North East, but after three years of training delivery, feel that I have only touched the surface. I have also delivered training in London, Northampton and Manchester. I know from what I am told at these events that no effective training program has been put in place, nationally. Training is, and must be, a rolling programme.

Training is an ongoing process and I would welcome the involvement of local experts to be funded to provide training in their region. It is also vital that awareness raising and training is undertaken in schools and colleges. There must be no opt out, particularly for faith schools.

I have represented many women with learning difficulties, both from BME communities and from the majority community. They are particularly vulnerable but again, no concession is made to allow them to have Legal Aid under the Green Paper.

Female Genital Mutilation (FGM) is now the subject of two laws but not a single prosecution. Health workers are once again in the front line and can provide us with important confirmation about FGM in the UK. I know anecdotally from the police that it goes on in the West End of Newcastle for example yet no one comes forward. Training and awareness raising with health, plus strong governance around zero tolerance and reporting is a must.

Information sharing and multi agency working is a vital, but extreme care should be taken as to who has access to what information. High risk victims have been made vulnerable as a result of a lack of care by agencies.

In 2010 I was asked to develop training with the police in Northampton. Whilst there, I was told about a BME health visitor who had been arrested and suspended by the health authority because she had given information to families from her own community of extremely high risk victims concerning the whereabouts of women and girls in hiding from honour violence, forced marriage and domestic violence. It would be an extremely useful debate to have with stakeholders as to how we hold and share information safely. There are no guidelines on this and these are much needed.

SUSTAINABILITY OF THE SECTOR

In the recent case of *A Chief Constable v A* [2010] the President of the Family Division in his judgement praised the expertise of frontline women's organisations working with forced marriage and honour based violence, recommending that they take part in cases where women are at risk.

We have a history of funding very vocal (Male) Muslim organisations. It would seem that that is part of the problem as local authorities, schools etc are routinely criticised and accused of racism for what my women and girl clients would simply call "telling it like it is", challenging it. We have to be very careful where we fund and who we fund. Far more could be achieved by properly funding women's help organisations such as Panah and the Angelou Centre in my area which do phenomenal work, often at great personal risk to protect women and girls from, often, the very attitudes as expressed by the "male" organisations given huge amounts of funding by central and local government. A couple of years ago I was at a meeting at the House of Lords with Lord Bhattia who said "Give the women the power they know how to tackle this (forced marriage/honour violence)". I would add to that give the women funding. These are the grass root experts who know exactly what is going on and what is needed.

AWARENESS RAISING

In 2008 Ben Hoare Bell Solicitors received a three year grant to provide non direct legal services in the north east for BME women concerning forced marriage, honour violence and all other forms of domestic abuse. One half of the project concentrated on intensive training of frontline workers and the other half was dedicated to raising awareness with very hard to reach women. The women who we targeted were women in a position which is often referred to as 21st century slavery. These are the women who are not allowed out of the family home, are not allowed free association, they are not allowed to speak to anyone outside the family and are accompanied even to their General practitioner. They are told (if incoming wives) that if they report the abuse that they are suffering to the police, that the police will deport them, so they do not.

What I can say from three years of experience as a trainer in this project (both regionally and nationally) is that training is a huge commitment. We cannot train in, say Ilford and Cardiff and think that is the job done. Having said that I really welcome the initiative by the Forced Marriage Unit to train in these areas.

Also, targeted training by invitation attracts people who are interested in making a difference rather than those who need to make a change. It certainly does not train those who need awareness raising. As a result of this the regional (now national) Black Women's Domestic Violence Network have prepared a document which will form part of the expensive CEDAW training currently being undertaken in Bangladesh, Pakistan and other parts of South Asia. We know from our colleagues working with CEDAW around the world that the most active are those women in South Asia and the Middle East. We have prepared a fact sheet detailing how to obtain help when coming to the UK as a spouse on a two year visa. This will be incorporated into the CEDAW

awareness raising events by our colleagues in Bangladesh. A copy of this is annexed hereto. We need to raise awareness of CEDAW in the UK. I recently attended a fantastic presentation by the Women's Resource Centre in Newcastle which was very poorly attended, and there can't have been above 12 participants there. Even though I am a frontline professional working with these issues every day, I only heard about it through word of mouth from a colleague. Whether this was as a result of cost cutting or poor planning is uncertain but what is clear is that the message has to get out and it has to be on a rolling program. I have trained the police on a yearly basis, Social Services on a yearly basis and I have been asked to train health on a regular basis.

We will be providing our in depth report together with key note speeches from the International Domestic Abuse and BME Women's Conference held in the North East in 2010 to the LSC and other funding partners I am sure this groups would be happy to make that report together with the footage of the key note speakers and the film, *Survivors' Voices*, available to the Home Affairs Select Committee.

I can confirm from my own case history that a very large percentage of my clients, probably slightly higher than 30%, experience domestic violence during pregnancy. Many report miscarriage and cite domestic abuse as the cause.

Many women minimise the impact of witnessing/hearing domestic violence has on children. Others (BME women most often) will say that "I do not want my sons to grow up thinking that they should/can treat women like that."

In considering matters to be further explored under this section, what has become abundantly clear to me and my practice is that health professionals are the professionals who have the greatest access to hard to reach women and must be encouraged to insist upon seeing them alone with a suitably qualified and trustworthy interpreter. Under those circumstances health visitors and other health professionals should not have to identify "signs of domestic violence", they will be able to ask the question directly and in the majority of cases they will be told very readily what is happening and ask for help. The very reasons that families insist that vulnerable women are only seen chaperoned should alert the health professional. This has nothing to do with culture and everything to do with hiding abuse. I have heard too many times to particularise that women victims say, "My husband/mother in law/sister in law came with me/stayed in the room. I couldn't say anything even though I really wanted to". That coupled with "No one ever asked me". It must never be forgotten that many women are given disinformation by perpetrators, particularly BME women. A significant number of women that I work with tell me that they are told that if they complain their children will be automatically taken away from them, and that they will be automatically deported. Women will put up with almost anything when faced with the risk of losing or being separated from their children.

It should also be remembered that women from many developing countries have an innate fear of the police and authorities (secret police in the case of women from Iran etc) who can be extremely punitive towards them, or in the pay of their family. When they come to the UK and never leave the family unit or home, they have no reason to believe or even know that it is any different here. Awareness raising about all of this is absolutely essential. I would welcome the proposal that information should be given on entry. This is something that we have been campaigning for, the "point of entry interview" with provision of relevant information is something that we have been campaigning for, for many years.

There is also a strong argument for the debate to be had in the UK about what is to be tolerated under the banner of "culture". I have had a steady progression of cases where findings of fact have been made against perpetrator husband and his extended family members with concurrent findings that the woman was treated as a slave/verbally abused and humiliated in front of her children by abusers who clearly have no respect for her: the courts have stopped short however from denying access to the children to those very same abusers. Surely it must constitute significant harm to children to have contact with extended family members who tell them (as my clients routinely report) "your mother is a whore, a bitch, a prostitute, unclean, filthy, less than a human being": these are actual quotes. These are not things that are said as a "one off", in anger, these are things that are repeated like mantras to children in cases that I have been involved in. The Home Affairs Select Committee report of 2008 recognised that honour based violence was a phenomenon that existed and that placed people at considerable risk. If that behaviour has been found to exist, then can there ever be an argument for continuing direct contact between the abusers and the child? It seems to me that we have stopped short at having that debate. It is undoubtedly an extremely sensitive one and a polarising one but we as a society, abide by a certain code as to how we treat each other and we cannot say that a code does not apply to people from different communities. Again, as many clients have said to me over the last 20 years, "I don't want special treatment I just want equal treatment."

One of the vital roles played by the Specialist BME Refuges and Support Services is in terms of ongoing support for women who have had to flee violence. For many women who are at a very high risk, they have to remain in hiding away from their families and communities. The BME Support Services such as the ones in this region provide a community for these young women which leads to ongoing peer support to assist safety and resettlement. This has to be properly funded.

The Legal Services Commission have long encouraged partnership working with local voluntary organisations. In my own practice we have found their expertise and advice in partnership working to be complexly invaluable as a resource to help us adequately and affectively assist our clients.

PARTNERSHIP WORKING

It is vital that resources and work are put into tackling abuse of women and attitudes towards women in all communities. It is also very important to hear the voices of the victims as the strategy states, the victims themselves are the experts about what they need. I think the idea of community coaching is a truly excellent one and is already taking place in the North East. Women who are survivors are supported and encouraged to use the services but also move towards peer/self mentoring, financial autonomy and self-reliance, confidence building and the development of an ongoing network. This excellent model could be used as a pilot. It is currently at risk due to funding threats.

See above for the issue of risk of identification of individuals through data being in the public domain. This is an ongoing tension in court cases where they are preserving the safety of the women and providing the information necessary to the court whilst the courts are meeting the perpetrators Human Rights. This is something currently under consideration by the Presidents of the Family Division but it is an ongoing issue.

INTERNATIONAL ISSUES

These have never been more relevant than they are today. It is important that CEDAW is properly implemented in the UK and that we are also aware of the work that is being done internationally. I submit very strongly that the aims of CEDAW will be deeply adversely affected by the proposal of the Legal Aid Green Paper in terms of access to Human Rights and access to justice for women who are victims of domestic violence and forced marriage. It is also important that as well as having "robust Human Rights monitoring frameworks" in place to track international commitments to CEDAW, that we have an internal monitoring in place. The current threat to the support given by the Council of Europe and the Convention of Violence against Women at the European Convention against Women of Domestic Violence is also under threat by the Legal Aid Green Paper.

The case to be highlighting the work done by the British High Commissioner Islamabad is being matched by the High Commission in Bangladesh. I recently visited the High Commission to hear first hand about the work that they are doing. Both the High Commission and Bangladeshi NGOs as well as the Supreme Court Judges told me that they would welcome an Anglo-Bangladesh protocol along the same lines as the Anglo-Pakistan protocol. I feel it is very important that we move forward on this. Baroness Howe visited Bangladesh a few years ago to promote this idea but nothing has developed since that time which I can say with certainty having visited myself.

RISK REDUCTION AND JUSTICE OUTCOMES

Powerful evidence was given to the Select Committee in 2007 and 2008 concerning the need for women to be given protective status in the law such as is awarded to those in witness protection, whether or not there are criminal proceedings. This is still not in place and is rightly necessary.

The Forced Marriage Designated Courts Resource Manual (27 May 2010) has yet to be made public and therefore the vast majority of practitioners have no knowledge of the protocol or the decoy court system. This needs to be implemented immediately.

More information in basic language is required about the Equality Act 2010. Officers of public bodies and the general public alike misunderstand the purpose of this Act and believe that it means, for example, that if you have a women's group then you must also have a men's group. Such basic misunderstanding will negate the affective use of the Act.

Protection Orders and Injunctions are vital to the safety to women and girls and continued funding through Legal Aid is a necessary part of this. Domestic Violence and specifically honour-based violence do not end as a threat at the 12 month cut off point which seems to be the premise of the Green Paper. Insisting that people represent themselves and negotiate with a perpetrator of violence, even to the point of representing themselves in court against that same perpetrator over issues of finances, children and other family law matters will massively increase the risk of domestic abuse. It is vital that this provision is looked at carefully by the Home Affairs Select Committee and recommendations made to the Ministry of Justice.

We need to have one definition of what constitutes domestic violence and how it is evidenced across all Government bodies.

In relation to family violence and offences such as stalking, it is important to look at issues as not only issues relevant to the criminal justice system, but one of Civil justice which has just as important a place, if not more important. Because of the nature of domestic abuse many women may choose not to prosecute for a wide variety (cogent) reasons.

The specialist domestic violence courts have their place but we as a practice know from the oral evidence given to us by the victims that even where the police are prepared to prosecute the Crown Prosecution Service (CPS) will often decline to. This often has to do with targets and quotas. Domestic violence prosecutions should be out with the quota/target system for winnable cases for the CPS. There is plenty of evidence of this both from the survivors themselves and also judicial evidence that we are letting down the survivors of domestic violence in this way.

ACCREDITED CIVIL LAW PRACTITIONERS

We have worked with the Ministry of Justice and the Forced Marriage Unit as well as the Law Society to develop panel accreditation for domestic violence and forced marriage work. This is now in place.

Domestic abuse, honour abuse and forced marriage have traditionally been seen as “women’s work” from a legal practitioner’s point of view, it has been seen as low value and low grade. That will immediately change due to the terms of the Green Paper and we are already seeing practitioners vying for domestic violence work as being one of the few remaining ways of securing legal funding for their clients (as well as their ongoing professional survival) and whilst I would welcome genuine interest in this field of work, I feel that funding should be restricted to those who can show appropriate panel accreditation. This would ensure the appropriate level of expertise and guarantee the appropriate level of service for these, most vulnerable clients.

There should be wider consultation and I would be very willing to contribute to a discussion around Section 60 of the Family Law Act 1996. I have had a considerable amount of experience of third party applicants under the Forced Marriage (Civil Protection) Act 2007.

REDUCING THE RISK OF THE VICTIMS AND SUPPORTING WOMEN OFFENDERS

The report of Baroness Corston goes into the histories of women offenders and told its own depressing story; the majority have experienced violence and sexual abuse, many have been through the care system themselves. When women are subjected to custodial sentences, their children often go into the care system.

In our treatment of these women victims we as a society are creating a vicious circle which we must break out of. Projects such as *Together Women* in Doncaster and Leeds have shown a different model and we have been attempting to obtain funding for such a project in the North East but funding is really hard to come by, especially at this time of austerity.

The MARAC appears to work well overall, but recent information suggest that MARAC referral for women who many domestic violence professionals deem to be high risk are being refused. I have asked for more information about this and will follow up this report with that information as and when it is available.

I am a Specialist Practitioner with over 20 years experience of working with domestic violence, honour violence and forced marriage and a practice which specialises in working with the BME women in particular. My practice involves almost exclusively BME clients, domestic violence, honour violence and forced marriage work and I would be happy to give further details including all evidence to the Home Affairs Select Committee if required.

I would like to particularly mention the work done on the safety protocol for the forced marriage court by Ruth Parker and Her Honour Judge Moir of Newcastle Specialist Forced Marriage Court, one of the busiest in the country. I am aware through my own involvement both as a practitioner and a consultant that this is an exemplary Specialist Forced Marriage Court and would recommend that evidence is taken by Her Honour Judge Moir who is the region’s Principal Family Court Judge and who has made it her goal to learn and understand the complexities and the risk issues related to this work.

Lastly, I have been in discussion with Janice Stevenson of HMCS about how we develop the criteria that would be required to accredit a specialist cultural experts for BME related cases. I would welcome (as would Janice Stevenson), a proper debate on this complex issue.

March 2011

Correspondence from Christopher Graham, Information Commissioner

DATA PROTECTION ACT OBLIGATIONS IN RELATION TO SPOUSAL VISA APPLICATIONS

Thank you for your letter of 7 April 2011 about the UK Border Agency’s approach to requests for information about spouses’ visa applications. You asked specifically whether the Agency is obliged to treat an estranged or abused spouse as a “third party” under the Act and, consequently, is prohibited from passing information about the other spouse’s visa application to them without that person’s consent.

We have now had an opportunity to consider the UK Border Agency’s correspondence and its detailed guidance on the disclosure of personal data to third parties. We understand the Agency’s concern not to disclose details of a visa application to a third party inappropriately and we think it is right for them to take a cautious approach to such requests and deal with them on a case by case basis.

We recognise that the information requested will relate directly to the person making the visa application, is their personal data and is, therefore, protected by the Data Protection Act. This is particularly the case where an estranged spouse has been granted leave to remain in this country on a basis other than being a spouse or a civil partner of a UK resident. Very often, therefore, it is appropriate that the Agency treats the resident spouse or civil partner as a third party and does not disclose information about the applicant to them unless there are overriding reasons to do so. If they make a formal request for information, this would be treated as a request for personal information under the Freedom of Information Act. Lin Homer’s letter of 22 October

2010 and the Agency's guidance does indicate that when MPs write to request information on behalf of an estranged spouse, the Agency is able, in some circumstances, to disclose limited information, including the immigration status of the former partner and this seems to be a proportionate response.

The UK Border Agency should though bear in mind that in cases where an application is based on marital status and the estranged or abused spouse is referred to in the visa application form, the information being requested may well be the personal data of both the resident spouse and the applicant spouse. In these cases, the resident spouse would have a direct interest in the application and they would have a right under the Data Protection Act to make a subject access request for some of the information. This would be the case if the information of both spouses was inextricably linked and the information was about and would have an impact upon them both, for example, if a victim of abuse was forced to sign a visa application form. In broad terms the Agency is required in these situations to weigh the right of the resident spouse seeking access to the personal data that relates to both of them, against the right of the applicant spouse not to have their personal data disclosed without their consent. If the other spouse does not consent, the Agency must decide whether to disclose the information anyway.

This approach to formal subject access requests, which involves a balance between competing rights of individuals, should inform how the UK Border Agency deals with less formal requests from resident spouses, whether made by MPs on their behalf, or made directly. In any such case the Agency may hold a great deal of information about both parties and the circumstances surrounding the application. They might, for example, be aware that the spouse making a visa application is also a victim of abuse. In these complex situations the Border Agency is the one best placed to make decisions on disclosure in the first instance. We acknowledge that this may not always be an easy task.

It should also be born in mind that in any case the Data Protection Act recognises that sometimes it is appropriate to disclose personal data in circumstances which would otherwise breach the Act. This is where there is an overriding reason to disclose the information. This might be where a failure to disclose would prejudice the prevention or detection of crime, or where a disclosure is necessary in connection with any legal proceedings. In these cases, the normal restrictions on disclosure do not apply. Again the Border Agency would have to consider the application of these exemptions on a case by case basis.

I recognise that these are difficult issues but I hope this letter is helpful.

April 2011

Written evidence submitted by Asylum Aid

Asylum Aid is pleased to contribute to the Home Affairs Select Committee's follow-up work into domestic violence, forced marriage and "honour" based violence.

1. As a provider of frontline legal representation to asylum seekers, and a campaigner for a fairer and more efficient asylum system, Asylum Aid has extensive experience of the experiences of domestic and sexual violence, forced marriage and "honour"-based violence suffered by many women seeking asylum in the UK.
2. Asylum Aid has long believed that women who flee violence and persecution abroad, and seek asylum in the UK, should be guaranteed the same minimum standards during the asylum process as victims of sexual or domestic violence who are settled in the UK.
3. For this reason, we welcome the commitment expressed in the *Call to end violence against women and girls: action plan* to "make the asylum system as gender-sensitive as possible" (p. 18). We wholeheartedly support the statement of principles outlined in the strategic narrative that preceded the *Action Plan*:

"The action we take collectively as a government needs to make a real difference to women and girls who have suffered violence to ensure that they can achieve their full potential and live fulfilled lives".¹
4. In order to honour these principles, Asylum Aid believes that the policy progress made in the criminal justice system to guarantee better treatment of victims of sexual and domestic violence must be transferred to the asylum system. Women seeking asylum have a right to be recognised as victims of violence against women, and to be recognised as such through the provision of equivalent standards and safeguards to those already in place for women settled in the UK.
5. However, the briefing—"Every Single Woman"²—demonstrates that, while 27 pieces of policy and legislation have been introduced in recent years to improve treatment of victims of domestic violence in the UK, only two have been introduced to ensure that women seeking asylum are guaranteed minimum standards of dignity and fairness while their asylum claims are considered.

¹ Lynne Featherstone MP, Minister for Equalities, *Call to end violence against women and girls*

² www.asylumaid.org.uk/data/files/publications/118/Everysinglewomanextendedbriefing.pdf

6. While the legal and political context of domestic legislation differs from that of refugee law, we would expect a shared understanding to have developed in the UK in relation to the best treatment of victims of violence against women. Until this happens, the Government's strategy to end violence against women and girls will not be truly integrated.

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