

**Written evidence submitted by the Latin American Women's Rights Services (LAWRS)  
(DAB31)**

**Evidence submission for the Domestic Abuse Bill Committee**

**Establishment of safe Reporting mechanisms**

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**About Latin American Women's Rights Service (LAWRS)**

LAWRS is a by-and-for, feminist and human rights organisation focused on addressing the practical and strategic needs of Latin American migrant women displaced by poverty and violence. LAWRS' mission is to provide Latin American migrant women with tools to assert our rights and pursue personal empowerment and social change. We directly support more than 5,000 women annually through culturally and linguistically specialist advice, information, counselling and psychotherapy, advocacy, development programmes, and workshops.

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**EXECUTIVE SUMMARY**

- Evidence and our own casework show that statutory services have prioritised immigration control over the right of victims of domestic abuse with insecure immigration status to access safety, support and justice. As a result of data sharing arrangements, victims' trust on statutory services, particularly the police, has been eroded. In addition, due to the lack of safe reporting mechanisms perpetrators are enabled to commit domestic abuse with impunity by weaponising survivors' insecure immigration status as a tool of coercive control.
- For these reasons, we recommend an amendment to the Domestic Abuse Bill to include a provision establishing safe reporting mechanisms for survivors accessing vital public services, so that migrant women with insecure immigration status can safely report abuse to the police, social services, health professionals and others with confidence that they will be treated as victims and without fear of immigration enforcement.

**INTRODUCTION**

1. The Domestic Abuse Bill has been described as a once-in-a-generation opportunity to address this crime affecting more than 2 million people per year in the United Kingdom, and which women are more likely to experience. However, the Bill continues to overlook one of the most vulnerable groups affected by this form of Violence Against Women and Girls (VAWG): migrant women. This is especially relevant in the context of the 'hostile environment'<sup>1</sup>, given that, as evidence shows,

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<sup>1</sup> <https://www.libertyhumanrights.org.uk/issue/report-a-guide-to-the-hostile-environment/>

police and other statutory services have prioritised immigration control over the protection of victims of domestic abuse<sup>2</sup>.

2. From LAWRS and the Step Up Migrant Women campaign, we are highly concerned about the damaging effects of data-sharing between statutory services, including the police, and the Home Office for immigration control purposes. This practice undermines trust in the police, deters victims of domestic abuse from reporting, increases their risk of suffering further abuse and prevents perpetrators from being held into account.

3. We fear that the Bill will fail to be a ground-breaking piece of legislation, unless it guarantees that all domestic abuse victims, regardless of their immigration status, have access to safety and justice, by providing a clear separation between vital support services for migrant and BME women and immigration control.

4. Not only is data-sharing a breach to the Human Rights Act (1998) and the Government's international human rights obligations<sup>3</sup> to treat victims with respect in a non-discriminatory way but, by deterring reports, this practice continues to obstruct the work of public authorities in their obligations to prevent, detect and punish serious crimes<sup>4</sup>.

## **THE EFFECTS OF DATA-SHARING WITH THE HOME OFFICE FOR IMMIGRATION CONTROL PURPOSES**

5. The Istanbul Convention, the landmark international treaty on VAWG which the Government has signed and is committed to ratifying, requires in Articles 4 and 59 that victims are protected regardless of their immigration status<sup>5</sup>. Still, Freedom of Information (FOI) requests revealed that 27 out of 45 police forces (60%) in England and Wales share victims' details with the Home Office prioritising immigration control over victims' safety and access to justice<sup>6</sup>.

### **Lack of trust in statutory services**

6. From our evidence-based work, we are aware that as a result of the 'hostile environment' many migrant women with insecure immigration status are reluctant to exercise their rights and less likely to report domestic abuse to statutory services, particularly the police<sup>7</sup>. This is because in many cases immigration status has been prioritised above survivor's safety. To illustrate this, last year our report *The Right to be Believed*<sup>8</sup>, evidenced that 1 in 2 migrant women with insecure immigration status do not report abuse to the police for fear of disbelief, destitution, detention and deportation. Moreover, almost two-thirds of migrant women felt they would not be supported by

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2 <https://www.theguardian.com/uk-news/2018/dec/15/police-face-immigration-data-sharing-super-complaint>

3 [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_35\\_8267\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf)

4 <https://stepupmigrantwomenuk.files.wordpress.com/2018/06/lawrs-safe-reporting-roundtable-report.pdf>

5 <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>

6 <https://www.bbc.co.uk/news/uk-44074572>

7 <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>

8 <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>

the police due to their immigration status. This data is extremely concerning, as it shows that migrant women with insecure immigration status are less likely to access justice.<sup>9</sup>

7. In the midst of the COVID-19 global pandemic, domestic abuse and its intensity has surged<sup>10</sup>. Confinement and social distancing measures have become a fertile ground for perpetrators to exert abuse towards women. This unprecedented situation has shown the great importance of survivors trusting statutory services, particularly the police, in order to flee violence and be safe. However, as suggested by the Independent Domestic Abuse Commissioner, Nicole Jacobs, during the *Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home* session, as a result of the lack of safe reporting mechanisms, migrant women with insecure immigration status worry that by reporting domestic abuse they risk their immigration data being shared with the Home Office for the purposes of immigration control.<sup>11</sup>

8. In this vein, recently the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and UN Special Rapporteur on the human rights of migrants, highlighted the importance of having a clear separation between immigration enforcement and public services so all migrants -regardless of their immigration status- can access justice.<sup>12</sup>

### **Increased vulnerability and risk of suffering domestic abuse**

9. The different experiences of survivors of domestic abuse are linked to race, class and immigration status. Migrant women are more vulnerable to domestic abuse and domestic homicide<sup>13</sup> since they face intersectional inequalities when fleeing violence and seeking support such as lack of understanding of the system, language barriers, lack of access to services, and not having access to public funds, amongst others. In the last years, this vulnerability has been exacerbated by hostile environment policies that prioritise immigration control rather than survivors' safety.

#### **Case study: Sonia**

In 2017 Sonia, an undocumented Brazilian woman, began a relationship with a British national. She suffered from physical, emotional and psychological abuse, including continuous threats of deportation by the perpetrator. In 2018, after an incident of physical violence, Sonia reported the abuse to the police, but instead of taking her statement, the police took her to another police station where she had been falsely accused of domestic abuse by her perpetrator, and she spent the night arrested. She was released under investigation, having been explained that her biometric details and photograph would be held and searched against the national databases. After this incident, fearful of immigration control, Sonia went underground and stopped coming to our service. Until now, she has not been able to regularise her immigration status despite being a survivor of domestic abuse.

9 Bates, L., Justice Project Team, and Hester, M. (2018), Policy Evidence Summary 3: Migrant Women. University of Bristol.

10 <https://www.telegraph.co.uk/news/2020/05/27/national-helpline-charity-reveals-ten-fold-increase-visits-domestic/>

11 [https://publications.parliament.uk/pa/cm5801/cmselect/cmhaff/321/32105.htm#\\_idTextAnchor000](https://publications.parliament.uk/pa/cm5801/cmselect/cmhaff/321/32105.htm#_idTextAnchor000)

12 <https://www.ohchr.org/Documents/Issues/Migration/CMWSPMJointGuidanceNoteCOVID-19Migrants.pdf>

13 <https://www.sistersforchange.org.uk/2017/11/20/unequal-regard-unequal-protection/>

10. Furthermore, as the Home Office recognises in its *Statutory guidance framework: Controlling or Coercive Behaviour in an Intimate or Family Relationship*<sup>14</sup>, perpetrators routinely use immigration status as a tactic of coercive control towards migrant women. Many women we support are misinformed about their immigration status and threatened with deportation and separation from their children by their perpetrators, if they report the abuse.

11. Imkaan's *Vital Statistics* report<sup>15</sup> shows that 92% of migrant women have reported threats of deportation from the perpetrator. The *Right to be Believed* report shows similar statistics with almost 6 in 10 women having received threats of deportation from abusers<sup>16</sup>. These two pieces of evidence highlight that the lack of safe reporting mechanisms enables perpetrators to exert domestic abuse with impunity by weaponising women's immigration status.

#### **Case study: Maria**

Maria is an Ecuadorian woman who came to the UK in 2014. She met her partner at work. Since the beginning of the relationship, he was controlling and continuously lying to her about her immigration status. In 2019, violence escalated when Maria got pregnant. During this time, isolation, emotional abuse and manipulation were exerted while threats of deportation and separation from her child if she reported the abuse to the police increased. Maria came to LAWRS asking for advice early this year. However, when the caseworker informed Maria that due to the high risk of her case safeguarding procedures were triggered and she would need to report the case to social services, Maria demanded her file to be destroyed. Currently, Maria is being supported by LAWRS and social services, however she has not yet reported the abuse to the police since she is too fearful of deportation and possible separation from her child. The lack of safe reporting mechanisms has put her and her child at risk of enduring domestic abuse.

#### **Impunity and lack of accountability**

12. Since survivors with insecure immigration status fear reporting domestic abuse, perpetrators are not being held accountable for these crimes. Our frontline work shows that when domestic abuse crimes go unreported, public authorities-particularly the police- cannot follow their duty to detect and investigate serious crimes. Moreover, the criminal justice system fails in safeguarding victims and providing them access to justice while breaching their basic human rights. One of the consequences of putting immigration control above the safety of victims is that perpetrators can commit this crime with impunity, a risk not only for survivors but for wider communities.

13. For instance, this impunity contributes to perpetrators exerting abuse towards more than one woman. The incentives for reporting, including the certainty for victims that they will not be questioned about their immigrant status, are paramount to prevent further crimes.

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14 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/482528/Controlling\\_or\\_coercive\\_behaviour\\_-\\_statutory\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/482528/Controlling_or_coercive_behaviour_-_statutory_guidance.pdf)

15 [Vital Statistics 2: Key findings report on Black, Minority Ethnic and Refugee Women's and Children's experiences of gender-based violence](#)

16 [The Right to be Believed. Migrant women facing Violence Women and Girls \(VAWG\) in the 'hostile immigration environment' in London](#)

### **Case study: Lucía**

Lucía is a Brazilian woman victim of domestic abuse by multiple perpetrators. Lucía met her first perpetrator online in 2016 while living in Brazil. In 2017, he convinced her to move to the UK with her 5-year-old son, to start a family together. On arrival, Lucía and her son were placed in a room on their own, where isolation, financial and emotional abuse started. Later, she discovered that he was in a previous relationship with another Brazilian woman. In 2019, Lucía got pregnant and domestic abuse escalated when she discovered that the perpetrator was trying to convince a third Brazilian woman to come to the UK and live with him. As a response, the perpetrator intensified threats of deportation, coercive control and isolation towards Lucía. Furthermore, there have been incidents of physical and emotional violence against Lucía's 5 years old son. Lucía's case is a high risk one and despite being advised to report to the police, threats of deportation from the perpetrator have prevented her from doing so.

### **CONCLUSION**

14. Despite there not being any legal duty on statutory services to share data of survivors with insecure immigration status with the Home Office, evidence and our own casework show that this is a regular practice that puts migrant women at risk. As a consequence of the remaining data-sharing practices, the trust from migrant survivors in statutory services continues to decrease. By establishing safe reporting mechanisms within the Domestic Abuse Bill, domestic abuse survivors will have the confidence to report their perpetrators and to access justice and safety. At the same time, it will offer a clear direction for statutory services to safeguard all victims of this crime.

15. Because of all the reasons above, we are calling for the incorporation of a clear statutory obligation which prevents public authorities and other support services from sharing data with the Home Office for the purpose of immigration control, to ensure that safe reporting is available to all women, regardless of their immigration status. This recommendation has been previously supported by The Joint Committee on the Draft Domestic Abuse Bill<sup>17</sup> and the Independent Domestic Abuse Commissioner.<sup>18</sup>

*June 2020*

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<sup>17</sup> <https://publications.parliament.uk/pa/ft201719/ftselect/ftddab/2075/2075.pdf>

<sup>18</sup> [https://publications.parliament.uk/pa/cm5801/cmselect/cmhaff/321/32105.htm#\\_idTextAnchor040](https://publications.parliament.uk/pa/cm5801/cmselect/cmhaff/321/32105.htm#_idTextAnchor040)