



Written Evidence:

The Domestic Abuse Bill



We are writing to submit written evidence to the Public Bills
Committee for the Domestic Abuse Bill 2019-2021.

About the Authors

Latin American Women's Aid

The [Latin American Women's Aid](#) is a specialist gender-based violence support organisation with services tailored exclusively to Latin American and other Black and minoritised women. LAWA runs the only two refuges in the UK and Europe led by and for Latin American women and children fleeing violence. For over 30 years, they have been offering holistic and intersectional services for women to recover from abuse and live empowered lives. LAWA welcomes Black and minoritised women and children of all abilities, social class, religion, and sexuality, and are proud to be bisexual, lesbian, queer and trans inclusive. LAWA is a member of [Imkaan](#), of the [Women's Aid Federation England](#), works in partnership with the [London Violence Against Women and Girls Consortium](#), and is also a partner of the OYA consortium of by and for Black and minoritised ending VAWG organisations delivering frontline, capacity building and sustainability support services across London.

Dr Charlotte Proudman

Dr Proudman is an award-winning family law and immigration law Barrister at [Goldsmith Chambers](#) specialising in violence against women and girls. Dr Proudman has acted in a number of landmark precedent-setting cases concerning domestic abuse and FGM. She is also a Junior Research Fellow at [Queens' College](#) in which capacity she lectures feminist legal theory and is in the process of publishing a book about FGM law and policy for Oxford University Press. Dr Proudman was instrumental in the criminalisation of forced marriage and the introduction of FGM Protection Orders in 2015. She was awarded her Doctorate in FGM law from King's College, Cambridge. She regularly advises the women's sector about changes to law and policy on a pro bono basis.

Introduction

1. This written evidence is submitted in support of amendment NC32 & NC39, which would make refuge addresses confidential in the family court arena and ensure that family court orders are not served on vulnerable women at the residential address of refuges (see, https://publications.parliament.uk/pa/bills/cbill/58-01/0096/amend/domestic_rm_pbc_0605.36-42.html).

To move the
following
Clause –

“Serving a court order on a person who has been subject to domestic abuse

and is residing at a refuge

- (1) *If a court order is to be served on a person [P] who has been subject to domestic abuse as defined in section 1 of this Act and who is residing at a refuge, the court*

order –

- (a) *must not be served on P at the residential address of the refuge, except if a court has ordered that it can be in the circumstances set out in*

subsection (3); but

- (b) *can be served on P at the refuge’s office address or by an alternative method or at an alternative place, in accordance with part 6 of the Family*

Domestic Abuse Bill, continued

(2) *The address of the refuge in subsection (1) shall not be given to any individual or*

third party without the express permission of the court.

(3) *Where attempts to serve the court order by the alternative means referred to in*

subsection (1)(b) have been unsuccessful, an application may be made to the

court to serve the court order on P at the refuge's residential address.

(4) *An application under subsection (3) must state –*

(a) *the reason why an order can only be served at the refuge's residential*

address;

(b) *what alternative methods have been proposed and the consequences; and*

(c) *why the applicant believes that the order is likely to reach P if the order*

is served at the refuge's residential address."

Member's explanatory statement

This amendment seeks to ensure that, where a victim of domestic abuse is residing in a refuge, the

address of that refuge cannot be revealed as part of a service order or location order without

express permission of the court.

Support for the Written Evidence from the Women's Sector

2. We wish to stress at the outset of our written evidence that we fully support the written evidence submitted on behalf of the women's sector's submission (which includes Refuge, Women's Aid, LAWA amongst others), for a whole host of amendments to the Domestic Abuse Bill. The amendments proposed will ensure that all women and girls are safeguarded from domestic abuse and when they are subjected to such abuse that there are sufficient provisions in place to provide them with support. For example, all survivors of domestic abuse must have access to public funds. The current 'No Resource to Public Funds' Rule discriminates against migrant women who are victims of domestic abuse and do not have secure immigration status. LAWA receives numerous referrals to provide women and children with refuge accommodation but when they do not have no access to public funds this leaves them without accommodation despite being in dire need of support. Women are often confronted with a decision about whether to return to their abusive ex-partners or live on the streets; this is no choice; arguably, the state is complicit in forcing women into abusive households due to their being no other realistic option available. We urge the Committee to adopt the recommendations on behalf of the women's sector in full. We do not intend to repeat each recommendation on behalf of the women's sector in our written evidence¹.

3. This submission intends to specifically address an amendment to the Domestic Abuse Bill tabled by Jess Phillips MP and drafted by co-author, Dr Charlotte Proudman, following the experiences of Dr Proudman and LAWA in family courts.

¹ As highlighted in at the conclusion of our written evidence, our written document and amendments to the Bill are supported by, **Imkaan** <https://www.imkaan.org.uk>; **Women's Aid** <https://www.womensaid.org.uk>; **End Violence Against Women Coalition** <https://www.endviolenceagainstwomen.org.uk>; **Women's Resource Centre** <https://www.wrc.org.uk>

Background to Refuges

4. The first refuges in England were set up in the 1970s by women, for women and children escaping domestic abuse. During that decade independent, women-led services developed as part of an international feminist social movement and were brought together under the umbrella of 'Women's Aid' in the UK. Alongside the establishment of women's refuges in the 1970s, there was a parallel wave of Black and Minority Ethnic ('BME') women's groups setting up refuge and outreach services for women from 'BME' communities in the 1970s and 1980s. In 1998, Imkaan was established as a national umbrella body representing the expertise and perspectives of this network. Refuge services now operate as a national network, accepting referrals from women and children in any part of the country who need shelter and support.

5. According to Women's Aid, the definition of a refuge is as follows: "A refuge is a service that offers accommodation and support only for women experiencing domestic abuse which is tied to that accommodation". The address must not be publicly available. Accommodation can be in a range of shared housing, self-contained units and dispersed housing in order to meet the diverse needs of survivors and their children. This combination of accommodation types enables refuge services to provide support to those women with additional support needs such as drug/alcohol use, or a larger family size, which can mean communal living is unsuitable. **Whatever form the accommodation takes, the secret address and confidential location of the refuge is critical to the protection delivered to women and children living there, who remain at risk of ongoing harm from the perpetrator.**

6. Specialist domestic violence refuges have supported hundreds of thousands of women and children who are fleeing domestic violence and it has ensured that they remain safe. They are literally life-saving services which provide safety and sanctuary and are established specifically to meet the needs of the women

and children that need refuge. A range of services are provided in a specialist refuge, including accommodation with 24- hour support, counselling and therapy both individually and in groups, specialist support for children and young people, support with accessing health and other universal services, housing and benefits advice, support with finding legal advice, and follow-up support once the woman and her children have left. The services are women-only, to ensure maximum accessibility, confidentiality and security. Refuges have developed over the past forty years and are built on decades of knowledge and experience that have led to innovation in ways of supporting women and children².

Existing Definitions of what a Refuge is under British Law

7. Existing legal definitions of a refuge are not adequate, and do not adequately clarify that a secret address is essential for refuges to meet their purpose. Case law ([Moran v Manchester \[2007\]](#)) established that one of the features to establish that accommodation is a refuge is that it provides temporary accommodation with the particular purpose of supporting women seeking sanctuary from Domestic Abuse. The Domestic Abuse Bill offers therefore a golden opportunity to ensure there is legal clarity about the nature of refuge provision, including the key elements that are necessary to preserve their integrity. **At present it is not explicitly clear that refuge residential addresses must remain confidential including the identity of those that work for the refuge; this must change.**

The Purpose of Refuges and the Importance of Confidentiality

² Source: Women's Aid SOS campaign report (2014). Available at: https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2015/11/SOS_Data_Report.pdf

8. The function of a refuge goes beyond providing a safe place to stay and aims to address both practical and emotional needs. They provide women and their children with one to one and peer support which enables them to cope with the trauma they have experienced, to leave abusive relationships, to regain their self-esteem and to support them to begin rebuilding their life in safety and independence. Designed to meet the specific needs of women escaping abuse, refuge services operate in women-only buildings, a provision that is enshrined in the Equality Act 2010. The model of support delivered in refuges has proved effective in empowering women to establish lives free from abuse for themselves and their children³.

9. In light of the special type of support that is provided by refuges, they constitute and are understood as sanctuaries, thereby the relationship established between refuge clients and staff is akin to a therapeutic relationship, where the license agreement between the parties is not simply an agreement of supported accommodation, but a very specific bond of trust, based on the principles of care, protection and respect that the refuge commits to when accepting a woman, and that the woman likewise also expects of the refuge.

Integrity of Refuges - The Service of Family Court Orders on Women in Refuges is Re-traumatising and Counterproductive

10. Service of family court orders on families in refuges, particularly location orders, are often applied for by fathers when mothers and children have fled the family home to refuges following allegations of domestic abuse. The family courts use the services of Tipstaff and the police to locate the mother and children in refuges, even though a refuge address is not publicly available.

³ Source: Women's Aid, Refuge services chapter of the 'Whole Housing Toolkit' by DAHA Alliance, available at: https://www.dahalliance.org.uk/media/10650/4_-_wha-refuge-services.pdf

Once they are located, the refuge is usually ordered to provide their address directly to the court to facilitate the service of court orders on mothers. **Often the court order explicitly names the refuge and the manager of the refuge which is intimidating and could result in them becoming identified.**

11. Family courts usually order the police to attend the residential address of a refuge to serve the order on the mother. This causes upset, anxiety and distress to the mother whom is served with the court order and the other women and children in the refuge who have reported feeling re-traumatised by the process. For women who experience a number of intersectional inequalities such as race, language barriers and insecure immigration status, they have reported receiving a heavy-handed response from the police, unable to understand what the police are saying, and feeling that they are treated as criminals.
12. In such cases the highly confidential location of the refuge is given to the family courts. As a result of disclosing the refuge's residential address upon the court, in at least one case, the mother and child were located and stalked, they had to move to two different refuge addresses and then the father abducted the child abroad. In another case, the police served a family court order on a vulnerable mother who does not speak English and sought safety with her two children. The mother found the experience degrading and humiliating. Concerns arose in that case that the father had discovered the family's location and as such the mother and children had to move to another location.
13. It is accepted that family court orders **must** be served on mothers but it is not accepted that the current family judicial practice is correct as it breaches women's and children's right to a safe family life and a private life under Article 8 of the ECHR. The approach adopted by family courts is haphazard and is inconsistent. Much depends on the approach of the particular judge that the case is before. Many judges have *no* training in domestic abuse.

1. We have first-hand experience of the family court's naming refuge's and refuge worker in court orders.
 2. We have first-hand experience of perpetrators of domestic abuse discovering the residential address of the refuge during the family court process, and as a result: fathers have stalked and harassed mothers; one father abducted a child; and mothers and children have had to subsequently move to other refuges, causing further distress and anxiety.
 3. We have first-hand experience of the police serving family court orders on women at refuge residential addresses causing re-traumatisation.
14. These situations can easily be avoided by ensuring that refuge addresses are always confidential and that family court orders are served by alternative means, as per the Family Procedure Rules 2010. A simple amendment to the Family Procedure Rules 2010 will ensure a consistent approach is adopted by all family judges. If this amendment is not introduced, the same poor practice will continue. It is imperative that this is addressed urgently before irreparable harm is caused.

We are therefore calling for the government to:

- Prevent the service of family court orders on refuge residential addresses.
- Ensure that refuge residential addresses and the identity of refuge workers remain confidential

Other Information to Support our Evidence⁴:

⁴ Information provided by Lucy Hadley, Campaigns & Policy Manager Women's Aid

- Women experience higher rates of repeated victimisation and are much more likely to be seriously hurt (Walby & Towers, 2017; Walby & Allen, 2004) or killed than male victims of domestic abuse (ONS, 2017).
- The number of female victims of all types of homicide in England and Wales in the year ending March 2019 increased from 220 to 241 (up 10%). This is the second consecutive annual increase and the highest number since the year ending March 2006. ONS (2020). Homicide in England and Wales: Year ending March 2019. Published online: ONS
- The overwhelming majority of female domestic homicide victims are killed by men; of the 270 female victims of domestic homicide for the year ending March 2016 to the year ending March 2018, the suspect was male in 260 cases. In 218 of the 270 female domestic homicide cases between the year ending March 2016 and the year ending March 2018, the suspect was a partner or ex-partner. 43 male victims (41%) were killed by a partner or ex-partner in the same time period - Office for National Statistics (ONS). (2019) Domestic abuse in England and Wales: year ending March 2019. Published online: ONS

Thank you,

Latin American Women's Aid

Gender-based violence support organisation

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Our written evidence and amendment to the Bill is endorsed by:

- Imkaan <https://www.imkaan.org.uk>
- Women's Aid <https://www.womensaid.org.uk>
- End Violence Against Women Coalition
<https://www.endviolenceagainstwomen.org.uk>
- Women's Resource Centre <https://www.wrc.org.uk>