

16 March 2021

PPR's input to the **Call for Views** to inform new draft strategies on **Violence against Women and Girls** and **Domestic/Sexual Abuse**



The joint [Call for Views](#) from the Department of Justice, Department of Health and Executive Office is meant to inform two new strategies, on (1) Domestic and Sexual Abuse and (2) Violence against Women and Girls.

PPR's submission, grounded in the work of our Lift the Ban and Housing4All groups of people with experience of the UK asylum system, aims to inform the "Equally Safe" strategy, "a new overarching Executive-wide strategy to address societal attitudes, beliefs and behaviours that contribute towards violence against women and girls" (p. 6) as well as the eventual strategy specific to domestic and sexual abuse.

Key issues for inclusion in the strategies

When people are forced to flee their countries, many risk falling prey to human trafficking and other forms of exploitation. Official sources recorded more than 10,000 suspected victims of trafficking, slavery and forced labour in the UK in [2020 alone](#). Even more worryingly, data on modern slavery and human trafficking in the UK indicate that these practices have become [more frequent during the pandemic](#). The number of cases of sexual exploitation was reportedly 25% higher in 2020 than in 2019, while criminal exploitation -- such as enforced begging, drugs-related activity or shoplifting -- was said to rise by 42%.

The previous, overarching 7-year NI [VAW strategy](#) briefly mentioned victims of human trafficking -- and the May 2021 [publication](#) of the Department of Justice's Modern Slavery Strategy was a significant further step for this group -- but was silent on the similar risks facing **refused asylum seekers**.

Asylum seekers are amongst the most vulnerable people in our society, and the state has the [duty to protect](#) them from all forms of exploitation. This is a well-established principle in international law, articulated in a range of international and regional treaties. To give an example, states party to the [European Convention for the Protection of Human Rights and Fundamental Freedoms](#), including the UK, have positive obligations under article 2(1) to protect life and under article 3 to protect people from torture. In [Opuz v. Turkey](#), a case in which the court found the state had violated both of these articles by failing to protect the applicant and her deceased mother from domestic violence (para. 3), the European Court of Human Rights articulated the state's "*positive obligation to take preventive operational measures to protect an individual whose life is at risk*" (para. 148). In this manner, states are expected to act when a person is known to be in a position of risk. It is critical that this

human rights obligation is understood and implemented in practice, including by protecting the rights of women and girls designated to have 'No Recourse to Public Funds' (explained in more detail below).

The [Council of Europe Convention on preventing and combating violence against women and domestic violence](#), for its part, obligates states to

take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere (art. 4.1)

and specifies further that states must do so

*without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, **migrant or refugee status, or other status.** (art. 4.3) (emphasis added)¹*

However, as the [groups](#) supported by PPR have documented in various [reports](#), instead of protecting and promoting their rights Home Office 'hostile environment' policies can instead place women and girls at further risk of harm.

In one important example, enforced destitution is deliberately built in to the Home Office's asylum system through a default **No Recourse to Public Funds** designation placed on asylum seekers whose initial claim has been refused -- notwithstanding the fact that for many that refusal is only temporary. (In 2020/21, [half of those who appealed a refusal were later granted asylum](#) - after first enduring months or more of street homelessness, privation and extreme vulnerability to exploitation and abuse.)

While under the NRPF designation, asylum seekers have no access to accommodation or money: the Asylum Information Database's most recent [UK report](#) noted, "refused asylum seekers, who may still be trying to establish their claim, may spend years in destitution" (p. 64). Similarly, [2019 research by the Housing4All group](#) here demonstrated that some asylum seekers were made destitute numerous times in their asylum process.

People in this position -- penniless, homeless, but unable to seek support from homeless shelters or any public body -- are clearly at huge risk. They are forced onto the streets -- or, to

¹ The UK's 5th progress report on implementation of provisions of this convention, dated 1 Nov 2021 and covering all of the UK with dedicated sections on Northern Ireland, can be found [here](#).

avoid rough sleeping, into potentially dangerous and/or exploitative relationships or arrangements in return for somewhere to lay their heads.

In recognition of this, PPR have worked for the last three years in a pilot project with a local housing association to provide accommodation to **destitute women asylum seekers** who might otherwise be forced into rough sleeping or other situations that could jeopardise their safety, health and well-being and place them at risk of violence.

The NI Executive has devolved responsibilities which can both mitigate and address many of the causal policies contributing to the risks faced by refused asylum seekers with a NRPF designation. In light of this, any draft strategy on Violence against Women and Girls must

1. **identify refused asylum seekers and others with a No Recourse to Public Funds designation** as a particularly at-risk group of women and girls.
2. Propose concrete measures to reduce their vulnerability to violence and abuse.

The impact of Covid-19

Pre-Covid, people with an NRPF designation are only explicitly entitled to advice about homelessness; but under the UK-wide '[Everyone In](#)' public health initiative for rough sleepers -- some of them people with a NRPF designation -- a [Memorandum of Understanding](#) was set up between the Housing Executive, the Department for Communities and the Department of Health to provide emergency shelter for them during the pandemic. Around 60 people were reportedly provided with housing under the scheme, although PPR and other organisations working with this community witnessed the extent to which others face barriers accessing this support -- including overly restrictive interpretations of eligibility.

The MOU runs until at least the end of March 2022. In a potentially positive development for people with a NRPF designation, the Housing Executive's recent draft [Ending Homelessness Together 2022-27](#) strategy gives duty bearers the scope to shape a more humane future for this group by committing to

explore alternative routes with the Department for Communities and the Department of Health through which to provide accommodation and support to people with no recourse to public funds when the current arrangements as part of the COVID-19 response end. (p. 39)

PPR and other civil society groups are following progress of this initiative closely to ensure that exploration of alternatives is followed by effective measures on the ground to actually provide people with shelter and help keep them safe.

For its part, the Executive Office's [draft Refugee Integration Strategy](#) includes a positive aim to

develop a pathway out of destitution for refugees and asylum seekers facing destitution and those who have No Recourse to Public Funds (NRPF) status. (p. 8)

In line with these strategies, the draft strategies on domestic and sexual violence and on violence against women and girls must

3. include a commitment to joined-up efforts **to establish effective mechanisms for providing accommodation and support** to people with NRPF to protect them from rough sleeping, exploitation and abuse, in line with the draft NIHE and NI Executive Office policies above.

4. seek to build on joint work undertaken by PPR, Choice Housing Association, CFNI and East Belfast Mission which has developed a pilot model to provide accommodation and support for asylum seekers with No Recourse to Public Funds (this could include identification of other possible partners, as well as commitment by other Ministries (eg the Minister for Communities could commit to use specific Housing Association properties for people with No Recourse to Public Funds).

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