

GENDER-BASED VIOLENCE AND HOMELESSNESS

Gabriela Quevedo from Latin American Women's Aid (LAWA) explains the challenges and opportunities for supporting Black and minoritised survivors of violence – who struggle to obtain support and justice from public authorities

In the UK, one in four women experience gender-based violence. Domestic abuse accounted for 16.2 per cent of all crimes recorded by the police in the year ending March 2023.

Women who face additional forms of inequality due to race, ethnicity, social class, religion, sexuality, gender identity, disability, mental health, or age are at greater risk of experiencing violence and often struggle to receive appropriate support and justice.

Migrant, Black and minoritised women face additional barriers to seeking help, including lack of knowledge of their rights, language proficiency or their immigration status. The UK government ratified the Istanbul Convention in 2022 (on Preventing and Combating Violence Against Women and Domestic Violence) - but it reserved Article 59 which obliges states to protect migrant women including by providing them with an independent residence permit when their status is dependent on the perpetrators. Despite evidence of the risks faced by migrant women, the government continues to refuse to afford them equal protection.

Organisations like Latin American Women's Aid (LAWA) provide critical support for these women. LAWA operates the only refuges by and for the Latin American community in the UK and Europe. 'By and for' refers to specialist services designed and delivered by the communities they aim to serve. In the context of violence against women and girls (VAWG), these services bring vital expertise to address these issues effectively.

Leaving an abusive relationship is challenging for anyone, but for migrant and minoritised women, it marks the beginning of a long journey through bureaucratic obstacles, gatekeeping, and misunderstanding. VAWG is both a cause and a consequence of gender inequality. To address it means to confront broader structural inequalities, including economic disparity, health inequity, and the hostile immigration environment.

LAWA's focus on influencing housing policy comes through the Women Against Homelessness and Abuse (WAHA) initiative, which has operated for six years to address the intersecting issues of poverty, homelessness, and gender-based violence experienced by migrant, Black and minoritised women. The initiative aims to create pathways to secure safe and stable homes while promoting positive changes in housing policy and practice through ongoing learning, community dialogue, and collaboration with local authorities.

Unfortunately, accessing support can be another source of trauma and re-victimisation. LAWA's research indicates that Black, migrant and minoritised survivors face complex structural barriers when seeking safe accommodation, leading to high risks of homelessness and re-victimisation at various stages, from leaving an abusive relationship to finding long-term stability.

These barriers are rooted in systemic failures and discrimination by public authorities such as the police, social services, and local councils. Re-victimisation manifests through poor welfare and housing provisions, as well as structural sexism, exacerbated by intersecting oppressions related to race, immigration status, language barriers, class, and disability.

LAWA's primary goal is to improve responses from statutory services to meet the housing needs of survivors better, and create a more supportive environment for those escaping gender-based violence.

The UK's approach to homelessness is governed by legislation, including the Housing Act 1996, the Homelessness Act 2002, and the Homelessness Reduction Act 2017. Part 7 of the Housing Act 1996 sets out the duties of local authorities when processing homelessness applications, including criteria for determining homelessness and providing accommodation.

The Domestic Abuse Act 2021 expanded the definition of domestic abuse to include not just physical violence but also emotional, psychological, and financial abuse. It grants survivors automatic priority for homelessness assistance and removes the requirement for vulnerability assessments. It also places duties on local authorities to establish Domestic Abuse Local Partnership Boards, assess the need for accommodation-based domestic abuse support, and develop a strategy to address this need.

Despite these positive changes, the Domestic Abuse Act has gaps. It lacks a gendered approach, fails to fully address the additional systemic barriers faced by women, particularly migrant women, and does not explicitly use the term 'refuge' though the statutory guidance does include it. Furthermore, technically speaking the act does not require local authorities to provide domestic abuse victims with accommodation, but it does indicate an obligation to implement needs assessments geared towards further reforming the support systems available to survivors.

Local authorities have a prevention duty to help people who are threatened with homelessness within 56 days, and a relief duty to help those already homeless to secure accommodation.

In summary, while recent legislative changes have improved the framework for supporting survivors of domestic abuse and homelessness, significant gaps remain. These include a lack of comprehensive protection for migrant women and an inadequate emphasis on providing accommodation for domestic abuse victims.

The housing crisis creates barriers for women seeking support after experiencing domestic violence. Women's experiences of homelessness often differ from men's - they are more likely to face 'hidden homelessness' such as couch-surfing, rather than being visibly homeless on the streets. Many homeless women or those at risk of homelessness have faced gender-based violence, and women fleeing such violence are at high risk of becoming homeless. Although the Domestic Abuse Act 2021 imposes a duty on local authorities to provide safe accommodation for survivors, the lack of social housing creates significant challenges for vulnerable women seeking stable accommodation.

The inadequacies of the housing benefit system, such as caps on Local Housing Allowance, make it difficult for women to afford private rental housing. This has led to calls for the Department of Work and Pensions to re-assess these caps to align with private rented accommodation costs.

Other factors exacerbating the problem include the decrease in supply of temporary accommodation as private landlords seek more profitable tenants, and staff shortages within local authority housing teams. High staff turnover and lack of training - connected to underfunding and inadequate regulation - contribute to the deterioration in the quality of temporary accommodation.

In practice, housing officers at local councils are often ill-equipped to support women from minoritised communities. The communication between survivors and these officers is sporadic and frequently affected by disbelief and prejudice, leading to re-traumatisation for survivors and increased workloads for our caseworkers. This inconsistent contact with statutory agencies makes it difficult for women to rebuild their lives after experiencing domestic abuse.

Between June 2020 and June 2023, the WAHA initiative managed 193 complex cases. Most of these referrals (63 percent) were related to gender-based violence, with homelessness (46 percent) and threatened homelessness (16 percent) being common issues. Additionally, 31 percent of referrals were due to problems with temporary accommodation facilities, including long stays in unsuitable temporary accommodation, landlord harassment or eviction procedures.

Unfortunately, many survivors are refused support until legal action is threatened. Several forms of 'gatekeeping' practices contribute to this problem, such as:

- Failure to apply the statutory definition of domestic abuse.
- Unlawfully high evidence thresholds that create an environment of disbelief and distrust.
- Inappropriate instructions for survivors to stay in or leave their borough.
- Local Housing Teams preventing survivors from making valid homeless applications.
- Local Housing Teams failing to meet the duty owed to survivors already assessed as homeless.
- Wrongful assessment of survivors' homeless status due to a lack of understanding of gender-based violence.
- Social Services staff providing incorrect guidance in immigration matters.
- Racism and discrimination encountered while dealing with local authorities.
- Severe negligence in ensuring survivors are housed in safe, healthy, and hygienic conditions.
- Poor or non-existent communication between housing officers and survivors, causing re-traumatisation.
- Police malpractice due to a lack of information in community languages and a culture of disbelieving survivors.

To address these challenges, the police should provide accessible information to Black and minoritised survivors about referral pathways, including direct referrals to Black and minoritised services and refuges. Additionally, a trauma-informed approach and cultural competency training, including professional interpreting services, are critical to improve support for survivors.

With a new UK government in place there is an opportunity for political parties to commit to a 'comprehensive whole-society approach' to addressing VAWG focusing on the most marginalised. A coalition of over 70 organisations, including LAWA, published a joint manifesto in September 2023 outlining their priorities for the next government.

LAWA's key recommendations include:

1. Work with local authorities to ensure housing officers understand women's legal entitlements, preventing gatekeeping practices that require legal threats to act.
2. Allocate resources to develop second-stage/move-on accommodation schemes for survivors to facilitate smoother transitions after leaving abusive situations.
3. Implement Shelter's recommendation to deliver 3.1 million more social homes within 20 years.
4. Local authorities must ensure proper assessments and stop demanding local connections from abuse survivors, while meeting safe accommodation standards.
5. Local authorities should create referral pathways with 'by and for' services to support minoritised survivors who may fear interacting with the police or council due to immigration concerns.
6. Local authorities must ensure their temporary accommodation stock meets minimum standards of suitability.

This essay is part of a collection of thought pieces curated by Amnesty International UK and Labour Campaign for Human Rights. June 2024

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