



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Domestic Abuse and Family Proceedings Bill:
Migrant Centre NI

25 June 2020

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Ms Linda Dillon (Deputy Chairperson)
Mr Doug Beattie
Ms Jemma Dolan
Mr Paul Frew
Miss Rachel Woods

Witnesses:

Ms Kendall Bousquet Migrant Centre NI

The Chairperson (Mr Givan): Kendall is joining us through the StarLeaf facility, and I formally welcome her to the meeting. As per previous evidence sessions, this session will be recorded by Hansard and the report will be published in due course. Kendall is from the Migrant Centre NI. I invite you to give a brief outline of your submission, and then we will move straight to questions from members.

Ms Kendall Bousquet (Migrant Centre NI): Can you hear me?

The Chairperson (Mr Givan): We can, yes.

Ms Bousquet: OK, great. I am fighting a losing battle with the Wi-Fi today, so I apologise for there being no video. I want to thank you, Chair, and the Committee on behalf of the Migrant Centre NI for inviting me to give oral evidence on the Domestic Abuse and Family Proceedings Bill. The Migrant Centre NI was created to tackle racism — that continues to be our mission — and to advocate for the rights of migrant workers in Northern Ireland. We do not offer specific domestic abuse or women's support programmes. I am going to provide a level of analysis and anecdotal evidence of what we have seen from the clients who access the services that we provide, whether that is immigration advice or support, where we have our ear to the ground and can see issues that face vulnerable migrant or BAME individuals, and women in particular in relation to domestic abuse.

Migrant Centre NI is very glad to *[Inaudible]* Domestic Abuse Bill that is crucial to understanding the dynamics *[Inaudible.]*

The Chairperson (Mr Givan): Kendall, can you hear us? We have dropped your line.

Ms Bousquet: Can you hear me?

The Chairperson (Mr Givan): Yes. We have you on video now, which is even better.

Ms Bousquet: I am very sorry. I lost the phone call, but I managed to connect here.

It is important to highlight that migrant and BAME victims of domestic abuse face a particular and unique risk of being subject to coercive control because of their individual circumstances, which can lend themselves to be leveraged by abusers to further control and abuse the victims, whether emotionally or financially. Those factors can include, for example, if a woman is being abused and she does not have English skills and depends on her partner to communicate and help her to navigate. If her visa or immigration status is tenuous or uncertain or, maybe, undocumented, we often see that abusers leverage that against their victims as a means of controlling them.

Let us think about the impact that not having local connections has on victims. If you grew up here, you have family and friends and local connections that you can turn to for support. If a victim does not have that, they are at particular risk of isolation within the abusive relationship. Those are just some of the things to consider as to why migrant and BAME women might be at particular risk of coercive control. Furthermore, women's risk factors for coercive control that apply to women generally might be particularly severe, for example, for asylum seeker women or migrant women who are working in precarious positions or, maybe, who are not employed, where they do not have the level of financial independence to be able to leave their abuser and find secure accommodation immediately. The things that apply to all victims of domestic abuse might be particularly pronounced in instances where migrant or minority ethnic women are being abused.

If I may, I will share an anecdote from my work at the Migrant Centre because it touches on a lot of those issues and the recommendations that we want to make. I am a volunteer at Women's Aid, which does not have a budget for interpreters. Even though I was not volunteering in an interpreting capacity, I would periodically be called in to do interpretation for women who do not have the English skills to communicate in the drop-in clinic at Women's Aid. There was one woman in particular who was in a really dire and vulnerable situation where she was facing physical, emotional and financial abuse and was no longer safe in her home. She was entering emergency accommodation through Women's Aid. She went into the Women's Aid refuge where she was the only woman who spoke her language. I was doing emergency interpretation over the phone at times, because it is really a triage situation when the funding is not there and you are dealing with vulnerable clients. I know, just from having interpreted during her sessions in the drop-in clinic, that she was advised to go to the Housing Executive, explain that she was in a domestic violence situation and present as homeless. She was advised to take a friend with her, who not only can help interpret but can provide a level of support as she was going through what was a very traumatic time in trying to find accommodation.

At the Migrant Centre, because of a lack of resources, like many community organisations, we are very graciously hosted in our Belfast office by Ballynafeigh Community Development Association (BCDA), which has a benefits advice service. Just because we share an office, one of their benefits advice workers asked whether I was able to interpret for a client that day. So, I jumped in and did the interpretation — lo and behold, it was the same client for whom I was interpreting at Women's Aid, who, at that point, had been referred to another organisation to assist with benefits advice.

As a small, community organisation, BCDA does not have an in-house interpreter budget, so I was doing that in a volunteer capacity. Luckily, I had the experience of having worked with that woman before and had training and experience as a Women's Aid volunteer. At that point, I was providing interpreting services for a woman who was receiving benefits advice but was going through a very traumatic and stressful time, facing very particular circumstances. If she had an interpreter who was not trained in issues of domestic abuse and her level of knowledge of the system is just not there, the client might have felt that she was not being well supported.

She was applying for disability benefits related to the physical and mental abuse that she had experienced. She thought that the advice worker, who was giving her the disability benefits advice, was a doctor who was going to give her a prescription. Her level of knowledge of how to navigate the system was just not there. Imagine how difficult it is to navigate a new culture where you do not speak the language, and, on top of that, you are dealing with serious trauma, having escaped a domestic abuse situation.

I brought up that anecdote because it highlights a lot of the issues. I should add that that woman has never interfaced with the criminal justice system about her abuse, and she probably never will. That is the reality for many victims of abuse, and even for women who interface with the criminal justice system. The Bill could be the best legislation that you could possibly get on the books, but, if there are

insufficient resources for organisations that support victims, such as the PSNI, getting information to victims about who can support them, how they can access that support and what it looks like, without a coordinated holistic effort, the best legislation would all be for naught.

I refer to the precedent set by Judge Gillen's report on serious sexual offences in Northern Ireland, where an entire chapter is dedicated to the need for providing adequate resources to support victims of sexual crimes. The exact same principles hold for victims of domestic abuse. I know that Judge Marrinan in his upcoming report is also going to dedicate a portion of his review to the importance of resourcing. He has worked closely with our hate crime victim advocates at the Migrant Centre.

I am echoing things that have been said before by work commissioned by the Department of Justice and the likes of Judge Gillen about the need for the Department of Justice and for law and policymakers to reach out to uniquely vulnerable groups, whether they be migrants, asylum seekers or refugees, LGBTQ groups — I commend you for doing that here — and groups dealing with individuals who have disabilities. We desperately need empirical research commissioned by government to learn about the prevalence, extent, nature and experiences of domestic abuse among those groups in particular. Consideration should be given to what procedures and mechanisms, including specialist domestic abuse services, alone or in combination with conventional law and procedures in a legal system, may establish a construct of victim justice for them in particular, given the uniquely vulnerable positions that they are in.

I worry that our recommendations for work in the criminal justice system may not be within the remit of the legislation itself and that the legislation will fail if they are not taken into account. There is a need for services to be properly resourced not only on paper but in practice, with interpreters for the PSNI and the likes of the Housing Executive and the medical services. Clients will be told sometimes, "Yes, we have interpreters" or, "We have a telephone interpreting system", but, in practice, the service may not be carried out as efficiently as one would hope.

In addition, there needs to be a coordinated information campaign about, if women want to access support from the police for instances of domestic abuse, how they can do that, basically encouraging them to do so. That would need to be a multilingual campaign that is specifically and strategically targeted at ethnic minority communities as well. In addition to the language barriers, there are real cultural barriers. Migrant, refugee and asylum seeker women might be coming from cultures or conflict situations where domestic abuse is not something that you go to the police for. They may carry the residual attitude of that. Obviously, that is not unprecedented for a lot of women in Northern Ireland — unfortunately, it was the case here until recently. Using the knowledge of the precedent of the great strides that the PSNI has made to become more accessible in instances of sexual and domestic abuse crimes in Northern Ireland and of how much it has improved, we can ask this: how do we extend that to women who are coming from migrant backgrounds as well?

I echo the excellent points that my colleagues in the Rainbow Project, HERe NI and Cara-Friend made about the need for outreach to vulnerable groups. Immigration status as a factor in coercive control deters women from interfacing with the criminal justice system. There is, categorically, a ban in the criminal justice system on any sharing of information about victims of abuse with the Home Office, and that is enforced in practice.

I will conclude by circling back to our point about the importance of resourcing. I echo the sentiments in the Gillen review:

"The appropriate statutory agencies should deliver a comprehensive resource impact assessment, with the assistance of affected stakeholders, into my recommendations, individually and cumulatively. This should include both the direct costs arising — for example, from the deployment of additional PSNI and PPS resources, and also indirect and consequential costs — for example, revisions required to the legal aid regime to support any enhanced services from counsel and solicitors at court."

My colleagues at the Migrant Centre who serve as hate crime victim advocates do a really great job of helping victims of race hate crime who might not have English skills and a cultural awareness of the criminal justice system here to navigate it in order to help them to find justice and healing after they have experienced very traumatic incidents of race hate crime. That might serve as some kind of precedent where there are people, either in organisations like Women's Aid or those that deal specifically with those individual groups, who act as advocates for victims of domestic abuse and as liaisons with the PSNI to provide culturally competent support and who may have the necessary language support as well.

Thank you all for your time, and I look forward to answering your questions.

The Chairperson (Mr Givan): Thank you, Kendall. You covered the issues very well in your presentation, and I very much appreciate that. In fact, you answered in good detail two of the questions that I had, which were about sharing of information with the Home Office. I am trying to think about how that can be dealt with in the legislation or whether it even can be dealt with. Perhaps you can elaborate a little bit more on why that is such an issue. It is probably stating the obvious, but it is just so we have it on record. Do you have any suggestions about how that can be addressed?

Ms Bousquet: First, any codification should make it explicit that any victim of domestic abuse who is taking the very difficult and brave decision to come forward with that abuse should not be deterred from doing so out of fear that they will be deported or that they will be treated punitively because of their immigration status. I recommend in any explicit codification down the line, whether the PSNI, the courts or the legal representation that victims receive, that there be an explicit ban on information sharing with the Home Office regarding anyone who has come forward as a victim of abuse.

The Chairperson (Mr Givan): On funding, is the hate crime support partnership model that the police have with other organisations a model that you would like to see replicated for domestic abuse? You made the point well that we can have the best legislation on the books, but if it does not manifest itself through support structures and education, it will not have the desired impact.

Ms Bousquet: I am not saying that it should necessarily be copied or replicated directly, because it is its own issue and there are specific things to take into account. Obviously, the PSNI is very well trained in the intricacies of how and why hate crime happens, but I do think that the model and programme of having specific victims supports in the way that the current hate crime victim liaisons are set up were introduced for a reason. From seeing the work that my colleagues do at the Migrant Centre, and at organisations such as the Rainbow Project, there was a clear need for such a programme. The PSNI said that it could not do this alone and that victims need support from support workers who understand the nuances and intricacies of why victims are particularly vulnerable and know how best to support them.

In the case of the Migrant Centre, there are the added barriers of language and culture. I saw that when working in the migrant sector and in refugee resettlement. We may not know where people even come from. Take the example of someone from Nigeria experiencing something as sensitive as domestic abuse. They may come from one ethnic background while their interpreter comes from a different one. Although they may speak the same language, will that person necessarily be comfortable talking about intimate matters to someone from a different cultural background? If we are not aware of their cultural backgrounds and contexts, or what they may be fleeing from in their home countries, we are not best set up to understand them. If you have a victim support advocate who is well versed in the cultural components of what a victim might be facing, I think that that goes a long, long way in making victims feel supported and comfortable in proceeding with whatever they need to.

Ms Dillon: Thank you very much, Kendall, for your presentation. As with the questions that the Chair was going to ask, much of what I wanted to ask you has been well covered. You have definitely given a very detailed account. One of the big concerns for me is how we get advocacy put in place. Other groups have raised that for advocates in general because of the difficulties that we have with domestic abuse and sexual violence. We should look at that.

Some of the issues that you raised are very interesting. The issue has come up before when refugees have come here and people have very kindly said that they will take a family in, not thinking through what that actually means for them and for the family that they are offering to take in. There are certainly cultural issues and all of that. We need to think that through. It is good that you have presented to us this afternoon and reminded us of all these issues.

The Chair touched on the Home Office not sharing information. I would like us to find out whether we can enforce it. Status is a reserved matter, so it is not within our competence. It may be within our competence to decide not to share the information, but we need to find out. If it is possible, it is very important and a positive move in protecting women, families and all victims of domestic abuse. This goes beyond women; children and the wider family can be involved as well.

It has been raised before, Kendall, that recourse to public funds can be a big issue. Status may not be an issue, but recourse to public funds could be an issue when the perpetrator is entirely in control. Where do you go when you and your children have no recourse to public funds?

Chair, we talked earlier about how to deal with issues that are not in the legislation but which we need to deal with at a later stage. On the basis of your presentation and the issues that you have raised, those are the things that we should be looking at. Many of the other issues are similar but become more complex when there are language and cultural barriers and many other difficulties, including access to funds.

Thank you for your presentation. Rather than asking you questions, my contribution is suggestions on how we can move forward. You have given quite a bit of detail on the issues that I am raising. Thank you.

Miss Woods: Thank you. Like Linda, most of my questions have been answered in your submission, your account today and in your responses to questions from the Chair. A campaign is ongoing at Westminster to get immigration status and the issue with the Home Office included in its Bill. I support us looking at whether it is within the competence of the Assembly to put that into this Bill. I have also raised this with the Minister for Communities.

I want to tease out the need for a multilingual public information campaign, which I agree with, to communicate to victims that they can come forward. Are you aware of any precedent or example of where this practice happens to encourage reporting and get people's support? Are there any current examples that we could look at?

Ms Bousquet: I do not have anything in front of me to reference. It might be one of those situations that needs a bit of creative thinking in consultation with organisations like the Migrant Centre, and other organisations that work closely with migrant and BAME populations should be brought on board in the development of a campaign. Whatever happens, it should be done in consultation with members of the community, who are the best experts on how to reach them.

Miss Woods: Yes, I agree. There has to be co-production of guidance, communication and resources. That has been loud and clear in a number of submissions, so thank you for that.

Ms Bousquet: One precedent is the hate crime outreach that we do, which is a multilingual awareness campaign. From our end, we would use that as a bit of a precedent. However, I do not want to say, "Copy and paste that" or, "Just replicate that", because there are certain considerations with this particular topic: for example, the information will need to be available in women's refuges.

Miss Woods: Brilliant. Thank you.

The Chairperson (Mr Givan): OK, members, there are no other points to be raised. Kendall, you covered everything very well in your presentation, and I appreciate that. Thank you for your contribution to the Committee's evidence. I wish you well.

Ms Bousquet: Thank you very much. Thank you all for giving me the time to speak today. I really appreciate it.

The Chairperson (Mr Givan): It is a pleasure, Kendall, thank you.