

**Stakeholder consultation on draft of
*Equally Safe: Scotland's strategy for
preventing the causes and consequences
of violence against women and girls***

Response submitted by Scottish Refugee Council

February 2014

About Scottish Refugee Council

Scottish Refugee Council is an independent charity providing advice and information to refugees in Scotland. We also campaign for the fair treatment of refugees and raise awareness of refugee issues. Over the last three years, our Raising Refugee Women's Voices project has built up expertise in evidence based policy advocacy on gender and human rights issues, including gender based violence, in a refugee context. We work closely with the Refugee Women's Strategy Group which is concerned with the impact of gender based violence on refugee women both in Scotland and globally.

About the consultation

As part of the process of developing a strategy to tackle the causes and consequences of violence against women and girls in Scotland, the Scottish Government is seeking feedback from stakeholders and women affected by violence on the draft strategy and a number of specific questions in relation to service provision, prevention work and data collection.

1. Introduction

Scottish Refugee Council warmly welcomes the opportunity to feed into the development of a strategy to tackle violence against women and girls in Scotland. In our response we set out some background information on the demographics and particular needs and experiences of refugee¹ women in Scotland; we suggest ways in which the strategy can better reflect the needs and experiences of this population, including by ensuring read-across from other relevant policy areas, such as refugee integration and human trafficking; and we respond, where appropriate from our experience, to the specific consultation questions.

2. Refugee women and girls in Scotland

Scottish Refugee Council estimates that there are around 20,000 refugees currently living in Scotland. Each year the UK receives around 20,000 asylum applications, approximately one-third of which are from women as main applicants. Many more women and girls come to the UK as dependents on a male main applicant’s asylum claim, effectively hidden in the statistics. Since 2000, around 8-10% of asylum claimants to the UK each year have been dispersed to Glasgow by the Home Office. As such, at any point since 2000, Glasgow has been home to between 2000-6500 people seeking asylum. So far Glasgow has been the only local authority area to accommodate dispersed asylum seekers, though a small number of people who do not require housing live in different local authority areas, and refugees may move to other local authority areas if granted leave to remain.²

Some women seek sanctuary in the UK for the same reasons as men, but many women refugees are fleeing from gender based persecution such as sexual violence, forced marriage, ‘honour’ crimes, domestic abuse or female genital mutilation. In 2012, one quarter of all women applying for asylum in their own right were from Pakistan and Iran, with other significant numbers coming from Nigeria, Eritrea, China, Sri Lanka and Somalia³, countries where there are particular concerns about lack of state action to protect women and girls from violence.

A pilot study carried out by the London School of Hygiene and Tropical Medicine, Scottish Refugee Council and partners in Belgium and Italy in 2009 found that women seeking asylum in all three settings reported very high levels of physical and sexual violence. In Scotland, 70% of women interviewed said they had experienced physical and/or sexual violence in their lifetime; 38% had experienced physical or sexual violence from an intimate partner; and 65% reported that their children had witnessed some form of violence.⁴ Other research has found similar levels of reported experience of violence among refugee women in the UK.⁵ Refugee women and girls in Scotland are therefore likely to have experienced violence in their lifetime be it in their country of origin, in a refugee camp, in transit, or in the UK.

¹ Throughout this response we use the term ‘refugee’ as it is used in international law, in other words, to refer to people seeking asylum, those recognised as refugees and those with other international protection statuses.

² Scottish Government, COSLA and Scottish Refugee Council (2013) *New Scots: Integrating Refugees in Scotland’s Communities 2014-17*,

http://www.scottishrefugeecouncil.org.uk/assets/0000/7439/FINAL_VERSION_NEW_SCOTS_REFUGEES_IN_SCOTLAND_S_COMMUNITIES_-_3_DECEMBER.pdf

³ Home Office Immigration Statistics, <https://www.gov.uk/government/collections/immigration-statistics-quarterly-release>

⁴ Zimmerman, C. et al (2009) *Asylum seeking women: violence and health*, London School of Hygiene & Tropical Medicine and Scottish Refugee Council,

http://www.scottishrefugeecouncil.org.uk/assets/0000/0097/Asylum_seeking_women_violence_and_health.pdf

⁵ Dorling, K. et al (2012) *Refused: the experiences of women denied asylum in the UK*, Women for Refugee Women

It is vitally important that the Scottish Government takes account of the experiences of refugee women and girls in its strategy to address violence against women. Refugee women and girls are exposed to a number of factors that can increase their risk of experiencing violence here in Scotland. Research has demonstrated associations between a history of violence or exposure to violence in childhood, lack of economic independence, poverty and marginalisation in society, and male control of decision making, with later experiences of violence.⁶ Refugee women in Scotland are likely to be exposed to several of these factors.

Of particular concern is the risk of destitution. One in four people in the UK asylum process will experience a period of destitution. For those refused asylum, the destitution is severe and indefinite. The UK Government operates a deliberate policy of withdrawing all financial support and accommodation from people who have been refused asylum (unless there are exceptional circumstances or a woman has children). We know that decision making in women's claims is particularly poor, resulting in more women than men being disbelieved and refused.⁷ Research by Glasgow Caledonian University's Scottish Poverty Information Unit (SPIU) found a higher proportion of women presenting destitute (38%) in Glasgow than among asylum seekers generally (30%).⁸

Although asylum is a reserved matter, many areas of social policy relating to the integration and protection from violence of refugee women and girls, including those seeking asylum, are wholly devolved to the Scottish Parliament. These include education, interpreting and translation, policing, housing, health, the provision of legal aid and child protection.

3. Reflecting the needs and experiences of refugee women in *Equally Safe*

For these reasons it is essential that the Scottish Government takes steps to ensure that the needs and experiences of refugee women and girls living in Scotland are reflected in its strategy to tackle the causes and consequences of violence against women. The stated principle behind *Equally Safe* of connecting up policy areas, promoting a multi-sectoral approach, is a good one, but this must include those areas impacting on the lives of refugees. For example, there is no mention in *Equally Safe* of the Scottish Government's refugee integration strategy published in December 2013, *New Scots: Integrating Refugees in Scotland's Communities 2014-2017*. The Communities and Social Connections chapter of *New Scots* contains a specific action for the Scottish Government to "*consider the needs and experiences of refugee and asylum seeking women in the development of its violence against women strategy*".⁹ We strongly recommend that reference to this strategy is included in the section of *Equally Safe* on the wider legislative context.¹⁰

We welcome reference in *Equally Safe* to the Council of Europe Convention on preventing and combating violence against women and domestic violence ('*Istanbul Convention*'), and other

⁶ Abramsky, T. et al (2011) *What factors are associated with recent intimate partner violence?* BMC Public Health 11:109

⁷ Asylum Aid (2011) *Unsustainable: the quality of initial decision making in women's asylum claims*, <http://www.asylumaid.org.uk/wp-content/uploads/2013/02/unsustainableweb.pdf>

⁸ Gillespie, M. et al (2012) *Trapped: destitution and asylum in Scotland*, Glasgow Caledonian University Scottish Poverty Information Unit, http://www.scottishrefugeecouncil.org.uk/assets/0000/5050/Trapped_destitution_and_asylum_final.pdf

⁹ Scottish Government, COSLA and Scottish Refugee Council (2013) *New Scots: Integrating Refugees in Scotland's Communities 2014-17*, p.75

http://www.scottishrefugeecouncil.org.uk/assets/0000/7439/FINAL_VERSION_NEW_SCOTS_REFUGEES_IN_SCOTLAND_S_COMMUNITIES_-_3_DECEMBER.pdf

¹⁰ *Equally Safe*, p.13

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international legislation, such as CEDAW and the Convention against Torture, which contain specific provisions on refugee women and girls.¹¹ In order for *Equally Safe* to align itself with the Istanbul Convention in particular, the provisions of which protect refugee women and girls from any discrimination or inequality of access to protection and services in relation to all forms of violence, the Scottish Government must better reflect the particular needs and experiences of this group throughout its strategy to prevent the causes and consequences of violence against women and girls in Scotland.

We welcome the reference to insecure immigration status in the section on risk factors¹², however, we recommend that the key risk factors for refugee women in particular, as distinct from other groups of migrant women (such as those subject to the UK Government's 'no recourse to public funds' rule, EU migrants, or women on spousal or partner visas), are included here and incorporated where appropriate throughout the strategy. Following concerted advocacy by signatories to the Women's Asylum Charter across the UK, the UK Government included three new actions in its *Call to end violence against women and girls action plan 2013*, specifically addressing the needs of asylum seeking women.¹³ Although a positive step forward, there remains much to be done to join up policy areas in England and Wales in relation to refugee women and girls, and to fully reflect their needs and experiences in the violence against women agenda. The Scottish Government now has the opportunity with the development of a new strategy embedded in a human rights based approach that is inclusive and multi-sectoral, to take the lead in ensuring no women are missed out from the drive to prevent the causes and consequences of violence against women and girls.

There are examples in Scotland of good practice that has been built up over the years to respond to the needs and experiences of refugee women and girls. We include some of these in our response to the specific consultation questions below. In order to ensure the particular needs and experiences of this group are addressed, and the risk factors experienced by them reduced, it would be important to include objectives in the strategy that specifically commit the government and statutory and voluntary partners working to reduce violence against women and girls in Scotland to meeting this need.

4. Human Trafficking

Another issue that Scottish Refugee Council feels needs to be better incorporated and embedded across *Equally Safe* is human trafficking. Human trafficking, particularly into sexual exploitation and domestic servitude, is a particularly severe form of gender based abuse and crime. This is reflected in the searing lived experience for many women and girl survivors of trafficked exploitation, subjected through trafficked control to rape, other forms of sexual violence, and physical and psychological controls.

The 2013 Eurostat report on Trafficking in Human Beings, commissioned by the European Union¹⁴, found evidence from member states collected over the period 2008-2010, which showed:

- An increase in human trafficking of 18%;

¹¹ Ibid., p.14

¹² Ibid., p.18

¹³ <http://www.asylumaid.org.uk/missed-out/> ; UK Government, 2013
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181088/vawg-action-plan-2013.pdf

¹⁴ http://ec.europa.eu/anti-trafficking/EU+Policy/Report_DGHome_Eurostat.

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- Of the total number of survivors 68% were women;
- 62% of survivors were trafficked for sexual exploitation;
- 96% of those trafficked for sexual exploitation in 2010 were female;
- 61% of victims were EU citizens;
- 66% were female EU citizens; and
- 15% of victims were children of which 80% were girls and 20% were boys.

These patterns are reflected in Scotland where it is predominantly female survivors that have been trafficked into commercial sexual exploitation. Those identified are assisted by Trafficking Awareness Raising Alliance, working with women from many countries. Many of the survivors have come from West and East Africa, South East Asia, the EU's A10 countries and, increasingly, the UK. The UK increase reflects greater recognition that much sexual exploitation amounts to human trafficking.

Recorded trafficked exploitation is on the rise in Scotland: in 2012, there were 3% more potential victims identified than in 2011¹⁵, with trafficking into sexual exploitation again prominent in these as well as the latest figures for the period July to September 2013, where 11 of the 18 potential victims were for sexual exploitation and all were female¹⁶. These figures reflect a wider pattern of a gendered picture of trafficking into sexual exploitation in Scotland, a fact that needs to be more clearly articulated in *Equally Safe*, in line with international law and making the connections with the Scottish Government's Anti-Trafficking Summit, which is due to publicly report in summer 2014 the EU Strategy against Human Trafficking.

The gendered reality of trafficked exploitation is recognised in the leading gender equality and human trafficking instruments impacting on Scotland. As is well known, Article 6 of CEDAW draws the explicit link between prostitution and trafficking. Moreover, the Council of Europe Convention on Human Trafficking¹⁷, the EU Human Trafficking Directive¹⁸, and the EU Strategy against Human Trafficking¹⁹ outline the need for gender sensitive approaches and practice as integral to effective anti-trafficking policy and legislation. This is especially in terms of prevention, notably on demand, as well as in the need for survivors to be assisted through gender sensitive – and child-rights – approaches by survivor agencies, criminal justice institutions, and other public bodies.

¹⁵ Serious Organised Crime Agency (2012) "United Kingdom National Referral Mechanism Provisional Statistics 2012" (London: Serious Organised Crime Agency)

¹⁶ <http://www.nationalcrimeagency.gov.uk/publications/117-nrm-statistics-july-to-sept-2013/file>.

¹⁷ Particularly its Articles 1(a)-(b), 5(3), 6(d), 17, and 19: <http://conventions.coe.int/Treaty/en/Treaties/Html/197.htm>

¹⁸ Preamble 3, 12, and 25, as well as dedicated provisions for sexual violence survivors and children at Articles 11(7) and 13-16, respectively: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>.

¹⁹ <http://ec.europa.eu/anti-trafficking/download.action;jsessionid=LqRTTQ7Tq6W06x4fNmbClslTX79g3rkgJ146kmmnXP1h3ssbnXnh!238776789?nodePath=/Publications/EU+Strategy+towards+the+Eradication+of+Trafficking+in+Human+Beings+2012-2016.pdf&fileName=EU+Strategy+towards+the+Eradication+of+Trafficking+in+Human+Beings+2012-2016.pdf&fileType=pdf>

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Non-EEA children who are unaccompanied and seeking asylum have access to an independent advocate and guardian through the Scottish Guardianship Service (the SGS) – managed by Scottish Refugee Council and Aberlour Child Care Trust -, with approximately one-third of the children and young people benefiting to date having trafficking indicators²⁰, resulting in the Guardians bringing their independent advocacy, child-sensitive practice, and professional coordination skills to bear to promote good outcomes for the trafficked child or young person. Given the experience of the SGS in handling trafficking cases, there is potential to extend the SGS to both EEA and EU child survivors of trafficked children, in line with Article 16 EU Directive.

5. Response to the consultation questions

In this section, we respond to the consultation questions where appropriate based on our experience of working with refugee women and girls in Scotland.

5.1 Of the work currently being done to meet the needs of women who have experienced violence, what is working well/less well; and where are the gaps?

From our experience, one of the key gaps is in refugee women absorbing information about, understanding and exercising their rights. Women we work with consistently raise the issue of a lack of knowledge among women refugees about services in Scotland and their rights and entitlements to these services. Women also report a lack of awareness or understanding about their needs and experiences on the part of some service providers.

Some examples of what works well are:

- NHS Greater Glasgow & Clyde Asylum Health Bridging Team – this nurse-led team is an example of a service developed by NHS GG&C working closely with Scottish Refugee Council and others with expertise in supporting refugees, which aims to offer an initial, gendered health assessment to all newly arrived asylum seekers within the first few days of arrival. The team is CPN-led and has developed expertise on the needs and experiences of refugees. The assessment includes routine questions about gender based violence and women are offered referrals to appropriate support at the earliest opportunity.
- NHS Greater Glasgow & Clyde Asylum Seeker & Refugee Link Midwife – the link midwife for refugees and asylum seekers in Glasgow plays a key role in supporting pregnant refugee women. She has extensive experience and specialist knowledge including on FGM and the prevalence of experiences of sexual violence among this group of women, which ensures that she is able to provide an appropriate and sensitive service.
- Rape Crisis Glasgow independent sexual violence advocate for asylum seeking women – this specialist post in Rape Crisis Glasgow, funded by Comic Relief, provides holistic support and advocacy to refugee women who have experienced sexual violence, and supports agencies through training and partnership working to work towards improved access for refugee women to their services and an improved understanding of the needs and experiences of this group of women.

²⁰ Crawley, H. and Kholi, R. (2013) *She endures with me: an evaluation of the Scottish Guardianship Service Pilot*, http://www.scottishrefugeecouncil.org.uk/assets/0000/6798/Final_Report_2108.pdf

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- Refugee Women’s Strategy Group – funded by Comic Relief and supported by Scottish Refugee Council, the RWSG are a representative group of refugee women with direct experience of the asylum process who work with decision makers to address the issues they identify as important to refugee women in Scotland. Intensive community development support and resources have supported the group to represent the views and experiences of refugee women to a wide range of stakeholders. For example, their work on gender based violence has included members of the group working with Glasgow Violence Against Women Partnership to design and develop leaflets on domestic abuse and rape and sexual violence that were appropriate to the target audience (refugee women) and provided information in a language women from their communities would understand and find useful.
- Scottish Guardianship Service – run by Scottish Refugee Council and Aberlour this service provides an independent advocate to unaccompanied minors in the asylum process in Scotland and has been recognised as a model of good practice for supporting their needs. Around a quarter of service users to date are young women and girls and a significant number of these have experienced violence and some have trafficking indicators. Guardians seek to ensure that young people understand the complex processes they are going through, the service providers they are linked in with and that those who would benefit from specialist support are identified and assisted to access services.²¹

5.2 How can we ensure services for women who have experienced violence are consistent across the country?

From our experience, key to appropriate services being available and accessible to refugee women is the provision of training and awareness-raising to frontline staff on the needs and experiences of refugee women and the development of clearly identified pathways to specialist services. Funding for frontline services and the removal of barriers to access are also key to ensuring consistency across the country.

5.3 Of the work currently being done to prevent violence against women from occurring in the first place, what is working well/less well; and where are the gaps?

Key to prevention is work with communities and the investment in resourcing of community development expertise to enable this work to be meaningful and have a long-term impact. Strategies to prevent violence must be evidence-based and embedded within communities. The *New Scots* strategy will aim to work across policy areas to address some of the risk factors for violence experienced by refugees in Scotland, such as marginalisation, economic disempowerment, barriers to accessing services, and poverty. A gendered approach and understanding must be embedded across all policy areas in order to prevent the causes and consequences of violence.

An example of an approach to addressing a particular gap is current work to better understand FGM in Scotland. The Scottish Government has provided funding to Scottish Refugee Council to carry out a scoping project to better understand where communities potentially affected by FGM are in Scotland, the nature of FGM practises within those communities, and to review best

²¹ Scottish Refugee Council and Aberlour (2013) Scottish Guardianship Service Practice Framework, http://www.scottishrefugeecouncil.org.uk/assets/0000/6533/SGC_Practice_Manual_merged_final_v.pdf

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practice approaches to preventing and responding to FGM in similar settings in order to make informed recommendations for future work and ensure future investment and action is taken appropriately.

5.4 How can we achieve a balance between activities focused on prevention and support victims?

We feel that other stakeholders are better placed than us to respond to this question.

5.5 What statistics do you think we should be collecting and monitoring to assess progress in tackling violence against women in Scotland?

In order to think about what statistics to collect, it is important to be clear on the purpose of collecting data and ensuring that the appropriate level of detail and information is collected for a particular purpose. Different data will be required depending on whether the government is seeking to monitor the particular objectives contained in *Equally Safe* or whether it wishes to evidence the overall impact of the strategy in terms of, for example, an overall reduction in the prevalence of violence against women and girls in Scotland or the rate of reoffending of perpetrators.

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