

Stay Safe East statement on the Domestic Abuse Act

Stay Safe East welcomes the Domestic Abuse Act as it reached Royal Assent last week, marking the end of a four year process and the beginning of work to ensure its implementation. Following two general elections and the ongoing COVID-19 pandemic, this legislation is testament to the hard work and fortitude of survivors and our colleagues across the VAWG sector. We would like to thank all those who have worked with us, especially our clients and members of the Stay Safe East Violence Against Deaf and Disabled Women and Girls Advisory Group.

The Act includes a clear definition of domestic abuse and various measures which extend and strengthen protection and support for survivors. We share the dismay of many of our sister organisations that the amendments on the rights of migrant women were dismissed in spite of widespread support from both Houses of Parliament. We were equally disappointed that our common sense amendments promoting the rights of disabled survivors were rejected. We are nevertheless proud of our success at foregrounding the concerns of disabled survivors. We can claim a partial success in that under pressure from our supporters in the House of Lords, the government has launched a review of abuse against disabled people by non-family carers. We hope this will be a thorough and accountable review which hears the voices of disabled survivors. and that the review will come round to our view that such abuse is domestic abuse. We will continue to work to ensure that disabled survivors are placed on an equal footing with their non-disabled counterparts.

Full version:

The Act includes several amendments which will serve to extend protection and support for survivors; these include:

- Requirement for local authorities to give priority need status for accommodation to survivors who are homeless as a result of fleeing domestic abuse, which is especially important for disabled survivors and single survivors without children
- Abuse after separation is included in the definition of coercive control, meaning that survivors experiencing abuse after their relationship has ended will now receive protection and support
- The recognition of non-fatal strangulation as a new offence
- The outlawing of threats to share intimate images or 'revenge porn'
- Survivors will now have the right to special measures (such as providing evidence in court via video, rather than in person) and can no longer be cross examined by the abuser in the family courts.
- Children are for the first time recognized as victims of domestic abuse, when they witness abuse against their mother.

We welcome the inclusion of these measures and the extension of protection they should provide.

However, the new Domestic Abuse Act does not go far enough in protecting ALL women from domestic abuse. Despite our tireless campaigning and support from sector colleagues, Migrant, Deaf and Disabled survivors have not been afforded equal protection in this legislation.

[Three key amendments](#) promoted by the Step Up Migrant Women Coalition were dismissed by government. We are particularly concerned about the defeat of Amendment 84 which sought an end to the police unnecessarily sharing victims' information with immigration enforcement. In the light of this and the government's recent consultation on a new Plan for Immigration, Stay Safe East is extremely concerned that migrant survivors, including disabled

women experiencing trafficking, sexual exploitation or domestic abuse will not report such abuse and will remain at risk.

The experiences of Deaf and disabled survivors, outlined in our [briefing](#), are still not accounted for in domestic abuse law. Our calls for the removal of the 'carers defence' and the inclusion of non-family paid and unpaid carers in the definition of domestic abuse have been rejected, despite widespread support from peers in the House of Lords.

We are especially indebted to Baroness Campbell of Surbiton and Baroness Grey-Thompson for their support in leading on our amendments in the House of Lords, where our amendment to include abuse by carers in the definition of domestic abuse won 318 votes to 234. We also had widespread support in the House of Commons, despite our amendment not being passed. Our intervention has put the issues for disabled survivors on the political agenda.

The Government maintains that the Domestic Abuse Act is not the correct legislation to incorporate non-family carer abuse; however, it has offered a review of the legal and institutional responses to abuse against disabled people by non-family paid and unpaid carers. Whilst we welcome this review, we hope that this will not preclude further changes to domestic abuse legislation in the future. We are waiting for the terms of reference for the review and for further information from those leading on it. We will be speaking to Deaf and disabled people's and women's organisations about this review as soon as we have further details. In the words of Baroness Jane Campbell: [“Carer abuse—as evidenced throughout the pandemic and during earlier debates and pre-legislative scrutiny—must not continue unchecked. Disabled people deserve to have equivalent protection—no less.”](#)

We will be working to ensure that our third and fourth amendments, to extend the Domestic Violence Easement to disabled survivors

claiming Employment Support Allowance or in the support group for Universal Credit, and to include hate crime in domestic abuse, are incorporated into statutory guidance on the Act. A summary of our four amendments can be found [here](#).

The measure of the Act's success lays in its implementation, Stay Safe East commits to holding the Government accountable on each part of it, and on the role of commissioners of domestic abuse services at local level. We will be working to ensure that the statutory guidance on the Act addresses the barriers for disabled survivors. We will work with government on the review of abuse by non-family 'carers' and personal assistants but will accept nothing less than equality in law and practice, so that Deaf and disabled survivors are placed on an equal footing in the any future domestic abuse or other legislation.