



**Response to Consultation on  
Transforming the Response to Domestic Abuse  
(Ministry of Justice)  
May 2018**

**Our Background**

1. Muslim Women's Network UK (MWN UK) is a national Muslim women's organisation in Britain ([www.mwnuk.co.uk](http://www.mwnuk.co.uk)). We are a small national charity (no.1155092) that works to improve the social justice and equality for Muslim women and girls. Our membership also includes women of other faiths or of no faith and men who support our work. We find out about the experiences of Muslim women and girls through research and helpline enquiries. We identify policy and practice gaps and use this information to inform decision makers in government as well as informing our community campaigns at a grassroots level.
2. We also develop resources and train women so they are better aware of their rights. We have a separate website for our national helpline ([www.mwnhelpline.co.uk](http://www.mwnhelpline.co.uk)) that provides advice and support on a range of issues some of which include: domestic abuse, forced marriage, honour based violence, sexual abuse, female genital mutilation, divorce, discrimination and mental health etc.
3. The impact of our work is particularly felt in reducing the vulnerability of Muslim women and girls, reducing the prejudice they face, and giving them greater access to rights and services – all of which allow them to contribute to society like any other citizen. We are also creating a critical mass of voices to influence change with more women being confident to challenge discriminatory practices within their communities and in society and to influence policy makers.

**Introduction**

4. Domestic abuse impacts on victims' everyday lives and can have devastating consequences. The Ministry of Justice wants to find out how best to support all of those affected to ensure: victims feel safe and supported, both to seek help and to rebuild their lives; attitudes that underpin domestic abuse are challenged; perpetrators are held responsible for their actions; and professionals have the knowledge, tools and guidance to intervene earlier to protect victims before abuse escalates. To therefore ensure that all victims are supported, it is important that the experiences of Black Asian Minority Ethnic (BAME) women are also taken into consideration and acted upon. In this consultation response

we will focus on the needs and experiences of Muslim women the vast majority who are from BAME backgrounds.

5. Our consultation response is informed by our experience of operating a national helpline for Muslim women. Although we are contacted for help on approximately 40 different issues, domestic abuse is our top issue making up approximately one third of our calls. Overall violence against women (including other forms of violence (e.g. forced marriage, honour based violence, rape, sexual abuse, child sexual exploitation) makes up two thirds of our calls received. Our helpline evaluation reports (which contain case studies) and also our data (e.g. statistics) from the helpline can be accessed from our dashboard here: <http://www.mwnuk.co.uk/muslim-women-helpline-dashboard.php>
6. The new definition including age – We support the fact that 16 and 17 year old victims of domestic abuse will continue to be included in the new definition and approach. Although we agree with the proposed approach to the statutory definition for domestic abuse, it should be strengthened by also including spiritual / religious abuse e.g. where abuse is administered under the guise of religion or belief. This type of abuse may particularly be used on vulnerable adults and children and can cause long-term psychological trauma. For example, one Muslim woman who was in her 20s contacted our helpline. She had wanted to get a job but her husband wanted her to stay at home. He wanted her to get pregnant so she would then be more house bound. When she refused, her husband involved a faith healer to try and control her. One day she was locked in a room and pinned down against her will by the husband and the faith healer and forced to drink water over which some prayers had been recited. Helpline staff contact the police and the woman was placed in a refuge. In another example, a Muslim woman called the helpline who had been subjected to sexual abuse as a child by a family member who told her that a ‘jinn’ (spirit) was controlling him and that it was really this spirit that was carrying out the abuse through his body. He also made the victim believe from her childhood that if she ever reported the abuse, the spirit would harm her. In 2009, Naila Mumtaz, who was 6 months pregnant, was murdered by her husband and in laws in Birmingham. They accused her of being possessed by an evil spirit and they beat her in apparent attempts to drive out the spirit. Although the examples we have given are of Muslim women, spiritual / religious abuse also occurs in other communities where other religious beliefs are followed and practiced. Spiritual / religious abuse should also be considered as an aggravating factors during sentencing and used to increase sentences (as highlighted in paragraph 56).
7. Frontline Practice - To ensure that this definition is embedded into frontline practice, one area that needs addressing is police training. Our experience on the helpline has repeatedly shown that some police officers still lack the skills and knowledge necessary to engage confidently and competently with domestic abuse victims, particularly with BAME domestic abuse victims. For example, controlling and coercive behaviour that may be used to restrict freedom, choice and finances is often missed because only physical / sexual abuse is associated with domestic abuse. With Muslim women and/or women from a South Asian background shame / honor and faith will be misused to further control victims to prevent them from reporting. Also when women want to retract a statement,

police do not investigate the reasons and do not consider reasons which may include risk of honour based violence or pressure to ensure the husband receives his indefinite leave to remain if his immigration status is insecure. Also it appears that victimless prosecutions are not really discussed and not pursued very often.

## **Educating Young People on Relationships**

8. Although schools are raising awareness of teenage abusive relationships through PHSE, much more work is needed on the fundamentals of healthy and unhealthy relationships. And thereafter raising awareness of healthy sexual relationships in honest and up to date ways. The availability of porn to young people has no doubt impacted on young people's intimate relationships, and when young people are describing their experiences on the helpline, they seem unaware when they are victims of domestic abuse and the risk factors involved. Additional barriers in BAME communities and those who have recently settled in the UK must also be addressed.

## **Reporting domestic abuse to statutory agencies**

9. Despite training already carried out to ensure statutory agencies and professionals properly understand what domestic abuse is, more still needs to be done particularly to change attitudes. In fact attitudes and unconscious biases should also be tested during recruitment. Frontline staff, agencies and professionals that are likely to come across BAME victims of domestic abuse should also be given bespoke training. This should include processes as well as insights into barriers to reporting for BAME communities and their negative experiences when they do report and disclose abuse. Training from specialist BAME third sector organisations such as the Muslim Women's Network UK should be considered to improve cultural competency.
10. Police - Although The College of Policing has made improvements to ensure that all police staff are provided with face to face training on domestic abuse, forced marriage, honour based violence and female genital mutilation, Muslim women contacting our helpline continue to report negative experiences of the police. It is for this reason we made an application to the Barrow Cadbury Trust to have a dedicated member of staff who supports callers when they are dealing with the police. This grant started in February 2018 and we will report on our findings via a report in 2019. When one Muslim woman contacted the helpline who could not speak English, we gave instructions to ensure a police car did not turn up to the property while the husband was present and to ensure that police would be able to communicate with her in Urdu or Punjabi. A white male officer attended while the husband was present at the family home. He was unable to understand the concerns of the victim. She was so frightened that she managed to turn the officer away before her husband realised. She was frightened that had the husband opened the door, he would have explained the situation away and punished her further. In fact this issue of police having a better rapport with the husband has emerged in other cases when the wife has poor English and not provided with the opportunity to share her experiences. In another case the abuse victim reported

threats and abuse but only wanted the police to warn her boyfriend to keep away from her. She felt this was sufficient to prevent further contact and abuse. However, as her boyfriend was 'known' and 'wanted' by the police, she felt officers pressured her to press charges against him. We still come across cases from time to time when police will ask questions to the victim in front of other family members such as the husband, in laws or parents if the victim is a young person. As honour based violence is often associated with young girls and forced marriage, it is often missed when it comes to victims of domestic abuse.

11. Housing Staff - Although housing staff are now trained on identifying and supporting victims of domestic abuse, further work and improvements need to be made, for example victims of honour based abuse are sometimes offered temporary accommodation within close proximity of their fleeing area.
12. Job Centre - Further work training needs to be provided to frontline staff at Job Centres about welfare rights of domestic abuse victims. For example, victims who have experienced or have been threatened with domestic abuse are not offered exemptions from job seeking conditions and requirements to be actively looking for employment. This exemption can be for an initial 4 week period and can be extended to a total of 13 weeks.. We have also noted that a victim who has Destitute Domestic Violence (DDV) concession are often requested to complete a habitual residency tests, when the legislation states that a victim who has DDV concession are exempt.
13. Judges and Magistrates - Legal professionals such as solicitors, barristers and judges need to be better trained to understand domestic abuse generally and also BAME domestic abuse situations better. Like police, unconscious bias must be tested and addressed through cultural competency training. For example we are currently supporting one domestic abuse victim through the family court process regarding contact with her child. During proceedings the domestic abuse was described which included injuring the husband while the abuse victim was trying to defend herself. The judge described the young woman's acts of self-defence as her being 'equally abusive' to her husband. It appears that in his assessment the judge did not take into consideration the power imbalance in the relationship in terms of a large age gap and immigration status. The judge even described the domestic abuse victim 'as no shrinking violet.' We are concerned that senior people in the judiciary whose can decisions have a huge impact on the people's lives think that confident women cannot be victims of abuse. Training on domestic abuse is therefore required which includes information on BAME victims of abuse and the role their cultural / faith background may play in not disclosing abuse and factors to consider when trying to establish the facts of a case.

## **Alternative ways to report domestic abuse**

14. Although many domestic abuse victims in increasing numbers are contacting our helpline themselves due to our faith and culturally sensitive approach, we recognise that most women will not disclose or report abuse. In these situations it is important that others report their concerns. We are also contacted on our helpline by family, friends, neighbours, work colleagues and occasionally even

strangers who have discovered a distressed victim of abuse in a public space. We have noted that a significant number of calls (approximately 11%) come from family and friends and about 1% from neighbours and work colleagues.

15. It is important that more family, friends, neighbours and work colleagues report their concerns as it could save someone's life. Concerns reported by third parties are not always taken seriously by the police and should. We already know that on average, a partner murders two women every week. These statistics also include BAME / Muslim women. In fact every year several Muslim women are murdered by partners. Despite these figures, there has not been a domestic abuse campaign in Muslim communities and mosques rarely discuss the topic despite having access to male audiences every week. We have unsuccessfully tried to apply for grants to deliver such a campaign. Domestic abuse campaigns need to be delivered in BAME communities so more victims and their friends and families report and challenge attitudes that condone domestic abuse. Such campaigns should include posters in a wide range of settings including mosques, community centres and health /GP / dental surgeries. The campaign should include the signs of abuse and also the impact on the victim and children for not reporting and where to call for help. It is important that specialist help is highlighted such as our culturally sensitive national helpline where we are able to engage with women in different languages.
16. One important aspect of any campaign must include controlling and coercive behaviour as most of our callers do not realise this amounts to domestic abuse. For example, one woman of Pakistani background was not allowed to wear makeup, had to wear a headscarf when she left the house (even though she did not want to), was not allowed to go out anywhere without being accompanied by her husband and had to buy her groceries online when he was at work. In fact he would lock the door when he went to work and she would remain trapped inside the house until he returned. She also had to remain in her night clothes all day. He also made her shut down all of her social media accounts and he would regularly check her phone for texts to monitor who she was communicating with. He only allowed her limited contact with family and friends. This young woman was British born and in her 20s and did not realise her treatment amounted to domestic abuse. She contacted our helpline due to a recommendation by a friend who was concerned. She had agreed to contact us as she was getting depressed because of her situation. She was frightened to leave him as he had made threats stating that if she ever left, he would hunt her down and find her and take her child abroad. She had been unaware about the legal protection and help she could receive.

## **Improving support services for all victims of domestic abuse and their children**

17. The priority areas for central Government funding on domestic abuse should include:
  - Advocacy for victims to enable them to stay safely in their own home through (Independent Domestic Violence Advisors or their equivalent)
  - Therapeutic services to help victims of domestic recover from their experience

- Accommodation services
  - Helpline services for those affected by domestic abuse to call for advice and support
18. Local authorities should also ensure it reflects the needs of the local population, which should therefore include (where appropriate) commissioning of BAME refuge accommodation/ specialist support services. Local authorities should also ensure that funding is provided to ensure support is continued via floating support once the woman has left the refuge.
19. Collaborative working between domestic abuse services and mental health / therapeutic services needs to improve, especially to better serve the needs of BAME women. For example, South Asian women between the ages of 25-39 are 2-3 times more vulnerable to suicide and self harm than their non-Asian counterparts. In fact when we first opened our national helpline, there was an immediate demand for culturally sensitive counselling. This led us to apply for funding to operate our service as we were unable to refer women to such specialist counselling services. We now operate a limited counselling service where women are also able to receive counselling in Urdu and Punjabi face to face or over the telephone. More funding needs to be made available for such counselling services. Appropriate counselling not only helps women to recover from domestic abuse, it can also help them to gain the confidence to leave abusive situations and also not return to the abusers once they have left.
20. It is important that the government also funds specialist helpline services such as the Muslim Women's Network Helpline. Given that in each of the last three years the number and the complexity of calls have increased, it indicates that we are meeting a demand. In 2015, we helped more than 300 women, in 2016 we helped almost 600 women and in 2017 we helped almost 800 women. Increasing numbers of Muslim women are contacting us despite very little marketing of the helpline which itself is very telling. One third of these women were domestic abuse victims. The government should consider why women are choosing to contact a specialist helpline service such as ours rather than contact a mainstream service. Our helpline has been funded by various mainstream charitable foundations / trusts and it is currently funded by the Big Lottery and Tudor Trust, with the latter funding finishing at the end of this year. Government funding can ensure the stability of such much needed specialist services.
21. We have also noticed that even local funding is being given to mainstream organisations, which are expected to also deliver a service to BAME clients. It appears that local authorities are satisfied that these mainstream services are able to deliver adequate services just because they BAME hire staff to serve BAME clients. This is at best a very naïve approach. We regularly receive women asking us for help because they have received unsatisfactory support from such services, which has included not fully understanding their needs and the type of help they need. We have also found these mainstream services will also contact us requesting help with supporting their clients. We are approached because we provide a holistic service. For example, we can also provide culturally sensitive counselling, challenge any justification for abuse made using faith, able to support with Shariah divorce and able to provide support in different languages. Most

women will often present with multiple issues and as we deal with many other issues in addition to domestic abuse, we are able to provide more holistic support.

22. To encourage and support effective multi-agency working (to provide victims with full support and protection), the government should focus on:

- Guidance
- Incentives through funding
- Sharing effective practice
- Training

23. Effective multi agency working should adapt a MAPPA (Multi-Agency Public Protection Arrangements) approach where attendance by frontline professionals to MARAC (Multi-Agency Risk Assessment Conference) meetings is compulsory. Current voluntary attendance to MARAC meetings means there is a lack of accountability and high-risk victims not always being adequately protected where attendance is low by frontline professionals such as social workers, safe guarding officers etc.

24. In our experience it appears that Non molestation orders are under utilised by police for BAME victims. Also more use needs to be made of occupational orders where women can remain in their homes. Women should be provided with a choice – they don't often realise this choice is available to them.

25. We have also noticed that the police under utilise Domestic Violence Protection Orders (DVPOs). For example when our callers contact the police, this option is rarely discussed even though it would mean the domestic violence perpetrator would be prevented from returning to their home or having contact with the victim for up to 28 days in the immediate aftermath of a domestic violence incident. Sometimes police also do not consider that some victims may live in family extended households where multiple perpetrators are involved in the abuse.

## **Supporting victims with specific needs**

26. The Government must also provide funding directly to specialist third sector organisations which are best placed to understand the needs of and better support victims who face multiple barriers to accessing support

27. The consultation document states that the government knows that there may be additional barriers to reporting for some groups, which is why it has funded specific services which provide targeted support and cite the Tampon Tax as an example of funding. However, the Tampon Tax grant is now no longer directly accessible to specialist third sector BAME women's groups, which are often small. The new Tampon Tax criteria means only organisations with an annual income of at least £1-2 million can apply. Specialist BAME women's charities serving the needs of BAME women are unlikely to have such high annual incomes. We have repeatedly asked the Department of Culture, Media and Sport in writing whether an Equality Impact Assessment had been carried out and also asked how many BAME

women's charities have incomes over the £1-2 million threshold. The responsibility to complete an EIA stems from the government's duty under the Public Sector Equality Duty set out in s.149 of the Equality Act 2010, which enjoins public authorities to have due regard, amongst other things, to the need to eliminate discrimination and advance equality of opportunity. It seems that in setting these new criteria for the Tampon Tax, the government has failed to exercise its duty under s.149 as it gave no regard, and took no steps, to ensure that it was not putting charities serving the needs of BAME women at a disadvantage.

28. Specialist BAME organisations are currently left with only two – similarly unpalatable – options if they want to apply for the Tampon Tax funding: they must either form a consortium with other similarly placed organisations; or seek funding from larger charities that can obtain the grants in their own right). There are problems with both of these approaches. With the first option, forming and managing a consortium will cause a disproportionately large and unnecessary drain on the resources of small already over-stretched and under-funded women's charities. Further, with many such organisations having low incomes (around £100,000 or less), it could quite feasibly mean that coalitions would need to be made up of between 10-20 organisations in order for the income criteria to be met. Obviously, this would require Herculean efforts in terms of organisation and management of bids and administration. Onward grant making to smaller charities from larger organisations, which have been successful in applying for funding is also fraught with difficulties, not least because of potential conflicts of interests. What possible incentives are there for larger charities to partner with or cascade resources to those smaller charities that are 'best placed' to deliver to the hard to reach vulnerable women rather than keep those funds for themselves, possibly even permitting them to develop programmes that directly compete with the smaller charities? Any such request would seem to be completely at the behest of the larger organisation. Although this approach in theory seems plausible, giving larger charities the responsibility of allocating funding is unlikely to be workable in a fair and equitable manner due to the possible conflicts in interest. The unfortunate consequence is that it will be these larger women's charities that are in a position to decide how BAME women and girls will be helped rather than the smaller niche charities whose whole purpose is to better understand such women.

29. In summary, the government's current approach does not achieve the purpose of the Tampon Tax Funds, which is to improve the lives of disadvantaged women and girls of all backgrounds. Given the facts we can only conclude that the Tampon Tax Fund has been ring fenced for larger charities to make grant management easier. The unfortunate side effect of the government's attempts to streamline administration has been a clear failure to fulfil its duties under s.149 of the Equality Act.

## **Supporting female offenders**

30. As domestic abuse can play a major part in female offending, measures should be put into place to ensure these issues are identified earlier so that support is

provided and these issues are considered through any criminal proceedings. In one case we are dealing with a 22-year-old domestic victim who was brought into the UK when she was 16 years old girl as a bride by a man 20 years older than her. He subjected her to regular domestic abuse and control. Five years later she stabbed him in self-defence causing him a minor injury. However, she was given a custodial sentence despite the domestic abuse and having a young child. After reading her case history we have discovered that she was provided with a very poor legal defence. We also noted that the instead of defending the victim and explaining her circumstances, the barrister was agreeing with assumptions being made by the judge. Had the domestic abuse victim been defended properly, she probably would have received a suspended sentence instead of a custodial one. A poor legal defence not only resulted in her losing contact with her young child, but her custodial sentence means that she is also due to be deported. We are now currently assisting the young woman to challenge her deportation. The knock on effects of receiving an inadequate service has been devastating for this young woman. It appears that there is no accountability of legal firms that take on legal aid work via the police. Mechanism should be put into place to check the quality of the service they provide. When such firms provide a poor service, they should be prevented from taking on further cases. However, the quality of service may be being compromised because the government is constantly cutting legal aid fees. If lawyers are not given sufficient resources, then it is victims that will ultimately suffer.

31. We have also noticed from a few cases received on our helpline that there is very little support (if any at all) for women offenders from South Asian and / or Muslim backgrounds, who are often completely isolated because they are often shunned by family, friends and the local community making them more vulnerable to re-offending or being exploited. There is also a lack of support for the children of female offenders, who may be stigmatised.

### **Supporting those with difficulties getting financial support**

32. On our helpline we regularly receive calls from women who have an insecure immigration status who are victims of domestic abuse. For women who are married to a British citizen and have arrived in the UK on a spousal visa, we make application for them to receive financial assistance through the Destitute Domestic Violence Concession (DDV). However, we also receive calls for help from women who have been in the UK living with a British citizen as a spouse but who may have arrived the UK via other visas such as student or family visa etc. We are unable to help these women who end up staying in abusive situations, the consequences of which could be fatal. It is important that the criteria to be eligible for DDV are extended to include abuse victims who may not have arrived in the UK on a spousal visa.

### **Keeping victims safe – creating a new domestic abuse protection order**

33. We welcome new proposals to create a new Domestic Abuse Protection Notice (DAPN), which could be made by the police, and a Domestic Abuse Protection

Order (DAPO) especially because they can be issued in cases of abuse, which do not involve violence or the threat of violence. This will be important in cases where the partner repeatedly contacts the victim and applies emotional pressure and emotional blackmail rather than threats. However, it is important that these new legal tools are actually used because it appears that the current Domestic Protection Orders have been under utilised. Although these new tools will include not contacting the victim online, it should also include not talking about or mentioning the victim online. We have found that after a report to the police or an acquittal, perpetrators and / or their family and friends have taken to social media to write abusive things about the victim or have used language to try and shame them. Such messages are usually not pulled down by social media companies and cannot be actioned through harassment legislation because direct contact is not being made with the victim.

34. A range of individuals/organisations should be able to apply for a Domestic Abuse Protection Order and we agree that there should be multiple routes via which an application for a Domestic Abuse Protection Order can be made and agree that family, civil and criminal courts should be able to make Domestic Abuse Protection Orders of their own volition during the course of any proceedings. This can be useful in circumstances where victims are under intense family pressure not to take action and nor apply for such notices to protect themselves.
35. We agree that courts should be able to impose positive requirements as well as prohibitions as part of the conditions attached to the proposed order. We also agree that that courts should be able to require individuals who are subject to a Domestic Abuse Protection Order to notify certain personal details to the police where they consider that they would assist to prevent future abuse. Breaches of the proposed order should be a criminal offence - otherwise this will have limited use. Also making breaches a criminal offence will give victims more confidence for them to be used.

### **Anonymous registration**

36. When an individual applies to register anonymously, they must include evidence that their safety, or the safety of someone who lives at the same address, would be put at risk if their name and address appeared on the electoral register. In the past this has not been easy for domestic abuse survivors. We therefore welcome proposals to broaden the range of people able to formally certify that an applicant's safety is at risk. This should also include any third sector organisations that have provided long term support to the victim.

### **The Domestic Violence Disclosure Scheme**

37. We believe the Domestic Violence Disclosure Scheme (DVDS), also known as Clare's Law is under used. We believe that most women are not aware that this scheme allows any member of the public the right to ask the police if their partner or the partner of a close friend or family member may pose a risk. There is hardly any awareness of this amongst BAME women. Having run our helpline for over three years, not a single domestic abuse victim has mentioned it to us.

38. More awareness needs to be raised about this scheme and how to apply and to use it including case studies of where women have used it to find out that their partners have posed a risk, which allowed them to take action before abuse escalated to started. We recommend awareness via the TV and radio adverts, especially after a domestic abuse storyline appears in a Soap Opera. Promotion should also include posters in GP and dental surgeries as well as community centres. Social media should be used particularly to reach youth.

## **Economic abuse**

39. One of the biggest reasons that we come across on our helpline for victims not leaving abusive situations is economic dependence on their partners. These have also included being forced or pressured take out loans or apply for credit cards in their names. Women are often left with huge amounts of debt. More legislation is required to hold those people accountable who are responsible for putting domestic abuse victims in debt. Also voluntary codes of practice could be introduced by finance companies, which could choose to waive debts if they receive sufficient proof that victims have been coerced into taking on loans by abusive partners.

40. On our helpline we have received calls for help from women wanting to escape abusive relationships who are employed. We have found that because they are working, they have to pay for the refuge accommodation which can be up to £300 a week. Most of the women cannot afford this on their wages. Although private rental would be more cost effective, this would take time to find and may also be complicated if victims are regarded as having too many outgoings (arising from the debt they have been forced to take out, or because they are already named on an existing tenancy agreement as a joint tenant) or if they need a deposit of 6 weeks rent. Women need to be able to be placed in safe accommodation regardless of their economic situation, as their safety should be a priority. Refuge accommodation should therefore be subsidised for a limited period of time for such women. This would allow them the time to immediately escape abuse and then look for alternative accommodation.

## **Online threats and the role of technology in domestic abuse**

41. Our clients who contact us on the helpline regularly tell us how perpetrators of abuse use social media and technology to control them, which includes accessing their mobile phones, installing tracking devices and also posting information about the victim online to cause distress. However, we have found that perpetrators are taking advantage of the fact that they cannot be charged via harassment legislation because they are not making direct contact with the victim and social media companies will not delete content that causes distress. Victims do not have the means to take civil action using defamation law, and indeed defamation cases can be complicated due to the legal requirements which must be satisfied. It is therefore important that the government works with social media companies to draw up codes of conduct, which can be used for victims of abuse to have content removed. Social media companies should provide specific

notification processes that victims can use to get content removed more easily, and the ability to provide further information to explain the circumstances if required.

42. There is also a lack of awareness about the different ways in which technology is used by perpetrators of abuse to monitor and control victims. More workshops and awareness raising is needed so victims can better protect themselves.

## **Improving the police response**

43. Where women have withdrawn statements about domestic abuse due to fear of family reprisals / pressure, the police tend not to put additional safety measures in place such as follow up calls and checks. Follow up checks should take place especially where risk levels are significant.
44. The Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH) risk assessment form should be used by all police forces. However, we are very concerned that there is a lack of consistency across different police forces, which means that domestic abuse victims are receiving varying levels of service. All victims have a right to be protected by the law equally and this should never be dependent upon which area a victims resides in.
45. We have noted by helping victims report abuse that some police forces have chosen to also use the Honour Based Violence risk assessment form developed by Karma Nirvana. We believe the DASH form should be sufficient and another additional form, which we feel is duplicating work, should not be necessary. If there are any weaknesses in the current DASH form then it should be strengthened and regularly reviewed. Both of the DASH and Karma Nirvana forms are lengthy. Reporting is stressful to begin with and going through two lengthy forms unnecessarily where answers are being repeated can add further stress on the victim.
46. Also some victims who have had to fill in the Karma Nirvana additional forms have complained about their experiences to us. We have analysed their form and are particularly concerned that their question on religion and 'how practicing the perpetrator is' may result in the risk of honour based violence being missed, the consequences of which could be fatal. For example, what 'practicing' ones faith means can vary from one person to another, and not being very 'practicing' does not mean that there is not a risk of the perpetrator subjecting the victim to honour based violence. Police officers will be left to subjectively draw their own conclusions from the varying responses. We are very concerned because whether someone is practicing their religion or not is irrelevant to the crime of domestic abuse and therefore cannot understand why this question is being asked. In our experience we have found that victims of domestic abuse and honour crimes have come from across the religious spectrum and non-religious spectrums.
47. We are concerned that the focus of the police may be on perpetrators that are deemed practising and may be deemed at a higher risk of perpetrating HBV / domestic abuse, which may result in those that are deemed as non-practising being regarded as less of a threat, or vice-versa. The consequences of this is that

potential victims may be missed, which could be fatal. Whether someone describes themselves as practising or non-practising is subjective. Also the way in which a police officer may interpret practising or non-practising is also very subjective.

48. We wrote to Karma Nirvana to raise concerns formerly in 2016. However, the organisation is not willing to amend its risk assessment form. We are concerned that some police forces have chosen to adopt this form and use this in addition to the DASH form and have not consulted on whether this form is in fact fit for purpose. We feel the fact that some police forces do not use it because they feel it is not needed in addition to the DASH form or that it is not fit for purpose means that there is an inconsistent approach across police forces. This means that abuse victims are not all receiving the same levels of service, which is concerning in itself. We recommend that police forces use one form, which is the DASH form, which should be reviewed centrally at regular intervals so it can be updated if necessary.

### **Improving victims experiences of the justice system**

49. There appears to be insufficient interpretation services available. Some women have to wait several weeks to provide a statement to the police. There have also been instances where victims have attended a police station with a support worker and the police have forgotten to book an interpreter. This can have a very detrimental, psychological effect on victims. The government should have measures to address these concerns.
50. Although a range of mechanisms are available to help support victims to give their best evidence, which also includes criminal justice professionals specially trained in domestic abuse, it appears from the experiences of BAME victims that there is a gap in knowledge when it comes to BAME domestic abuse victims.
51. Although some victims of domestic abuse have access to special measures such as giving evidence from behind a screen without being seen by the defendant and the public gallery, this only occurs if the court is satisfied that the quality of evidence given by the victim is likely to be diminished by reason of fear or distress in connection with giving evidence. We support creating a legislative assumption that all victims of domestic abuse are to be treated as being eligible for assistance on the grounds of fear and distress, if the victim wants such assistance. This may help to reduce the number of victims withdrawing statements and will ultimately save costs in terms of reducing collapsed trials.

### **Prosecution without victim's evidence**

52. There already appears to be a lack of prosecutions without the victim giving evidence. The numbers are likely to be even lower for BAME victims. The Muslim women who contact our helpline are put under immense pressure from family members (which at times also include her own parents) to withdraw allegations of abuse. Some of this is related to ensuring that the husband's pending indefinite leave to remain in the UK is not jeopardised. At other times it is connected to shame and honour or that it may result in breaking of family ties if the husband is

a cousin. Currently police do not seem to make attempts to find out why the victim may be withdrawing her statement. When this happens the police should be trained to explore the reasons for the victim no longer wishing to pursue a prosecution. If the police are satisfied that it may be due to pressure, then victimless prosecutions should be pursued providing there is sufficient evidence to do this. Assigning fully trained female police officer from the same cultural background as the domestic abuse victim to explore reasons for dropping the charges could help better understand the pressures and risk faced by the victim.

53. When domestic abuse cases are escalated, social services do not always explain processes such as section, 17, 20, 47 or interim care orders. Interpreters are not always offered to ensure everything is fully understood by the domestic abuse victim. Solicitors may also fail to explain the family court process and implications. Also social workers can sometimes be too quick to apply for section 47 based on assumptions that the mother is failing as a parent.

54. Children and Family Court Advisory and Support Service (CAFCASS) workers do not always fully understand complexities when supporting BAME children, which is very concerning.

### **Coercive or controlling behaviour offence**

55. The government could take further steps to strengthen the effectiveness of the controlling or coercive behaviour offence. We have already mentioned in paragraph 6 that spiritual / religious abuse should be included in the domestic abuse definition. It should also be included in coercive control. Some offenders control their victims by using their belief / religion. As already illustrated in the examples provided in paragraph 6, offenders will sometimes blame their abusive behaviour on spirit possession. They may also make victims believe that spirits will harm them if they report the abuse or seek any other form of help.

### **Aggravating factors in sentencing**

56. Some perpetrators of abuse use methods of control to prevent victims from leaving abusive situations and creating fear such as:

- a) Manipulating a person's belief (e.g. spiritual / religious abuse) to ensure they can continue the abuse without being reported as described in paragraph 6
- b) Threatening to take children abroad to never be seen again by the abuse victim. For example some women who contact the helpline who are being subjected to regular domestic violence state that they are reluctant to leave the husband because he has threatened to take the children away and send abroad to be looked after by extended family.
- c) Deliberately not applying for indefinite leave to remain for women who have arrived in the UK on spousal visas.
- d) Deliberately leaving spouses stranded abroad stranded and taking their travel documents away from them. One woman who spoke to our Helpline worker had been taken abroad to Pakistan on the pretense of a family holiday with

her two young children who were both under 5 years old. The husband took her and the children's passport and travel documents and abandoned her there. As the victim had previously reported domestic abuse, she had the number of her social worker and contacted. With the help of the British authorities was able to return to the UK.

These aggravating factors should be considered during sentencing and used to increase sentences.

57. Sometimes abuse victims have contacted our helpline via their children's school. This often occurs when teachers notice a change in behaviour of the children, which is raised with the mother who discloses abuse. One way to ensure domestic abuse and its impact on children are taken into account in sentencing could therefore include requesting written evidence from schools.

## **The Istanbul Convention**

58. One key element of the Istanbul Convention Convention is to make sure that ratifying states can use their national laws to prosecute offences required by the Convention when they are committed by their nationals overseas. This is an important step forward as currently a crime is only prosecutable if the offending behaviour takes place in the UK. Over the years a number of cases have emerged in the media where men have taken their wives abroad deliberately to inflict abuse or even murder them feeling confident that they cannot be brought to justice e.g. because they can take advantage of lower operating standards of foreign judicial systems. This may include: knowing local police officers who can help conceal the crime, being able to pay bribes etc. For example, Mumtaz Sattar was taken to Pakistan and murdered by her husband in 2013. However, he was only brought to justice because her family in the UK pursued a four year legal battle, which resulted in a conviction in 2017. Samia Shahid went for a holiday in Pakistan and was murdered in 2016. Her father was arrested on suspicion of being involved in her murder but died before he could be brought to justice. There have been other cases where the outcomes have not been reported in the media and we are unsure whether the perpetrators have been brought to justice. There are likely to be many more cases that have not been reported. It is important that this loophole is closed and families can ensure perpetrators who commit abuse and murder abroad are brought to justice in the UK.

## **Improving performance using data**

59. Numerous indicators are used in the criminal justice system to show performance across the country in criminal justice outcomes. However, collection and reporting of data needs to be improved relating to ethnicity. For example, police officers do not always record the ethnicity of domestic abuse victims. Some police officers will select more generic ethnicities such as Asian / South Asian instead of specific ethnicities such as Pakistani, Bangladeshi or Indian. In one case we have dealt with we discovered that in their paperwork, police officers had described an Arab victim using three different ethnicities. In

various stages of her case she had been incorrectly described as White, Asian and African. It is important to collect accurate data to check whether:

- a) BAME victims of abuse are reporting abuse
- b) The quality of service received at different stages of the criminal justice system by BAME victims
- c) The quality of service received in different regions by BAME victims of abuse

60. Ethnicity data can also be used to check whether BAME women are reporting domestic abuse. For example, if levels of reporting is disproportionately lower in areas with significant BAME communities, then more work is needed to reach women in these communities. Initiatives could include ensuring they are exposed to information on recognising abuse, support available and how to get help.

### **Establishing a Domestic Abuse Commissioner in law**

61. We support the proposal to appoint an independent Domestic Abuse Commissioner who would provide public leadership on domestic abuse issues and play a key role in overseeing and monitoring provision of domestic abuse services in England and Wales. When the Commissioner maps and monitors provision of domestic abuse services against expectations, it is important that services received by BAME women are specifically highlighted. It is important that any recommendations are then implemented and fully resourced.

### **Sharing best practice across government**

62. Best practice whether across government departments or across services is often done through the form of reports. Perhaps an online portal should also be produced which contains all of the information. This should be well organised and easily navigated to find relevant information. Good practice to help BAME women should also be specifically highlighted including specialist organisations.

### **Equalities Duty**

63. The government and other public bodies have a duty to complete an Equality Impact Assessment under the Public Sector Equality Duty set out in s.149 of the Equality Act 2010, to ensure they have due regard to eliminate discrimination and advance equality of opportunity. However, there have been instances where decisions such as allocation of funding (as already highlighted in paragraph 27) have put BAME women at a disadvantage because no equality impact assessments have been carried out.

**On Behalf of Muslim Women's Network UK**  
**Shaista Gohir OBE**  
**Chair**  
**30th May 2018**