



**WRITTEN EVIDENCE TO THE MINISTRY OF JUSTICE IN RESPECT OF  
IMPROVING VICTIMS' EXPERIENCES OF THE JUSTICE SYSTEM  
February 2022**

**Introduction**

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)) that has been advancing equality, promoting women's empowerment, and connecting voices since 2003. We are a small national charity (reg. no. 1155092) that works to improve 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 our 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 including domestic abuse, forced marriage, honour-based violence, sexual exploitation and abuse, female genital mutilation, hate crimes, discrimination, 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.
4. Although we work predominantly with Muslim/BAME women and girls and where relevant will focus on the experiences of Muslim/BAME women within our Evidence, the points we raise may equally apply to non-Muslim/non-BAME women generally (and in certain cases, men).

**Evidence**

5. As the only national charity working with and providing a frontline service to Muslim women and girls in the UK, it is perhaps no surprise that we deal with female victims of crimes/violence on an almost daily basis. Our Helpline evaluations (<https://www.mwnuk.co.uk/muslim-women-helpline-dashboard.php>) show that domestic abuse (alongside mental health) has consistently appeared as a top two issues since the MWN Helpline's inception in January 2015. In fact, two thirds of the calls are about various

forms of abuse against women and girls that also includes forced marriage, sexual abuse/violence, sexual exploitation, so-called revenge pornography, so-called honour-based abuse and FGM are also key issues that are regularly dealt with by the MWN Helpline. The support we provide to our beneficiaries ranges from providing practical and emotional support, liaising with police officers, refuges, social workers, and other key stakeholders, providing case work support, providing counselling services, and providing assistance through emergency funds.

6. Informed by our service users' experiences, we also raise awareness of the issues so that victims and potential victims are better aware of their rights and the support available to them (such as through resource production, workshops, and outreach activities) and campaign for change.
7. In June 2019, MWNUK published "'Muslim Women's Experiences of the Criminal Justice System" (henceforth "CJS Report"). This report aimed to consider whether Muslim women were 'getting justice' in their interactions with the justice system, and if they are not then what factors were contributing to any 'justice gap.' We found that some of the factors contributing to Muslim women and girls not getting justice were the same as those faced by women of any other background. However, in some of the cases the poor service was a result of their social positioning at the intersections of gender, ethnicity, faith and class. Our report found that often additional language, cultural and faith barriers that may have been preventing Muslim women from seeking help were not being considered. The combination of the issues, as highlighted in our CJS Report, are in our opinion disempowering victims and doing the opposite of what a world-renown criminal justice system (and its institutions) should be achieving and upholding. The research demonstrates that some Muslim women and girls are being failed by the criminal justice system and their needs are not being met. This is having an adverse effect on the trust and confidence they feel in the criminal justice institutions.
8. Muslim women constitute one of the most disadvantaged groups in British society. They disproportionately experience adverse socio-economic conditions and within their families and communities often experience further inequalities from the gender roles expected of them, and behaviours rooted in concepts of honour culture. There is an intense pressure to conform and suffer in silence. Thus, when Muslim women are able to find the courage to report abuse to the police, they are taking a colossal step. If they then receive a poor service, it can disempower and deter them (and others who may be aware of the step they have taken) from continuing with any reports made to the police or from making future reports, or they may drop cases before they reach the court's door. The result of this can be Muslim women not getting justice and the perpetrators not being held accountable. This may also embolden perpetrators, leading to an increase in the abuse inflicted on the victim or even an increase in the number of victims. The consequences of an inadequate service can lead to not just further abuse, but femicide. In November, 2021 we launched the #SayHerName campaign, a searchable page highlighting the BAME women who have been victims of femicide (<https://www.mwnuk.co.uk/say-her-name>).
9. The lack of time and resources available within the criminal justice system (including police, CPS and defence barristers) may also be exacerbating some of the issues mentioned in this report. We will be drawing from the CJS report and cases from our helpline services throughout the body of this Consultation. However, we recommend that our report is read in full so that you can understand the extent of the work to be carried out. Please see the following link to access our report and hard copies can also be provided upon request:

[http://www.mwnuk.co.uk/go\\_files/resources/Muslim\\_Women\\_and\\_Criminal\\_Justice\\_FINALE.pdf](http://www.mwnuk.co.uk/go_files/resources/Muslim_Women_and_Criminal_Justice_FINALE.pdf)

10. For the avoidance of doubt, all the names referred to within this Written Evidence are pseudonyms and all case studies contained within this Evidence and our CJS Report have been anonymised.
11. We also wish to bring attention to the following MWN UK resources which include various facts, cases and statistics relating to the calls dealt with by our MWN Helpline which may be useful in your considerations:
  - MWN Helpline Evaluation 2019:  
<https://www.mwnuk.co.uk/resourcesDetail.php?id=226>
  - MWN Helpline Evaluation 2020:  
<https://www.mwnuk.co.uk/resourcesDetail.php?id=244>
  - MWN Helpline Data Dashboard (please register to log in and access our Helpline data): <http://www.mwnuk.co.uk/muslim-women-helpline-dashboard.php>
  - The Helpline Evaluation for 2021 is currently being prepared and will be available online from April 2022. This consultation response also includes more recent cases, therefore this consultation response also includes more recent cases from the helpline.

12. We now respond to the questions of the Consultation as follows:

### **What can be done to ensure professionals and agencies comply with the Victim's code?**

13. Our service users' experiences tell us that when victims of abuse or any other crime are engaging with the police, police officers too often are not complying with the Victim's Code. For example, victims often report to us that they do not receive from the police a response to reports in a timely manner and those victims are not kept up to date, with them having to constantly chase over months and years, particularly in cases of historical child familial sexual abuse and sexual exploitation. This is highlighted later in some of the case studies cited. We have observed service users not pursuing cases due to these failures and therefore they do not get the justice they deserve.
14. In our experience, most of our services users who interact with the police, CPS and judiciary are unaware of the Victim's Code and their rights. We have therefore now started to alert them to the Victim's Code; however, the onus should not be on charities like ours to do this. In fact, many charities may also be equally unaware of the entire contents of the Victim's Code. Although it is not the responsibility of charities, we recommend that there is awareness raising to charities as to the role they can play in informing victims of their rights and the Victim's Code.
15. Given that the existing Victim's Code is already not being followed we are concerned that adding additional victim's rights will make little difference unless accountability mechanisms are introduced and that compliance is measured within police forces, CPS and

the judiciary. Comparisons across regions and sections of the criminal justice system may act as a catalyst for change, providing information as to where improvements need to be made and lessons to take from regions and/or sections of the CJS where compliance is shown to be high.

16. We believe that victims should be clearly informed about the Victim's Code, but also be provided information on what action they can, and should, take if they feel that their experiences do not reflect what they should expect. Whilst we have handled cases in which service users have had an unsatisfactory experience with the criminal justice system when they are a victim, we also have service users who, whilst reporting being generally satisfied with their interactions with the criminal justice system, have no information on how to complain. It is essential that all victims are provided with information as to what their expectations should be and what to do if they feel they are not met. Instead, many are left to seek out information if they feel this is the case. If victims are not informed of what they should expect and if they do not know how to complain when these expectations are not met, then when professionals and agencies within the criminal justice system do not comply with the Victim's code there may be little to no consequence.
17. We have instructed our frontline staff, including our Helpline staff and case workers, to ensure they are aware of all aspects of the Victims Code and that they are complying with it. We are also in the process of embedding the Victim's Code into our helpline procedures so that service users explicitly know what their rights are when liaising with the CJS and police. However, charitable agencies who work with victims of domestic and sexual violence would benefit from standardised training on how to effectively implement the victim code within their services and how staff can make the code accessible to service users. We recommend that there should be similar training for professionals throughout the CJS and that there are reviews to ensure staff are implementing this.

### **How victims can be better informed about the Victim's Code?**

18. A copy of the Victim's Code should be provided to victims in writing so that they are aware of what they should expect from the criminal justice system and empower them to challenge when they are not being met. Given the advancements in technology, mobile phone numbers are routinely collected when reporting a crime and this can be used to generate an automated message with a crime reference number and a link to the Victim's Code. This will give victims' a chance to revisit when they are best prepared to or need to and should not be something victims' need to seek out or request. Alongside this victim should also be provided with information on what to do and where to go if they feel that these expectations are not being met. Many who contact MWN Helpline who have had interactions with the criminal justice system do so because they are unsatisfied with their experience. The case studies mentioned further on of Shabana, Samina, Sofia, Nyla, Kejal and Ambar are just some examples of many cases in which service users indicate that those working within the criminal justice system are not complying with the Victim's code.

### **What do you think about the way the police and CPS communicate with victims and how can this be improved?**

19. As stated in the Consultation, victims should know that they are at the heart of the criminal justice system. We agree that the police and the CPS should consider the circumstances of

cases when choosing to investigate or prosecute, however we have found that this does not happen consistently and that at times stereotypes about BAME and Muslim women result in subjective decisions impeding justice being achieved for the victim. BAME and Muslim women reported receiving a lack of information which, at times, was connected to a lack of empathy and/or a lack of understanding from the criminal justice system. We found that there was generally a lack of communication, which led to victims feeling neglected and resulted in them disengaging from the criminal justice process. We have noted when the police or the CPS decide not to prosecute, victims were sometimes only informed verbally over the phone and that clear reasons were not provided. A mechanism should be developed to ensure a victim is informed in writing and that if they are not that this is flagged up on the system as a priority.

20. In our CJS report, we highlighted the case of ‘Shabana’ who contacted our helpline because she had reported historical sex abuse to the police. Six weeks after reporting the police had not contacted her to arrange taking her statement, we advised her to wait a few weeks and then to contact us again if they had not made contact. The police did, but ‘Shabana’ contacted our helpline again several months later, upset that the police had not contacted her since taking her statement and when she contacted for an update she was not satisfied with their response. She was told that the police officer allocated to her case, who was her point of contact, has moved on and her case had not been assigned to anyone else. She was also told that ‘as several family members were named as abusers, they did not understand her family tree,’ but she did not understand why the police had not contacted her for clarification on this. Shabana said she was not feeling positive about the way they had left her hanging with no communication and felt that it unprofessional.
21. In another case study shared in our CJS report, ‘Samina,’ an 18-year-old Muslim woman of Pakistani heritage, was befriended online and raped by a group of men. She reported the crime to the police with the support of her family, but police failed to keep her updated as to the progress of the investigation. When arrests were made the CPS made the decision to charge only one of the perpetrators and not all of them. When Samina questioned why this was the case a police officer verbally informed her that it was due to ‘evidential reasons’ but did not provide an explanation as to what that meant. Samina was also asked for a Victim Impact statement. When the police contacted her about doing this, Samina was on the bus. She explained this to the police officer who suggested she should start writing it while she was travelling. She found the conversation and insensitive and this left Samina feeling as though the police were treating her rape as a minor incident that was appropriate for her to discuss while travelling on public transport. Neither the police nor the CPS explained how long the case would take to get to court and what the expected procedures were. This lack of information made Samina feel depressed. In addition to this, when the police informed her that the defendant’s lawyer had asked for all her medical records and that she had to provide consent, they did not inform her that a representation could be made on her behalf so that only medical information that is necessary and relevant to the trial is disclosed. Samina became so worried about ‘everyone’ finding out the details of her ordeal that she asked to withdraw her video statement. The police informed her if she withdrew the video statement then she would have to stand to give evidence instead, but she was not informed about special measures that the judge could allow so that her face would not be visible such as asking the public to leave the court while the video evidence was played or when she was giving evidence or screens put up so that the suspect and the members of the public would not be about to see her. The MWN helpline provided Samina with the information she had not received from the police or CPS, but she became so depressed about the pending court case that she decided to withdraw her statement and no longer pursue it.

22. The above case studies highlight the importance of clear communication from the police and the CPS from the initial report of a crime to through prosecution and appeal. Without clear and regular communication of the progress of investigation and a victims' rights many choose to disengage from the criminal justice process altogether. A lack of empathy and understanding from the police can result in poor communication to victims leading them to feel neglected and disengaging from the criminal justice process. The cases give the perception that the CJS processes are set up in a way that just results in the victims giving up and dropping cases so there are less cases to deal under decreasing resources. To improve the way police and CPS communicate with victims we recommend that they provide regular updates (even if this means saying there has been no progress with an explanation as to why this is so). This would not only manage expectations of timescales but would go a long way to increasing confidence in the criminal justice system. Considerable more resources also need to be made available for investigating sexual abuse offences so there can be a step change in the poor prosecution rates.
23. In addition to this, it is imperative that Victim Impact Statements are made at a time and in an environment of the victims' choosing, so that they feel as safe and comfortable as possible and to reduce the emotional impact of giving statements.
24. We also recommend that victims are provided with the options available to them when testifying, particularly in cases of domestic abuse and sexual assault, to empower victims to make informed decisions when testifying and providing evidence. Failing to do this as seen by 'Samina's' case, can result in choose to not continue with court proceedings entirely.
25. We have also observed that it is incredibly rare for victims to be aware of victim compensation. Currently if victims want the court to consider compensation, they must inform the police who then forwards the information to the CPS to make the request in court. However, with so few of our service users being informed on this we are concerned that many are not aware of this entitlement. We are currently in the process of producing a booklet with a legal firm to raise awareness and we strongly recommend that the CJS aim to raise awareness of victim compensation generally.

### **What changes, if an, are required for the Victim's Right to Review Scheme?**

26. We have identified several issues with the Victims' Right to Review Scheme. Changes should be made so that decisions not to prosecute can also be reviewed, particularly for serious crimes such as rape and sexual assault. According to the Victims' Right to Review rules, victims do not have a right to review if the CPS charges only some (or even one), but not all the suspects; that is, there is no right to seek a review and ask why the other suspects were also not charged. This is unfair as not all victims are getting equal access to VRR scheme. This gap disproportionately impacts women and children who are victims of sexual crimes such as gang rape, child sexual exploitation and sex trafficking in which there are multiple perpetrators and sometimes organised networks of abusers. We strongly recommend that the eligibility for the VRR scheme be reviewed to ensure all victims have equal opportunities to achieve justice.

27. In ‘Samina’s’ case (see above) where there were multiple perpetrators and several were arrested, the CPS only decided to charge one. Samina was informed that she could challenge this through the Victims’ Right to Review scheme, but when she contacted the scheme, they told her that she had no ‘right to review’ as one of the suspects had been charged. This alongside a lack of information on the decision to not prosecute all meant Samina did not achieve the justice she deserved, was not provided with sufficient information as to why this was and was unable to challenge this decision.
28. Additionally, we have noted from our service users that the decision to not prosecute some (or all) perpetrators is being communicated verbally and not in writing. This was also the case for Samina. Without clearly informing victims in writing these decisions, it affects a victim’s ability to make an informed decision to request a review. It is also important that the police and CPS make victims aware about time limitations for requesting a review when they inform them about decisions not to prosecute or end proceedings. It appears this does not always happen.

**What should the role of Police Crime Commissioners (PCCs) be in relation to the delivery of a quality service and commissioning victims’ support services, and what levers could be given to PCCs to deliver this role and enhance victims’ experiences of the criminal justice system at a local level?**

29. We believe that PCCs should be required to work with local criminal justice partners and ensure that the needs of victims are being catered for and their entitlements met, but that a lack of assigned responsibility of certain aspects of the Victims’ Code can lead to a lack of ownership of its delivery. Even when responsibility has been assigned there are shortcomings leading to organisations, such as MWNUK, having to plug the gaps and provide the relevant information as seen in Samina’s case. Additionally, we would ask that PCCs also work with charities that work with victims of crimes, such as MWNUK, so that we can share any hurdles or barriers that are being faced by victims and put forward suggestions on how victims can be properly supported at a local level through a multiagency approach. However, we must stress that PCCs must be given clear responsibilities for which they are held to account and secondly that this should not lead to a ‘postcode lottery’ of entitlements.
30. Whilst we understand that this was not possible recently due to the COVID-19 pandemic, we feel that the PCC needs to be visible in the communities they are serving. They should understand the needs of victims in these communities and be able to signpost them to appropriate agencies that can meet the needs of each victim. We have found that too often PCCs refer to mainstream organisations and do not make an effort to find out about or reach out to specialised organisations in their area. We have found that within the West Midlands, where MWNUK are based, that despite our high quality and award-winning service and our engagement with West Midlands police force, that when victims need support from specialist organisations for abuse such as forced marriage and honour based violence, they are recommending women to services outside of the region when they would benefit from more local support. This has also been noted with other police forces, that they seem to lack awareness of specialist services within their own areas. It is concerning that women are not provided with a choice of organisations. We also note that police forces want the specialist organisations for roundtable meetings to gather information but then do not refer to them, which indicates that there is some awareness of these groups. There are clearly internal communication issues within police forces about passing on information. We recommend

that PCCs take a proactive approach to understanding the communities they serve and ensuring victims are provided with appropriate, accessible and sufficient support tailored to their needs. We suggest that they invite organisations to apply to be on a list of organisations with services that the police can refer to when needed, including specialised and niche organisations that operate locally and/or with marginalised communities such as BAME and Muslim women. This will establish that information about a wide range of services is readily available for police to refer victims to and ensure that specialised and local organisations are not overlooked for those with a high public profile, despite being better suited to support a victim.

31. We also believe that PCCs play an active role in raising public awareness of the Victim's Code regionally. This can be done by carrying out a survey to better understand the current awareness of it and targeting specific communities to identify where more work needs to be done. This should be followed by a subsequent survey once an awareness campaign has been carried out to establish how this has improved awareness.
32. We have also noticed that sometimes resources are wasted by PCCs waste resources by commissioning projects that will enhance their reputation and make reporting look good rather than the merits or sustainability of a project. This may particularly be done in relation to forced marriage, honour based abuse and female genital mutilation. For example, in the West Midlands the PCC funded a coalition of organisations to set up a helpline aimed at ethnic minority women, despite the existence of other local helplines, to then end their funding, rather than capacity building existing services.

**What do you consider to be the best ways for ensuring that victims' voices, including those of children and young people, are heard by criminal justice agencies?**

33. Women who are at risk of harm are not being listened to. For example, when there are conditions of arrest on non molestation and harassment orders and these are not followed through, there needs to be accountability. Many times on the helpline, women report the police not arresting the perpetrator for breaching conditions of contact or harassment, which has included near misses due to police inaction. In one example, a woman ended up being stabbed by her ex-husband. In another example, the husband broke in and held the woman hostage all night. She was fortunate to be freed the next day. Despite reporting him again, he was not arrested. The helpline had to then contact the police on her behalf. Mechanisms need to be implemented to ensure arrests are carried out.
34. Whilst we have observed that adult women sometimes are struggling to get a good service by criminal justice agencies; we have found that it is much harder for our young people, who already do not trust the police, to be heard. 'Manal', a woman in her 20s from a Pakistani background, contacted the MWN Helpline to reopen her child sexual exploitation case. She was raped and sexually abuse as a child by her older cousins/ They continued abusing her into her teenage years which included gang raping her and passing her around to their friends. Manal revealed the abuse to social workers and was later interviewed by police, providing names of the perpetrators and other potential witnesses, which included other victims. However, the police ended up closing her case and did not charge anyone with child sexual exploitation. When the MWN Helpline contacted the police force on her behalf we were informed that her case was closed and that no further action had been taken because she could not provide evidence of her abuse, her account could not be corroborated by third



parties such as her school who had labelled her as 'troublesome,' and that she had a history of lying, theft and 'sexualised behaviour.' The citing of a victim displaying criminal and sexualised behaviour as a reason for not pursuing a case of CSE is particularly concerning as these are consistently highlighted as being potential signs that child is a victim of CSE and highlights how victims of CSE and CSA are often denied the chance of being heard and achieving justice. Manal has tried to reopen her case in 2018, but police refused to, she subsequently contacted the MWN Helpline in 2020 to reopen the case. We have referred this case nationally to Operation Hydrant to look into the way the police force is handling her case. However, almost a year later, despite chasing, we have not been informed as to whether any action has been taken and the case is still ongoing.

35. It is imperative therefore that the Victims' Code includes requirements to ensure that the range of different factors, and the victim's own account of the impact upon them, is specifically considered. Unless the institutions of the criminal justice system are truly able to understand the needs of victims and the harms they face, the Victims' Code of Practice and any other entitlements included within it will be meaningless.
36. We wish to add that the impact can also depend on the individual circumstances of the victim, considering personal and cultural factors which may be at play.
37. In our CJS Report we highlighted the case of 'Sofia' who was being blackmailed by a female friend who was threatening to share a photograph of Sofia standing next to a male friend, with Sofia's family. Although the picture may have appeared 'harmless' (as it was simply a picture of her standing next to a male friend and was not sexually explicit), had this photo been shared with her family (who were very strict), they could have interpreted the photo as her being in a relationship with said male friend and the consequences could have even resulted in honour-based abuse. However, the police did not take any action until the MWN Helpline became involved and explained the seriousness of the matter; meanwhile Sofia was still getting blackmailed by her friend and being financially extorted. Surely the fact that Sofia was distressed and seeking help (especially bearing in mind that generally female, BAME victims are less likely to report a crime) should have been the clue for the police to realise that this matter is much more serious for this victim, but no action was taken until MWN Helpline became involved, leaving the victim helpless and in distress. We also wish to make the point that such threatening/blackmailing tactics are regularly used in sexual exploitation cases involving South Asian women and girls and it is concerning that despite all the awareness, the police did not realise the seriousness of the matter.
38. In another case study shared in our CJS Report, both social services and the police failed to identify and take action in respect of a clear risk of honour-based abuse in a matter where the potential victim in question had already once been forcibly sent abroad to Kurdistan by her parents after they had found that she had sent a sexually explicit photo to a man she had met online. After being allowed (by her parents) to return to the UK and attend college, she started a relationship with another male student – and her family threatened to kill her. Although the MWN Helpline reported the matter to social services and the police, the social worker seemed to believe that the parents were just being "protective", despite the threats to kill and having once already sent her to Kurdistan (where she was subjected to physical and emotional abuse).

39. The above case studies highlight that victims' voices are being ignored and the impact on them of crimes are being disregarded. The CJS Report also highlights various instances where police failed to identify risks of forced marriage.
40. We also urge that sentencing guidelines are updated to include as an aggravating factor, situations where a perpetrator has used threats to share images, videos or audio recordings (whether or not sexually explicit) knowing that the consequences of actual sharing of such images, videos or audio recordings could result in the victim facing abuse and violence (including potential forced marriage and honour based abuse) – or knowing that the victim would fear that the consequences of sharing would result in such harm.
41. It is also imperative that when police are recording incidents (such as violence, threats of violence, sexual abuse etc), they also record any concerns of honour-based abuse, potential or otherwise. For example, police should log whether the victim has been subjected to the crime because of honour or is at risk of honour-based abuse. We believe that this will allow us to obtain a better picture of the scale of the issue and will enable the government to strengthen its work to change attitudes and improve prevention as part of its 'Ending Violence Against Women and Girls' strategy.

**How might victims provide immediate feedback on the service they receive and its quality (such as text message, online surveys etc.)?**

42. We recommend that victims are informed how their feedback will be used to better services and if there is a time limit to when feedback can be provided. If English is not the first language feedback should be permitted to be recorded in the chosen language of victims. We recommend that service providers like ourselves be able to provide feedback on behalf of our service users if they require.

**How do you think we could simplify the existing complaints processes to make them more transparent and easier for victims to use?**

43. We found that there was a perception held by victims of not being believed, whether that was the reality. This clearly has serious adverse effects on the confidence victims have in the criminal justice system. This belief was strengthened when complaints were not taken seriously, were dismissed, or not investigated to an acceptable standard.
44. Implementation of our recommendations for the Right to Review scheme would go some way to improving this perception many victims have. Victims should be informed, in writing, on actions taken (or not taken) and given clear explanations for these actions (or lack of action).
45. There should be clear mechanisms to ensure victims are provided with information on the complaint's procedures and the victims' Right to Review Scheme. Victims should be provided with information on the complaint's procedure, about a Victims' Right to Review and eligibility criteria and information on how to contact the Independent Office for Police Conduct. To ensure this happens and to ensure accountability, we recommend that the

person closing the case should confirm, on the organisation's database system, that these steps have been taken.

46. We also recommend that there be a point of contact for victims to access support if they feel that their expectations are not being met, similar to the role PALS play for the NHS.
47. There should be an automated e-mail or text sent to victims reporting with information on the complaint's procedure. It is imperative that the complaints procedure is transparent and independent, particularly in case in which there is a complaint about specific [a] police officer/s. which in cases where there is a complaint about a police officer. We have noted that where this is the case barriers are placed to addressing complaints.
48. In a more recent case, an adult survivor of sexual abuse reported being sexually abused by a white police officer when she was under 18. It was not easy to bring the police officer to justice, because of the support he had amongst police colleagues. Although she got justice in the eventually with the police officer being dismissed from his job, there was a deliberate media block out of hers and the perpetrator's ethnicity, i.e., the report was careful not to state that it was a white police officer who was dismissed for his behaviour towards a young Asian female. This is not standard practice and appears to have been justified by alleging he was at potential threat of honour-based violence. However, we believe that this alleged threat was unfounded due to the victim's details being confidential. Also, in honour cases it is the victim who is mostly at risk. Guidelines meant to provide protection to victims was being utilised to protect the perpetrator because he was a police officer. It is quite common for police officers to be named in the media when they are dismissed from their post. Had this been an ethnic minority police officer who had abused a girl, he would have been named. An ethnic minority officer who sexually abuses a white female, could equally be at risk of attack by right wing groups, so would he be protected in a similar way? The answer to this question is obvious. Given the current climate of police attitude towards female victims of crimes as have been highlighted in the past 12 months, we welcome the review into the Met Police force by Baroness Casey, but we believe this is a widespread issue and other police forces also need to be looked at in the way they treat women both colleagues and victims of crime.
49. We also believe that it should be taken more seriously when a police officer is accused of domestic violence. We were contacted by a woman who was subjected to domestic violence by her husband, who was a police officer. She escaped to safe accommodation, and we reported this to the police. When we did not hear back several weeks later, we chased to police force for an update only to be informed that they have lost our complaint. We had to re-forward the original e-mail of our complaint. It is shocking that a case such as this is not flagged as urgent and is allowed to fall between the gaps. These cases are urgent, especially when the alleged perpetrator is supposed to be serving to protect a community. Failure to act in a way that reflects the severity of these reports not only denies victims justice and protection but can lead to further endangerment of others. A specialist and robust process needs to be developed to address allegations against police officers.

**Victims' advocates – ISVAs, IDVAs and other kinds of advocates – have a crucial role to play in helping vulnerable victims to access support, cope, recover and engage with the criminal justice system. There is no current standardised training - how can such advocates be better equipped to help victims, or do you have any other views about such advocates?**

50. ISVAs provide essential emotional support during testifying in a criminal case, especially where a victim's support network may be unable to attend court with them due to them also testifying. Ultimately, ISVAs play a pivotal role in ensuring that victims/survivors can give the best possible evidence and supporting them to reach that point. Our services users highlight how essential ISVAs are to providing emotional and practical support throughout the entirety of the process. The continuity of having a point of contact throughout the investigation process and the trial can help victims feel as though they are heard, supported, and not forgotten. This long-term relationship allows victims to build a rapport with ISVAs. A service user stated that this rapport was integral to her understanding and being understood, particularly during the trial and testifying. This rapport meant someone was familiar with the case and how a victim may struggle during testimony, so knew how to provide specialised support to the victim. Additionally, ISVAs professional knowledge helped them to understand legal jargon and the process and enable them to have realistic expectations of the criminal justice system. A service user highlighted her positive experience with ISVAs and how essential they were to her pursuing a case against her perpetrator but raised concerns over lack of funding. There are clear examples in which the knowledge and expertise ISVAs possess mean they are the best equipped to help victims. We suggest that those with this knowledge and expertise are utilised to shape and lead future training.
51. We recommend that both IDVAs and ISVAs or any other advocates working with victims continue to develop further intersectional knowledge through the means of unconscious bias training and trauma informed practice. To conclude it is also essential for advocates to grasp legislative changes that could impact BAME and Muslim victims in reporting crime.

**What are equality gaps when helping victims with protected characteristics?**

52. We have identified in our CJS report and through our helpline that there is often a lack of understanding in immediate harm Muslim women and girls are facing. Police often fail to consider the wider context of crime. There is a lack of understanding of honour and how it increases the threat of harm to victims.
53. When the the threat if honour based abuse is recognised, there is no consistent way of assessing risk across all police forces. Currently, an honour based assessment tool is used that has been developed by one charity, which not all police forces use. The tool contains flaws. For example, one questions ask about the perpetrators religioisity such as if they are practising. This question can put lives at risk because the risk of honour is not about religion but culture. So this means that a police officer may interpet practising faith as more likely to commit an honour crime and less practising to be less likely to commit honour crime. However, someone less practising in their faith may be as likely or even more likely to commit an honour crime. Any tool should have been collaboratively developed with input from a range of charities which have expertise in this area.

54. In the case of 'Sofia', who was in her early 20s and of Pakistani background, was blackmailed by a female friend who threatened to send a photo of her standing next to a male friend to Sofia's family. Sofia was very worried because her family was very strict, and she was not allowed to interact with the opposite sex. Although the photo was not sexually explicit, her family would interpret it as something more and she was worried about the consequences. Whilst Sofia had reported this to the police, they had ignored her, and the friend continued to blackmail her. It was only when MWN Helpline contacted the police and explained why she was at risk of honour-based abuse that the police officer understood the risk. The helpline also explained to the police that they should not go to Sofia's home to speak to her as she lived with her family and should only take statements from her at the police station. It is concerning that despite concerns of safety being raised, the risk of honour-based abuse had not been recorded and the police did not take the report seriously and took no action (not even for harassment) until the MWN Helpline intervened and explained the risk. It is important that when police are recording incidents such as violence, threats, harassment, sexual assault, forced marriage etc., that they also record any concerns about honour-based abuse. For example, police should log whether the victim has been subjected to the crime because of honour or is at risk of honour-based abuse. Improved recording of honour abuse related incidents will also provide a better overall national picture of the scale of the issue. This will enable the government to strengthen its work to change attitudes and improve prevention as part of its 'Ending Violence Against Women and Girls' strategy. It is important that police identify and flag all honour-based abuse cases for effective risk profiling because there is a significant likelihood that other family members could already have experienced similar abuse. This intelligence could therefore help the police to safeguard other family members at risk.
55. Police sometimes fail to recognise the threat of honour-based abuse, particularly in cases of revenge porn due to it being categorised as a 'communications crime.' This can result in police not acting proportionally to the threat of harm Muslim and BAME women and girls face when they are victims of it. For example, in the case of 'Ambar' her ex-boyfriend and his friend threatened to put sexually explicit images of her online unless she had sex with them. She was worried that her relatives would see them and was concerned about the response from her family. She reported this to the police and explained that if the pictures appeared online, she would be at risk of honour-based abuse. She was told that she would be contacted by a police officer within a few days, however it took three weeks for the police to take a statement where she could hand over evidence of the blackmail. It appeared that the police took their time as they did not think Ambar was in any danger of honour-based abuse and viewed it as a revenge porn case only.
56. We also recommend that anonymity is afforded to victims of revenge porn, as it is not currently so due to it being categorised as a 'communications crime.' This categorisation is not reflective of the possible harm to Muslim women and girls. Most victims who contact MWN Helpline about revenge porn are reluctant to make a police report because they fear it will result in the perpetrator putting the images online as punishment and then family members and the wider Muslim community finding out. Even when images are posted online, victims usually do not want to pursue prosecution because they fear taking the matter to court will result in family becoming aware of the images and discovering they have been in a sexual relationship. In Muslim families and communities, women and girls are expected to maintain their virginity until marriage. If sexual images are shared in the Muslim community of a female victim, this would be regarded as dishonouring and tarnishing the family reputation, the punishment of which could be a forced marriage, honour-based abuse, disownment and being made homeless. The criminal justice system fails to reflect the

possible harm women and girls in some communities may face and how the threat of harm increases when seeking criminal prosecution, which therefore leads to many choosing not report to the police.

57. We also identified in our CJS report that police sometimes failed to recognise safeguarding concerns, particularly relating to honour-based abuse. Police did not always identify cases of honour-based abuse, which may have been due to not understanding the complexities of what constitutes dishonour in some minority communities. Whilst we acknowledge that recently revenge porn laws have increased protection for victims who are exposed to threats of image disclosure (as this is an offence), police do not always recognise the immediate threat of honour-based abuse to victims from communities where there is the culture of shame and honour is prevalent and where there is a threat to victims' safety.
58. It also appears that police officers may associate honour-based abuse more with victims being threatened with forced marriage rather than with those trying to escape one, suggesting there is a continued lack of understanding about who can be a victim, the risks they face, and the support required. Nyla, a woman who was in her early 20s and had had a forced marriage in Pakistan, was pressured to remain with her husband until he secured his immigration status and obtained his 'indefinite leave to remain.' MWN Helpline provided safety advice and found a refuge space for her. Concerns about her safety were reported to the police by the helpline and help was requested to take Nyla to the refuge as using public transport or a taxi escalated risk. However, the police refused to help transport her even though they were informed it was a forced marriage and or the risks of honour-based abuse. The police simply viewed the situation as someone wanting to leave their marital home and said that they are 'not a taxi service and she can use another taxi company.' This response is almost identical to Kejal's case (see below) and illustrates a lack of empathy by the police to the victim. It also suggests a narrow understanding by the police of factors that increase risk of honour-based abuse and who can be a victim of honour-based abuse, with the assumption being that it is those who are at risk of a forced marriage, not one who is already in a forced marriage, who can be at risk of honour-based abuse.
59. Kejal's case study, as a part of our CJS report, illustrates how police failed to recognise the risk factors of honour-based abuse. Kejal, a 17-year-old girl of Kurdish background, contacted MWN Helpline because she was worried about being subjected to violence by her parents and the possibility of being sent to Iraq. Kejal was in a relationship with a young man and when her mother became suspicious that she was she threatened to kill Kejal. Kejal became concerned to Kurdistan as she had been previously sent there for 3 years after sending explicit images to a man she met online. Despite this history the police officer did not believe Kejal was at risk of honour-based abuse when her mother found out she may have a boyfriend. What was even more alarming was that the officer did not think the parents had responded disproportionality by taking Kejal abroad and leaving her there for 3 years; she said, 'the parents were just being protective.' MWNUK found a refuge space in another area and asked the police to escort her there due to safety concerns (being unable to take public transport due to family searching for her). This request was refused with the comment 'we are not a taxi service.'
60. Kejal's case shows how the wider context of the parents' reaction to Kejal being in a relationship was overlooked, which resulted in failing to fully understand the immediate risk to harm Kejal was facing. In this case MWNUK had to compensate for the lack of support provided by the police.

61. There lack of support provided to women reporting historical abuse who are at risk of honour based abuse from extended family. In ongoing cases, we noted that the police have taken the easy option of just encouraging the women to move out of the region where they ended up being isolated rather than trying to take steps to explore other local safety options first.
62. Manal's case of CSE shows how these biases can result into police not fully investigate reports from BAME girls, but even when these cases are fully investigated unconscious biases may result in the CPS coming to subjective conclusions on the victims' suitability to testify. In one case, a woman who reported historic child sexual abuse against a family member was told by a police officer leading the investigation that the CPS had decided that they were not going to pursue prosecution because. However, the police officer questioned this decision and was told they felt the victim would not hold up to questioning. This was despite the woman being a professional woman who had handled the process well. The police officer challenged the decision and the CPS were persuaded to change the decision and the prosecution went ahead. The victim won her case and the perpetrator was given a prison sentence. This victim was therefore nearly denied justice. She was fortunate the police office challenged the initial decision. This case flags up how subjective sometimes the CPS decisions can be. In another ongoing example, a woman has reported several uncles of sexually abusing her and similarly she was told the case would not go to prosecution without being provided an explanation. She has now going through the Victim's Rights to Review. There had also been reluctance (initially by one police officer) that to believe the victims because the allegations were being made against highly respected business men. When making accusations against men in positions of power, there seems to be a reluctance to believe victims (similarly to when police officers are accused (as mentioned earlier).
63. We are extremely concerned how often arbitrary decisions made on a subject basis such as this deny victims justice, particularly in cases of sexual abuse as not all women are fortunate enough to have a police officers who will be really supportive. Given the well-documented discrimination against ethnic minorities throughout the criminal justice system (MWN UK CJS Report, 2019; Muslim Hands, 2018; Lammy Review, 2017; Sisters for Change, 2017; Prison Reform Trust, 2017) we are concerned that scenarios such as this could potentially be more common for ethnic minority women.
64. Whilst this consultation is concerning victims of crime it is important to note that, as identified by the Prison Reform Trust (2017), domestic abuse is a significant driver to women's offending. However, there are racial disparities in sentencing across women. A service user who was a victim of a forced marriage and of domestic abuse (with previous reports from neighbours) was given a custodial sentence for stabbing her husband in the leg, despite having a young child. At a similar time to this, a similar crime was committed by Lavinia Woodward, a white woman who attended Oxford University. She had attacked her boyfriend whilst under the influence of alcohol and drugs. The judge took into consideration addiction issues and the impact of a previous abusive relationship and did not give her a custodial sentence. He described her as being "an extraordinarily able young lady" and fearing that a prison sentence would damage her future career prospects. Here are two similar cases, yet there is a clear difference in social circumstances and a clear difference in sentencing. Whilst Lavinia's circumstances and future were considered, the circumstances of a BAME Muslim woman who has been subjected to sustained abuse within a forced marriage and the future of her young child who had to be separated from their mother were not. This is just one example of many cases of sentencing discrimination. We need to know what concrete steps are being made to tackle the disparity of sentencing between white

women and BAME women but can only do this by identifying where these disparities are evident. Regional disparities and individual judges who appear to not sentence consistently need to be identified and targeted training implemented to tackle this bias.

65. In the case above, there was also lack of recognition by the attending police officers, the crown prosecution service and the judge that the woman perpetrator was a victim of domestic abuse. We are coming across cases where the perpetrators of abuse are manipulating women to defend themselves so they can claim to be the victims. Attending police officers need to have better awareness to spot signs of this.
66. Abuse that involves technology is on the rise. More awareness raising is needed. Women from ethnic minority communities are less likely to be aware. In one example, a one of the helpline service users found hidden cameras around the house. Her husband had been monitoring her but claimed they were to monitor people visiting the house. When women are bullied online they do not receive sufficient support. Ethnic minority women are even more likely to be abused, especially politicians of all political parties. More support and action is needed to tackle perpetrators before the abuse escalates.
67. Additionally, we have begun to see more cases of transnational marriage abandonment, in which women with insecure immigration status are deliberately abandoned abroad and/or in their country of origin. Secure immigration status may be withheld deliberately with the threat of stranding without protections of UK law being used as a form of coercive control. British children may also be abandoned with their mothers. Police have an obligation to safeguard the child and mother and they need to be provided with clear information and guidelines as to what their role is in these cases.
68. Finally, there needs to be better representation of BAME women throughout the criminal justice system and at all levels. Currently BAME women are underrepresented, particularly at higher levels. The needs of BAME women need to be higher on the agenda, which can be rectified by ensuring we are represented at these higher levels.

**On behalf of Muslim Women's Network UK,**

**Neelam Rose**

**Advocacy Officer**

**1<sup>st</sup> February 2022**