

**MUSLIM WOMEN'S NETWORK UK  
RESPONSE:**

**STRENGTHENING THE LAW ON DOMESTIC ABUSE – A CONSULTATION**

**Home Office**

**October 2014**

**Introduction**

1. Muslim Women's Network was formally established in 2003 with the support of the Women's National Commission (WNC), to give independent advice to government on issues relating to Muslim women and public policy. In 2007, Muslim Women's Network decided to establish itself as an independent organisation to ensure its autonomy from Government. The group was renamed 'Muslim Women's Network UK' (MWNUK) and became a Community Interest Company in 2008. In December 2013 it formally became a registered charity<sup>1</sup>.
2. Our aim is to gather and share information relevant to the lives of Muslim women and girls in order to influence policy and public attitudes, to raise the profile of issues of concern to Muslim women and to strengthen Muslim women's ability to bring about effective changes in their lives. The promotion of equality and diversity, social inclusion and religious and racial harmony are our key objectives which we strive to achieve.
3. At the time of writing this Response, MWNUK has a membership of 600 that includes individuals and organisations with a collective reach of tens of thousands of women. Members are mainly Muslim women living and working in the UK while our non-Muslim members work with or on behalf of Muslim women. Our membership is diverse in terms of ethnicity, age, religious backgrounds, lifestyles, sexual orientation and geographic location and members are from a range of employment sectors including: higher and further education; voluntary sector and support services including services workers; health and legal professionals; the police and criminal justice sectors; and local and central government.
4. Supporting actions to combatting violence against women and girls is one of our six current priority areas and our work encompasses issues including domestic violence, sexual exploitation, forced marriage and female genital mutilation. As the only national Muslim women's organisation in the UK we are very aware of the prevalence of violence against women and girls within Muslim and/or Black Minority Ethnic (BME) communities. In turn we work on combatting VAWG in the community through a range of activities such as holding workshops and speaking at events, working at a grassroots level with the victims themselves, creating fact sheets and podcasts raising awareness and educating others as well as talking in the media and key policymakers and holding national campaigns; in February

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<sup>1</sup> Charity Registration Number: 1155092

2013 we held a postcard campaign directed at mosques and also directly spoke to the residents of East London and Blackburn on the matter. In September 2013, we also published 'Unheard Voices', a report which highlighted the oft-ignored problem of sexual exploitation of Asian girls and young women in a bid to raise awareness and tackle the problems therein and since then have presented at various events across the country on the topic. We have similarly been focused on raising awareness of FGM through workshops and speaking at events.

5. For the sake of clarity, whilst MWNUK is an organisation which represents Muslim women, given the individualities and vulnerabilities of its members the Response will not be restricted to commenting in relation to Muslim women only but will involve the wider Muslim and BME community, including asylum seekers and travellers, as well as women generally.

### **Question 1:**

#### **Does the current law adequately provide sufficient protection to victims of domestic abuse?**

6. Whilst we believe that generally there are sufficient laws and legal measures by which to protect victims of domestic abuse, issues arise due to the fact that the available options are not properly utilized due to either a lack of understanding, resources or even proper partnership strategies between key organisations. Sometimes even all three.
7. MWNUK's constant concern has been that whilst domestic abuse is a complex issue prevalent within a wide cross-section of communities of varying faiths and ethnicities, there are particular hurdles and barriers as well as systematic failures which as a collective are contributing towards the continued existence of domestic abuse in UK within Muslim and/or BME communities.
8. The starting point is needing to strengthen understanding of frontline professionals and in particular of police and social workers through greater training and guidance so as to acquire a proper understanding of the context within which domestic abuse occurs where Muslim and BME individuals are involved. Without such insight it will not be possible to carry out investigations adequately and in turn may cause more harm than good to the investigation process. It goes without saying that this would only lead to denying justice.
9. This is demonstrated by one of our case studies, which involved various forms of abuse being inflicted on the victim. Initially facing the possibility of a forced marriage, the victim looking for an escape is befriended by a male who eventually rapes and sexually exploits her. She truants from school and her family, who know nothing of the sexual exploitation but are frustrated by her behaviour, seek to take her abroad so as to force her into a marriage. The victim had been in contact with teachers, support staff, health care professionals, social workers and even police at one stage but a lack of understanding and communication meant various aspects of her situation were not pieced together, and in turn not addressed quickly enough. This is despite the fact that there were various laws and legal measures available that could be relied on.

10. We therefore ask that as well as considering strengthening the law, we strongly evaluate how the law can be properly enforced.

**Question 2:**

**In what ways could the law be strengthened?**

11. An unqualified commitment to training and development is the key to strengthening the law. In this regard we are focusing primarily on Muslim and BME matters but please bear in mind that training and development needs to be across the board on the whole spectrum of issues of consideration such as mental health matters, disability, sexual orientation, sect etc. This is especially important in order to be able to properly assess individual cases and analyse the facts and evidence available.
12. For example, in our Unheard Voices report we highlighted a case study where the victim who had come to the UK after marriage and lived alone with her husband, was raped by her brother in law in her own home. How was he able to do so? Because her husband who was a mental health sufferer was unable to understand any on-goings or protect her which meant that despite him being around she was completely alone with no support system and her brother in law took advantage of the situation. Her husband later committed suicide and the victim had to then live in the same household as the perpetrator himself. Thus, not only was her immigration status and cultural factors relevant to her case but also her husband's health situation.
13. In another example, we have a Muslim and BME victim who is abused by her boyfriend on finding out that she is bisexual. Neither her nor the perpetrators ethnicity or faith were directly relevant in her case; rather it was about gender, patriarchy and LGBT matters. Consider also where faith, culture and mental health interplay, such as in cases of perceived spirit possession – a young adult who is displaying sufferings of mental health issues is instead believed to have been possessed by spirits and instead of seeking medical help the family turn to exorcists who physically and financially exploit the victim and other members.
14. These examples should highlight the very important need to properly assess and investigate cases of domestic abuse by considering the different facets that may be available. It is also important to widen horizons rather than narrow; that is, it needs to be understood that not all cases of domestic abuse involving BME or Muslim victims automatically include elements of culture or faith. As we have tried to highlight with our examples, there could be various layers and factors involved in the abuse and they can only be thoroughly investigated if front line professionals such as the police have the relevant awareness and understanding.
15. It is also essential to supplement current understanding by being able to assess the facts in light of individual circumstances. It is known for example that threats to have children taken into care is one form of intimidation used against victims. What needs to be further understood is that this fear is exacerbated for Muslim and BME women due to a lack of understanding shown by police, social workers and also medical professionals when faced with Muslim and/or BME female victims, where for example English is not their first language, they are housewives, their marriage to their spouse has not been legally registered etc. Partiality has been shown towards an abuser due to being able to converse with him

properly and because he has the characteristics of a good parent due to having a better education and job – notwithstanding the fact that he is the abuser. It also appears very easy to suggest that the victim is suffering from mental health issues and in turn blame placed on her thus highlighting the inadequacies within the medical profession in being able to properly diagnose BME sufferers of mental health. These actions thus place a fear on the victim of not only losing her children but also losing her children to the abuser himself, and also potentially losing her own freedom by being sanctioned.

16. We also believe better evidence gathering is a way of strengthening the law and the ability to pursue prosecutions. For example, the use of internet and communication technologies have been highlighted as means by which abuse can occur. Such communication methods may be the only ways by which a victim communicates with others and expresses their thoughts and feelings and thus we would suggest including such methods within a line of enquiry in terms of evidence gathering and understanding the context. We would also like to stress the fact that a victim may be a victim of many abusers; for example, we have a case study of a youth victim who was the victim of domestic abuse at home who was then targeted by groomers online due to finding out from social circles that she had troubles at home and being forced into a marriage.

### **Question 3:**

#### **How would any changes you suggest be practically implemented?**

17. We fail to understand why calling for better training and development is considered so onerous and difficult to implement. Firstly, we feel that the lack of enthusiasm and commitment to ensuring a nationwide policy of training into all key aspects of individual life, whether this be mental health issues, LGBT issues or cultural awareness matters, highlights the problem as to why tackling domestic abuse is not more successful than it is. We appreciate that key agencies face issues in terms of a lack of manpower or resources or funding; however, this should not come in the way of acquiring the relevant skills to tackle abuse, and nor should there be any need to.
18. MWNNUK are one of many organisations in the UK with ample resources available that can be used for training and development and we are committed to developing many more in the very foreseeable future, ranging from leaflets and pamphlets to videos and podcasts. Our report 'Unheard Voices' is a comprehensive source by which frontline professionals are able to educate themselves on child sexual exploitation of Asian victims and we have recently produced a short video, which explores this topic in a bid to raise awareness and education. We have also been providing training to a range of groups and organisations, including students and young persons in a bid to promote awareness and empowerment. Our training can be provided in short sessions to full training days depending on the level of information needed and resources available. We have also been holding various workshops and events nationally which can be utilized for educational and training purposes. We do not therefore feel that it is in any way impractical to ask that training and development be made a priority in a bid to ensure domestic abuse is tackled effectively, and indeed are willing to assist in any way that we may in furthering such aims.
19. In terms of asking for better evidence gathering methods, we feel this should form a part of an overall discussion in terms of developing strategies by which to tackle domestic abuse.

We do believe that such considerations will naturally develop as better awareness and understanding is instilled within front line professionals and key organisations.

20. Changing attitudes at a grassroots level is also important to tackle domestic abuse. By working with communities, faith leaders, those of the elder generation as well as women and youth, we will be assisting victims by ensuring a better support network is available and combatting any stigma or other consequences that may follow from reporting. For this however it is important to remember that the community is not only that which is accessible; that is, dialogue needs to take place with all and not just who come forward. In some cases there will be elderly individuals who are not approached because of language barriers – and in turn opportunities to educate or even acquire support for victims of domestic abuse is lost.

#### **Question 4:**

#### **Does the current law sufficiently capture the Government's non-statutory definition of domestic abuse?**

21. Although we have stated at para. 6 of our Response that we consider there to be sufficient laws in place generally by which to protect victims, we would welcome the introduction of a specific domestic abuse offence.
22. Whilst we appreciate the concerns that are expressed with regard to the introduction of an offence, such as the fears that victims of domestic abuse would find it more difficult to report family members and fears of accessing the criminal justice system, it must be borne in mind that these fears are far from new. In fact, the concerns expressed should hit home the fact that in actuality it is not the law itself that is the worry but rather the consequences of pursuing it. The fact that victims are worried about how they may be treated in court highlights the serious need to evaluate the court processes and the 'behaviourisms' of Counsel therein. We have also been informed by victims and family members as to how concerning it was for them to see prosecuting counsel talking freely and in a friendly manner with defence counsel through the course of a trial; whilst we appreciate that counsel can be on friendly terms we urge that the impact on victims is considered. It is imperative that victims feel supported and protected at all times if they are to pursue a prosecution.
23. Further, victims feeling unable to report should not be a reason by which to not provide a possible tool for their protection. If this were the case then forced marriage or FGM would not be classified as criminal offences. It should always be ensured that the victim is at the forefront of every investigation or prosecution and their views given the consideration deserved; each case is to be naturally considered in all its individualities and a decision made as to whether a prosecution should be pursued. Decisions as to whether or not to prosecute can be taken irrespective of which act or law is being relied upon when tackling domestic abuse. It does not make sense therefore to not introduce a specific offence, unless it is classified as an absolute offence akin to that of the Road Traffic Act, which we would of course consider inappropriate given what we are trying to achieve.
24. Rather we feel that a specific offence will portray a strong message of wrongdoing and will also allow victims to identify themselves with the offence as one that clearly applies to them. It will also ensure that all forms of abuse can be taken into account, particularly where various layers and factors may be involved.

25. For example, in one of our case studies we found that a victim of sexual exploitation was a part of an alleged Islamic marriage to the offender, which was conducted in secret and done so with the aim of silencing the victim from opposing her so-called husband. Further research highlighted how such alleged marriages were used as a controlling measure generally. A boyfriend for instance asked that his girlfriend prove her loyalty by marrying him and having done so he controlled all aspects of her life from what she wore to what she studied, despite the fact that they lived in separate homes.
26. We also have situations where a couple only perform an Islamic marriage and the husband then refuses to have a registered civil marriage, knowing that without the civil marriage they cannot be considered legally married. The wife is then controlled by virtue of the fact that her legal rights are limited.
27. Immigration status can also be used as a form of deprivation where the spouse refuses to or the victim is purposefully prevented from applying for indefinite leave to remain in the UK so that the unsettled immigration status can be used to control or blackmail the victim. In one case study a Bangladeshi victim was in a similar predicament and put up with abuse due to her unsettled immigration status because being sent back to her village in Bangladesh would create great hardship for her due to the heightened stigma for herself as well as for her family members; she stated that if she was returned to Bangladesh the stigma of being a divorced woman would mean her sisters remain single forever especially as no one would know or believe the hardship she went through whilst in the UK.
28. In the case of Muslim marriages, the wife is in some circumstances promised ‘mahr’, or dower, from the groom upon the breakdown of the marriage; therefore in some situations the victim may be pressured to remain in an unhappy marriage so that the husband does not need to provide her with mahr. In a similar case study involving a Hindu victim, she felt pressurized to remain in her marriage despite the verbal and physical abuse due to feeling indebted to her parents who had given large amounts of dowry to her husband and in laws during her wedding.
29. Whilst in the examples mentioned there may be recourse to other legal measures the reality is that the specificities involved, such as refusing to register an Islamic marriage, are not sufficiently captured by the current law. They do however fall within the Government’s non-statutory definition of domestic abuse. We believe that a specific offence of domestic abuse would be a strong and effective way by which to bolster the remedies available to such victims and also make it clear that all forms of domestic abuse will be vehemently opposed and punished. We would however like to be given the opportunity to be able to properly consider the specificities of such a law in order to ensure that it is indeed fit for purpose.

### **Final Note**

30. As a point of clarification, we must explain that our comments and examples have been limited to BME and/or Muslim victims due to the nature of our organisation and its work. As a national Muslim women’s organisation our work predominantly deals with Muslim and BME women albeit we also work with individuals of other faiths and are therefore also

aware of issues of relevance to other faith communities. In turn we wish to clarify that where we ask for faith and culturally sensitive support packages and mechanisms we do so on behalf of victims of all race, ethnicity, religion and faith.

31. Similarly, where we refer to case studies or examples relating to female victims or alternatively male offenders we do so as a result of the work that has been undertaken by us. We fully appreciate that boys and young men can become victims of domestic abuse as well and similarly appreciate that offenders can be both male and female.
32. As a national women's organisation committed to combatting domestic abuse, Muslim Women's Network UK would like to express its willingness to assist through training, support, information or advice or any other means in order to ensure that such cases are prosecuted accordingly and preventative measures put in place for the future.
33. We would like to thank the Home office for providing us with the opportunity to respond to the Consultation and we hope that the information provided within our Response has been helpful.

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

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