



# **Muslim Women's Experiences of the Criminal Justice System**

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# FOREWORD



Abuse, in all its forms, has a devastating impact upon victims and families and this impact can be exacerbated when victims are at all isolated or without specialist support. Statutory agencies must work hard to understand the barriers faced by women from minority communities and I welcome this research which can only help the police service improve its response to Muslim women. The issues identified are crucial for our response to all victims whether victims of domestic abuse, stalking, harassment or honour-based abuse. We know that promptly following up after an initial response and keeping victims informed is key to maintaining their confidence, particularly those subject to coercion and control. Understanding how we can better respond to and support victims helps us keep them safe.

## Louisa Rolfe

Deputy Chief Constable, West Midlands Police  
National Police Chiefs Council Lead for Domestic Abuse

*(Louisa led the UK police response to HMIC's report Everyone's Business, which focused on improving the response to domestic abuse survivors, urging forces to prioritise domestic abuse and securing substantial improvements across the service).*

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- All trustees and staff at Muslim Women's Network UK.





# ABOUT MUSLIM WOMEN'S NETWORK UK

Muslim Women's Network UK (MWNUK) is a national Muslim women's organisation in Britain ([www.mwnuk.co.uk](http://www.mwnuk.co.uk)). We are a small charity (no.1155092) that works to improve social justice and equality for Muslim women and girls. Our membership includes men and women of other religious beliefs and those with no religious affiliation 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 and to inform our community campaigns. We also develop resources and train women so they are better aware of their rights.

We have a separate website detailing the services offered by our national helpline ([www.mwnhelpline.co.uk](http://www.mwnhelpline.co.uk)). Individuals are able to make contact via email, web chat, text or by phoning and are provided with advice and support on a range of issues. Two thirds of the enquires to our MWN Helpline are about some form of abuse or violence such as domestic abuse, forced marriage, honour-based violence, rape, sexual assault, childhood sexual abuse, child sexual exploitation, stalking and harassment.

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Our work focuses on reducing the vulnerability of Muslim women and girls, decreasing the prejudice they face, giving them greater access to rights and services - all of which allow them to contribute to society, like any other citizen, both economically and socially. We are also creating a critical mass of voices in society to influence policy makers and to influence change with more women becoming confident to challenge discriminatory practices within their communities.



# EXECUTIVE SUMMARY

## Introduction

Muslim Women's Network UK (MWNUK) works to improve social justice and equality for Muslim women and girls. We aim to reduce the vulnerability of Muslim women and girls, decreasing the negative effects of the discrimination they face and giving them greater access to rights and services which allow them to contribute to society, like any other citizen, on economic, social, political and cultural levels.

MWNUK operates a national helpline and two-thirds of the calls received relate to some form of violence such as domestic abuse, honour-based abuse, harassment, stalking, forced marriage, rape and sexual violence, including child abuse. These experiences bring a significant number of our service users into contact with the criminal justice system, particularly the police.

## What is the problem?

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 sometimes also be fatal.



## What did we hope to achieve?

The main aims of our research were to examine how the criminal justice system responds to Muslim women who have been victims of violence and abuse and whether they are 'getting justice' and what factors are contributing to any 'justice gap' so we can make recommendations to improve their criminal justice outcomes.

## Methodology

Cases were identified from the helpline database where Muslim female service users had come into contact with criminal justice institutions such as the police, crown prosecution service or judiciary and the responses they received were insufficient or inadequate.



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## Key Findings

### Poor standard of investigations

Sometimes complaints were not being taken seriously and were dismissed or were not investigated to an acceptable standard. The perception held by victims of not being believed, whether or not that was the reality, is damaging and has serious adverse effects on the confidence of victims.

### Victims not kept informed

Victims were not being kept up to date and they were having to constantly chase police and the Crown Prosecution Service for updates, which was mentally exhausting and which would result in our helpline being contacted. When suspects were not charged, defendants acquitted or perpetrators otherwise not brought to justice, reasons were not always given.

Although the helpline escalated concerns on behalf of victims, interventions by third parties should not be required for victims to receive good standards of service. The police and the CPS are understandably busy and the lack of resources and impact of budget cuts is noted. However, being kept up to date and being given the right information can help victims cope better with the stresses of investigations and trials thus decreasing the likelihood of cases being dropped; otherwise perpetrators will not be held accountable and victims will feel disempowered and silenced.



### **Victims' Right to Review Scheme flawed**

Weaknesses in the Victims' Right to Review scheme were also identified; victims are not allowed to request a review where only some suspects are charged but not others.

### **Poor CPS and judiciary standards of service**

When cases proceeded to court, the quality of publicly funded barristers i.e. prosecution barristers and legal aid funded defence barristers (e.g. for female offenders who were also victims of abuse) were variable. Poor handling of cases resulted in victims of abuse not obtaining justice. There was also a lack of understanding by judges about the impacts of different types of abuse on victims.



### **Police missing risk factors and not taking safeguarding measures**

Sometimes police officers were missing risks associated with honour-based violence, forced marriage and revenge porn due to a lack of understanding. When victims were not correctly identified as high risk they were then not offered the appropriate safeguarding services. The research found that police were not using existing powers to effectively protect women. There were also failures in spotting signs of domestic abuse when victims were also offenders, because they had been defending themselves against violence and abuse.

### **Needs of different communities not taken into account**

We found that sometimes police were not alert to the fact that Muslim women may face additional barriers to reporting abuse. Police were sometimes inflexible and did not adapt their approach. For example, in one case they insisted a victim report a sexual assault herself even though she wanted to first make contact via a third party such as the helpline. In another case, a white male police officer was sent to the victim's home to take her statement even though the police had been informed she could not speak English and was living with the perpetrator. It is important that police have local strategies that meet the needs of different communities to make it easier for women to report abuse and also ensure their actions do not put them at increased risk.

## Recommendations

If Muslim women are putting their trust in the criminal justice system, this trust needs to be recognised; they should not only be supported but also feel supported. To decrease disparities in the way minority women are treated, in the criminal justice system, we make the following recommendations:

### **Recommendation 1: Find ways of assisting women in minority communities to report abuse and improve the avenues that already exist**

Police should be more flexible in allowing someone other than the victim to make the initial report on the victim's behalf; e.g. third party specialist organisations that are trusted by ethnic minority women. They should make alternative arrangements (to police stations) that are local, accessible and safe and where women can attend without being chaperoned or arousing suspicion e.g. their children's school, women's centres etc.

### **Recommendation 2: Improve speed of response**

Police should improve the speed of response when victims are at risk of harm and a minimum time response set out in guidelines such as the Victims' Code so that the public can hold police forces to account.

### **Recommendation 3: Keep victims updated on investigations**

Police forces should ensure their police officers are meeting their obligations under the Victims' Code, which stipulates that police officers keep victims updated on progress of investigations.

### **Recommendation 4: Provide information about decisions not to prosecute or proceed**

The police and the CPS should provide a clear explanation, in writing, to victims when they decide not to proceed or prosecute. The victim should also be provided with information on complaints procedures and the Victims' Right to Review Scheme, and implement mechanisms to ensure this happens.

### **Recommendation 5: Update eligibility criteria for Victims' Right to Review Scheme**

Changes should be made to the Victim's Right to Review scheme so that decisions not to prosecute can also be reviewed (particularly for serious crimes such as rape and sexual assault) in 'cases where charges are brought in respect of some (but not all) allegations made or against some (but not all) possible suspects.'

### **Recommendation 6: Amend and review the law and guidance on revenge porn**

Police should have further training on revenge porn, including on how incidents can escalate risk of honour-based abuse. Revenge porn law should be updated to give victims anonymity. It should include threats to share and the actual sharing of images and audio recordings of a sexual nature.

### **Recommendation 7: Strengthening guidance on forced marriage**

Police, government and CPS forced marriage guidance should be updated to include awareness of the potential risk of a foreign passport being acquired by dual nationality parents in order to take their children out of the country and to recognise that potential perpetrators can also be found among those who coerce a young woman or girl to marry them, e.g. boyfriends.



### **Recommendation 8: Increasing understanding, improving the recording of cases and strengthening guidance on honour-based abuse**

The government, police, and CPS guidance should be updated to include examples of activities or actions that may be perceived as dishonoring individuals or families and can result in honour-based abuse. Consistent language should be used in guidance across criminal justice institutions. The term 'honour-based abuse' should be used instead of 'honour-based violence' because not all honour-related offences include physical violence. Police knowledge of honour-based abuse should be improved and training should include less obvious factors that can also escalate risk such as divorce, leaving one's faith and revenge porn etc. Training should also cover better identification so that more incidents are recorded to help build a national picture of the scale of honour-based abuse.

### **Recommendation 9: Strengthening guidance on domestic abuse**

The College of Police training and guidance on domestic abuse should be strengthened to include:

- recognising that victims who are not in legally recognised marriages will be financially reliant on their partners and therefore may not seek help;
- how to make an assessment to identify the predominant aggressor when dealing with incidents where the perpetrator may have called the police;
- recognising that young victims of abuse may deal with their abuse in different ways, such as truanting, shoplifting and other transgressive behaviours.

### **Recommendation 10: Further training on stalking and harassment**

Police officers should be provided with further training on stalking and harassment to:

- improve understanding of victims' experiences;
- improve identification and ensure risk of harm is assessed for every victim;
- ensure allegations are properly investigated;
- ensure victims are protected at an early stage and that law enforcement tools used;
- ensure victims are referred to specialist support services.

### **Recommendation 11: Improve barristers' and judges' understanding of domestic abuse**

Ongoing professional development of barristers and judges should include improving knowledge and understanding of domestic abuse and also cover the experiences of women in minority communities; for example, the additional barriers they face in receiving help and specific forms of abuse to which they may be subjected such as honour-based abuse and forced marriage.

### **Recommendation 12: Unconscious bias training for judges should be provided**

The professional development of judges should include ongoing training on unconscious bias to minimise and eventually eliminate discrimination based on gender, race/ethnicity and faith and to promote fairness.



# INTRODUCTION

## 1.1 Aims of the Research

We sought funding from the Barrow Cadbury Trust to enable analysis of previous and existing MWN helpline cases to examine in detail Muslim women's experiences, to identify common themes and ascertain the extent to which they were receiving an appropriate level of service.

The main aims of our research were to:

- Examine how the criminal justice system responds to Muslim women who have been victims of crime, particularly at the first point of contact with the police;
- Consider whether Muslim women are 'getting justice' in their interactions with the justice system, and if they are not then what factors are contributing to any 'justice gap'; and,
- Make recommendations to improve criminal justice outcomes for Muslim women who are victims of violence and abuse.

### The Criminal Justice System

For the purposes of our study the *Criminal Justice System* comprises all agencies involved in enforcing the law by apprehending, prosecuting, defending, sentencing, and punishing those who are suspected or convicted of criminal offences. These include:

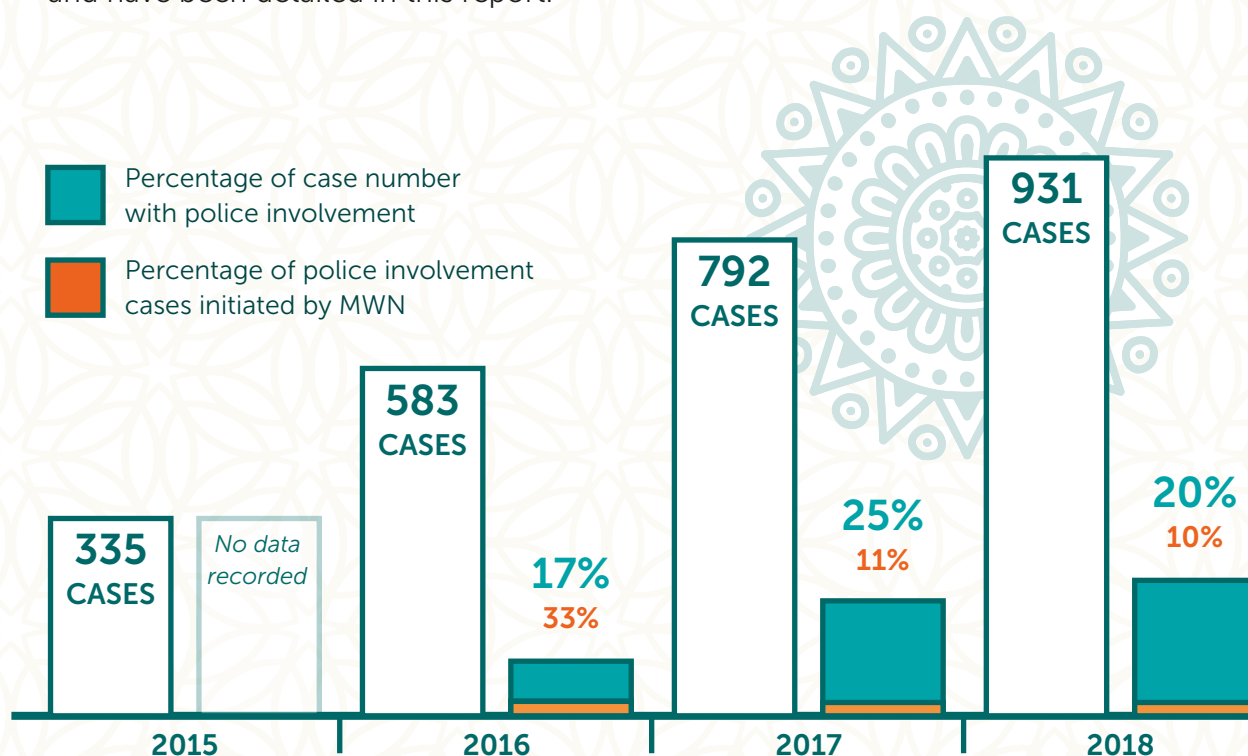
- Law enforcement - Police
- Adjudication - Crown Prosecution Service, judges and defence lawyers
- Punishment - Prisons and probation services

## 1.2 Why Carry Out this Research?

Since January 2015 MWNUK has been operating a national helpline (the MWN Helpline) aimed primarily at Muslim women and girls. While the helpline provides a wide range of support, two-thirds of the calls we receive relate to some form of violence. This includes domestic abuse, honour-based abuse, harassment, stalking, forced marriage, rape and sexual violence, including exploitation and child abuse. Half of these are about domestic abuse.

These experiences bring a significant number of our service users into contact with the criminal justice system, particularly the police. From 2016 we started to record whether there had been any police involvement in the case i.e. whether the police had been contacted by users prior to or after calling the MWN Helpline, for example to report the violence or abuse.

Almost 1000 service users now contact the MWN Helpline every year. There is police involvement in approximately 20% (200) of these cases and in the vast majority of these the police have already had some involvement prior to the service user contacting the MWN helpline, which means the quality of service received is not known because they may not necessarily raise the issue. The MWN Helpline has better knowledge of the treatment and quality of service received where it either contacts the police directly on behalf of service users or supports them to make a report, which amounts to approximately 10% (20) of the cases. Although the data did show positive experiences after a police report had been made, e.g. report taken seriously, investigated, victim safeguarded etc., some of the responses received by Muslim women and girls have been insufficient and inadequate and have been detailed in this report.





We have limited evidence of Muslim women's experiences of other criminal justice institutions such as the CPS and judiciary because cases are usually closed once the MWN Helpline has provided the relevant support, unless a caller seeks continuous support on a long-term basis and is a repeat caller. However, when service users complain about their experiences of the CPS and occasionally the judiciary, this is recorded on case notes. Some of these cases have also been included in our research.

Our research builds on that already conducted on female Muslim prisoners (Muslim Hands, 2018) and the experiences of black and minority ethnic women as victims of abuse when they access public services including the criminal justice system (Sisters for Change, 2017). We focused primarily on Muslim women's experience as victims accessing the criminal justice system rather than as offenders, although we include two cases where women presented to the police as offenders but had also been victims of domestic abuse. Research evidence suggests links between domestic abuse and women's offending (Prison Reform Trust, 2017 and Muslim Hands, 2018). The Prison Reform Trust research found domestic abuse as a significant driver to women's offending.

### 1.3 Background Information about Muslim Women

There are approximately 1.35 million Muslim women in the UK out of a population of 2.7 million Muslims, which make up 4.8% of the overall population (ONS, 2011). Muslims in Britain are the second largest religious group and come from diverse ethnic backgrounds e.g. Pakistani, Indian, Bangladeshi, Arab, African, White etc. In classifications of the Muslim population by ethnicity, the largest groups are from the South Asian diaspora: Pakistan (38%), Bangladesh (14.9%) and India (7.3%).

Muslim women are one of the most disadvantaged groups in British society, disproportionately experiencing adverse socio-economic conditions such as high unemployment rates and the highest economic inactivity rate – 61% of all religious and sex categories in the UK (Joly and Wadia, 2017, p. 109). In addition, they suffer mental health problems, having some of the poorest general health outcomes (Nazroo and Bécaries, 2018) and experience discrimination and hate crime due to their gender, race, faith and dress (Allen, 2015; Asthana, 2017; Seta, 2016; Tell Mama, 2018).

Within their families and communities Muslim women often experience further inequalities stemming from certain expected gender roles and behaviours rooted in concepts of honour, which are used to legitimate their oppression. For example, they may encounter a range of gender-related abuse including forced marriage, female genital mutilation, honour-based violence, polygamy, domestic abuse and isolation (MWN UK, 2019).



Despite the victimisation faced by some Muslim women, faith and culture can pose a barrier to seeking help from criminal justice agencies because of the women's internalisation of concepts of honour, shame and stigma used to exert patriarchal control, and the risk of being rejected by their family and community for not conforming. Therefore there is often intense pressure to conform and suffer in silence rather than make autonomous choices about their lives. For example, some Muslim women may be pressured not to talk about their abuse or not to break up the family. Faith is sometimes also used to prevent women from leaving abusive relationships and reporting family members to the police; family friends and religious leaders may cite religious texts about being 'patient and praying' and 'maintaining family relations and not severing ties of kinship.' This reluctance to seek help can be compounded for some Muslim women by them not speaking English confidently, not being aware of the protection offered by the law, and not having knowledge of the support available to them from criminal justice agencies and other organisations.

They may also only be in religious marriages (as opposed to lawful, legally recognised marriages) which means they do not have the same financial and property rights as those women in legally recognised marriages. Thus when Muslim women are able to find the courage to report the abuse to the police, they are taking a colossal step that has already required great grit, determination and perhaps also sacrifice. If they then receive a poor service, it can have the effect of disempowering Muslim women and may deter them (and others who may be aware of the step they have taken, such as their children) from continuing with any reports made to the police or making further reports in the future or dropping cases before they reach the court's door. The result of this is that Muslim women are often not getting justice. This can 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 sometimes also be fatal. The fact that two women a week (just over 100 every year) are murdered by their partner or ex-partner is already a well-known statistic (Femicide Census, 2017). These femicide statistics also include Muslim women. Media searches and the Women's Aid Femicide reports reveal that in each year since 2015, 3-4 Muslim women have been murdered. Additionally, our own online search conducted by Muslim Women's Network UK showed that at least 10 Muslim women were murdered in 2014.

Femicide Statistics for Muslim women

| 2018                  | 2017                  | 2016                  | 2015                  | 2014                  |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <b>4</b>              | <b>4</b>              | <b>3</b>              | <b>3</b>              | <b>10</b>             |
| Muslim women murdered | Muslim women murdered | Muslim women murdered | Muslim women murdered | Muslim women murdered |
| Online media search   | Femicide Census, 2017 | Femicide Census, 2016 | Online media search   | Online media search   |

**Note:** Muslim women were identified through their name and ethnicity, and we note the limitations in being able to ascertain their level of religiosity through these research methods. We also note that not all murders of Muslim women will have received media attention.

Faith-specific analysis of homicide case reviews could be used to improve our understanding of how the faith and culture of Muslim women impacts on their engagement with the justice system and to identify lessons for criminal justice agencies and other services with which they came into contact about how to engage effectively with Muslim women. For example, according to media reports, 22 year old Raneem Oudeh, a Muslim woman of Syrian heritage from Solihull, West Midlands, spoke to police five times in less than two hours while she waited for help before her ex-husband killed Raneem and her mother (Richardson, 2018). However, such research and analysis has not been carried out as it is outside the scope of this report.



## 1.4 Criminal Justice Response to Female Victims of Violence

It is essential that the criminal justice system is effective and responsive to victims of abuse. However, experiences of victims who do come into contact with the criminal justice system show that this is not always the case. In 2013, the All Party Parliamentary Group on Domestic and Sexual Violence launched an inquiry to investigate women's experiences when accessing justice in relation to domestic violence. It found that the justice system is not inspiring confidence in female victims of abuse. Evidence submitted to the Inquiry highlighted how long delays in processing cases coupled with a lack of communication and information about progression of cases contributed to women's negative experiences of the criminal justice system. The inquiry also found an inconsistent approach to the investigation of domestic violence within and between police forces. Respondents to the Inquiry reported that victims felt unsupported and experienced 'dismissive' attitudes from the police including the police having a limited understanding of domestic abuse and the impact it can have on victims. Women feared that involving the police could make things worse for them and the police would not give them the protection or support that they needed. For example, concerns included lack of action when a perpetrator breached an injunction.



The evidence also highlighted areas of improvement needed in the CPS and the courts. Women did not feel supported or informed by the CPS and slow decision making processes left women waiting for long periods of time. Concerns were also raised about the lack of understanding of domestic and sexual violence by many frontline professionals including some court officials and judges (Women's Aid, 2014). Research conducted by Victim Support also contains similar findings; victims' experiences included the police not treating them with more empathy, not understanding domestic abuse and lacking the necessary training to support them (Victim Support, 2017).

## METHODOLOGY

### 2.1 Data Collection

The project was conducted in 2018. A Criminal Justice Officer was employed by MWNUK to help conduct the research and also to support Muslim female victims who contacted the MWN Helpline and raised concerns about their interactions with the criminal justice institutions. In this report we have used the CPS' definition of victim described in its Code of Practice for Victims of Crime also referred to as the Victims' Code (Ministry of Justice, 2015). However, given the nature of our work we have only dealt with victims who fall under the first part of the definition (i.e. who themselves have suffered harm) and have not dealt with those who are victims by way of being related to someone who has been killed.

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#### Definition of Victim (CPS – Victims' Code)

- A natural person who has suffered harm, including physical, mental or emotional harm or economic loss, which was directly caused by a criminal offence.
- A close relative of a person whose death was directly caused by a criminal offence. "*Close relative*" is defined as the spouse, the partner, the relatives in direct line, the siblings and the dependants of the victim. Other family members, including guardians and carers, may be considered close relatives at the discretion of the service provider.

(Ministry of Justice, 2015)

Support involved providing advice on what action to take or contacting professionals e.g. police, CPS etc., on behalf of the helpline service user to raise concerns. Some of these cases were then used as case studies for the research. Not all cases were used due to the repetition of issues and concerns. The Criminal Justice Officer also identified historical cases from the MWN Helpline database where Muslim women had complained about their experience of the criminal justice system. As the helpline was launched in January 2015, the cases are between 1 to 4 years old.



Two cases used in the research involved Muslim women who presented as offenders but were also victims because domestic abuse was the underlying cause of their offending. Another two cases were not collected via the helpline. We contacted one family and asked if they wanted to provide details of their experiences for our research. They had contacted us prior to the launch of the helpline to share concerns about the police and CPS but had not provided in depth information (Case Study 19 - Fozia). The second case study emerged as a result of a family also contacting us prior to the operation of the helpline and wanting support in trying to overturn what they considered to be a lenient sentence for a sexual offence (Case Study 20 - Aziza).

A total of 21 cases were analysed for the research project and names and all other identifiable details of each case study have been changed and where necessary, details withheld to prevent identification. The police forces and Crown Prosecution Service areas have not been named either because the concerns are unlikely to be limited to any one locality and will most likely depend on the individual dealing with the victim and his or her individual skills, competences, knowledge and commitment to delivering an appropriate service. The recommendations of this report should not therefore be limited to any one individual, area or region but should be implemented across the board.

## 2.2 Limitations of the Research

The main limitations of the research included:

**a. Cases limited to MWN Helpline data**

The research only focused on cases received by the helpline (and the two mentioned in section 2.1).

**b. Cases limited to victims of certain crimes**

All the cases coincidentally involved victims of domestic abuse (including forced marriage and honour-based violence), sexual assault, stalking and harassment because the majority of cases involving a crime received on the helpline are about these issues.

**c. Cases mostly focus on victim's experiences of police**

Most of the cases focus on Muslim women's experience of the police. This is because the helpline closes cases once the necessary support has been provided and the service user has been referred on. This means that if cases progress through the criminal justice system e.g. being passed on to CPS and then go on through the court process, we would not be aware of service user experiences unless they have contacted us again.

**d. Cases mostly focus on negative experiences of the criminal justice system**

Women and girls tended to seek help when their experiences of using the CJS were negative. This report does not compare the proportion of our callers who have negative experiences with those who have positive ones.

## FINDINGS

# LACK OF POLICE FLEXIBILITY TO ALLOW REPORTING OF CRIME ON SOMEONE'S BEHALF

In Case Study 1 when the MWN Helpline attempted to report Parveen's sexual assault the police officers kept insisting that the victim had to make the report herself. It was felt that the police officers showed no understanding or care that their approach could result in the victim not reporting the crime at all. The matter had to be escalated to senior police officers before any action was taken. It is therefore important to ensure that junior police officers, and police generally, are made aware that they should be open and flexible to receiving reports about incidents indirectly if it assists and encourages victims to come forward, disclose and report a crime.

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Some victims of serious crime such as domestic abuse and rape or sexual assault may not feel able to contact the police directly because they are mistrustful or feel intimidated or lack confidence because of their cultural background and want support in reporting a crime. To overcome these barriers to communication, police forces should also consider allowing reporting via alternative facilities such as designated third party organisations (similar to hate crime reporting) to enable victims of domestic abuse and rape / sexual assault to report incidents in an environment of their choosing where they feel confident and comfortable. Although Sexual Assault Referrals Centres can be contacted for sexual offences, victims may not necessarily feel comfortable calling them or may not be aware of them.

Police websites provide guidance about how to report crime including anonymously through Crime Stoppers and hate crime through designated national or local third sector organisations. However, they do not all mention accepting reports on behalf of victims concerning serious crimes that victims themselves may have difficulty in reporting such as domestic abuse or sexual offences. The Metropolitan Police is one force that does accept reports made on behalf of victims and states *"If someone you know has been raped or sexually assaulted, and doesn't feel able to speak to the police yet, please report it yourself using any of the methods above. We'll record the incident and help you to support the victim if needed."* All police forces should adopt similar approaches and ensure that their call handlers and police officers are made aware of reporting protocols.



# CASE STUDY 1

## Parveen Sexual Assault



*Parveen is in her late 30s and of Pakistani heritage. She had visited a mobile 'Hijama' or cupping service, which was conducted by a 'Pir' (faith healer). It was a group session with a number of women receiving this treatment on their shoulders and back. During Parveen's turn the male faith healer discreetly moved his hands towards the front part of her body and deliberately started touching her breasts and then proceeded to touch her between her legs. Although Parveen felt violated, the shock of what had happened prevented her from telling him to stop. After receiving months of counselling about the incident, she gained confidence to contact the MWN Helpline and asked for help with reporting her abuse to the police as she did not have the courage to walk into a police station or call the police on her own.*



*When the helpline tried to report the incident, the police refused to log the report and said that the victim had to make the report herself. The MWN Helpline call handler explained that once the police took down her details, they could contact her directly and take a statement. The police officer continued to refuse to do so even though the call handler explained that in this case the victim felt more comfortable making the initial report via a third party (i.e. the helpline) and that if the incident was not logged and victim not contacted by the police, she was unlikely to go and report the sexual assault herself. MWN Helpline escalated the matter to sergeant level, which in our opinion made no difference. The sergeant also added that although the crime had taken place in their area, the victim was now living in another area and should therefore report to the police force of the area in which she resided. It was days later, when the matter was escalated to superintendent level that a police officer was assigned to the case. Contact was made with Parveen and her report logged.*

*As the victim did not have the contact details of the faith healer (beyond a Facebook image and name), the only way to get hold of him was for the police to visit him during one of his cupping clinics. However, these only ran intermittently and at different locations and were mostly advertised by word of mouth. The date of the next clinic, which was taking place the following week, was provided to the police officer. However, he did not attend the session as he was on annual leave and failed to pass it on to another officer. This resulted in the police officer waiting for another clinic to take place. It therefore took a further 4-5 months before the police officer managed to locate the faith healer and speak to him.*

*However, in the end, the police officer could not proceed with the case because Parveen had disengaged and no longer wanted to pursue the matter. This was because she had not been kept up to date with the case, opportunities had been missed and several months had elapsed.*

## Issues Arising

- Junior police officers can be inflexible or lack the confidence to be flexible enough to assist victims to report a crime; instead following rigid internal local protocols that do not take into account the varying needs of victims
- Police officers not passing on cases to other officers whilst on annual leave which could have slowed down the investigation
- Police not keeping victim up to date on progress resulting in victim disengagement and subsequent dropping of case



## NOT BEING KEPT INFORMED AFTER REPORTING A CRIME TO POLICE

A victim of crime has the right to be kept up to date about the investigation according to the Victim's Code (Ministry of Justice, 2015). It is clear from several cases that some victims who wish to be kept informed and updated about their cases have not been able to exercise that right. For example, in Case Study 2 Shabana reported historical childhood sexual abuse involving numerous perpetrators within her family. She constantly had to chase for updates and at the time of writing this report it had been one year since her first report and the alleged suspects had not been questioned. Not being kept up to date was also a concern raised in Case Study 18 where Samina reported gang rape and in Case Study 19 where Fozia also reported historical childhood sexual abuse. Lack of empathy featured in many of the case studies, which was also linked to lack of information provision by the police and CPS. An investigation by Victim Support found that being kept up to date is one of the key requirements and expectations of the criminal justice system for victims (Victim Support, 2011).

### Victims' Code Entitlement - Information about Police Investigation

According to the Victims' Code, victims of crime are entitled to:

- A written acknowledgement of the crime reported including the basic details of the offence. The written acknowledgement can be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand;
- A clear explanation of what to expect from the criminal justice system;
- Be informed how often updates will be received on the status of the case following discussion with the police;
- An explanation, within 5 working days of a decision not to investigate a crime.

(Ministry of Justice, 2015)

Rape and sexual assault allegations can take a considerable time to investigate, particularly as the police are faced with constrained resources, even more so due to cumulative cuts in police funding since 2010. Nevertheless, regular updates would manage expectations of timescales, (even if this means saying there has been no progress with an explanation as why this is so) and would go a long way to increasing confidence in the criminal justice system. We found that the lack of timely information made victims think that their case was either being neglected or not being taken seriously, despite this not necessarily being the case. The consequences of inadequate engagement could also result in victims dropping their cases, as in the experience of Parveen in Case Study 1 who disengaged with the police following her sexual assault complaint.

## CASE STUDY 2

### Shabana Historical Child Sexual Abuse



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*Shabana is a 40-Year-old Muslim woman of Pakistani heritage who contacted the helpline because she had reported historical sex abuse to the police. Six weeks after reporting it to the police they still had not contacted her to arrange to take her statement. She was advised by the MWN helpline to wait another few weeks and that if during that time the police did not make contact, the helpline would try to find out why she had not had a response. An officer from the Specialist Sexual Offences Team did eventually contact Shabana and she provided her statements. She explained that she had been sexually abused and also raped by different men in her family during her childhood. While she could not recall the identity of some of the men, she was clear about which of her uncles had raped her.*





*Shabana contacted the helpline again several months later. She was upset because the police had not contacted her again since taking her statements. She had called them two weeks earlier for an update and was not satisfied with their response.*

*She was told that the police officer allocated to her case, who was her point of contact, had moved on and that no one else had been assigned her case which meant no progress had been made. She was also informed that 'as several family members were named as abusers they did not understand her family tree.' She did not understand why the police had not contacted her to get clarification if that was the case. Shabana said she was not feeling positive about the way they had left her hanging with no communication and felt that it was unprofessional.*



## Issues Arising

- Lack of empathy by police
- Lack of communication by police on progress
- Lack of willingness to understand some of what she had told them

## POLICE NOT RECOGNISING SAFEGUARDING CONCERNS

### 5.1 Not recognising when honour-based abuse may be a risk factor

#### Definition

Honour-based abuse is defined as 'an incident or crime involving violence, threats of violence, intimidation, coercion or abuse (including psychological, physical, sexual, financial or emotional abuse) which has or may have been committed to protect or defend the honour of an individual, family and / or community for alleged or perceived breaches of the family and /or community's code of behaviour'

(College of Policing, 2014)

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Some of the case studies revealed that police do not always identify cases of honour-based abuse, which may be due to not understanding the complexities of what constitutes dishonour in some minority communities. For example, in Case Study 3, Kejal had already been taken to Kurdistan in the past and left there for 3 years for sending explicit photos 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.'

In Case Study 4, police involved did not recognise that Nyla would be at risk of honour-based abuse for leaving her husband (an overseas spouse) after a forced marriage. Nyla was viewed as an abuse victim simply leaving her husband and marital home. It would appear that police officers perhaps associate honour-based abuse more with victims being threatened with forced marriage rather than with those who are trying to escape one. This suggests that there is a continued lack of understanding about who can be a victim, the risks they face and support required. For example, in both Kejal and Nyla's cases, the MWN Helpline asked for police to escort them to a safe place. Such requests are not commonly made to the police and the helpline only does so when it is deemed absolutely necessary.



However, in both cases the police officers refused giving identical responses of not being 'a taxi service.' While it is not reasonable to expect police escorts for all victims of abuse, police officers should help if there is an immediate risk.

Other contexts where police perhaps do not understand that the victim could be at risk of honour-based abuse, as we have sometimes found through the MWN Helpline, included the victim trying to obtain a divorce and in revenge porn cases. For example, in Case Study 5, Ambar reported that her ex-boyfriend and his friend kept threatening to post intimate photos of her online unless she had sex with them and they even temporarily posted an image online to scare her. Even though she explained the urgency of the matter e.g. negative reaction from her family if they found out about the photos, it took police three weeks to find the time to meet her and take a formal statement. It appears that the police were only dealing with the incident as a revenge porn case, and not taking into account the wider context and risks the victim faced of honour-based abuse from her family if they discovered her sexual images online.

Although Ambar was courageous enough to contact the police, most victims who contact the 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. Currently revenge porn is categorised as a 'communications crime,' meaning victims are not granted anonymity.

## Revenge Porn

Revenge porn is the sharing of private or sexual images or videos of a person without their consent and became an offence in England and Wales in April 2015.

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.

Given the serious consequences of revenge porn, we agree with the calls made by the Revenge Porn Helpline for victims of revenge porn to receive anonymity and laws to be extended to include threats to share images. However, we also believe that audio recordings of a sexual nature should be covered by the law. Although most calls received on the MWN Helpline about revenge porn are about sexual images, one case involved the sharing of an audio recording online of the service user having sex with her boyfriend. This put her at risk of honour-based abuse from her family.

A change in the law would encourage more victims to report revenge porn incidents to the police and ask for help earlier and it could also act as a deterrent if perpetrators were aware that making threats was also against the law. However, it is clear that more police training is also required especially given that revenge porn reports to the police have more than doubled in the last four years but the number of charges has fallen. (Robinson and Dowling, 2019).

In Case Study 6, Sofia reported harassment to the police because her friend was blackmailing her and threatening to send a photo of Sofia standing next to a male friend to her parents. Sofia made a point of telling police that although such a photo may seem harmless to others, it would not be viewed in the same way by her parents and she was worried about the consequences. Despite concerns of safety being raised the police did not take the report seriously and took no action (not even for harassment) until the MWN Helpline intervened.



It is important that when police are recording incidents such as violence, threats, harassment, sexual assault, forced marriage etc., 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, which is due for renewal in 2020. 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. However, when the Iranian and Kurdish Women's Rights Organisation submitted requests under the Freedom of Information Act 2000 to 44 police forces about honour-based violence incidents, it found that many police forces were failing to flag up all honour-based abuse cases (IKWRO, 2014).



After inspecting police forces on their responses to the 'set of crimes, which disproportionately affect women from ethnic minorities,' HMIC also raised concerns that the police do not understand honour-based abuse and therefore are not adequately protecting victims (HMIC, 2015). The HMIC found that only three of the 43 forces in England and Wales were sufficiently prepared in all areas to respond to the needs of victims and take cases through to prosecution. HMIC recommendations included also *'ensuring that information management processes are in place to record and flag honour-based abuse information in an efficient, effective and systematic way so that the risk to individual victims is identified at an early stage and properly assessed and managed throughout the progression of victim's case.'*

The police are provided with a range of guidance on honour-based abuse to ensure that the public experience consistent levels of service (CPS, 2014; NPCC, 2015; College of Policing, 2017). The information contains a definition of honour-based abuse including examples (although not an exhaustive list) such as: murder, unexplained death (suicide), fear of or actual forced marriage, controlling sexual activity, domestic abuse (including psychological, physical, sexual, financial or emotional abuse), child abuse, rape, kidnapping, false imprisonment, threats to kill, assault, harassment, forced abortion. However, we have noted that the guidance does not contain examples of activities or actions that may be perceived as dishonoring individuals or families that then potentially could result in honour-based abuse. Although examples are likely to be provided during training, such a list would be useful in the guidance to help identify whether a person may be at risk of honour-based abuse. Given our case studies, the list should also contain divorce and being a victim of revenge porn.

We also noted that the College of Policing and the National Police Chiefs' Council's (NPCC) use the term 'honour-based abuse' while the CPS uses the term 'honour-based violence.' It is important that the respective CPS and police guidance is consistent in its use of language. We recommend that the CPS also use the term honour-based abuse because not all honour-related offences include physical violence.

### **Examples of activities, actions and behaviours that may result in HBA**

Having a partner including of another faith or ethnicity, identifying as LGBT, having sex outside of marriage, abortion, wearing Western clothes, leaving Islam, wanting a divorce, being sexually abused / raped, having friends of the opposite sex, pregnancy outside of marriage, being a victim of revenge porn (not an exhaustive list).

## CASE STUDY 3

### Kejal Honour-based Abuse



*Kejal, a 17-year old girl of Kurdish background contacted the MWN Helpline because she was worried about being subjected to violence by her parents and also the possibility of being sent to Iraq. She had grown up in a strict household and was self-harming and had taken an overdose when she was 13 years old, which resulted in social services being involved with the family. Within several months of this incident Kejal sent a sexually explicit photo of herself to a man she had met online. However, her parents found out and took her abroad to Kurdistan (a region in Iraq) on the pretense of a holiday and left her there with extended family. The social services failed to follow up with Kejal's parents as to why she had been taken abroad and left there. While in Kurdistan, over the next 3-4 years, she was subjected to emotional and physical abuse. Eventually when Kejal turned 17 she was allowed to return to the UK and live with her parents again.*

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*Kejal was allowed to go to college and during the following several months made friends and started a relationship with a young man who was also a student. However, Kejal's mother became suspicious that she was having a relationship. This resulted in verbal threats to kill her. Kejal became worried about being sent back to Kurdistan again. As she no longer trusted the social services (as they had already failed her once and therefore in her opinion would be unable to protect her), she contacted the MWN Helpline with the support of her boyfriend.*

*After carrying out an assessment, the matter was deemed a high risk safeguarding case. The helpline therefore contacted the college safeguarding / pastoral team, social services and the police to inform them that Kejal was at risk of honour-based violence and also of being taken abroad again. Given the circumstances and background of the family, the helpline indicated that the boyfriend (who was also Kurdish) was also at risk of honour-based violence.*

*However, the social worker informed us that she was aware of Kejal's history and that she felt there was no safeguarding risk. It appeared, from the attitude of the social worker (who was also of Muslim background) and the comments she made, that she felt the parents were simply being protective. At first the police officer dealing with the case appeared to agree that this was a high risk safeguarding case. However, once she had spoken to the social worker, she changed her mind. Although she took a statement from Kejal, she also agreed with the social worker that it was not a high-risk case.*



*The police officer's attitude was challenged by the MWN Helpline and she was asked whether she thought it was acceptable for a child to be left abroad with extended family who she did not know, to suffer abuse and miss out on her education (including completing her GCSE studies). The police officer responded by saying 'the parents were just being protective' and 'she wasn't missing her education because she at least went to a school over there.' Her attitude indicated that she did not think the parents had responded disproportionately or that there was a risk of honour-based abuse and risk of being taken abroad again.*

*The MWN Helpline found a refuge space for Kejal in a different area so that she could not be easily located. As she could not return home to collect her personal belongings due to risk, the helpline arranged for emergency items to be bought such as clothes, toiletries etc. It was not deemed safe for Kejal to be travelling on public transport (her parents were looking for her because she had not returned home from college), and so the helpline asked the same police officer for assistance to take Kejal to the refuge. This request was refused with the comment 'we are not a taxi service.' The helpline then arranged for a taxi to take Kejal to the refuge. Her case was also referred to a Multi-Agency Risk Assessment Conference (MARAC). MWN Helpline attended this meeting and highlighted all the police and social work failures. The police officer chairing the meeting confirmed that the MWN Helpline had assessed the case correctly and that there were very serious safeguarding concerns, including in respect of the boyfriend.*



## Issues Arising

- Lack of empathy by police with victim's situation
- Police failing to recognise a serious safeguarding issue
- Police not willing to transport victim to a refuge despite serious safeguarding concerns

## CASE STUDY 4

Nayla

### Honour-based Abuse



Nayla who was in her early 20s had a forced marriage in Pakistan. When her husband arrived from Pakistan on a spousal visa, they were housed in one of the family properties. However, she did not want to stay with him and wanted to leave but was worried about her uncles tracking her down as they had said they would be 'capable of anything' if she tried to leave. Her family already knew she was not happy and were pressuring her to remain in the marriage until her husband secured his immigration status and obtained his 'indefinite leave to remain.' She was very worried that if her uncles suspected she was going to leave, they would confiscate her mobile phone and lock her up in a room.

MWN Helpline provided safety advice and she maintained a contact regime with her friends until a refuge space was found. Concerns about her safety were reported to the police by the helpline and help was requested to take Nayla to the refuge as using public transport or a taxi escalated risk. However, the police refused to help transport Nayla to the refuge even though they were informed it was a forced marriage and of 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.'

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### Issues Arising

- Narrow understanding by police of factors that increase risk of honour-based abuse
- Police failing to identify victim as high risk
- Lack of willingness by police to safeguard victim
- Lack of empathy by police



## CASE STUDY 5

# Ambar

## Revenge Porn and HBA



*Ambar was a university student and had broken up with her boyfriend. She asked him to delete all intimate images that he had of her. However, he shared them with one of his male friends. Her ex-boyfriend and his friend then started threatening to put her images online unless she had sex with them. To show they were serious they uploaded them on to Instagram and when she contacted them they deleted the images from Instagram. She was worried that if they continued to put the images on social media her relatives would see them and was concerned about the response from her family.*

*The MWN Helpline advised her to contact the police and also provided details of the Revenge Porn helpline. Ambar contacted the police and made a report explaining that if the intimate images appeared online she would be at risk of honour-based abuse. She was told that a police officer would contact her within a few days and meet her to take further information. However, a week had passed and she had not had any contact and so she contacted the MWN Helpline again. She was advised to keep contacting the police and if necessary make an appointment to go in herself to make a statement. 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.*

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*Another week later, Ambar contacted the helpline again stating that the police officer contacted her and had arranged to see her but did not turn up. By this time two weeks had passed and a statement had not been taken from Ambar. It took another week before a statement was taken, where she also handed over evidence of the blackmail.*



## Issues Arising

- Unreasonable amount of time lapse between first report and taking of the statement by police
- Police not keeping victim up to date and not attending appointment made
- Lack of understanding that a consequence of revenge porn can be honour-based abuse, and of the heightened impact of revenge on Muslim/South Asian women and girls generally as they are likely to face stigma, ridicule and ostracisation, impacting upon future relationships and marriage prospects

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### CASE STUDY 6

Nayla

Harassment and HBA



*Sofia who was in her early 20s and of Pakistani background, contacted the helpline because one of her female friends was blackmailing and threatening her. Her friend kept texting her and threatening to send a photo of her standing next to a male friend to get her into trouble. She 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 (and was just her standing next to her friend), she said her family would interpret that as something more and she was worried about the consequences. Sofia said she had reported her female friend to the police but they had simply ignored her and not done anything while the friend continued to text and blackmail her, which included asking her for money.*



*The MWN Helpline contacted the police station and explained that although the image was not explicit and one which on the face of it may be considered normal to others, it would not be seen in the same way by her family, and that Sofia's friend's actions could put her at risk of abuse. It was only when the helpline explained why Sofia 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. This led to police taking action and warning the friend about harassment. The latter stopped harassing Sophia and even returned the money to Sofia.*

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## Issues Arising

- Police failing to take action initially, leaving the victim to be continually harassed and in increasing distress
- Lack of understanding about how cultural attitudes can increase risk of harm including narrow understanding of factors increasing risk of honour-based abuse

## 5.2 Not recognising risks associated with forced marriage

The MWN Helpline deals with approximately 40 forced marriage cases every year. Most victims do not want to make a report to the police and contact the helpline for other types of support such as access to safe accommodation, advice on preventing a spouse from entering the UK or advice on annulling the marriage or getting a divorce etc. However, when police intervention is required, in most cases the victims are given a good service and treated appropriately. However, three cases analysed for this research show that the approach to dealing with forced marriage victims is not always consistent. Victims should not receive different responses from the police for the same type of incidents or crimes, and it should not depend on where they live or who is dealing with their report. Positive and consistent experiences are more likely to enhance trust and confidence in the police and help tackle and prevent crimes.

In Case Study 7, the MWN Helpline assisted Fiza to report to the police that her boyfriend had pressured her into an Islamic marriage and was harassing her when she refused to accept or continue with the marriage. However, the police only recorded the incident as harassment and refused to also log it as a forced marriage despite this decision being challenged by the MWN Helpline. It would appear that some police officers only make an association with forced marriage when perpetrators are older family members such as parents, grandparents and uncles.

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In Case Study 8, Romana's concerns about her ex-husband forcing their 14-year-old daughter into a forced marriage were ignored. The risk was downplayed by the police officer because the daughter was living with her mother who had possession of her passport and a Prohibited Steps Order was in place to prevent the father from taking her out of the country. However, the police ignored threats of forced marriage made by Romana's ex-husband and the risks, which were firstly that because he still had contact with his daughter that he could still try and coerce her into marriage, particularly as she got older and the Prohibited Steps Order no longer applied when she reached adulthood and secondly, that he could also try and apply for a Pakistani passport for his daughter due to his dual (UK-Pakistan) nationality status. The case could have been escalated to a specialist or more senior officers to explore the use of a Forced Marriage Protection Order, which could have acted as a strong deterrent given that breaches of such an order risk five years' imprisonment.



The police have reference to the guidance on forced marriage issued by the College of Policing and the government (HM Government, 2014). Given the risk presented in this case, the guidance should be strengthened to include police being made aware of the potential risk of dual-nationality parents acquiring a foreign passport for their children in order to take the latter out of the country. The 'Motives for forced marriage' section of the guidance should also recognise that potential perpetrators are also found among those who force young women or girls into marrying them; e.g. boyfriends, as we found in one of our cases, and also in the very first forced marriage conviction that took place in Wales (BBC, 2015).

In Case Study 9, Yasmin reported that her father wanted to take her abroad for a forced marriage. However, she did not want to take any legal action against her father and only made a police report for information purposes only because she had moved to a refuge and knew her family would report her missing. She did not want the police to help her family find her because she was hiding from them to keep herself safe. However, a police officer visited Yasmin at the refuge and placed pressure on her to make a formal statement against her father so that charges could be pursued against him. This police response distressed Yasmin to the extent that she returned home to protect her father from legal action.

The above cases raise questions about whether there is a level of over-zealousness on the part of some police forces to secure convictions given there have only been three forced marriage convictions in England and Wales since the law changed in 2014. Such an approach could result in fewer victims reporting forced marriages, including to Voluntary sector organisations, due to the fear that members of their family may get prosecuted without their consent or cooperation. This will mean victims not accessing the help and support they need to escape forced marriages.

Police should therefore take a victim-centred approach and focus on what acquiring justice can mean for the victim. For some victims justice may be about being protected and receiving support to leave an abusive situation, while for others it could be about bringing charges and getting a conviction. In fact the Victim's Code does state that victims should be put first and be treated in a respectful, sensitive, tailored and professional manner without discrimination. The code stipulates that victims should also receive appropriate support to help them, as far as possible, to cope and recover and be protected from re-victimisation. The Victims' Code could be strengthened on the basis of asking victims what justice means to them.

## CASE STUDY 7

Fiza

### Harassment and Forced Marriage



Fiza was 20 years old and of Pakistani heritage. She was suffering from depression when Tariq befriended her. Once they began a relationship he became controlling and subjected her to emotional abuse. Tariq then pressurised her to marry him. He made her feel guilty, telling her she was committing a sin by not marrying him (because she had been dating him). Even though she did not want to get married she felt she had no choice and was taken to a house where an Islamic ceremony took place in the presence of an imam and two men who were acting as witnesses. Fiza confided in her family about what had happened and ended the relationship. However, Tariq kept bombarding her with texts and phone calls demanding that she return to him.

Fiza wanted to report Tariq to the police with the support of the MWN Helpline. The helpline also attended the police station to help her make the report. Although the police logged the case as harassment, they refused to also record it as a forced marriage, or even a potential forced marriage, despite Fiza telling the officer she was pressured into getting married.

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### Issues Arising

- Police not identifying a forced marriage because the perpetrator was the boyfriend rather than family member.





## CASE STUDY 8

# Romana Forced Marriage



Romana had split up from her husband and they were living separately when she became known to the helpline. However, her husband still had contact with the children due to a court order. Romana contacted the helpline because she was worried that her ex-husband may try to take their 14-year-old daughter abroad for a forced marriage because he had mentioned having found someone in Pakistan for her. Although a 'Prohibited Steps' order was in place to prevent her husband from taking any of the children abroad, she said he had mentioned he did not care about the law. Romana had her daughter's British passport but was worried the husband may have had a Pakistani passport made for her and would try and attempt to take her to Pakistan.

Romana had contacted the police who did not feel the daughter was at risk, which she feels was because the husband did not have a history of violence and because there was a Prohibition Steps Order in place which they felt was sufficient to protect her daughter. Romana was upset that the police had not even warned her husband which she believed would have been the deterrent needed to ensure her daughter's safety. The Helpline contacted the police and the same response was given.

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## Issues Arising

- Police did not consider future risk e.g. would Prohibitive Steps Order still be valid once the daughter was no longer a child; would checks at the airport be robust enough to ensure that the child is not taken out of the country?
- Risk of travelling using an alternative passport not considered by police
- The police did not consider a Forced Marriage Protection Order

## CASE STUDY 9

### Yasmin Forced Marriage



*Yasmin, a 19 year old woman of Pakistani background contacted the helpline because her father wanted to take her to Pakistan to get her married. She contacted the MWN helpline because she wanted help leaving her father's house. Yasmin was placed in a refuge and was advised to contact the police as her family would report her missing.*

*When Yasmin contacted the police she told them that she was only making the report for information purposes and did not want to take matters further or want a police officer to visit her. However, a police officer visited Yasmin at the refuge and tried to persuade her to prosecute her father for the potential forced marriage. Yasmin was upset and did not want her father to get into trouble and ended up leaving the refuge within 24 hours of moving in and returned home.*

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### Issues Arising

- Police not taking a victim-centred approach such as focusing on what justice might mean to the victim and instead pressuring a victim to support charges resulting in disengagement and the victim returning to the perpetrator
- Alternatives to prosecution not considered such as the Forced Marriage Protection Order



## 5.3 Not recognising risks associated with domestic abuse

When assisting service users, the MWN Helpline regularly deals with police officers who are helpful when dealing with domestic abuse complaints and do provide a good service. However, we also find that some police officers do not take domestic abuse incidents seriously and are at best not protecting women from harm and at worst sometimes responding in ways that increase risk of harm. In Case Study 10, Sadia's husband breached a non-molestation order, broke into her property and held her hostage overnight. Despite reporting this incident to the police no action was taken leaving Sadia at high risk of harm. It was only after MWN Helpline's involvement that the husband was arrested but that was three weeks after he breached the non-molestation order.

In this case the consequences of police ignoring safeguarding concerns could have been fatal. In another case police did take the concerns about domestic abuse seriously but poor internal police communication resulted in police actions escalating risk to the victim. In Case Study 11, Mariam wanted to report domestic abuse but did not speak English and was still living with her husband. She did not want to alert her husband and therefore did not want the police to attend her home but wanted to make arrangements to speak to them away from the house and to be able to report in her own language and be understood. However, either this information was not passed on or overlooked or it was dismissed and a white male police officer turned up at her house while her husband was in. Although she closed the door on the police officer so he went away, she was nevertheless put at risk because her husband questioned who was at the door. He could have also found out from neighbours that police had attended his property given that they had arrived in a clearly marked vehicle.

The College of Policing has issued guidelines on 'Understanding Risk and Vulnerability in the Context of Domestic Abuse,' which also contains further information on 'Victims of different cultural backgrounds' (College of Policing, 2015). The guidance provides advice on why victims from minority backgrounds may be more vulnerable to domestic abuse and the barriers that may prevent them from reporting or leaving an abusive partner. It appears that on this occasion these guidelines were not followed. As well as ensuring that training is updated with refresher courses, the guidance could be strengthened further by including:

- in non-emergency situations, speaking to victims away from their home which they may be sharing with an abusive partner or family member
- in their list of barriers to leaving an abusive relationship, the possibility of a woman being in a marriage that is not legally recognised by UK law; e.g. the woman may have only had a religious marriage in the UK without an additional civil marriage. The insecure legal status of their marriage may make victims financially reliant on their partner and they may have no legal claim on the marital home and hence fear the risk of becoming homeless. Alternatively, the existing listed barrier on financial dependence could be amended to include these concerns.

## CASE STUDY 10

### Sadia Domestic Abuse



*Sadia was in her early 20s and of Indian background. She got married aged 19 and from the outset of her marriage had been subjected to domestic abuse, which included violence as well as financial and psychological abuse. When she left her husband he continued to threaten and harass her. Sadia contacted the police and a non-molestation order was obtained. However, her husband breached the order and entered her property and held her hostage overnight. The next day Sadia contacted the police to inform them of what had happened and that her husband had breached the order. However, the police did not arrest her husband who then continued to send her threatening messages. She was contacted by the police two weeks later and informed that her case was being passed on to the domestic abuse unit.*



*Given the risk to her personal safety and inaction by the police, Sadia contacted the MWN Helpline. The helpline contacted the police to find out why the husband had not been arrested and that, as Sadia was at risk, why the police were not safeguarding her. The MWN Helpline was informed that the police officer who was dealing with the case was on annual leave and the case had not been passed on to another officer. The helpline escalated concerns to a more senior officer, which eventually resulted in the husband being arrested for breaching the non-molestation order. However, three weeks had passed between the husband breaking into Sadia's property and holding her hostage to him being arrested. Sadia ended up dropping the charges because she had lost faith in the criminal justice system. She thought that pursuing court proceedings would only aggravate her husband further and felt the police would not keep her safe.*





## Issues Arising

- Police not taking breach of non-molestation order seriously
- Police failing to enforce the law and not arresting perpetrator for breaching non-molestation order
- Police failed to safeguard victim of domestic abuse, the consequences of which could have been serious or even fatal
- Poor internal police communication, officers not passing on information when not on duty
- Victim losing trust and confidence in police and disengaging

### CASE STUDY 11

## Mariam Domestic Abuse



*Mariam was a woman in her 30s of Pakistani heritage who had come to live in the UK over 15 years ago with her husband who was a British citizen. She had children and had been subjected to domestic abuse most of her marriage and was very frightened of her husband. She felt quite isolated and depressed and started to feel suicidal and even attempted to drink bleach. However, because she could not speak English she did not know how she could be helped until her GP gave her details of the MWN Helpline. Given safeguarding concerns the MWN Helpline needed to involve the police and social services which Mariam agreed to. However, she stressed that the police should not come to visit her at home.*

*When the MWN Helpline made contact with the police three key points were stressed:*

- 1. for a police officer not to turn up at Mariam's home address as she did not want to alert her husband that she was reporting him;*
- 2. that police needed to contact her via phone and arrange for someone to speak to her in Urdu / Punjabi in order to make arrangements for face-to-face meeting;*
- 3. that police needed to arrange for an interpreter or police officer who could speak the language to speak with Mariam and take her statement.*

*Instructions also included making arrangements via the MWN Helpline to ensure Mariam's safety and welfare.*

*However, the police ignored all instructions provided by the MWN Helpline and without alerting Mariam or the MWN Helpline, sent a white male police officer in a marked police car to her home address. When the police officer knocked on the door, Mariam was shocked to see him. At the time Mariam's husband was upstairs in the bathroom. She started to panic about how she was going to explain why the police were knocking on the door. As she could not speak English she could not articulate her concerns to the police officer so she ended up shutting the door signalling for him to go away.*

## Issues Arising

- Poor internal police communication when passing on information
- Police not approaching victim engagement sensitively and not ensuring their actions do not increase risk of harm
- Police initially not providing support to victim to remove communication barriers e.g. interpretation
- Victim losing trust and confidence in police due to their actions



## 5.4 Not recognising risks associated with stalking and harassment

### Definitions according to CPS legal guidance

#### Harassment

It is 'causing alarm or distress' offences under Section 2 of the Protection from Harassment Act 1997 as amended (PHA), and 'putting people in fear of violence' offences under Section 4 of the PHA. It can include repeated attempts to impose unwanted communication and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person.

#### Stalking

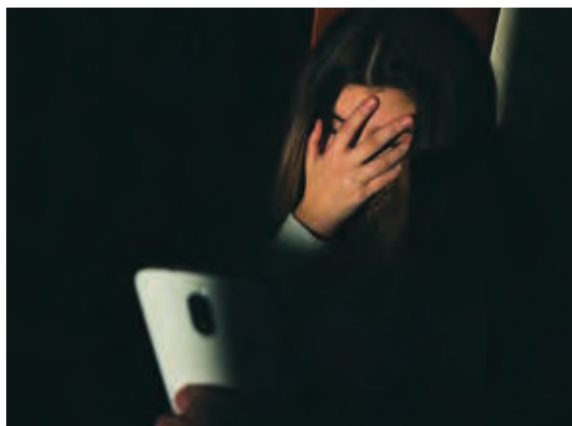
Whilst there is no strict legal definition of 'stalking', Section 2A (3) of the PHA 1997 sets out examples of acts or omissions which, in particular circumstances, are ones associated with stalking. For example, following a person, watching or spying on them or forcing contact with the victim through any means, including social media. The effect of such behaviour is to curtail a victim's freedom, making them feel that they have to constantly watch out for themselves. When carried out repeatedly, so as to amount to a course of conduct, stalking may then cause significant alarm, harassment or distress to the victim.

Our analysis of several cases indicated that the police failed to take robust action to protect victims from stalking and harassment. This included taking no action, not taking their concerns seriously, not believing victims, putting victims off from pursuing their case and taking too long to respond. In Case Study 12, the police took no action despite Mariya contacting them several times about a male friend who had hacked into her emails and kept turning up at her home. While she was waiting for the police to warn him she experienced ongoing harassment and stalking. It was only due to the victim's persistence that the police eventually cautioned the perpetrator.

In Case Study 13 when Jameela reported her ex-boyfriend for harassing her, they did not take her seriously. When the police contacted the ex-boyfriend they believed him when he told them that it was just a 'domestic' situation between the couple and didn't take any action. However, the ex-boyfriend carried on harassing and stalking her and turned up outside her house, blocked her entrance, said *"you are mine, you belong to me"* and started punching her car. Despite an escalation in the stalking and harassment, the police labelled it as an isolated incident.

In Case Study 14, when Kinza reported her ex-husband for turning up at her home and work as well as for sending her harassing texts, the police took no action. She also felt they tried to put her off from pursuing the case by telling her it could take up to 12 months to build a case against him. In Case Study 15, Sonia reported her ex-husband for making abusive and threatening calls and sending text messages. The abuse had escalated after she had initiated divorce proceedings. However, the police officer did not take her seriously and advised her that she would have to take out a private injunction because she was working. If a crime has been committed victims should not have to pay for protection, it should be a given.

In these stalking and harassment cases, the MWN Helpline had to escalate matters with the police or advise victims to pursue their cases with the police and not accept the poor treatment, before any action was taken against the perpetrators. Given these examples of poor handling of stalking and harassment cases, the likelihood is that there are probably many other victims who simply give up contacting the police because nothing is done. Police inaction is therefore leaving victims vulnerable to being targeted by perpetrators, which could lead to serious harm and even fatalities.



These findings confirm concerns already mentioned in a report by the HM Inspectorate of Constabulary (HMIC) and the HM Crown Prosecution Service Inspectorate (HMCPSI), which concluded that the police are failing to protect victims of harassment and stalking. The findings are worrying because according to the Office of National Statistics data on domestic abuse in England and Wales, most women who have been murdered by an ex-partner or ex-spouse have been killed within six months of separation (ONS, 2017). Urgent action is therefore needed especially because the HMIC investigation also found that reports of stalking and harassment have increased by more than 40% across England and Wales in the last two years (HMIC, 2017). It is therefore clear that police forces require further training on stalking and harassment, and increased resources, to ensure a better understanding and identification of stalking and that allegations are properly investigated, victims are protected through injunctions and victims are better supported including through referrals to specialised support services. The HMIC should also conduct a further inspection of police forces to check for improvements.



## **Take action under the Protection from Harassment Act 1997**

Harassment is both a criminal offence and a civil action under the Protection from Harassment Act 1997. This means that someone can be prosecuted in the criminal courts if they harass you. It also means you can take action against the person in the civil courts.

### **Criminal Proceedings**

It is a criminal offence to harass or stalk someone e.g. cause alarm and distress such as through malicious phone calls, threatening texts, threatening and insulting language, damage to property and monitoring or spying and forcing contact through various means. Victims can be protected by the police and the CPS through a restraining order.

### **Civil Proceedings**

Victims of harassment can take action in the civil courts against the perpetrator if they do not wish to pursue the matter through the police or if the person harassing has not been found guilty of a criminal offence. However, civil action can be costly.

The court can make an order or injunction that the person causing harassment must stop their behaviour. If they do not stop the harassment after the court has made an injunction order against them, they will be committing a criminal offence and they can be prosecuted in the criminal courts.

(Citizens Advice)

## CASE STUDY 12

Mariya

### Stalking and Harassment



Mariya, who was of Bangladeshi background and in her early 20s, contacted the MWN Helpline because she was being stalked and harassed by a male friend. He had become controlling. Although she had told him to keep away from her he kept knocking on her door and following her. She believed he had also hacked into her emails. She complained that she had contacted the police but that they had not done anything and it took several calls before they took her seriously and cautioned him. She was very worried about her safety because despite the caution he had continued with the harassment. She had contacted the police again but nothing was being done. She was regularly asking the police to update her as to what action they were going to take. The helpline provided Mariya with safety advice, about getting a restraining order and going to the police station to speak to a senior officer to put in a complaint.

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### Issues Arising

- Police not taking report of stalking and harassment seriously
- Police failing to update victim
- Police not taking action when perpetrator was breaching caution for harassment / stalking
- Police failing to safeguard victim



## CASE STUDY 13

### Jameela Stalking and Harassment



Jameela was of South Asian background and in her mid 20s. She split up from her boyfriend but he continued to bombard her with texts and would turn up at her house. She had contacted the police and reported him. They visited her ex-boyfriend to have a word with him. However, he told them that they were still a couple and that they were just having a domestic situation. To persuade them, he showed them a few text messages selectively. The police believed the ex-boyfriend and contacted Jameela to say that they would not be getting involved or be taking any further action.



Jameela contacted the MWN Helpline because she said she was disgusted with the police response and felt that they were not bothered. Additionally, Jameela did not feel safe and was worried about what could happen. The helpline contacted the police and raised concerns about their lack of response and how this was putting her at risk of harm when they were supposed to be protecting her. The police promised to look into it.

A few days later, while Jameela was still waiting for a response, the ex-boyfriend turned up outside her house. He blocked her entrance, said 'you are mine, you belong to me' and started punching her car. Jameela phoned the police to report him and the police could hear the boyfriend in the background calling her a 'slag and a slut.' Jameela then drove to the police station. However, when she got to the police station to report him, a statement was not taken and they treated the report as an 'isolated incident.' One police officer said to her 'no offence but you did text him' even though she told them that she had texted her ex-boyfriend to tell him to leave her alone.

*The helpline gave Jameela further safety advice, provided details of the Stalking Helpline and advised her to put in an official complaint to the police. Her complaint was eventually escalated to a senior police officer before any action was taken to protect her.*



## Issues Arising

- Police failing to respond
- Police not believing the victim
- Police not taking complaint seriously and putting her at risk
- Police not identifying risk of harm and not taking action to safeguard victim



## CASE STUDY 14

Kinza

### Stalking and Harassment



*Kinza's ex-husband continued to stalk and harass her via text messages and by randomly turning up at her work and home address. He would become aggressive if she did not respond to his messages. Kinza was frightened and reported him to the police who took no action. The police informed her that it would take about 6-12 months to build a case and take an official statement from her. The helpline had to intervene and contacted the police to raise safeguarding concerns.*



### Issues Arising

- Police failing to respond to victim's report of a criminal offence
- Police putting off victim from pursuing report
- Police not taking victim's concerns seriously and putting her at risk
- Police not identifying risk of harm and not taking action to safeguard victim

## CASE STUDY 15

### Sonia Harassment



*Sonia was in her mid 30s and had split up from her husband. Her husband had been calling and texting her and being abusive and threatening. When she applied for her Islamic divorce, the abusive calls escalated. She decided to contact the police and went to the police station to make a statement. However, she felt that the police officer did not believe her and told her that because she was working, she had to take out an injunction herself. Sonia contacted the MWN Helpline as she felt vulnerable and wanted to know what she could do. The helpline had to contact the police to highlight safeguarding concerns and about getting a non-molestation or restraining order.*

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### Issues Arising

- Police not taking victim's concerns seriously
- Police not enforcing the law and not warning perpetrator
- Police not assisting in taking legal steps which may assist in protecting victim





## POLICE NOT RECOGNISING WOMEN OFFENDING MAY BE DRIVEN BY DOMESTIC ABUSE

Sometimes victims of domestic abuse are wrongly being identified as the perpetrators. For example, in Case 16 when Laila's partner called the police during an argument, they arrested her and did not investigate why her face was bruised; she had a criminal record and was seen as a troublemaker. In Case 21, when Noor was arrested for stabbing her husband in the leg, she was not questioned about whether she had been subjected to abuse even though neighbours had on previous occasions called the police about suspected domestic abuse.

The College of Police training and guidance on domestic abuse (College of Policing, 2015) should therefore be strengthened to highlight that police officers may sometimes have to deal with incidents where the perpetrator has called the police, accusing the victim of abuse. Guidance could include advice on how to make an assessment to identify the predominant aggressor. Understandably police officers may face difficulties in determining who needs protection, especially because they will often have to make a judgment on the spot. Assessment could therefore include how the incident fits into a wider pattern of abuse.

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The way in which female offenders are perceived by police officers may also affect how investigations are handled. It is therefore important to challenge stereotypes sometimes held and which assume that women involved in crime or criminal behaviour cannot also be victims of abuse. They must not become invisible to police officers just because they have a criminal record. Muslim women and girls may be further disadvantaged because of their ethnicity and faith. Both the Prison Reform Trust and Lammy Review have highlighted racial disparities in the criminal justice system. The proportion of Muslim women in custody increased from 5.2% to 6.3%, over three years since March 2014 (Lammy, 2017; Prison Reform Trust, 2017). In Case Study 17 Manal was a victim of child sexual exploitation.

However, it appears that the police focussed more on her lack of credibility as a victim rather than the credibility of the allegations she was making. Her history of lying and theft, and what was deemed to be 'sexualised behaviour', appears to have prevented a more thorough investigation and the case proceeding to prosecution, which could have ultimately seen perpetrators of sexual abuse and exploitation imprisoned. It is therefore important that police officers recognise that young victims of abuse may cope with their abuse in different ways, such as truanting, shoplifting and other transgressive behaviours.

## CASE STUDY 16

### Laila Domestic Abuse



*Laila was in an abusive relationship and the forms of abuse she suffered included sexual, emotional, physical and psychological abuse. Laila had a longstanding history of abuse and mental health issues. During one argument, her partner called the police and kicked her out of his property making her homeless. When the police arrived, Laila had severe visible bruising on her face and body. However, because her partner had called the police she was the one arrested and kept in custody overnight. As Laila had a criminal record e.g. for theft, she was viewed by police as a 'troublemaker' and not questioned about how she had sustained her bruises.*

*Upon her arrest the police also confiscated Laila's medication for her mental health condition. When she was released the next morning, the police told her they could not find her medication and said that there was nothing they could do about it. Laila was unable to get a new prescription immediately, which led to her mental health deteriorating over the next week or so. Laila contacted the MWN Helpline because she was sleeping in her car and had nowhere to go.*

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### Issues Arising

- Arresting police officer not identifying signs of domestic abuse
- Police failing to identify victim's health needs and being negligent in losing her medication
- Police viewing victim as a troublemaker due to her having a criminal record and therefore not investigating abuse against her
- Police not considering her safety and welfare from the point of release i.e. that she would become homeless (and in turn vulnerable to further abuse and exploitation)



## CASE STUDY 17

# Manal

## Child Sexual Exploitation



*Manal who was in her early 20s and of Pakistani background, contacted the MWN Helpline because she wanted support to have her child sexual exploitation case reopened. The case had not been investigated properly and had been closed several years earlier. She felt angry that she had not received the justice she believed she deserved.*

*Manal said that she had been raped and sexually abused 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 came to the attention of social services due to concerns over forced marriage. It was then (at the age of 16) that she revealed to social workers about her abuse. She was removed from the family home and the police opened investigations in respect of child sexual exploitation.*



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*Manal was interviewed by the police and provided the 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:*

- *Manal could not provide evidence of her abuse*
- *Her statement could not be corroborated by third parties such as her school, who had labeled her as troublesome*
- *She had a history of lying, theft and 'sexualised behaviour'*

*The police said that they had conducted an intelligence interview with Manal in order to "challenge the anomalies" and that she was unable to present herself as a reliable witness. When Manal tried to get her case reopened she was told that the statute of limitation had already passed and she could not do this and would have to make a new report. However the statute of limitation only applies to summary offences, such as motoring offences or common assault involving minor injury. There is no time limit on when criminal proceedings can be started by the CPS where it is an offence such as rape or sexual assault. From the information provided, the abuse suffered by Manal would have been that referred to the Crown Court and therefore the information and explanations provided by the police were at best incorrect.*

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## Issues Arising

- Police focused on the credibility of the victim rather than the credibility of allegations
- Police focused on the high risk behaviour of the victim rather than her vulnerability
- Police relied on third parties to corroborate allegations - other parties such as schools may not have been aware of all the signs or may have failed to recognise them
- There also appears to have been a lack of understanding of the effects of abuse on young victims and how such effects can manifest themselves, such as shoplifting, truancy and other transgressive behaviours
- Negative perceptions of the victim by the police may have prevented a more thorough investigation
- Providing incorrect information relating to the law and/or processes



## LACK OF INFORMATION DURING PROSECUTION PROCESS

In Case Study 18, Samina was not kept fully informed by the police and CPS about 'Special Measures' that could be used in court such as giving evidence from behind a screen, asking the public to leave etc. It is the responsibility of the police and the CPS to consider the use of 'Special Measures' in rape cases and victims must be consulted on the special measures they want applied. She was also not informed that the defence solicitors could be restricted to only accessing information that was relevant to the case. The lack of information about processes and what to expect made her feel unsupported and very anxious about the court case, which in turn contributed to her dropping the case. According to the Victims' Code, as a victim of a sexual offence, Samina should have automatically received 'Enhanced Entitlements,' which means being provided with enhanced support and services through the criminal justice process. Her cultural background and religious beliefs should also have been taken into account. Had she received the appropriate levels of service, she may have continued with her case.

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### Victims' Code Entitlement - Enhanced Entitlements

According to the Victims' Code (Ministry of Justice, 2015), victims of crime are entitled to enhanced support and services through the criminal justice process if they fall into one of the following categories:

- Victims of the most serious crime (can include domestic abuse and sexual offences);
- Persistently targeted victims;
- Vulnerable or intimidated victims (victims of a sexual offence or human trafficking will automatically be considered to be intimidated).

***Note:** When assessing whether a victim is intimidated, the service provider must also take account of a number of factors including the victim's age and, if relevant, social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances.*

(Ministry of Justice, 2015)

The majority of cases involving sexual offences already do not come to the attention of the police because only less than one in five victims of rape or assault by penetration report their experience to the police. Most of the cases that are reported to the police do not result in a conviction of the perpetrator because of evidential difficulties (51%) or the victims dropping their cases (32%)(ONS, 2018). Perhaps victims are falling out of the criminal justice system between reporting a rape to the police, and the case progressing to court due to the lack of appropriate levels of enhanced support.

The number of Muslim female victims reporting sexual offences is likely to be even lower due to the shame and dishonour culture within their families and communities. It is therefore important that when these women do take such a massive step to report these crimes that they have positive experiences of police on first contact and during the investigation, as well as CPS handling of their cases. If they receive a poor service then they are also unlikely to pursue their cases and be reluctant to report incidents in the future. Such negative experiences are also likely to deter other Muslim women from reporting rape and sexual assault.

### **Victims' Code Entitlement - Special Measures**

According to the Victims' Code (Ministry of Justice, October 2015), victims of crime who are vulnerable or intimidated witnesses are entitled to have Special Measures made available to assist them to give their best evidence in court. Victims should be provided with information about these Special Measures, which include:

- Screens/curtains in the courtroom so the witness does not have to see the defendant, and, in some cases, the public gallery;
- A live video link allowing a witness to give evidence away from the courtroom. This could be from a separate room within the court, or from a dedicated live-link site outside the court building;
- Evidence in private – the public gallery can be cleared in cases involving a sexual offence, human trafficking, or where the court is satisfied that someone other than the accused may seek to intimidate the witness;
- Removal of wigs and gowns by judges, defence and prosecution advocates;
- Video-recorded statements – these allow a witness to use a pre-recorded video statement as their main prosecution evidence.

(Ministry of Justice, 2015)



## CASE STUDY 18

# Samina

## Sexual Exploitation / Rape



*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 police with the support of her family. During the days and weeks following, Samina felt frustrated that she was not being kept up to date about how the investigation was progressing. It was during this period that MWNUK was contacted for support. Arrests were eventually made. However, the CPS made the decision to charge only one of the perpetrators and not all of them. This was upsetting for Samina because she felt that her rapists were getting away with what they had done to her.*

*When Samina asked the police for their reasons not to charge all the perpetrators, the 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 informed, however, that she could ask for the decision to be reviewed through the 'Victim's Right to Review' scheme. She contacted the scheme about reviewing the case and pushed again for the reasons as to why all the suspects were not charged. They responded and said that she had no 'right to review' as one of the suspects had been charged. She was not provided with any additional information. According to the Victim's Right to Review rules, victims do not have a right to review if the CPS charges only some but not all of the suspects; that is, there is no right to seek a review and ask why the other suspects were not also charged.*

*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 could start writing it while she was travelling. She found the conversation upsetting and insensitive. This left Samina feeling as though the police were treating her rape as a minor incident, something so trivial that it was appropriate for her to discuss its impact while travelling on public transport. Neither the police nor the CPS explained how long the case would take to get to court and what were the expected procedures. The lack of information made Samina feel depressed.*

*Samina's anxiety increased when the police informed her that the defendant's lawyer had asked for all her medical records and she needed to provide consent. She could have ended up providing consent while in a state of trauma to making available personal information that was very unlikely to be relevant to the case. It was not explained to her by the police or the CPS 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. She was not informed about special measures that the judge could allow so 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 able to see her.*

*The MWN Helpline provided Samina with the information she had not received from the police and CPS. However, the victim became so depressed about the pending court case, she decided to withdraw her statement and no longer pursue it.*

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## Issues Arising

- Lack of empathy by police when engaging with victim
- Lack of communication – victim not being kept up to date by police and CPS
- Clear explanations (including in writing) not provided for not charging suspects
- Victims Right to Review criteria flawed because in cases where there are multiple suspects and only some are charged, victim is not allowed to ask for a review of the decision not to charge others
- CPS not sufficiently protecting victims and preventing defence solicitors from accessing medical records (or other personal information) that is not relevant to the case; even if there is a genuine request for such information (as opposed to a mere fishing exercise), victims should be provided with explanations and the opportunity to ask questions



## LACK OF INFORMATION ABOUT DECISION NOT TO PROSECUTE

### **a) Not providing clear explanations on decisions not to prosecute or proceed**

We found that victims are not always being provided with a clear explanation as to why a decision has been taken not to prosecute. This was a feature in Case Studies 18 (Samina who was groomed and gang raped) and Case Study 19 (Fozia had been sexually abused as a child). For example, in Case Study 18, Samina was told that the decision was due to 'evidential reasons.' A general description such as this does not adequately explain to the victim the problems with the evidence or the criteria that the evidence is being assessed against and in fact, can make them wonder whether there are other reasons at play, such as the police not believing them. It takes enormous courage for victims of sexual violence, particularly rape and historic child sexual abuse, to come forward and make a report. It is even harder for Muslim women due to the culture of shame and honour. The criminal justice system should be more aware that when these women do report such crimes, it is a major step and indicates they are putting their trust in it. However, it is clear these women are sometimes being failed by the system and the consequences can be very severe. At the very least they deserve to be informed what the precise reasons are for the decision not to prosecute, or to not prosecute some suspects.

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### **b) Not providing decisions in writing on not prosecuting or proceeding**

The other area of concern was victims being told about decisions verbally rather than in writing, which occurred in both Cases 18 and 19. If victims do not fully understand the reasons behind such decisions, it makes it harder for them to make an informed decision on whether to ask for a Victims' Right to Review. The lack of information also erodes trust and confidence in the criminal justice system as highlighted by both these victims.

## CASE STUDY 19

Fozia

### Historical Child Sexual Abuse



Fozia an 18-year-old woman of Pakistani heritage reported to the police about historical child sexual abuse by her stepfather. She complained that there was a lack of interest in investigating her complaint, which she felt was due to the fact that it was historical abuse. Fozia was not provided with an explanation as to what had happened to potential evidence including statements taken from her younger, underage siblings who may also have been victims. The laptops provided to the police containing potential evidence, were lost or destroyed and Fozia was not provided with an explanation as to what had happened to them.

Fozia also had concerns about how the police officers perceived her. She felt that because she was articulate and confident and did not fit the stereotype of a vulnerable victim (especially a female Asian / Muslim victim), she was not believed or taken seriously. In fact from their attitudes and treatment of her, she felt that the police officers felt some sympathy for the perpetrator.

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Eventually the CPS decided not to prosecute and informed Fozia verbally about the decision without providing reasons. As the Victims Right to Review had just been introduced, Fozia asked for the decision to be reviewed. The decision was upheld and the case eventually went to trial, approximately three years after the first report.



*Fozia found that the police and CPS did not keep her up to date before or during the trial. For example, when the jury was dismissed she was not told why. She was also not made aware of what to expect during the trial. Fozia lost the case, which she feels was as a result of police and CPS incompetence. She wanted to complain about the way her case had been handled, but was not informed about how to raise a formal complaint e.g. via the Independent Office for Police Conduct. In the end she did not make an official complaint because she felt too exhausted by the process to take the matter further and said that "the system wears you down so much that you do not have the energy to complain". She had lost all trust in the criminal justice system and felt that although the perpetrator had raped her, she felt "raped by the system" too.*

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## Issues Arising

- Lack of empathy by police when engaging with victim
- Police mishandled the investigation (e.g. losing/destroying key evidence in the form of the laptop) and it was not as thorough as it could have been
- Lack of communication with victim by police and CPS, including not providing adequate explanations
- Clear reasons not provided for not charging suspects
- Procedural information, such as how to make a complaint, not provided

## SHORTCOMINGS IN VICTIMS' RIGHT TO REVIEW SCHEME

To improve the service for victims of crime, the government introduced the Victims' Right to Review scheme in 2013. We found limitations in the scheme because victims are not allowed to request a review where there are multiple perpetrators and only some (or even one) as opposed to all of them are charged. This applies to even serious cases of sexual assault and gang rape as we found in Case Study 18 (Samina). If the decision not to prosecute some suspects is flawed, the victim will not be given the opportunity to have it re-reviewed and overturned. This is unfair as not all victims are getting equal access to the VRR scheme. The eligibility criteria for the VRR scheme should be reviewed. 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.

### Victims' Right to Review Scheme (VRR)

The Victims' Right to Review Scheme allows victims to seek a review of a police or CPS decision not to bring charges or to end all proceedings. It applies to CPS decisions made on or after 5th June 2013 (CPS, 2016) and applies to police decisions made on or after 1st April 2015 (Association of Chief Police Officers, 2015). Requests must be made within 3 months of being notified about the decision not to charge or discontinue proceedings. Victims can complain to the Independent Police Complaints Commission if they are not happy about a decision that does not qualify.

However, the types of decisions that can be reviewed under the scheme are limited. Some of the cases that do not fall within the scope of VRR scheme include:

- Cases where charges are brought in respect of some (but not all) allegations made or against some (but not all) possible suspects;
- Cases where a single charge or charges are terminated but another charge or related charges continue;
- Cases where proceedings against one (or more) defendants are terminated but related proceedings against other defendants continue.



# POOR QUALITY OF LEGAL REPRESENTATION

## a) Poor Prosecution

Victims should feel that prosecuting barristers are 'on their side' and will do their best to win the case. However, the family of the 11-year-old victim of sexual abuse (Case Study 20 - Aziza) felt that the barrister had let them down. Although the alleged suspect was found guilty, the family felt that the sexual abuse may not have been regarded as serious due to the way the court proceedings were handled by the barrister, which they feel may have resulted in the suspended sentence. For example, they said the barrister had not utilised all evidence and information available and did not act on concerns that could have prejudiced the trial such as the interpreter not translating accurately and appearing to benefit the defendant. The family also claimed the barrister seemed uninterested in engaging with the family and was seen laughing and joking with the defence barrister and interpreter. Opposing barristers can and do interact with one another socially of course, but this was very insensitive and barristers should be aware of the impact of their behaviour on victims and their families.

In this particular case it seems the Crown Prosecution Service either put forward a poor quality and incompetent barrister or one not committed to the prosecution role. This case perhaps reinforces findings by the Crown Prosecution Service Inspectorate, which stated in its report that the Standards of CPS barristers had taken a "step backwards" and they had seen case failures in the way prosecution cases were handled (Cassidy 2015). Such failures were linked to government budget cuts and MWNUK note that lack of time and resources are likely to be factors impacting on the quality of legal representation provided rather than purely a lack of competence or commitment. MWNUK believes that if deterioration of the quality of representation continues, there is a risk that conviction rates will decrease and criminals walk free from court, and victims not getting justice.

## CASE STUDY 20

Aziza

### Child Sexual Abuse



*In 2014 an Islamic teacher was found guilty of sexually abusing Aziza, an 11-year-old girl. However, Aziza's family were angry that despite the guilty verdict, the judge gave the perpetrator only a 40-week suspended sentence, which they felt was too lenient. The family also felt that they were let down by the prosecuting barrister and were concerned about the following gaps in procedure.*



*He did not:*

- *Use DNA evidence*
- *Point out all the facts that were important to the prosecution and ignored valuable sources of information*
- *Act on serious concerns raised by the victim's family e.g. that the defendant's interpreter did not translate what the defendant had said and instead changed the wording to assist him*
- *Challenge aggressive questioning of the child by the defence barrister*
- *Show sensitivity to the victim, in the opinion of the family, but instead laughed and joked with the defence barrister and interpreter in front of the family, outside the court room*
- *Appear interested when the family engaged with him; the barrister's behaviour was intimidating.*



*The family also felt let down by the judge and were concerned that the judge:*

- *Failed to control what the family deemed to be inappropriate and unnecessary conduct such as allowing defence barristers to question an underage witness in a hostile and brutal manner*
- *Appeared, in the opinion of the family, to have more empathy with perpetrator rather than with the victim*

*The family felt that Aziza was not given the justice she deserved and wondered whether the lack of empathy was due to the fact that she was an ethnic minority female being abused by someone of the same background as her.*

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## Issues Arising

- Lack of empathy with the victim by prosecution barrister and judge
- Prosecution barrister appeared to be incompetent
- Judge did not appear to be impartial
- Shortcomings in the way the trial was handled



**Note:** We appreciate that in such cases, we are only privy to the information made available to us (including the feelings and opinions expressed by the victim and their family) and the judge, prosecuting barrister and defence barrister may have reasons for some of the issues and failings mentioned above. However, in our opinion this should not, and does not, take away from the fact that the victim and her family were provided with no explanations, nor does it excuse how they were made to feel and their perception of the whole process.

## b) Poor publicly funded defence

The research not only highlighted poor quality prosecution barristers for victims of crime but equally poor representation from public defence barristers who are funded through legal aid. For example in Case Study 21 of Noor, the information provided to MWNUK suggests that the barrister lacked the understanding to identify and engage with vulnerable individuals. Additionally, it would appear that the defence put forward was not as strong as it could have been taking all the circumstances, and evidence available, into account. Most worryingly, it would appear that no thought was given at all to the fact that Noor had been forced into a marriage at the age of 16 to a man 20 years older than her and the power dynamics that will have existed as a result.

When the judge allowed a Newton Hearing, it provided the defence barrister with an opportunity to put forward further information that could have assisted in reducing the length of the custodial sentence, and may have even allowed for a suspended sentence to be deemed appropriate. However, rather than continue with the hearing and raise the pertinent facts (including the history of domestic abuse and the physical and mental impact of having endured abuse for such a long period of time) Noor was advised to accept the prosecution's version of events. It appears from the file that MWN Helpline have reviewed and analysed, that the legal firm handling the case also did not provide all the information and evidence that was available to counsel in respect of the agencies that had engaged with Noor prior to the stabbing incident. The impact of a poor defence on Noor's life was devastating; it contributed to her custodial sentence, which meant not seeing her young child and triggering a deportation notice, the potential consequence of which was never seeing her child again and being put at risk of honour-based violence on her return to her country of origin.

However MWNUK note that the poor quality may not be due to, or solely due to, lack of competence or skill but may be due to the fact that as a result of legal aid and budget cuts, whereby defence barristers find themselves overworked and underpaid. Barristers have already protested about the significant cuts in legal aid fees and raised concerns that this will result in lower quality legal representation, miscarriages of justices and more criminals walking free from court (Bowcott, 2014). It would appear from the cases available, that their assertions are proving to be correct.

### What is a Newton Hearing?

The Newton Hearing is a special legal procedure in the UK, which can be called for by the judge before sentencing. This may occur where a defendant has been found guilty in a trial, but disputes any significant facts that could affect sentencing because those facts were not dealt with during the trial (and therefore the jury will not have resolved the dispute through its verdict). In a Newton Hearing both sides can present statements, witnesses and evidence but there is no jury and only the judge hears the case.



Also judges must not only be fair but also appear to be impartial. Although ethnic minority women face many of the same challenges as white women in the criminal justice system, research by the Reform Trust also confirms that they face more disadvantage compared to white women. For example, 45% of Asian women receiving convictions in 2015 had no previous convictions compared with 12% of White women. Also, as first time entrants into the criminal justice system, Asian women receive more severe sentences. In 2016, 28.6% of Asian women received custodial or suspended sentences in comparison with 17.5% of White women. If convicted, black women are 25% more likely than white women to receive a custodial sentence (Prison Reform Trust 2017). The Lammy review also uncovered evidence of racial bias in the criminal justice system and found worse outcomes for black and ethnic minority offenders; for example, they were significantly more likely to receive a custodial sentence than white offenders for comparable crimes. Doing justice in the courtroom will require eliminating bias towards gender, ethnicity and also faith. To minimise such bias and promote fairness, professional development of judges should include training on bias including refresher courses.

## CASE STUDY 21

### Noor Domestic Abuse



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*Noor came to the attention of MWN Helpline during a prison visit after which she contacted the helpline for support. Noor was forced into a marriage at the age of 16 and brought to the UK by her husband who was about 20 years older than her. She was subjected to regular domestic violence, sexual abuse, and emotional and financial abuse. All aspects of her life were controlled.*

*On a number of occasions the neighbours had called the police, who had then attended the marital home to do welfare checks. On one occasion the husband had admitted to having anger problems and 'lashing out' and on another occasion when police had attended, a hole had been punched into the bedroom wall. The police took the husband out of the property for a 'cool down period' but did not arrest him and he was allowed to return to the property the next day. On each occasion Noor was unable to explain properly what had happened because her English was poor. She was also frightened of her husband.*

*Noor was also attending college and her tutor noticed bruising and informed social services. Although Noor was provided with the contact details of Women's Aid, she did not have the confidence to leave the abusive situation. However, after 4 years of abuse and a long, grueling argument, Noor found herself in a situation where out of self-defence, she stabbed her husband in the leg.*

*Noor was prosecuted and, after a guilty plea, was sentenced to 21 months custody despite the fact that she was a domestic abuse victim, had a young child who was only three years old at the time and it was her first offence.*

*The sentence triggered an automatic deportation notice because the sentence was for a period of more than 12 months and her immigration status had not been settled. During the court proceedings, Noor pleaded guilty but disputed the facts put forward by prosecution (in which she was painted as the violent and abusive perpetrator, rather than a vulnerable victim of domestic abuse). A Newton Hearing was ordered but was disbanded when, upon advice from her barrister, Noor accepted the prosecution's version of events. This meant that the gruelling history of domestic abuse and the physical and mental impact of having suffered abuse for so long was not put forward as mitigation nor taken into account in sentencing. In summing up the judge simply commented that the marriage was turbulent but did not add or consider that the history of domestic violence had influenced her actions.*

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## Issues Arising

- The police did not consider the vulnerability of the victim when attending domestic abuse incidents e.g. age gap, language barrier
- Low quality representation by legal aid funded solicitor and defence barrister resulting in a poor outcome
- When determining the punishment the judge did not consider the impact of giving a custodial sentence and one which was more than 12 months long; e.g. offender could be deported and not see her young child again



## CONCLUSION

We found that some of the factors contributing to Muslim women and girls not getting justice are 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. Additional language, cultural and faith barriers (as explained in the Introduction) that may be preventing Muslim women from seeking help from the criminal justice system were not being taken into account.

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. 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.

“Relationships between the community and the police also have a profound effect on trust in the justice system as a whole. The police, the CPS, the courts, prisons and probation may all be separate institutions, but they form part of a single ‘system’ in many people’s minds. The result is that treatment and outcomes at one stage in the CJS affect trust in the integrity of all of it.”

(Quote from the The Lammy Review, 2017)

## RECOMMENDATIONS

If Muslim women are putting their trust in the criminal justice system, this trust needs to be upheld; they should not only be supported but also feel supported. It is therefore important that the shortcomings highlighted in this report are addressed. To decrease disparities in the way minority women are treated in the criminal justice system, we make the following recommendations

### Recommendation

1

#### **Find ways of assisting women in minority communities to report abuse and improve the avenues that already exist**

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- a) Make it clear on police force websites and to call handlers and police officers that someone else can make the initial report to police on behalf of the victim; e.g. a local, designated, third party specialist organisation (similar service to hate crime reporting) that is trusted by ethnic minority women.
- b) Arrange for initial reporting in an alternative environment of the victim's choosing where they feel confident and comfortable.
- c) After receiving the initial report police should assess whether it is safe or appropriate to visit the victim at home and if necessary make alternative arrangements (to police stations) that are local, accessible and safe and where women can attend without being chaperoned or arousing suspicion e.g. their children's school, women's centres etc.

### Recommendation

2

#### **Improve speed of response**

Police should improve the speed of response when victims are at risk of harm. To ensure this happens a minimum time response should be set out in guidelines such as the Victims' Code so that the public can then hold police forces to account.



## Recommendation

3

### Keep victims updated on investigations

Police forces should ensure their police officers are meeting their obligations under the Victims' Code, which stipulates that police officers keep victims updated on progress of investigations. To manage expectations, police officers should inform the victim at the outset how often they will receive updates on the status of their case, even if it is to report that no progress has been made.

## Recommendation

4

### Provide information about decisions not to prosecute or proceed

The police and the CPS should provide a clear explanation, in writing, to the victim when they decide not to proceed or prosecute. The victim should also be provided with information on the complaints procedure, about a Victim's Right to Review and eligibility criteria and information on how to contact the Independent Office for Police Conduct. To ensure this happens and ensure accountability, the person closing the case should confirm, on the organisation's database system, that these steps have been taken.

73

## Recommendation

5

### Update eligibility criteria for Victims' Right to Review Scheme

Changes should be made to the Victim's Right to Review scheme to also include having decisions not to prosecute reviewed (particularly for serious crimes such as rape and sexual assault) in 'cases where charges are brought in respect of some (but not all) allegations made or against some (but not all) possible suspects'.

## Recommendation

6

### Amend and review the law and guidance on revenge porn

- a) Police should have further training on revenge porn, including on how incidents can escalate risk of honour-based abuse particularly for women and girls from certain minority communities.
- b) To increase reporting and also the number of prosecutions, revenge porn law (the Criminal Justice and Courts Act 2015) should be updated so that victims receive anonymity. Additionally, the update should include threats to share images and audio recordings of a sexual nature.

## Recommendation

7

### Strengthening guidance on forced marriage

Police, government and CPS forced marriage guidance should be updated to include the following:

- a) Awareness of the potential risk of a foreign passport being acquired by dual national (UK and other) parents in order to take their children out of the country.
- b) Recognising that potential perpetrators can also be found among those who coerce a young woman or girl to marry them, e.g. boyfriends. This can be added to the 'Motives for forced marriage' section of the College of Policing guidance.

## Recommendation

8

### Increasing understanding, improving the recording of cases and strengthening guidance on honour-based abuse

- a) Improve police understanding of honour-based abuse including less obvious factors that can also escalate risk (such as divorce, leaving one's faith and revenge porn) through further training and refresher courses that could utilise cases studies such as the ones highlighted in this research.
- b) If incidents such as violence, threats, harassment, sexual assault, forced marriage etc., are honour-related then police officers should ensure they are also recorded as honour-based abuse to help build a national picture of the scale of such abuse, to improve police and government responses.
- c) The government, police, and CPS forced marriage guidance should be updated to also include examples of activities or actions that may be perceived as dishonoring individuals or families and which then potentially result in honour-based abuse. The guidance should also include unobvious actions. Although not an exhaustive list, key examples could include: Having a partner (including of another faith or ethnicity), identifying as LGBT, having sex outside of marriage, abortion, wearing Western clothes, leaving Islam, wanting a divorce, being sexually abused / raped, having friends of the opposite sex, pregnancy outside of marriage, being a victim of revenge porn etc.
- d) Consistent language should be used in guidance across criminal justice institutions; e.g. the CPS uses the term 'honour-based violence' while the College of Police and National Police Chiefs' Council use 'honour-based abuse' in their guidance. The CPS should revise the terminology used to adopt 'honour-based abuse' because not all abuse is physical.



## Recommendation

9

### Strengthening guidance on domestic abuse

The College of Police training and guidance on domestic abuse should be strengthened to include:

- a) Under the section about 'Understanding Risk and Vulnerability in the Context of Domestic Abuse (sub section 'Victims of different cultural backgrounds'), the following additional barrier should be added to the list of barriers to seeking help: not being in a marriage that is legally recognised by UK law (e.g. having only a religious marriage in the UK without an additional civil marriage). It should be recognised that the insecure legal status of such marriages may make victims financially reliant on their partners.
- b) Advice on how to make an assessment in order to identify the predominant aggressor when dealing with incidents where the perpetrator may have called the police accusing the victim of abuse.
- c) Recognising that young victims of abuse may deal with their abuse in different ways, such as truanting, shoplifting and other transgressive behaviours, e.g. drug and alcohol misuse.

## Recommendation

10

75

### Further training on stalking and harassment

Police officers should be provided with further training on stalking and harassment in order to:

- Improve their understanding of victims' experiences;
- Improve identification of stalking and harassment;
- Ensure that a risk of harm is assessed for every victim through the risk identification and assessment tools available e.g. completing the DASH form;
- Ensure all allegations are properly investigated;
- Ensure victims are protected at an early stage and law enforcement tools are used (such as restraining orders) and breaches are dealt with via prompt action;
- Ensure victims are better supported including through referrals to specialist support services.

## Recommendation

11

### **Improve barristers' and judges' understanding of domestic abuse**

Ongoing professional development of barristers and judges should include improving knowledge and understanding of domestic abuse and also cover the experiences of women in minority communities; for example, the additional barriers they face in receiving help and specific forms of abuse to which they may be subjected such as honour-based abuse and forced marriage.

## Recommendation

12

### **Unconscious bias training for judges**

The professional development of judges should include ongoing training on unconscious bias to minimise and eventually eliminate discrimination based on gender, race/ethnicity and faith, and to promote fairness.



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