

# Women and Equalities Committee

## Oral evidence: So-called honour-based abuse, HC 831

Wednesday 11 January 2023

Ordered by the House of Commons to be published on 11 January 2023.

[Watch the meeting](#)

Members present: Kim Johnson; Elliot Colburn; Dame Caroline Dinenage; Carolyn Harris; Mark Jenkinson; Kate Osborne; Ms Anum Qaisar and Bell Ribeiro-Addy.

In the absence of the Chair, Kim Johnson took the Chair.

Questions 31 - 85

### Witnesses

[I](#): DCC Ivan Balhatchet, Lead for Honour Based Abuse at National Police Chiefs' Council and Jaswant Narwal, National Lead for Honour Based Abuse at Crown Prosecution Service.

[II](#): Nicole Jacobs, Designate Domestic Abuse Commissioner.

[III](#): Edward Argar MP, Minister of State for Victims and Sentencing at Ministry of Justice and Sarah Dines MP, Parliamentary Under-Secretary of State (Minister for Safeguarding) at Home Office.

Written evidence from witnesses:

Home Office [HBA0041](#)

National Police Chiefs' Council [HBA0048](#)

Nicole Jacobs [HBA0049](#)



## Examination of witnesses

Witnesses: DCC Ivan Balhatchet and Jaswant Narwal.

Q31 **Chair:** Good afternoon, everybody. This is our final oral evidence session of the Women and Equality Committee's inquiry into so-called honour-based abuse. The session will look at the role of the statutory services and Government. We will hear in a moment from our first panel of witnesses. We have three panels of witnesses this afternoon appearing in person.

First, I would like to advise everybody watching on TV and in the room today that we are likely to hear some very distressing content about this form of abuse. If anyone is affected by what they hear, there are details of organisations who offer support listed on our website. I would like to start by asking our first panel to introduce themselves and to let me know how you would like to be addressed during this session.

**Jaswant Narwal:** I am Jaswant Narwal, chief crown prosecutor and the national lead for the CPS on honour-based abuse, forced marriage and FGM.

**DCC Balhatchet:** I am Ivan Balhatchet, deputy chief constable with Northamptonshire Police and the National Police Chiefs' Council lead for HBA, FGM and forced marriage. Ivan is fine, thank you.

Q32 **Chair:** Thank you. We have a number of questions in this session and only 45 minutes, so I would ask if you could be as concise as possible with your answers. We have members who will direct questions to specific panel members, but if either of you would like to add any additional information, please raise your hand and I will bring you in.

My first question is to Ivan. How are you working with forces and the College of Policing to ensure a coherent and effective national approach to training and honour-based abuse?

**DCC Balhatchet:** I took on this role back in 2015, and I set about straight away reviewing the HMIC review that happened then into HBA, one of the gaps being around, as you mentioned, training and risk assessment. I needed to put in governance structures quickly, so I did, in terms of setting up police leads and statutory partners across the country in regular working groups. We also set up, with Jaswant, a stakeholder group with wider NGOs who have given evidence to this panel as well.

With the College of Policing, I have had various conversations about what I would like, which is comprehensive training, what works and risk assessment tools for HBA. Very recently, investigation guidance has come out from the College of Policing. However, we have not got to a point yet where we have a risk assessment tool for HBA in policing. We have some really good best practice around training, some very good specialist officers and people who are really passionate about this, but I would say



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there are gaps, because there is some inconsistency around training and awareness for frontline officers as a whole.

Q33 **Chair:** Can you say a little bit about what you think those gaps are and why they are there?

**DCC Balhatchet:** In terms of HBA, it is extremely challenging and difficult for people to understand and identify the risks up front. Frontline officers go into incidents not actually looking at the risk or identifying the risk and therefore not understanding that an element of HBA could be within this, which could be escalating risk very quickly.

We talk about the one chance rule, for officers and staff going to scenes to identify those warning triggers straight away. I believe with a risk assessment tool that is straightforward for frontline officers. I am not speaking about specialist officers in departments dealing with serious crime who can understand this better. It is about giving a risk assessment tool where it can quickly identify escalating risk around HBA in an incident they go to. That can then be dealt with appropriately with appropriate wraparound and resources being put in.

Q34 **Chair:** Thanks, Ivan. Moving on, some women who have immigration status issues might be uncertain about going to the police. I wanted to know what the NPCC is doing at a national level to encourage victims with insecure immigration status to report honour-based abuse.

**DCC Balhatchet:** We work very closely with the immigration service and the Home Office on this, and within the national working group as well, which the Home Office attend. This is one of the subjects that comes up every time. I want to reassure everyone here—and victim-survivors and NGOs—that the victim-survivor is always a priority and at the forefront of the work we do. We will be dealing with the report of what they have actually said to us about the abuse or violence, and we will be committed to investigating that crime. They are the victim and survivor. We will investigate it thoroughly. Therefore, any immigration status issues will be dealt with in a most sensitive way. I want to emphasise that the high priority of this will be protection of that victim-survivor and investigating the crime they are reporting, the abuse, and trying to get them back into a safer environment.

Q35 **Chair:** Ivan, how confident are you that presenting police officers to these cases take that on board in terms of putting the victim first?

**DCC Balhatchet:** In terms of all of the police forces I work with, we have senior regional leads in every single area of England, Wales and Northern Ireland. We cascade down information and awareness about these issues. Like I say, we discuss many times in different groups and meetings, and I know that colleagues of mine prioritise and make sure officers know that the immigration status issue is to the side of the priorities around the investigation of safeguarding the victim and survivor.

Q36 **Chair:** What is being done by the NPCC to improve data quality in



honour-based abuse, specifically around ethnicity data?

**DCC Balhatchet:** This has been highlighted in the super-complaint recently, especially data around protected characteristics and ethnicity. What we are now doing with the Race Action Plan in terms of policing is a whole consultation exercise, which will start next week, I believe, with a proposal going back to Police Chiefs' Council in May to improve where we are. I also know that within policing, we do record statistics around HBA, forced marriage and FGM offences. We know we have some inconsistencies about recording HBA, and part of my working group is looking at how we can get much better at how we use flags, how we get that consistency across the country, so we have the data and the information we need to tackle this better.

**Chair:** Thanks, Ivan. I would like to bring in my colleague Caroline to ask a question.

Q37 **Dame Caroline Dinenge:** From some of the evidence we have received in previous evidence sessions, one of the themes that kept popping up was the fact that people felt the police may be very wary of crossing cultural boundaries, of stepping on community toes, or doing something which could be perceived as racist or culturally discriminatory, and so they were not taking so-called honour-based violence as seriously or acting as effectively, efficiently and strongly as they otherwise would do. How do you respond to that? What can be done to address the perception of that as an issue, even if you do not feel that is a correct allegation?

**DCC Balhatchet:** I accepted all the recommendations within that super-complaint, and I do not disagree with what was put there. There will be times where officers and staff have not dealt with something or have dealt with it differently because of the background of the victim-survivor or the information they have been given.

I have talked about working with colleagues across the country and with victim-survivors, NGOs and statutory partners. Again, this is a subject we talk about a lot. I am very clear in the training I do that we cascade. The awareness we cascade is, sometimes you have to take this back. This is about the vile abuse of women and girls. There will be some real complexities that are not understood by all people, but look at what you have in front of you. This is coercion, this is control, this is violence. It is abuse of women and girls. That is what I try to emphasise to anyone who may have anxiety or do things differently because of the background of victims and survivors.

Q38 **Chair:** On the back of that question, Ivan, what is the NPCC doing to tackle investigative practices which might put victims at risk, such as the use of mediation or voluntary suspect interviews?

**DCC Balhatchet:** With the College of Policing, we have developed some investigation guidance for officers and staff. We put out different training. Some of that is delivered by charities and NGOs. In my view, mediation should not be used in incidents like this. It is not appropriate. There is too



much risk in that. With voluntary interviews, you can lose evidence. The perpetrator can be informed earlier. Evidence can be destroyed. HBAs should not be dealt with by voluntary attendance. That is my clear message.

I know I have to do more to make sure it is never used inappropriately. We go back to missing that one chance rule. We always have to prioritise the victim and the survivor. I do not believe we are doing that by using mediation or voluntary interviews. I have to work with colleagues, the College of Policing, statutory partners and others to up the levels of awareness in training of all staff as we continue to develop specialist teams and officers. There are many hundreds of fantastic officers who know about HBA, the risks and how to investigate it. It is that wider consistency I still need to work on.

**Q39 Chair:** Are you convinced that progress is being undertaken at speed, given that it has taken almost six years for some of the recommendations in the 2015 report into honour-based abuse to be implemented? What do you think are the issues and the gaps in terms of moving this agenda forward?

**DCC Balhatchet:** The HMIC inspection was in 2015, and now we have the super-complaint from last month. Disappointingly, there are some things in the super-complaint that could cross-reference to the HMIC. Many of the HMIC inspection recommendations have been achieved, but there are some that are missing. That goes back to data, consistency, recording and sharing information between statutory partners, but really importantly—not that anything is not important—it goes back to risk assessment tools for officers and training.

In my role, I need to keep working, lobbying and influencing to get to a point where we have a training package for policing and we have a toolkit that gives frontline officers a chance to spot the risk and spot HBA early on so the right things can be done within those investigations and approach.

**Q40 Chair:** One final question from me. Are you convinced that those officers who go out to victims of HBA have accessed the training and are prepared to deal with it? I am aware officers move around quite frequently. If there is not an ongoing rolling programme of training, you will have officers who do not have that knowledge or expertise in terms of how to deal with these cases. Is that an issue you have come across?

**DCC Balhatchet:** Yes, absolutely. Our uplift into policing is welcome news in terms of our recruitment. Again, that causes challenges in terms of speed of recruitment, training and getting officers on to the front line. I would be confident that the vast majority of officers would have had input on HBA, forced marriage and FGM, but as you say, people do move around. Our gaps will be around what you have just said: the refresher training, the testing, the checking, the making sure we are always looking at learning best practice and what works. That is the bit we are



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sometimes missing, though we will always have the specialist staff units that are highly trained and highly qualified to deal with these crimes.

Q41 **Kate Osborne:** Thank you both for coming along today. Can I ask my first question to Jaswant, please? Can you tell us what effect the lack of a statutory definition of honour-based abuse has on charging or prosecuting cases?

**Jaswant Narwal:** There is not a statutory definition as there is for domestic abuse and forced marriage. It is difficult, because there is no research into understanding the impact that a statutory definition, or not, makes on reporting, investigating and prosecuting. What we can say is the definition—it is a CPS definition which has been adopted widely and generally—is a recognised one, which has embedded to a large degree. The important part of it is understanding what so-called honour-based abuse is, the understanding for victims and the understanding for all those who are involved in investigating and prosecuting these cases.

Q42 **Kate Osborne:** Thank you. Can I ask you both—I will come to Ivan next—what the challenge is for police and prosecutors in cases where victims have been taken abroad to be abused or killed?

**DCC Balhatchet:** I have dealt with and been involved with such cases with colleagues in recent years and since I took on the portfolio. Invariably, what you need to do, and what we do, is work with the Foreign Office, work with the National Crime Agency and work with officers abroad—we have embassies—to try and facilitate safeguarding and a return to the UK.

We do have good laws here in that we can have protection orders taken out even though the victim is abroad. That allows us to also be able to locate and identify those who have been involved in arranging for the person to be taken out of the country for forced marriage, FGM or other forms of HBA.

Do not get me wrong. Sometimes, you have to negotiate, influence and use contacts as to how you do that, but any cases that are reported to police where the victim-survivor is abroad certainly will not be ignored and will be prioritised to deal with that in the most effective way we can.

Q43 **Kate Osborne:** Can you tell us a bit more about the challenges that brings?

**DCC Balhatchet:** It would be about prosecuting for offences when people are in other countries, and also about getting people back to the UK. In the cases I have dealt with, we have managed to do that. How have we managed to do that? By effective working with the Foreign Office, Government, officers we have in other countries and embassies, and using with protection orders here to identify those who are involved and deal with them. Do not get me wrong; it is not straightforward and it is not easy.



Q44 **Kate Osborne:** Thank you. Jaswant, can I ask you the same question?

**Jaswant Narwal:** Jurisdictional issues are arising in more and more cases as the world is becoming a smaller place. It is certainly something that the CPS works on on an international scale. We have an international division, and we have experts who are able to liaise with different jurisdictions in order to secure the right evidence. In terms of prosecuting, recent legislation in 2021 increased the number of different offences we can prosecute in this jurisdiction for offences that happened abroad, which is good to hear.

As prosecutors, we want to build the case and look to see what evidence we have and what evidence we can gather. One of the high-profile cases I was involved in when I was head of the Old Bailey unit was the case of Athwal v. Athwal, where we prosecuted a woman who was 70 years old—in fact, the oldest woman—for the murder of her daughter-in-law. It was a cold case murder review. It took some time because we had no forensic evidence and we had no direct evidence, but we liaised with the Punjabi authorities and we sent the prosecution team to India. We had some good working with them, and we secured a conviction for an honour killing against her and the victim's husband.

We had no body; we did not discover that, but it is a very important case. It can happen, and it is with everybody working together and understanding what we are trying to achieve here. The difficulties are that evidence is lost and victims do not return, so you have to see what else you have. You have to look into the history of that relationship. You have to try and understand what else you have. Have there been previous incidents? Can we prosecute the case on what we have here? Sadly, we can when we do not always have a victim, but it is important that we get the support of family, friends and wider communities to gather the evidence to be able to build that case.

Q45 **Kate Osborne:** Can you tell us what would be the prosecutor's role if honour is raised as a defence or as mitigation in sentencing?

**Jaswant Narwal:** Sentencing, as you know, is a matter for the sentencing judge or magistrate if it is honour-based abuse of any type. The role of the prosecutor is to ensure that the full facts are before the judge so a proper sentence can be passed, and justice can be met.

There are issues, and we have had cases where the defence have tried to and have put forward submissions where they want to mitigate the sentence or justify the action, be it a killing or any other offence, by virtue of describing it as an honour killing. In fact, we had a case just recently in December, in London, where the man had killed his wife all because she wanted to divorce him, and he felt that was going to be a dishonourable thing. He killed her and he escaped to Pakistan, but he was brought back, and he was prosecuted. The defence in that case tried to put forward mitigation on the basis that the sentence should be reduced





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because he was under pressure. The judge was having none of that, and that was the end of it.

There was a case yesterday at Leeds Crown Court of Satpreet Singh Gandhi where he pleaded guilty to the killing of his partner. The defendant had left some notes, and some of those notes suggested that he found his wife, who he had stabbed, to be offending his honour, disrespecting him. There were elements of dishonour there as well, but again, the judge was not having any of that, so it did not mitigate the sentence. As you are aware, this is something that judges take on board. I would highlight it is not a matter for the prosecution, but we would look to ensure the judges are aware of any sentencing guidelines in relation to honour-based abuse and forced marriage.

There are not any official sentencing guidelines or any strong case law that we can refer to in order to help the judges understand honour-based abuse. Again, it is back to the definition. It is back to understanding what so-called honour-based abuse is. If you do not understand what it is, if a jury does not understand what it is, and if people who are prosecuting, defending and judging do not fully understand what it is, this will be an issue for victims and witnesses. It is something that victims of so-called honour-based abuse tell me when I engage with them, and in the CPS we want to ensure the fullest facts are before the judge so the proper and right sentence can be passed by the judge.

Q46 **Kate Osborne:** Before I move on—this goes back to my first question—you said that a definition had been adopted, but would it be more helpful if there was a statutory definition?

**Jaswant Narwal:** That is not a matter for the CPS, because we apply the law as it is. It is a matter for Parliament. It is not being presented as an issue because the definition itself had evolved and we consulted widely with the third sector, with NGOs, with charities, with academics and with professionals, so it is not a definition that we have just come up with. It is a well-respected definition in that sense. That is a matter for others, I am afraid, but it may be something you wish to follow through on.

Q47 **Kate Osborne:** Thanks very much. I have one more question for both of you, but I will ask Ivan this first. Following a court case, what can police and prosecutors ask the courts to put in place to safeguard victims of honour-based abuse? What happens if these protective measures are breached?

**DCC Balhatchet:** In terms of a case going to court, we have some really strong and good legislation here around protection orders for forced marriage and FGM. I would say you should not be waiting for the result of the court case. The risk to the victim-survivor is from the very beginning. It is the use of those protective orders. Police will make sure that risk and safeguarding is put, like I said, as a priority during the investigation.





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It does not end when the court case ends. Ideally, there will be protection orders for the victim and survivor. There would also be ongoing police contact to make sure that any other risks are mitigated and prevented. We all know that the one thing about HBA is it is a collective. There are often many people involved in the abuse and the crime of HBA, forced marriage and FGM against someone, so police need to be cognisant that the risk can be ongoing. Protection orders can be used and do not expire. They can be there forever. They need to be reviewed and refreshed to make sure the right safeguards are being put in place.

Not only can it be many people involved with the abuse; it is very often relatives or close relatives. What is most shocking about all of this is it is often the parents that are involved as well. It goes back to understanding the risks around HBA. They certainly do not end, or they might not end, when a court case does or when there is a finding, and police need to be well aware of that and use protection orders. We need to use more protection orders across the country.

Protection orders have been increasing, and we have done a lot of work around protection orders with family courts. We are in a much better place now in terms of the way protection orders are notified to the police and how we work with other partners. It has moved on leaps and bounds by new initiatives we have put in, but we still need more of them because a lot of cases do not get to court, and our priority is always safeguarding the victim-survivor.

Q48 **Kate Osborne:** Can I push you a bit on the second part of my question? What happens when those measures are breached?

**DCC Balhatchet:** A breach of a protection order is a criminal breach. Therefore, it will be prosecuted and taken to court. Sentences are available for that, and breaches are taken to court. When they are breached, and even though it goes through the family court first, they have to be taken seriously. People can be arrested. People are brought before the court for breaches.

**Jaswant Narwal:** It is a criminal offence if you breach a forced marriage protection order or an FGM protection order. We take those cases to court, and there is an increasing number of those breaches that we are successfully prosecuting. There is a maximum sentence of five years on those.

The important aspect for civil and protective orders is the fact that they work alongside the criminal justice system. Raising awareness amongst victims and witnesses is so important because, as we know, not many victims and witnesses want to see a criminal justice sanction. They do not want to take a case all the way through to prosecution because they are largely prosecuting members of their own family, be it their mother, father or siblings, and they do not want to do that. There are good civil measures that we can put into place, as Ivan said, not necessarily at the end but at the beginning of an investigation or a report. Anybody—be it



the victim, the local authority, the police, family, friends—can apply for a forced marriage protection order, for example, through the court, so it is easily accessible in that sense.

They are important tools because these are types of offences which we do not want to happen. We would like there to be preventative measures for these offences, and I would like to prosecute far less of these cases, but sadly, they are there. There is a huge, strong role for protective orders and for us to be able to raise awareness about how the criminal justice system and the civil system can work to support victims of so-called honour-based abuse and forced marriages.

Q49 **Bell Ribeiro-Ady:** Thank you, panel. I had a question for Jaswant following on from my colleague's questions about the use of honour as a defence. Has it been so widely used that it is something that we should be concerned about? Is the lack of sentencing guidelines causing a huge problem in terms of prosecuting?

**Jaswant Narwal:** It is really interesting. You would have heard evidence from the NGOs, the third sector and certainly Southall Black Sisters and the campaign for Banaz's law, which is looking to address that issue where so-called honour is used as a mitigating or justifying action. When we look at this as a prosecutor, we would see it as an aggravating feature, whereas the defence are trying to argue for this to be a mitigating feature. This all goes again to understanding what so-called honour-based abuse is, because if you kill someone, it is murder. You cannot then say, "Well, I was under cultural pressures, traditional pressures, religious pressures, community pressures," which is effectively what they are trying to say. That cannot be right, and it is not there, so it is understanding how you approach that.

Sentencing is a matter for the judge. It is understanding what so-called honour-based abuse is. I am glad we are talking about the definition and what it is because when you first deal with a case, it is not always obvious that the case is an honour-based abuse case. In the CPS, we are constantly reviewing our cases as an ongoing duty of review. Something may be charged as an assault, for example, but when you look at that case further and you ask the right questions, you then understand that when you lift that lid, this young person had been missing school, or that person has a holiday to go to a family wedding in Bangladesh or Pakistan or India. If you look behind that, you might look at the behaviour of the individual.

When we are looking at the offences and we are looking to understand how they are sentenced, we have to go back to see how we are presenting the case. What is our case strategy? In the CPS, we look to see what our case strategy is on these cases. We have specialist prosecutors in each of our regions in England and Wales, and we mirror what the police do. We are working in partnership with the police, because this is not something we can deal with solely as prosecutors.



Sometimes a criminal justice outcome is not always the right one. We have to work in partnership with the third sector. We have to work in partnership with investigators, and we have to work together with IDVAs, ISVAs—independent domestic violence advisors and sexual violence advisors—who support those victims and witnesses going through the process as well, so we can then put the full extent of the case before the court.

One thing I would say to your question is that there is a strong role for expert witnesses, and we do use them in our cases to explain the concept of so-called honour-based abuse, because you will have a jury of 12 random people who may not understand the demographics, the communities and the motivations behind those offences. It is really important in those circumstances that we have an expert witness who can explain that concept to the jury. Then we are able to set our case as prosecutors to a jury in that full context. You have to have the background if you are to understand some of these cases.

You talked about immigration status. We are finding a huge issue there, where we have bride abandonment. We have dowry abuse cases, which you would not think are honour-based abuse cases, but they are. To explain those types of concepts we have to rely upon experts, but we cannot just rely upon experts; we have to educate ourselves as well as prosecutors, investigators, lawyers and judges on these issues, which are quite nuanced. They can be quite insidious, but it is really important that we continue to talk about it.

You made a very good point earlier, Chair, around police officers moving and not being experts. It is the same for prosecutors. We have to have a continuing programme of training, which is what we have under our Violence Against Women and Girls Strategy, which we are revamping. We are putting in separate training modules for honour-based abuse and for forced marriage under domestic abuse, and our rape training as well, because, as Ivan has mentioned already, honour-based abuse spans every type of criminal offence there is—probably most criminal offences from assaults to fraud, to coercive controlling behaviour.

**Q50** **Bell Ribeiro-Addy:** Thank you. One more quick question. You have talked about working with the police and working with different NGOs, different groups, IDVAs and different supporting organisations. I know there is no firm definition and there is not a set of guidelines, but is there some sort of documentation and some sort of use of guidelines that you all work with informally amongst each other that would help form the basis of something more concrete?

**Jaswant Narwal:** With the police and CPS, we have the CPS NPCC protocol for investigating and prosecuting so-called honour-based abuse, which is something we rely upon and work together on. That is there. The CPS legal guidance is very well respected. There is access to other criminal practitioners. We have updated that in relation to breast ironing, which is another aspect of honour-based abuse, and also updated the



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guidance in relation to FGM. There will be further guidance as the law changes. We have the protocols in place.

We have strong ways through our governance structures and the way the police and the CPS work with the stakeholders to understand where we can learn from cases where we have prosecutions, be they successful or not—where we can learn all the way along that journey. This is not just something where I want to come in as a prosecutor towards the end of a case and say, "I will take it through the court." As prosecutors, we need to be involved with investigators at the beginning, together with the third sector. It has to be a whole-system approach to understanding the challenges we have in so-called honour-based abuse.

**Q51 Chair:** Are you convinced that that process happens consistently across the country, Jaswant, in terms of collaboration between the police and the CPS?

**Jaswant Narwal:** I would like to say I hope it does. I am sure that it does not all the time, but what I am confident about is that we have a good governance structure with regular meetings where the representatives from each of the police force areas and the CPS areas come together regularly to discuss those challenges, share good practice and learn lessons.

**Q52 Chair:** Given that you have been really good at keeping your answers quite concise, I have one final question, and it is to Ivan, about multi-agency risk assessments. How do you ensure that information is being exchanged safely with the police, and that other statutory services are fully aware of honour and the context of abuse at multi-agency risk assessment conferences? How exactly is the level of risk judged when HBA is suspected? If necessary, how is your answering information being exchanged safely?

**DCC Balhatchet:** We have protocols and ways of working that are, I would say, very strong with partners. We have multi-agency safeguarding hubs across the country now, which is different agencies coming together to assess risk and how they work. We also have the risk conferences, in which domestic abuse and other offences are looked at. HBA will or should always go into MARAC processes, which have data protection agreements, information-sharing agreements and understanding and partners working together on a wide range of cases.

There will be many examples of where the conferences have worked really well to manage and mitigate risk and protect survivors and victims of HBA. I would say the gap is identifying the risk in the first place—that it is HBA, and therefore knowing the risk is increasing or has increased, so it therefore gets to and is identified as something that should go to a MARAC. Within MARACs and MASHs, we do have very good, embedded processes for managing risk. Granted, it will not be managed 100% of the time to the standard that you would want it to be.



Q53 **Chair:** Does that process happen at speed, or is it a long and drawn-out process that then puts additional pressure on victims and increases the level of vulnerability?

**DCC Balhatchet:** It goes back to getting this right straight away. It should be on the risk, but it should be happening very quickly. If you are not doing the risk assessments, the conferences and the mitigation quickly, the longer you leave it, the longer victim-survivors are going to be at more risk. We have said before that our priority in policing and working with our partners is stopping abuse and crimes happening and preventing further offences, so they should be done very quickly.

**Chair:** Did you want to come in, Jaswant?

**Jaswant Narwal:** Not on that, because we are not part of the MARACs, so I will not comment on that.

**Chair:** We have one minute to the end of our session. I wanted to say again, thank you so much for being very concise and sticking to time. I would like to thank you for answering our questions and being part of our evidence session today. If there is any evidence that you think will be useful after this meeting, feel free to write into us.

## Examination of witness

Witness: Nicole Jacobs.

Q54 **Chair:** Thank you, and good afternoon. We are going to hear from our second panel. Again, for anybody watching online or in the room, the subject matter can be a bit distressing so I would alert people to our website. I will ask the witness to introduce themselves and let me know how they would like to be addressed during the session. Can I just remind everybody that we are likely to have votes? When the bells start ringing, we will have to suspend, and we will resume after a few minutes. I have just been informed that we are having the wind-ups now.

**Nicole Jacobs:** I am the Domestic Abuse Commissioner for England and Wales, and you can refer to me as Nicole.

**Chair:** Thank you, Nicole. I am going to pass over to my colleague Carolyn, who is going to ask you a series of questions. Nicole, I ask you to be as concise as possible, because we have scheduled half an hour for this session, and that might be interrupted with our votes.

Q55 **Carolyn Harris:** Hello, Nicola. Lovely to see you. What are your top three priorities for tackling so-called honour-based abuse?

**Nicole Jacobs:** I would say that I recognise honour-based abuse as a complex form of domestic abuse. I was listening to the previous panel, and a lot of my thoughts go first to, in general, "What is the answer to this question about domestic abuse survivors?" and then, "What are the additional barriers and complexities because of honour-based abuse?"



What you are probably seeing in evidence—certainly, these are what my priorities would be—is, first, the need for a much greater understanding across the board, not just in the criminal justice system but in any number of public services, of honour-based abuse or so-called honour-based abuse. Secondly, the practice: what is the very good practice? What are the data improvements that are needed? The data leads us to understanding accountability and where that lies. We have huge gaps in this area, as you know. Thirdly, the provision of support for “by and for” services. You will know from a recent mapping report published by my office that we now have solid evidence of the effective support that “by and for” services provide, and that sits squarely in this area. The good news is that we know, for example, Karma Nirvana, Savera UK and the Halo Project are extremely effective as compared to other specialist services. You can see that in our datasets.

The negative news is that these services are primarily located in the south-east of England. There is provision of support in Wales, which sits to one side, I suppose, which is a bit more comprehensive, but in England it is true to say that the services are very patchy and they are underfunded. Our findings show they are five<sup>1</sup> times less likely to receive statutory funding. You have this oddity where the most effective are the least funded. I would say those, roughly, are my three priorities.

**Q56 Carolyn Harris:** Thank you. I am delighted to hear that there is more comprehensive cover in Wales, obviously. One of the things that really scared me from previous evidence is that there is no obligation for frontline workers to have specific training in honour-based violence. We have also heard that schools and colleges are really struggling to address the needs of victims. What needs to happen to fulfil that support role?

**Nicole Jacobs:** What I want to get across is that—within the context of the VAWG strategy and the domestic abuse plan—we need to narrow down into very specific activity that relates to honour-based abuse, not setting it to one side and not keeping it as separate. It is very much, like I said, part and parcel, but we need to see beyond. You have just heard of all the improvements needed in the criminal justice system, but we need to see something significant in terms of a plan of work, specific action for which you would look to the Department for Education, the Department of Health and Social Care—a cross-government approach. That is what we are aiming to achieve in many respects, but what is lost, in some ways, is the specific activity in relation to honour-based abuse.

That starts with defining it correctly so that we are not, as the previous panel talked about, overly oriented to murder and the high risk—understanding the continuum and the complexities. Dowry abuse was mentioned, and spiritual abuse. We need to have a greater understanding of what we mean by so-called honour-based abuse, and put in resource and activity to help specialists in the third sector really enter into

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<sup>1</sup> The witness later clarified that she meant to say “six times less likely” rather than “five times less likely”





partnerships where we have that kind of comprehensive coverage and training.

**Q57 Carolyn Harris:** One of the things that we both will have heard quite commonly from victims of domestic violence who have very vulnerable immigration status is that they very often are reluctant to report for fear of the consequences. What more does the Government need to do for victims who do not have secure immigration status and are experiencing honour-based violence?

**Nicole Jacobs:** These two things are very much aligned. I would say, just as a caution, that a lot of honour-based abuse is perpetrated and the victims are British citizens. Savera UK published some really interesting characteristics research last year, which I am sure has been submitted; if not, we will submit it. It shows that of the people they have supported in Merseyside, 40% were British citizens. That gives you a sense. Again, we lack a lot of data. We really have to understand this better, but it gives us some indication. Having said that, I will plug another one of our reports that has just been published called "Safety Before Status", and we presented a solutions document at an event in Parliament just before the holidays. I strongly advised that we need more provision of support in place to open recourse to public funds to a wider range of migrants. The London School of Economics has shown us there is a cost-benefit analysis of about 4:1 when we do that.

We also need to have a firewall so that migrant survivors are not reluctant to come to the police. The state of play with Government now is the agreement for a protocol. In my view, a protocol does not give any clarity to a victim who might be very controlled, confused, and perhaps being purposefully misguided by the perpetrator about what the police will and will not do. I feel it puts up a barrier to seeking that type of support. One clear thing we can do is to implement that firewall.

Another clear thing we could do is to open up pathways to support so that migrant victims can access things like accommodation-based services. That is relatively small numbers of people but very vulnerable and significant ones, so I appreciate being able to explain that view.

**Q58 Carolyn Harris:** This is my last question, but I am sure others have questions. I was fascinated listening to the previous panel, but in your professional opinion, what do you think are the main priorities for the police and the prosecutors in relation to honour-based crimes?

**Nicole Jacobs:** Starting with the definition, I can see that you are seriously contemplating this. What I would add to what has already been said is that it would be helpful, in terms of the definition, to make sure that whatever process is in place really recognises the expertise and the lived experience that often sits within charities that work exclusively in this area, and how comfortable they are with the definitions.



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Submissions I have read show—I have heard this myself—that often we are not recognising the context of the breadth of honour-based abuse and violence. We have to have that continuum recognised as part of the definition. Until then, we need a stronger representation of the fact that honour-based abuse is aligned with domestic abuse, and we need to see that reflected in Government language, Government strategies, plans, documents and those things.

I agree with most of what the previous panel said in terms of the inconsistencies. One of the things I wanted to point out was some really fascinating work carried out by MARAC, which you asked about in the very last question. In London, there is a harmful practices strategic partnership of 12 organisations, but please do not think this is happening everywhere. Like I said, a lot of this “by and for” work is still underfunded, but, as far as England goes, it is predominantly in the south of England. This group surveyed MARAC co-ordinators, so they are in a position to see hundreds of cases coming in to MARAC—thousands over the course of a year across London. Half of them felt that the characteristics of honour-based abuse and harmful practices were not recognised coming in to MARAC. That tells us exactly what we need to know about the lack of confidence and the lack of recognition of a whole variety of partners referring in to MARAC meetings. It tells us we have to have greater consistency of understanding of what the practice is.

You touched on so many important things in the last panel. Non-molestation orders, for example, and layering on to those challenges of recognising honour-based abuse. The things that are put in place are not working very well for all victims, frankly, and certainly would not work for people who have those additional barriers of honour-based abuse.

The police do not have ready access to understanding which orders of protection are in place. We assume that that is happening, but there was a super-complaint about that which has not been resolved. Some of the conversations we have with officials, and with Government particularly, are about: where is the work plan that shows exactly the improvements that will happen end to end? That is certainly relevant for honour-based abuse as well. There needs to be that focus on consistency and accountability when it is not happening. How is it that we have such variations in forces, for example?

We need to see whether that is in the actions within the domestic abuse plan, the actions within the VAWG strategy or the accountability across Ministers—or perhaps another inspection is needed, since it has been just under 10 years since the last one. We need to do something collectively to create that accountability because it is the inconsistency that everyone is telling us about, and that we see. The criminal justice system really needs that focus and attention.

**Q59 Chair:** Just picking up on the issue about inconsistency, we have heard that not all professionals working in children's social services understand



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honour-based abuse. What do you think are the challenges, and what needs to happen to improve that level of inconsistency, Nicole?

**Nicole Jacobs:** I agree with that. Right now, nothing exists that shows us—beyond forced marriage, for example—what data there is in terms of recording that within children's social care. This is what I mean about the cross-departmental dataset that we need. We can pick apart the police data that has been happening and brought together since 2020, but that is at least something compared to what we have in other areas, which are a lot of unknowns.

At the local level, there is probably a bit of dip-sampling. I would imagine there is some way that safeguarding boards are having a look at this. I do not mean to say none of this is happening, but we certainly do not have a grip on the oversight nationally in some of these areas. Setting a standard by which you would expect schools, children's social care, housing and the criminal justice partners, as we have heard—this, and domestic abuse in general, is the kind of issue that deserves much more attention and accountability across the board. We do try in many ways in my office to help create those conversations. We certainly work with Ministers, officials and others, but a strong representation about the need for this kind of cross-governmental data would be very positive.

Again, just going back to the basics, the training and the understanding what honour-based abuse is, and what it might entail, would be needed alongside as well. There will be excellent practice and good practice out there, but why are we not drawing that together and creating a situation in which the best practice is common practice? Whatever levers that is exactly what we need to be doing.

Q60 **Chair:** Do you think that the RSHE curriculum and training for teachers on HBA is good enough, and how do you think this could be improved?

**Nicole Jacobs:** I suspect it is not, but, again, we do not have any way of understanding that. Therein lies the problem. I would imagine in areas where you have Halo or Saveria UK locally, where they are engaging with schools partnerships—and there are curriculums out there—we would not have to start from scratch. It is just that we do not know, in general, how the mandatory aspects of the curriculum are being implemented. We have guidance from the Department for Education to schools, but we do not have a very strong sense of the effective ways that that is happening across the board.

We would like to see that happening. Schools have had a couple of years now to embed these requirements, and we need to see what the effects are and what we feel. We have no evaluation. I cannot sit here as Domestic Abuse Commissioner and tell you which areas are really excelling and which areas are not. This does feed into Ofsted and other frameworks of accountability, but that is where the connections need to be made. Some of those things will only happen when they are really



looked at clearly within those very powerful frameworks that schools pay attention to and prioritise.

Q61 **Chair:** I think what we have seen and heard throughout the inquiry is the issue about data collection and collation, and Departments not working together. You plugged your Safety Before Status report. Could you highlight a couple of the recommendations that have been included in that report?

**Nicole Jacobs:** We published it; we laid it before Parliament just before the recess and we have a 56-day time limit in our office where we will hear back officially, but we have not met that date yet. The recommendations in the report reflect the work that the London School of Economics and the Oxford Migration Observatory did for us, which is looking at what it would take and what the cost benefit would be to open up a wider range of options for migrants to essentially extend the domestic violence concessions that are already very well respected and in place. Officials across the board, the sector officials, feel that this concession works very well.

What we have proposed is, essentially, the benefit of opening that up to a wider range of migrants. That is not changing their immigration status; it is allowing them to access services for a period of time, and then options could be explored. Essentially, it gives much more immediate protection and support. When you look at what the cost benefits of that would be, if you think about the implications for the individual but also for the services—medical services would be one, police services another; all of the above—the cost benefit comes to 4:1. It is quite a strong cost benefit.

The report talks a little bit about what the numbers potentially could be, although that is obviously, as we know, hard to pin down. In any case, what we are recommending is to consider those options. We are also recommending a lot more recognition of immigration abuse, which ties into this, and a third recommendation, primarily, which relates to the firewall. I really will be encouraged to hear what Government will say about those recommendations very soon, I think in early February.

Q62 **Chair:** You mentioned earlier on a number of organisations that are doing a great deal of work in this field—you mentioned Savera UK, which is based in my constituency—but they are voluntary organisations, and this type of work is resource-intensive. I just wanted to know whether you felt that the Government need to be thinking a bit more about providing greater levels of funding for these types of organisations to support vulnerable victims.

**Nicole Jacobs:** I absolutely do, and I really appreciate, now more than ever—especially with the mapping evidence that shows how effective these services are, and how vulnerable they are in terms of funding. Right now, the Home Office has a “by and for” fund open, but I would say while that is really welcome, obviously we need to have a much more



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strategic approach to “by and for” services in general instead of a one-off fund, and that we have a planned strategic idea of how we would maintain funding. What happens a lot of times is that you commission at the local level, and the more “by and for”—the more specialist the organisation—the more they might not have the ability to be funded unless they are in some kind of a consortium or something.

One thing we have to recognise is none of these services sit in core budgets at the local level. It is always a compilation of funding that is cobbled together, frankly, and has been over time, and “by and for” services are very much part of that mix but often left out. We have to have some kind of a regional or national pot of funding that would help sustain these services. They are not often in a position, because of their size, to do the kind of policy work and the influencing that is really needed to drive a lot of the work that we are talking about—the accountability, the partnerships, the training. What could Government do today? Without any legislation, as part of what is already committed in, say, the domestic abuse plan, they could be thinking about setting up funds that help these services to do that type of work to really bring the best of what they know to the fore.

Also, what about MARAC? We have talked about MARAC and problems in MARAC. There is already a structure there as our previous panellists said. You could say, “Why would we not build on some kind of activity within MARAC which really drives a greater understanding of harmful practices in general honour-based abuse, really tracking the data and putting some information, some resource to problem-solving through some of these things?”

I would say the same about non-molestation orders. I would say the same about sentencing. You all asked quite a lot about sentencing in the previous panel. We are waiting for the results from Clare Wade KC, who has been undertaking a review of sentencing for the Ministry of Justice. Until we understand what those recommendations are, it is very hard to know what you would advise to do or not to do about aggravating factors in terms of honour-based abuse. She has taken months to look at this, and we really want to know what those recommendations are. There is a lot that can be done in the here and now that would immediately improve the picture for these organisations and the kind of work they could help us do.

**Chair:** Thank you, Nicole. I think you have answered the questions, but I am just going to open up the floor to any of our Members who might have any follow-up questions. No? Okay.

**Nicole Jacobs:** Thank you very much for undertaking this effort.

**Chair:** Again, if there is any information you think might be useful to the Committee, please feel free to write in to us. Thank you again for answering our questions and being here today.



**Nicole Jacobs:** Thank you. Very good to see you.

## Examination of witnesses

Witnesses: Edward Argar and Sarah Dines.

Q63 **Chair:** We will now hear from our third and final panel and, again, a reminder about support being available through our website. I would like to say good afternoon to our Ministers, and I will now invite you to introduce yourselves and then we will move on.

**Edward Argar:** Thank you very much, Ms Johnson. I am Minister of State at the Ministry of Justice and, in this context, the bits of my portfolio that are directly relevant are as Victims Minister and Minister, in the justice context, responsible for matters such as domestic abuse, rape and serious sexual offences.

Q64 **Chair:** How would you like to be addressed throughout this session?

**Edward Argar:** However you wish, Chair. I am relaxed, but thank you.

**Sarah Dines:** I am the Parliamentary Under-Secretary of State with responsibility for this area, among others. I am the Safeguarding Minister at the Home Office.

**Chair:** Thank you for attending this afternoon. Just a reminder that the bell might go any minute, but we thought it would be useful to start. I am going to hand over to Mark, who has some questions to put to you.

Q65 **Mark Jenkinson:** Thank you. I will start with Minister Dines on this one. The Government's Tackling Violence Against Women And Girls Strategy sets out that, "The Home Office will seek out community advocates who can talk to community audiences to explain why these practices are wrong." Our inquiry has received submissions about concerns around some of these community advocates being almost gatekeepers, and in some cases possibly having links to honour-based abuse themselves. I just wonder if you could set out exactly how the Government decide which community advocates should be engaged on honour-based abuse. I will ask Minister Argar the same question as well.

**Sarah Dines:** It is a very interesting question, because to be able to engage with communities and create real change, you have to work directly with the communities, but we are very seized of the need for, firstly, due diligence in the advocates that we would be seeking to put into that sort of role because, of course, there is the risk of exactly what you have said. However, we are committed to doing due diligence. There will be proper monitoring and proper training. Of course, we will not accept any advocate that is funded by the Government or involved in our proactive schemes condoning in any shape or form the sort of abuse that we are seeking to eradicate. However, we do need to work with perpetrators, and my work at the Bar has shown me that success in this sort of area can only be achieved if you engage with the perpetrators.





Our advocates would not be perpetrators—absolutely not. Due diligence would stop that.

Q66 **Mark Jenkinson:** That obviously raises some issues with being able to get access to some specific communities where engagement is generally through, for want of a better term, gatekeepers. Do you have any more insight as to how we reach into the most difficult sections of some communities?

**Sarah Dines:** I do not really like the term gatekeepers, but I know exactly what you are getting at. What I would say is that the Home Office's extensive work in 2018 and 2019 with other groups on forced marriage and female genital mutilation involved close engagement with communities. It is possible to work with the communities. You have to gain trust and you have to use education, but what is of assistance is the other work being done across Government.

There is some excellent work being done at the Department for Education at the moment where, of course, we know now that it is part of the national curriculum that these issues are taught to secondary school children. We attack it from all angles. We will be engaging with local advocates and trusted stakeholders, not untrusted and unchecked stakeholders. But it is education from people who may be subject to the abuse, and education of those looking at the abuse. It is a global picture. It is hard work, but it is possible, and we have proved that we have been able to do it with forced marriage and female genital mutilation, so we are optimistic and hopeful we will make strides in that area, but it is hard.

**Edward Argar:** I would agree with everything that Minister Dines has said. In looking at all of these areas, and I suspect we may come to it possibly after the Division, one of the challenges is the complexity around definitions, but also the multi-layered nature often of the offences we are talking about—so-called honour-based abuse or honour-based violence.

We have heard in previous sessions that it encompasses a range of often specific offences, often more than one of them. In looking at this, we seek to engage with experts and service providers across those offences, but more broadly with victims. As an example, last year we had over 600 responses to our Victims Bill consultation, more than half of which were from victims, members of the public and frontline staff.

Minister Dines makes an important point which is that, in the nature of the offences we are talking about here and in the nature of that sort of overarching challenge of honour-based abuse, it can sometimes be very complex to reach out to individuals and gain engagement from individual victims. We do have, as Minister Dines has highlighted, a number of organisations we work with specifically in this space, and we may touch on it in a minute—organisations such as Karma Nirvana and so on who provide services—but as with any funding or any engagement, we always look very carefully at who we are talking to, to ensure that they do not



have a vested interest. They bring their expertise, but they bring that expertise for the public good.

**Chair:** Sorry, Minister. I am going to have to interject. We are going to suspend for 15 minutes, then we will resume when everybody comes back.

*Sitting suspended for a Division in the House.*

*On resuming—*

**Chair:** Thank you for coming back so swiftly; we are going to resume.

Q67 **Mark Jenkinson:** To pick up where we left off, there were other submissions to the inquiry which raise concerns that focusing on forced marriage and female genital mutilation risks sidelining so-called honour-based abuse. What is being done to combat other forms of honour-based abuse that may not be as well understood?

**Sarah Dines:** The Tackling Violence Against Women and Girls Strategy, published in July 2021, contained several commitments relating to HBA. As with many offences, other issues can intermingle that have similar characteristics but that are wholly different. In this case, I want to reassure the Committee that there is a lot of work being done specifically on HBA. It has its own distinct characteristics even though it is sometimes linked with other issues, when relevant, within various sectors of the community. That is one of the reasons why so much work is being done specifically on HBA; we are very much against it being a part of the activities within our communities. We are working hard to focus, engage and pay for work that can create sustained change in this area.

Q68 **Mark Jenkinson:** One submission suggested that a new HBA unit, similar to the Forced Marriage Unit, be created, which would then be responsible for recording data around HBA. I will come to data issues in my next questions. Do you have a view on that?

**Sarah Dines:** These things are being considered, but there is a very established Forced Marriage Unit with the Home Office and the FCO that has been working very hard since the mid-2000s, and that is a model. However, we are at the stage of engaging more information about just how much of this is happening in our communities before committing to such a unit. We are focused on engaging in a piece of work, which we put out to tender just before Christmas, in relation to how many HBA crimes we have. You have to have reliable evidence as to prevalence before you can focus on other ways of combating it, but we are not standing still; we are combating it straight away. My fellow Minister, Minister Argar, may shortly wish to take up this point to talk about recording, but my understanding is that the police are understanding this, amongst other victims and protected characteristics, in any event.



**Edward Argar:** I am conscious that you may shortly come on to data more broadly, but may I add very briefly to that, Mr Jenkinson? In terms of what we are doing beyond a focus on FGM and forced marriage, in addition to the range of legislation under governments of all complexions—the FGM Act 2003 and the Forced Marriage Act 2007—we have also seen the Domestic Abuse Act 2021, which further defines and strengthens the law in terms of these offences. In your oral evidence session on 7 December, the question was asked whether this should sit in the VAWG space, or that of the domestic abuse strategy, or whether it should even have its own strategy. I would say that the domestic abuse and the VAWG strategies are complementary and should be read together. As we know, this is an overwhelmingly gendered issue in terms of the victims of so-called honour-based abuse and violence. There is a challenge that comes back to the definitional point where you may have an overlay of a specific offence but so-called honour-based connotations.

Just briefly on the data, you will be aware that 2019 was the first year that the Home Office started publishing annual statistics on the number of HBA offences recorded by the police. The latest statistics, to March 2022, flag both the headline figure and then offence-specific criminal offences underneath it—be it forced marriage, be it FGM—but they also highlight the number of incidents that have not resulted in the recording of a notifiable crime. Some of your previous witnesses have said they believe that conceals a large number of people who did not come forward or who, in the nature of the reporting, would not have been flagged as having HBA-related criminal offences but where there is actually a read-across. We have made progress but, as Minister Dines said, there is always more to do, and we continue to look at this very carefully.

Q69 **Mark Jenkinson:** Your comments around the gendered nature of honour-based abuse give a nice segue into my final question, which is predominantly aimed at Minister Dines. As you have said, honour-based abuse disproportionately affects women and girls, hence its inclusion in the Violence Against Women and Girls Strategy. I find this a common theme with data from the Home Office, but the data collected on the honour-based abuse does not include information about the background of victims or perpetrators. We do not know to what extent men are the victims of honour-based abuse, but the forced marriage statistics for 2021 tell us that 26% of the cases dealt with were for men. Does the inclusion of honour-based abuse under the Violence Against Women and Girls Strategy exclude men and boys from support?

**Sarah Dines:** The term “violence against women and girls” refers to acts of violence or abuse that disproportionately affect women and girls. However, that term does not exclude men, despite the actual phraseology of it. You have to have a term which is cutting and biting, and it is because of the disproportionality of it that it is called that. However, it is very much part of a strategy to support males as well as all members of our community. There are unique challenges for the Government, and survivors who are male do have exactly the same life-



changing impacts because of these offences. While doing research generally for my new role, I found that there was a higher level of prevalence against men than I expected, and it is important that we have as much information as possible. We must not forget that it is not just females; men are also subject to this sort of offence and honour-based abuse. Males may also be forced into a marriage, and into all sorts of things that are abusive and frankly illegal. We have not lost sight of that.

In relation to statistics, data collection is incredibly important, and we are looking for a rigorous way to ensure our statistics bear up. The police are very much more aware of what needs to be recorded and there is a lot of work going on with the separate police areas and the Police and Crime Commissioners into this very factor. Although the term "violence against women and girls" is used, it does not and must not exclude men and boys because it is important for everyone.

**Q70 Mark Jenkinson:** Without putting you on the spot today, can I ask you to look at Home Office data collection more generally, particularly with the background of victims and perpetrators, but more generally on things like natal sex and identified gender?

**Sarah Dines:** I am very happy to look into that with officials and fellow Ministers to see what more can be done to create a more effective evidence base, because you do not know what work needs to be done until you have reliable evidence. I am very happy to take that on board if the Committee wants that to be looked at and do some more work in that field to look at those issues in terms of definition and recording.

**Q71 Elliot Colburn:** I want to pick up on Mark's last question. I was also quite surprised at the prevalence of male victims of so-called honour-based abuse in the statistics. Is the Home Office, Minister Argar or the MOJ doing a piece of work to better understand why that is? Given that the number is surprisingly high, is there a piece of work being done to better understand the root causes? I can imagine that some of them may be based in sexuality, for example parents or relatives not liking a person's sexuality and therefore forcing them into an opposite-sex marriage, but is the Home Office prepared to undertake a piece of work in this field to better understand the reasons behind this?

**Sarah Dines:** The Home Office is consistently working on this policy field all the time. It is not a new piece of work, and it is not only whether it is men or women; the LGBT community are also the victims of this sort of crime. The Home Office are providing up to £200,000 a year that covers the Galop helpline for LGBT victims of domestic abuse, the referrals to which have been really useful in terms of gathering information. It is not just one or two people across the country; between April and September 2022, Galop answered 2,305 calls and 110 emails and conducted 134 live chats. That is not just with people that are interested in this area; these are potential victims. There is a body of evidence that is now being accrued, which is why the Home Office are spending so much money on getting details as to prevalence and statistics right. This information will



tell us where we need to do our work and where best to spend the money.

**Q72 Ms Qaisar:** Thank you, Ministers, for joining us today. As the Chair said, we have spoken about British citizens. I want to touch upon migrant victims of so-called honour-based violence. We know that victims with insecure immigration status face particular obstacles to reporting crimes, particularly based around domestic and sexual violence. In 2020, a super-complaints panel recommended that where officers have concerns or doubts about a domestic abuse victim's immigration status, they should immediately stop sharing information on those victims with immigration enforcement. Essentially, they have recommended that the police in immigration do not share information. The Home Office said that they would not establish a firewall, but they would seek to implement an immigration enforcement migrant victims protocol, and this would put safeguarding needs first. This protocol has not yet been published; why?

**Sarah Dines:** Anyone who has suffered domestic abuse, including honour-based abuse, must be treated as a victim, first and foremost, regardless of their immigration status. The Government are doing a lot to support the migrant victims of domestic abuse. Before Christmas, I was very pleased to be able to meet some of the stakeholders in this area to talk specifically about these issues, and Dame Maria Miller hosted some work. Migrant victims do have support that is conceded to them through the destitute domestic violence concession. The DDVC enables victims who have entered the UK on certain partner or spousal visas to access public funds and achieve help for three months and to have safe accommodation.

Migrant victims can apply in their own right for settlement or indefinite leave to remain. There is a lot of financial support in this area; however, we do need more research in terms of sharing information between various authorities. One has to be very careful, to have a sense of proportion and to focus on exactly what is needed, because our system cannot be open to abuse. You have to balance genuine victims and make sure there is no abuse in this area. At this stage, I suggest the Home Office and the Government have got the balance right. I know it is an area that migrant groups are looking at forcefully, and I am petitioned and lobbied on it all the time. It is constantly open to review and close consideration by the Department. It is an interesting area, and I am very engaged in it, so I thank you for the question.

**Q73 Ms Qaisar:** Thank you, Minister Dines, but you have not actually answered my question. The Home Office committed to the immigration enforcement migrant victims protocol, which has not yet been published. My question was why, and I did not get a response to that, so I will change it slightly. When will it be published?

**Sarah Dines:** I am actively considering it. I cannot say exactly when, but it will be published in due course.



**Ms Qaisar:** We have been waiting since 2021.

**Sarah Dines:** I appreciate that.

Q74 **Ms Qaisar:** I do hope that it does get published soon enough. My next question is around financial support. Evidence heard by both the House of Commons and the Home Affairs Committee in the last year suggests that access to financial support is crucial for migrant victims, as abusers will often use their immigration status and any financial insecurity to threaten them. In December 2020, the Government launched the pilot support for migrant victims scheme, which provided money to third-sector organisations to fund advice, subsistence payments and housing. It has been extended until around March 2024, but many organisations, like the Southall Black Sisters, have raised concerns. Dr Siddiqui said that they have around 20 different sources of funding. Some of this includes Government funding, but she really has to fight for it every time. Crucially, she said, "It is really hard to get that money consistently and for a longer period of time." What support will the Government provide after this scheme ends?

**Sarah Dines:** The Government have worked consistently with the Southall Black Sisters, and I was privileged to be able to meet Dr Siddiqui before Christmas. As one would expect, she did take that opportunity to talk to me about this. I am very aware that an extension of funding is always requested, but the Government have given £1.4 million to the support for migrant victims scheme; that is not an insignificant amount of money. That works with other wraparound support services for migrant victims of domestic abuse, which does include accommodation, subsistence, counselling, and, at times, legal advice. I do not think it would be fair to frame it that the Government have not assisted or that there are fears as to the longevity of that. So far, the Government have supported 425 migrant victims through that £1.4 million fund. These funds do have to be rigorously looked at when they are renewed, but some of the very good stakeholders that we work with, which do include the Southall Black Sisters, are very much involved and speak to the Home Office very, very regularly.

When I had the privilege of taking on this job, I was interested to see just how much work there is done with these stakeholders, who do speak to the Home Office policy officials on these issues all the time. In answer to your question, I am not sure what is going to happen in future, but it has been a successful delivery of the £1.4 million. It will be looked at very carefully as to how that goes forward, and it is unlikely within the present legal context that there would be a shutting off of money. Obviously, how money is spent needs to be looked at, but it is work that has historically proved very useful and helpful to migrants. One would hope that it will be properly evaluated. It will be if, I am still in the job.

Q75 **Ms Qaisar:** Thank you, Minister Dines. I do not deny that it is commendable that the UK Government have put money in, but equally it is fair for questions to be asked about what will happen to the longevity





of those schemes in the future. My last question is: when will the reservations to article 59 of the Istanbul Convention be withdrawn?

**Sarah Dines:** This is an issue that the Home Secretary is looking at very carefully, and she has written to your Chair this morning, although it may not have come through the Clerks yet. These things are consistently under review. The part of the Istanbul Convention which relates to HBA for us today, article 42—unacceptable justifications for crimes, including crimes committed in the name of so-called “honour” violence—the UK has accepted the convention in full. This requires that custom, religion, and honour are not to be regarded as a justification for crimes of violence against women and girls in criminal proceedings; and that someone who incites a child to commit HBA should be criminally liable themselves. In relation to the convention, as far as we are involved with HBA at the investigations and questions today, the Government have accepted it in full.

In the more general scheme, I understand that the Home Secretary has written to the Chair today, 11 January. Just to assist the Committee, if they have not received the letter, perhaps the relevant bit that might be of interest is where she says, towards the bottom of her letter, “I can confirm that the evaluation report of the support for migrant victim scheme pilot has been received. Ministers will need time to carefully consider it, and we will share the report findings soon.” It does touch upon the £1.4 million funding, which I mentioned earlier, and says that the Government are committed to take on board lessons learned from the pilot. She does say in that letter that she wishes to forward to everybody on this Committee her thanks for the work that you do and her commitment to tackle violence against women and girls: thank you for your work on this critical subject.

Q76 **Ms Qaisar:** Thank you, Minister Dines. I have not seen this letter, given that it has come through today, but I understand that there is no timetable on it.

**Sarah Dines:** It does not specify a date, but the Home Secretary’s answer is that Ministers will be considering it. I am sorry I cannot be more of assistance as to a timeframe, but it is a fast-moving area.

**Ms Qaisar:** I am sure we will be in touch.

Q77 **Dame Caroline Dinenage:** I want to talk about the legal framework and definitions, but before I do, I want to quickly take Minister Dines back to her comments about the destitution and domestic violence concession. Are you aware that it is generally only available to those eligible to apply under the domestic violence rule in immigration law, which is basically those victims who are on a spousal partner visa whose relationship has broken down due to domestic abuse? It would not be available to those on other visas, overstayers and such like. I think it is really important to clarify that point for the record and ensure that you are aware of that, Minister Dines.



**Sarah Dines:** That is an area that is constantly under review. I do want to state that the Government are very clear that anybody, regardless of their immigration status, is a victim that has to be treated fairly and helpfully where possible. In terms of their likelihood of gaining indefinite leave to remain, I am not an immigration specialist and those are legal issues that are perhaps outside my ambit. I can say that the Government are committed to supporting individuals who have suffered and survived domestic abuse generally, including honour-based violence. Sorry if I am not specific enough. I am happy to write to you.

Q78 **Dame Caroline Dinéage:** Say you have a tier four student visa holder, for example. Would they be protected by it?

**Sarah Dines:** I am not a specialist immigration lawyer, but I am very happy to look into that and write to you with my answer.

Q79 **Dame Caroline Dinéage:** We would be grateful, thank you. You have probably heard me address this same question to the detective chief constable, Minister Dines. From evidence we have previously taken on this matter, it feels like the issue of cultural sensitivity and treading on the toes of various community groups means the police have a fear, which means they do not address these issues as strongly as they otherwise might. They fear being accused of racism or cultural insensitivity. This worries me, as men and women, but predominantly women, are not being protected in the way they should because of overarching fears. What can be done from the Department's perspective to support the police to navigate their way through this?

**Sarah Dines:** This does not just affect honour-based violence; it affects the whole range of domestic abuses and, at times, other criminal offences. We have seen from the grooming scandals that there has often historically been a reluctance, a lack of ability or even a clumsiness in how the police have approached these issues. Lessons have been learned, and I am really interested in ensuring that the police have the right tools at their behest to be able to appropriately police these sorts of issues. The issue, for me, is the operational independence of the police; the Home Secretary cannot be telling the police what to do. Of course, a lot of work needs to be done and I am pleased that police forces are taking this on board. The College of Policing has worked on new documents and products that assist first responders and then investigators in this sort of area, and those documents are updated regularly.

I am hopeful that the work that the police are doing at a national educative level and leadership level will mean that there will be a greater sensitivity and less reluctance to go into areas where they are concerned that they might be misconceived as being racist or targeting a group. We have to get down to the basics, which is that we need to police. We need to encourage the police to police and protect survivors and victims, regardless of what communities they are in. It comes down to leadership and education, giving the police the right tools to feel they are able to do



it. It appears that historically, it was quite often the case of a fear of doing things wrong as well as, let us be frank, at times possibly racism. I am pleased with the work the police are doing in this area and I am sure the Home Secretary is too.

**Q80 Dame Caroline Dinenage:** Thank you. I am now going to move on to the theme that I am supposed to be asking you questions about, which is the legal definition. I am going to start with you, Minister Argar. I know you have studiously sat there throughout all the evidence today and you will have heard from our witness from the Crown Prosecution Service how they have to navigate a way forward without a statutory definition of so-called honour-based abuse. I hate using the words "honour-based abuse", because there is nothing honourable about it at all, but you get my drift. Are the Government considering a definition that would help the police, law enforcement and prosecutors to be able to move forward on this?

**Edward Argar:** Thank you, Dame Caroline. I do not want to prejudge the Committee, but I suspect this will be one of the key issues that is drawn out of your ultimate report because it also featured in the evidence from 7 December. In the written evidence that has been published thus far, we have seen the genuine challenges with creating a statutory-based definition of honour-based abuse, which you are correct in saying we do not currently have.

We have heard a number of different defences for specific offences, all of which can be motivated or driven by so-called honour-based abuse, or, as I believe you suggested calling it in the previous evidence session, shame-based abuse. In the oral evidence, the question was also raised of whose honour is being talked about, the nature of the offences and how the victims perceive what is being done to them. In the last session, the CPS representative talked about the 2021 Domestic Abuse Act where we saw, for the first, time a statutory definition of domestic abuse. I believe that she highlighted that it is probably too early to see what the impact of that has been, both in terms of bringing clarity to the system and driving more charges and prosecutions. As we heard, there are two definitions that are used, and they are broad-based to capture the nature of those offences that could make up so-called honour-based abuse. The CPS definition being "An incident of 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 breach of the family and/or communities code of behaviour."

We have a similar, slightly different definition, from the National Police Chiefs' Council, aiming to go down the same route. The length of that working definition that they use highlights the complexities in drafting a statutory definition. What I have seen in previous evidence is, whilst not perfect, how you educate and inform people to recognise so-called



honour-based abuse across the system, in other public services such as health and education. There are challenges with data recording in this context and also the richness of data. I have to be honest with the Committee, I am wary at this point of seeking to come up with a statutory definition because of those challenges, but I will look very carefully at your recommendations in your report. Further down the line, it will be helpful to look at the impact the statutory definition in the DA Act 2021 has had and whether that has played a part in driving up understanding, awareness, prosecutions and appropriate charging decisions in these cases.

**Q81 Dame Caroline Dinenage:** That is helpful. Did you have anything to add?

**Sarah Dines:** So-called honour-based violence is quite difficult to define because most of it falls within the statutory definition we already have of domestic abuse, and it might make it harder for crimes to be dealt with and harder to actually define it. One element you have to bear in mind is that so-called honour-based violence and abuse often takes place not within a family relationship but with members of the community. It would be incredibly difficult to define it, not to say that it is not academically possible. It is an interesting point that we are definitely looking at and we will be informed on how the domestic abuse definition plays out in terms of the ability to charge, investigate, charge, and convict. We will see in the coming months and similarly, as Minister Argar said, it will be interesting to see your views on that in writing.

**Q82 Dame Caroline Dinenage:** You can be sure that we will be giving them to you. Can I also talk about sentencing? The Sentencing Council issues guidelines and sentencing, which, obviously, the courts must follow unless it is in the interest of justice not to do so. Some stakeholders that we have spoken to have expressed real concern that honour and culture are used as mitigating factors during sentencing. For example, Southall Black Sisters, who gave us really useful evidence, noted that honour was used as a possible mitigating factor in the dreadful murder of Banaz Mahmod. They said that the killers denied the murder in the criminal courts and implicitly set about influencing the jury's verdict and the judge's sentencing decision by creating a context where it would be culturally insensitive of them to not perceive their honour motive as mitigation. That seems to me a really difficult thing to read and consider. There are campaigns to introduce Banaz's law, which aims to prevent the use of so-called honour or culture as a defence, as a mitigating factor. Do the Government have a position on this?

**Edward Argar:** There are two parts to that; the first is the Sentencing Council's approach to this, and then, specifically, attempts to use so-called honour as either a defence or a mitigating factor. In 2018, the independent Sentencing Council issued overarching sentencing guidelines for cases which involved domestic abuse within which they sought to include elements of honour-based abuse as you highlight. This guideline makes clear that domestic context offending behaviour makes the



offending more serious because it represents a violation of the trust and security that normally exists between people in an intimate relationship. The Sentencing Council sets its own work plan and priorities, and we cannot compel them to produce guidelines in a particular area, but I will again consider carefully any recommendations by the Committee in this respect as to whether there is scope for us to invite them to consider whether they might wish to look at this. I do not want to prejudge your report.

Turning more broadly to the legal angles, and whether a cultural or religious defence can be argued or used as a mitigating factor, the reality is there is no defence in law that enables a defendant to claim they committed a criminal offence based upon the result of their religion or so-called honour specifically brought upon them by their family or wider community. I say this not as a lawyer, but I could see how perhaps some defence counsel might seek to introduce this—potentially of loss of control defence because their cultural sensibilities were so outraged. I struggle to see how that would work as either a defence or as a mitigating factor. We heard the chief crown prosecutor say that she has seen this attempted, but in each case the judge gave it very short shrift, recognising that there was not, in law, a valid defence around valid mitigations. In these circumstances, there is a degree to which this is dependent on the judge's guidance to the jury and the judge's decisions around sentencing, but in respect of the Sentencing Council and so-called honour-based abuse, they decide what they will and will not consider guidelines on. However, if the Committee makes a recommendation on that, I will, of course, look at it very carefully.

**Dame Caroline Dinenge:** That is helpful, thank you.

**Sarah Dines:** It might be useful to raise as an aside that Article 42.1 of the Istanbul Convention, which we signed, requires countries to ensure that in criminal proceedings initiated from the Commission of Violence Against Women, culture, custom, religion, tradition and so-called honour shall not be regarded as justification for such acts. It is not a possible defence and we have been committed to ensure that it cannot be, so there probably is not a need to do anything else.

**Chair:** Carolyn, you had some additional questions?

Q83 **Carolyn Harris:** Yes, it is not a question; it is more of a statement. Minister Dines, whilst I appreciate that you have professional experience in this area, you are here today as a Home Office Minister and not in a professional capacity. You should therefore be prepared to answer questions within your brief; thank you.

**Sarah Dines:** Of course.

Q84 **Chair:** A follow up question to Minister Argar. What are you doing to increase awareness of protective orders and injunctions that victims can seek from the civil and family courts?



**Edward Argar:** You are absolutely right to highlight this. We heard, for example, of the FGM protection orders that were introduced under the last Labour Government—if I recall correctly, in 2003—which are available to the CPS and police for prosecution where people are found to be breaching them. There are two layers to this; part of it is about cross-government working. We need to raise awareness, not just amongst victims of so-called honour-based abuse but amongst the law enforcement agencies, police, CPS and other support services that are often someone's first port of call. Many will not go to the police, they will go to Southall Black Sisters or to A N Other support service as a trusted friend. Amongst these organisations there is a degree of awareness around these orders.

The challenge we have in this space is to reinforce awareness when a piece of legislation is passed. For example, with the Domestic Abuse Act 2021, it was subject to public debate and people are aware of it, whereas the 2003 piece of legislation, which was ground-breaking, is now 19 years old. There is often a need to reinforce the tools at their disposal through training and guidance to police forces, the CPS and others. Anecdotally, from the conversations I have in the sector and with law enforcement agencies, there is generally an awareness that this is a tool in the armoury of the law enforcement agencies, but there is always more we can do to constantly talk about and reinforce this. This is a space where, irrespective of some of the debates we sometimes have in this House, the House would be at one in wanting to use its voice to further raise awareness, as would the Government.

Q85 **Chair:** Minister Dines, do you have anything to add?

**Sarah Dines:** Nothing further to add.

**Chair:** We have come to the end of our questions. Are there any further questions from our members? Thank you very much to the Ministers for attending and providing answers to our questions today. I also thank the rest of the panel and the witnesses who provided great responses to our questions.

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