

Evidence Submitted by End Violence Against Women [HBA0045]

About EVAW Coalition

Established in 2005, the End Violence Against Women Coalition (EVAW) is a leading coalition of over 130 specialist women's support services, researchers, activists, survivors, and NGOs working to end violence against women and girls (VAWG) in all its forms including: sexual violence, domestic violence, so-called honor-based abuse, forced marriage, sexual exploitation, FGM, stalking and harassment. We campaign for improved national and local government policy and practice in response to all forms of violence against women and girls, and we challenge the wider cultural attitudes that tolerate violence against women and girls and make excuses for it.

Introduction

As part of our efforts to end VAWG, EVAW has long been campaigning to draw attention to and address the injustices faced by victims and survivors, this includes the scrutiny of criminal justice system and other statutory agencies responses, as well as government law and policymaking in this area. It is important to acknowledge the current context for this inquiry from the outset, in which the role of the police in relation to VAWG is under immense scrutiny. This incorporates both criticism of the police response to VAWG¹ (including towards those with insecure immigration status) and the prevalence of police-perpetrated abuse² - along with long-standing concerns about the policing of Black and minoritised communities more broadly. With a number of inquiries in the past year alone, providing evidence of misogyny, rape culture, domestic abuse, and racism within police forces, EVAW is clear that these are systematic issues. They will necessarily impact on all victims of gender-based violence including those who have experienced so-called honour-based abuse.

For these reasons, we take great interest in this consultation and our response will pay particular attention to highlighting the impact that policing and the wider systematic issues have on outcomes for victims of so-called honour-based abuse, as well as the impact of the wider legislative agenda, and structural inequalities in funding for services 'led by and for Black and minoritised women'.

¹ <https://www.justiceinspectorates.gov.uk/hmicfrs/publication-html/police-response-to-violence-against-women-and-girls-final-inspection-report/>

² <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/5e65fd0ba29cd069c4f3ca3c/1583742221663/super-complaint2+report.FINAL.pdf>

We would first like to amplify and endorse the concerns expressed in consultation submissions from the following EVAW member organisations.

Apna Haq has expressed many concerns, and there are broad themes from their consultation such as poor policing responses, significant under-funding of specialist services and a lack of knowledge about honour-based abuse by government officials. Apna-Haq supported their consultation with a variety of different case studies highlighting these themes. For example, one case study refers to how misogynistic beliefs held by police officers impact the response to victims reporting abuse. They state 'professionals did not understand. Said how can she be abused by him if wearing hot pants' concerning an Iranian woman enduring controlling behaviour from her husband, putting her at risk of honour-based abuse. Another case study refers to the poor response from social services, when a child who was a victim of sexual abuse was taken to Pakistan and was at risk of honour-based abuse for disclosing her abuse. Social services failed to identify her case as a potential risk for honour-based abuse. Apna-Haq stated they had contacted social services and risk assessments identified the mother as a 'safe parent'.

The submission by BAWSO, a led 'by and for' Black and minoritised women's organisation in Wales, highlights how immigration abuse interconnects with so-called honour-based abuse. They also point to the failure of the state and other statutory agencies to take concerns of so-called honour-base abuse seriously by highlighting police failures. The chronic under-funding of their specialist services is also a challenge for supporting often complex caseloads.

MEWso have specifically drawn attention to the practice of virginity testing, which is still regularly being done in the context of so-called honour-abuse, despite the state outlawing it. They too highlighted police failures in underestimating the severity of so-called honour-base abuse and the risk victims face of being murdered.

How would you assess the police response to honour-based abuse? How could it be improved?

Broader cultural transformation of the policing of VAWG

The policing response to so-called honour-based abuse is inadequate and is reflective of deeper systematic issues within policing such as misogyny and racism, which result in an inability to tackle all forms of violence against women and girls (VAWG). As with all forms of VAWG, we must view honour-based abuse as preventable and being underpinned by women's wider and deep-rooted gender inequality. Within the current landscape of policing, where there have been a number of investigations spurred on by the horrific murder of Sarah Everard by a former Metropolitan police officer, we see that at least six forces are currently in special measures, and police officers have been charged with offences of rape and other sexual assault charges³. It is accurate to say that the policing institution has a deeper problem of misogyny which was highlighted by a UNISON survey which highlighted 49% of police had heard sexualised jokes and 19% had received sexually explicit emails or texts⁴. The issues of misogyny have been outlined in reports such as that resulting from

³ *Six police forces in England placed in special measures*. BBC News. Available online: <https://www.bbc.co.uk/news/uk-england-wiltshire-61993621>

⁴ *UNISON and National Police Chiefs' Council to tackle worrying levels of sexual harassment*. UNISON. Available online: <https://www.unison.org.uk/news/press-release/2018/08/unison-national-police-chiefs-council-tackle-worrying-levels-sexual-harassment/>

*Operation Hotton*⁵ as well as Baroness Casey's interim findings, that reported on a culture of racism and misogyny within the Metropolitan police - it was argued that this culture enables and fuels toxic policing⁶. The HMICFRS report *An inspection of vetting, misconduct, and misogyny in the police service* further details cultural issues within policing including tolerance of prejudicial and improper behaviour⁷. In addition, revelations in the recently published Operation Soteria report on the police treatment of RASSO cases, highlights a widespread problem with police investigations into rape focusing unduly on victim credibility rather than the behaviour and offending history of the suspect.⁸ This credibility trawl is often based on harmful myths and stereotypes about RASSO victims. Apna Haq has stated that attitudes towards so-called honour-based abuse also lean towards victim-blaming which is rooted in the same misogynistic beliefs and behaviours.

Improved justice system data recording

A lack of data collection on ethnicity and so-called honour-based abuse has been highlighted in a new HMICFRS report on *Tees Valley Inclusion's Project's super-complaint*. A lack of confidence from police has been found to impact their ability to ask appropriate questions about a victim's ethnicity, this further highlights that the lack of data collection is failing victims⁹. The availability of disaggregated data would assist with the monitoring and identifying of any disproportionality in outcomes for victims with intersecting protected characteristics. It would also help with tracking the effectiveness of police responses to so-called honour-based abuse. Police forces commonly lack both investigative specialisms in the different forms of violence against women, as well as culturally specific knowledge which might enable them to more effectively deal with cases of so-called honour-based abuse. This places victims at further risk¹⁰.

Retention of the Human Rights Act

Where victims of so-called honour-based abuse have been failed by the police, the *Human Rights Act* is a proven tool that can be used to secure accountability and justice for victims and families. This is threatened by the Government's plans to scrap the Human Rights Act in favour of introducing a new Bill of Rights¹¹. The Human Rights Act has been a lifeline for many families including Banaz Mahmud's. Banaz was a victim of so-called honour-based abuse and was brutally murdered at the

⁵ IOPC (2022) *Operation Hotton Learning Report*. Available online:

<https://www.policeconduct.gov.uk/sites/default/files/Operation%20Hotton%20Learning%20report%20-%20January%202022.pdf>

⁶ Casey (2022). *Baroness Casey's report on misconduct*. Available online:

<https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/baroness-casey-review-interim-report-on-misconduct.pdf>

⁷ HMICFRS (2022). *An inspection of vetting, misconduct, and misogyny in the police service*.

Available online: <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/an-inspection-of-vetting-misconduct-and-misogyny-in-the-police-service/>

⁸ Professor Betsy Stanko (2022) *Operation Bluestone Soteria Year 1 Report 2021-2022*. Available online

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1124704/Operation_Soteria_Bluestone_Year_1_Report- FINAL.v3.pdf

⁹ HMICFRS (2022) *How the police respond to victims of sexual abuse when the victim is from an ethnic minority background and may be at risk of honour-based abuse*

<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/report-on-tees-valley-inclusion-project-super-complaint/>

¹⁰ HMICFRS (2022) *How the police respond to victims of sexual abuse when the victim is from an ethnic minority background and may be at risk of honour-based abuse*.

<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/report-on-tees-valley-inclusion-project-super-complaint/>

¹¹ End Violence Against Women Coalition, Rights of Women, Southall Black Sisters and Centre for Women's Justice. (2022). *How the Bill of Rights harms the fight to end violence against women*. Available online:

<https://www.endviolenceagainstwomen.org.uk/wp->

age of 20. Her body was found buried in a garden three months after she went missing and her father, uncle and five male cousins were convicted of her murder. In the weeks leading up to her murder, Banaz was concerned for her life and went to the police seven times as well as her boyfriend at the time, who reported threats to his life¹². Following her death her sister Bekhal relied on the Human Rights Act to bring a civil case against the Metropolitan Police for failing to take adequate steps to prevent her death, the police agreed to settle for an undisclosed sum.

The work of organisations such as Southall Black Sisters continues to highlight just how imperative the Human Rights Act is for ensuring that the police are held accountable for such grave failings. The Act also creates a positive obligation on the state to prevent loss of life, where authorities have intelligence that there is a risk to the life of a person from criminal acts of a third party - otherwise referred to as 'Osman warning's. This obligation is often relied upon by women and girls at risk of so-called honour-based abuse¹³. The needs of Black and minoritised women and girls, and the risk of violence and abuse are not always taken as seriously as they should be. This leads to inadequate responses to victims, and where this is the case, the Human Rights Act has been used to protect Black and minoritised girls facing abuse. The British Institute of Human Rights (BIHR) commenting on the state's plan to remove sections 3 and 6 of the Human Rights Act has said that these sections are 'are central to making sure human rights protections are real for people every day'¹⁴. We contend that introducing the Bill of Rights would make it increasingly difficult for victims to hold institutions and agencies accountable.

What are the challenges for services supporting victims of honour-based abuse? How could those challenges be mitigated or overcome?

Across the sector, there are long-standing issues of insecure commissioning frameworks and short-term funding. However, these issues are exacerbated for the 'led by and for sector'. There have been 15 years of decommissioning of specialist community-based Black and minoritised services under public procurement¹⁵. Such led by and for organisations continue to face underfunding due to commissioning frameworks that further entrench deep-rooted inequalities. At the same time demand for these services continues to rise. Research from the National Mapping Report commissioned by the Domestic Abuse Commissioner (DAC) shows Black and minoritised women are 25% more likely than white women to want access to a refuge space¹⁶. The report shows that Black and minoritised women who had access to specialist services had better outcomes, and 67% felt safer as a result of accessing support that met the needs of Black and minoritised women. In comparison 45% of Black and minoritised women who did not have access to specialist services reported that they did not feel 'safe', because they did not have access to support that was culturally

¹² Southall Black Sisters, (2010) *Safe and Sane*. Available online: <https://store.southallblacksisters.org.uk/safe-and-sane-report/>

¹³ Centre For Women's Justice, End Violence Against Women Coalition, Rights of Women, Southall Black Sisters (2022) *Women's Rights are Human Rights: What the Bill of Rights will mean for ending violence against women and girls*. Available online: https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2022/09/EWAC_HumanRights_Report_web25.pdf

¹⁴ The British Institute of Human Rights (2022) *Update on The Rights Removal Bill: Why There is No Room for Complacency* Available online: <https://www.bihr.org.uk/news-blogs/blog/update-on-the-rights-removal-bill-why-there-is-no-room-for-complacency>

¹⁵ End Violence Against Women Coalition and Imkaan (2020) *Adjournment Debate: Black Women and Domestic Abuse*. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Joint-Briefing-for-Meg-Hillier-MP-Debate-EVAW-Imkaan.pdf>

¹⁶ Domestic Abuse Commissioner (2022) *Mapping of Domestic Abuse Services across England & Wales*. Available online <https://domesticabusecommissioner.uk/wp-content/uploads/2022/06/DAC-Mapping-Briefing-Paper-05.pdf>

competent and met their specific needs.¹⁷ Competitive commissioning frameworks have seen a rise in funds being given to ‘gender-neutral’ services as the state continues to adopt more gender-neutral policies. As a result of this specialist led by and for Black and minoritised organisations have received less funding. In addition, tendering frameworks, favour larger organisations which are also more likely to receive more statutory funding, only 58% of led by and for Black and minoritised organisations received statutory funding. These issues have been worsened by COVID-19, and research from Imkaan on the ‘Dual-pandemic’ highlights that not only is there a capacity issue within led by and for organisations, but the pandemic caused an increase in the complexity of cases¹⁸. The led-by-and-for sector is vital to ensuring that victims facing so-called honour-based abuse receive adequate support and attention, as well as providing help which some generic services do not have the expertise to guide and help victims overcome. As part of an adequate response to victims of so-called honor-based abuse, we urge the government to provide ring-fenced funding for Black and minoritised women’s specialist led ‘by and for’ services.

What are the challenges or barriers faced by victims of honour-based abuse in seeking support or protection?

Honour-based abuse disproportionately impacts Black and minoritised women and girls, and there is an additional challenge for Black and minoritised girls who may have insecure immigration status. We have seen a disturbing trajectory in relation to hostile immigration policies, which fuel the surveillance and criminalisation of women and girls with insecure immigration status¹⁹. This is having a significant impact on victims of so-called honour-based abuse, because a key mechanism of these hostile policies is data-sharing between the Home Officer and the police, which is also expanding to other statutory agencies²⁰ including data-sharing between the Home Office and banks²¹. Operation Nexus routinely screens Black and minoritised women for their immigration status and it is these hostile schemes which organisations supporting victims of so-called honour-based abuse say prevent them from reporting the abuse they are enduring²². A supercomplaint brought by Southall Black Sisters and Liberty reported 27 out of 45 police forces (60%) in England and Wales share victims’ details with the Home Office, in addition, 27 police forces stated that they had referred victims and witnesses of crime to the Home Office for immigration enforcement²³. Southall Black Sisters have

¹⁷ Domestic Abuse Commissioner (2022) *Mapping of Domestic Abuse Services across England & Wales*. Available online <https://domesticabusecommissioner.uk/wp-content/uploads/2022/06/DAC-Mapping-Briefing-Paper-05.pdf>

¹⁸ End Violence Against Women Coalition and Imkaan (2020) *Adjournment Debate: Black Women and Domestic Abuse*. Available online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Joint-Briefing-for-Meg-Hillier-MP-Debate-EVAW-Imkaan.pdf>

¹⁹ Liberty and Southall Black Sisters (2018). *Super-complaint on data-sharing between the police and home office regarding victims and witnesses to crime*. Available online: <https://www.libertyhumanrights.org.uk/issue/liberty-and-southall-black-sisters-super-complaint-on-data-sharing-between-the-police-and-home-office-regarding-victims-and-witnesses-to-crime/>

²⁰ Domestic Abuse Commissioner (2022) *Safety Before Status Improving pathways to support for migrant victims of domestic abuse*. Available online: <https://domesticabusecommissioner.uk/wp-content/uploads/2021/10/Safety-Before-Status-Report-2021.pdf>

²¹ Syal, R (2022). *Rishi Sunak tells MPs he will clear asylum backlog by end of 2023*. The Guardian. Available online <https://www.theguardian.com/uk-news/2022/dec/13/rishi-sunak-tells-mps-clear-asylum-backlog-end-of-2023>

²² Liberty (2018) *OPERATION NEXUS IS DANGEROUS AND DISCRIMINATORY. IT NEEDS TO GO*. Available online: <https://www.libertyhumanrights.org.uk/issue/operation-nexus-is-dangerous-and-discriminatory-it-needs-to-go/>

²³ Liberty and Southall Black Sisters (2018). *Super-complaint on data-sharing between the police and home office regarding victims and witnesses to crime*. Available online: <https://www.libertyhumanrights.org.uk/issue/liberty-and-southall-black-sisters-super-complaint-on-data-sharing-between-the-police-and-home-office-regarding-victims-and-witnesses-to-crime/>

highlighted the way that perpetrators of abuse use immigration status as a tool of coercive control. Research from LAWRS also highlights that when victims do disclose their abuse to the police, 27% have been questioned about their immigration status, with a further four women reporting abuse later being arrested and criminalised²⁴. The state must make the safety of victims of so-called honour-based abuse a priority, and recognise that data-sharing with immigration enforcement is a major barrier to victims seeking support. It is in the interest of victims of so-called honour-based abuse for there to be a firewall to inhibit data-sharing between the Home Office and statutory agencies²⁵.

The issues outlined above such as hostile immigration policies, and evidence of systematic misogyny and racism in policing have led to mistrust in statutory agencies, most notably the police. A lack of trust is a fundamental barrier to victims disclosing and reporting honour-based abuse, but the culture of misogyny also spills over into interactions between police and victims. This can result in victims finding it difficult to navigate the system, feeling disheartened and let down.

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²⁴ The Latin American Rights Service (LAWRS) (2019) *The Right To Be Believed*. Available online <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-full-version-updated.pdf>

²⁵ Home Office (2021) *Home Office and Police data sharing arrangements on migrant victims and witnesses of crime with insecure immigration status*. Available online: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041124/HO_Review_Police_and_HO_data_sharing_migrant_victims.pdf