

Written evidence from Southall Black Sisters [HBA0051]

This submission does not attempt to answer all the questions posed by the Women and Equalities Committee (WEC) in their consultation on so called 'honour' based abuse (HBA). However, it should be read in combination with our oral evidence to the WEC on 7 December 2022 (see: <https://committees.parliament.uk/oralevidence/12005/pdf/>).

This submission focuses on clarifying points already made in the oral evidence or providing additional information.

About Southall Black Sisters (SBS)

SBS is a leading 'by and for' black and ethnic minority (BEM) women's organisation addressing violence against women and girls (VAWG) within BEM communities. It was founded in 1979 and its vision is to empower BEM women and girls to assert their human rights to freedom, equality and justice by leading independent, autonomous lives, free from VAWG. SBS operates within a VAWG, secular¹ human rights and intersectional² framework, particularly in relation to overlapping inequalities based on race, gender and class/poverty.

Before the Covid- 19 pandemic, SBS dealt with nearly 8,000 cases and enquiries per year, which rose to approx. 10, 000 in the first year of the pandemic. In 2021-22, the enquiries figures rose to over 23,000³ and new cases remained at about 700, although on-going cases are taking longer to resolve and also stood at about 700. About 70% of our cases are HBA related as they involve multiple perpetrators. SBS provides holistic women's resource centre, community based services. It runs a helpline and online advice services, advocacy, counselling, and peer support group and educational activities. Its advocacy casework and unique strategic litigation informs the organisation's campaigning, educational, policy and research work, which has had a national impact in changing social, cultural and religious norms, and influencing policy and practice as well as legal reform.

About 60% of SBS' services users are migrant women. SBS were instrumental in introducing the Domestic Violence Indefinite Leave to Remain (DVILR) Rule which allows victims on spousal/partner visas the right to remain indefinitely in the UK and the Destitution Domestic Violence Concession (DDVC), which gives those with no recourse to public funds (NRPF) rights to benefits and housing while they apply to regularise their status under the DVILR. SBS has carried out two Tampon Tax Fund funded projects on NRPF, one of which was an England wide pilot scheme subject to an independent evaluation. It is currently leading a UK wide partnership Home Office funded pilot, Supporting Migrant Victims (SMV) Scheme for those with NRPF. The SMV pilot is subject to an independent evaluation, and due to end March 2023 (although the evaluation will only assess year one of the pilot, which was from April 2021-March 2022).

¹ Secularism respects personal religious beliefs and the right to not to believe without privileging one belief system above another by the state or public institutions.

² Intersectionality refers to overlapping or multiple forms of structural inequalities where discrimination is magnified at the intersection of more than one inequality.

³ This rise in part is due to a new system for assessing risk in helpline enquiries, resulting in the speeding up in response times. The figures have also rose due to the pandemic.

SBS is also a leading organisation addressing harmful practices, particularly forced marriage, dowry related abuse and HBA. We were original members of the Home Office Working Group on Forced Marriage established in 1999. We helped to form the Government's Forced Marriage Unit (FMU), and introduce the Forced Marriage (Civil Protection) Act 2007 and multi-agency statutory and best practice guidance on forced marriage and HBA for the police, Crown Prosecution Service (CPS), social care services and other professionals. SBS has also been involved in gaining justice in many high profile 'honour' killings and suicides as well as domestic homicides and suicide driven by domestic abuse. This includes the case of Banaz Mahmood, who reported rape, violence, harassment and threats and an attempt to kill by her extended family and community to the police five times before her death in 2006. More recently, SBS also supported the family of Raneem Oudeh and Khaola Saleem, a mother and daughter who were killed by Raneem's ex-husband in 2018. The deaths were honour related domestic homicides.

Definition and nature of HBA

There is no statutory definition of HBA, but that adopted by the National Police Chief Council (NPCC) and CPS is:

*'an incident or crime involving violence, threats of violence, intimidation coercion or abuse (including psychological, physical, sexual, financial or emotional abuse) which has or may have been committed to protect or defend the honour of an individual, family and/ or community for alleged or perceived breaches of the family and/or community's code of behaviour.'*⁴

This definition is generally a good one. However, although there are some explanatory notes, it could do with more development or clarification.

When defining or identifying HBA, agencies often forget that it is related to the primary motivation for the abuse, rather than the abuse itself, which can be domestic abuse, sexual violence or a harmful practice. The form of abuse and the motivation co-exist and form two sides of the same coin.⁵

HBA is perpetrated when the group/collective honour or the honour of the family or community is at risk or needs restoring; rather than personal honour of an individual, which may exist in domestic abuse cases and where women can also be treated as 'property'.⁶

HBA is gendered because the good reputation of the group rests on women's behaviour, especially their sexual conduct, which is expected to be sexually 'pure' and socially traditional or non 'westernised', and because women have disproportionately higher rates. Even where women

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<https://www.npcc.police.uk/Publication/Final%20NPCC%20HBA%20strategy%202015%202018December%202015.pdf>

⁵ Siddiqui, H. (2005) 'There is no "honour" in domestic violence, only shame! women's struggles against 'honour' crimes in the UK', in Welchman, L. and Hossain, S. (eds) *'Honour' Crimes, Paradigms and Violence Against Women*, London: Zed Books

⁶ Monckton Smith, J., Siddiqui, H., Haile, S. and Sandham, A. (2022) *Building a temporal sequence for developing prevention strategies, risk assessment, and perpetrator interventions in domestic abuse related suicide, honour killing, and intimate partner homicide*. Home Office research paper. Online: <https://eprints.glos.ac.uk/10579/> University of Gloucestershire.

perpetrate HBA or collude with it, this is often within patriarchal households or communities where men use conservative interpretations of cultural and religious beliefs and traditions to justify HBA to wield ultimate control.⁷

The definition of HBA also needs to highlight the subtle (such as social ostracism/being disowned, emotional blackmail, social pressure, and limitations on career/work, education, dress, choice of marriage partner or romantic relationships, sexuality, movement and association), collective and missing or less commonly recognised forms of harmful practices (including dowry related abuse, ritual/faith based abuse and wife abandonment as well as forced marriage and FGM) which can be included in HBA which is cross cutting, on a continuum with a disproportionate effect on young women and girls. It also cuts across class and caste.

HBA intersects with other forms of abuse or issues such as immigration status/abuse, poverty/economic abuse, domestic abuse and sexual violence, which can differ from HBA even if the victim fears bringing shame onto the family by exiting where honour acts as a constraining rather a motivating factor (although the two are closely related and there can be a fine line). HBA is also a culturally specific form of coercive control.⁸

HBA is a high risk crime or form of abuse involving multiple perpetrators inside and outside of the family in the UK and overseas due to shared codes of honour; and that it can be organised and involve an international dimension. In some Northern areas, women's situations are compounded by the use of private detectives (and so called 'bounty hunters') and networks of men who track down women who leave home to escape HBA. There are also often also multiple victims such as women and their siblings or partners.

HBA can also be hidden in unofficial but generally accepted or tolerated practices such as unregistered religious marriage or divorce, the custom of dowry as 'wedding gifts', polygamy and wife abandonment justified as a 'separation'.

Due to professionals being unable to identify HBA and distinguish between different forms of abuse, and therefore levels of risk, there is also a danger of both stereotyping BEM communities or failing to respond appropriately.

Although women and girls are disproportionately affected, there are also different ways in which men and boys (they often become victims after being accused of bringing dishonour onto a woman/girl through their unapproved friendship or sexual relationship),⁹ or those with mental health problems, a disability or within the LGBT plus community are affected. These factors need to be taken into account as they may result in different resource allocation and responses to the problem.

Although honour value systems have historically existed in many societies, HBA is still prevalent in conservative ethnic minority households or communities in the UK, but mainly reported in South

⁷ Siddiqui, H. (2005) 'There is no "honour" in domestic violence, only shame! women's struggles against 'honour' crimes in the UK', in Welchman, L. and Hossain, S. (eds) *'Honour' Crimes, Paradigms and Violence Against Women*, London: Zed Books

⁸ Monckton Smith, J., Siddiqui, H., Haile, S. and Sandham, A. (2022) *Building a temporal sequence for developing prevention strategies, risk assessment, and perpetrator interventions in domestic abuse related suicide, honour killing, and intimate partner homicide*. Home Office research paper. Online: <https://eprints.glos.ac.uk/10579/> University of Gloucestershire

⁹ Mahmood, B. and Siddiqui, H. (2022) *No Safe Place*, Ad Lib Publishers.

Asian and Middle Eastern communities. More research is needed to uncover and respond to HBA in other ethnic minority groups.

We recommend:

- 1. The current definition of HBA adopted by the NPCC and the CPS should recognise the HBA as a ‘course of conduct’ or pattern of abuse, and a culturally specific form of coercive and controlling behaviour. The wider frameworks of intersectionality, VAWG, domestic abuse and human rights also need to be incorporated.**
- 2. Any consideration to revise the current NPCC and CPS definitions or introduce a stationary definition of HBA needs to be subject to public consultation.**
- 3. The definition of HBA needs to be better understood by professionals and should be supported with a training programme designed and delivered with specialist ‘by and for’ BEM women’s organisations.**

Data

The Metropolitan police estimate there were 12 honour killings per year¹⁰, and although more recent data on honour killings is lacking, BEM groups are over represented in domestic homicide statistics. Asian groups were also over represented in the domestic homicide figures during the Covid-19 pandemic.¹¹ In the 12 months prior to March 2022, there were nearly 3000 cases of HBA reported to the police and about 2000 were recorded as ‘no crime’.¹² In another source of national data, in 2021, FMU dealt with 337 cases of possible forced marriage and FGM and 868 enquires on these issues – so there was an overall possible number of 1,205.¹³

However, this data has limitations. There is a need for more updated and comprehensive data set on HBA. There needs to a breakdown by protected characteristics, type of abuse and vulnerabilities such as immigration status, and mental health, suicide and self-harm.

We recommend:

- 4. All agencies should record and collect data on HBA, and more research commissioned.**
- 5. The Government must ensure that disaggregated data from a range of sources is collected and published annually.**

¹⁰ Home Affairs Select Committee (2008) *Domestic Violence, Forced Marriage and “Honour”- Based Violence: Sixth Report of Session 2007-08*, Vol 1, House of Commons, London: The Stationary Office Limited. [Online]: Available from <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmhaff/263/263i.pdf>.

¹¹ <https://www.vkpp.org.uk/assets/Files/VKPP-DHP-Ethnicity-Spotlight-Briefing-June-2022.pdf>

¹² <https://www.gov.uk/government/statistics/statistics-on-so-called-honour-based-abuse-offences-england-and-wales-2021-to-2022/statistics-on-so-called-honour-based-abuse-offences-england-and-wales-2021-to-2022#:~:text=In%20the%20year%20ending%20March%202022%2C%2017%20per%20cent%20of,cent%20for%20assault%20without%20injury.>

¹³ <https://www.gov.uk/government/statistics/forced-marriage-unit-statistics-2021/forced-marriage-unit-statistics-2021>

Education

Community dynamics often mean that the community leadership- often composed of more powerful male, conservative community and religious leaders and elders-tend to be the 'gatekeepers' who aim to hold onto orthodox cultural and religious value systems which reinforce patriarchy. This not only work against women's rights, but determine the community's relationship with the state. Under multiculturalism, the community leadership argued they were 'self-governing' and 'self-policing'. They refused to support outside state interference in the name of 'cultural sensitivity' or the need for good race relations. Instead, they 'resolved' VAWG through unsafe practices of family or elder mediation and reconciliation, driving women back to abusive relationships.

The state colluded with the leadership until the multicultural consensus was broken in the late 1990s on the issue of forced marriage and HBA when the first Home Office Working Group on Forced Marriage was established by the junior Home Office Minister, Mike O'Brian. Influenced by SBS, O'Brien re-visioned multi-culturalism as 'mature multi-culturalism', and said: '*multicultural sensitivity is not an excuse for moral blindness*'.¹⁴

However, mature multi-culturalism was short lived with the rise of religious fundamentalism and the growth of social cohesion or integration policies, especially post 9/11. As a result, despite progress made on state responses to forced marriage and female genital mutilation (FGM), the non-intervention approach has been compounded by the state's multi-faith policies. These prevent outside interference on the grounds of 'religious sensitivity' where practices like religious arbitration in addition to elder mediation and reconciliation may be used by the community to divert and pressure women away from state support and protection, again with the collusion of the state.¹⁵

In this context, for effective change, community education and with young people must be led by 'by and for' BEM women's organisations with the full support of the state. This will reduce the influence of the leadership, change attitudes and value systems, and empower women and girls within communities. A good example of survivors and activists as community champions or campaigners is highlighted in the SBS forthcoming publication on the SBS Holistic Model of Empowerment. More

¹⁴ Home Office (2000) *A Choice by Right: The Report of the Working Group on Forced Marriage*, London: Home Office Communications Directorate. [Online]: Available from <http://www.nordaf.co.uk/public/Editor/assets/Library/Forced%20Marriage%20A%20Choice%20By%20Right.pdf> (Accessed: 28/3/14).

¹⁵ More detailed information on this section can be found in Siddiqui, H. (2003) 'It was written in her kismet': forced marriage', in Gupta, R. (ed) *From Homebreakers to Jailbreakers: Southall Black Sisters*, London: Zed Books;

Siddiqui, H. (2005) 'There is no "honour" in domestic violence, only shame! women's struggles against 'honour' crimes in the UK', in Welchman, L. and Hossain, S. (eds) *'Honour' Crimes, Paradigms and Violence Against Women*, London: Zed Books;

Patel, P. and Siddiqui, H. (2010) 'Shrinking secular spaces: Asian women at the intersect of race, religion and gender', in Thiara, R.K. and Gill, A.K. (eds) *Violence against Women in South Asian Communities: Issues for Policy and Practice*, London: Jessica Kingsley Publishers; and

Siddiqui, H. (2013) "'True honour': domestic violence, forced marriage and honour crimes in the UK', in Rehman, Y., Kelly, L. and Siddiqui, H. (eds) *Moving in the Shadows*, London: Ashgate.

widely, the state must also adopt a mature multi-cultural and a 'mature multi-faith' approach to minority communities to implement change within and outside these communities.¹⁶

We recommend:

- 6. Community education campaigns must be led by specialist 'by and for' BEM women's organisations or groups with a track record of addressing VAWG, including projects where survivors and women's rights BEM women activists are community champions or campaigners.**
- 7. HBA should be incorporated in the national curriculum in a 'whole school' approach.¹⁷ This must be taught and inspected in all independent and state funded schools, including faith based schools.**

The police and social services

Since the Home Office Working Group on Forced Marriage's report in 2000, and following the deaths of several young women, including Riskhana Naz (1998), Heshu Yonis (2002), Banaz Mahmud (2006) and Surjit Kaur Athwal (1998), the police and the CPS have developed guidance and policies on HBA, mainly on forced marriage and FGM. They have also been incorporated in safeguarding guidance. These stemmed from the FMU's multi-agency forced marriage statutory and best practice guidance.¹⁸ We have been centrally involved in developing and writing most of these guidance and policies.

The FMU guidance cover all public sector agencies, and have advised against supporting practices such as non-intervention, mediation, reconciliation and religious arbitration. They have also called for the 'one chance rule' which means that agencies must act on the first sign or report to protect victims and prevent escalation. These have been supported with training programmes and some legal reforms which have allowed for the development of forced marriage and FGM new protection orders and offences, although cases of HBA involving suicide, staged deaths and with a transnational element need more legal reform and support (see next section on law and sentencing).

An HMICRFS report in 2015, however, stated that police practice was still poor or inconsistent. There was a problem of flagging and recording HBA, and only 3 out of 43 forces were fully prepared. The reasons for this problem relate to lack of identification of HBA or failing to treat it seriously even when they do, often resulting in not applying the 'one chance rule' to prevent escalation in what is known to be high risk cases. In Banaz Mahmud's honour killing, cultural or religious sensitivity may have been a factor in the police refusing to intervene early or at any stage to prevent the murder. A

¹⁶ Siddiqui, H. (2013a) "True honour": domestic violence, forced marriage and honour crimes in the UK', in Rehman, Y., Kelly, L. and Siddiqui, H. (eds) *Moving in the Shadows*, London: Ashgate.

¹⁷ See SBS evaluation of their whole schools project which effectively raised awareness and changed behaviour on issues of forced marriage and HBA in two local high schools in Siddiqui, H. and Bhardwaj, A. (2014) "'Pandora's box": preventing and challenging violence against black and minority ethnic women and girls', in Ellis, J. and Thiara, R.K. (eds) *Preventing Violence against Women and Girls: Educational work with children and young people*, London: The Policy Press, University of Bristol.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322310/HMG_Statutory_Guidance_publication_180614_Final.pdf and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf

recent successful super complaint on HBA and sexual violence also highlighted similar issues where the police failures resulted from a disproportionate focus on impact of community cohesion rather than on protecting victims.¹⁹

The following case studies principally demonstrate the problems with the police and social services, although other agencies also need reform such as probation, health, housing, education, UKVI/Immigration Enforcement and the Foreign Office/Consular Services.

The police: SBS supported Bekhal Mahmud to give prosecution evidence against her own father and uncle for the honour killing of her sister, Banaz Mahmud in 2006. She was the first daughter to do so in an honour killing in this country. Seven men were found guilty of murder or related crimes. Bekhal is now on a witness protection scheme and will be in hiding for life.

Before her death in 2006, Banaz's reported rape and violence from her husband, and threats and attempts on her life by her family. Her pleas for help from the police were ignored, even though she named the men who later killed her. In one incident, an attempted murder by her father was dismissed by the police as her being 'manipulative' and 'melodramatic'. Instead, Banaz was charged for criminal damage for breaking a neighbour's window when escaping her father. The police disciplinary body only gave 'words of advice' to this and another officer with the 'worst' findings in an investigation by the Independent Police Complaints Commission. Bekhal too was subjected to an attempted honour killing by her brother, which the police also failed to investigate.²⁰

In 2018, a mother and daughter, Khaola Saleem and Raneem Oudeh were murdered by Raneem's former husband after she left him. Upon their marriage, Raneem's husband, an ultra conservative Muslim, said that "we don't have divorce in our culture. The day that you will be free from me is the day I will kill you." SBS supported the family at Inquest with the Centre for Women's Justice, INQUEST and Roshni, Birmingham. In November 2022, the Inquest found that police failures had materially contributed to the two deaths. There had been eight incidents in which Raneem or others, including professionals, had called 999 for domestic abuse, and on the night of the murders, Raneem had called 999 four times. She had told the police about a non-molestation order and that her ex-husband may have a knife. She was on the telephone to the police a fifth time when her ex-husband stabbed the women to death. From the first report, there was a lack of link up of the data systems, proper risk assessment, arrest and investigation, and safeguarding in the case. There was also a dismissive attitude by the police officers, who also did not attend mandatory training. These combined to prevent early intervention through the 'one chance rule', incidents were considered isolated rather than showing a pattern of escalating violence, and the high risk crime of HBA was not identified.

Social services: Social services have contradictory functions— to keep the family together and to safeguard. This has led to some poor practice on safeguarding children and young people, and vulnerable adults, especially when some cultural practices are not recognised 'abusive' or social services are unwilling to criticise or intervene in minority cultures. Social services, for example, failed Bekhal by mediating between her abusive parents and placing pressure on her to 'listen to her parents' and return home after she had left due to a planned forced marriage to a much older cousin

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/963007/invisible_survivors_The_long_wait_for_justice.pdf

²⁰ Mahmud, B. and Siddiqui, H. (2022) *No Safe Place*, Ad Lib Publishers.

when she was only fifteen.²¹ In a recent case involving two sisters we assisted, the sisters were taken to Pakistan by their mother. One was forced into marriage and another was due to marry before they escaped and were repatriated back to the UK. The family were known to social services before the sisters left for Pakistan as the mother had been abusive. One sister had been taken into care, but when the mother persuaded her to return home, the social worker told the sister not to marry when she goes overseas. Although the social worker was concerned about the possibility of forced marriage, she took no action to prevent the sisters from being taken aboard. She could have placed them into care and/or taken out a forced marriage protection order.

Women with children also often afraid to turn to social services for support if they fear their children would be taken into care or given to the abusive father or family member. Raneem minimised domestic abuse to social services for fear of increasing risk of abuse and losing her children, and did not receive a safeguarding or supportive response to tackle domestic abuse or HBA. There is a need to end the approach where women are blamed for failing to protect their children in a context of domestic abuse and HBA. Mothers are often aware that disclosure of abuse or attempts to stop it or leave the perpetrator could increase risks to themselves and their children, and social services should build trust and support her to reduce risk by safety planning with the help of specialist services. Thus increasing women's confidence and options to escaping abuse. In other cases, women have been encouraged to use 'couple counselling' by social services, which amount to mediation and reconciliation practices and undermine the safety of the victim. This often occurs in relation to women in minority communities. Migrant victims with NRPF also often do not receive the support they need with safe housing and subsistence. They are deterred from seeking help as social services threaten to take their children into care or return them to an abusive father rather than accommodate the mother and her children together.

Overall, the implementation of best practice, training and the law continues to be problematic. This is partly because of lack of recourses (in a context of ten years of austerity and the current recession) and partly due to a need for institutional and cultural change within agencies – a problem highlighted by the recent exposure of institutionalised intersectional discrimination and a culture of racism and misogyny in the police force following the cases of Sarah Everard, Bibaa Henry and Nicole Smallman. There is a need for stronger accountability mechanisms with regular inspections and enforcement. This will help to tackle current failures by agencies and build trust and confidence in the system among BEM and migrant women.

We recommend:

- 8. Improvements in the identification, risk assessment, data recording and management systems, early intervention, investigation, safeguarding and training on HBA in all agencies, especially the police and social services.**
- 9. Regular inspection and implementation of the law, and statutory and best practice guidance with stronger accountability mechanisms, and sanctions for institutions and individuals who breach them or found guilty of misconduct.**
- 10. Better vetting and recruitment procedures and policies, and registration with professional standards kitemarks for institutions and professionals.**

²¹ ibid

11. **Changes in policies and cultures which blame victims for domestic abuse or HBA and for ‘failing’ to protect their children.**
12. **Ensure that social services safeguard and support migrant mothers with NRPF and their children with the aim of keeping them together.**
13. **Harmful practices are recognised as ‘child abuse’ by social services requiring safeguarding measures for the victim.**
14. **More resources for services and law enforcement.**

The law and sentencing

Banas’ Law: It is proposed that the proposed Victims’ Bill should introduce a Banaz’s Law - a new offence and/or sentencing reform that regards cultural defences based on justifications of ‘honour’ or other misogynistic cultural or religious norms in cases of gender based violence, including murder and suicide.²² It would make a significant difference to tackling VAWG crimes and increasing confidence in the criminal justice system among BEM victims. Although in their evidence to the WEC on 11 Jan 2023, the CPS said this has been prevented in known criminal cases, it is difficult for the CPS to say in how many cases it has been attempted or successful, particularly if it was an implicit influence. Moreover, the law can be extended to family/civil law to prevent justifications, for instance, to grant child contact or residency to an abusive parent on the grounds it upholds conservative traditions which may cause significant harm to children.

Banaz’s law is named in honour of memory of Banaz Mahmod, and was originally proposed by Dr Hannana Siddiqui and supported by Banaz’s sister, Bekhal Mahmod.²³ Before their convictions, the killers boasted about the rape and murder of Banaz, and were hailed as heroes in the Iraqi Kurdish community in the UK and overseas. They were celebrated for having ‘restored’ the honour of the family and community. The uncle, who is a powerful community leader and who instigated the crime, and others also said they had no shame, as they had ‘done justice’. The police estimate there were 50 men who were involved in the conspiracy. They explicitly justified their actions as legitimate in the community, and although the killers denied the murder in the criminal courts, they implicitly set about influencing the juries’ verdict and the judge’s sentencing decision by creating a context when it would be culturally insensitive of them to not to perceive their honour motive as mitigation.

Our experience shows the fear of not respecting cultural difference is an underlying factor in non-intervention such as criminal cases which are dropped or labelled as ‘no crime’. Also, some ‘honour’ killings are not brought to justice due to conspiracies to cover up or where murder is staged as an accident or suicide, which the police often do not fully investigate. In transnational cases, British victims are killed overseas and even perpetrators who normally live in the UK escape justice.²⁴ In all

²² *ibid*

²³ See: Siddiqui, H. and Mahmod, B. (2021) ‘Far and Beyond: addressing failures in state and community protection and accountability in the ‘honour’ killing of Banaz Mahmod’, *Progressive Review*, Institute of Public Policy and Research, Volume 27 (4), Spring 2021; and Mahmod, B. and Siddiqui, H. (2022) *No Safe Place*, Ad Lib Publishers.

²⁴ Monckton Smith, J., Siddiqui, H., Haile, S. and Sandham, A. (2022) *Building a temporal sequence for developing prevention strategies, risk assessment, and perpetrator interventions in domestic abuse related suicide, honour killing, and intimate partner homicide*. Home Office research paper. Online:

these type of cases, bereaved family and friends seeking justice and as victims often feel unsupported by the UK criminal justice and Inquest system, and the Foreign, Commonwealth and Development Office (FCDO).

More widely, the problem of cultural justifications is common and acceptable or tolerated by many in BEM communities and in agencies. Furthermore, cultural reasons for VAWG based on the misogynistic assumption that women are men's property and should be controlled by them through gender based violence is prevalent in all communities. These norms need to be addressed in order to challenge perpetrator's attitude and behaviour and to hold them accountable in the criminal justice system.

Suicide and staged murder cases: Other areas of law and policy which require attention is the need to address suicide and self-harm driven by abuse,²⁵ which are disproportionately high among South Asian women, including honour related suicide and self-harm;²⁶ and murders which may be staged as suicide or accidents. These include those committed overseas.

Transnational cases: In transnational cases, the honour killing of Surjit Kaur Athwal's case illustrate the failures of the British police and the Foreign Office in assisting her bereaved family to obtain justice. Surjit, a British national, was killed in 1998 while visiting India after she said she wanted a divorce from her abusive husband. She had been deceived into going to India to a family wedding where her husband's relatives murdered her in a plot devised by her husband and mother-in-law, who lived in the UK and convicted of her murder in this country 9 years later. No one in India has been charged with the murder.

Surjit's own family initially received no help from the British police, who said they could not investigate a crime that took place abroad, and although the Foreign Office expressed sympathy, they could not do much to make the Indian police or government act. The convictions in the case only occurred years later when it was re-opened as a cold case by a committed detective, new evidence from a vulnerable witness living in the UK and on-going pressure from the family and SBS. This case shows the complications in transnational cases of HBA, which need to be addressed if victims are to be protected and justice served. Surjit's family felt that they had been subjected to racial discrimination as they received little support from the British police and the Foreign Office when compared to the families of white British nationals killed or in trouble overseas.

SBS have continued to work on transnational cases, including that of Seeta Kaur, who her family believed was killed in 2015 for refusing to hand over her son to her husband's brother and his wife so that they would have a male heir – which is also a matter of family honour. An international dimension is common in many HBA related cases of forced marriage, FGM, dowry related abuse, domestic abuse, child abduction and wife abandonment. More need to be done in transnational

<https://eprints.glos.ac.uk/10579/> University of Gloucestershire.

²⁵ One study found suicide rates among South Asian women to be three times that of women generally; and other studies also found higher rates of suicide attempts, suicide ideation and self-harm. Research by SBS also found high rates among BEM women facing abuse. See: Siddiqui, H. and Patel, M. (2010) *Safe and Sane: A Model of Intervention on Domestic Violence and Mental Health, Suicide and Self-harm Amongst Black and Minority Ethnic Women*, London: Southall Black Sisters Trust.

²⁶ Monckton Smith, J., Siddiqui, H., Haile, S. and Sandham, A. (2022) *Building a temporal sequence for developing prevention strategies, risk assessment, and perpetrator interventions in domestic abuse related suicide, honour killing, and intimate partner homicide*. Home Office research paper. Online: <https://eprints.glos.ac.uk/10579/> University of Gloucestershire.

cases to improve the British state response to victims of HBA who may be subjected to abuses while overseas, often after being deceived or pressured into travelling. Although extraterritorial jurisdiction apply in some crimes such as those on forced marriage and FGM (and homicide, which is subject to CPS discretion), the right to protection and justice to those suffering from many other types of HBA when abroad is unclear or non-existent, especially as there is a reservation on Article 44 of the Istanbul Convention. This Article requires the UK to be able to prosecute criminal conduct set out in the Istanbul Convention when that conduct is committed outside the UK by a UK national or a person who is habitually resident in the UK.

We recommend:

- 15. Introduce Banaz's Law and strengthen sentencing guidance on HBA, which will:**
 - a. Prevent the use of honour or other misogynous cultural or religious justifications for VAWG in the criminal justice system as it would be regarded as an offence or an aggravating factor in sentencing.**
 - b. In the family/civil justice system, the law can be used to prevent the justifications for harmful practices in the name of culture and religion.**
 - c. Help to change norms and values within BEM communities, encouraging victims to come forward to the police and other agencies for help.**
 - d. Prevent non-intervention by the police and other agencies for fear of being culturally or religiously insensitive, and instead providing support and protection to victims.**
- 16. Cases of British victims (British nationals and those resident in the UK) killed or harmed overseas should be fully investigated by the British police. Perpetrators who are British nationals or habitually resident in the UK should be prosecuted in the UK. This includes removing the reservation on Article 44 of the Istanbul Convention.**
- 17. Accidents and suicides should be fully investigated by the police where there is a history of domestic abuse or HBA. Suicide driven by abuse should be treated as a crime or introduced as a new offence. Bereaved victims should also be entitled to non-means tested legal aid for Inquest cases.**
- 18. Bereaved victims should be fully supported by the British police (and the Foreign Office if the crime takes place abroad), including by providing police family liaison (and Consular in overseas cases) support.**
- 19. Establish a independent public inquiry on femicide, incorporating domestic homicide, honour killings and suicide.**

Migrant victims

Although the Government often states migrant victims of domestic abuse are ‘victims first and foremost’, this policy is contradicted by the policy on the ‘hostile environment’. Migrant victims of abuse face a stark choice between domestic abuse (and HBA) and deportation and destitution due to their insecure immigration status and the NRPf requirement. Also due to a lack of safe reporting mechanisms when reporting abuse or seeking help from the police for fear of being deported as a result of data sharing with Immigration Enforcement. Some victims are also unable to regularise their stay in the UK due to ineligibility to legal aid, while others find it difficult to obtain full refugee status for asylum seeking women facing gendered related persecution such as HBA.

The DVILR and DDVC Model: last year, 2022, marked 30 years of campaigning led by SBS to reform immigration and NRPf law for victims of domestic abuse. The year also marks the anniversaries of two major reforms achieved by the campaign. These were 20th anniversary of DVILR 2002 and 10th anniversary of the introduction of DDVC in 2012.

Over the years, these reforms have assisted thousands of victims to escape domestic abuse, including from HBA.²⁷ It is widely praised by service providers. International research also suggests that the DVILR and DDVC model is the best in the world.²⁸ The model encourages victims to come forward and seek help as it gives both status and support, and there is no evidence of abuse of the immigration system.

However, women on non-spousal/partner visas with NRPf and undocumented women are not eligible for the DVILR and the DDVC. They continue to face a stark choice between domestic abuse or deportation and destitution. Many are unable to even enter a women’s refuge as they cannot pay their rent or living costs as they are not eligible for housing or other social security benefits. Women and their children are vulnerable to homelessness and exploitation; and can be locked in new dangerous situations or driven back to abusive relationships.²⁹

In response to SBS’ amendments to extend the DVILR and DDVC to all migrant victims introduced to the Domestic Abuse Bill, which had cross-party support and that of the Domestic Abuse Commissioner, the Government instead agreed to introduce the SMV pilot scheme for women with NRPf facing domestic abuse. The Government said that it needed more evidence before it could introduce any policy change. This is despite the fact that they had supported a previous pilot scheme run by SBS and funded by the Tampon Tax Fund (TTF). That TTF pilot was subject to an independent evaluation and had recommended the extension of the current model.³⁰

²⁷ Southall Black Sisters, 2020, Domestic Abuse Bill and Migrant Women, Briefing Paper 2. Accessible at: <https://southallblacksisters.org.uk/wp-content/uploads/2021/01/DA-Bill-Briefing-Paper-2.pdf>

²⁸ Some of this information has been provided by the SEREDA Project. See: <https://www.birmingham.ac.uk/research/superdiversity-institute/sereda/index.aspx>

²⁹ Southall Black Sisters, 2020, Domestic Abuse Bill and Migrant Women, Briefing Paper 2. Accessible at: <https://southallblacksisters.org.uk/wp-content/uploads/2021/01/DA-Bill-Briefing-Paper-2.pdf>

³⁰ Thiara, R.K, 2020, Safe and Secure; The No Recourse Fund. Report of Findings, Southall Black Sisters. Accessible at: <https://southallblacksisters.org.uk/news/safe-and-secure-the-no-recourse-fund-report-of-findings/>

The SMV Pilot: The SMV pilot is being delivered by SBS in a UK wide partnership. It began in April 2021, and has been extended into its second year and is due to end in March 2023. The pilot pays towards victim's rent and subsistence for a period of up to 12 weeks to enable them to escape abuse and access legal advice to regularise their status and other holistic support. In the first year, the pilot assisted about 400 victims and their children. In year two, we expect the numbers to be higher, but we are concerned that many on non-spousal/partner visas and undocumented victims have not come forward as it does not also give them the right to settlement.

An independent evaluation report funded by the Home Office has been produced, but remains unpublished. SBS has also commissioned an evaluation by the London Metropolitan University,³¹ which will be published soon. The findings of the latter evaluation show that providing financial assistance is a vital safety net, but victims do need more money for longer as the current rates are below those for Universal Credit, despite a recent rise to deal with the cost-of-living crisis. Many are still unable to access a refuge in areas where there are high rents, and instead women and children are housed in unsuitable accommodation such as bed and breakfast or hotels. Also, some refuges are reluctant to accept referrals if funding is only available for a short period, particularly in complex spousal/partner, non-spousal/partner visa and undocumented cases which may take some time to resolve. This evaluation is also likely to recommend an extension to the DVILR and the DDVC to protect all migrant victims. In December 2022, the Domestic Abuse Commissioner (DAC) also published a report which supported the extension of the DVILR and the DDVC which produced major cost benefits with social gains worth of 4.0 in year one, rising to 4.3 (over £2 billion) over 10 years.³²

Firewall on data sharing: Many migrant victims do not report abuse to the police for fear of their data being shared with Immigration Enforcement.³³ This denies safety to victims and gives impunity to perpetrators. This data sharing policy was subject to a successful super complaint by Liberty and SBS³⁴ where three independent police watchdogs found that in domestic abuse cases, this type of data sharing did not constitute safeguarding. The watchdogs recommended an immediate end to data sharing and a review of the scheme with the aim of "establishing safe reporting pathways, informed by the realities of victims' experiences, that reflect existing laws on everyone's right to data protection". The recommendation for a firewall was also supported by the Justice Committee in 2022.³⁵

³¹ The report is being produced by Sukhwant Dhaliwal and Liz Kelly from the Child and Women Abuse Studies Unit at the University.

³² <https://domesticabusecommissioner.uk/wp-content/uploads/2022/12/Safety-before-status-The-Solutions.pdf>

³³ McIlwaine, C. et. al.(2019) The Right to be Believed Migrant women facing Violence Against Women and Girls (VAWG) in the 'hostile immigration environment' in London. [Online]: Available from: <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>

³⁴ <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/>

³⁵ <https://committees.parliament.uk/publications/28831/documents/174248/default/>

To improve reporting and support to victims, we support the Step Up Migrant Women UK campaign led by the Latin American Women's Rights Service (LAWRS) calling for a firewall between agencies and Immigration Enforcement, and to have a policy of referring victims to specialist services as well as an end to the hostile environment towards migrants. We are extremely disappointed that the Home Office review on the current policy, published in December 2021,³⁶ ignores the watchdog's findings and argues that data sharing is essential to protecting victims. In January 2023, it also rejected the Justice Committee recommendation for a firewall.³⁷

The Government has rejected the sector's call for a complete firewall. Instead, it proposes to establish an Immigration Enforcement Migrant Victims Protocol to prevent immigration enforcement action while criminal proceedings are pending and the victim is being supported. We do not think such a protocol will reassure migrant victims and encourage them to report crime to the police. Indeed, we believe this institutionalise the practice of data sharing between the police and Immigration Enforcement, and race and gender discrimination within the police force against migrant victims of abuse. As a result, we are not co-operating with the development of the Protocol and continue to call for a complete firewall. Our views are outlined in the joint response to the Home Office review coordinated by LAWRS.³⁸ We would also argue that as Immigration Enforcement does not have a safeguarding function but that of immigration control, all agencies should have a firewall to prevent personal data sharing with Immigration Enforcement to encourage migrant victims to seek protection from abuse.

We would also add that lack of a complete firewall will also undermine the effectiveness of any long-term solution following the SMV pilot for those with NRPF. Victims are unlikely to be encouraged to come forward and access safe housing and financial support if they fear that the police or other agencies will report them to Immigration Enforcement where they may be liable for deportation after an initial period of support. In addition, although we welcome the ratification of the Istanbul Convention, we remain concerned that the reservation on residency rights for those subjected to abuse by a spouse or partner under Article 59 would limit or prevent the extension of the DVLR and the DDVC to all migrant victims such as those on non-spousal visas and undocumented victims. Without right to residency or a firewall, many migrant victims will not use the criminal justice system for protection or access housing and welfare support.

Transnational abandonment: Transnational marriage abandonment is a form of domestic abuse, and is an instrument of controlling or disposing of non-complaint wives whose behaviour can bring dishonour. It involves vulnerable migrant women being deliberately removed from the protections of this country and discarded abroad as if they are disposable commodities. Abandonment denies women access to justice and is a violation of their dignity and human rights.

Many South Asian women, in particular, contact SBS with appalling accounts of abuse and abandonment. The practice involves abusive British national or British resident husbands deliberately disposing of unwanted brides in their countries of origin – where they are often at risk of HBA, violence, exploitation, poverty, destitution and social stigma. Sometimes women are cruelly

³⁶ <https://www.gov.uk/government/publications/review-of-data-sharing-migrant-victims-and-witnesses-of-crime/review-of-data-sharing-migrant-victims-and-witnesses-of-crime-accessible-version>

³⁷ <https://committees.parliament.uk/publications/33610/documents/183133/default/>

³⁸ See https://lawrs.org.uk/wp-content/uploads/2022/02/Joint-Response-to-Home-Office-Review_data-sharing.pdf

separated from their children; others are abandoned with their children in situations of near destitution. The University of Lincoln published vital research in 2016 which highlighted the scale of the problem and the devastating consequences for women.³⁹

As a result of our campaigning, marriage abandonment was included for the first time in the definition of domestic abuse in family law guidance in the revised Practice Direction 12J.⁴⁰ However, those with an insecure immigration status continue to have difficulties in re-entering Britain if their visa expires or is revoked while they are overseas. Also, they cannot apply for the DVILR from outside of the UK. Women are not even able to come to the UK to resolve family or other legal matters, or make an application for the DVILR and the DDVC to which they would have normally have been entitled to if it was not for the overseas abandonment.

SBS had formed a subgroup to work with the Home Office to increase understanding of this form of abuse amongst immigration officials and to reduce the opportunities for perpetrators to use the immigration system to abuse and abandon women with impunity. However, these meetings stalled. The Home Office failed to work with SBS and immigration lawyers to find solutions to the practice of marriage abandonment, which is resulting in a discriminatory response to abused migrant women with unsettled status.

However, on 14 October 2022, the High court found that by treating victims of domestic violence differently depending on whether or not they are in the United Kingdom, victims of transnational marriage abandonment are being unlawfully discriminated against under article 14 of the ECHR and Article 8 of the Human Rights Act 1998.

This case also highlights the need to stop the proposed abolition of the Human Rights Act 1998 and its replacement with a Bill of Rights with watered down human rights protections. The Human Rights Act was critical in achieving justice in this and other cases like those of Banaz Mahmood, Raneem Oudeh and Khaola Saleem.

We recommend:

- 20. Lift the NRPF condition by extending the DVILR and DDVC to all migrant victims of abuse.**
- 21. Establishing a full 'firewall' between the police and Immigration Enforcement**
- 22. Remove the reservation on Article 59 of the Istanbul Convention.**
- 23. Ensure gender related persecution is fully recognised as a ground for asylum in the UK and implemented effectively.**
- 24. Implement the High Court ruling on transnational abandonment by allowing abandoned wives to return to the UK and apply for the DVILR and DDVC.**
- 25. Stop the abolition of the Human Rights Act 1998.**

³⁹

https://eprints.lincoln.ac.uk/id/eprint/20091/7/20091%20Anitha%20et%20al_2016_Disposable%20women.pdf

⁴⁰ https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12j

26. Provide full legal aid for immigration cases.

Service provision

SBS are extremely disappointed that there is no duty to fund community based services or a central ring fenced funding stream for historically under-funded specialist 'by and for' BEM women's organisations to support victims in BEM and migrant communities. Yet it is these services which tend to be community based, and provide frontline, often holistic services for victims not available in the wider community or by the state. BEM women's services, for instance, give women alternatives to mediation and reconciliation or religious arbitration and help victims to access the criminal justice and other legal and welfare systems by overcoming a number of barriers, including language, isolation, lack of knowledge, racism, gender inequality, and fears of deportation and destitution. Victims of HBA themselves often describe these services as the most accessible and supportive, and as their 'home' and 'family', particularly as many are disowned by their own communities if they challenge abuse and for bringing 'shame' and 'dishonour'. These services may be in the form of refuge or community based centres, and while both are welcome, it is the latter which tend to support larger numbers and have fewer sources of funding. They also need more provision which meet the specific needs of young women and girls as they are the largest group facing HBA.

In 2021, Imkaan argued that there was a funding shortfall of 39% for the BEM VAWG sector, and that over £97 million was needed annually to fill the gap.⁴¹ The Government have acknowledged the need for specialist tailored holistic VAWG services, including for BEM women and girls. However, in 2021, they only topped up a tokenistic £2 million Specialist Fund for smaller 'by and for' organisations for those with different ethnic backgrounds, disabled victims and those who are LGBT.⁴² In 2022, the Government announced more funding and measures to tackle domestic abuse in the *Domestic Abuse Plan*, and launched a competition for £3 million per year for two years of funding for specialist 'by and for' services. However, there is still no commitment for a central funding stream or ringfenced money for specialist BME women's services to meet the full funding gap. Furthermore, while local commissioners are advised to consider funding holistic provision and specialist services for BME victims, there is no compulsion or sufficient financial resources to do so.⁴³ In addition to lack of funding, complex commissioning processes and restricted conditions or financial thresholds also prevent smaller specialist organisations to compete for the available funding with generic and larger providers.

⁴¹

https://static1.squarespace.com/static/5f7d9f4addc689717e6ea200/t/616fd074665a2d2349bde2a2/1634717812655/Imkaan+CSR+Ltr+Representation_Signed+30.9.21.pdf

⁴²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033934/Tackling_Violence_Against_Women_and_Girls_Strategy_-_July_2021.pdf

⁴³ See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1064571/National_Statement_of_Expectations_2022_Final.pdf and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1064572/VAWG_Commissioning_Toolkit_2022_Final.pdf

A report by the DAC on service provision found that there was a post code lottery of funding for specialist ‘by and for’ services. While survivors found these services to be the most effective, they were six times likely to receive no statutory funding compared to wider domestic abuse groups (even when they did receive this funding, it was smaller grants).⁴⁴

The effectiveness of holistic ‘by and for’ BEM women’s services have also been highlighted by SBS evaluation of own model of working. The SBS Holistic Model of Empowerment has evolved over 40 years, and is community based with holistic wrap-around provision including advocacy, financial support for those with NRPF from a last resort No Recourse Fund, access to safe housing, counselling, and support and educational services. The advocacy meets intersecting need in crisis situations and over the long-term. It addresses all risks and needs for BEM women such as those posed by an insecure immigration status, NRPF, culture and religion; and tailors the advocacy to ensure access to the whole legal and welfare system. SBS is in the process of writing its Model, which will be published soon.

We recommend:

- 27. A duty to fund community based services, including those for BEM and migrant women experiencing HBA.**
- 28. More service provision need to be funded and tailored to the needs of young women and girls facing HBA, such as refuges or safe houses for young women.**
- 29. At least £97m annually to be provided in 3-5 multiple year central government ring fenced funding for specialist ‘by and for’ BEM led women’s VAWG services paid directly to these services and not via local government or other commissioners. Funding should be grants and needs based with simpler processes and fairer criteria, which includes that the ‘by and for’ service have a track record and expertise in providing VAWG services within a human rights framework.**
- 30. Each local authority area with a high BEM population must provide a sustainable, fully funded holistic community based BEM women’s VAWG service based on the SBS Holistic Model of Empowerment.**

January 2023

⁴⁴ https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Suvivors_Long-Policy-Report_Nov2022_FA.pdf