

# LIFE OR DEATH?

**Preventing Domestic Homicides  
and Suicides of Black and  
Minoritised Women**

November 2023



*imkaan*

Funded by the Baring Foundation

# Index

<b>Introduction and context</b>	<b>4</b>
<b>Chapter 1: Key themes underlying homicide cases</b>	
<b>Introduction</b>	<b>9</b>
<b>Section A – barriers to reporting</b>	
Isolation and no access to support	12
Pressure from family and community	14
Fear of police and lack of trust in the police	16
Fear of losing children	18
Fear of information being shared with immigration enforcement	21
<b>Numbers in our dataset of Women’s disclosure to agencies</b>	<b>23</b>
<b>Statistics on levels of reporting by Black and minoritised women to police</b>	<b>25</b>
<b>Section B – failings by state agencies and other professionals</b>	
Accepting the perpetrators’ narrative when he has better English	27
Disbelieving women’s accounts of abuse	29
Lack of cultural competence	31
Racial stereotypes and tropes	33
No Recourse to Public Funds	37
Identifying ‘honour-based’ abuse and recognising the risks it poses	39
Survivors of abuse criminalised as a result of counter-allegations	43
Failures by GPs and other medical professionals	44
Use of interpreters	46
Failure to use professional interpreters	48
Male interpreters	50
Inadequate interpreting	51
Using women’s support workers as interpreters	51
Delays caused by use of interpreters	52
Wider literature	54
<b>Chapter 2: The role of ‘by and for’ services for Black and minoritised women</b>	
<b>Illustrating the need for ‘by and for’ services</b>	<b>55</b>
<b>Numbers in our dataset on access to support services</b>	<b>57</b>
<b>Engagement with Black and minoritised survivors</b>	<b>60</b>
<b>Risk assessments by ‘by and for’ services</b>	<b>61</b>
<b>The broader picture for the ‘by and for’ sector in the UK</b>	<b>64</b>

## Chapter 3: The post-death investigation processes

Numbers in our dataset on use of 'cultural experts' by DHR panels	66
The importance of input from 'by and for' organisations in DHRs	70
Carrying out the 'cultural expert' role	72
Comparison of DHRs and IOPC investigations with inquests	73

## Chapter 4: Women's suicides in the context of domestic abuse

Similarity between issues in homicides and suicides	78
The need for research on domestic abuse suicides of Black and minoritised women	80
Post-death investigations following suicides of Black and minoritised women	83

## Chapter 5: Abused women who kill their abuser 85

## Chapter 6: Recommendations 88

## Annexes

Annex 1: Participants in the research	95
Annex 2: Methodology	97
Annex 3: Data on prevalence of homicides and suicides of Black and minoritised women	100
Annex 4: Data-sharing with immigration enforcement	105
Annex 5: No Recourse to Public Funds	107
Annex 6: 'Honour-based' abuse	109
Annex 7: Sustainability of the 'by and for' sector	120
Annex 8: Legal analysis	125



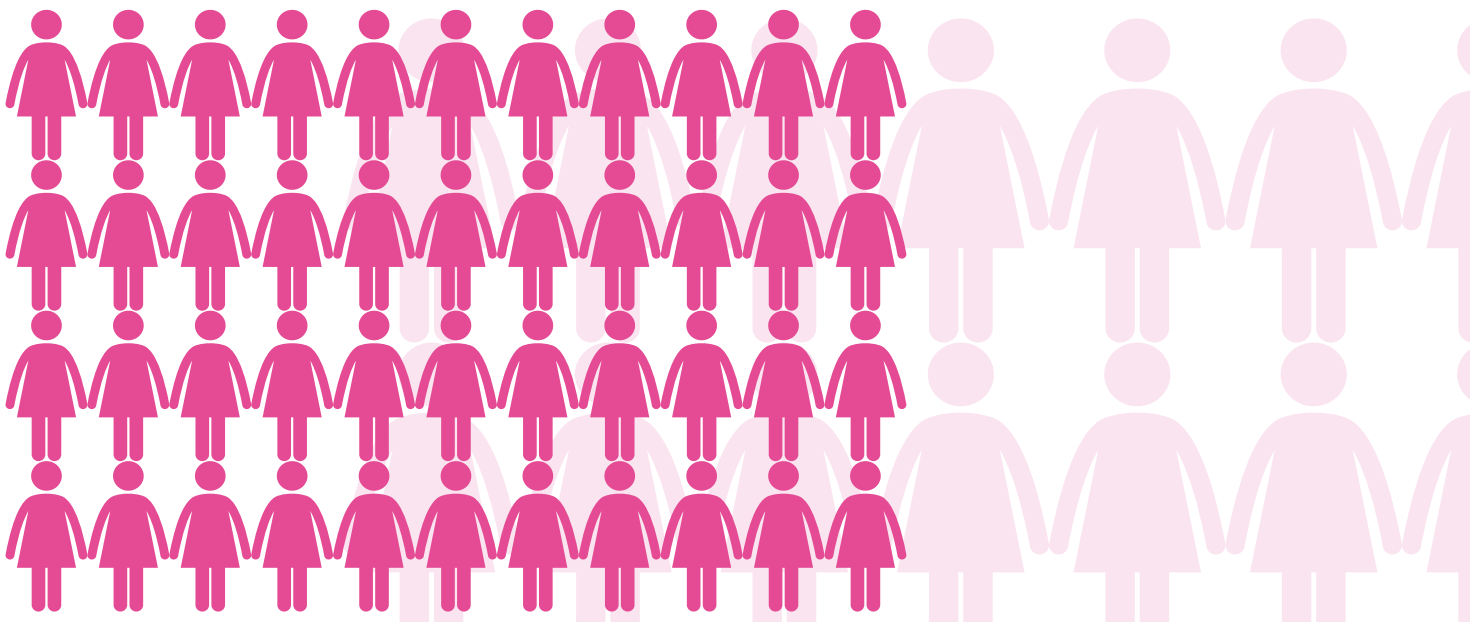
Black and minoritised women are not getting the support and protections they need: this can be a matter of life or death

# Introduction and context

This report was created through a partnership project between Imkaan and the Centre for Women's Justice (see [Annex 1](#) for details of these organisations and other participants in the research).

This research examines the obstacles faced by Black and minoritised women who lose their lives in domestic homicide and suicide in the context of domestic abuse. Whilst these women may face many of the same barriers and state failings as all other women experiencing domestic abuse, their deaths are bound up with many issues over and above those faced by white women. That is our focus here. Our findings reinforce issues highlighted in other research, and we also identify some new areas that have not been examined elsewhere, particularly the police response to Black and minoritised women.

Using primary evidence covering a period of 10 years, from 2013 to the present, to illustrate our key themes, we use case studies throughout so that the women's narratives can demonstrate vividly how the themes played out in their lives, and deaths. It is important to read the narratives alongside each theme. Almost all the case studies are based on post-death investigations in the public domain.<sup>1</sup> Recounting the women's narratives also enables us to remember and honour the personal tragedies behind the statistics. We identified 44 Black and minoritised women who died by domestic homicide or suicide in the context of domestic abuse, who came within our remit, please see [Annex 2](#) for our methodology.



1 Names used are the pseudonyms or letters used in DHR reports, or the deceased woman's real name where this is in the public domain. One case has a different pseudonym for additional privacy, and another is not yet in the public domain but the family of the deceased have kindly shared information from the completed DHR.

## Life or Death?

Preventing Domestic Homicides and Suicides of Black and Minoritised Women

5

# We start by counting the children of the 44 women in our dataset:

♀ 63 children lost their mothers.

♀ 9 adults lost their mothers, and 2 children lost their grandmother.

♀ 2 women were pregnant at the time of the killing, 1 baby was born by c-section and survived despite the mother's death.

♀ 5 killings were witnessed by the deceased woman's children. One girl was holding her mother's hand in the street when her mother was stabbed by her father, who ran off leaving her to watch her mother die. Two boys tried to restrain their father as he shot and killed their mother with a crossbow.

♀ A further 8 children in 5 different families were in the same house when their mother was killed, though it is not known whether they witnessed the attack, 1 school aged child found their mother's body.

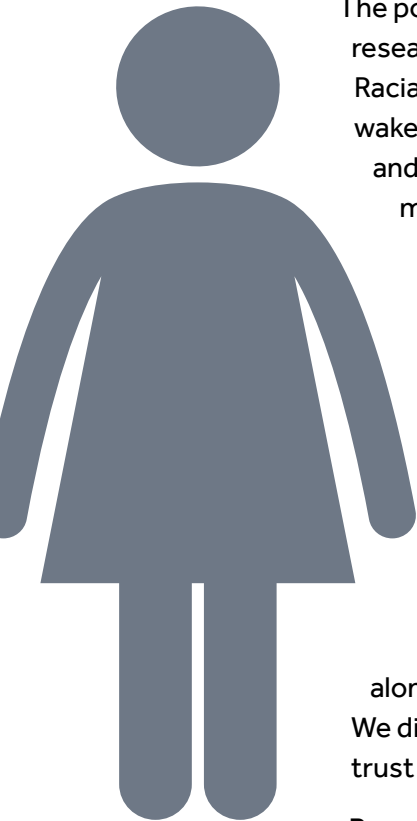
♀ 1 adult was on the phone to her mother whilst she was attacked and killed, along with her 2-year-old daughter.

This research uses a feminist intersectional analysis, recognising gendered and racialised norms as the social fabric in which the women lived and that contributed to their deaths. These are not isolated tragedies, they reflect social patterns, and the deaths are a lens through which to look at the wider response to violence against women and girls (VAWG), with these fatal cases the tip of the iceberg. The issues we identify impact a huge number of Black and minoritised women experiencing domestic abuse, any one of whom could end up as another fatality. Exploring these deaths also enables us to look at the lives of those women who never managed to disclose their abuse to any agencies or to access support services of any sorts. They are often the most isolated women and their experiences are left out of research.

The political context of this research, funded by the Barings Racial Justice Fund, set up in the wake of the killing of George Floyd and the Black Lives Matter movement, is important. The experiences of Black and minoritised women facing domestic abuse need to be part of the conversation about institutional racism, as noted as far back as 2008 by Jyoti Belur, who explored many of the same issues in the wake of the Stephen Lawrence inquiry.<sup>2</sup> Yet the debate on racism within the criminal justice system remains mostly silent on the under-protection of Black and minoritised women, which exists alongside the over-policing of Black and minoritised communities.<sup>3</sup> We discuss this in more detail in the section on fear of and lack of trust in the police.

By way of introduction, we note that a key question raised by our research cannot be answered, namely whether there are a disproportionately high number of domestic homicides of Black and minoritised women, as compared to such homicides in the general population. The data collected by a range of official bodies is not disaggregated in a way that enables these deaths to be identified (we set

**These are not isolated tragedies, they reflect social patterns, and the deaths are a lens through which to look at the wider response to violence against women and girls.**



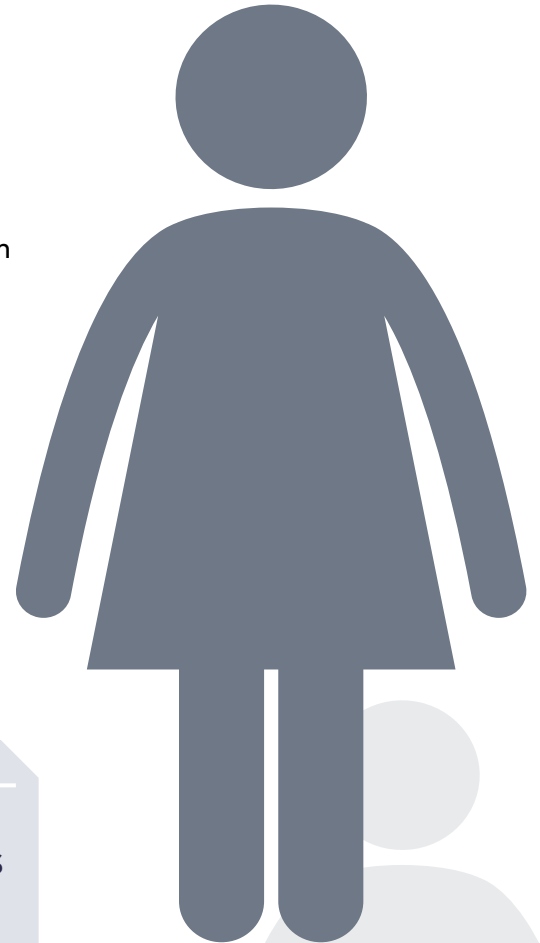
<sup>2</sup> Jyoti Belur 'Is policing domestic violence institutionally racist? A case study of south Asian women' *Policing and Society* [2008] Vol 18 issue 4, 426-444

<sup>3</sup> 'Political intersectionality' describes how Black and minoritised survivors are marginalised both within the women's movement and the anti-racist movement Crenshaw, K. (1991) 'Mapping the Margins: Intersectionality, Identity Politics and Violence against Women of Color.' *Stanford Law Review*, 43, pp. 1241-1245, cited in Interventions Alliance 'Domestic abuse in Black, Asian and minority ethnic groups' 23.3.21

out the reasons for this conclusion in [Annex 3](#)). This demonstrates a lack of policy interventions aimed at this issue, and that the Government is not able to meet its Public Sector Equality Duty (PSED)<sup>4</sup>. Serious gaps in police data collection on the ethnicity of victims-survivors in domestic abuse cases also means that many forces may be breaching their PSED.

Finally, it is important for us to place the issues in this research firmly within a human rights framework. The findings in this report engage the Equality Act, the European Convention on Human Rights, and a range of international law instruments ratified by the UK, where international bodies have issued comments and recommendations on these matters. These include, most importantly, the Istanbul Convention,<sup>5</sup> which was ratified by the UK in November 2022, also the UN Committee on the Elimination of Discrimination Against Women (CEDAW),<sup>6</sup> the Convention on the Elimination of All forms of Racial Discrimination (CERD),<sup>7</sup> and the UN Convention against Torture (UNCAT),<sup>8</sup> which recognises domestic violence as ill-treatment that states have responsibility to address.

We provide a detailed legal analysis of the relevant provisions in [Annex 8](#).



**Finally, it is important for us to place the issues in this research firmly within a human rights framework. The findings in this report engage the Equality Act, the European Convention on Human Rights, and a range of international law instruments ratified by the UK.**

4 Under section 149 Equality Act 2010, see [Annex 8](#) for detailed legal analysis. The Equality and Human Rights Commission technical guidance on the PSED states that “[a]dequate and accurate equality evidence, properly understood and analysed, is at the root of effective compliance with the general [PSED] duty. Without it, a body subject to the duty would be unlikely to be able to have due regard to its aims.”

5 Council of Europe Istanbul Convention on Action Against Violence Against Women and Domestic Violence

6 Ratified by the UK in 1986

7 Ratified by the UK in 1969

8 Ratified by the UK in 1988

# Definitions

## Black and minoritised women

We adopt the Imkaan definition of women whose herstories originate from Africa, Asia, the Caribbean and Latin America.

## 'By and for' organisations

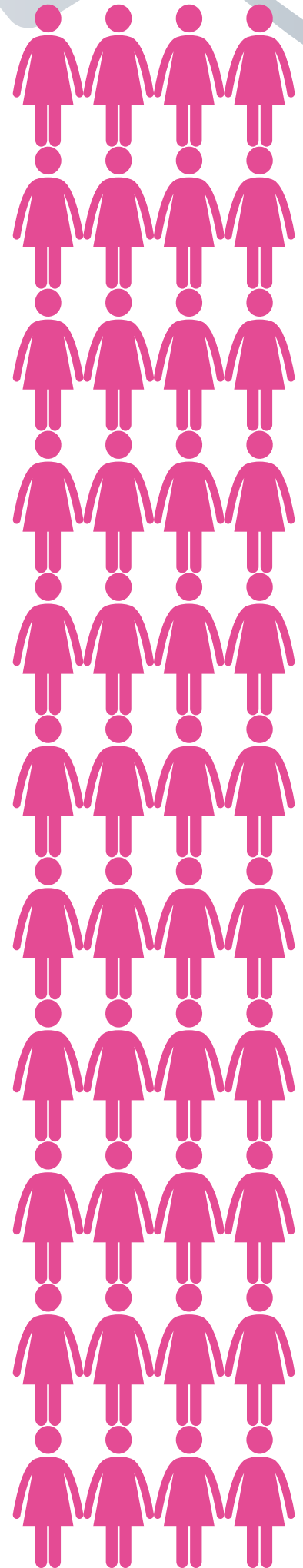
We use as shorthand the term 'by and for' organisations or services to refer to frontline women's support services set up and led and run by and for Black and minoritised women, but we recognise that there are many other kinds of 'by and for' services such as those supporting disabled women, LGBT+ and others.

## Culture

The terms 'culture' and/or 'cultural' are used throughout this report. We adopt Imkaan's understanding and framing of 'culture' in the context of VAWG. It is important to recognise that culture is not static but a fluid and dynamic phenomenon. Culture is often too narrowly defined by agencies to only consider ethnicity rather than the multiple cultures we inhabit in society (interpersonal, family, wider community, societal). Cultural contexts also differ based on many factors e.g., intergenerational differences.

This thinking leads to manifestations of VAWG within Black and minoritised communities being treated as cultural phenomena rather than symptoms of patriarchy and gender inequality (as with all other forms of gender-based violence). Excessive cultural framing creates the conducive context for weaponising racialised stereotypes and prejudice that view minoritised communities in terms of deficit ie. as more violent, backward, poorly educated, illiterate, lacking understanding of VAWG or seeing VAWG as an extension of 'culture'. In this way, we problematise the communities' women come from and this makes it easier for agencies to miss important indicators of violence, minimise risk and absolve themselves of their duty of care and responsibility for providing effective holistic, trauma informed support.

It is critical that 'culture' is not mis-used to reinforce racial pathologisation / harm against some communities.





# Chapter 1

## Key Themes Underlying Domestic Homicides

### Introduction

Black and minoritised women face the difficulties and state failings that all survivors of domestic abuse may face, along with additional obstacles that affect them specifically. We mention those broader failings where they form part of the narrative, but our focus is on understanding the issues that make the experiences of Black and minoritised women unique and different from those of white women. We also stress that Black and minoritised women have a wide range of backgrounds and experiences and that the themes we discuss affect some and not others. We recognise that generalisations can never do justice to the vastly different situations that different women face.

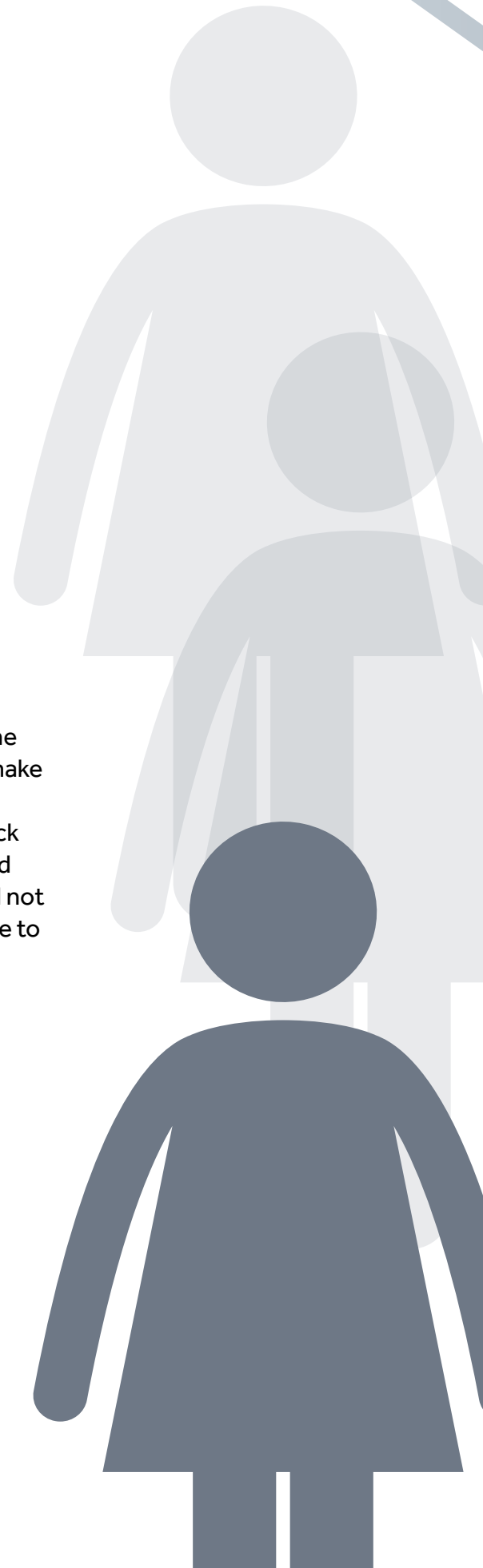
The themes in this chapter are divided into two categories:



**Section A – barriers to reporting to state agencies and professionals**



**Section B – failings by state agencies and other professionals**



Separating the issues into these two categories is artificial, done for the sake of clarity, as these categories operate alongside and continually reinforce one another. Some features that we discuss are two sides of the same coin. Many of the women's narratives include multiple features, but we have chosen to highlight one aspect in each narrative to illustrate the theme.

Barriers and state responses are intertwined. Many Black and minoritised women do not report abuse, however when women overcome significant barriers and do report, they can encounter failings by agencies which can deter or prevent them from reporting again. A feedback loop can result where women are reluctant to report because they fear they will not be taken seriously, or even disbelieved, and if they do then report it and encounter this response they withdraw from the process. This pattern is apparent in some of our case studies where women's reports were minimized or disbelieved, leaving them in high-risk situations up until their deaths, where they were unlikely to come forward again, see for example the narratives of Chantelle and N. If there is little understanding by police and other professionals of the barriers that women have had to overcome, and how reporting may be a last resort, then the quality of the response may be inadequate and attrition rates higher.

We are aware that looking at barriers to reporting creates a focus on 'help-seeking', which seems to put the onus on the women themselves. The purpose of this research is to shift the focus to the state and other agencies. However, it is important to understand the barriers and how pernicious they are, in order to address what state bodies and other agencies are doing, or not doing, and what they should be doing.

It is now widely acknowledged, even by policing bodies, that racism and misogyny flourish within the police.<sup>9</sup> Racism is insidious and not openly obvious most of the time. We look at how discriminatory attitudes, whether conscious or un-conscious, combined with the effects of myths and stereotypes about domestic abuse and VAWG generally, play out in the women's lives.

**It is now widely acknowledged, even by policing bodies, that racism and misogyny flourish within the police.**

<sup>9</sup> As acknowledged in the Casey Review (2023), The Independent Office of Police Conduct report into racist and sexist behaviour at Charing Cross Police Station (2022) and the Police Race Action Plan (2022)



Survivors of VAWG face unspoken assumptions by police officers that false allegations are common, and we know that 'victim credibility' is often at the heart of the police assessment of the strength of a case. Assessment of 'credibility' is an inherently subjective process that often includes some degree of an officer's gut instinct about who is reliable and who will be viewed as a 'good witness' by a jury; in short, who is worthy of belief. Such inherently subjective assessments can be influenced by hidden racialised assumptions, as well as by a lack of familiarity with a survivor's circumstances or way of speaking, when an assessment of her 'believability' is made. Disability and mental ill-health can also intersect with 'race' in 'credibility assessments', with in-built assumptions about the credibility of those labelled as mentally ill, or where there are communication barriers due to learning disabilities, neurodiversity and other language barriers. Women sometimes suffer multiple disadvantages in their dealings with state agencies and professionals.

We have based our themes on the insights into women's lives provided by staff from Imkaan member 'by and for' organisations in focus groups and training sessions.<sup>10</sup> We provide a case study from a post-death investigation to illustrate each theme.

We do not know what was in the minds of many of the women whilst they have lived with abuse, particularly those who had no contact with, or did not report abuse to any agencies before their deaths. The information in the narratives has been obtained during post-death investigations from family and friends, and sometimes from digital evidence, in order to shine some light on their thoughts and the barriers they faced. The material contained in the report reflect a snapshot of their lives, not their full stories.

**Assessment of 'credibility' is an inherently subjective process that often includes some degree of an officer's gut instinct about who is reliable and who will be viewed as a 'good witness' by a jury; in short, who is worthy of belief.**

<sup>10</sup> See our methodology in [Annex 2](#)

# Section A – Barriers to Reporting

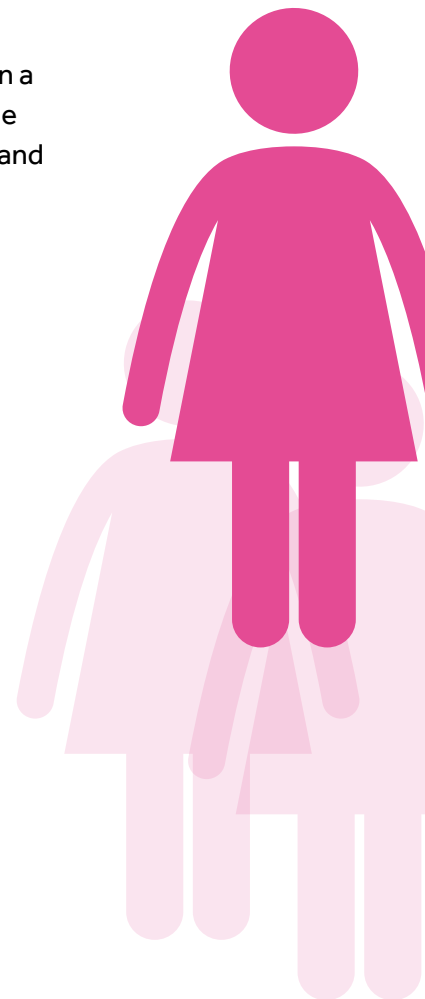
The enormity of the barriers to reporting is illustrated by the case of Mrs A in Leicestershire, where both she and her husband had moved from India. Her husband was convicted of murder and sentenced to life imprisonment. The sentencing judge stated that Mr A had purchased the murder weapon some weeks before he killed Mrs A, and that she was aware of the purchase and of the fact that it would be used to kill her. Yet she did not disclose or report abuse to any agencies.

## Isolation and no access to support

Some survivors are unable to or lack the opportunity to disclose abuse because they are so isolated, often within a pattern of coercive control. They are accompanied to medical and other appointments by their husband or in-laws, and even to places like shops. Language barriers and lack of wider networks, for example through employment, prevents them from accessing support, or being in situations where they can disclose abuse.

Sometimes professionals fail to see the need for an independent interpreter when a husband attends to interpret, and no consideration is given by professionals to the possibility of abuse, even when there are warning signs such as suicide attempts and injuries consistent with abuse. Women may be seen by male professionals and interpreters might also be male, making it simply impossible for many to disclose abuse, even if attending without their husbands and even if they can overcome language barriers.

Even support workers in Black and minoritised women's support services cannot easily reach women who they know are facing abuse. They often have to find opportunities to communicate with them in spaces which will not be viewed as suspicious by their husbands and families, such as school, or through cooking and other group activities at community centres. Many women are not aware of the existence of support services that are run by women from within their own communities and who speak their languages. Reporting direct to the police, without a support worker, in such situations may seem unthinkable. See Chapter 2 for more on how 'by and for' support services engage with survivors and carry out risk assessments.

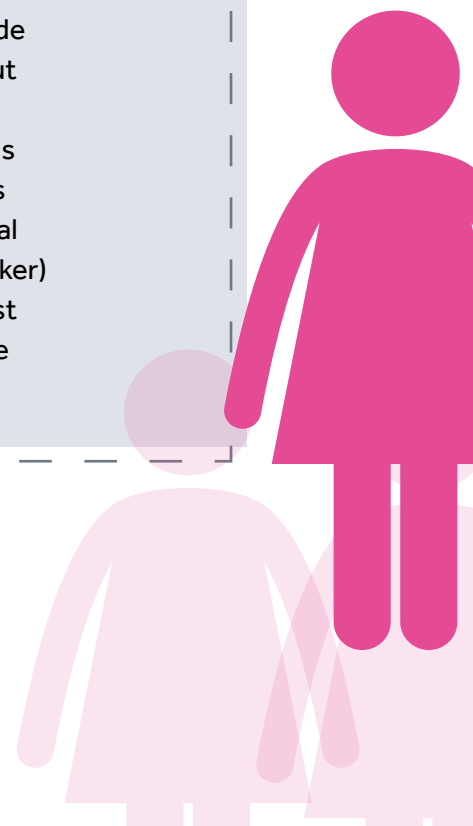


### Nadira (Newham)

Nadira lived in Newham, East London and was originally from Pakistan but had obtained British citizenship. She was 43 and had two children when she was killed by her husband, who was 21 years older than her, aged 64 when he carried out the killing. The DHR states that it was an arranged marriage and that his first wife is thought to have been poisoned by a family member in Pakistan. Nadira's immigration status in the UK was based on that of her husband. She did not access any support services before her death, and her only contact with agencies were with the GP and mental health services, but she did not disclose domestic abuse to either of them. The DHR states that she had limited English and was accompanied by her husband as interpreter to the majority of GP appointments. Some of her physical symptoms could have been associated with abuse, for example the DHR was told of an incident in the year before her death, in Pakistan, when she was hit around the head by her husband, and she reported a perforated eardrum to the GP.

In January of the year that she was killed (the DHR does not provide a date for the death) Nadira took an overdose of prescribed medication and was taken by ambulance to hospital. She was seen by the on-call psychiatrist and referred to the community mental health team. She received a first home visit the next day by a male nurse without an interpreter and was seen with her husband present. Nadira and her husband both reported that they had had an "argument" which triggered the overdose. She was discharged from the mental health team after 13 days, having expressed remorse for the suicide attempt. Although she was seen on her own at times, she was not asked about domestic abuse. The DHR states that an Urdu-speaking staff member was recommended but as none was available a Hindi-speaking support worker was assigned. However, the DHR does not state whether that support worker was present when Nadira was seen by the home treatment psychiatrist and mental health nurse, whether these various professionals (including the support worker) were male or female, and at which meetings her husband was present. Her last medical appointment before her death was with her GP in June when the note stated "seen with husband as doesn't speak English".

**She received a first home visit the next day by a male nurse without an interpreter and was seen with her husband present.**



### Pressure from family and community

Some Black and minoritised women face pressure from family and community not to report abuse, as this brings shame on the woman herself, on the perpetrator and on the extended family. They may also face acute cultural pressure to remain within a marriage whatever the cost is. Sometimes women are persuaded by their own family not to disclose abuse or made to feel that leaving their marriage is not an acceptable option.

Sometimes women report to the police, usually with the support of a 'by and for' service and find the strength and determination to leave abusive partners. However, if police action is significantly delayed it becomes very challenging to withstand the intense emotional pressure from family and community and women may be forced to withdraw from the criminal justice process. A refuge worker at an Imkaan member organisation described how some women arrive at the refuge full of anger, wanting to bring the abuse to an end, but as time goes by pressure from family sets in and their resolve weakens. If the police do not 'strike while the iron is hot' – and often there are lengthy delays of many weeks whilst they arrange interpreters – women may no longer feel able to engage with the criminal justice process.

This theme is woven into many of the women's lives in our dataset. The snippets of information available, after their deaths, about Idil and Fatou, who did not disclose their situation to anyone except a few close family members, illustrates the experiences of those women who never reached any agencies at all.

**If the police do not 'strike while the iron is hot' – and often there are lengthy delays of many weeks whilst they arrange interpreters – women may no longer feel able to engage with the criminal justice process.**

#### Idil (Bristol)

Idil was a young Somali woman, aged 22 when she was killed by her husband. She had married him in Ethiopia aged 15, he was older and they had a four year old daughter and Idil was pregnant. She didn't know him well at the time of the marriage, but they were from the same clan. Idil was then sponsored to come to the UK by her mother, who had refugee status, and she joined her mother, brother and four half-siblings to live in Bristol. Her husband came to the UK later. There were stresses reported in the marriage because Idil expected a degree of freedom and the flat where they lived was hers, whilst her husband was not allowed to work because of his immigration status.

Shortly before her death Idil disclosed to her cousin and her half-brother that her husband was violent towards her. That evening she told her cousin that he had grabbed her by the throat and hurt her, and her half-brother that she had seen a different side to him, that he had bruised her arm and tried to grab her neck. Her half-brother felt that she should show her husband more respect and her cousin asked that they should not tell the rest of the family about these incidents. Later that week Idil was stabbed to death by her husband. He stabbed her 10 times, after calling her and telling her to come home from her aunt's flat, in what the trial judge identified as a pre-meditated attack.

Idil had not reported abuse to any agencies due to cultural barriers. An expert appointed by the DHR panel to give specialist advice on the Somali community stated that traditionally a Somali woman would be reluctant to disclose personal information to anyone outside her wider family or clan, therefore it is unsurprising that agencies had such little information about her life.

**Her half-brother felt that she should show her husband more respect and her cousin asked that they should not tell the rest of the family about these incidents.**

### Fatou (Norfolk)

Fatou and her husband both came from Gambia. He stabbed her to death and then set the house on fire, killing himself. He was 21 years older than her, she was aged 35 and he 56 at the time of the deaths. He had Dutch citizenship and sponsored her to come to the UK after their marriage in Gambia. Fatou had a long series of six miscarriages and they then had three rounds of IVF which were unsuccessful. Fatou was extremely distressed and reported to a doctor that fertility problems were a very major concern in her culture. A further pregnancy and miscarriage followed. Following the death a note was found written by her husband blaming Fatou for deliberately causing the failed miscarriages.

Several years before the deaths Fatou had reported her husband for strangulation and he was arrested but CPS decided not to charge. Fatou's brother came to England for a visit and was aware that there were problems in the marriage. He told the DHR that she had tried to leave the marriage and had even moved out into a hotel for a while, but that culturally it was difficult for his sister to leave the marriage and she had returned to her husband. She did not share her fertility issues and he stated that culturally women would not speak to male family members about such matters. Fatou was trapped in her situation and isolation by cultural expectations.





### Fear of police and lack of trust in the police

Many Black and minoritised communities in the UK experience high levels of police racism and over-policing, excessive and disproportionate stop and search, and immigration enforcement and criminalisation particularly of men. Understandably, for women this creates a deep distrust and fear of the police, partly based on the experience of men and boys in their lives and wider communities. Disproportionate over-policing and surveillance is widely discussed in public debate, particularly for African-Caribbean and Muslim communities, along with the impact that fear of and direct experiences of police racism has on the relationship between communities and the police.

What is often invisible is the effect that the culture of fear and distrust of the police has on Black and minoritised women's access to protection if they experience domestic abuse. The National Police Chiefs Council's Police Race Action Plan<sup>11</sup> (published in 2022 in response to the Black Lives Matter movement), which explicitly admits the impact of racist attitudes on policing, addresses only the policing of suspects and there is no mention of how racist attitudes might affect victims and survivors of domestic abuse. Similarly, the Lammy Review<sup>12</sup> which investigated 'race' in the criminal justice system, looked only at defendants within the system, and did not give any thought to the impact on victims-survivors of abuse. Policing places 'race' and 'gender' in separate boxes, with no recognition of how they intersect and the impact of institutional racism on Black and minoritised women. Similarly, the anti-racism movement, understandably focuses on over-policing of Black communities, but the related under-protection of women is not made visible.

Staff at Imkaan member organisations also report that some migrant women fear the police because of the way the police are viewed in their countries of origin. They refer to negative experiences – corruption and violence – they had before coming to the UK, leaving them with a strong view about the futility of reporting.

**What is often invisible is the effect that the culture of fear and distrust of the police has on Black and minoritised women's access to protection if they experience domestic abuse.**

11 <https://www.npcc.police.uk/SysSiteAssets/media/downloads/our-work/race-action-plan/police-race-action-plan-improving-policing-for-black-people.pdf>

12 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/643001/lammy-review-final-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf)





The act of approaching the police for protection can mean overcoming enormous barriers for some Black and minoritised women, but there is no recognition by officers that this very act shows the level of desperation and fear that a woman is facing, that this for her is a last resort. Officers fail to recognise the levels of risk and the seriousness of the situations that women are in. Linked to this is the possibility that racist assumptions and views feed into officers' assessment of the woman herself – this is discussed below in Section B on state failings and credibility assessments.

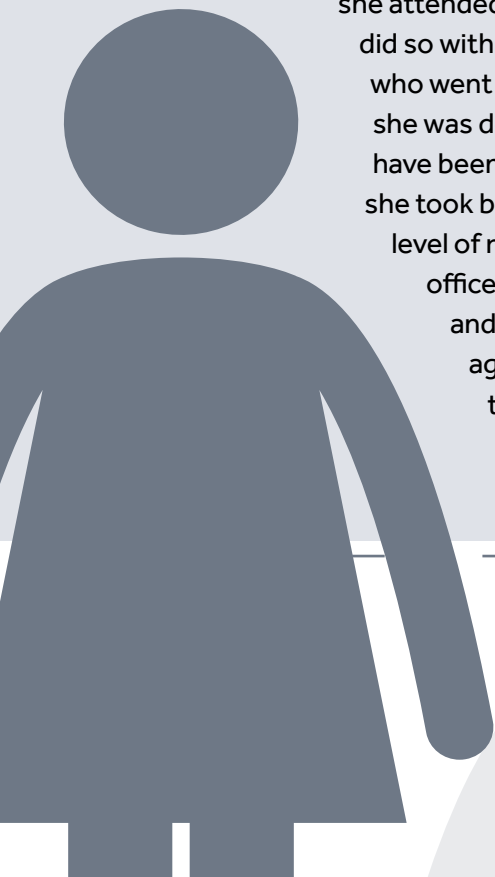
**The act of approaching the police for protection can mean overcoming enormous barriers for some Black and minoritised women.**

### Chantelle

Chantelle was a British woman of African-Caribbean heritage living in London who was killed by her partner after reporting death threats to the police. She was reluctant to report her African-Caribbean partner to the police for a range of reasons including racism, and discrimination. She also believed that if she approached the police this would lead to deportation action being taken against him, and that he would blame her for

this. She was clearly extremely anxious when she attended the police station, and she only did so with the support of a male friend who went with her and reassured her that she was doing the right thing. This must have been a big step for her to take, which she took because she was aware of the level of risk she faced. However, the officer she saw minimised her report and she did not approach the police again. Not a single action was taken by the police on the case before she was killed by her partner several weeks later.

**Not a single action was taken by the police on the case before she was killed by her partner several weeks later.**



### Fear of losing children

Many Black and minoritised women are terrified of having children taken away by social services and prefer to stay in abusive relationships rather than take this risk.

Whilst many white women, particularly working-class women, also face this fear of reporting domestic abuse, it is greater for women who face racism/racialised assumptions and victim-blaming language, and other communication barriers in their dealings with social workers and professionals, whose role is to assess them, their behaviour towards their children and their abuser. Support workers at Imkaan member organisations report that whilst some social workers are helpful and want to work together to support women, others fail to listen to women or their advocates, do not recognise risks, have little understanding of the VAWG contexts that women face, including 'honour-based' abuse, and even accept the perpetrator's narrative.

Mothers / carers are under intense scrutiny by social workers, who sometimes treat women subjected to abuse as bearing the responsibility for keeping their children safe, instead of placing responsibility on the abuser. Rather than seeking to understand a woman's situation and supporting her to achieve safety, a punitive heavy-handed approach is adopted by some social workers, which is counter-productive, creating a powerful incentive for women to minimise and hide abuse rather than seek protection. This issue belongs equally within Section A on barriers to reporting and Section B on failures by state agencies.

Having your parenting and your day-to-day life examined, with potentially terrifying consequences of losing your children, is even harder when the person assessing you may not understand your cultural context, and you cannot express yourself fully. This is not merely a matter of being able to speak English, but of having to justify your actions and endure a detailed examination of your life and your decisions by someone outside of your life context, with the stakes if you fail being incredibly high. In addition to this, women fear that social workers may be racist or discriminatory towards Black and minoritised groups, even when they are born in the UK. Women of African heritage may be aware that there are disproportionately high numbers of black children in the care system and therefore resist interventions that may have punitive long-term consequences for their lives. It is little wonder that many women, including migrant women, feel that the involvement of Children's Services is to be avoided at all costs, even if this means remaining in abusive situations.

**Many Black and minoritised women are terrified of having children taken away by social services and prefer to stay in abusive relationships rather than take this risk.**



Discriminatory practices by state professionals dealing with child residence cases have been identified by a range of mainstream women's sector organisations and researchers. The report of the UN Special Rapporteur on violence against women and girls, Reem Alsalem, entitled "Custody, violence against women and violence against children" (2023)<sup>13</sup> states that:

*Mothers in structurally disadvantaged positions are more likely to have their children removed or their parenting capacities judged harshly (submissions by AVA (Against Violence and Abuse) and Women's Resource Centre to UN Special Rapporteur) .... In the United Kingdom, intersecting vulnerabilities along lines of race, disability, immigration status and sexuality compound the difficulties women face when experiencing domestic violence in child custody cases (submission by Women's Aid to UN Special Rapporteur)....*

In one study in the UK, African-Caribbean women experienced judges as being disconnected and judgmental, while South Asian and African-Caribbean women were pressured by court-appointed welfare officers to give men a chance even when they had been repeatedly unreliable and had been given prison sentences. Most of the women reported feeling revictimized and "very belittled, very diminished, not really listened to" by professionals.<sup>14</sup>

Women are therefore caught in a terrifying double-bind, caught between fear of the perpetrator and fear of losing their children. Raneem's narrative illustrates this powerfully.

### Raneem Oudeh

Raneem and her mother Khaola Saleem were stabbed to death by Raneem's husband in August 2018. An inquest in November 2022 examined the circumstances of the murders in detail. The killing was clearly motivated by 'honour' codes and is described, in detail in Chapter 2 below on so-called 'honour' killings (the failures by police to take action against the perpetrator despite the abundance of evidence they had is also addressed in Chapter 2, here the focus is on Raneem's fear of social services involvement).

Raneem had a two-year old child from a previous relationship. She then married the perpetrator, who became violent and controlling. She tried to exclude him from her home but he continued a campaign of violence, stalking and harassment, and pressured her to let him move back in at times as he had nowhere else to go.

<sup>13</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/070/18/PDF/G2307018.pdf?OpenElement>

<sup>14</sup> Ravi K. Thiara and Aisha K. Gill, *Domestic Violence, Child Contact and Post-Separation Violence: Issues for South Asian and African-Caribbean Women and Children* (London, National Society for the Prevention of Cruelty to Children, 2012)



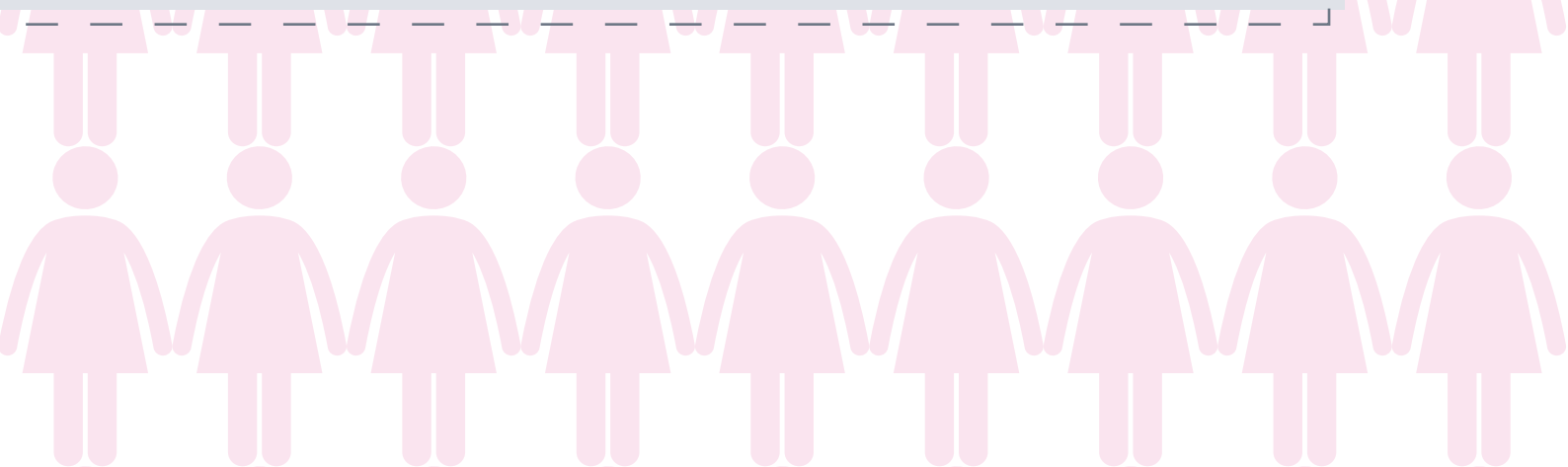
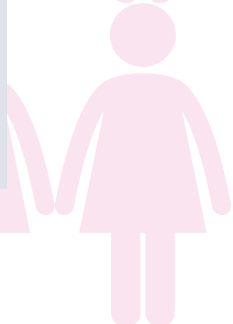
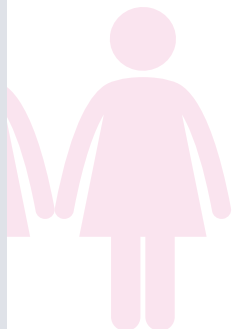
During the five months before her death there were eight reports to the police from Raneem, a neighbour, the security guard in her building and from a nurse at A&E who saw Raneem when she attended with injuries.

Raneem told a local Women's Aid helpline that she was subject to constant harassment and violence from her ex-partner, that she had been in touch with the police, but he would not leave her alone. She also said that social services had told her that if she did not sort herself out, her child would be taken from her.

On numerous occasions, when the police were alerted by a 999 call, from a distressed Raneem, or her neighbours, by the time Raneem saw officers she declined further engagement for fear of social services involvement. For example, the following incidents happened in the same week:

- **27th May:** 999 call from Raneem distressed saying her husband had punched her in the face and in the stomach, and taken her car keys and had just left. He no longer lived with her and did not have keys. 30 minutes later she called back to cancel the report she had just made, but by then officers were outside. She declined to answer any questions in the risk assessment or to share information with any agencies.
- **29 and 30th May:** Raneem called 999 to report that he was trying to get into the house, in last 2 days had got in and stolen her car, passport and child's birth certificate. Shortly after midnight she called again to say he was throwing stones at the window, shouting through the letterbox and trying to force entry. She told the call taker that when she called the police "social workers straight away get involved". Officers arrived within minutes and removed her husband to prevent a breach of the peace. Once again Raneem refused to answer questions in the risk assessment or to consent to sharing information.

In June 2018 social services carried out checks at Raneem's son's nursery and told her that her ex-partner should have no contact with her child. They closed the case in July on the basis that she had ended her relationship with her him. In early August a neighbour called 999 and reported screaming by Raneem from her flat, and that he had regularly seen her with black eyes and bruising. Again, a DASH risk assessment was done by police, and Raneem gave limited information and would not agree to her personal details being shared with other agencies. She was clearly frightened that social services would get involved again. Raneem was killed later that month.



### Fear of information being shared with immigration enforcement

Many women with insecure immigration status fear that reporting to the police will lead to data sharing with immigration enforcement and the consequent risk of detention and deportation. Perpetrators exploit this fear, telling women that their immigration status is dependent on their relationship and that if they leave and report the abuser to the police, they will be detained and deported. This leaves women trapped, unable to escape from abusive relationships, unable to access the protections of the criminal justice system and creates impunity for abusers.<sup>15</sup>

Fear of data-sharing operates alongside other types of immigration abuse, which includes threats to separate women from their children, perpetrators' control of women and children's immigration applications and documentation, which often goes hand in hand with many other aspects of control over a woman's day to day life.

We note that DHRs are required to record certain information about the victim<sup>16</sup> including their ethnicity, nationality and religion, but not their immigration status. This means that DHR authors are not required to identify whether the deceased had insecure immigration status, and this may result in issues that relate to immigration status being left unexamined in some cases.



15 For detailed analysis on this issue see *The Right to Be Believed* (2019) by academics at Kings College London and the Latin American Women's Rights Service <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>

16 Home Office statutory guidance on DHRs, Appendix 4

### G (Sheffield)

G grew up in the Middle East where her family moved between Jordan, Syria, Iraq and Kuwait. She married her husband aged 17 and later came to the UK, as did her younger sister who married G's husband's brother. In Sheffield she had little contact with the outside world, apart from with her sister. Her husband or mother-in-law (who lived with them) accompanied her to appointments and her husband took the children to school. Her sister reported that G was assaulted on a daily basis by her husband both before and after coming to the UK. G believed he was "all powerful" and would carry out his threats if she resisted him. The two sisters did not even know where each other lived, but were taken to one another's homes for visits by their husbands. Several months before her death G's husband took away her mobile phone and contact between the two sisters was forbidden.

G told her brother in Iraq on the phone that her husband was mistreating her, and that he threatened that if she reported him to the police she would be deported and he would keep the children. This played a key part in his ability to keep her trapped and under his control. She was killed by him four years after her arrival in the UK, leaving behind four children.

**... he threatened that if she reported him to the police she would be deported and he would keep the children. This played a key part in his ability to keep her trapped and under his control. She was killed by him four years after her arrival in the UK, leaving behind four children.**

Over recent years, a wide range of actions led by the 'by and for' sector have sought to introduce a safe reporting space for migrant women with insecure immigration status by imposing a 'firewall' between police and immigration enforcement data, to give survivors the confidence to come forward and report. A history of developments on this issue over recent years is beyond the remit of this report, but we summarise them in [Annex 4](#). Several United Nations bodies have also addressed this (see the legal analysis in [Annex 8](#) page 125 onwards).



## Numbers in our dataset of women's disclosure to agencies

Our sample of 38 homicides provides a snapshot of the proportion of women who did and did not disclose abuse to agencies, and which agencies they disclosed to.<sup>17</sup> We have not included situations where the police became involved following reports by third parties, as our focus is on whether the women themselves approached agencies.

♀ <b>No disclosure to any agency:</b>	<b>11</b>	<b>(29%)</b>
♀ <b>Disclosure to police:</b>	<b>20<sup>18</sup></b>	<b>(52%)</b>
<b>Of which:</b>		
♀ <b>Disclosure to police only no other agencies:</b>	<b>7</b>	<b>(18%)</b>
♀ <b>Disclosure to police and to other agencies:</b>	<b>13</b>	<b>(34%)</b>
♀ <b>Disclosure to a number of agencies but not police</b>	<b>3</b>	<b>(8%)</b>
♀ <b>Disclosure only to GP or other medical services</b>	<b>1</b>	<b>(3%)</b>
♀ <b>Disclosure only to employer / work colleagues</b>	<b>2</b>	<b>(5%)</b>
♀ <b>Disclosure only to housing agency</b>	<b>1</b>	<b>(3%)</b>

Over a quarter of the women who were killed did not disclose abuse to any professionals at all. Their accounts are perhaps the most important to tell as their deaths are the only lens through which their experiences are known beyond their immediate family and friends. Of the 11 women who did not disclose abuse, four had limited English, of whom two were from Pakistan, one from Somalia and one from Kuwait. Four of the women who did not disclose had a good level of English.

**Over a quarter of the women who were killed did not disclose abuse to any professionals at all.**

<sup>17</sup> Note that some literature records whether women have accessed certain services, but here we have recorded whether women disclosed abuse to services, not whether they accessed them.

<sup>18</sup> In two cases the DHR does not make clear whether it was the woman herself who contacted the police or they became involved in some other way, without these two cases the proportion would be 47%



Overall, just over half of the women had reported to the police and 18% disclosed only to the police and not to any other agencies, making police by far the most significant organisation to receive disclosures. Thirteen women (34%) reported to the police and to other agencies, nine of them to a large number and a broad range of agencies. This group of women should have been easiest to support as their situations of abuse were well known.

We note that levels of police reporting in our sample are very high, especially when considered against the figure of 20% that is sometimes cited as the level of police reporting for domestic abuse survivors of all ethnicities. That figure, which comes from the 2018 Crime Survey for England and Wales (there has not been any data included for this since 2018) is not directly comparable as our figures record whether a woman had reported to police at any point in her history, whereas the 20% figure relates to whether she reported to the police in the last year. In addition, we hypothesize that the police reporting rates in our sample may be higher than average because the cohort of women who were killed faced particularly high levels of risk and fear for their safety, and so were more likely than average to report to the police.

**... over half of the women had reported to the police and 18% disclosed only to the police and not to any other agencies, making police by far the most significant organisation to receive disclosures.**





# Statistics on levels of police reporting by Black and minoritised women

An important question that arises from our research is whether statistically Black and minoritised women report domestic abuse to the police less often than white women, or at later stages of escalation of abuse. Frontline domestic abuse services supporting Black and minoritised survivors believe that they are significantly less likely than white survivors to report abuse to the police. We tried to identify wider research on this question.

There is very limited data and there does not appear to be any definitive research, but two studies indicate that it is indeed the case that reporting levels are significantly lower for Black and minoritised women.



Research published in 2021<sup>19</sup> accessed and analysed police data for 400 intimate partner domestic abuse incidents in 2014 in two police forces. It was found that in one force 75% of incidents had no entries in the ethnicity codes on police systems, so any available data was meaningless. In the other force, where 138 case files were examined, there was no discussion about data recording, so we assume it was a large enough proportion to make the data meaningful. For this force, 97.1% of survivors reporting were white<sup>20</sup> and only 2.9% were “BME”. This is a huge under-representation taking the national Black and minoritised population to be 18%, but we do not know the location of the force in question.



In 2015, the national domestic abuse charity, Safelives, established from its national dataset of 42,000 cases that survivors from Black and minoritised communities typically suffer abuse for 1.5 times longer before getting help than those who identify as White, British or Irish.<sup>21</sup> 25% of Black and minoritised women in the dataset said they needed an interpreter and 20% had No Recourse to Public Funds.

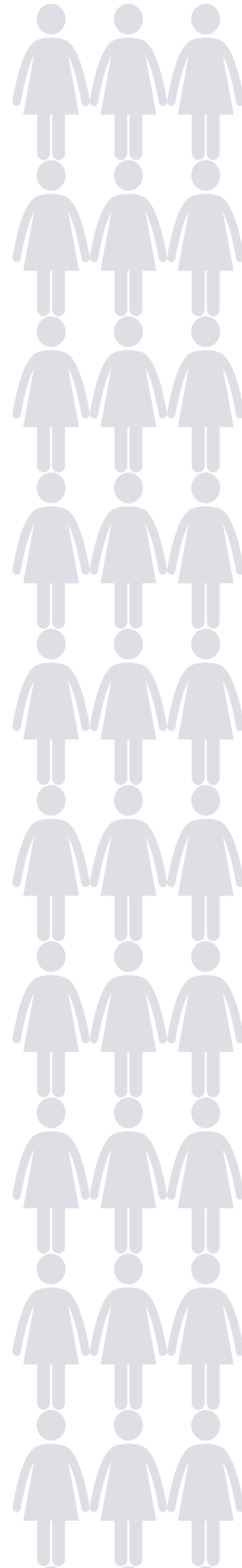
Further research on this issue is clearly critical, to explore both differentials in reporting of abuse, and the extent to which relevant data is being captured by forces.

It is important to note that police recording of ethnicity data for victims of crime is known to be problematic, with some police force systems having large proportions of victim ethnicity fields left blank, as these are not mandatory fields, and large

19 D. McPhee, M. Hester, L. Bates, S. J. Lilley-Walker & D. Patsios (2021): Criminal justice responses to domestic violence and abuse in England: an analysis of case attrition and inequalities using police data, Policing and Society

20 Defined as ‘white British’, ‘white Irish’ and ‘any other white background’

21 Blog by Dr Gemma Penny ‘Supporting B&ME victims – what the data shows’  
[https://safelives.org.uk/practice\\_blog/supporting-bme-victims---what-data-shows](https://safelives.org.uk/practice_blog/supporting-bme-victims---what-data-shows)



variation between forces. The Operation Soteria 1 year report<sup>22</sup> sets out findings of academics who examined large volumes of rape investigations in four police forces. They found that some forces had high proportions of missing ethnicity data in structured data fields, though sometimes the information was contained in free text records, but had not been entered into the data fields from which statistics are derived. The report compares four forces as follows, with the figures representing levels of missing data across 3 years: "Victim police perceived ethnicity": force A 18%, force B 13%, force C 56%, force D: 44%. It is likely that recording practices for rape investigations and domestic abuse investigations are not dissimilar.

Without robust ethnicity data gathering it is impossible to obtain a clear picture and impossible for forces to know whether they are accessed differently by different communities.

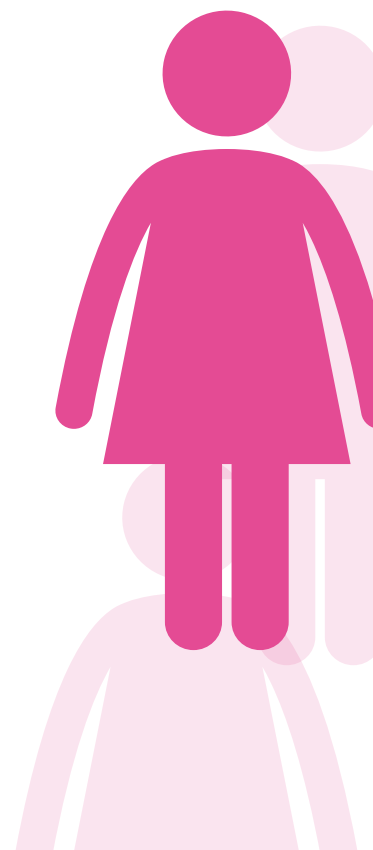
Where police forces do not gather ethnicity data adequately on domestic abuse victims and survivors this is a clear breach of their Public Sector Equality Duty under the Equality Act 2010. They must have due regard to the need to advance equality of opportunity, which includes sufficient evidence of the impact their policies and practices are having on people with different protected characteristics. Similarly, Article 11 of the Istanbul Convention requires states to collect disaggregated relevant statistical data, and Article 4(3) to meet their obligations under the Convention without discrimination on any ground, including race or colour. The CEDAW Committee has also emphasized that states have an international responsibility to create statistical databases and analysis of all forms of discrimination against women in general and against women belonging to specific vulnerable groups in particular (see the legal analysis in [Annex 8](#) pages 147 onwards)

In addition, police ethnicity categories are extremely basic, appear to be designed to capture information about physical characteristics of unknown suspects,<sup>23</sup> and are not suitable for data gathering on victims of crime. For example, there is no category for some groups, such as Latin American or Iranian, and no breakdown between groups with similar appearance but different identities, such as Black British, Black African or African-Caribbean. A Black British woman whose parents were born in the UK will have the same categorisation as a newly arrived Somali refugee, though her situation is likely to be very different. A different categorisation system is required for victims and survivors, which reflects the issues relevant to the

**Without robust ethnicity data gathering it is impossible to obtain a clear picture and impossible for forces to know whether they are accessed differently by different communities.**

22 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1128688/E02836356\\_Operation\\_Soteria\\_Y1\\_report\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128688/E02836356_Operation_Soteria_Y1_report_Accessible.pdf)

23 The categories are: IC1 Northern European, IC2 Southern European, IC3 Black, IC4 Asian (meaning South Asian), IC5 Japanese, Chinese or other South-East Asian, IC6 Arab or North African IC7 unknown



policing services they access.

## Section B – Failings of state agencies and other professionals

### Accepting the perpetrators' narrative when he has better English

In situations where perpetrators can communicate better in English than survivors and are able to persuade agencies to accept their version of events, this serves to fuel a culture of disbelief and victim-blaming among professionals. This is especially the case with the police, who are sometimes reluctant to accept survivors' accounts as genuine and are easily manipulated by domestic abuse perpetrators who may be more highly educated and 'successful' individuals than the criminal suspects they are used to dealing with. A Sikh domestic abuse charity described how some of the perpetrators they know are very respectable men, seen as a "pillar of their community".

Support workers at Imkaan member organisations report that police officers frequently treat women with little sensitivity or empathy. Black and minoritised women have to contend not only with the myths and stereotypes that come with policing of domestic abuse generally, but when they are not fluent in English, they also face additional challenges in communicating their experiences and getting officers to believe them. In addition, when a woman's account comes via an intermediary, whether a friend or professional interpreter, the immediacy and plausibility of her experience can be lost, things are not explained properly, she may not be able to engage with clarification questions and she is generally at a disadvantage against an articulate perpetrator who speaks directly with the professionals. A tone of voice and personal interaction with an individual can influence the outlook of police officers, who hold important decisions in their hands about taking actions that can protect lives. Aliny's narrative shows how this can have devastating fatal results.



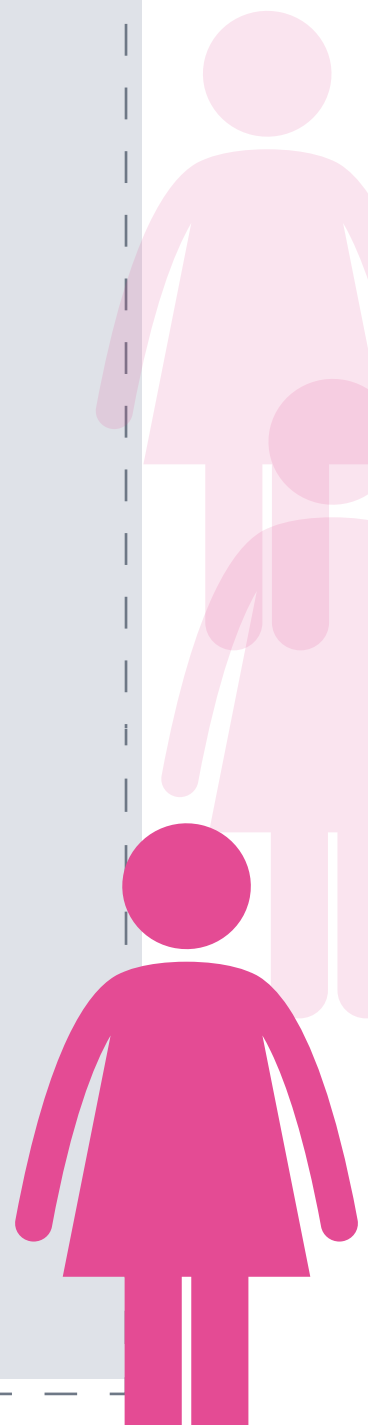
### Aliny Godinho

Aliny Godinho and her husband were from Brazil and lived in Surrey, where he ran his own business. They had four children aged between 12 and 3. Their youngest daughter was holding her mother's hand in the street, about to pick up her brothers from school, when her father appeared, stabbed Aliny and ran off leaving his daughter to watch her mother die. Following a DHR and an IOPC investigation an inquest took place where detailed evidence was heard from officers who were involved in the police investigation immediately before the killing, and the Coroner gave a 36-page set of findings and conclusions.

Just over a month before her death Aliny reported to police, with a friend acting as interpreter. She told them of long-standing abuse over a 17-year marriage, previous threats to kill her and her family, previous non-fatal strangulation, financial abuse, immigration abuse including shredding the children's passports and telling her that he would get emergency passports and take them away and she would be "illegal" in the UK, recent separation from her husband, drug-use by him, recent escalation, that he "tracked" her and that she was "very scared". She was initially assessed as high risk, and the case was transferred to the force specialist domestic abuse unit.

On receipt of the case the Detective Constable, who had worked in the domestic abuse unit for three years, disagreed with the risk assessment and downgraded it, without having spoken to Aliny, and no referral was made to MARAC. At the inquest the DC could not recall having read, or being familiar with the force domestic abuse procedure. There were a series of further contacts from Aliny through calls by her friend on her behalf, but no action was taken by the PC in charge of the case or her supervisor. They interviewed Aliny's husband and decided that the case would be closed No Further Action after his phone had been examined. Aliny was staying with the children at a new address in London, and on the day of her death she contacted the police to say that her husband had hacked her iCloud and emails and discovered where she was living. At the inquest the officers insisted that they did not know that he had found her whereabouts despite a note in the police records by the PC that he had received her new address from the bank and was aware of her new phone number.

A litany of failings was identified in terms of following police domestic abuse procedures but importantly, the Coroner went beyond this, and asked himself why it was that the two key officers had failed to follow procedures. He concluded that the reason boiled down to the fact that they took the view almost immediately that it was a "weak case", completely disregarding the indicators of high risk and Aliny's account that she was terrified that her husband was going to kill her. The Coroner found that this was the result of lack of basic knowledge about policing of domestic abuse coupled with the fact that Aliny's lack of English meant that her account was taken less seriously than that of her husband who spoke good English, and officers accepted his narrative over hers. The Coroner stated that he was not satisfied that work overload explained the omissions. There was a general "downplaying" of Aliny's concerns right from the start. The PC had met her husband and his solicitor, but communications with Aliny were second-hand via a friend, not even a professional interpreter. The officers' approach was fundamentally slanted by the imbalance in language and communication barriers from start to finish.



### Disbelieving women's accounts of abuse

Black and minoritised women face not just a lack of understanding of their situations, but in some cases, they face total disbelief and assumptions that they are making false allegations.

Cases involving violence against women often turn on a subjective assessment by professionals of the veracity of accounts and the plausibility of situations described. When subjective assessments play a large part in the policing response, and officers act on their 'gut instincts', racism and other biases can influence their decisions. N's story is a shocking illustration of police officers overtly disbelieving an Asian woman who reported domestic abuse by her white partner, who went on to kill her after she was turned away by the police.

**When subjective assessments play a large part in the policing response, and officers act on their 'gut instincts', racism and other biases can influence their decisions.**

**N**

N was killed by her husband, who stabbed her 59 times, whilst their two-year old child was in the kitchen. N was from an Asian family, born and brought up in the UK and her husband was white.

In the month before her death N contacted the police to report controlling and coercive behaviour (CCB) by her husband. She was recorded as being tearful and "too scared to do anything". The call log included "coercive control" and that her husband had punched her a month earlier. She agreed to go to the police station to provide a statement. A PC completed a risk assessment, supervised by a Police Sergeant. Despite her account of CCB, and the earlier assault, the officers assessed that no offences had been disclosed, no risks identified and the report was simply filed with no action taken.

The DHR panel analysed the thinking behind the officers' decision-making and found that it was based on the conclusion that N was faking and had a motive to make a false report. In an interview the police officers described her demeanor, and the PC stated that N was able to instantly compose herself after shaking and she did this a couple of times. The officer found this an unusual presentation because he had never seen anyone do this before. The Sergeant described her as "hysterical". The Sergeant later spoke to a social worker stating that his "feeling" was that that N was using agencies to build evidence against her husband. He confirmed that she was shaking when she was at the police station and said she was wiping her eyes but there were no tears to wipe. The officer felt her

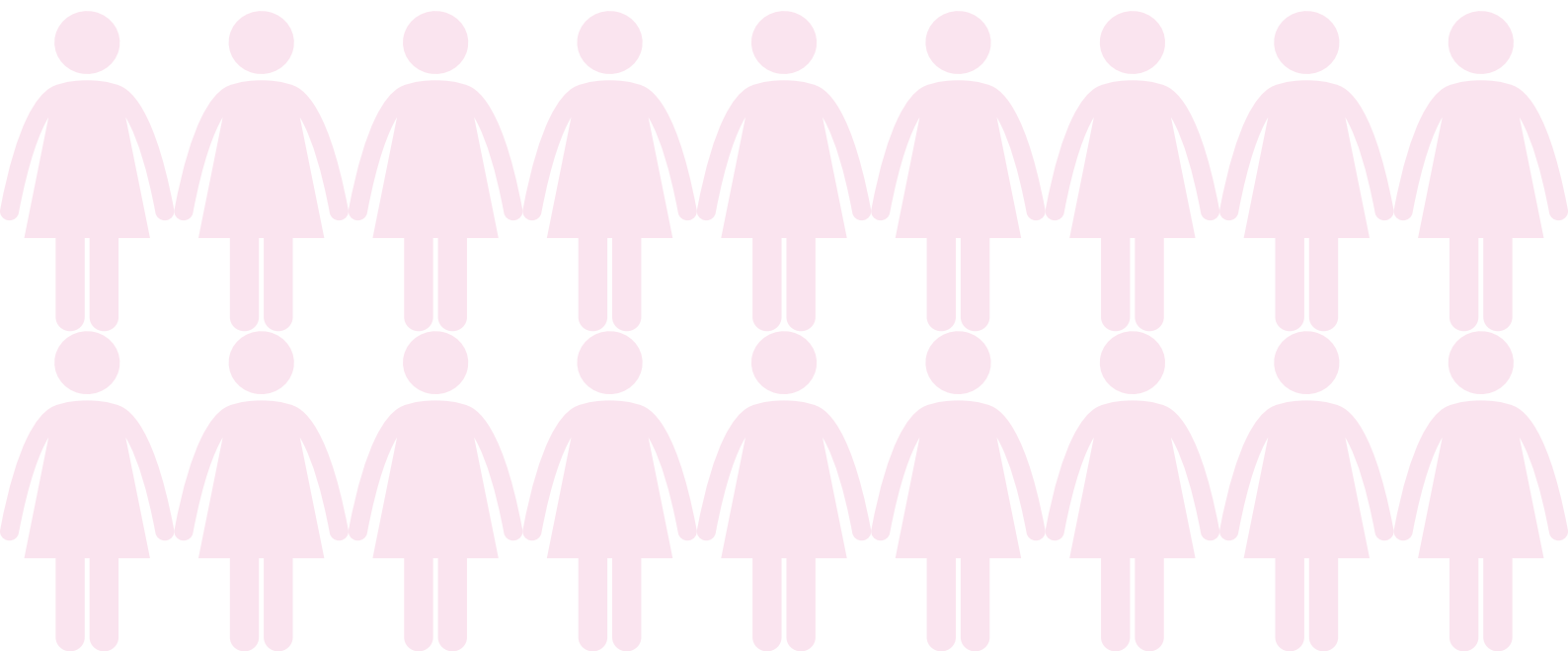
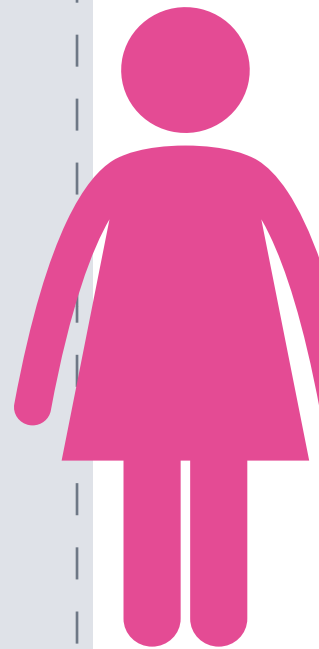


presentation was “weird” and he later admitted telling the social worker that he did not believe N’s account. N reported to social services that her husband had shaken, shouted and sworn at their child, and the DHR panel found that the police officer’s view led to social care professionals not believing her allegations either.

The following day N’s husband called the police, stating that he was only calling because she had contacted them the day before, and he clearly wanted to know what she had reported. He spoke to the police call-taker for almost two hours about his relationship issues with his wife. The DHR panel read a full transcript of the call and concluded that, whilst he portrayed himself as the injured party, he did not disclose any criminal offences against him. In fact, the call showed that he had access to her social media and was monitoring her communications, and he displayed other controlling attitudes such as stating that N should tell him her whereabouts and should not take her property, jewellery or their child to her parents without his “permission”. However, the police recorded the call as a “crime/ domestic violence incident”, it was treated as a counter-allegation and a report was sent to the multi-agency safeguarding hub (MASH) with him as the aggrieved and N as the suspect.

At the time she contacted the police N had gone to stay with her parents, but after no steps were taken to by the police she decided to return to her husband, and was killed the following day.

The DHR panel noted that reporting to the police is a last resort for many South Asian women. They stated that “N’s physical presentation (shaking, trying to cry but being unable to and hyperventilating) suggested panic, distress and trauma” rather than fakery. N finally took steps to seek protection from the police and was simply disbelieved. In contrast, her husband’s account was taken at face value and treated as a valid counter-allegation. The panel stated that the impression created for professionals was that these were ‘tit-for-tat’ allegations in an acrimonious separation, and her husband was not identified as a dangerous abuser.





### Lack of cultural competence

Even when professionals do not approach women's account with scepticism or hostility, a lack of cultural competence can mean that a woman's situation is not adequately understood. The potential risks may not be identified without an accurate assessment of the bigger picture and women are left unsupported when they need culturally specific help. Cultural competence includes understanding the shame and stigma faced by many Black and minoritised women around reporting abuse,<sup>24</sup> as well as the isolation and pressures from family and community discussed in section A. It also includes an understanding of, and sensitivity towards, how women's communities view the police, and therefore how contacting the police can be a huge step to take and may be a last resort.

When agencies make 'cultural competency' assessments they fail to consider wider structural institutional forms of violence that have a significant impact on women's experiences of violence and safety. A failure to identify immigration abuse is part of this lack of understanding; for example, Aliny Godinho gave police a clear account of immigration abuse, and even provided the children's passports shredded by the perpetrator, but this was not picked up as part of the wider picture of abuse. Aliny's case illustrates a threat commonly made by perpetrators, to separate a woman from her children by removing them from the jurisdiction.

Lack of cultural competence can also mean a basic lack of knowledge about the woman's cultural background so that the assistance provided by a professional is severely limited, or even inappropriate, as in Sana Shah's case when a family support worker at a Children's Centre tried to help with her Islamic Divorce. The need for the involvement of a 'by and for' service is all too obvious.



24 Feelings of stigma and shame are common to all survivors however will manifest in different ways across different diverse communities

### Sana Shah (Wolverhampton)

Sana was an Asian woman in her thirties with three children who lived in the Midlands, having come to the UK on a spousal visa following an arranged marriage 14 years earlier. She was separated from her husband and was in the process of divorcing him at the time of her murder. She had reported to the police five years earlier, telling police that abuse had started within months of her arrival in the UK and describing physical, verbal and financial abuse, and threats to kill. She went to stay in a refuge but after family pressure she returned home. The following year she contacted the police and said that her husband was discussing killing her with relatives in Pakistan. She reported to police and separated from him several more times but each time returned, before eventually leaving him for good.

In the year before her death Sana applied for an Islamic divorce, which was refused, and she began divorce proceedings in the Family Court. In the days before her murder she told a friend that her husband had said that when he receives divorce papers he is going to kill her. Two days after the divorce proceedings were served he came to her home and stabbed her to death. 21 days before the attack Sana called the police and reported that her husband kept ringing and threatening to kill her. A police officer attended her address and she told him that she had been living separately from her husband for two years, and that he had made numerous threats to kill her over their 13 year marriage. The officer recorded a domestic abuse non-crime incident and medium risk. She was offered some safeguarding options but no steps were taken to arrest her husband. Had the officer explored and understood the threats in the context of the circumstances surrounding the divorce, the level of risk might have been appreciated.

It is noteworthy that Sana was never referred to any Black and minoritised women's services. She had support from generic domestic abuse services over several years. The person who assisted her with her Islamic divorce was the Family Support Worker at the Children's Centre which dealt with the perpetrator's child contact arrangements. She wrote two letters to the Chairman of the Mosque on Sana's behalf. Sana showed the support worker a lengthy statement that her husband had drafted, which the Chairman invited her to respond to. The support worker advised her to send a short letter saying she did not want to provide a long statement in response. The DHR stated "It does not appear that the Family Support Worker was an expert in Islamic divorces and did not seek advice from another organisation with such expertise." Clearly she was not an appropriate person to deal with an Islamic divorce, whereas a 'by and for' feminist organisation would have had the expertise to handle this matter in Sana's best interests.





### Racial stereotypes and racialised tropes

A range of stereotypes can affect the response of professionals to Black and minoritised women which influence the ways they are perceived, and the help offered to them. These may be difficult to 'prove' but unless they are acknowledged and identified as established patterns of thinking they cannot be addressed.

A well-known trope applied to women of African heritage is the "*strong Black woman*" who is capable, can look after herself and is therefore not vulnerable or in need of protection. This stereotype is noted in both national and international literature, including several pieces of research in the US on African American women.<sup>25</sup>

In addition, in contrast to South Asian communities, women of African Heritage may not be seen as in need of culturally specific help because of a reductive understanding of culture solely based on language needs. This can lead to negating, invisibilising the violence and abuse experienced by some communities. The effects of this institutional harm are seen in situations of 'adultification'<sup>26</sup> involving young, Black girls who are treated as mature and with suspicion rather than support. An excessive focus on cultural framing can therefore lead to the under-protection and injustice towards women of African Heritage.



#### Charlotte (Hillingdon)

Charlotte and her husband came together to the UK from Zimbabwe 16 years before her death and lived in Hillingdon, with their two children. She worked as a health visitor and was aged 42 when she died.

Charlotte reported verbal and physical abuse by her husband to a number of agencies over the years. Just over a year before she was killed they had separated but continued to live in the same house. Following a non-fatal strangulation (witnessed by the children) she reported to the police, he was charged with ABH and released on bail and Charlotte was referred to an Independent Domestic Violence Advocate (IDVA) at a local Council IDVA service. She was assessed as high risk, and death threats were recorded. She was referred to MARAC but after a couple of conversations the IDVA had no contact with her for 11 months, until Charlotte contacted her just before the perpetrator's trial. The IDVA advised Charlotte to

25 See Hulley et al (2022) 'Intimate Partner Violence and Barriers to Help-Seeking Among Black, Asian, Minority Ethnic and Immigrant Women: A Qualitative Metasynthesis of Global Research' *Trauma, Violence and Abuse*, Vol 24 issue 2 page 7 – footnote 26

26 See <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2022/06/Academic-Insights-Adultification-bias-within-child-protection-and-safeguarding.pdf> (Davis, J, 2022) p.5 'The concept of adultification is when notions of innocence and vulnerability are not afforded to certain children. This is determined by people and institutions who hold power over them. When adultification occurs outside of the home it is always founded within discrimination and bias. There are various definitions of adultification, all relate to a child's personal characteristics, socio-economic influences and/or lived experiences. Regardless of the context in which adultification take place, the impact results in children's rights being either diminished or not upheld.'

represent herself in an application for an occupation order and a non-molestation order in the Family Court. In relation to the criminal trial she advised Charlotte to contact the court to find out the trial date, and did not provide her with any support for the trial itself. Charlotte called her again to give her the trial outcome. On the day of the sentencing her husband attacked and killed her.

Shortly before the trial Charlotte also contacted a local 'by and for' domestic abuse service for Black and minoritised women. An outreach worker saw her after the trial and contacted the police about seeking a restraining order at the sentencing hearing. The 'by and for' service began applications on her behalf for protection orders in the Family Court and made plans with her to help her change locks to her property and obtain housing advice about her mortgage arrears. Charlotte was killed before these steps could be completed. In the DHR process the 'by and for' organisation expressed concerns that Charlotte was a vulnerable and frightened woman but had been perceived by the IDVA as capable, proactive and not in need of additional support. She was not offered the same level of service as other clients. She was expected to obtain her own protection orders and was not supported through the year leading up to and during the trial.

Another trope sometimes applied to women of African heritage is the "*angry Black woman*" who is difficult to deal with. This can result in a lack of engagement by professionals, who make racially pathologising assumptions about woman as 'hard work' rather than seeking to understand and empathise with the difficult circumstances, even desperation, that is making her angry. It can result in the woman's experiences of abuse being minimised, being 'palmed off' onto other professionals, or workers 'washing their hands of' her problems. Whilst it is unlikely that such attitudes would be recorded and formally acknowledged, it is difficult to avoid the conclusion that this was at play in Dawn's narrative.



### Dawn (Leeds)

Dawn was a Black British woman who was stabbed to death by her ex-partner in a car park in Leeds, several years after she had separated from him. She had three adult children, one of whom lived with her, and two grandchildren. After she had ended the relationship she had told agencies about continuing stalking and harassment by her ex-partner, that made her feel very vulnerable. She was scared to go out of the house and often felt suicidal.

Dawn had contact with a range of agencies, including her GP, mental health services, alcohol dependency services, and police who referred her to adult social care due to domestic abuse. She sought re-housing from the housing department but no action was taken. The DHR reports that she was very angry and distressed at the way she felt she had been passed about from service to service and felt no one cared about her.

The GP made a referral to the Primary Care Mental Health Services which Dawn attended but they said she had a “complexity of issues” that could not be met by the service. Despite clear suicidality and a history of suicide attempts the case was closed a month after the referral. She was told that other support options were not available unless she addressed her alcohol use, but she needed this as a coping mechanism, not only in relation to domestic abuse but other traumatic life events since childhood. She attended an alcohol dependency programme but dropped out. The GP told the DHR that Dawn often attended the surgery after consuming alcohol. She walked out of an appointment because she wanted anger management not alcohol treatment. Overall, it seems that none of the services seemed willing or able to grapple with meeting Dawn’s needs.

The medical and alcohol dependency services that Dawn accessed did not refer her to a domestic abuse support service. On one occasion Dawn rang the police two days after her ex-partner had been in court for breaches of a non-molestation order and had been released again on bail. She said she needed to move out of her accommodation that day for her safety and police arranged a referral to the local generic domestic abuse service. Due to the fact that she carried a knife for her own protection she was not accepted by them into shared refuge accommodation. Clearly Dawn was seen as a person who presented a threat, rather than a person who was in acute fear for her own safety, a fear that was proved to be well-founded. The service did not take steps to find Dawn an alternative refuge space, (although there was another refuge with 24-hour security in the local area), and she ended up in a homeless hostel.

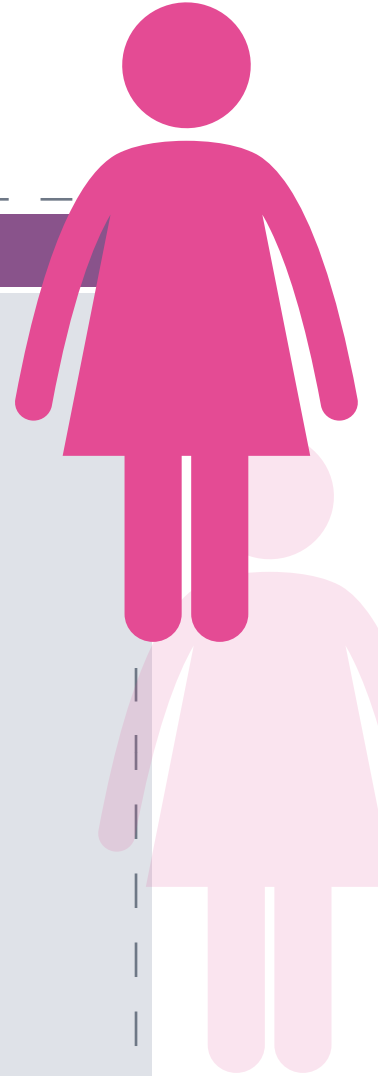


The stereotypes applied to women from Asian backgrounds are the opposite of those faced by women of African heritage. There is often an expectation that Asian women will be passive, meek and helpless. If a woman is seen as assertive, she may not fit the expectations of the 'perfect victim' and the risks she faces may not be appreciated or taken seriously.

### Mrs Mohammadi (Bolton)

Mrs Mohammadi was an Iranian woman who was killed by multiple stab wounds by her husband, who then set the house on fire killing himself and Mrs Mohammadi's mother. Mrs Mohammadi came to the UK as a child with her parents and had grown up in the UK. She was working and also studying at university. The DHR found indications that Mr Mohammadi subjected her to coercive controlling behaviour. A few days before her death she told her adult son that she was intending to leave her husband and was looking for places to rent. She did not disclose abuse to any agencies but did confide anxiety, low mood and stress-related symptoms to her GP, which were due to her marriage and family situation. The GP failed to explore domestic abuse with her, and she was not identified as being at risk.

The DHR explored the reasons for the GP's lack of consideration of domestic abuse and stated that "Mrs Mohammadi did not present as a 'victim' but rather someone who could stand up for herself which is a factor in why she was not asked directly about abuse." The DHR author stated that as Mrs Mohammadi adopted Western dress, wore make-up and spoke English confidently the GP may not have appreciated that nevertheless she may face cultural pressures, as an Iranian woman in a marriage with an Iranian man.



### No Recourse to Public Funds (NRPF)

This section is included not as a failing by individuals or agencies, but a failing by the UK Government, which has consistently rejected reforms to the law on NRPF, that imposes an enormous, sometimes impossible, hurdle for many women to overcome in seeking to leave abusive relationships. The NRPF rule means that women who have insecure immigration status and leave abusive relationships sometimes face a stark choice between destitution and returning to the abuser. As they cannot claim social security benefits, many cannot support themselves or their children and cannot access safe accommodation, including most women's refuges.<sup>27</sup> There are very few refuge spaces around the country specifically for women with NRPF and they are heavily over-subscribed. Without financial means to support themselves and their children some women take the decision to return to their abuser as they see no other alternative. Some women are entitled to support via the Destitution Domestic Violence Concession (DDVC)<sup>28</sup>, but the complexity of the scheme and lack of expert advice available means some are not aware of their options. Nargiza's narrative illustrates how this can close the door at a potential point of escape, with fatal consequences.

#### Nargiza (Bexley)

Nargiza and her husband came from a Muslim central Asian republic and lived in Bexley. Her husband had leave to remain in the UK, initially as a student, and was training as a medic. Nargiza had leave in the UK as his dependant, and she worked in the canteen of an NHS hospital. Her status meant that she had No Recourse to Public Funds. Nargiza was fatally strangled by her husband, whilst their young child was in a cot in the next room. Her husband committed suicide in prison before his trial.

The DHR established that Nargiza had suffered domestic abuse, including physical violence, from her husband since soon after the marriage. Her family in her country of origin reported that he was very controlling when she came back for visits. Her father told the DHR that Nargiza had felt it would be shameful for her parents if she divorced and came back, she kept her problems to herself. Nargiza told a friend at work that she kept a secret second phone there to phone her family, as her husband would not let her call. She also told her that he would not let her pray, beat her when he was drunk and forced sex on her and then made her sleep on the floor.

One day two years before she was killed, Nargiza told her work friend that her husband had beaten her and locked her out of their flat, so she had to sleep outside.

27 Refuge spaces are paid for by individual women applying for housing benefit to cover the cost, therefore most cannot accept women who are not entitled to welfare benefits.

28 The Destitution Domestic Violence Concession (DDVC) grants access to benefits for three months during which a woman must submit an application for leave to remain in the UK under the Domestic Violence Indefinite Leave to Remain (DVILR) scheme. Both the DDVC and DVILR are only available to those who entered the UK on a spousal visa and whose spouse is a citizen or resident of the UK. Others are excluded, for example women whose spouse is on a working permit, student visa, an EU national, asylum seeker, those with irregular status such as overstayers.

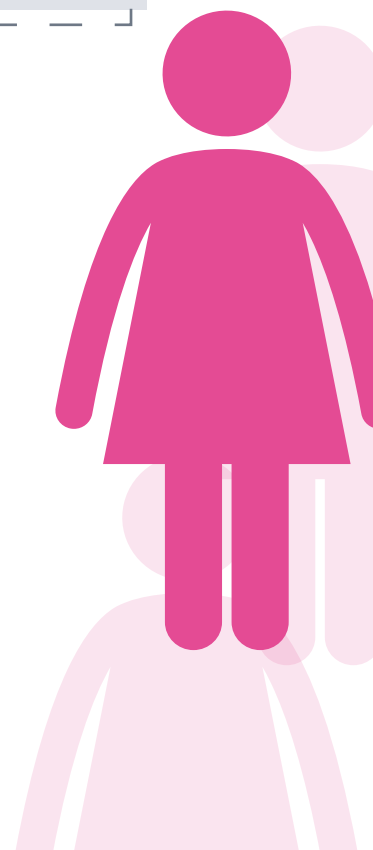
Her friend saw bruising on her arm and chest and advised her to tell her manager. This was her first disclosure to agencies. Nargiza's manager referred her to the hospital's own domestic abuse service, a generic service without expertise in supporting migrant women. A risk assessment was conducted and Nargiza told the support worker that she wanted to leave the relationship. On the same day she reported assaults to the police, and went to stay with a friend rather than return home.

Several days later the domestic abuse support worker advised Nargiza to contact the Home Office to tell them that she had separated from her husband, and to obtain advice from an immigration solicitor, and she made a referral to a solicitor. She did not tell Nargiza that she should get legal advice to explore her options before she contacted the Home Office. Nargiza later told the domestic abuse service that she had contacted the Home Office and they had told her that an application under the 'domestic violence rule' may take up to a year, and had given the impression that she would not receive money to pay for accommodation during that time. She decided not to attend the appointment with the solicitor. A week after leaving him she told the domestic abuse service that she had decided to return to her husband and give him another chance. She made no more attempts to leave her husband before her death.

Nargiza had disclosed abuse at a point of crisis, had decided that she wanted to end the relationship, and reported to the police. Had she been advised of the importance of getting legal advice from an immigration solicitor first before contacting the Home Office, to understand her options, she would have discovered that under the domestic violence rule she would have been eligible for benefits, including housing benefit. Instead, she was given misleading information by the Home Office, seemingly intended to put her off making an application, and as a result she believed that if she were to go down this route she would be homeless for a year.

There have been extensive campaigns and attempts to change the law to address the difficulties caused by the NRPF rule over many years, outlined in [Annex 5](#). Despite setting up the Migrant Victims Support pilot, so far the Government has not committed to a long-term solution, has not guaranteed that all survivors with insecure immigration status will have a route out of abuse, and refused parity between support provided to migrant women and other survivors of domestic abuse.

The Government fails to meet the obligations it has committed to in the Istanbul Convention when not all women have access to safe accommodation and specialist support services. Article 18(1) requires the state to provide protection and support to all victims. This includes easily accessible shelters in sufficient numbers to provide safe accommodation (Article 23) and specialist support services (Article 22) providing support to all victims including "hard-to-reach groups" (Explanatory Report [132]). Article 2 of CEDAW requires states to provide "effective protection" including by access to shelters without delay (*A.T v Hungary*) and the CEDAW Committee recommended financial assistance for victims and survivors (see a detailed legal analysis in [Annex 8](#) page 152 onwards).






### Identifying 'honour-based' abuse and recognising the risks it poses

A long-term concern is that state agencies, especially the police, need to identify potential 'honour-based' abuse (HBA) when they come across indicators, and to recognise the severely heightened risks that it poses. HBA arises from a belief system around the need to uphold the collective so-called 'honour' of the family and community and can be part of a continuum of control and violence which escalates over time. At its most extreme perpetrators motivated by honour codes feel justified and determined to commit premeditated killings. We refer to [Annex 6](#) for a detailed discussion of the nature of HBA.

In daily policing, the realities of survivors' lives and the reluctance to involve the police, except as a last resort, means that the 'one chance rule' is critical. This is a recognition that speaking to the police is likely to be extremely difficult for a person reporting HBA, seen by them as bringing shame on the family, and potentially criminalising family members. They may not feel able to take that step again. If the police do not recognise and seize on such opportunities to engage proactively and take positive action, the opportunity for intervention may well be lost. The College of Policing introduced advice for first responders on HBA in 2021,<sup>29</sup> which refers to the 'one chance rule', though only very near the end. As for all police guidance, it is not the existence of the guidance but the extent to which it is known about, understood, and put into practice that matters. The new risk assessment tool for first responders, the DARA, has removed the question previously included in the DASH risk assessment which was intended to elicit reports of HBA ([see discussion at page 63 below](#)), which undermines the potential for intervention at first response.

All agencies dealing with domestic abuse, not only the police, need to both identify HBA when they come across it, recognise the risks it brings and take urgent action in response. Charlotte's narrative shows how five agencies all noted the existence of HBA but took no steps.

A crucial avenue for survivors to disclose HBA, for risks to be identified and advocated on is referral to a 'by and for' service. Raneem's experience also illustrates how the failure to refer her to a 'by and for' service meant that HBA, and the degree of risk she faced, were not identified.



**'honour-based' abuse (HBA)... arises from a belief system around the need to uphold the collective so-called 'honour' of the family and community and can be part of a continuum of control and violence which escalates over time.**

29 <https://library.college.police.uk/docs/college-of-policing/Honour-based-abuse-advice-for-first-responders-2021.pdf>

### Charlotte (Hillingdon) HBA

Charlotte was stabbed to death by her husband. They were both from Zimbabwe and had come to the UK together 16 years before her death and lived in Hillingdon, with their two children.

Charlotte reported verbal and physical abuse by her husband to a number of agencies over the years. The relationship ended just over a year before she was killed, when her husband was arrested after non-fatally strangling her, and a range of agencies carried out risk assessments recording "cultural" issues:

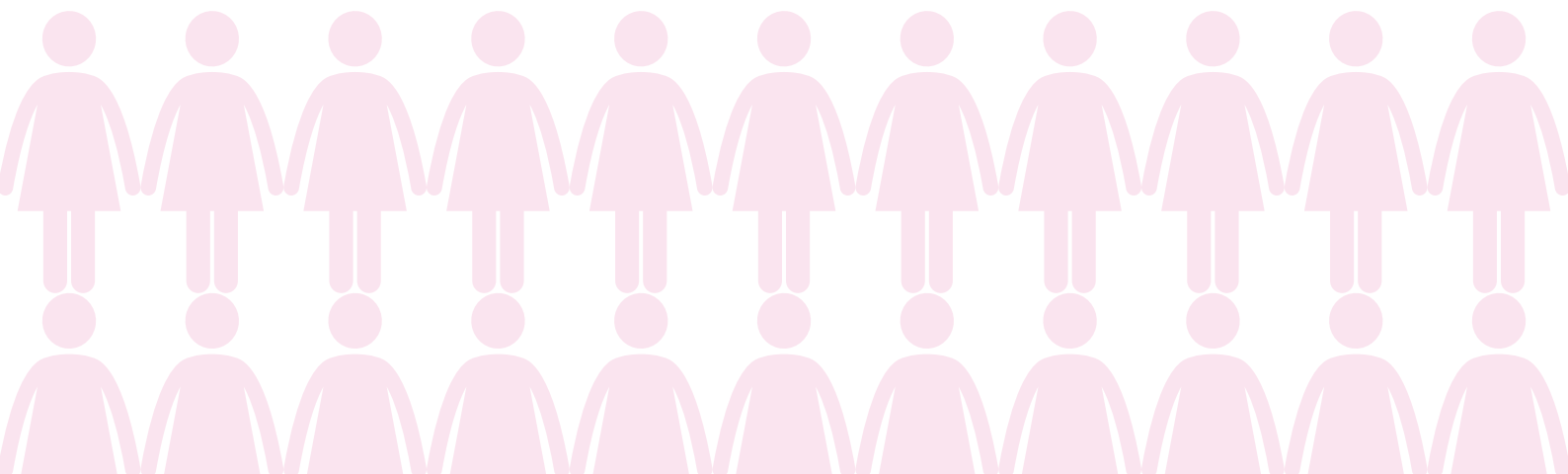
The IDVA recorded a list of risk factors including that "He is likely to seek cultural revenge and that if she leaves him he would kill her and the children. He said he would lose us anyway so he won't lose anything by killing us".

The IDVA service provided a summary for the MARAC including that "Perpetrator profile suggests cultural based violence and abuse and revengeful personality, no respecter of the law, volatile and unpredictable."

Children's Social Care noted that "Father is said to be revengeful and comes from a background where the man is the boss and women have to obey. He has said that if mother leaves him he won't lose anything by killing her and the children anyway."

The DHR found that "cultural issues" were noted by the IDVA, the police, Children's Social Care, Probation and the MARAC but "there was no action taken in direct response to this." The DHR made a recommendation calling for awareness-raising for professionals on the "intersections of race and gender and how they impact on women's experiences of domestic abuse". Although it is not clear if the 'cultural' issue concerned family and community honour, or personal honour, without further exploration by agencies the nature of the HBA was missed.

**"Father is said to be revengeful and comes from a background where the man is the boss and women have to obey. He has said that if mother leaves him he won't lose anything by killing her and the children anyway."**





### Raneem Oudeh HBA

Raneem Oudeh, aged 22, and her mother Khaola Saleem, were both stabbed to death by Raneem's second husband, Janbaz Tarin, outside Khaola's home in Solihull, Birmingham. He was convicted of the double murder and sentenced to life imprisonment with a minimum of 32 years.

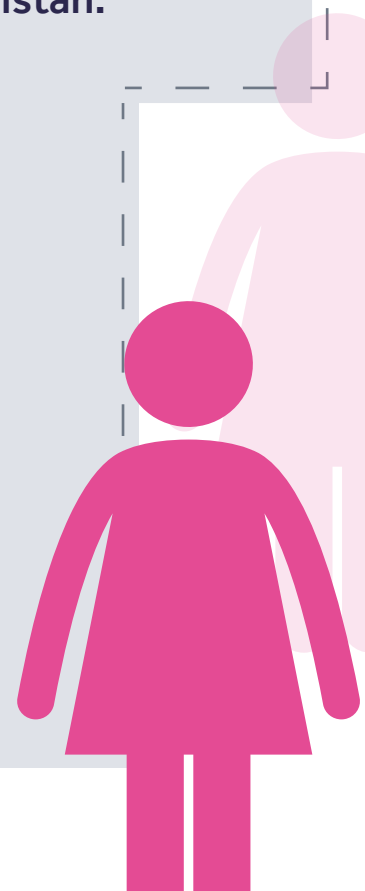
The women were murdered following a campaign of escalating domestic violence and stalking from Janbaz towards Raneem, motivated by his belief in honour codes.

Raneem had migrated from Syria aged 18 to join her mother, who was already settled in the UK. She met Janbaz, who was from Afghanistan, at Solihull College where they were both studying. Her family did not approve of the relationship because of their age and cultural differences, and when he began to harass her after she refused to marry him, her family arranged her marriage to another man. She had a child from this marriage, which ended as a result of abuse from her first husband. Following this, Janbaz pressurised Raneem into marriage in an Islamic ceremony. He was from a fundamentalist Afghani Muslim background, and warned Raneem on their wedding day that "we don't have a divorce in our culture. The day that you will be free from me is when I'll kill you", as she later told her aunt.

Janbaz treated Raneem as his possession, and subjected her to rape, physical assaults and coercive control. Within months of the marriage a housing officer noticed bruising on her and a neighbour called the police after hearing adults screaming and a child crying. Some 10 months after the marriage Raneem learnt that Janbaz had another wife and children in Afghanistan, and she wanted to leave him and obtain an Islamic divorce, but he became increasingly controlling and aggressive. Eventually she managed to have him move out of her flat, but he would return, demanding to be let in, saying he had nowhere to go. When she did let him in she was punched, he would take her passport, bank cards, keys and car and he would threaten to harm or kill himself. He refused to leave her alone. During the five months before her death there were eight reports to the police from Raneem, a neighbour, the security guard in her building and from a nurse at A&E who saw Raneem when she attended with injuries.

Despite her changing the locks, and a family mediation meeting with Janbaz, he continued to stalk and harass Raneem. Even after her step-father returned his belongings to him Janbaz refused to accept the separation and continued to refer to Raneem as his wife. His threats included sending her a photograph of his forearm where he had carved out her name, and threats to kill himself. Raneem understood this as a threat to her life, and to harm her own family. She told family

**To Janbaz, the murders were the ultimate way of restoring his so-called 'honour' following Raneem's refusal to conform, upholding his family's honour in the UK and Afghanistan.**

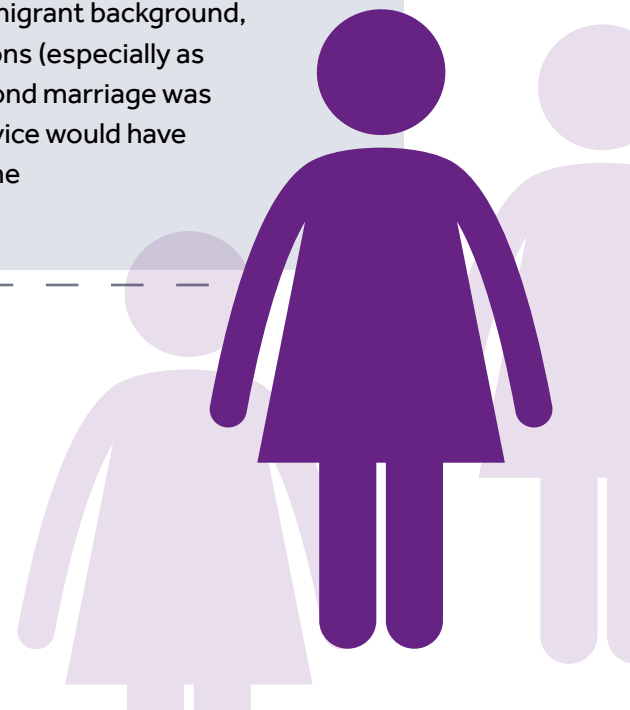


members that she feared he would kill her, in the context of his persistent stalking, threatening and jealous obsessive behaviour. To Janbaz, the murders were the ultimate way of restoring his so-called 'honour' following Raneem's refusal to conform, upholding his family's honour in the UK and Afghanistan.

After calling 999 to report serious incidents, Raneem often declined to support police action when officers attended, primarily due to her fear that social services would remove her son from her if they became aware of further domestic abuse (see page XX above where this punitive approach from social services is described). The last occasion when officers attended, some two weeks before the murders, after a neighbour had called police reporting screaming, police had already identified Raneem as a repeat victim following a string of incidents. There is conflicting evidence about the attendance, but officers recorded Raneem saying that Janbaz was a jealous person, struggling and had nowhere to stay. Despite strong evidence of stalking and harassment police recorded a non-crime incident and took no further action apart from referring her to apply for a civil non-molestation order. Had they referred Raneem to a Black and minoritised women's service, the honour-based abuse underlying the situation would have been identified and support workers could have advocated for her based on the true level of risk that he posed.

Janbaz's ultra conservative religious and cultural beliefs viewed women as men's property and would have included using violence to uphold the honour of the family. They were a constant thread throughout the relationship: his threats on the wedding day to kill her if they were to divorce, and that divorce was not acceptable in his culture. Also, she may have stayed with or reconciled at times with Janbaz as a result of being a divorced single parent, from a migrant background, who wanted to make her second marriage work for cultural reasons (especially as her first divorce would have already carried a stigma and the second marriage was not arranged by her family). Support workers in a 'by and for' service would have been able to understand her situation in the round and provide the support she needed.

**Had they referred Raneem to a Black and minoritised women's service, the honour-based abuse underlying the situation would have been identified and support workers could have advocated for her based on the true level of risk that he posed.**



### Survivors of abuse criminalised as a result of counter-allegations

In common with other issues, criminalisation of survivors happens to women from all national and ethnic backgrounds. However, for Black and minoritised women language barriers, professionals not understanding women's cultural contexts, and the acceptance of a perpetrator's narrative, and racialised assumptions about women of African heritage all feed into credibility assessments when there are counter-allegations. When women are wrongly viewed as perpetrators they can be arrested, have a caution on their record, and even when they are not charged or convicted of any offence this can have huge ramifications for their future treatment from agencies which see the records and, in some cases, on their separation or even loss of contact with their children.

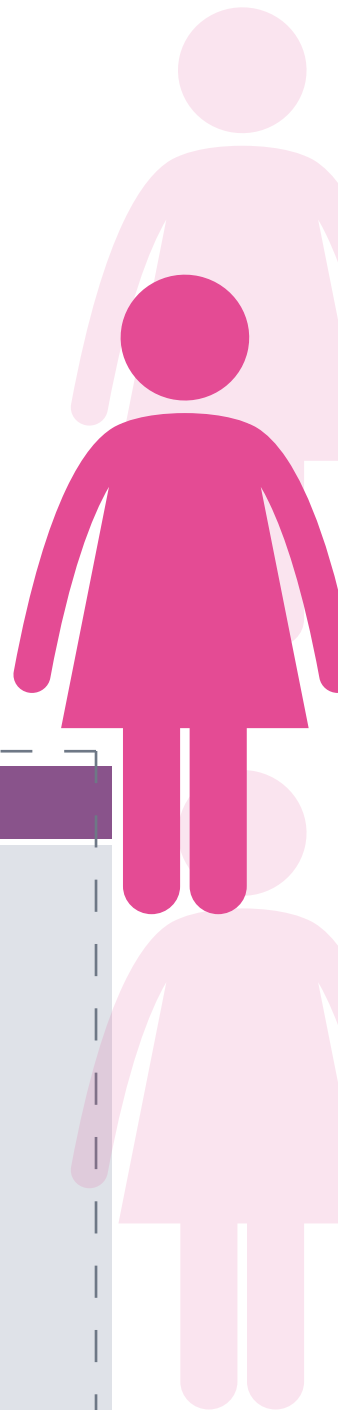
Rukshana's story shows how a range of overlapping intersectional issues combined, including cultural pressures from family, disability and false allegations by her perpetrator, so that she was trapped, with agencies failing to treat her as a person subjected to domestic abuse.

#### Rukshana (Ealing)

Rukhsana was born and raised in the UK, and was a graduate. She had an arranged marriage and following this her husband, who had little formal schooling, joined her in the UK from Pakistan. Rukhsana had an untreatable degenerative health condition which over the years affected her sight, hearing, mobility, breathing and a range of symptoms. They had two children and her husband became abusive. He told Rukhsana's mother that he had been lied to about her physical condition. She told her sister about him strangling her and biting her. Her sister encouraged her to report to the police, whilst her mother advised her to be patient, to try to explain things differently to her husband, and not to contact the police. She followed her mother's advice.

Two years before she was murdered by her husband, he reported to the police, the Council and the school that she had assaulted him and the children, and threatened that her father would kill him. He rang the police four times the same night alleging threats by his in-laws. He took the children to his sister's house and police arrested Rukhsana, and later interviewed her as a suspect. The case was dropped but the DHR identified that this first contact, where Rukhsana was identified as the perpetrator against her husband and children, informed the way agencies responded to the family going forwards.

Children's services conducted their own investigations, and Rukhsana told them about the abuse that she had suffered, but no risk assessment or safety planning was done with her, though the children were allowed to return home. Social workers advised the couple to obtain counselling through Asian Family Counselling or the mosque, but did not address the need for domestic abuse services.



### Failures by GPs and other health professionals

GPs, mental health services and other health practitioners in contact with survivors can fail to identify domestic abuse or engage with the wider context of women's lives and make interventions, such as referrals to domestic abuse services.

Many women who do not report to police and other statutory agencies do access GPs, mental health and other health practitioners, all of whom are a potential referral route to domestic abuse support services. Many of the women's experiences in our dataset reveal health professionals failing to probe for domestic abuse when there are clear indications, failing to explore the true circumstances behind women's distress and mental ill-health, and even failing to act on domestic abuse when it is directly reported to them.<sup>30</sup>

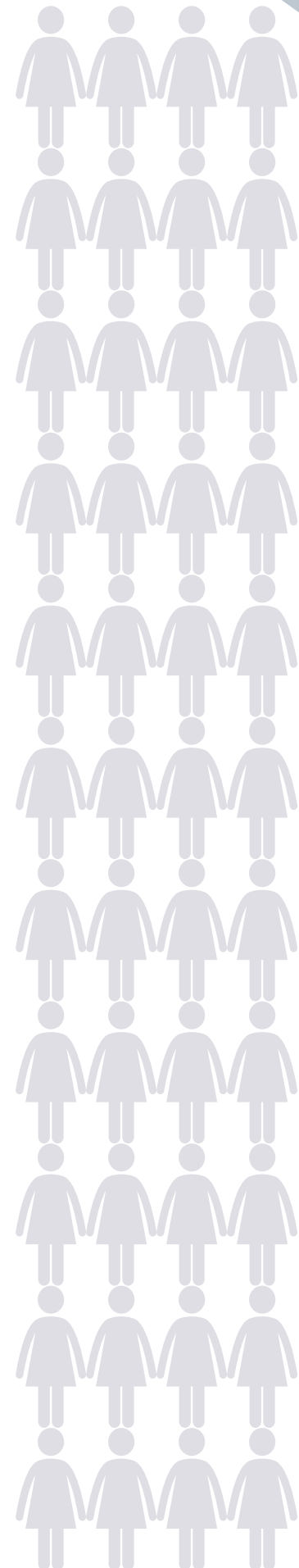
There are a range of examples of failures by healthcare professionals in the women's narratives in this report:



**Nadira** had taken an overdose and was taken to hospital by ambulance, where she was seen by a psychiatrist and referred to the community mental health team. She received a home visit the next day by a male nurse without an interpreter and was seen with her husband present. They discussed an "argument" which triggered the overdose, but there was no consideration of the possibility of domestic abuse, and the need to facilitate her seeing a member of the mental health team in private with an interpreter.



**Pritham** took her own life following two decades of abuse by her husband and in-laws (see Chapter 4 for Pritham's fuller narrative). As the youngest woman in the household, she was expected to do all the menial tasks and look after both her own children and those of her brother-in-law. She reported that her mother-in-law and other in-laws were very controlling and critical of her, and she rarely left the house of her own volition and had to ask for money to buy personal items. Her husband offered no support and took his mother's side saying she was disrespectful when she argued. Pritham's GP records documented a gradual deterioration in her mental health over a period of 19 years, with the GP recording four overdoses, her wish to leave with her children, feeling trapped, unable to cope, and symptoms of depression and anxiety. Despite this, the GP did not consider Pritham's situation as one of domestic abuse, noting only family tensions. She was referred to mental health services but not to domestic abuse support services.



30 See forthcoming research on the links between VAWG, trauma and mental health and Black & minoritised women's pathways to support (Thiara, Roy and Thomas, 2024)

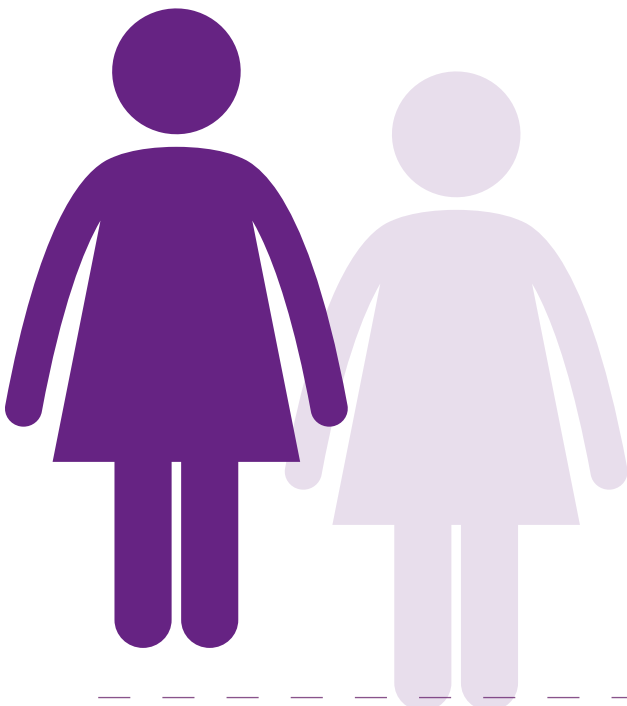


**Sana Shah's** GP was made aware of domestic abuse by the police, including assaults and threats to kill, three years before her death. The DHR states that the police reports were read and acknowledged but the GP never explored this with Sana, even though she was a frequent visitor to the surgery. Routine ante-natal screening for domestic abuse also does not appear to have taken place when Sana was pregnant. The DHR found that the Health Centre did not have a domestic violence policy or procedures for risk assessment.



**Dawn (Leeds)** suffered stress and depression, was at risk of self-harm, and had excessive problematic alcohol use. There were at least three disclosures of domestic abuse related to her ex-partner to her GP and she gave domestic abuse as the underlying cause of her mental health problems and alcohol dependence. However, she was not offered any referral for domestic abuse support by the GP.

The National Institute for Health and Care Excellence (NICE) has issued guidance on domestic abuse, needed, it states, because *"Without training in identifying domestic violence and abuse and responding appropriately after disclosure, healthcare professionals may fail to recognise its contribution to a person's condition and to provide effective and safe support."*<sup>31</sup> There is very little recognition of the issues faced by Black and minoritised victims-survivors, with just a bland statement on the need to understand equality and diversity issues and that *"assumptions about people's beliefs, values, gender identity or sexuality do not stop them from recognising and responding to domestic violence and abuse"* without any mention of 'race' or nationality (though there is a helpful statement on interpreters discussed below).



*"Without training in identifying domestic violence and abuse and responding appropriately after disclosure, healthcare professionals may fail to recognise its contribution to a person's condition and to provide effective and safe support."*

31 NICE Quality Standard on domestic violence and abuse 2016: <https://www.nice.org.uk/guidance/qs116/resources/domestic-violence-and-abuse-pdf-75545301469381>

### Use of interpreters

We address the use of interpreters in some detail, because the current position is unlawful, amounting to both indirect discrimination under the Equality Act and breaching the UK's international obligations under the Istanbul Convention. It is also a concrete practical issue that can be resolved if given attention by policing bodies.

The availability and use of quality interpreting services can be critical to women's access to safety and protection. Aliny Godinho's case illustrates how ad hoc interpreting through a friend seriously disadvantages a woman in terms of how her risk is understood by the police. The imbalance is even greater when the perpetrator is fluent in English and can put his own case forward more convincingly, even more so when he is charming and manipulative with professionals, as many domestic abusers are. Where counter-allegations are made against a survivor her access to quality interpreting can be crucial to how she is assessed. Poor interpreting also exacerbates other difficulties where statutory agencies and professionals have a lack of cultural competence.

In addition to the provision of interpreters, accuracy of interpreting is crucial in domestic abuse and sexual violence cases as, unlike many other crimes, the case often turns into an assessment of 'victim credibility'. Differences in accounts, even minor inconsistencies, are treated within the legal system as indicators of untruthfulness. Police and prosecutors base charging decisions on consistency of account and any inconsistencies will be seized upon by defence barristers in court. Misunderstandings, mistranslations and miscommunication have a fundamental impact in such cases. There needs to be a recognition of the critical impact of interpreting on the way in which the criminal justice system and other state agencies address reports of domestic abuse.

Support workers at Imkaan member organisations identified a plethora of situations where problems connected with interpreters hindered the policing of abuse suffered by their clients. When the police deal directly with risk to life, a failure to provide interpreting services deprives migrant women of the same access to safety and protection as other women facing such potential risks, as happened when L rang 999 in her last contact with the police before she was killed.

**We address the use of interpreters in some detail, because the current position is unlawful, amounting to both indirect discrimination under the Equality Act and breaching the UK's international obligations under the Istanbul Convention.**



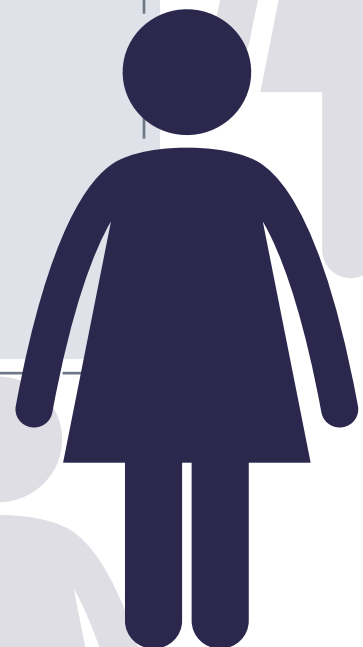


### L (Birmingham)

L was strangled to death by her husband after she had left him, taking the children, and telling the school not to allow him to collect them. The perpetrator had come to the UK in 1998 but returned to Bangladesh in 2005 for an arranged marriage with L and she then came to the UK on a two-year spousal visa. The DHR states that she had virtually no English, no employment or other activities outside the home so she was highly dependent on her husband and vulnerable to coercion. He sometimes acted as interpreter in their contacts with services. She needed an interpreter when she reported him to the police. There was clearly abuse in the relationship with a family member telling the DHR of seeing L with injuries from being hit with a belt. L felt unable to leave the relationship because he would then never repay her mother several thousand pounds he had borrowed from her to buy land in Bangladesh.

Three years after arriving in the UK, whilst she was six months pregnant with her second child L did contact the police to report that she had been grabbed by the hair, dragged and shaken and he had threatened to send her back to Bangladesh and tried to confiscate her passport. A statement was obtained by an interpreter with the police, rather than by an officer. It was poor quality, with no relationship history, no details of the child or pregnancy, no previous abuse recorded and even the account of the incident itself was very short. Despite the fact that he did not make a full admission the perpetrator was cautioned and released. The DHR states that a caution was not appropriate and a charge should have been considered, and that the lack of effective response meant that it was nearly four years before L felt able to try to seek help again.

The second time she contacted the police an interpreter was used but police did not identify potential domestic abuse or do a DASH risk assessment. The third and final time, four months before her death, L rang 999 and asked for an interpreter. She told the call handler that she was separated from her husband who was on a visit to Bangladesh and he had told her he would kill her if she separated from him. At the police call centre a request was made over police radio for a Bengali speaking officer to make contact but there was no response. A sergeant spoke to her in English, obtained some background facts and suggested that a friend could interpret for her the next day and that L would get in touch. The police did not act as if they had a legal duty to arrange a professional interpreter, in a situation where a person is reporting a potential risk to her life. L did not make any further attempts to contact the police before her death four months later. Despite instruction to keep the log open a police staff member closed it, and there was no follow-up contact with L. No checks were made so officers were unaware of the incident four years earlier.





### Mrs F (Lincoln)

Mrs F died from head injuries following an attack by her ex-husband. She came to the UK from China, on a spousal visa, and the DHR states that domestic abuse began soon after the marriage. Mrs F had limited spoken English, though she understood written English, whilst her husband, who was also from a Chinese family, spoke fluent English having been born and brought up in the UK. Within weeks of her arrival in the UK a passing police officer reported hearing a domestic incident in a flat and officers attended. A DASH risk assessment was conducted, but despite the fact that she had only recently come to the UK there was nothing in the police records regarding language being an issue or that Language Line (the force translation service) was necessary.

Mrs F first reported to the police a year later, calling 999 and reporting an assault by her husband. Police attended the address and Mr F made counter-allegations of assault against her. Police decided to interview them both under caution as a voluntary interview in their own home. The interviews were conducted and recorded in English. This would naturally have put Mrs F at a disadvantage when she was facing counter-allegations and being treated as a suspect and interviewed under caution. During the DHR process officers justified this by stating that both parties spoke to them in English and understood the proceedings and the couple were asked to read their record of interview and only sign if they agreed it was a true record. Following a police report two years later police used an interpreter to obtain a full statement from Mrs F, demonstrating that clearly there had been a need for an interpreter in previous years.

Failings relating to interpreters can be broken down into the following categories:

#### Failure to use professional interpreters



There is no recognition at a national level that the police are under an obligation to provide interpreting services, rather than doing so voluntarily. The Victim's Code includes, at Right 1.3, the right to use an interpreter but not the right to require the police to arrange an interpreter. Therefore, it can be fulfilled by the survivor arranging her own interpreter, or a non-professional person interpreting. Footnote 20 similarly states that "You have the Right to report the crime in a language you understand or with the necessary linguistic assistance if you do not speak English" in abstract terms without specifying a duty on the police or other statutory body to supply the interpreting service. There is nothing in the Victim's Code that requires a professional interpreter to be used, as opposed to any person who speaks a particular language, or to ensure that friends and family, and even children, are not used as interpreters.



The lack of a requirement that police provide interpreting services when a person is reporting domestic abuse, which can involve potential threat to life, amounts to indirect discrimination on the grounds of sex and/or race under the Equality Act. It is a provision, criterion or practice which has a disproportionately adverse impact on those with particular protected characteristics.

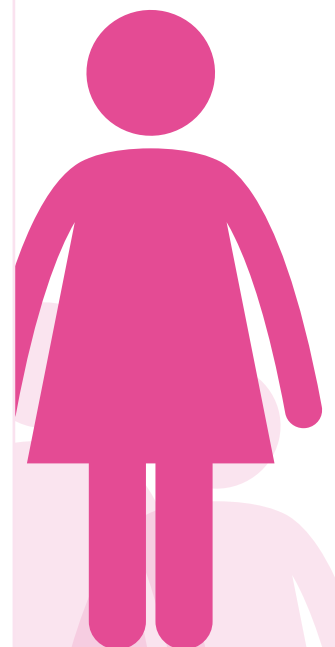
Under the Istanbul Convention, the onus is on the State to provide 'independent and competent' interpreters for victims of domestic violence Article 56 (1)(h), including during investigations (Explanatory Report at [291]). This has also been recognised by the CEDAW Committee in *Isatou Jallow v Bulgaria* (2012) and *R.P.B. v the Philippines* (2011). (see [Annex 8](#) page 134 onwards for detailed legal analysis).



Use of family members, especially children, and also friends and neighbours, is wholly inappropriate in domestic abuse and sexual violence cases. Reporting such offences means disclosing intimate abuse which is highly sensitive, often deeply embarrassing, sometimes seen by survivors as humiliating and shameful. Women should not be put in a position of having to disclose in front of other people they know well, and the presence of others who are personally involved can inhibit or distort an account, for example the person interpreting may have their own opinion of the perpetrator which may colour the way they explain things when they interpret, and even their own vested interest in the situation which may influence what the survivor chooses to disclose.

Using children to interpret is not only inappropriate but deeply harmful to both the survivor and the child. Children should not be exposed to traumatic accounts of abuse between their parents, and a mother may well limit her disclosures to limit impact on the child. A teenager who may seem articulate, confident and sympathetic to her mother, is still a child, and exposure to accounts of abuse can have long-term impacts. It is well established that children in abusive relationships are victims in their own right due to the harm that they suffer, and this should not be compounded by exposing them to even more detailed and intimate knowledge of abuse. Even a supportive friend may not be an appropriate interpreter, she may have her own views and knowledge which can colour the way matters are interpreted, her presence may lead to self-censorship by the survivor, and she is not a professional and her own language skills may not be sufficiently accurate, nor has she been trained in basic interpreting principles, such as translating what the person has said rather than your own summary of it. The DHR in L's case (Birmingham) found that:

*"The police domestic abuse policy also states that family and friends should not be used as interpreters: this is because of concerns about minimisation, difficulties in understanding dynamics and power relationships, cultural issues and traditions and the opportunity for family or friends to exert influence and further control over a victim disclosing abuse."*



## Male interpreters



The use of male interpreters for reports of intimate partner abuse prevents many women from disclosing domestic and sexual abuse. Under the Victim's Code (Right 2.8) the survivor has a right to request a female interviewing officer, a request the police should usually meet in domestic abuse, sexual violence and other gender-based violence cases. However, there is no similar right as to the sex of an interpreter included in the right to use an interpreter (Right 1.3). For a Black or minoritised woman to disclose abuse to a male interpreter from her own community can create a greater, more insurmountable barriers than for a white woman to disclose abuse to a white male officer. She may feel judged by him, that her disclosures will shame her in his eyes, and/or simply feel unable to bring herself to say the words she needs to convey to the interviewer.

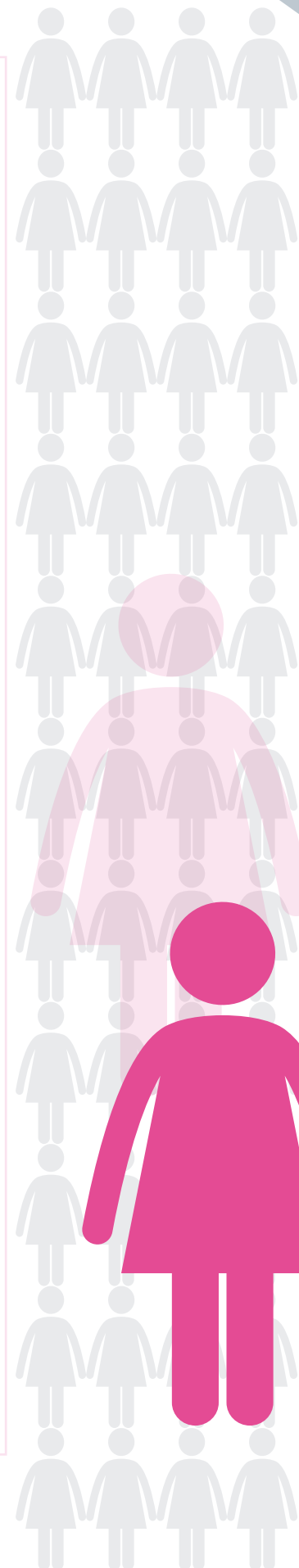
The fact that a male interpreter who speaks her language will be from her own community can create an even greater barrier. If he is local, he may know her family or wider network of associates, she may fear that he will disclose information about her to others and potentially put her at even greater risk.

For migrant women to have the same and equal access to safety as other members of society, that right must include a right to require a female interpreter, otherwise many women simply cannot avail themselves of the protection of the criminal law, and their lives will be at risk.

Access to female interpreters is not an impossibly onerous requirement. Interpreting services for criminal justice agencies are provided via approved provider companies and a sufficiently large pool of female interpreters can be created. A shortage of interpreters cannot be a basis for breaching the right to life.

The use of male interpreters applies not only in policing but in many other settings where there is a discussion of intimate issues and potential disclosure of abuse, such as health settings. There is no purpose in having an interpreter that the survivor will not trust with their disclosure.

The right to a choice of gender of an interpreter where operationally possible is underpinned in international law by general principles that domestic abuse investigations must be rights-based, victim centered and gender-responsive. Istanbul Convention Article 49 requires a 'gendered understanding' in criminal investigations which 'recognises the gendered dynamics, impact and consequences' of violence against women' (Explanatory Report at [115]). Other international instruments contain similar provisions and indirect discrimination also arises (see [Annex 8](#) page 138 onwards for detailed legal analysis).



### Inadequate interpreting



Where interpreters are used, often staff from Imkaan member organisations sit in on an interview to provide emotional support, and the support worker speaks the language being interpreted to the police. Support workers report frequent poor-quality interpreting, for example this may include: simple errors in the information provided, the interpreter speaking the wrong dialect, or even the wrong language and making do with limited understanding. Interpreters have been known to provide their own interpretations of the situation to professionals rather than precisely repeating the words of the survivor, and may also give their own personal advice. Sometimes support workers are forced to intervene to state that the interpreter has misunderstood or mis-translated what the survivor has said, but they feel uncomfortable doing so, as this is not perceived to be their role. In many cases, there is no support worker who can check the accuracy of interpreting. The professionalism of interpreters and an understanding by state agents about how to use interpreters is crucial. For example, if a person speaks for several minutes but the information is translated as only one or two sentences, then clearly there has not been a full translation, but a summary has been created by the interpreter, which involves their own interpretation and choices about what is and is not relevant to include. The person conducting the interview can enforce a strict interpretation sentence by sentence if they are alert to this problem.

In the most serious failings, police officers sometimes leave interpreters to take victim statements themselves, something they have not been trained to do (see for example the wholly inadequate statement taken by an interpreter from L (Birmingham) the first time she reported to the police). In other cases, police will not allow support workers to be present when a survivor is giving a statement through an interpreter, which means that in addition to the lack of emotional support, an opportunity to monitor the quality of interpreting is lost.

### Using women's support workers as interpreters



At the other extreme, police sometimes ask support workers from women's organisations, or even pressure them, to act as interpreters. This is not their role, and it could conflict with their primary function to provide emotional support, and to always act in the best interests of their client. If challenging questions are put by officers to a survivor via the support worker this undermines her relationship of trust and confidence with her client, which is essential to women's ability to remain engaged in the criminal justice process. Finally, support workers from women's services are not paid to be interpreters for state agencies, and to expect them to carry out this work free of charge, when it should be a service provided by the state, is wrong. It can be



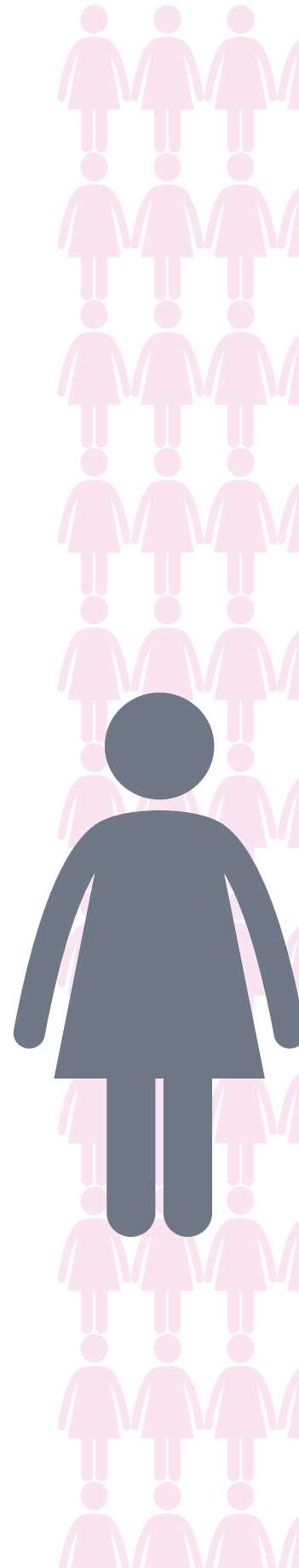
exploitative when they are made to feel by professionals that if they do not provide interpreting services, they are hindering progress of their client's case. Frontline women's services often operate on a shoestring budget and their funding does not include acting as interpreters.

### Delays caused by use of interpreters



Staff at Imkaan member organisations identify delays by the police in securing interpreters as having a critical effect on some cases. Whilst some delay is inevitable, especially when an interpreter needs to be female and to speak the correct language and dialect, support workers report very extreme delays, which can even result in cases being dropped. There can be delays of weeks and even months in taking an initial victim statement. In one case we are aware of, a statement had not been taken by the time the offence became statute barred after 6 months.<sup>32</sup>

This is particularly important when we consider the barriers that many Black and minoritised women face in reporting abuse to state agencies in the first place. As discussed above in Section A, some women face immense pressure from their families and communities not to report abuse, whether explicit pressure and threats, or internalised feelings of shame and anxiety at exposing themselves and their partner, and 'washing their dirty laundry' in public. Reaching the point of feeling able to report is often the cumulative effect of a long period of abuse, or an acute crisis. If the police do not respond quickly, take a detailed statement, kick-start the process and make the survivor feel that she is being taken seriously and that something is being done, she will not be able to maintain the momentum that brought her to report. Support workers say that, as time goes by, pressure from family and community, as well as fear of the perpetrator and the repercussions of reporting, take their toll and survivors lose the strength and determination to follow through and remain within the criminal justice process. Without an acute awareness of the need to prioritise an interpreter and take an account and engage the survivor in the process, police simply fail to provide the basic protection that women need, and that could save their lives. Obtaining an interpreter can be seen as a bureaucratic burden that means a case is put to one side and not progressed. In practice, a significant delay in progressing a case due to the need to obtain an interpreter, is a serious state failing that disadvantages Black and minoritised women and excludes many from the protection of the criminal law.




32 Common assault and the lower level of harassment and stalking must be charged within six months

A report on communication barriers<sup>33</sup> published by a group of VAWG sector women's organisations in April 2023 discusses these same issues. It highlights the lack of access to the criminal justice system and other statutory services for survivors who are Black, minoritised, migrant, refugee and asylum-seeking women, as well as those who face communication barriers due to being deaf or hard of hearing, blind or visually impaired, and have learning disabilities or limited or no literacy. Similar issues are raised such as women being given no interpreters, male interpreters, family or neighbours being asked to interpret so that they become privy to deeply personal matters, and complex information being provided and received using google translate. They raise the inadequacy of police investigations based on incomplete information.

Chantler et al (2019)<sup>34</sup> identified language barriers and lack of appropriate interpreting in a qualitative analysis of 54 Domestic Homicide Reviews, citing three cases which demonstrated problems. In one case, the couple's 12-year-old child and an adult male friend of the perpetrator were used as interpreters. The authors stated that *"The unsuitability of using children as interpreters is well-documented in the professional practice literature (Chand, 2005; Sawrikar, 2015); prompting questions about how and why this practice continues."*

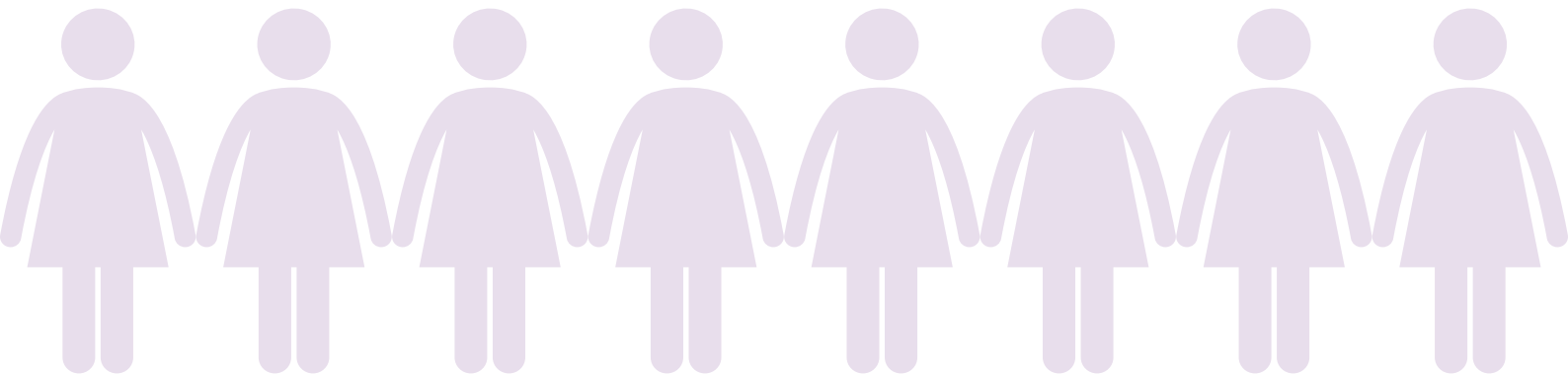
Notably, the NICE Quality Standard on domestic abuse does identify the need for professional interpreters, stating that *"When interpreters are needed for discussions, these should be professional interpreters who are impartial and have a duty to maintain confidentiality. Family members or friends should not act as interpreters for enquiries or discussions"*.



*"When interpreters are needed for discussions, these should be professional interpreters who are impartial and have a duty to maintain confidentiality. Family members or friends should not act as interpreters for enquiries or discussions"*.

33 Listen To Us: Communication barriers: how statutory bodies are failing black, minoritised, migrant, deaf and disabled women and girls victims/survivors of VAWG. <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/04/Listen-to-us.pdf>

34 Chantler, K., Robbins, R., Baker, V. and Stanley, N. 'Learning from domestic homicide reviews in England and Wales' Health and Social Care in the Community (2019)



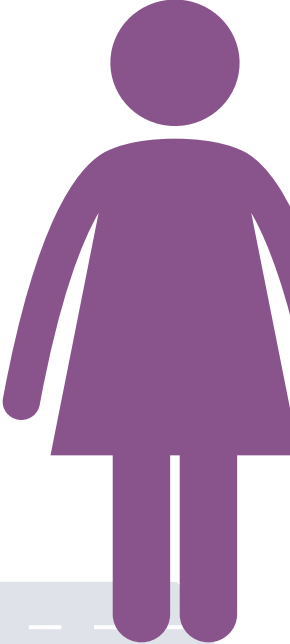


### Wider literature

Finally, we comment briefly on whether the issues set out in Chapter 1 of our research have been identified in other literature. There is a well-established academic literature on intimate partner violence and barriers to help-seeking by Black and minoritised women. Some of the same patterns we discuss in Chapter 1 have been identified not only in the UK but globally, see for example a meta-analysis which summarised 47 articles in peer reviewed journals in English between 2000 and 2020.<sup>35</sup> Some literature focuses more on disclosure of domestic abuse and help-seeking by Black and minoritised women, rather than the ways in which state agencies respond, which is the focus of this research.<sup>36</sup> Overall, we believe that the issues around police assessment of women's credibility and acceptance of perpetrator narratives have not been explored previously, but other issues raised here have been flagged for many years, though not acted upon as a policing priority.

Turning to the analysis of Domestic Homicide Reviews conducted by the Home Office, published in June 2022 and September 2021, (previous analyses were also published in 2016 and 2013) we are concerned about the lack of attention to the issues in this research. The ethnicity figures do not separate out intimate partner deaths from other family relationships, and in the June 2022 report in the section on characteristics of victims, the vulnerability categories identified do not include language barriers or any other aspects that relate to ethnicity. Whilst there is mention in the 'aggravating factors' section of 'honour-based' abuse and immigration issues, there is no explanation or discussion of these in the text. In the September 2021 review, in section 6 on themes in DHRs, again ethnicity does not play a part and none of the issues in this research are considered.

Indeed, the themes chosen for the Home Office analysis are at such a level of generality, and the approach is primarily numerical rather than discursive, that it is difficult to see how the analysis can lead to any meaningful policy conclusions. Most of the themes revolve around the mechanics of record keeping, information sharing, identifying support, etc. which are primarily implementation matters. This ignores the more fundamental underlying questions, including systemic questions of whether policies and procedures are appropriate and questions about *why* in some cases professionals do not follow policies and procedures, as discussed in Section B above. We look forward to the Domestic Abuse Commissioner's office taking forward a domestic homicide oversight mechanism which will allow for far greater in-depth thematic analysis, linked to policy formulation.



**... the vulnerability categories identified do not include language barriers or any other aspects that relate to ethnicity.**

35 Hulley et al (2022) 'Intimate Partner Violence and Barriers to Help-Seeking Among Black, Asian, Minority Ethnic and Immigrant Women: A Qualitative Metasynthesis of Global Research' *Trauma, Violence and Abuse*, Vol 24 issue 2 <https://journals.sagepub.com/doi/full/10.1177/15248380211050590>

36 Femi-Ajao et al (2020) looked at eight research studies between 2004 and 2011





# Chapter 2

## The need for 'by and for' Black and minoritised women's services

The narratives of many women who died vividly highlight the absence of support from an organisation that understands their experiences of domestic abuse and intersectional lived experiences from a feminist perspective. This is not merely a matter of speaking the woman's language, though that is important, but a broader issue of understanding and responding appropriately to the pressures and challenges she faces, both within her own community and when dealing with state agencies. Access to independent specialist support from a service whose role is to see things entirely from the woman's perspective and advocate for her, so that her situation and her needs are understood and met by statutory agencies is critical to an effective response.

**The need for a Black and minoritised led 'by and for' service is powerfully illustrated in the following women's narratives:**



**Nargiza** had No Recourse to Public Funds and a generic domestic abuse service advised her to contact the Home Office about her immigration status. As a result, she received misleading information from a Home Office caseworker about the DDVC, which was not corrected by her support worker, presumably because she did not herself know how the DDVC works. Nargiza believed, incorrectly, that under the DDVC she would not be able to access housing benefit, and would face a year of homelessness, and decided to return to her abusive husband, who later killed her.



**Sana Shah** had no-one to help her navigate the process of seeking an Islamic divorce through her local Mosque. The person who assisted her with this was her Family Support Worker at her Child Contact Centre, who clearly wanted to support her but is unlikely to have had any experience in dealing with this complex situation. A 'by and for' service with understanding of women's position under Islamic law would have been able to provide meaningful assistance. A 'by and for' service would have also appreciated the level of risk



she faced. She was killed two days after the divorce proceedings in the civil court were served on the perpetrator.

**Manpreet** (Lincolnshire) had grown up in a strict Sikh family and, following an arranged marriage, she left her controlling husband and two children and was in a relationship with a white man. She was ostracized by her family, viewed herself as “disgraced” and accepted zero contact with her children. She moved to a new area with no Sikh community. Her white partner was violently abusive and they both suffered serious mental ill-health and were hospitalised due to this at various times. The DHR states that Manpreet was allocated an IDVA but refused to engage, and that none of the agencies were able to establish a rapport. The DHR documented repeat overdoses and self-neglect, her isolation from family, and feelings of ‘disgrace’. She took her own life by self-immolation (burning), a centuries-old form of protest in the Indian sub-continent. South Asian female staff at a ‘by and for’ service may have been the only ones who could have understood her predicament and been able to successfully engage with her.

**Aliny Godinho** was supported by a generic domestic abuse service during the three weeks before her murder, who allocated her a Brazilian Portuguese speaking support worker. Whilst this service carried out a range of actions, the support worker did not advocate proactively for Aliny with the police, and all communications with the police were via Aliny’s friend acting as interpreter, including on the day of her death when Aliny contacted her support worker to report that her husband had hacked into her accounts. The ‘by and for’ service that advised the DHR panel informed us that they would have taken a more proactive role to try to secure protective steps from the police. ‘By and for’ services often have a greater culture of independence from and challenge to statutory bodies than larger generic services because their core work involves protecting marginalised communities that are more likely to experience discrimination and exclusion.

**Dawn (Leeds)** was turned away from a refuge run by a generic domestic abuse service on the basis that she carried a knife for her own protection. She was seen as someone who presented a threat to others, rather than a woman in desperate fear for her own safety. The DHR states that:

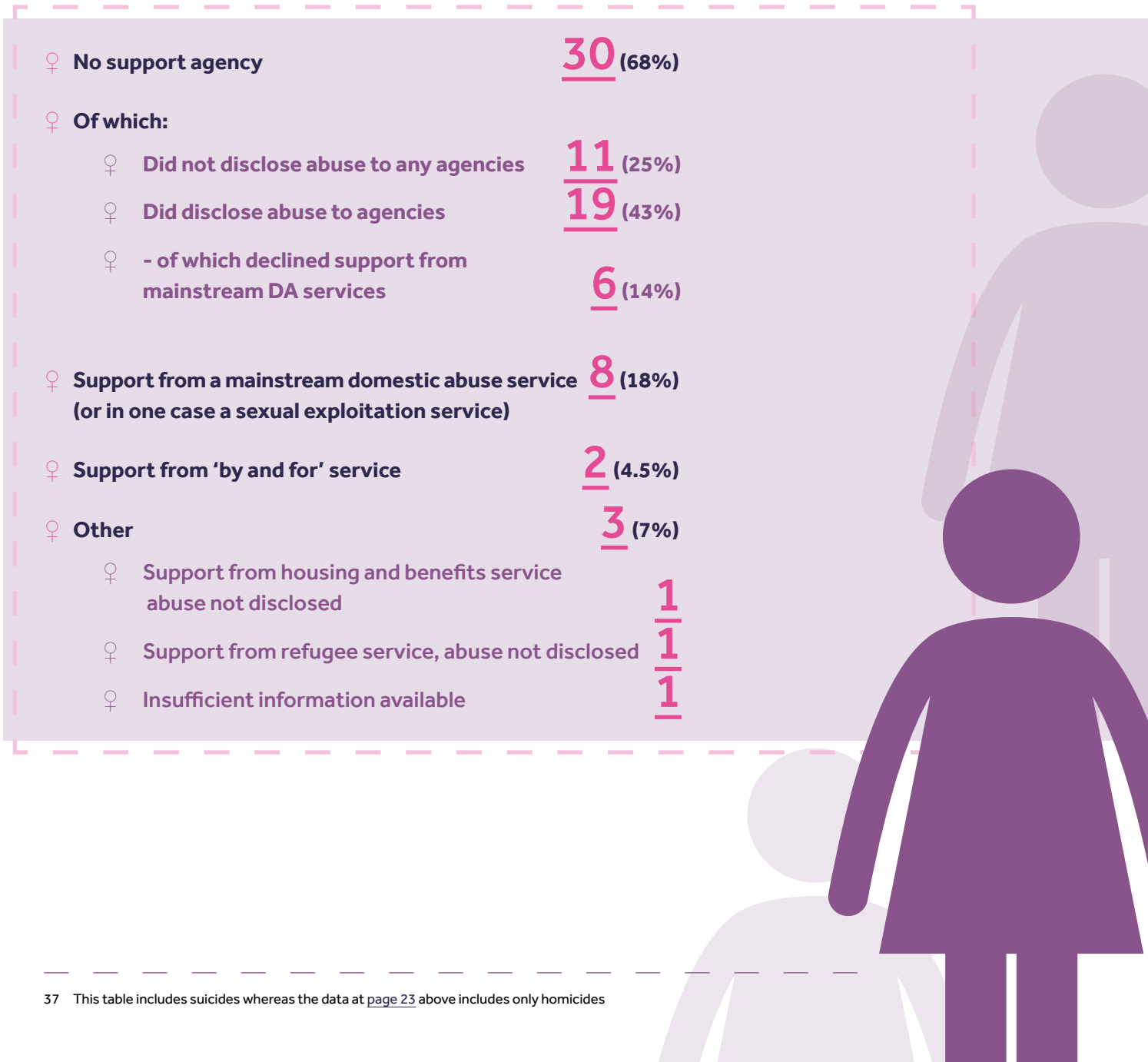
*The Panel observed that practice overall has not accounted for the individual and specific needs of Dawn (Leeds) as a black woman living in Leeds; and this needs to be addressed in the wider recommendations and learning from this DHR. Leeds no longer has a specialist service for BME women experiencing domestic violence and abuse; previously Sahara provided emergency accommodation and outreach support and this was decommissioned in November 2011. There is generally a lack of specialist domestic abuse services across the city, which is a huge issue. Several IMR’s, including this MARAC IMR, refer to referrals being missed to services which could have offered specific emotional support and intervention responding to the needs of Dawn as a black woman.*



## Numbers in our dataset on access to support services

We analysed how many women in our dataset accessed support services and the types of agencies they had support from. By 'mainstream' service we mean a domestic abuse support service that supports survivors from all ethnic backgrounds and is not specifically led by and for Black and minoritised women.

**44 women, 38 died by homicide and 6 by suicide:<sup>37</sup>**



37 This table includes suicides whereas the data at page 23 above includes only homicides

Overall, our data shows that almost all the women who were killed were not receiving support from 'by and for' services, even though 71% did disclose abuse to agencies.<sup>38</sup> Clearly, there was a lack of referral to 'by and for' services across the board, both by the police (52% reported to police, [see page 23](#) above) and by other agencies. The importance of police knowing their local 'by and for' services and making referrals directly to them, cannot be overstated. Both police and mainstream services should refer Black and minoritised survivors to specialist 'by and for' services. However, the 'by and for' sector needs to be adequately resourced to make this a reality for all survivors to access the support they need. ([see page 64](#)). The findings in this research provide clear evidence that a properly resourced 'by and for' sector can be a life-or-death issue.

There were two cases where women were in contact with a 'by and for' service. In one case (see Charlotte's narrative above) the 'by and for' service was contacted only a short time before the death, and immediately began work to put in place protection orders, whereas a mainstream service had been in touch with the woman for over a year and had not taken steps to support her with this. In the second case, the 'by and for' service did not have on-going engagement with the woman, she had contacted them, but they could not locate their records to establish what she was told when they called her back.

Two thirds of the women who died were not receiving any support from any kind of support agency. That is not surprising for those who did not disclose abuse, but it is notable that 43% of the total did disclose to agencies but did not have a support worker. It is not known what proportion of these women were not referred to or offered support agencies and what proportion were offered support agencies but declined. We discuss below how there is a need for a different approach to securing engagement with domestic abuse services for some Black and minoritised women, as compared to white women.

For 6 women (14%) there is a record that they had been offered mainstream support services and declined. Obviously, some survivors from any ethnic background, do not take up an offer of support from domestic abuse services for a range of reasons. But in two of these cases there is a clear indication that the women preferred support from specialist Black and minoritised organisations. One woman declined referrals to domestic abuse services but was receiving counselling from a bereavement charity for Black and minoritised communities following her mother's suicide. Her father told the DHR that she felt that she would receive more empathy

**Almost all the women who were killed were not receiving support from 'by and for' services, even though 71% did disclose abuse to agencies.**

38 See table at [page 23](#) above.

and understanding from a counsellor reflecting her community. Another woman (Pritham, whose narrative is at Chapter 4 below) was referred to two support agencies after she called the police in distress one night walking down the road in her pyjamas. One was a mainstream domestic abuse service and the other was a local anti-racism service. When she received a call from the mainstream domestic abuse service, she told them she was ok and did not engage further. But when she received a call from the anti-racism service she did engage and told the caseworker some of her family circumstances. Unfortunately, this service did not have any knowledge about domestic abuse so the advice from the caseworker was not helpful, and he did not refer her on to a 'by and for' domestic abuse service.

Of the eight women (18%) who received support from mainstream domestic abuse services, we have described above how, in some cases, there was a lack of understanding of key issues, such as immigration status and the DDVC scheme (Nargiza), a failure to advocate proactively with the police (Aliny) and a lack of empathy when a woman presented who was clearly experiencing a high level of fear for her safety (Dawn). Clearly domestic abuse services are not always able to keep women safe at all times, and there will inevitably be situations where women who are supported by domestic abuse services, mainstream or 'by and for', are killed or take their own lives. However, if we are to learn lessons, it is imperative to consider the oversights and gaps highlighted by the experiences of women in our sample.

Finally, the 'other' category in our table above illustrates how, in some cases, women were in touch with third sector support agencies, but where those agencies are not domestic abuse specialists women may not have made disclosures of abuse.

A review of DHRs in London in 2019, carried out by Standing Together and MOPAC,<sup>39</sup> also identified "a need for agencies to liaise more with BME specialists when supporting victims of domestic abuse" as one of their key issues. The DHRs they looked at showed that statutory pathways of criminal justice and social care systems were used without active involvement from 'by and for' services and stated that it was important that all agencies dealing with domestic abuse should be aware of the pathways to specialist support. The review noted that police risk assessments should include engagement with specialist services for a "diversity focus", especially where a survivor is seen to be "disengaging with services".

... if we are to learn lessons, it is imperative to consider the oversights and gaps highlighted by the experiences of women in our sample.

39 London Mayor's Office for Policing and Crime, the report included specialist input from Imkaan, see: <https://static1.squarespace.com/static/5ee0be2588f1e349401c832c/t/5f633ee1e0e0be6ec5b858a1/1600339696014/Standing+Together+London+DHR+Review+Report.pdf>


## Engagement with Black and minoritised survivors

One issue that is rarely discussed is how much more difficult it is for some Black and minoritised women to engage with domestic abuse services than white British women. This can be because of unfamiliarity and lack of trust in professionals, and in some cases because of the sheer practical difficulties they face in being able to take calls in private or attend meetings, when their time is strictly controlled, and they have little privacy. They need access to staff who understand the dynamics of the abuse and the intersectional contexts/barriers that impact on their safety.

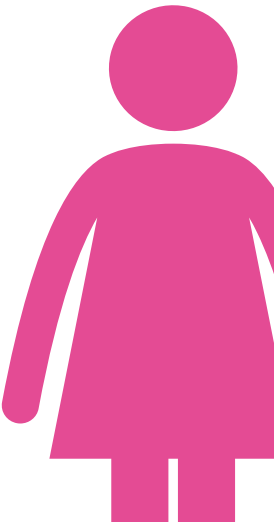
A staff member at a 'by and for' service noted how the 'three strikes rule' used by many mainstream domestic abuse services is simply insufficient to reach some women in Black and minoritised communities. This 'rule' is where a referral is received by a domestic abuse service, from the police or other agency, and they call the woman's number three times on three occasions, and if they cannot make contact the matter is closed. 'By and for' services understand the challenges faced which mean that women often won't be able to speak, and that many won't answer calls from a withheld number. They allow longer and are more proactive in trying to contact women when they receive a referral and know that a woman is experiencing abuse. They try at different times of day, and specific times such as the school run when a woman might be out of the house. Sometimes they try to contact the woman via the school and send her messages to arrange to meet at the school gates, or find other places to meet that a woman can legitimately go to where she is free to speak away from family members.

A 'cultural expert' invited to input on a DHR into the death of an Asian woman told us how she questioned the conclusion of the Chair that a mainstream agency had provided an adequate service by signposting a woman to immigration solicitors. Through a great many years of experience working in a 'by and for' service, she knew that a woman in this situation is unlikely to be able to follow up independently if given a list of names of solicitors' firms. To ensure that she feels able to access legal advice, a 'by and for' service would make an appointment with a solicitor's firm on her behalf and attend with her, at least for the first appointment.

Simran (Kent) was an Indian woman of pension age, who took her own life whilst her husband was on remand awaiting trial for threats to kill her and assault on their adult son. She was in touch with her GP about stress, anxiety and insomnia and tried to retract her statement for the criminal proceedings. The DHR stated that none of the professionals considered the impact of honour and shame on Simran. Three calls were made to her by a mainstream support service for victims of crime, no messages left, and the case was closed after these three failed attempts to make contact.



**They need access to staff who understand the dynamics of the abuse and the intersectional contexts/barriers that impact on their safety.**





## Risk assessments by 'by and for' services

Three 'by and for' Imkaan member organisations supporting women from a range of backgrounds<sup>40</sup> described how the DASH as a risk assessment tool<sup>41</sup> is not adequate for women they support. Many issues are not captured or a range of themes are collated under one heading, for example, HBA is often dealt with very briefly in a 'tick-box' fashion and therefore the risks arising are not assessed properly. 'Honour-based violence' is included within a wider question on control and jealousy, and extended family is mentioned in a question about whether there is any person who has threatened the woman, or she is afraid of. The focus is on physical assault and specific incidents rather than understanding the broader background circumstances or the pattern of violence. Research by Imkaan and the University of Warwick found that police officers failed to pick up on historical and current cases of sexual violence when women reported domestic abuse as assessment tools they use were bluntly applied and failed to consider the overlapping nature of different forms of VAWG.<sup>42</sup>

Imkaan member services supplement the DASH with additional and differently framed questions that help identify the true risks that women face, and often assess a higher risk than statutory agencies for the same woman. As a result, they have to advocate harder to get cases considered at MARAC and secure the required support. They also report that when they look at risk assessments conducted by the police and other statutory agencies alongside their own risk assessments, they often see very different results. Sometimes it is clear that the questions were asked in ways that the woman did not understand, that things were mis-interpreted, or that the woman did not feel able to fully disclose during previous risk assessment.

The approach of 'by and for' services begins with a deep understanding of the barriers faced by the women they support, and focuses on building relationships with the women. They adopt a probing approach with follow-up questions, analysing her situation in full, avoiding a tick-box approach. Importantly, this is done in a trauma-informed and intersectional approach so as not to inflict further harm. It is conducted with empathy, skill and understanding through observing and understanding body language, explaining confidentiality in a way that Black and minoritised women will feel safe in disclosing abuse, and maintaining relationships with the women over time.

**They adopt a probing approach with follow-up questions, analysing her situation in full, avoiding a tick-box approach**

40 Asian, Latin American and Iranian & Kurdish women's organisations

41 See the DASH checklist here: <https://safelives.org.uk/sites/default/files/resources/Dash%20risk%20checklist%20quick%20start%20guidance%20FINAL.pdf>

42 Reclaiming Voice: Minoritised Women and Sexual Violence (Imkaan, 2020)

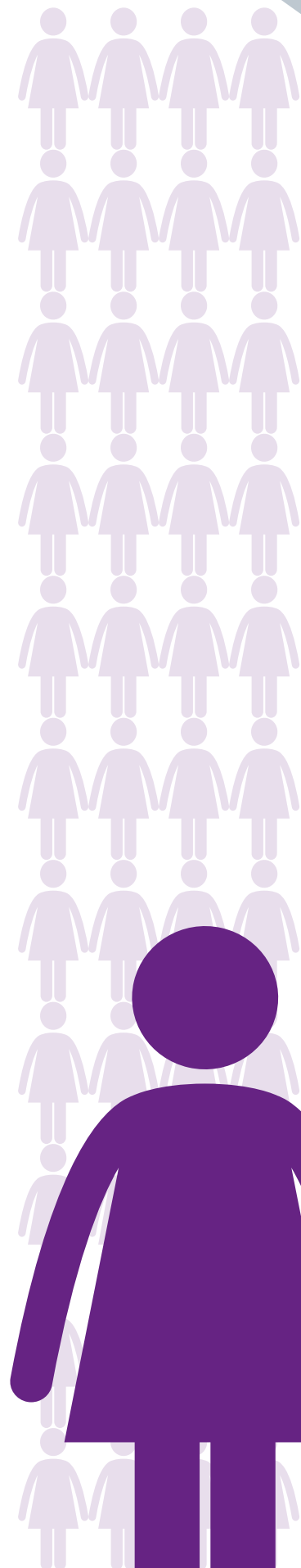


In conducting their own risk assessments, and supplementing the DASH, they address the following issues:

- ♀ Understanding the full picture and community contexts, including relationship with in-laws and other extended family, her age, disability, immigration status and other personal characteristics, and the nuances and inter-connections between different types of VAWG such as domestic and sexual abuse and FGM;
- ♀ 'Honour-based' and faith-based abuse, and the intersection of religion and caste;
- ♀ Exploration of honour and shame and why a woman does not leave the abuser;
- ♀ Forced marriage, including differentiating between arranged and forced marriage, particularly for younger women, and abuse relating to dowry;
- ♀ Immigration abuse, including threats of deportation, risks of children being removed from the country, who has control of the woman's and children's immigration documents, transnational abuse such as threats to her family abroad, and threats of overseas abandonment;
- ♀ Abuser preventing access to services such as English classes and health care;
- ♀ Where the woman's family does not know about the relationship with the perpetrator, risks around HBA or forced marriage if it becomes known, and rumours in the community creating threats to her safety;
- ♀ The impact of economic and other structural factors – having no recourse to public funds, risks of destitution, lack of access to refuge and being in B&B rather than refuge, being placed in hostels with men (accommodation for asylum seekers).

The DASH as a checklist tool requires the survivor to identify particular behaviours as different forms of abuse, and vocalise them, whereas many Black and minoritised women do not identify some of their experiences as abuse. The language of 'professionals' does not mirror how survivors will articulate their experience and different words may be used to describe behaviour and language used may not resonate in a meaningful way for women.

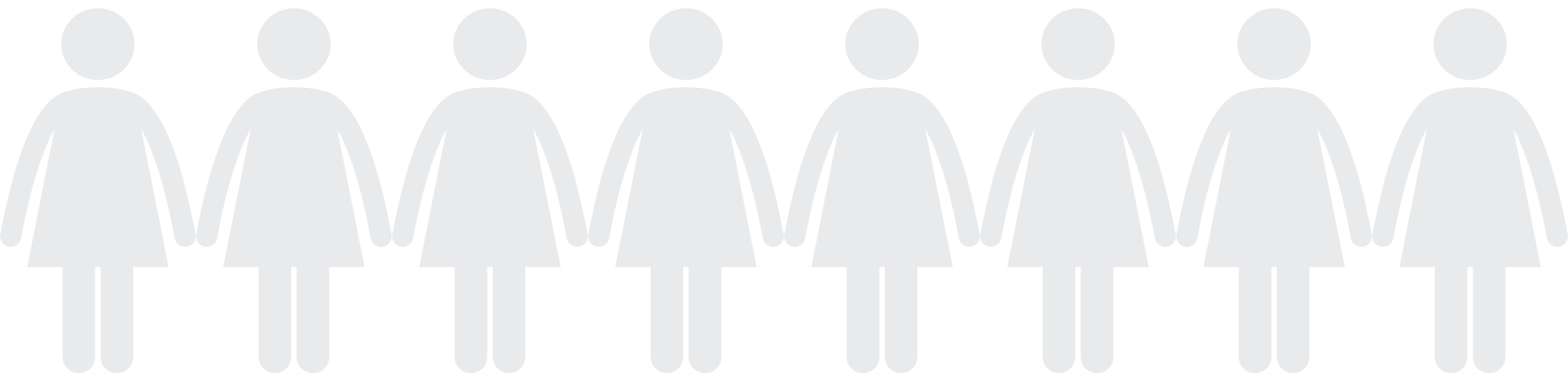
The DASH also assumes that women can provide standard information in relation to the perpetrator, in particular his criminal history, whereas some women who have come to the UK following marriage do not even know their husband's age, or where he works, let alone his criminal history. When questions are unanswered this lowers the overall score on the DASH.



Furthermore, the DASH is too focused on current risk, and on high-risk cases and the criminal justice system, and does not assess historic and parental abuse, power relations with the in-law family and the wider circumstances in which a marriage began. This results in insufficient support for lower and medium risk cases which can quickly escalate.

Whilst the DASH will continue to be used by specialist police officers working in domestic abuse, a new risk assessment tool specifically for first responders has been developed by the College of Policing, known as the Domestic Abuse Risk Assessment (DARA).<sup>43</sup> Black and minoritised women's organisations are concerned that the question intended to identify 'honour-based' abuse is no longer included in the DARA: "Is there any other person that has threatened you or that you are afraid of? (If yes, consider extended family if honour-based violence. Please specify who)." Whilst the DASH is not a comprehensive tool to assessing risk around HBA, it does at least provide a prompt for officers to begin to assess and consider whether HBA makes up part of the perpetration. Removing this is a retrograde step, reducing the likelihood of the risk of HBA being assessed or identified. Instead, the DARA asks officers to consider HBA in their free text summary of the risk to the victim. There is concern that this encourages first response officers, who are not specialist and likely have not had comprehensive training relating to violence perpetrated through cultural and social lenses, to make subjective assessments as to whether the individual is at risk of HBA rather than the victim- survivor being prompted to share details of harmful behaviour. Identification of potential HBA as soon as possible at the first response stage is clearly important for safety and protection as well as for early referral to 'by and for' specialist services.

**The language of 'professionals' does not mirror how survivors will articulate their experience and different words may be used to describe behaviour and language used may not resonate in a meaningful way for women.**



<sup>43</sup> College of Policing Domestic Abuse Risk Assessment (DARA) September 2022: <https://library.college.police.uk/docs/college-of-policing/Domestic-Abuse-Risk-Assessment-2022.pdf>

## The broader picture for the Black and minoritised led 'by and for' sector in the UK

We have discussed the value and need for specialist 'by and for' services, but the stark reality in the UK is that many women cannot obtain support from the 'by and for' sector because it is so severely under-funded, with the number of women who can access services extremely limited and there are some areas of the country that lack any form of specialist provision. The picture has steadily worsened over the years with large numbers of 'by and for' services losing their funding. Encouraging police officers, GPs, mainstream services and others to refer women to 'by and for' services can only work if those services exist and are functioning at a level where they can meet the demand.

Annex 7 sets out more fully the history of the Black and minoritised women's services sector and the economic realities that have caused its decline. Since 2007, over 50%<sup>44</sup> of refuges developed for Black and minoritised women have been decommissioned, forced to close or been taken over by generic/non-specialist providers. The decimation of 'by and for' VAWG services has led to patchy coverage across the UK, with many areas having no VAWG services for Black and minoritised survivors. Equally, an organisation may find that it is the sole provider covering a large region of the country with scant resources to meet demand. Annex 7 explains how the move from grant-based funding to competitive tendering and the general commissioning culture has had a disproportionately negative impact on the sustainability of the specialist 'by and for' sector because of a systemic bias towards larger providers. It is important to identify that political choices around funding models have brought this about, and political choices could lead to a safeguarded and properly resourced sector through appropriate ring-fencing. This is not only an aspiration but forms part of the UK's international obligations under the Istanbul Convention. Annex 8 sets out more fully why a struggling 'by and for' sector that cannot fulfil the needs of many women fails to meet a range of international obligations to which the UK has signed up.

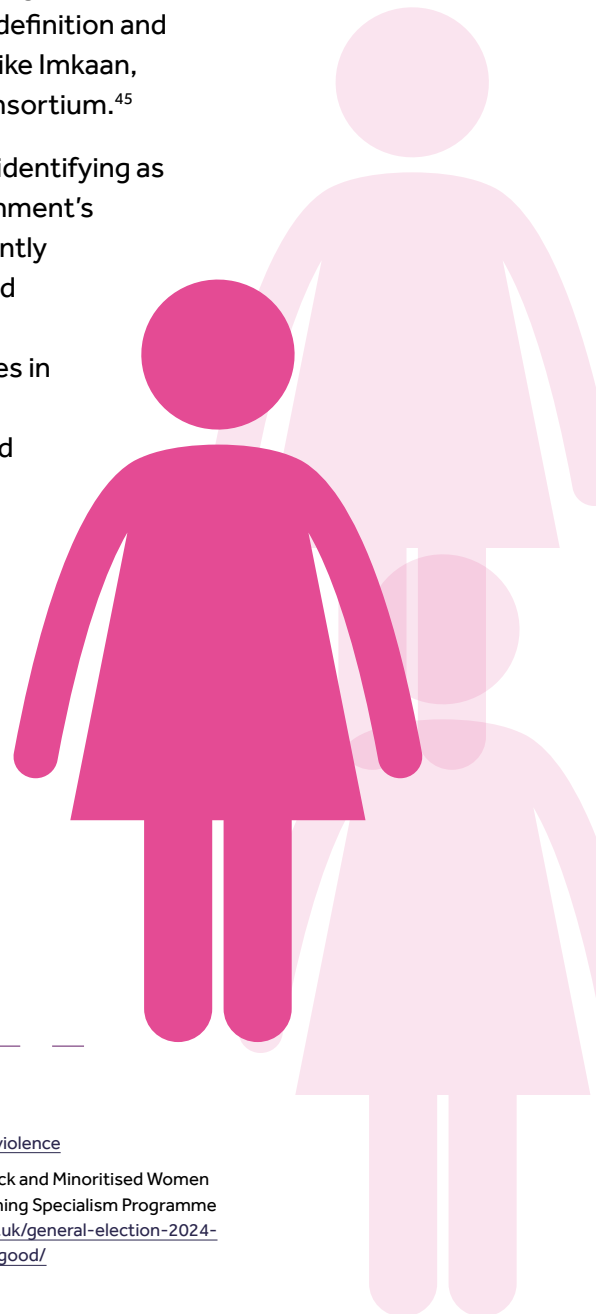
**This created an onerous and exclusionary structure which creates further systemic barriers for organisations best placed to serve the needs of Black/minoritised communities.**

44 <https://www.independent.co.uk/news/uk/home-news/women-refuge-domestic-violence-refuge-bame-london-black-women-s-project-newham-cuts-a8990391.html>

In particular, the UK has recently ratified the Istanbul Convention, which requires states to ensure specialist services that meet the needs of “hard to reach groups”. This is based on Article 8 (financial resources), Article 18 (1) measures to protect all victims, Article 22 (specialist support services) and the Explanatory Report paragraph 132 (hard to reach groups).

By and for groups were not able to bid on equal terms to the government’s by and for VSSS (VAWG Support and Specialist Services) pot unless they were part of a large consortium, which meant that some of the funds were in practice allocated to large mainstream, statutory bodies who then sub-contracted to by and for groups. This created an onerous and exclusionary structure which creates further systemic barriers for organisations best placed to serve the needs of Black/minoritised communities. A ring-fenced fund should centre a needs-led approach and support ‘by and for’ organisations to bid on their own terms without the inherent structural disadvantages they face when forced to compete with better funded generic VAWG providers or local public sector bodies. There is a need for a unified definition and consultation with ‘by and for’ organisations with key organisations like Imkaan, Women’s Aid Federations, Southall Black Sisters, London VAWG consortium.<sup>45</sup>

The Government’s VSSS pot allocated 8.4M over 2 years to groups identifying as ‘by and for’ across the protected characteristics.<sup>46</sup> 3M of the Government’s VSSS pot was ring-fenced for by and for services. This falls significantly short of what would be required to ensure that Black and minoritised victim’s of VAWG have access to appropriate support. Imkaan have estimated that the total cost of delivering specialist support services in the Black and minoritised women and girls sector is £97,085,661. This cost includes the cost of refuge provision and trauma-informed wrap-around holistic support and an inflationary increase of 3.20% as well as a funding shortfall of 39%.<sup>47</sup>



45 See <https://www.imkaan.org.uk/updates/2022/imkaan-comic-relief-report> ; and <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/04/Listen-to-us-Final.pdf>

46 <https://www.gov.uk/government/news/15-million-funding-boost-for-women-who-are-victims-of-violence>

47 Imkaan (2021) The Comprehensive Spending Review and Funding for the Ending Violence Against Black and Minoritised Women and Girls Sector. Imkaan (2023), A Participatory Evaluation of the Comic Relief Supporting and Sustaining Specialism Programme for the Black & Minoritised women-led by and for sector. <https://www.endviolenceagainstwomen.org.uk/general-election-2024-vawg-sectors-manifesto-calls-on-political-parties-to-end-violence-against-women-and-girls-for-good/>

# Chapter 3

## The post-death investigations processes

We focus on two aspects of the investigation process, firstly improving the quality of DHRs through the proper use of so-called 'cultural experts' and secondly extending the use of inquests in appropriate cases.

### Numbers in our dataset on use of 'cultural experts' by DHR panels

A 'cultural expert' is brought into the DHR panel to provide insight into the cultural background of the deceased, but in addition they can often bring a wider perspective on the issues arising, seeing the bigger picture through the eyes of the victim. In some cases, they may be the only voice on the panel other than the chair which does not represent a specific organisation that had dealings with the deceased. We were told by several 'by and for' services who have participated in DHRs that chairs are often white males, middle aged and middle class, (often former senior police officers) and so the input of a well-informed 'cultural expert' brings an important perspective the chair may lack. An expert from a 'by and for' service also brings with them their understanding of wider systemic issues such as women's experience of racism and economic barriers which have an impact on disclosure and help-seeking pathways.

We analysed 37 DHRs in our sample to identify whether 'cultural experts' were involved, and if so what kind.<sup>48</sup> There

**In some cases, they may be the only voice on the panel other than the chair which does not represent a specific organisation that had dealings with the deceased.**

<sup>48</sup> In 3 cases we only had the IPPC/IOPC report not the DHR, and in 4 cases there was insufficient information published on the composition of the DHR panel



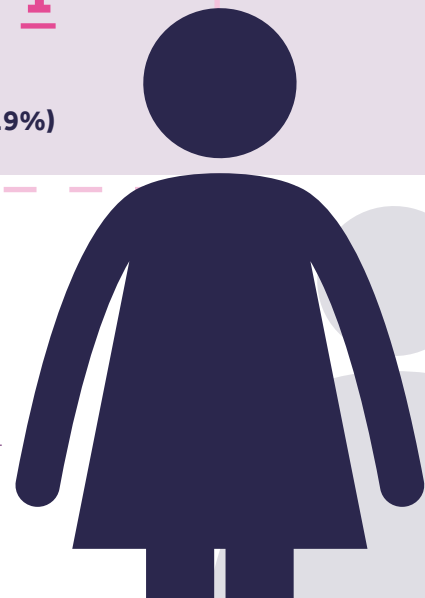
was enormous variability in whether, and from who, input was obtained by chairs and panels in relation to the fact that the deceased was a Black or minoritised woman. There is clearly a need for some standardisation of approach on this. The Home Office department dealing with DHRs does not monitor whether 'cultural experts' contribute to panels, or who is brought in for the role, leaving this entirely to local DHR processes.<sup>49</sup> It also does not appear to have any guidance on this.

Looking at our breakdown below, it is heartening that the largest group, with 13 cases, had a 'by and for' service on the panel, however that group represented only 35% of the total sample. Many other 'cultural experts' were not from 'by and for' services or even from a domestic abuse background. In another 13 cases (35%), there was no input from a 'cultural expert' of any kind.

♀ Panel included a 'by and for' organisation (in many cases there was also a mainstream domestic abuse organisation on the panel, often due to their involvement with the deceased)	<b>13</b> (35%)
♀ Panel included a mainstream domestic abuse organisation represented by a staff member from a Black and minoritised background, but no 'by and for' service	<b>3</b> (8%)
♀ Panel included a mainstream domestic abuse organisation only	<b>8</b> (22%)
♀ Panel included a mainstream victim support service which is not a domestic abuse specialist	<b>3</b> (8%)
♀ Panel did not include any independent domestic abuse organisation either mainstream or 'by and for' <sup>50</sup>	<b>2</b> (5%)
♀ Unclear: panel included members with "detailed knowledge of domestic abuse and persons with specialist knowledge relevant to the case"	<b>1</b>
♀ Panel had expert input from a 'cultural expert' who did not have any domestic abuse background:	<b>7</b> (19%)

49 As stated in response to a Freedom of Information request by CWJ February 2023

50 One had input from a mainstream domestic abuse service as an 'expert' but they were not a panel member



- ♀ Advice relating to the Somali Community in Bristol was provided by a male Health Improvement Manager from Public Health Bristol, with no known expertise in domestic abuse
- ♀ Input from a Chinese Community Association to advise on Chinese cultural issues, but nothing to suggest they have any specialist knowledge of domestic abuse
- ♀ Input provided by a community activist of African heritage, whose community organisation focuses on tackling gun crime, rather than on domestic abuse
- ♀ Input provided by an external 'diversity consultancy' that advises public, private and non-profit sectors but does not specialise in domestic abuse
- ♀ Two independent panel members who were Muslim and same age and gender as the victim and perpetrator but no indication that they were linked to any organisation or how they had been recruited
- ♀ Male 'independent Sikh adviser', no indication of any links to an organisation
- ♀ Input provided by an agency that supports vulnerable people and communities generally but does not specialise in domestic abuse

It is very concerning that in a majority of cases there was no input from a 'by and for' organisation on the panel. Whilst there was often a mainstream domestic abuse or generalist victim support service, some of our case studies show how mainstream domestic abuse services do not always understand the issues facing Black and minoritised women. In addition, in many cases the mainstream domestic abuse service was on the panel due to their own involvement with the deceased, so their focus would be on their own role, rather than as an independent voice from the perspective of the deceased. In only two cases the 'by and for' organisation was a member of the panel due to their own involvement with the deceased.

In three cases a mainstream domestic abuse service was represented by a member of staff from a Black or minoritised background. However, we have noted how staff in this situation may not take the same approach to their work as a 'by and for' organisation, in terms of the level of proactive challenge to statutory agencies.

Our breakdown raises particular concern about the use of 'cultural experts' with no background in domestic abuse work. There are seven examples above of

**Some of our case studies show how mainstream domestic abuse services do not always understand the issues facing Black and minoritised women.**






organisations who filled this role who do not appear to have any background in domestic abuse work. There is sometimes a narrow understanding of 'cultural expert' input, as simply providing information on the culture of the deceased's community. However, this can be very limited, or even misleading, if the individual providing input has no knowledge around domestic abuse. Indeed, some community representatives may act as gatekeepers upholding patriarchal norms and seeking their views may be wholly inappropriate.

The involvement of 'by and for' organisations in DHRs seems to vary considerably across different geographical areas. One 'by and for' service based in the Midlands which has been involved in approximately ten DHRs in the last three years informed us that they have a good relationship with one CSP in an area with a large Asian population and have been invited to take part in many DHRs there. However, in another nearby CSP where there is also a large Asian population, they have never been contacted following any deaths. We also heard from 'cultural experts' who had been approached for a very specific narrow purpose, to facilitate visits to the family of the deceased or a temple, or in another case to ask about the prevalence of domestic homicide within the perpetrator's home country's 'culture'. However, once contact was made, they pushed for a broader role in the DHR, seeking the opportunity to comment on a range of issues and become a member of the panel. It is important to have a clear process from the outset about the need for input from a 'by and for' service on all issues under consideration. One 'cultural expert' had been consulted for her expertise in four DHRs, but on each occasion this was 'unofficial' input and she was not a member of the panel. From discussions she picked up various issues around 'honour-based' abuse that had not been noted before, but as she was not a panel member, she was not given full access to the evidence, and her contribution may have been much greater if she had been included on the panel.

The review of DHRs in London in 2019 carried out by Standing Together and MOPAC<sup>51</sup> also found a need for better inclusion of intersectionality in the DHR process and highlighted that DHR chairs and panels did not always take an intersectional approach or include a diverse range of members on panels.

The review noted the need for expert input, stating that *"Often references to culture and faith that amount to justifications for abuse are in fact used by perpetrators to silence and control victims yet, such dynamics are not challenged or even understood as such in the context of a [DHR] review. The lack of inclusion on panels to ensure that diversity issues are appropriately considered within the correct context leads to inaccurate assumptions about how such issues should be interpreted as they often become essentialised and instrumentalised."* This review also stated that the 'cultural expert' should not be an "add-on" but an integrated part of the DHR process.



**Some community representatives may act as gatekeepers upholding patriarchal norms and seeking their views may be wholly inappropriate.**

51 See footnote 87

## The importance of input from 'by and for' organisations in DHRs

We spoke to five senior members of 'by and for' organisations about their experiences of inputting as experts to DHR panels. They view their role as supporting the chair, to be a voice of the victim from a cultural perspective, highlighting areas that need to be considered, and identifying issues that have been overlooked, for example the need to extend the reach of the DHR further back in time. They described how, even where white professionals have worked with certain communities, there is often a lot they don't know. Having 'cultural expert' input enables a more open discussion, for example, on questions around the difference between arranged marriage and forced marriage, and around 'honour' codes.

They view their role as supporting the chair, to be a voice of the victim from a cultural perspective, highlighting areas that need to be considered, and identifying issues that have been overlooked.

Some examples of issues raised by 'cultural experts' are:

- ♀ Exploring issues around abuse from in-laws and extended family, and understanding the dynamics: for example, in one case the perpetrator's family encouraged him to leave his wife, or act abusively towards her, which ultimately led to killing her. Another example is where women resist oppressive behaviour by in-laws: in one case the perpetrator accused his wife of trying to cause rifts between him and his mother and sister, and another the mother-in-law non-fatally strangled the deceased. Experts have described challenging DHR panel members' assumptions: for example, in one case panel members said that the deceased had the opportunity to ask for help because she was alone in the house and had access to a phone. This betrayed a lack of understanding of the wider restrictions on her, how her own family back home pressured her not to go to the police, which would bring shame on the family, and risk the whole village turning against her parents.
- ♀ In some cases issues around 'honour' codes are not identified. For example, in one case a dispute between the perpetrator and his wife, who was killed by him, involved his views about their daughter having a relationship with a man from a different ethnic background, and the father held his wife responsible for what the children did.
- ♀ A nuanced understanding of the relevant community enabled 'cultural experts' to provide relevant input where the deceased came from a particular minority within a wider Asian or Muslim community, for example from the Daman community who live separately both in the



Indian sub-continent and the UK, or where families are from particularly traditional or conservative backgrounds.

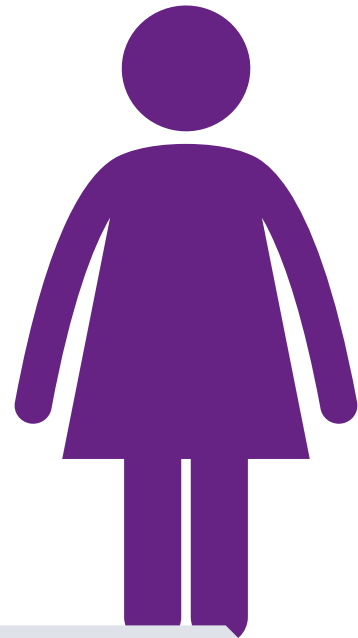
♀ Several experts have assisted the chair in visiting local temples and mosques that the deceased had engaged with, sometimes having to ask them uncomfortable questions. One described how she herself raised with the panel that the mosque had been aware of the abuse but been passive in relation to protection for the deceased woman, and had she not done this the DHR chair would have been too wary of causing offence to the mosque and left the issue unexamined. Together they attended a meeting with the mosque representatives who agreed that they had been aware of violence and abuse and knew it was “waiting to happen”. They raised a question of what the mosque’s policy was on domestic abuse, and whilst the mosque representatives claimed that it was not their job to intervene and if they did so they would have a backlash from their congregation (i.e. male members) it was important to have the conversation, and they did agree to put up posters about domestic abuse awareness in the mosque.



### Carrying out the 'cultural expert' role

Whilst some DHR chairs were receptive, we had reports from some 'cultural experts' from 'by and for' services that they have faced a defensive culture on DHR panels, where questioning the actions of state agencies was strongly resisted. This problem is not limited to Black and minoritised women's services. A white woman in a senior position in a mainstream domestic abuse charity also told us how she found herself as the only one on a DHR panel who was not employed by a statutory agency and the only one raising challenges, which were strongly resisted by the other panel members, leaving her feeling isolated and frustrated. Given that many panels have 10 to 15 agencies represented, to be a lone voice can be an intimidating position to occupy. A senior staff member from a 'by and for' service who took part in a panel as a 'cultural expert' and was very vocal in challenging the approach of other panel members, was told that certain issues should not be looked at because the process is limited to 'lesson-learning' and she was later informed that her input to the panel was no longer required. We have to conclude that there is not always an open culture within DHR panels that is purely devoted to unearthing and addressing failures.

The role of 'cultural expert' can be a very difficult one for staff from 'by and for' organisations, as they may be the only one on the panel, apart from the chair, trying to take a holistic and critical look at the bigger picture. Apart from the chair, they may be the only one with the motivation to try to dig deeper, and the willingness to read all the material and give it detailed thought, unlike other panel members who may be focused primarily on the role of their own organisation. This means a large volume of reading before meetings, but those performing the 'cultural expert' role are usually not paid to do it, and say that they have to do a huge amount of preparation work in the evenings in their own time. They report that others on the panel, who are there on behalf of an organisation, often haven't read the papers, or just attend to fill in for a colleague. One staff member from a 'by and for' organisation told us that she was approached to act as 'cultural expert' in a DHR in another part of the country, but when she asked for a fee, the invitation was dropped. As is often the case, 'by and for' organisations are expected to provide their services free of charge, even though their professional expertise is recognised. This can be a problem when organisations are small and lack capacity, requiring staff to do the work out of hours. CSPs need to address these obstacles where they seek expertise from a small underfunded charity.



**The role of 'cultural expert' can be a very difficult one for staff from 'by and for' organisations, as they may be the only one on the panel, apart from the chair, trying to take a holistic and critical look at the bigger picture.**



# Comparison of DHRs and IOPC investigations with inquests

In our sample of 38 domestic homicides, we are only aware of two cases where an inquest took place, the deaths of Aliny Godinho and those of Rannem Oudeh and her mother Khaola Saleem. In several other cases serious failings were identified which would have met the legal threshold for holding an inquest under Article 2 of the European Convention on Human Rights (ECHR), the right to life, but no inquest was held. We will discuss the inherent limitations in the DHR and IOPC investigation processes and why a more rigorous level of inquiry and accountability would be achieved if those cases were explored more fully through the inquest process.

## The limitations of DHRs

Whilst DHR reports can provide a rich source of information and some important conclusions and recommendations, it is important to recognise the limitations of the DHR process as an investigative and accountability mechanism.

DHR chairs operate within the confines of the DHR process, where a very high proportion of the evidence and information available is based on IMRs,<sup>52</sup> which are reports produced by each organisation about their own involvement in the case. The majority of the DHR panel is made up of representatives from those same organisations who produce IMRs. The process is reliant, to a large extent, on a model of 'marking your own homework'. Whilst many DHR authors are highly alert to failings, they only have available to them what the agencies involved have shared, they do not have access to the primary materials on which an IMR is based and are unable to speak directly to the professionals involved in the relevant events. Everything hangs on what the IMR author has chosen to include, and the analysis that the IMR author provides.<sup>53</sup> The process is primarily a paper exercise as the DHR chair and author cannot gather their own evidence independently.

Furthermore, DHRs are based on a 'no blame' approach, which is intended to foster openness and lesson-learning by not focusing on individuals' performance and conduct. In some instances, there is an openness and willingness to be critical within IMRs. However, there is a fallacy built into this model, because agencies can be resistant to criticism even in a purportedly 'no blame' system. Information that comes to light can still lead to disciplinary action in other forums, so there may still be a reluctance to expose failings by professionals despite the 'no blame' label.



52 Individual Management Reviews

53 Centre for Women's Justice has previously addressed the flaws inherent in DHRs in a submission on the need for a femicide oversight mechanism which contains case examples <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/6048944e6f077b1eb5fd5ece/1615369295146/CWJ+post-death+investigations+oversight+mechanism.19.2.21%282%29.pdf>

### The limitations of IOPC investigations

Independent Office of Police Complaints will conduct an independent investigation into a domestic homicide where there is evidence of police contact with the deceased and particularly where there is evidence of possible failings. IOPC investigations by their nature are a disciplinary process, with the focus on whether there is a case to answer for individual police officers in how they performed their duties, though there is also a wider lesson-learning aspect. IOPC investigations can be more rigorous than DHRs in that they are based on an external agency conducting its own investigation rather than relying on an internal police report. IOPC investigators collect primary evidence: they take statements from officers and other witnesses, and they can examine police computer systems to look at records made by officers, including when police systems were accessed and by who. In addition, the IOPC has the power to decide that certain officers should be interviewed as subjects of potential misconduct. This is very different from the DHR process, which is limited to reviewing reports provided to it.

However, in the experience of lawyers who represent bereaved families<sup>54</sup>, the quality and robustness of IOPC investigations can vary widely, with some poor quality investigations, and a lack of trust by families due to the fact that a significant proportion of IOPC investigators are ex-police officers. The author of this report was the solicitor representing the family of one of the deceased women in our sample, in a case that illustrates the variability of IOPC investigations. An extremely slow IOPC investigator failed to carry out a thorough investigation or to deal with detailed submissions from the family about key evidence that should have been followed up. That investigator then left his post and eventually, some two years after the death, a new investigator took over who had a much more proactive approach, promptly designated six officers as subject to a misconduct investigation, identified a missing key witness, and due to her efforts, five years after the death the matter finally went before a police misconduct panel and three officers were found guilty of gross misconduct for their failings in the days immediately before the death.

Finally, there is a danger that IOPC investigations may ignore the impact of race or ethnicity, as clearly happened in the investigation into the events surrounding the death of Raneem Oudeh, see the case study below. To avoid this the Terms of Reference should include the impact of race / ethnicity.

### The inquest process

Inquests, in contrast to DHRs and IOPC investigations, can be a more open investigation process that is accessible to bereaved families and where they can have a voice via lawyers representing their interests (if they can find the right lawyers and obtain legal aid). At an inquest, all the witnesses attend in open court and can be questioned by the Coroner and a barrister representing the family, (as well as

---

54 Mostly in cases of death in police custody, where families are more often legally represented than in domestic homicide cases






barristers for all the state bodies involved), unlike IOPC disciplinary interviews which take place behind closed doors. Hearing from a witness in the witness box is a completely different experience to reading a statement, or a summary. There is the opportunity to delve into the key issues to explore things that could otherwise be glossed over, and witnesses can be asked to look at documents and explain their records, understanding and motivations.

In addition, the family of the deceased is entitled to see the primary materials, and lawyers for the family receive disclosure of all the relevant documents from the Coroner in advance of an inquest, so they can do their own analysis of what happened and identify the issues the family want to raise. Often, they find that there are key documents missing and ask the Coroner to ensure that the police or other public bodies to provide them, and so enhance the thoroughness of the Coroner's investigation. Even during the inquest itself, which can last for several weeks, new documents emerge which shine an important light, as the evidence brings key issues into focus.

Where Article 2 of the ECHR is engaged, inquests have to meet certain investigatory standards which includes findings of failings by state agencies, where these have occurred. Because of the nature of the inquest process, there is a greater potential to get the truth. In addition, Coroners have the power to send a Prevention of Future Deaths report to local and national public bodies when they identify wider issues that may have contributed to the death. However, frequently inquests do not take place in domestic homicide cases because they are adjourned for the criminal trial, and then are not resumed after the trial unless evidence is put before the Coroner that there are state failings which may have contributed to the death and need to be explored. Usually it falls to the family to do this, if they know about this possibility and have access to legal advice.

In suicide cases inquests take place automatically, but they are usually perfunctory, with the Coroner's focus limited to whether the death was indeed by suicide. Wider evidence on the circumstances contributing to the suicide is not gathered and families are not usually legally represented. For wider issues to be considered, including any state failings that may have contributed to the death, families usually need specialist lawyers to ensure that the remit is broadened. Again, many families are not aware that this is an option and do not have access to legal advice.

To illustrate the difference between the findings of a DHR and an IOPC investigation, on the one hand, and those of an inquest, on the other, we compare the findings in the two deaths in our sample where an inquest took place: the DHR and inquest findings relating to Aliny Godinho, and the IOPC report and inquest findings relating to Raneem Oudeh.



**Wider evidence on the circumstances contributing to the suicide is not gathered and families are not usually legally represented.**



### Aliny Godinho – comparison of DHR and inquest

Aliny Godinho's murder by her husband, whilst holding her young daughter's hand in the street, is discussed in detail at [page 28](#) above.

A DHR took place, followed by an inquest at which Aliny's family were legally represented. Comparing the approaches adopted in these two post-death investigations, the DHR had a narrow and more mechanistic focus on adherence to procedures. However, the Coroner, identifying the same set of facts, went on to ask why the two key police officers had not followed procedures, and had the benefit of having the officers in court and probing with broader questions. Limiting questions to whether procedures were followed does not illuminate the underlying causes of failures, or address whether the procedures themselves are adequate, and so wider systemic issues can remain invisible.

The DHR identified how the risk assessment was downgraded by officers in the Safeguarding Investigation Unit (SIU) to medium risk, with no rationale, that there was no MARAC referral and the risk level later downgraded even further. The DHR describes how, over a number of weeks, repeat breaches of bail and reports that the perpetrator had found out where Aliny was living and was hacking into her online accounts did not trigger any re-assessment of risk. The lack of review and lack of follow-up were noted. The DHR identified that there were failures in risk assessment and safeguarding procedures. However the DHR did not explore why this was.

The Coroner went further and found that the reason why the officers dealing with the investigation had downgraded the risk was that from the outset they took the view that this was a "weak case" and that this resulted from the investigating officer's early acceptance of the perpetrator's narrative. The Coroner discussed the effect of language and communication on the officers' fundamental approach to the case, which was to disregard Aliny's fears and concerns. The investigator never spoke to Aliny directly, only to her friend, but interviewed the perpetrator, who had good English. In contrast, though the police report prepared for the DHR identified the general need to take into account "cultural heritage", and there was a general recommendation that professionals should use interpreting tools, the DHR did not identify how language abilities impacted on the overall police attitudes in the case.

In addition, because the Coroner was able to question the officers in person, he was able to uncover where the two key officers had not told the truth about their actions before the murder. He was also able to discover that the detective, despite working in the specialist domestic abuse unit (the SIU) for over three years, could not recall having read, or being familiar with, the force Domestic Abuse Procedure at that time. These findings demonstrate how an inquest can delve below the official accounts put forward by police officers and uncover deeper issues.

**However, the Coroner, identifying the same set of facts, went on to ask why the two key police officers had not followed procedures, and had the benefit of having the officers in court and probing with broader questions.**

### Raneem Oudeh – comparison of IPCC investigation and inquest

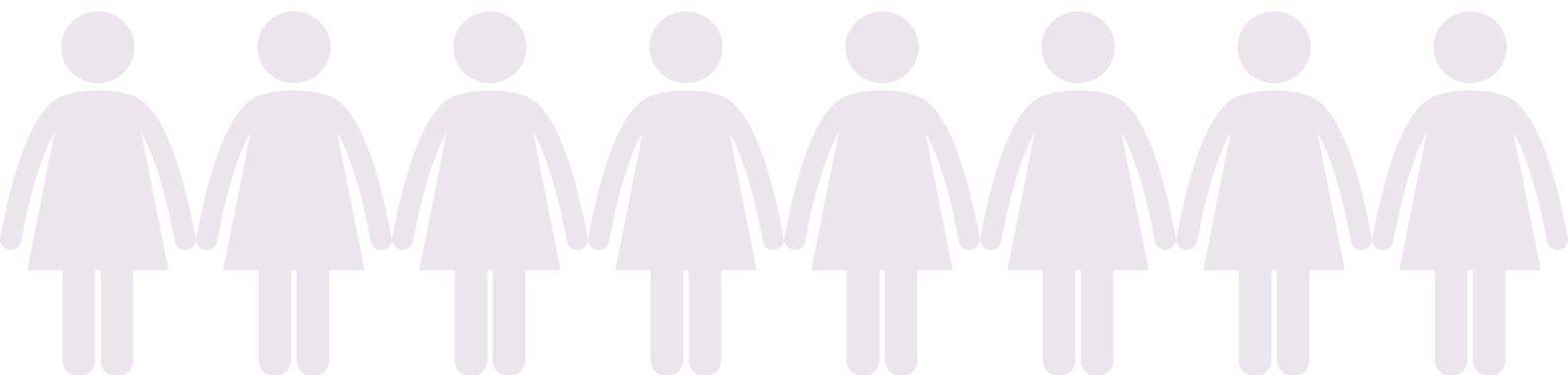
Raneem Oudeh and her mother Khaola Saleem were stabbed to death by Raneem's husband following a campaign of abuse and stalking motivated by the perpetrator's beliefs in 'honour' codes. The case is discussed in detail at pages [19](#) and [41](#) above.

The IOPC prepared a detailed investigation report running to 132 pages which explored step by step each of the nine police interactions between Raneem and police officers during the year before her death. Apart from noting that Raneem came from Syria and that her separation from her husband was due to her discovering he already had a wife and children in Afghanistan, there is no mention anywhere in the report of any issue to do with Raneem being a woman from a minoritised background. The investigation was entirely blind to any cultural issues. The report notes repeatedly that Raneem reported offences and then disengaged from the criminal justice process, but this is presented as an inexplicable fact with no apparent cause. Just like the officers who dealt with Raneem, the IOPC investigator did not even once consider whether there were any cultural factors influencing her decisions, or whether she could have benefited from support from a domestic abuse service 'by and for' Black and minoritised women.

Just like the officers who attended the address, the IOPC investigation was focused on Raneem and her actions, whilst the actions of the perpetrator are almost invisible. With no proper exploration of his conduct, it is not surprising that the honour codes driving his behaviour were not identified and discussed. Honour-based abuse does not feature anywhere in the analysis.

In contrast, at the inquest the barrister representing the family of Raneem and Khaola was able to explore issues with witnesses around Raneem's situation in light of her cultural background, including the honour-based abuse that she faced, and the related risk assessment issues.

**There is no mention anywhere in the report of any issue to do with Raneem being a woman from a minoritised background. The investigation was entirely blind to any cultural issues.**



# Chapter 4

## Women's suicides in the context of domestic abuse

### Similarity between issues in homicides and suicides

Suicide is a complex phenomenon, and for 'domestic abuse suicide' the issues are less clear than for domestic homicide. A wide range of factors can contribute to a person taking their own life, rather than a single cause, and a trigger that brings one person to suicide may not do so for another or may not have done so in different circumstances. Perpetrators of abuse also have high rates of suicide,<sup>55</sup> including homicide-suicide (as in the Fatou's narrative above). However, in many cases there is a clear link between a woman suffering intimate partner abuse and her suicide.

The barriers and agency failings that contribute to domestic homicides of Black and minoritised women are also important factors in suicides of women living with domestic abuse. Factors discussed in Chapter 1 result in the entrapment of women, some of whom can see no way out but to take their own lives. Suicidal ideation and suicide attempts were also common amongst the women who were eventually killed and across all the post-death investigation reports we see women struggling with mental ill-health. Pritam's heart-breaking story shows vividly how she was trapped beyond hope for many years. Possibly the only source of support that could have helped her was a 'by and for' domestic abuse service that understood her situation as a woman accorded low status in her in-laws' household.

---

55 National Confidential Inquiry into Suicide and Safety in Mental Health 'Suicide by Middle Aged Men' (2021) found that 10% of the men were domestic violence offenders <https://documents.manchester.ac.uk/display.aspx?DocID=55305>



### Pritam (South Gloucestershire)

Pritam took her own life by hanging. She was married, with two children over the age of 18, and lived in a multi-generational household with her husband, children, parents-in-law, her husband's brother, his wife and their three children.

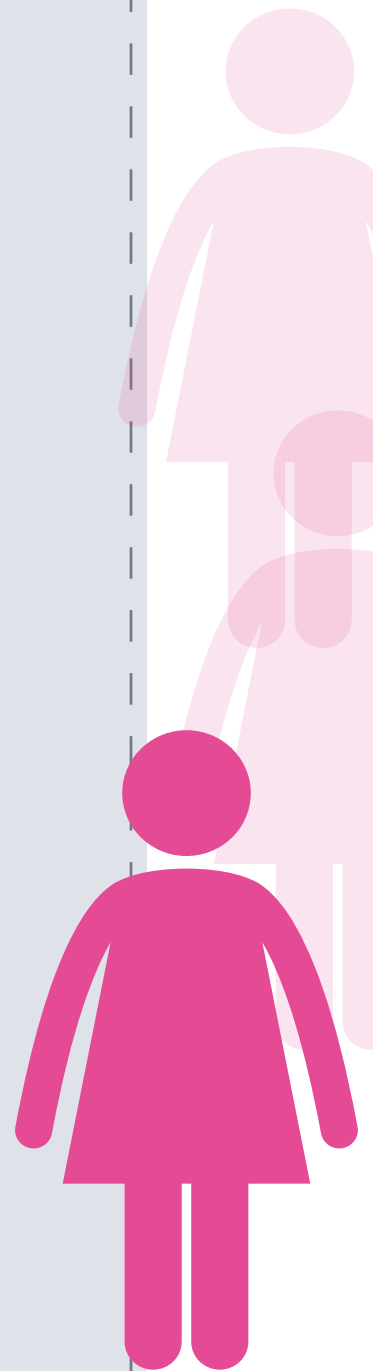
Pritam had grown up in the UK in a traditional Sikh family. She and her siblings went to local schools and she hoped to go to university. At 19 her family arranged a marriage for her and she went to live with her husband and in-laws. She and her husband worked in the family business, but as the youngest woman in the household she was also expected to do all the most menial tasks and look after both her own children and those of her brother-in-law. She reported that her mother-in-law and other in-laws were very controlling and critical of her, and she rarely left the house of her own volition and had to ask for money to buy personal items. Her husband offered no support and took his mother's side saying she was disrespectful when she argued.

Pritam's GP records documented a gradual deterioration in her mental health over a period of 19 years. Over the years the GP recorded four overdoses, wanting to leave with her children, feeling trapped, unable to cope, symptoms of depression and anxiety. Over time the records included not only problems with her husband and mother-in-law but other family members. She told the GP that her father-in-law opened her mail, that her sons were not allowed to call her Mum, only 'aunty' and she felt rejected by them as well as the rest of the family.

Pritam was referred to the mental health team due to her levels of distress and significant risk of self-harm. Although family tensions were noted there is no evidence that domestic abuse was ever considered. Her contact became sporadic and whilst attempts were made to contact her, despite knowing her mail was being intercepted she was sent letters, one of which contained personal comments which could have placed her at risk if read by her father-in-law, according to the DHR.

Five years before her death Pritam called the police having left the house in her pyjamas walking down the main road. Officers identified 'emotional abuse' but no criminal offences (the offence of controlling and coercive behaviour had not yet been introduced). Police attempted to refer her to two support services. A generic domestic abuse support service called her but she said she was alright and did not need help. The second referral was to a local charity Stand Against Racism, however they had no experience of domestic abuse work and did not know any appropriate services to refer her on to.

In the year before her death an ambulance was called and Pritam was taken to hospital with serious bleeding from a laceration to her nose. Her husband told the paramedics she had fallen but she later told them that he had hit her, that it was not the first time and she *"cannot cope and wishes to end life"*. A DASH risk assessment was done and she requested a psychiatric assessment. The psychiatric liaison team notes included the following victim-blaming language *"hysterical episode – domestic abuse"* and *"based on my assessment I can say that the husband may need some extra support as he is not coping with the patient having psychotic behaviour"*. This comment was the subject of mild criticism by the DHR author. Pritam never sought support again from any medical or mental health services after this incident before she took her own life 9 months later.



# The need for research on domestic abuse suicides of Black and minoritised women

From the mid-1990s and during the early 2000s, a range of studies raised concerns about the disproportionately high rates of suicidality and suicide amongst South Asian women.<sup>56</sup> More recently, wider research on suicide in the context of domestic abuse was published in 2022 and 2023, but data is not available for Black and minoritised women because sample sizes were too small for analysis by ethnicity.<sup>57</sup> Indeed, in one study participants had to speak English well enough to be interviewed in English, which would have excluded many migrant women. There is also more recent research exploring suicide more broadly within minoritised communities, and research focusing on mental health and ethnicity, but gender and domestic abuse are completely missing from the data. For example, a literature review examining 45 research studies in 2018<sup>58</sup> identified issues such as language barriers and separation from family as factors, but there is no mention of domestic abuse in any of the studies.

Therefore, despite the clear identification of this issue over 25 years ago, there has been limited attention and subsequently little change in policy and practice. There is also no national data on suicide and ethnicity because the national recording of suicides is based on Coroners' findings and the Coronial system does not require Coroners to record the ethnicity of the deceased as part of the Record of Inquest.<sup>59</sup>

Have things changed over the past two decades and do Asian women still have particularly high levels of suicide? That question is impossible to answer without further research.

There is also more recent research exploring suicide more broadly within minority ethnic communities, and research focusing on mental health and ethnicity, but gender and domestic abuse are completely missing from the data.

56 See for example Raleigh (1996) *Suicide Patterns and Trends in People of Indian Subcontinent and Caribbean Origin in England and Wales* <https://www.tandfonline.com/doi/abs/10.1080/13557858.1996.9961770>, Raleigh (1996) *Suicide Patterns and Trends in People of Indian Subcontinent and Caribbean Origin in England and Wales* <https://www.tandfonline.com/doi/abs/10.1080/13557858.1996.9961770>, Siddiqui and Patel, 2010 <https://equation.org.uk/wp-content/uploads/2012/12/Safe-and-Sane-Report3.pdf>

57 McManus, Walby, Barbosa et al 'Intimate partner violence, suicidality, and self-harm: a probability sample survey of the general population in England' (2022) *The Lancet* Vol 9, 7. 574-583; Dangar and Munro 'Learning Legacies: and analysis of Domestic Homicide Reviews in cases of domestic abuse suicide' (2022) [https://warwick.ac.uk/fac/soc/law/research/projects/999368\\_law\\_domestic\\_violence\\_main\\_research\\_report\\_final\\_final\\_pre-print.pdf](https://warwick.ac.uk/fac/soc/law/research/projects/999368_law_domestic_violence_main_research_report_final_final_pre-print.pdf)

58 Forte et al (2018) *Suicide Risk among Immigrants and Ethnic Minorities: A Literature Overview* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6068754/>

59 Confirmed by the Ministry of Justice in a reply to an FOI request from CWJ July 2023.



To explore the issue further, we showed a dossier of nine case studies of women who had died by suicide in the 1990s and 2000s<sup>60</sup> to a mental health charity, Positive Participation, who work exclusively with Asian communities in the Midlands.<sup>61</sup> The case studies were all deaths by suicide where Southall Black Sisters (SBS) had raised concerns at an inquest, and there had been a detailed exploration of the facts by the Coroner (though often the Coroner's verdict did not address the wider concerns).

The following summary of themes that arose repeatedly in the inquest case studies provide an insight into factors that led to these women taking their own lives, and their sense of entrapment:

- ♀ Women's in-laws were controlling and oppressive and closely monitored their movements. They noted where they went and with whom, for example a woman was given a time frame by which she has to drop off and collect her children from school. Control was also imposed by women's husbands, forbidding them from leaving the house or from meeting anyone.
- ♀ In their role of daughter-in-law, women were treated like domestic slaves at the bottom of the family power hierarchy, with long hours of work at home and sometimes also in the family business. In-laws and husbands subjected women to incessant criticism when they were considered to have failed in meeting expectations. Women were neglected, even denied food, and had wages taken from them or were only given a tiny financial allowance.
- ♀ Women were subjected to emotional abuse by in-laws and humiliating and intimidating behaviours such as verbal abuse and insults, especially from the mother-in-law. Husbands would take their own family's side in disputes and preferred to live with their parents rather than set up home separately.
- ♀ In some cases, there was physical abuse by husbands, sometimes serious physical violence. The in-laws living in the same house did not protect women when they were assaulted; in one case there was a failure to intervene even when a woman was screaming during the night.
- ♀ Any transgression, for example in relation to where a woman goes, could lead to accusations of 'immoral behaviour', adultery and inappropriate sexual behaviour bringing shame and dishonour on the family. A woman who wanted her own free time was accused of having an affair.
- ♀ Women were very isolated, especially when their own family was abroad. Sometimes the woman's own family would advise her to listen to her husband and to make the marriage work, to avoid the shame and stigma of a broken marriage. When the families on both sides were related the impact was even greater. In some cases, women feared being ostracised by their own family and community and blamed for the breakdown of the marriage.

60 Dossier compiled by Southall Black Sisters, with thanks to Pragna Patel for sharing the case studies

61 <https://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/service.page?id=zSoiJt6vk5o>





Suicidality and suicide in domestic abuse situations is a significant issue for the women supported by Positive Participation. The organisation reports that the case studies drawn up by SBS mirror the issues they see amongst their service users, which they feel is a “silent epidemic” within the communities with which Positive Participation works. Its Head, Gurbax Kaur, said as follows:

*“In the cases that we have supported, there is a range of behaviour preceding death by suicide amongst South Asian females. There is emotional abuse, honour-based violence, humiliating and intimidating behaviours through shame-based control directed at the individual and their family. There is also control of financial assets in the marital relationship by the husband and in-laws which is evidence of financial abuse to seek control and limit choice and freedoms for the individual affected.*

*Humiliation and intimidation alongside comments about character are paramount in emotional abuse. These are not limited to the individual, they often extend to the female individual’s families, where shame-based and honour are used to manipulate and exert coercive control.*

*We have also witnessed evidence of Asian females being used as modern-day slaves within family settings. There is domestic and psychological abuse in families where alcohol addiction and domestic violence is prevalent. Individuals are controlled and prevented from accessing or engaging with mainstream support services by the abusers who are controlling the individual due to a fear of prosecution of the abusers. Abuses are often collective with multiple family members facilitating and supporting the abuse. Abuse surrounding birth of a girl child is significant and evident in perinatal mental health services. Left untreated, it can lead to death by suicide. The link between domestic abuse, cultural pressure, and depressive illness is strong and often leads to significant mental ill health and suicide when the condition is left untreated.*

*It is difficult to capture the true extent of death by suicide amongst South Asian females who have suffered domestic abuse because families often go to extreme lengths to cover up the true picture of circumstances prior to the individual taking their life. Culture constraints can lead individuals to internalise abuse, which leads them to take their lives. Often, when South Asian females who have suffered years of abuse press charges or leave their husband, pressure on the female to return, coupled with pressure on the female’s family, can lead the female to lose hope when she is forced to drop charges and ultimately result in death by suicide because she does not see a way out. Divorce and separation can lead to humiliation and shame, and this makes it difficult for females to escape domestic abuse, and the only way out is often suicide.”*

The picture painted here demonstrates a clear need for fresh research and policy initiatives.





# Post-death investigations following suicides of Black and minoritised women

A gaping hole also exists when it comes to post-death investigations. We managed to locate 38 homicide post-death investigations that fall within our remit, but only managed to locate six suicide cases, all DHRs<sup>62</sup> despite extensive enquiries. The data on the extent of suicide in the context of domestic abuse, whilst very limited, does indicate that there are as many, if not many more, suicides as homicides in domestic abuse situations (see [Annex 3](#)). The lack of post-death investigations suggest that these deaths remain unexamined and invisible.

The Home Office does not monitor how many DHRs involve suicide rather than homicide, or how many suicide DHRs involve Black and minoritised women.<sup>63</sup>

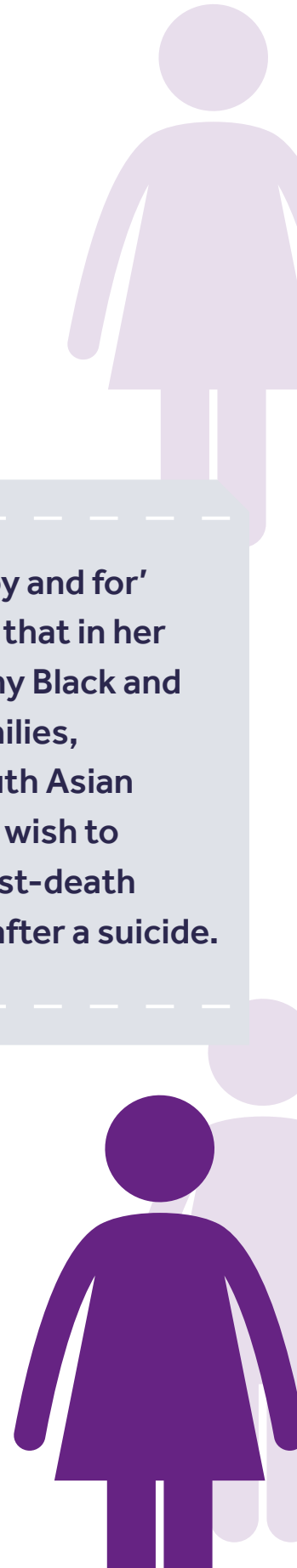
Overall, there are many more DHRs conducted into homicides than suicides, and from our enquiries it seems that most of the suicide DHRs involve white women. We can speculate on the reasons for that. Based on the experience of AAFDA,<sup>64</sup> bereaved families often have to push hard to secure a DHR in suicide cases. Staff at 'by and for' organisations have identified how the trauma of a suicide for Black and minoritised families can be mixed with deep shame, both in relation to abuse that preceded the death, and the death itself. In Islam suicide is taboo and forbidden. The head of a 'by and for' service reports that in her experience many Black and minoritised families, particularly South Asian families, do not wish to engage with post-death investigations after a suicide. Another staff member recalled how she approached the family of a Punjabi woman where agencies were concerned that there had been abuse before she took her own life, but the family did not want their sister 'labelled' with domestic abuse in addition to the stigma of suicide, and just wanted to lay her to rest. Families are not likely to launch campaigns to have the death investigated in these circumstances. Notably, in four of the six suicide DHRs we located, it seems likely that a DHR took place because the police had initially considered the death as a suspected homicide, which would explain why those cases came to the attention of the Community Safety Partnership (CSP).

The head of a 'by and for' service reports that in her experience many Black and minoritised families, particularly South Asian families, do not wish to engage with post-death investigations after a suicide.

62 With thanks to Sarah Dangar and Vanessa Munro for sharing reports collated for their research which made up four of the six in our sample


63 Home Office reply to Freedom of Information request from CWJ March 2023, though the publicly available repository now allows some data to be gathered on these categories of DHRs

64 Advocacy After Fatal Domestic Abuse, represented on our Advisory Group <https://aafda.org.uk>



The lack of clear procedures and referral pathways for DHRs in suicide cases impacts significantly on the investigation of suicides of Black and minoritised women, if the families do not take a lead in pressing for a DHR. The steps taken by police to identify potential domestic abuse in the immediate aftermath of a suicide, the referral routes to CSPs, and the criteria for commissioning a DHR need to be examined. The ways in which Coroners deal with suicide inquests in such cases also merits research (see chapter 3 on post-death investigations). In the cases that are known to us where the circumstances of the abuse that caused or contributed to a suicide were examined in detail at an inquest, including state failings by police and other agencies, all the deceased were white women. Meaningful investigations and inquests are usually secured in those cases through families engaging specialist lawyers and pushing actively to seek some kind of accountability.

The obvious conclusion is that a vast number of deaths by suicide of Black and minoritised women following domestic abuse are entirely falling under the radar of any kind of detailed investigation process.



**The obvious conclusion is that a vast number of deaths by suicide of Black and minoritised women following domestic abuse are entirely falling under the radar of any kind of detailed investigation process.**



# Chapter 5

## Abused women who kill their abuser

In intimate partner killings where the offender is female and the victim is male, the pattern of past abuse leading to the offence rarely follows the same pattern as domestic homicide cases where the offender is male and the victim is female. Indeed, as reflected in other research undertaken by CWJ,<sup>65</sup> women who kill a male partner are usually the victim of his past abuse and the offence is usually a response to his violence rather than the killing being a cumulative fatal outcome to the killer's own escalating violence and control. Thus, in a high proportion of cases where a woman kills a male partner, she was herself abused and trapped. For Black and minoritised women many of the same themes previously identified were at play.

CWJ carried out detailed research incorporating both quantitative and qualitative data, published in 2021, which explored the prevalence of women killing an abuser and their experience of and treatment by the criminal justice system. Home Office data shows that 108 women killed their current male partner or former intimate partner in the 10 years between 2008 and 2018. The researchers were able to locate information on 92 of these and found that in 77% of cases there was evidence that women had experienced violence or abuse from the deceased.<sup>66</sup> The report included interviews with 20 women who had killed; two identified as Black British and a further three as Asian or Asian British.

... women who kill a male partner are usually the victim of his past abuse and the offence is usually a response to his violence rather than the killing being a cumulative fatal outcome to the killer's own escalating violence and control.

65 CWJ "Women Who Kill: How the state criminalises women we might otherwise be burying" [https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/602a9a87e96acc025de5de67/1613404821139/CWJ\\_WomenWhoKill\\_Rpt\\_WEB-3+small.pdf](https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/602a9a87e96acc025de5de67/1613404821139/CWJ_WomenWhoKill_Rpt_WEB-3+small.pdf)

66 This evidence was collated from information in the public domain, primarily media reports, which were then compared with other secondary and primary data sources where available, for example, domestic homicide review reports, CCRC reports, interviews with women, discussions with lawyers, and trial observations.



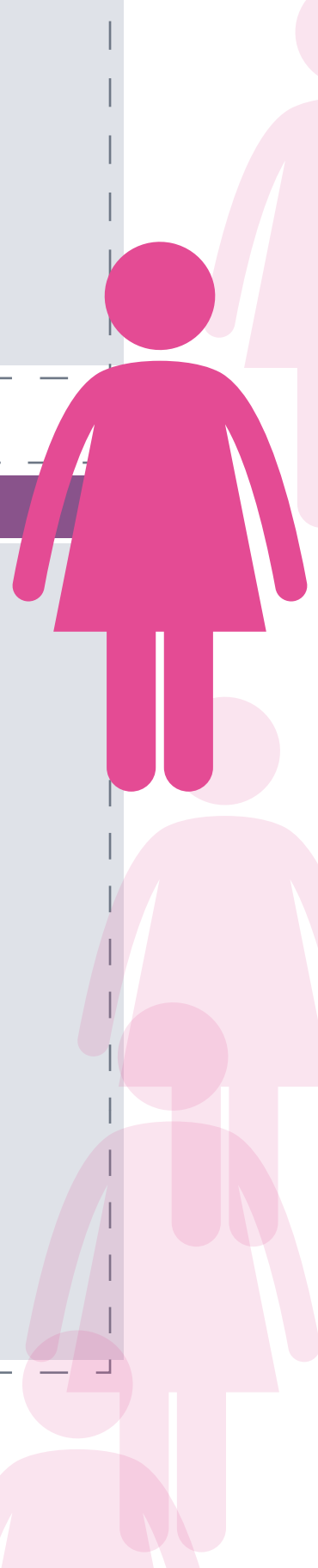
### Packiam Ramanathan

Packiam was a Sri Lankan woman aged 73 who killed her husband, aged 76, after 35 years of being in an abusive relationship. They had an arranged marriage and fled the civil war in Sri Lanka, initially living in Germany as refugees for many years. She gave evidence that he treated her as a servant and subjected her to filthy language. The judge at her murder trial described him as a “control freak” who had been physically and verbally abusive. She had tried to leave him and go back to Sri Lanka several times, then returned to him in the UK. She pleaded guilty to manslaughter but was prosecuted for murder. She raised the abuse she had suffered as her defence and the jury acquitted her of murder after just 30 minutes’ deliberation. After her release from prison Packiam took her own life.

### Farieissia Martin

Farieissia Martin formed a relationship with a boy she knew from school when they were both 16. She became pregnant with their first child when aged 18 and their second child within two months of the birth of the first. The children were aged 1 and 2 at the time of the homicide offence. Fri was subjected to coercive and controlling behaviour including emotional, physical and sexual violence. She did not disclose this violence to family or friends, but many were aware because of injuries seen and behaviour observed. Both Fri and the deceased were from the Black community in Liverpool and had grown up with a history, dating back to before the ‘Toxteth riots’ in the early 1980s, of distrust towards the police due to racial profiling, disproportionate arrests and police violence. As a consequence, due to family and community loyalty and a code of not ‘grassing’ to the police, it was out of the question for her to report domestic violence. Likewise, she distrusted social services and avoided medical care in case it triggered a referral. On one occasion, after being kicked by the deceased in the stomach when pregnant, Fri attended the hospital but reported that the injury was caused by an accident, for fear of social services involvement with the children.

In 2014, Fri’s partner strangled her after which she grabbed a kitchen knife and stabbed him. She was tried and convicted of murder in 2015 but five years later with the help of a new legal team she successfully appealed her conviction and was sent for retrial. On the eve of the re-trial, evidence of marks to her neck, that supported her claim to have been strangled by the deceased, was accepted by the CPS who offered to take a plea to manslaughter.



The study of women who kill explored the issues arising for Black and minoritised women, and identified very similar themes to those we identify in this report:<sup>67</sup>



Many women had been unable to disclose their experiences of abuse to anyone, or only disclosed within their immediate circle of family, relatives or friends. Even then, many were concerned that the information should not be shared more widely in the community or kinship group or acted upon. Others had little or no opportunity to report the abuse, mainly because they are accompanied by their husbands or other family members outside the home, including on visits to their GP or hospital.



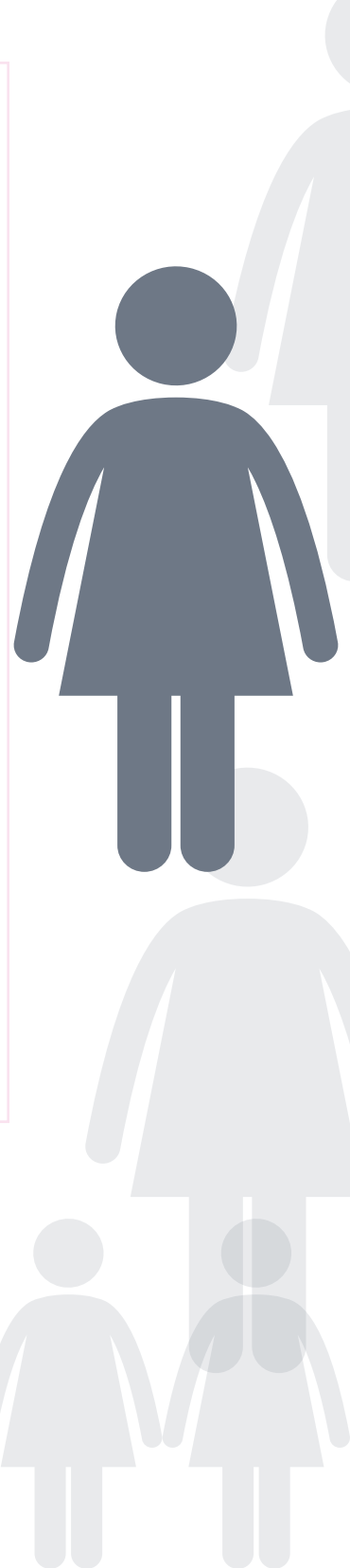
When women did report abuse to outside agencies, such as a GP, this was sometimes recorded as 'family problems' rather than as abuse. Medical records also failed to note the full extent of abuse or the impact of abuse on women's mental health. This is partly due to limited understanding of mental health problems, such as depression, by women and their fears of the consequences of being labelled 'mad'. It is notable that in various minority communities there is no precise language to describe depression or mental health conditions, mainly because mental health remains taboo and carries considerable stigma.



Another issue identified faced particularly by women of African heritage was institutionalised racism in the police and other criminal justice agencies. African heritage women were particularly reluctant to report to the police because of a resistance within their communities to over-policing and fear of social services intervention in their family life, and reporting could be seen as betrayal within the community.



The lack of proper interpretation services for women whose first language is not English was also identified as a perennial problem in the criminal justice system, when women were dealt with after the killing.



67 See Appendix 2 of the *Women Who Kill* report dedicated to the experiences of Black and minoritised women

# Chapter 6

## Recommendations

### 1. Intersection of gender and race

National policing bodies to identify the intersection between gender and race as it affects victims and survivors of domestic abuse, and set out plans for how police forces should ensure that their work on 'race/ethnicity' addresses the issues raised in this research. The equality leads within forces should collaborate on this.

The NPCC should review its National Race Action Plan and add an addendum addressing the issues raised in this research.

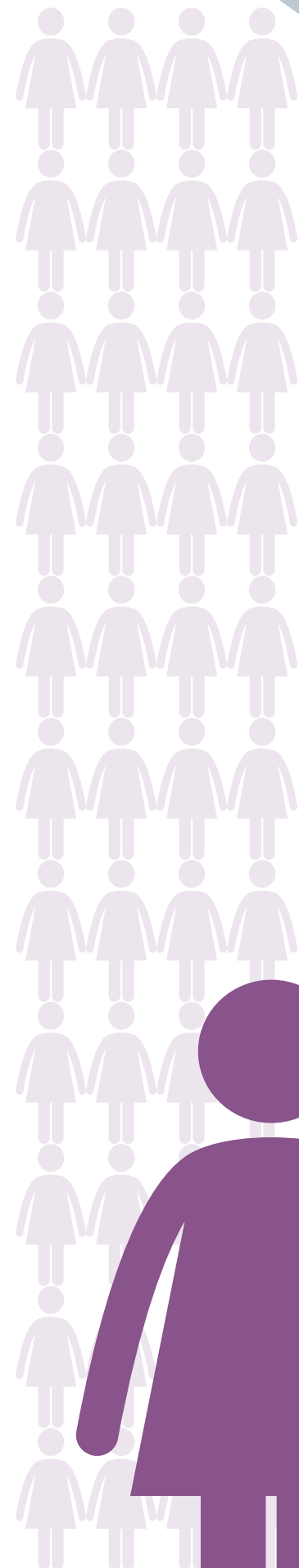
All systemic work on racism and misogyny carried out by forces to include the issues raised in this research as standard practice and collaborate with local 'by and for' services.

The National Vulnerability Action Plan (NVAP) 2023 work should be developed to implement issues raised in this research.

### 2. Training and development for professionals working with survivors of VAWG – within policing, social services and healthcare settings

Public bodies should develop and deliver trauma informed training for all employees that work with survivors of VAWG. Such training should cover not only the mental health impacts of all forms of VAWG, and the dynamics of coercive control, but also the specific intersectional and the cultural contexts for Black and minoritised women, including the impacts of systemic racism and unconscious bias. This should include the issues addressed in this research;

Such training should be mandatory for anyone dealing with VAWG and built into workforce development strategies, so that it is not one-off or ad hoc, and is linked to performance and accountability systems within organisations;



Training and development should include not only initial training programmes but also ongoing programmes of professional development with focused sessions on core issues. Patterns of poly-victimisation such as HBA, sexual violence, immigration abuse, links to suicide risk and counter allegations leading to risks of criminalisation should form part of this training.

'By and for' service providers, with specialist expertise in dealing with these issues and should be commissioned to deliver this training collaboratively with employer bodies. Such expertise centres the disproportionate and different risks faced by Black and minoritised groups and the way in which systemic bias and institutional racism shapes women's experiences of violence and their pathways to accessing support.

### 3. **Data gathering: the following steps should be taken in order to establish compliance with the Public Sector Equality Duty**

NPCC and College of Policing to require all forces to provide the following in relation to all domestic abuse flagged offences in the last annual reporting period:

- a. The proportion of victims-survivors for whom ethnicity is recorded on police force systems;
- b. The proportion of victims-survivors who are from Black or minoritised backgrounds (where recorded)
- c. The proportion of the population in the force area who are Black or minoritised
- d. Where there is a disproportionality between b. and c. to consider reasons for this and what actions to take to address it

Forces should introduce mandatory fields if completion of ethnicity data fields fall below a level that enables the force to reach meaningful conclusions on the ethnicity of those reporting domestic abuse.

HMICFRS to inspect force recording of ethnicity data for domestic abuse flagged cases, including the levels of data recording of ethnicity and, where sufficient data is available, any disproportionality in levels of reporting between white and Black and minoritised victims-survivors (including, where available, distinctions between different minoritised ethnic communities).





If existing data is not sufficient to establish whether there is disproportionality, policing oversight bodies to commission robust research across England and Wales on this issue.

National policing bodies to review the current ethnicity recording system (IC codes) as applied to victims-survivors, as opposed to suspects, and introduce a national system that is effective for policy objectives relating to access to the criminal justice system.

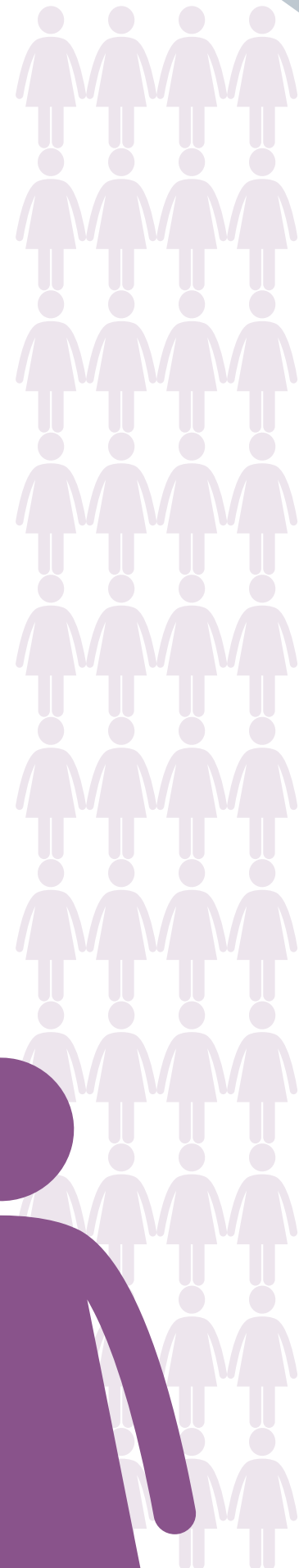
#### 4. **Disaggregation of data: the following steps should be taken in order to establish compliance with the Public Sector Equality Duty**

The Home Office data on DHRs to include disaggregated data by a range of characteristics alongside ethnicity, including sex of the deceased, and intimate partner killings identified separately from family killings.

#### 5. **Interpreters**

Policing bodies should ensure that forces meet their legal obligations under the Equality Act and the Istanbul Convention through the following:

- a. The Home Office should introduce a requirement for police forces to source a professional interpreter in every situation where a report is made of domestic abuse and an interpreter is required, including telephone interpreting services for immediate communication following 999 calls. Victims-survivors should not be required to provide their own interpreters. Interpreters should be obtained from independent and accredited professional interpreting services. The Victim's Code should be amended to reflect this duty.
- b. Victims-survivors should be provided with an interpreter of a sex of their choice whenever operationally practicable. The Victim's Code should be amended to provide for this, as well as College of Policing guidance and local police force domestic abuse procedures.



The College of Policing should issue guidance on the use of interpreters in domestic abuse cases, including:

- That officers must not use the following as interpreters: family members, children, neighbours and any other person known personally to the victim-survivor who is not of her choosing
- Officers should not expect staff of domestic abuse support services to act as interpreters, though they should be present to provide support whilst a victim-survivor provides an account through a professional interpreter.
- Forces must ensure that use of interpreters does not cause excessive delay and monitor the time taken between reporting of an offence and the taking of a detailed account with an interpreter.
- Forces must ensure that evidence that is not in English is collected in the same way as any other evidence and a translation obtained.

## 6. No Recourse to Public Funds

We support the calls of Southall Black Sisters and Step Up Migrant Women network to end the two tier system of support for migrant survivors. In particular, to expand the DDVC and DVILR scheme to include all victims and survivors with insecure immigration status and increase support to six months. The Government must honour its obligations under the Istanbul Convention to meet the needs of all victims of domestic abuse.

For more info [stepupmigrantwomen.org](http://stepupmigrantwomen.org)

## 7. Data sharing with immigration enforcement

The Home Office should implement the recommendations of the HMICFRS in the super-complaint on data sharing with immigration enforcement to create a 'firewall', enabling victims-survivors of domestic abuse to report abuse to the police within a 'safe space'.

DHRs should be required to record the immigration status of the deceased in every case where the deceased is not a UK national.



### 8. Referral pathways for women to 'by and for' services

All police forces (via their equality leads) should ensure that they identify the range of local 'by and for' domestic abuse services available in their area, build relationships with them, including around referral pathways, and implement systems to ensure direct referrals by domestic abuse units and other officers dealing with domestic abuse cases.

Mainstream domestic abuse, IDVA or other victim support services should ensure that Black and minoritised survivors are given a choice of referral to local 'by and for' services.

Mainstream domestic abuse services should ensure parity for Black and minoritised survivors they support, including those with NRPF on the DDVC, and ensure partnership working with local 'by and for' services to seek expertise where required, for example on immigration status and language barriers.

### 9. Forced Marriage and Honour Based Abuse

There should be full implementation of the statutory and best practice guidance on forced marriage and HBA, including identification through effective risk assessment. Standard risk assessment tools must have a question on HBA for all first responders. The 'one chance' rule must also be used for early intervention. Monitoring and enforcement systems must ensure their effective implementation.

### 10. Sustainable funding for the 'by and for' sector

There needs to be a long-term commitment to a sustainable solution that considers the health of the 'by and for' sector as a whole, not merely an opportunity for some organisations to bid for a one-off pot at a particular point in time. It should be grant based and not subject to a competitive tendering model which favours larger generic services without specialist expertise.

'By and for' organisations should be able to bid on their own terms without the inherent structural disadvantages they face when forced to compete with better funded generic VAWG providers or local public sector bodies. There is a need for a unified definition and consultation with 'by and for' organisations on the most appropriate model for funding such needs led funding, with key organisations like Imkaan, Women's Aid Federations, Southall Black Sisters, London VAWG consortium.



### 11. Domestic Homicide Reviews use of 'cultural experts'

The Home Office should issue guidance on use of 'cultural experts' in DHRs:

- a. to clarify that input from a 'cultural expert' is required for all DHRs involving Black and minoritised women;
- b. to clarify who is suitable to take on this role. Such roles should be occupied by those from 'by and for' domestic abuse services. It is not appropriate for this role to be undertaken by someone without domestic abuse expertise. Criteria can be developed with input from the 'by and for' sector.

The Home Office should monitor whether experts are being used in suitable cases and who experts are, as part of the quality assurance process.

A 'cultural expert' should always be a member of the panel and their role recognised as being broader than explaining 'cultural' matters. As a panel member they should be able to raise issues that they identify themselves and comment on all issues that arise from their own independent perspective.

Where necessary to ensure this expert perspective is available, funding for the expert's time in contributing to the process should be made available

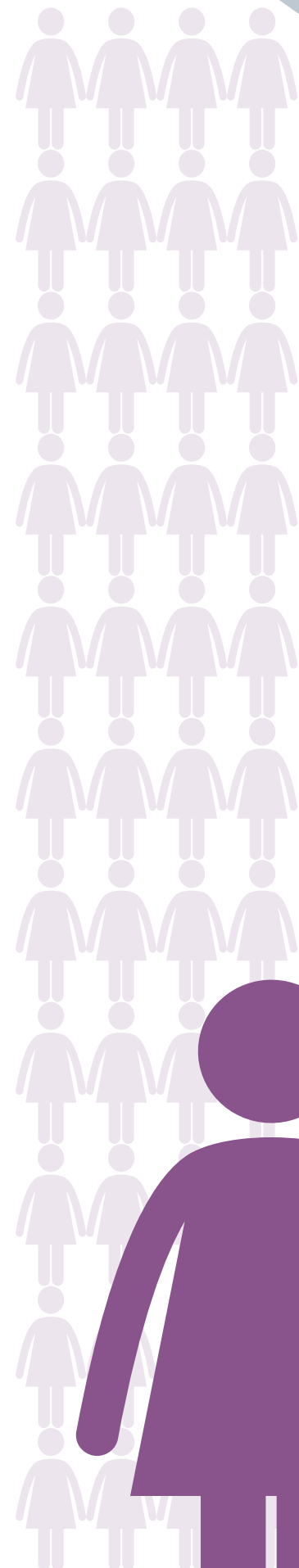
### 12. Independent Office of Police Conduct

'Race'/ethnicity' should always form a part of Terms of Reference in IOPC investigations in cases involving domestic homicides where the deceased is a Black or minoritised woman.

### 13. Inquests

Home Office DHR guidance should require, in all cases where the DHR chair identifies state failings that may have contributed to the death, that the chair sends a copy of the DHR report to the Coroner in the relevant area in which the death occurred, for them to consider whether the inquest should be resumed or re-opened. The family of the deceased should be informed of this and told that they may wish to seek independent legal advice about the inquest.

Guidance to Coroners should require the Record of Inquest to record the ethnicity of the deceased, using standardised categories, to allow for national data collection.



### 14. Investigation of suicide

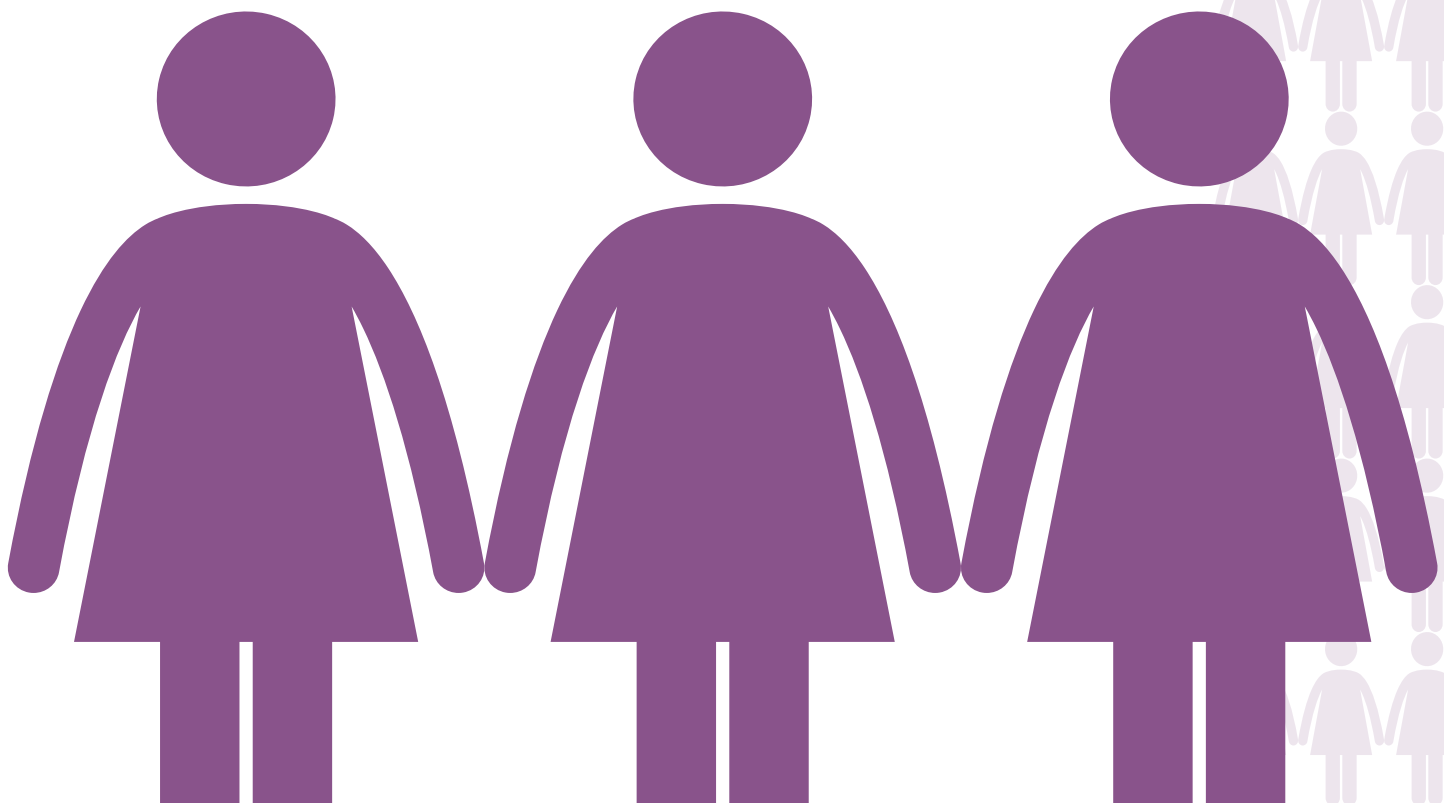
The Department of Health and Social Care should commission research into the prevalence of suicide in the context of domestic abuse for Black and minoritised women, including exploration of whether suicide rates are disproportionately high for women from certain communities, in particular South Asian communities. Any findings should be integrated into national and local suicide prevention strategies and into the NICE guidelines on suicide prevention.

The College of Policing must include clear guidance on notification by police forces to CSPs in suicide cases. Its guidance on sudden and unexpected deaths, should require in all suspected suicides that officers conduct searches on police systems for any history of domestic abuse and speak with the family, colleagues and friends of the deceased to explore any knowledge of domestic abuse, before a decision on notification is made.

The Home Office should establish clear criteria for CSPs on when a DHR is required in suicide cases, including the length of time between any known domestic abuse and the death.

Forced suicide under honour based crime should be considered when dealing with relevant ethnic communities where HBV may be a particular feature.

The Home Office should disaggregate and publish the number of DHRs in suicide cases separately from homicides, and disaggregate these by both ethnicity and sex of the deceased.



# Annex 1

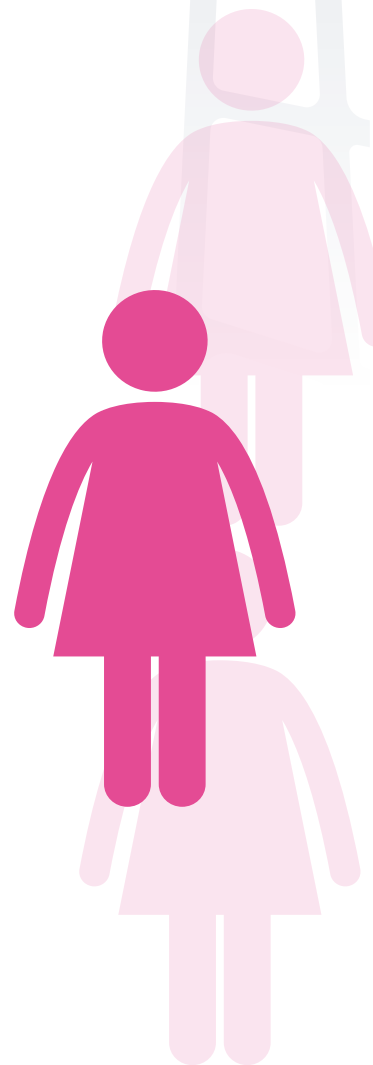
## Participants in this research

### *imkaan*

**Imkaan** is a London based 'by and for' Black and minoritised women's organisation. We are the only UK based, national umbrella women's organisation dedicated to addressing violence against Black and minoritised women and girls. We have 37 members across the UK which are all 'by and for' Black and minoritised ending-VAWG organisations providing a range of diverse services to Black and minoritised women and girls affected by VAWG including refuge accommodation, women-only spaces, advice, outreach, legal, health, and therapeutic services. Imkaan holds over two decades of experience of working around issues such as domestic and sexual violence, mental health, forced marriage, and 'honour-based' violence. We work at local, national, and international levels, and in partnership with a range of organisations, to improve policy and practice responses to Black and minoritised women and girls. Imkaan is at the forefront of programmes and initiatives relating to forms of violence that disproportionately affect Black and minoritised women and girls.



**Centre for Women's Justice (CWJ)** is a legal charity which seeks to hold the state to account for failings in the policing and prosecution of violence against women and girls, and challenge discrimination within the criminal justice system. We carry out strategic litigation, provide independent legal advice, and training for frontline women's sector organisations and make referrals to a specialist lawyers panel. We also draw on our legal case work to provide an evidence base to influence change in laws, policy and practice of criminal justice agencies.



## Annexes

### We would like to extend our thanks to the following:

**Author:** Nogah Ofer

**Funder:** Barings Racial Justice Fund

**Participants in workshop with 'by and for' organisations from the North and Midlands:**

- ♀ Apna Haq
- ♀ Sikh Women's Aid
- ♀ Humraaz
- ♀ Anah Project
- ♀ Panahghar
- ♀ Rochdale Women's Welfare Association

**Participants in workshop with 'by and for' organisations from London and the South East:**

- ♀ London Black Women's Project
- ♀ Kurdish And Middle Eastern Women's Organisation
- ♀ Ashiana Network
- ♀ Kiran Support Services
- ♀ Claudia Jones Organisation

**Organisations who provided further input:** Asian Women's Resource Centre, Latin American Women's Aid and Iranian & Kurdish Women's Rights Organisation, Southall Black Sisters.

**Family members of:** Raneem Oudeh and Khaola Saleem, Aliny Godinho and N.

**Consultants:**

- ♀ Hannana Siddiqui
- ♀ Sohini Mehta

**Legal advisers:**

- ♀ Ulele Burnham and Jelias Sane  
Doughty Street Chambers

**Advisory Group members:**

- ♀ Gisela Valle, Latin American Women's Rights Service
- ♀ Sandra Manak, Panahghar
- ♀ Jasmine Mohammed, Safety4Sisters
- ♀ Deborah Coles and Selen Cavcav, INQUEST
- ♀ Cheryl Leech, Advocacy After Fatal Domestic Abuse
- ♀ Davina James-Hanman, DHR chair
- ♀ Cris McCurley, Ben Hoare Bell Solicitors
- ♀ Clarrie O'Callaghan, Femicide Census

**Staff at Imkaan:**

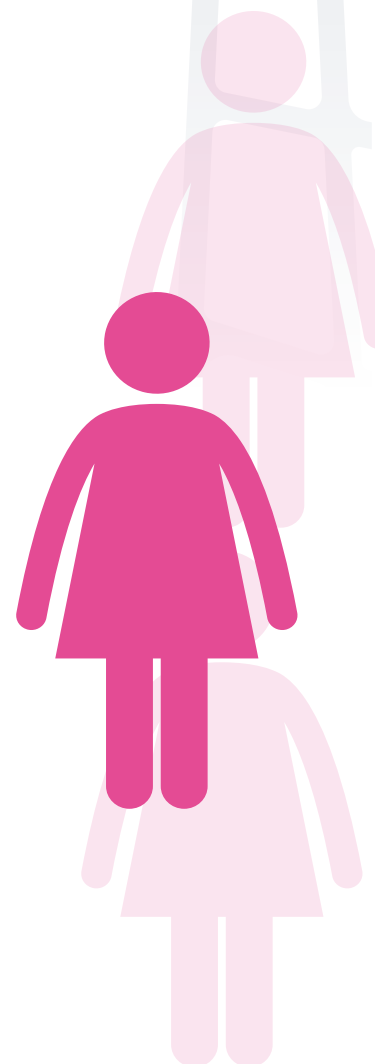
- ♀ Baljit Banga, former CEO
- ♀ Sumanta Roy, Head of Research, Evaluation and Development
- ♀ Dion Spence, Head of Training, Development and Member Sustainability
- ♀ Rosie Lewis, former head of policy

**Staff at CWJ:**

- ♀ Harriet Wistrich, Director
- ♀ Nogah Ofer, Lead Enquiries Solicitor and Policy Development

**Interns and student volunteers:**

- ♀ Sannam Kersley, Sado Ali, Jay Gormley and Soraia da Silva





# Annex 2

## Ambit and methodology

### Ambit of research

The research covered the following three categories of fatalities of Black and minoritised women, defined as women whose herstories originate from Africa, Asia, the Caribbean and Latin America.<sup>68</sup>

- ♀ **Domestic homicides where the deceased is female;**
- ♀ **Female suicides in the context of intimate partner abuse;**
- ♀ **Homicides by women subjected to abuse by a male partner, who killed their abuser.**

### Methodology

The project triangulates three sources:

#### 1. Experience from staff at Imkaan's member organisations

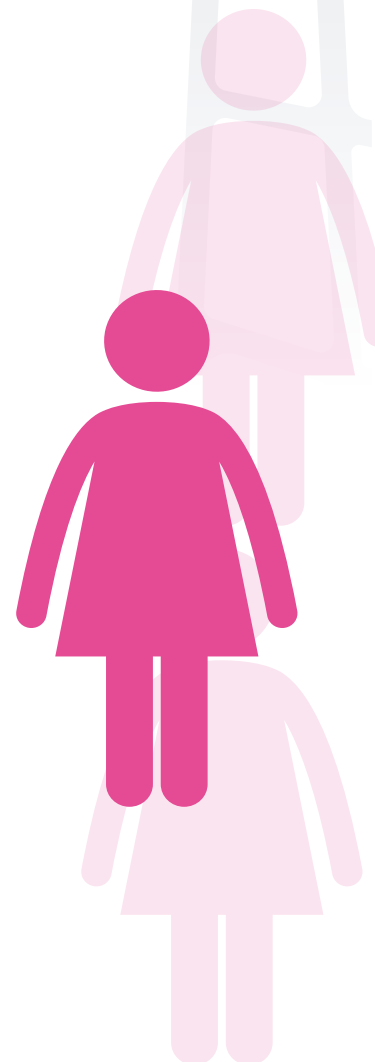
Imkaan's member organisations are frontline 'by and for' organisations providing a holistic support service for all aspects of violence against women and girls to Black and minoritised women.

We gathered the experience of their staff, and the key issues identified by them, through:

- ♀ **Two focused workshops with staff from Imkaan member organisations in summer 2022, one with organisations based in the North of England and Midlands and one with organisations in London and the South of England;**<sup>69</sup>

68 Adopting the Imkaan definition of 'Black and minoritised'

69 With thanks to the participants, see list of participating organisations in Annex A



## Annexes

- ♀ **An analysis of issues raised by frontline staff at nine Imkaan member organisations located across England and Wales, during a set of training programmes delivered by CWJ lawyers in 2021;**
- ♀ **More in-depth discussions with staff in leadership roles in Imkaan member organisations during 2022.**

Bringing together this material we created a summary of 'key themes' broken down into 'key barriers' and 'key state failings' which provided the structure for Chapter 1.

## 2. Post-death investigation reports

We built a dataset of 4370 post-death investigation reports into the deaths of Black and minoritised women who have died in the last 10 years (since January 2013) which fall within the remit of the research. These included Domestic Homicide Review (DHR) reports, reports by the Independent Office of Police Conduct (IOPC)<sup>71</sup> and inquest outcomes. These provided a rich source of detail and we analysed them cross-referenced to the 'key themes' identified by Imkaan members.

A period of 10 years was chosen because most post-death investigation processes have very long timelines, so that DHRs are often not published until several years after the death, and inquests can take even longer (the two inquests we analyse in detail were held three years and four years after the death respectively).

We identified 44 Black and minoritised women who died by domestic homicide or suicide in the context of domestic abuse, who came within our remit, at the time the data was gathered there was no central public repository of DHR reports available.<sup>72</sup> Therefore the cases in our dataset are all those we could identify through our networks during a six-month evidence-gathering period, which fall within the ambit of the research, and where we were able to access a post-death investigation report (we were aware of other cases we could not include because reports had not yet been published). We included every case that met these criteria.

The women in the sample are from a broad range of backgrounds: women from the Indian sub-continent, British Asian, African-Caribbean, African and Black British women, women from the Middle-East and central Asia (Syrian, Kuwaiti, Iranian, and from a Muslim central Asian republic), China and South America.

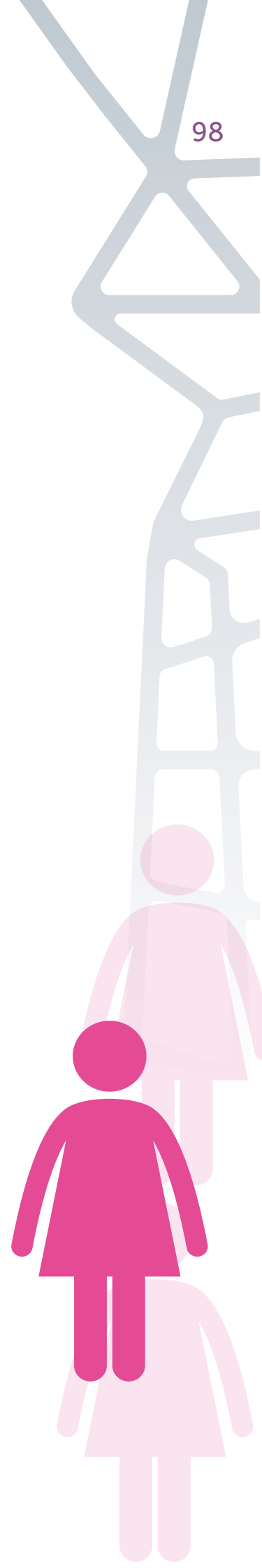
## 3. Review of the literature

We supplemented the two primary sources above by looking at relevant secondary materials, including government and police data and publications, academic publications, and reports from women's sector organisations. However, producing a full literature review is beyond the scope of this project.

70 In one case two women in the same family were killed, so there were 44 deceased women in our sample

71 And its predecessor the Independent Police Complaints Commission (IPCC)

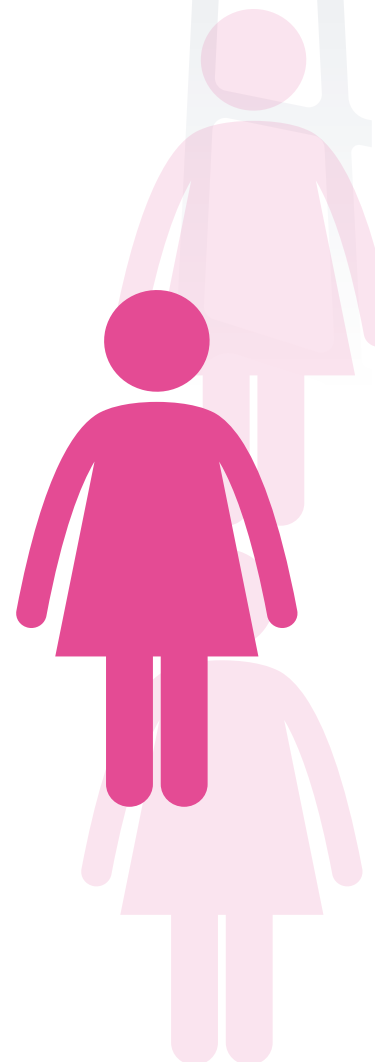
72 The Home Office repository of DHRs became available in June 2023, after the first draft of this report was completed



### Analysis

Our analysis is mostly qualitative, drawing together all three sources, but we also include three sets of numerical analysis from our dataset. This project lacked the resources to carry out a systematic thematic content analysis, and it was not intended to produce academic-level research. Whilst we saw a great deal of repetition of issues in the post-death investigations, our analysis was driven by the themes identified by the staff working in 'by and for' Imkaan member organisations, who collectively between them have a vast experience of working with women and have distilled what they see as recurring issues. The case studies we have chosen are those that illustrate the issues most clearly, to bring the realities we describe into focus, and are not intended to be representative of our sample.

We are grateful to our Advisory Group<sup>73</sup> made up of members with expertise in femicide, in post-death investigations, and in supporting Black and minoritised women, who provided valuable feedback and ideas on recommendations and actions.



---

73 See Annex 1 for participants

# Annex 3

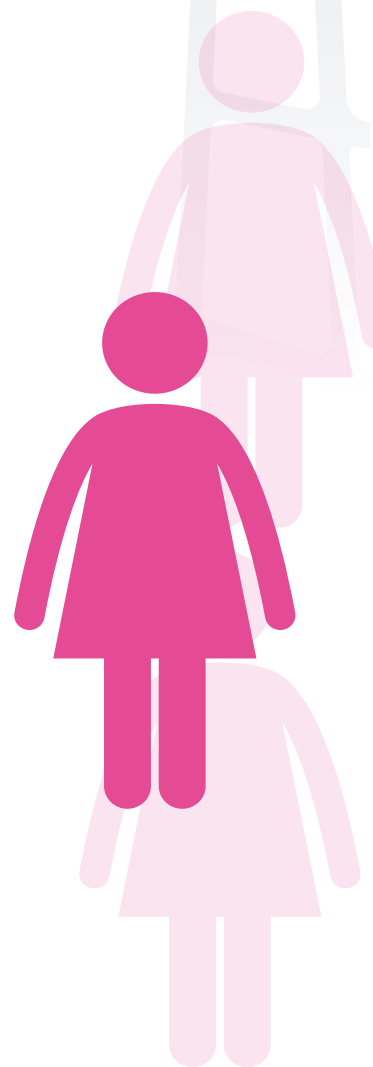
## Data on prevalence of homicides and suicides of Black and minoritised women

### Prevalence and proportionality of intimate partner homicides of Black and minoritised women

It is important to consider the issue of disproportionality in the number of intimate partner homicides of Black and minoritised women compared to those in the general population. It is not being suggested that some communities are more violent but rather that there are fewer accessible paths to safety for some groups of women. Hence, disproportionality could result from the barriers to help-seeking encountered and from agency failings when women do seek help. Attempts to ascertain this more clearly, however, are hampered by the lack of national data, though some limited available data suggests there is a degree of disproportionality. One of the key obstacles is created by the way in which national bodies analyse their data; none have a breakdown of intimate partner killings of Black and minoritised women by men, as explained further below.

There is also an inconsistent/inaccurate recording of ethnicity. Government ethnicity data is broken down into “white, black, Asian (Indian sub-continent), other, not known/not recorded”. In many cases it is unclear how a person would be categorised, for example some of the minoritised women in our case studies are from Syria, Afghanistan and Brazil, they come within the Imkaan definition of ‘Black and minoritised’ but it is unclear whether they would be categorised as white or “other” in official data.

Available data is categorised in ways that do not address our focus, and intimate partner deaths are not separated out from domestic homicides involving family members, many of which involve killings of one male by another male relative. Some data is broken down by ethnicity or by sex but there is no breakdown by ethnicity of only female deaths. Some figures for female deaths include female children, which are not relevant when examining intimate partner deaths. There is only one dataset that includes sufficient disaggregation to allow some comparison, but this also includes a small number of male intimate partner deaths and is currently limited to two years.



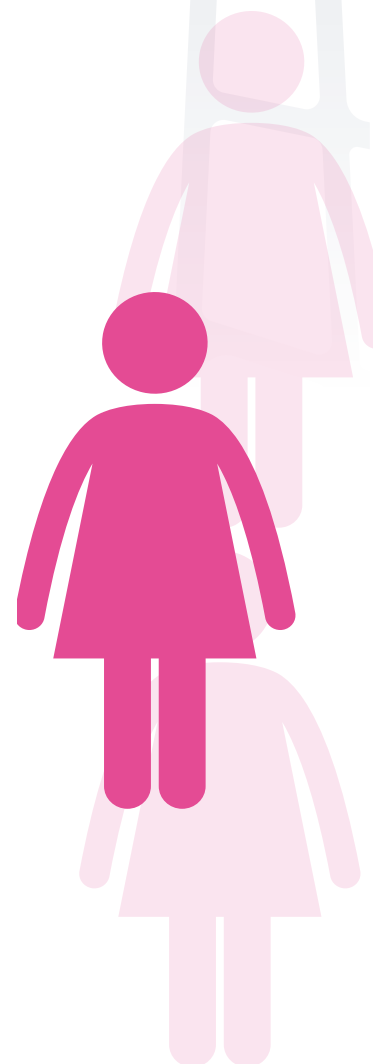
### The available datasets and their disaggregation are summarised below:

- ♀ The ONS publishes data sourced from the Home Office that covers domestic abuse prevalence and victim characteristics in England and Wales.<sup>74</sup> Table 17c covers domestic homicides of adults by sex and relationship to suspect. Intimate Partner Violence (IPV) homicides of females by males can be extracted, however, there is no ethnicity data. Table 17d covers domestic homicides of adults by sex and ethnicity of the victim, however, IPV data cannot be separated from other domestic homicides. These tables cannot be combined.
- ♀ The ONS also publishes data on homicides where Table 16 provides data on sex of deceased and of perpetrator and relationship, but this is limited to whether the perpetrator was a stranger or known to the victim and there is no ethnicity data.
- ♀ The Home Office Homicide Index provides a disaggregation of ethnicity of victim and suspect, but the relationship between them is not included and there is no disaggregation by sex.
- ♀ The Home Office quantitative analysis of DHRs (most recent one published in June 2022 of 108 DHRs that went through the Home Office quality assurance process between October 2020 and September 2021) disaggregates victim and perpetrator by ethnicity.<sup>75</sup> However, there is no disaggregation between IPV killings and other family killings. The Home Office unit that deals with DHRs has confirmed that it does not hold this data.<sup>76</sup>
- ♀ The UN Office on Drugs and Crime homicide dataset provides figures on domestic homicides. The data is sourced from national authorities through the annual United Nations Crime Trends Survey. However, there is no disaggregation by sex or ethnicity, or relationship type.
- ♀ The Femicide Census provides data on killings of women by men, including relationship type so that IPV killings can be identified, but they are not cross-referenced with ethnicity. Most of the data has been provided by police forces under the FOI and ethnicity data is frequently lacking or the categories used are not consistent with other commonly used categories.
- ♀ The HALT research project (Homicide Abuse Learning Together) analysed over 300 DHRs. It created a repository of IPV killings, disaggregated from other family killings, however, these include female and male victims, and no ethnicity data. There is also a repository of Black and minoritised victims and perpetrators, but these cases include not only IPV but also other family killings, neither are they disaggregated by sex.

74 <https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseprevalenceandvictimcharacteristicsappendixtables/yearendingmarch2021/domesticabuseprevalenceandvictimcharacteristics2021.xlsx>

75 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1149612/Annex\\_A\\_DHRs\\_Review\\_Report\\_2020-2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1149612/Annex_A_DHRs_Review_Report_2020-2021.pdf)

76 In correspondence with CWJ



The research that comes nearest to answering our question is the National Police Chief's Council's Vulnerability Knowledge and Practice Programme (VKPP) which recorded all domestic homicides during the pandemic and has completed its second year. Its data includes a breakdown between IPV homicides and other family homicides, which is also disaggregated by ethnicity, but not by sex. It is, therefore, not a complete match for our question but may still be of interest, given that male victims make up only a small proportion.

The 2020-21 VKPP data shows that Black and minoritised IPV homicides were 2% higher than the figure for the general population, and 6% higher for 2021-22.<sup>77</sup> These are small samples from only two years, they include a number of male victims, and the "not known" categories may influence the totals, therefore they should be treated with caution.

The VKPP produced a Spotlight Briefing on Ethnicity in June 2022.<sup>78</sup> This contains statistical breakdowns, however they have little relevance for this research. Firstly, the overall figures on ethnicity include both IPV killings and other adult family killings, where the majority (58%) of adult family killings of black and Asian victims involve male victims and male perpetrators, and therefore the overall ethnicity figures are not relevant for our purposes. Secondly, where the different categories of deaths (intimate partner, adult family killings and suicides) are separated out, the comparison graphs are between different categories of deaths for each ethnic group (white, black and Asian), as opposed to comparing intimate partner killings across different ethnic groups. The figures for contact with support services looked at mainstream IDVA or ISVA services rather than specialist 'by and for' services.

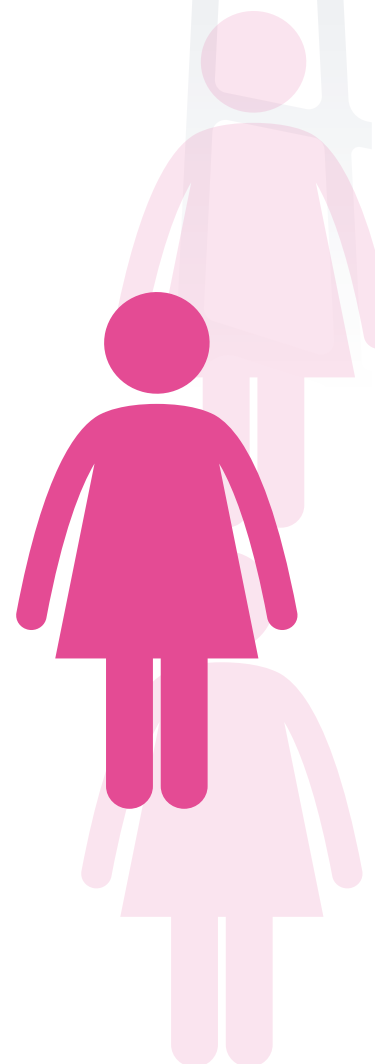
None of the data produced by Government bodies addresses the position for Black and minoritised women killed by male partners. This is a distinct group which requires separate policy consideration and this lack of disaggregation displays a failure to collect data on this cohort, and therefore a lack of 'due regard' which breaches the Public Sector Equality Duty (See Annex 8 for legal analysis).

After our research was concluded, the national DHR repository was made available in late June 2023<sup>79</sup> which can be searched by numerous overlapping themes. It is possible to search by type of killing, by sex and by different ethnic groups, including Asian and black categories broken down into sub-categories, though some are not included so for example Latin American would come under "any other". The repository is still being populated and our understanding is that it does not yet contain all DHRs. The repository provides an excellent research tool, but it does not provide national definitive disaggregated data. It only includes those cases where a DHR was conducted, and is not broken down into annual figures. It enables researchers to identify trends and locate relevant DHRs, but it does not of itself represent an attempt by Government to have due regard to the matters that form part of its Public Sector Equality Duty.

77 The VKPP report itself states that Black and minoritised homicides are 10% above what they should be, but that includes non-IPV family killings, which are 30% Black and minoritised with 50% male victims, and child deaths of which 48% are Black and minoritised and 48% male victims. These figures are not relevant to our project.

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

79 The repository can be accessed here: <https://homicide-review.homeoffice.gov.uk/>



### Data on prevalence of suicide in context of domestic abuse and ethnicity

Compared to domestic homicides there is even less data available for suicides, not only for Black and minoritised women but for all women who take their lives in the context of domestic abuse. The lack of up-to-date research on prevalence is referred to in a recent comprehensive report<sup>80</sup> as a “known unknown”. The figures clearly suggest that the number of women’s suicides related to domestic abuse are far higher than the number of domestic homicides, but the true figure is impossible to establish from the available data.

Various figures are cited on suicide rates in the context of domestic abuse, between 3 and 10 deaths per week in the UK. All are extrapolations from very limited research conducted over two decades ago.

A figure that around one third of female suicides could be related to intimate partner violence (which in the UK would be in the region of 9 or 10 deaths per week)<sup>81</sup> is taken from research into suicide attempts (not completed suicides) where a third of survivors experienced domestic violence, but only in 11% – 13% was there a clear causal link between a domestic violence incident and the suicide attempt (i.e. around 3 deaths per week).<sup>82</sup> Existing research focuses on physical violence rather than broader abuse such as controlling and coercive behaviour, which creates the possibility of under-estimation. Unfortunately, the evidence is flimsy and dates back to one small study conducted in the US over 25 years ago (see below). Recent research on suicide in the context of domestic abuse is very welcome<sup>83</sup>, but it has not been able to address the issues of prevalence. The lack of primary research on this extremely important topic is surprising. It may be due to the fact that overall suicide rates for men are significantly higher, with 75% of suicides carried out by men,<sup>84</sup> and so men have been the focus of suicide research and policy.

There is a gaping hole when it comes to informed knowledge on this issue in the UK. Not only is there no meaningful data on suicides of victims of domestic abuse generally, but there is also no national data on suicide and ethnicity in the UK, and ethnicity is not recorded by Coroners in suicide inquests. What research there is has examined suicidality and suicide attempts, rather than completed suicides. There is clearly room for further research.

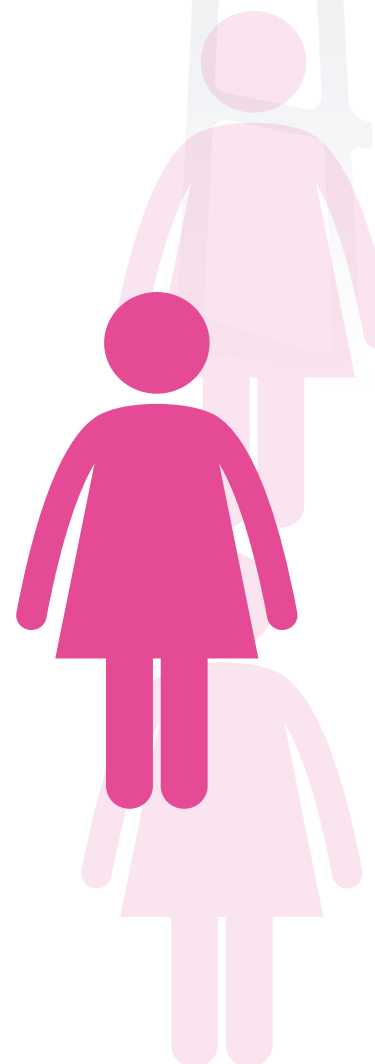
80 Dangar and Munro 'Learning Legacies: and analysis of Domestic Homicide Reviews in cases of domestic abuse suicide' (2022)

81 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.*

82 Walby; Starke & Flitcraft

83 McManus, Walby, Barbosa et al 'Intimate partner violence, suicidality, and self-harm: a probability sample survey of the general population in England' (2022) *The Lancet* Vol 9, 7. 574-583; Dangar and Munro 'Learning Legacies: and analysis of Domestic Homicide Reviews in cases of domestic abuse suicide' (2022)

84 Office for National Statistics Suicide in England and Wales 2021 <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/suicidesintheunitedkingdom/2021registrations#:~:text=Around%20three%2Dquarters%20of%20suicides,was%205.5%20deaths%20per%20100%2C000>





### Where do the one third and 13% figures come from?

These commonly used figures are from research by Walby (2004)<sup>85</sup> focused on estimating the cost of domestic violence in the UK, which has a single page devoted to quantifying domestic abuse suicide at a national level. The conclusion that 13% of female suicides are caused by domestic abuse is based on Walby extrapolating conclusions about completed suicides from data about attempted suicides. However, these are not identical phenomena and there are gender differences between the two.

Walby's analysis is based on a study published in 1995 in the US,<sup>86</sup> which examined the medical records of 176 women who attended a hospital emergency department in Connecticut as an attempted suicide. They found that 30% of women were "battered women" (in the language of the 1990s), 37% of whom had visited the hospital earlier in the same day with an injury attributable to abuse (noted by researchers to be a surprisingly high number). Walby (2004) identified a strong link between the abuse and the suicide attempt in those 37% of cases. Whilst there was no doubt a strong association, this finding in a very small sample from a single US hospital 28 years ago does not provide a reliable basis for establishing current prevalence in the UK but does provide some indication of the possible linkage.

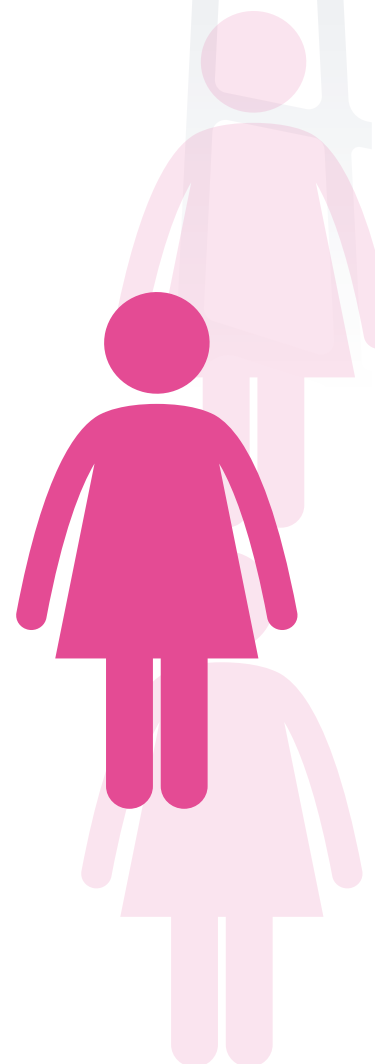
Walby (2004) also cited research from 2002 in the UK which was based on a national random population sample by ONS looking at non-fatal suicidal behaviour. Again, this related to attempted and not completed suicides. The extrapolation provided, namely that 34% of women who attempted suicide had experienced domestic violence, is not clearly apparent from the figures provided.<sup>87</sup> She applied to this figure the estimated 37% where there was a direct causal link between the abuse and the suicide attempt, arriving at a figure of 13%.<sup>88</sup>

85 Walby, S. (2004). *The Cost of Domestic Violence*. London: Women and Equality Unit (DTI), see page 56

86 Stark, E and Flitcraft, A (1996) 'Women at risk: domestic violence and women's health'

87 Walby writes "Among those who reported to the survey that they had experienced violence in the home, 2.7% had attempted suicide in the last year and 23.3% in their lifetime (Meltzer et al 2002: Table 5.4). This compares with a UK population average in which 4.4% of the population and 5.3% of women engaged in attempted suicide at some point in their lives and 0.5% in the past year. Looking at these proportions from the other direction, of those women who had ever attempted suicide in the UK, 34% had experienced violence in the home (Singleton et al 2002: Table 5.8)."

88 The 1995 study had reached 11% as a proportion of all the 176 attempted suicides who had attended earlier the same day and therefore had a strong causal link.



# Annex 4

## Developments on the sharing of data about domestic abuse survivors between police and immigration enforcement

- ♀ A wide-ranging campaign led by Step Up Migrant Women,<sup>89</sup> mobilised support during the passage of the Domestic Abuse Bill through Parliament in 2020, when attempts were made to introduce legislation to prevent data-sharing.
- ♀ A police super-complaint lodged by Liberty and Southall Black Sisters led to a report by HM Inspectorate of Constabulary (HMICFRS) in December 2020, that effectively sought to prioritise police reporting by survivors over immigration control, and recommended a firewall.<sup>90</sup>
- ♀ The recommendations of HMICFRS were not accepted by the Home Office, which published a Review in December 2021<sup>91</sup> proposing instead a Migrant Victims Protocol which it claims, provides some reassurance to survivors (not yet published). However, the Home Office proposals fall short of a firewall and therefore do not tackle the root problem, which is that survivors are too frightened to report (see the responses of the Step Up Migrant Women campaign).<sup>92</sup>
- ♀ The Domestic Abuse Commissioner published a report in 2021 'Safety Before Status' in support of a firewall, which was rejected by the Home Office in January 2022.<sup>93</sup>

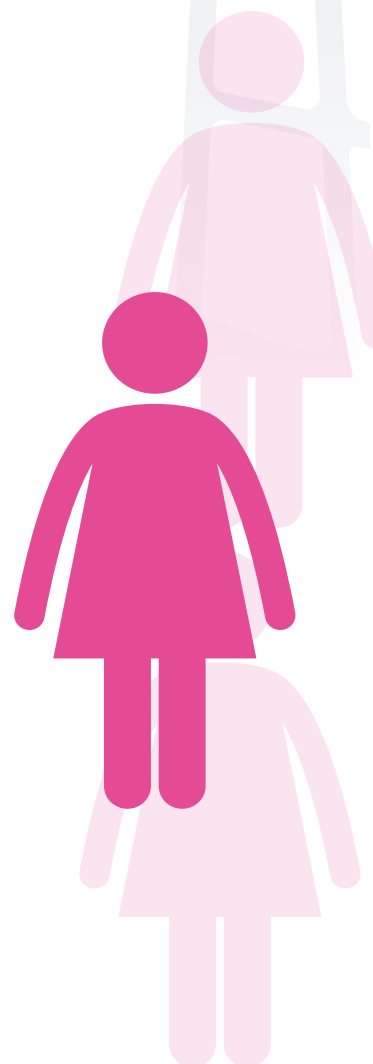
89 <https://stepupmigrantwomen.org> – led by Latin American Women's Rights Service

90 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/945314/safe-to-share-liberty-southall-black-sisters-super-complaint-policing-immigration-status.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945314/safe-to-share-liberty-southall-black-sisters-super-complaint-policing-immigration-status.pdf)

91 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1041124/HO\\_Review\\_Police\\_and\\_HO\\_data\\_sharing\\_migrant\\_victims.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041124/HO_Review_Police_and_HO_data_sharing_migrant_victims.pdf)

92 See response of Step Up Migrant Women campaign here: <https://stepupmigrantwomen.org/2022/02/01/joint-response-to-the-home-office-and-police-data-sharing-arrangements-on-migrant-victims-and-witnesses-of-crime-with-insecure-immigration-status-review/>

93 See the DAC Office report <https://domesticabusecommissioner.uk/wp-content/uploads/2021/10/Safety-Before-Status-Report-2021.pdf> and the Home Office response here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1044721/Home\\_Office\\_Response\\_to\\_Safety\\_Before\\_Status\\_Report\\_FINAL\\_JAN\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1044721/Home_Office_Response_to_Safety_Before_Status_Report_FINAL_JAN_2022.pdf)



### Annexes

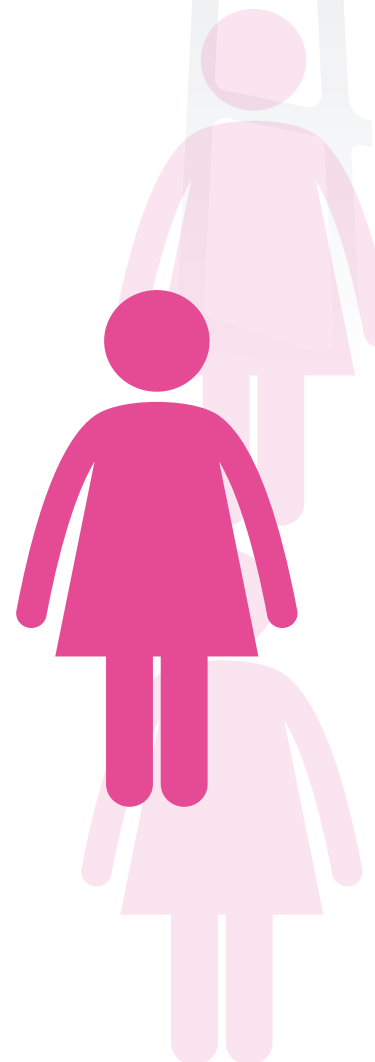
♀ Meanwhile, at a local level, some areas are working to promote safe reporting for migrant women. In Northumbria and Surrey, police, statutory services and local Police and Crime Commissioners are working alongside specialist 'by and for' organisations to develop multi-agency guidance which fosters safe reporting. Statutory professionals are encouraged to defer to immigration solicitors to communicate with the Home Office if this is ever necessary and to refer migrant victim-survivors to specialist services to ensure they have access to independent legal advice.

In the second half of 2023, two and a half years after the outcome of a police super-complaint supporting the need for a 'firewall', the guidance in place for police remains the April 2020 guidance by the National Police Chiefs' Council, which pre-dates the super-complaint outcome, and allows for data sharing.<sup>94</sup> There are no official published figures, but Freedom of Information Act requests to all police forces by journalists<sup>95</sup> revealed that between May 2020 and September 2022 police referred 451 domestic abuse survivors to immigration enforcement, likely to be an under-estimate due to counting methods, as well as hundreds of other victims of VAWG including child and adult sexual exploitation, forced marriage and modern slavery. A Home Office document seen by the same journalists showed that in 2020, approximately a quarter of those referred were served with immigration enforcement papers.

The number of domestic abuse survivors who are deported is not the key question. Even if the numbers subject to immigration enforcement are low, the deterrent effect persists and women do not feel safe to leave abusive relationships, or they leave and then return to the abuser when they feel they have very limited options. Similarly, perpetrators can continue to weaponise the threat of deportation to control women. The wider 'hostile environment' promoted by Government also has a powerful deterrent effect. 'By and for' support services report that their clients with insecure immigration status are adamantly against any involvement of police or other statutory agencies for fear of data sharing with immigration enforcement. Imkaan members report that MARACs also sometimes provide a route to immigration enforcement. Unless there is a clear message that reporting domestic abuse is safe, survivors will not report, and safety plans are severely limited.

94 NPCC 'Information sharing with the Home Office where a victim or witness of crime is a suspected immigration offender' <https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/2020/information-sharing-with-the-home-office-where-a-victim-or-witness-of-crime-is-a-suspected-immigration-offender.pdf>

95 <https://www.thedetail.tv/articles/uk-police-forces-referred-thousands-of-migrant-victims-of-crime-to-immigration-authorities>



# Annex 5

## No Recourse to Public Funds

A concerted campaign on this issue has been waged for over 30 years, led by Southall Black Sisters,<sup>96</sup> and more recently with the Step Up Migrant Women campaign,<sup>97</sup> which galvanised support from a broad range of organisations and Parliamentarians during the passage of the Domestic Abuse Bill in 2021, but the Government rejected legislative change. A report by the Domestic Abuse Commissioner (2021) sets out in detail how the NRPF rule leaves survivors of domestic abuse unprotected and how it forms part and parcel of immigration abuse.<sup>98</sup> The Domestic Abuse Commissioner has also put forward proposals for long term arrangements for support in a second report 2022 'Safety Before Status: The Solutions' (2022).<sup>99</sup>

In 2021, the Government put in place a temporary Support for Migrant Victims Scheme which provides some funds for accommodation and subsistence, and which has been extended to March 2025, while a permanent arrangement is awaited from the Government. The scheme aims to mainly provide support for survivors with NRPF who cannot access the DDVC, but the support is limited to 12 weeks<sup>100</sup> and the level of support is lower than that available under Universal Credit. This means that women who depend on the scheme have to survive on subsistence payments which are lower than the welfare benefits calculated to be the minimum people can live on. It also means that the rates for the housing element are sometimes insufficient to meet the cost of refuge spaces (which survivors who are eligible for welfare benefits meet through housing and social security benefits). This means that many survivors cannot access a refuge and have to be placed in hostels and bed and breakfast accommodation. Some end up in places that feel highly unsafe such as mixed homeless hostels shared with those who are substance dependent. If survivors are not in a refuge they cannot access the emotional and practical support that refuge workers provide, and some are too far geographically to access other wraparound support available from a 'by and for' service. Overall, their situation is significantly worse than those who can access welfare benefits and refuge places. As the scheme is limited to 12 weeks' support some survivors may

---

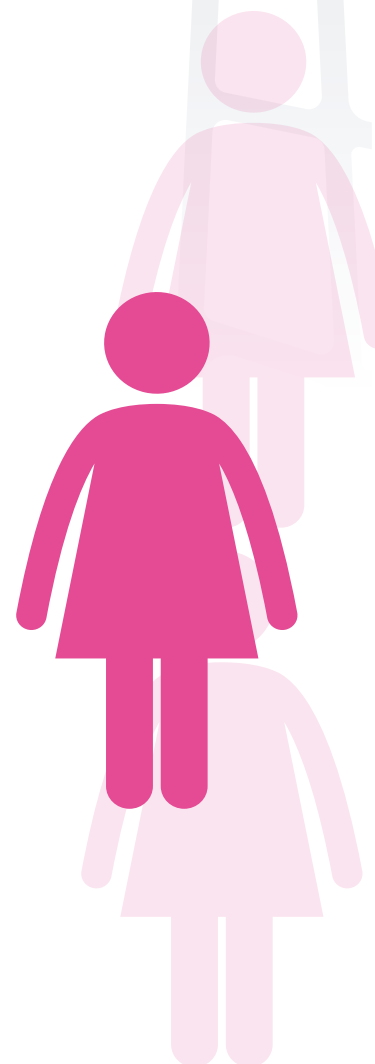
96 <https://southallblacksisters.org.uk/app/uploads/2023/05/da-bill-briefing-paper-2.pdf>

97 <https://stepupmigrantwomen.org> led by Latin American Women's Rights Service

98 <https://domesticabusecommissioner.uk/wp-content/uploads/2021/10/Safety-Before-Status-Report-2021.pdf>

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

100 Bridging support is also provided for up to six weeks for those survivors who are entitled to support from other sources such as the DDVC, under the Children Act and through National Asylum Support Service, to bridge the period while they access those other sources



## Life or Death?

Preventing Domestic Homicides and Suicides of Black and Minoritised Women

### Annexes

still find themselves at risk of destitution when support ends and may have no choice but to return to abusers.

It is estimated that only a fraction of the women who could benefit from the scheme currently access it, with around 500 women per year receiving assistance, but over 7,000 estimated to need refuge space who are 'undocumented or temporary migrants' with NRPF.<sup>101</sup> Many survivors and professionals are unaware of the scheme, thus many women with NRPF may remain trapped in abusive relationships, though the true numbers are unknown.

Two evaluations of the first year of the Support for Migrant Victims Scheme, one by the Government<sup>102</sup> and another by London Metropolitan university on behalf of SBS<sup>103</sup> both confirm that migrant survivors remain seriously disadvantaged when they are on the pilot, as compared to having direct access to welfare benefits. They also confirm lack of awareness of the scheme amongst potential recipients and agencies is limited, so many who could benefit are not accessing it.

There also remains complexity and confusion about who has NRPF, who can access the DDVC, or the Support for Migrant Victims Scheme, which obstruct women's routes out of abuse at the time they need them. An immigration adviser with Women's Aid describes how, as in Nargiza's case, incorrect information is given by professionals, that immigration law advice is very difficult to access, and that many survivors returned to live with their perpetrators as they believed they had no other option, only to learn years later that they were eligible for support.<sup>104</sup>

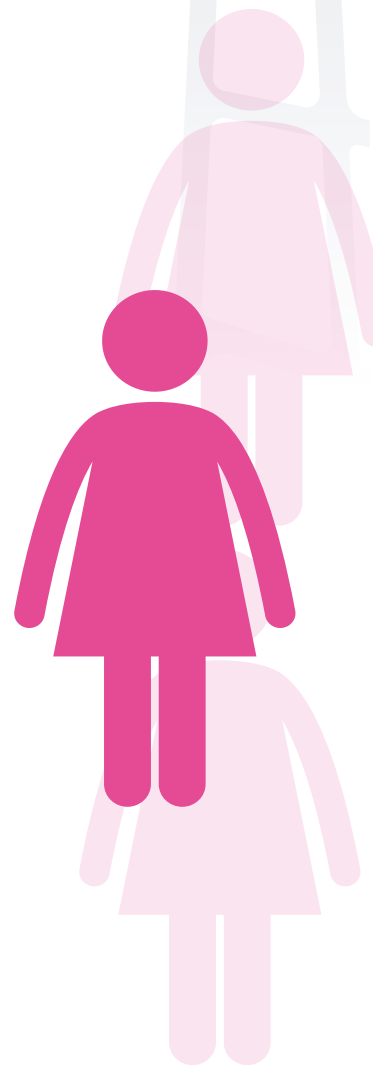
---

101 'Safety Before Status: The Solutions' pages 14-15 (see footnote 97)

102 <https://www.gov.uk/government/publications/evaluating-the-support-for-migrant-victims-smv-pilot/evaluating-the-support-for-migrant-victims-smv-pilot-findings-from-a-process-evaluation#conclusion-1>

103 <https://southallblacksisters.org.uk/app/uploads/2023/08/final-cwasu-evaluation-of-the-support-for-migrant-victims-programme-12th-june-2023.pdf>

104 The No Woman Turned Away project, run by Women's Aid, assists survivors who have been unable to secure a place in a refuge <https://www.womensaid.org.uk/wp-content/uploads/2022/06/NWTA-2022-Final-A.pdf>



# Annex 6

## Honour Killings

Dr Hannana Siddiqui

### Introduction

This section examines the issue of so called 'honour' based abuse (HBA) and 'honour' killings within the context of violence against women and girls in black and minority communities. It relates to the section on HBA in the main report. Although the main report quotes two cases, that of Raneem and Charlotte, this section examine the issue more widely, giving context, background and the current situation.

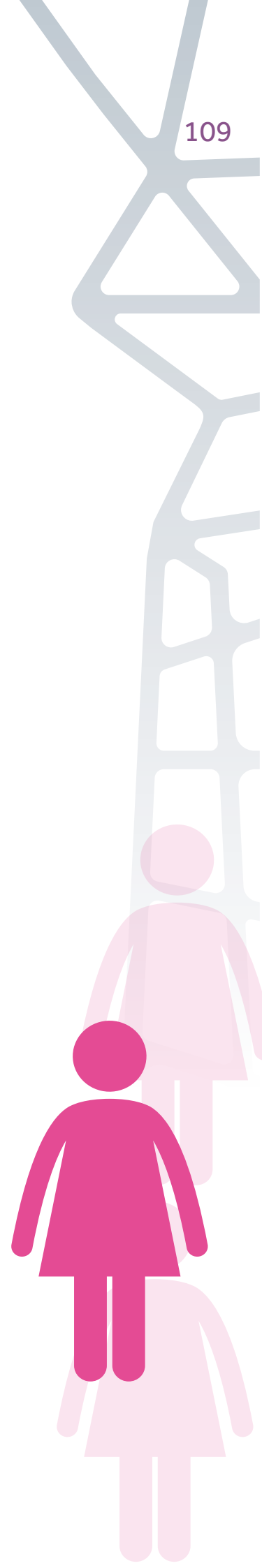
HBA is integrated in other recommendations such as the need for data collection, training and funding. However, the key issues and recommendations highlighted in HBA section of the main report are the need to improve the identification of and intervention in HBA cases. These require the application of the statutory and good practice guidance by asking the right questions, using the 'one chance' rule for early intervention and referring to a specialist by and for black and minority women's service.

### Definition and nature of HBA

Honour, and it's opposite shame or dishonour, are cultural beliefs which exists in all communities in the UK and across the world. However, although personal or individual honour is still highly valued, not all communities continue to have as strong belief systems in the need to uphold the collective honour of the family and community, nor does it always manifest as HBA.<sup>105</sup> HBA is an umbrella term which cuts across domestic and sexual violence, and harmful practices such as forced marriage, dowry related abuse and female genital mutilation (FGM) where it is motivated by codes of honour. It can part of a continuum of violence which can

---

105 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.



escalate over time resulting in some cases in an honour killing or suicide.<sup>106</sup>

Historically, British society has had strong notions of honour, but these are now diminished to the extent that group honour is not generally used as a justification for violence against women and girls (VAWG); although conservative notions of individual honour can still underpin domestic abuse and homicide in British society, for example, where men are possessive or threatened by a woman's actual or suspected extra marital affair which reflects on their manhood, and which regard women as their property.

Strong beliefs in group honour, however, are still held in conservative minority communities or sections of communities in the UK. Although culturally based, orthodox interpretation of religious belief can also be used to support notions of honour, shame and HBA. These attitudes have not significantly shifted through generational change due to factors such as the rise of religious fundamentalism among young people, particularly young men, who seek to use faith and culture to reinforce patriarchy.<sup>107</sup>

However, it should be noted that many within minority communities of all generations do not hold conservative value systems which adhere to strong codes of honour which would justify VAWG or extreme forms of HBA such as honour killings and honour related suicide. This is important to ensure that agencies recognise and respond to HBA based on evidence rather than making racist assumptions based on stereotypes about minority communities.

There is no agreed national definition of HBA, which has been expressed in various forms as 'honour related abuse' or 'honour crimes', and is included in the Home Office statutory guidance on domestic abuse.<sup>108</sup> To suit their operational purposes, the National Police Chiefs Council (NPCC) and the Crown Prosecution Service (CPS) have defined it as:

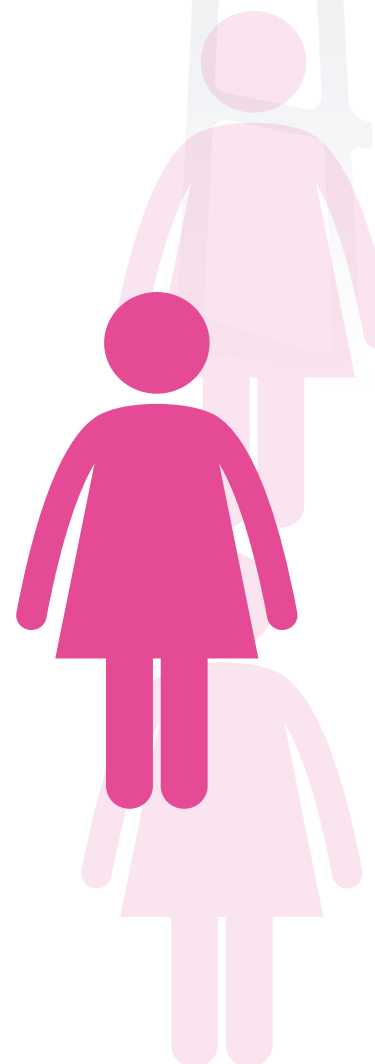
*'an incident or crime involving violence, threats of violence, intimidation coercion or abuse (including psychological, physical, sexual, financial or emotional abuse) which has or may have been committed to protect or defend the honour of an individual, family and/ or community for alleged or perceived breaches of the family and/or community's code of behaviour.'*<sup>109</sup>

106 See 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; 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.

107 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.

108 Home Office (2022) *Domestic Abuse Statutory Guidance*. Online: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1089015/Domestic\\_Abuse\\_Act\\_2021\\_Statutory\\_Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089015/Domestic_Abuse_Act_2021_Statutory_Guidance.pdf)

109 <https://library.college.police.uk/docs/appref/Final%20NPCC%20HBA%20strategy%202015%202018December%202015.pdf>





## Life or Death?

Preventing Domestic Homicides and Suicides of Black and Minoritised Women

### Annexes

The general consensus is that HBA is where codes of honour are used as the motivation or justification for the abuse. HBA and honour killings aim to maintain, defend or restore honour which is feared will be, perceived to be or has been stained or shamed by a dishonourable action. HBA is therefore seen from the perpetrator's perspective as a motive rather than the victim's reason for staying, which is where honour and shame become constraining factors. In cases of honour related suicide and self-harm, however, the victim too may well be motivated by the need to uphold family or community honour because of their own actions which are regarded as shameful such as being divorced, having an affair or too 'westernised'. In these instances, the victim is acting to maintain or restore honour in order to protect the reputation of the family for others such as their parents or children, and often their teenage daughters whose marriage prospects can be ruined by dishonour. However, honour may not be the only or primary motive as victims are also driven to suicide through depression and trauma brought on by repeated abuse itself.<sup>110</sup> Indeed, domestic abuse and HBA often co-exist where domestic abuse may be the manifestation, honour is the motivation for the abuse; being two sides of the same coin.<sup>111</sup>

HBA exists within a patriarchal framework where men and male elders dominate the accepted interpretation and implementation of cultural and religious value systems, which regard women as the property of men and who can be controlled by gender-based violence to uphold the reputation of the family and community. In this context female perpetrators, including mothers and mothers-in-law, may be instilled with these value systems or fear reprisals if they do not enforce them. This may also be true for some male perpetrators, particularly boys and young men who lack power within the household or community to challenge them.

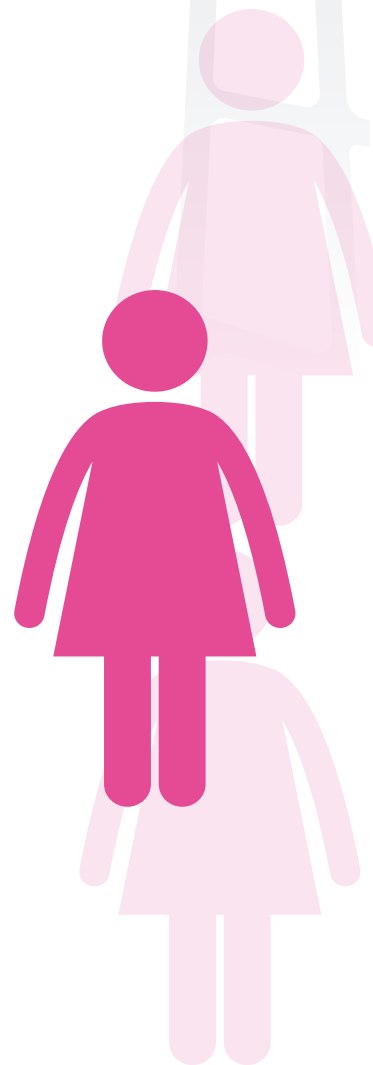
HBA is gendered because women and girls are disproportionately the victims, and men are predominately the perpetrators.<sup>112</sup> Due to shared codes of honour which allow for HBA, there can be multiple perpetrators and multiple victims, often within the extended family, but also sometimes in the wider community. Community and religious leaders can be involved as perpetrators or colluders. Even if they are not perpetrators, collusion, fear or silence may also prevent active support for the victim/s. As such, HBA can involve conspiracies or organised crime, and be exceptionally dangerous, making victims high risk. They can also have a transnational element as victims may be taken overseas and murdered there, involving the extended family and wider community living in this country and/or abroad.

Women and girls are specifically targeted for HBA because it is their behaviour, especially their sexual conduct, which reflects on the reputation of the family and community. Honour controls both their sexuality and autonomy. Women and girls

110 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

111 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.

112 House of Commons Women and Equalities Committee (2023) *So called honour-based abuse: Government response to the Committee's Sixth Report. Sixth Special Report of Session 2022-23*. Online: <https://committees.parliament.uk/publications/41432/documents/203672/default/>



are expected to lead traditional lives as obedient and dutiful wives, daughters, daughters-in-law, sisters and mothers; and any suspected or actual transgression can result in being disowned or social ostracism (which is most common), domestic and sexual violence, and in extreme cases, honour killings and suicide.<sup>113</sup> Indeed, HBA is a culturally specific form of coercive and controlling behaviour and seeks to control women's behaviour as male property.<sup>114</sup> Male victims may also be subjected to HBA, particularly forced marriage, to control their sexual orientation and improve their marriageability because of a disability or mental health problem. However, men who are perceived to be or are in relationships with women that are considered dishonourable are more likely to be killed as revenge for 'corrupting' a woman. For example, where the couple from different religious or racial backgrounds who marry without family or community approval, or for a sexual relationship outside of marriage.

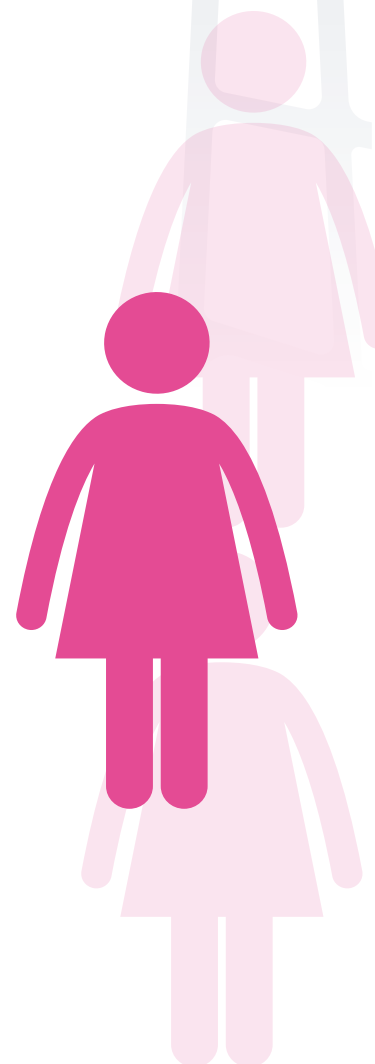
Intersecting inequalities also mean female victims are more likely to face greater barriers than male victims to obtaining help from within the community and from state agencies. Indeed, women are under greater pressure to submit to processes of family mediation and reconciliation, and even religious arbitration, rather than seeking help from state agencies. Also, male indiscretions are often ignored, particularly heterosexual sexual conduct, women's transgressions are usually not, and even minor infringements may be subject to the imposition of greater controls and violence. Men are also more likely to be required to be married at an older age, after they have obtained an education and employment, and even some sexual experience. Whereas women are expected to remain virgins, have greater restrictions on their lifestyles and even denied an education or employment/career of their choice. This means they are less likely to have the knowledge, support and economic resources to escape HBA, while male independence may result in them having better access to mainstream services and support, although racism may reduce access when compared to men generally.

Women, however, face overlapping race and gender inequality, or intersectional discrimination, which increase barriers to protection within and outside communities. Multicultural or multi-faith policies or practice, for instance, often mean that state agencies do not want to be seen to be interfering with minority cultures or religions, a position supported by the predominately male and conservative leadership within communities who argue that they are 'self-governing'. This results in the needs of women subject to HBA being ignored by state agencies in order to respect cultural or religious difference; and to maintain good race relations.<sup>115</sup>

113 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.

114 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

115 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.



### Annexes

In forced marriage cases, for example, young women or girls may not be safeguarded by the police or social services as it is assumed that these are 'arranged' marriages, which are cultural and/or religious practices which should be respected. The subtle forms of social pressure or emotional blackmail in an arranged marriage are in particular often not recognised as duress. Victims are therefore regarded as wayward adolescents and accused of 'not listening to their parents', despite the fact that any marriage should be regarded as a forced marriage if there is a lack of valid consent and thus a safeguarding issue. Indeed, many cases of honour killings and suicides have a strong association with forced marriage, and these deaths could have been prevented through early intervention on forced marriage and related abuses.<sup>116, 117</sup>

### Scale and history

Although there are cases of HBA within many minority communities in the UK, reported cases tend to be from those from South Asian and Middle Eastern backgrounds, particularly honour killings. In 2008, the Home Affairs Select Committee quoted the Metropolitan police estimates of 12 honour killings per year.<sup>118</sup> However, while the 2000s saw many cases of honour killings reported, in the 2010s, fewer seem to have been labelled or reported as honour killings by the press and the police. So current figures are unknown.

The scale of HBA is also difficult to establish, but Home Office figures show that for year ending March 2022, there were 2,887 HBA offences in England and Wales, which was a 6% increase to the year before. An additional 1,871 were 'no crimed' (not recorded as a notifiable crime).<sup>120</sup> Previous research in 2010 by the Iranian and Kurdish Women's Rights Organisation (IKWRO), however, showed a similar number of 2,823 incidents reported to the police. IKWRO estimates there were additional 500 incidents in police forces which did not respond to the Freedom of Information (FOI) requests,<sup>121</sup> indicating a possible decrease in reporting to the police or

---

116 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

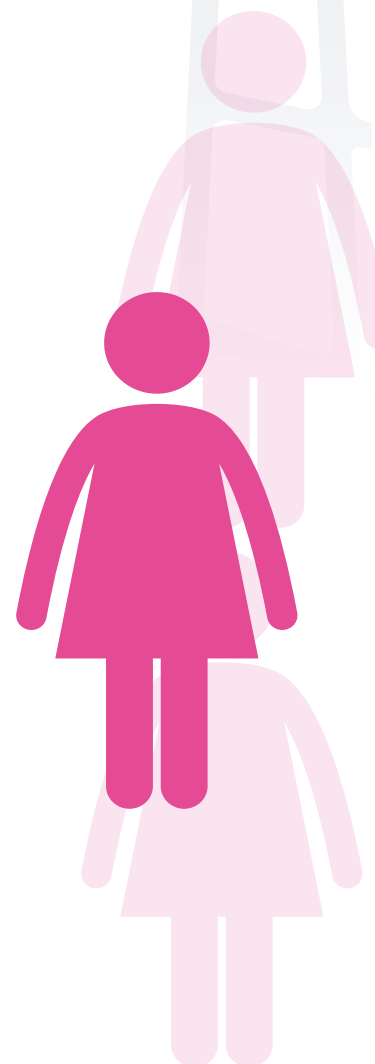
117 Siddiqui, H. and Patel, M. (2010) *Safe and Sane: A Model of Intervention on Domestic Violence and Mental Health, Suicide and Self-harm Amongst Black and Minority Ethnic Women*, London: Southall Black Sisters Trust. Online: <https://southallblacksisters.org.uk/news/download-safe-and-sane-report/>

118 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: <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmhaff/263/263i.pdf>

119 It is unknown if these were IPV and AFV cases; although it assumed that the majority were AFV involving young women being subjected to an honour killing by their own family as these were the main cases defined as honour killings at the time. Although Surjit's case was an early example, codes of honour which can underlie domestic abuse within a IPV context were only recognised later by state agencies.

120 <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.>

121 <https://ikwro.org.uk/2011/12/03/nearly-3000-cases-of-honour-violence-every-year-in-the-uk/>



## Life or Death?

Preventing Domestic Homicides and Suicides of Black and Minoritised Women

### Annexes

recording of cases by the police in 2022. Indeed, an inspection of the police in 2015, showed poor flagging of HBA cases.<sup>122</sup>

Honour killings came to the fore following the death of Heshu Yonis in 2002, although a high profile case prior her death, that of Rakshana Naz in 1998 was also an honour killing, but where the press emphasised the issue of forced marriage rather than honour. Heshu's case was the first to be reported and handled as an honour killing by the media, police and the courts. The death of Rukshana Naz led to the establishment of the first Home Office Working on Forced Marriage in 1999 by then junior Home Office Minister, Mike O'Brien, who, influenced by Southall Black Sisters, famously said '*multicultural sensitivity is not an excuse for moral blindness*'.<sup>123</sup>

While O'Brien's notion of 'mature multi-culturalism'<sup>124</sup> allowed for state intervention to protect women from abuse within black and minority communities, this vision was short lived with the rise of social cohesion and integration policies in the early 2000s, especially with the growth of religious extremism post 9/11. Nevertheless, the momentum created by the Working Group and by black feminists led to several changes on forced marriage in the following two decades. The death of Heshu also resulted in more research, training and work on HBA. The murder of Banaz Mahmod by her extended family with extensive support from about 50 members of the family and community in 2006 showed failures in policing. The death of Surjit Kaur Athwal on a visit to India in 1998 also led to more awareness of and concerns about the transnational dimension.<sup>125</sup>

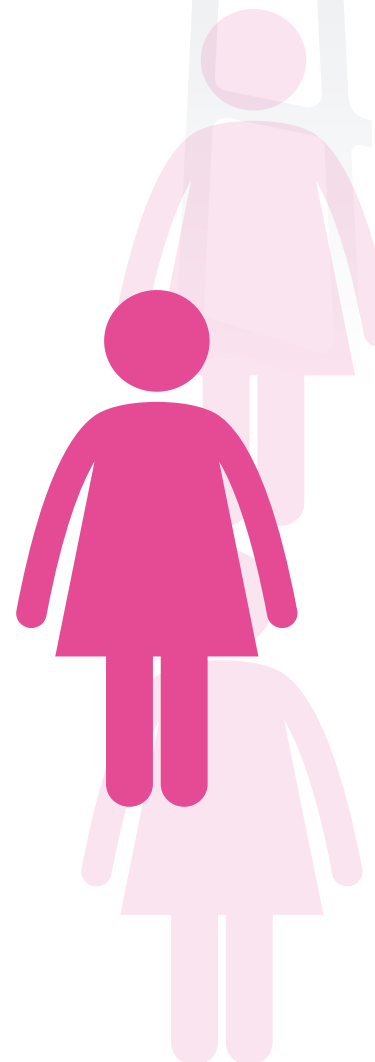
While Rukshana, Heshu and Banaz were killed in the UK by their own family members after developing a relationship with a man of whom their family disapproved and for refusing to stay in or enter a forced marriage, Surjit's case highlighted how the threat of divorce and an extra martial affair can also be a reason for an honour killing by husbands and in-laws in the UK and overseas. Surjit's case illustrated the initial refusal of British police to investigate honour killings of British nationals or residents while abroad, and the lack of support provided to bereaved families by the then Foreign and Commonwealth Office or Consular services. Despite problems with state responses, all of these cases were brought to justice (although some cases took several years, especially Surjit's which took 9 years) as well as create wider reform with the tenacity of and pressure from bereaved families and/or black and minority women's campaigns and organisations. The public debate created by these and other cases have increased awareness and education on HBA, particularly on forced marriage.

122 HMIC (2015) *The depths of dishonour: Hidden voices and shameful crimes*. Online: <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/the-depths-of-dishonour.pdf>

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

124 Ibid

125 Mahmod, B. with Siddiqui, H. (2022) *No Safe Place*, Ad Lib Publishers



### The law, policy and practice

Cases of forced marriage have led to the criminalisation of forced marriage (2014) and the introduction of the Forced Marriage (Civil Protection) Act 2007, which enabled victims and third parties to obtain Forced Marriage Protection Orders to prevent or protect from a forced marriage. Some legal reforms were also introduced which helped migrant victims, such as the Domestic Violence Indefinite Leave to Remain (2002) and the Destitution Domestic Violence Concession (2012) for those on spousal/partner visas. These changes in civil and immigration law have been more effective than the enforcement of criminal offences on forced marriage, which have resulted in a handful of convictions.<sup>126</sup>

The joint Home Office and Foreign, Development and Commonwealth (FCDO)'s Forced Marriage Unit (FMU) was established in 2005. This improved policies, practice and advice support to victims and professionals. These changes have included the introduction of multi-agency statutory and best practice guidance on forced marriage, which have been incorporated in wider policies and training on HBA and domestic abuse, and in safeguarding, policing and CPS guidance, policies and procedures.

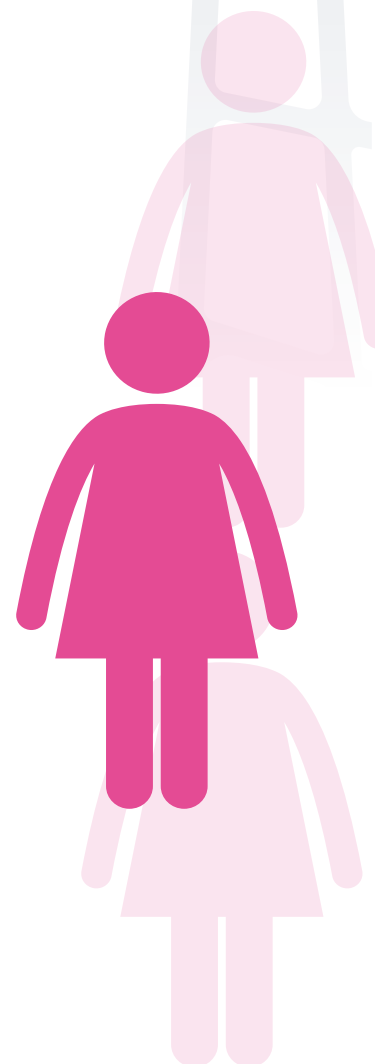
Enforcement and implementation by agencies such as the police and social services, however, has been poor or inconsistent, although there was some good practice, but this was very much dependent on specific individuals or departments. The HMIC inspection report on policing of HBA in 2015 concluded that only 3 out of 43 police forces were fully prepared. Their report said that the police have 'some way to go before the public can be fully confident that...potential and actual victims [of HBV] are adequately...protected'. Indeed, 'some are well below the standards we, and the public, expect from a police force'.<sup>127</sup> In its press release, the HMIC summed up the findings and recommendations of the report as follows:

*"Inspectors found that the police are not sufficiently prepared to protect effectively victims of honour-based violence, including forced marriage and female genital mutilation. Despite there being pockets of good practice, a lot needs to improve. The service provided to victims must improve, given that they face unique difficulties in reporting such incidents and crimes. Forces must also improve engagement with community groups that support the interests of victims, in order to understand better the complexities cases of honour-based violence can pose, which will give victims and those affected the confidence to come forward".<sup>128</sup>*

126 See <https://www.bestcriminaldefencebarrister.co.uk/criminal-defence-barrister-blog/2020/forced-marriage-and-the-law#:~:text=As%20of%20early%202019%2C%20there,since%20its%20creation%20in%202014.>

127 <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/the-depths-of-dishonour.pdf>

128 <https://www.justiceinspectorates.gov.uk/hmicfrs/news/news-feed/every-police-force-must-improve-its-understanding-of-hbv/>



## Life or Death?

Preventing Domestic Homicides and Suicides of Black and Minoritised Women

### Annexes

Following the Inspectorate's report, individual police forces were to create action plans in tackle these problems, and in 2021, the NPCC and the College of Policing developed training packages and improved advice for first responders.<sup>129</sup> The CPS also updated its guidance in 2019<sup>130</sup> and prior to this, produced, with the NPCC, a joint protocol of handling cases between the police and CPS in 2016.<sup>131</sup>

However, a successful super-complaint against the police handling of HBA submitted in 2020 betrays on-going problems with implementation. The Tees Valley Inclusion Project and the Helo Project Charity complaint on HBA and sexual violence highlighted continued failures by the police, including fears about intervening due to a "disproportionate focus on community impact", ie fears of being culturally insensitive. Other problems included failure to safeguard from HBA in sexual abuse cases and lack of empathy by officers<sup>132</sup> The investigation by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), the College of Policing and the Independent Office for Police Conduct (IOPC) found that:

*"some forces did not clearly understand the risks of honour-based abuse and, as a result, some victims may be left unprotected and unsupported. Police recording of ethnicity is so patchy and inconsistent, forces are unable to properly monitor the equality of the service they provide to the different communities they serve".<sup>133</sup>*

The Inspectorates recommended that the NPCC make improvements in data collection on ethnicity, and that consultations by the Police and Crimes Commissioners are fully inclusive and work with key organisations, including support groups, to understand victim's needs. 'Extra vulnerabilities' have to be acknowledged and that victims are treated fairly.<sup>134</sup> The NPCC are now reviewing some of their policies and procedures on HBA, which represents as opportunity to improve their content and implementation.<sup>135</sup>

---

129 College of Policing (2021) *Honour-based abuse: Advice for first responders*. Online: <https://library.college.police.uk/docs/college-of-policing/Honour-based-abuse-advice-for-first-responders-2021.pdf>

130 <https://www.cps.gov.uk/legal-guidance/so-called-honour-based-abuse-and-forced-marriage-guidance-identifying-and-flagging>

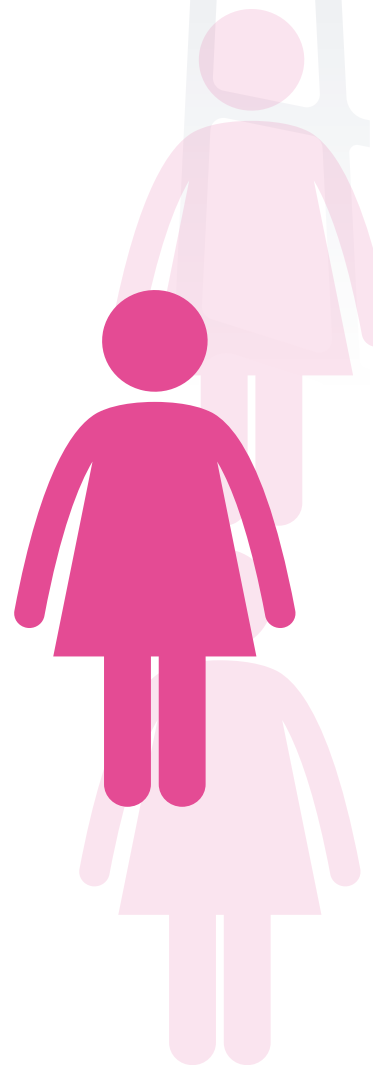
131 NPCC and CPS (2016) *Protocol for handling so called honour based violence/abuse and forced marriage offences between the National Police Chiefs' Council and the Crown Prosecution Service*. Online: [https://www.cps.gov.uk/sites/default/files/documents/legal\\_guidance/hbv\\_and\\_fm\\_protocol\\_nov\\_16.pdf](https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/hbv_and_fm_protocol_nov_16.pdf)

132 Tees Valley Inclusion Project and Helo Project (2020) *Invisible Survivors, The long wait for justice: Police response to BAME victims of sexual abuse*. Online: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/963007/Invisible\\_survivors\\_The\\_long\\_wait\\_for\\_justice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/963007/Invisible_survivors_The_long_wait_for_justice.pdf)

133 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1124039/HMICFRS\\_PRESS\\_RELEASE\\_-\\_Police\\_response\\_to\\_sexual\\_abuse\\_fails\\_to\\_safeguard\\_victims\\_from\\_risk\\_of\\_honour-based\\_abuse.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1124039/HMICFRS_PRESS_RELEASE_-_Police_response_to_sexual_abuse_fails_to_safeguard_victims_from_risk_of_honour-based_abuse.pdf)

134 College of Policing, HMICFRS and IOPC (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*. Online: ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1124037/police-respond-risk-honour-based-abuse-tvip-super-complaint.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1124037/police-respond-risk-honour-based-abuse-tvip-super-complaint.pdf))

135 ibid





### Annexes

Also, other evidence submitted by agencies to the House of Commons Women and Equalities Committee (WEC) in 2022 – 2023 shows the on-going failures by the police and other agencies on HBA.<sup>136</sup> These failings are at their starkest in the cases of honour killings. The need for some reforms has been recognised by the WEC in its report on HBA in 2023.<sup>137</sup> The report recommends policy and practice reforms across statutory agencies and legal changes in the law to protect migrant women – both a ‘firewall’ type of provision to prevent data sharing between the police and Immigration Enforcement and access to public funds for victims of HBA (also see appendix for migrant victims). It calls for a statutory definition of HBA, recognition of HBA as an aggravating factor in sentencing as called for by ‘Banaz’s Law’<sup>138</sup>, more funding for the specialist by and for sector, and better data collection and training of police and social services. It also calls for the implementation of the current law, and statutory and best practice guidance on forced marriage and HBA more generally. Additionally, it expresses concern about the removal of the HBA question in risk assessments by police for first responders in their new risk assessments tool – Domestic Abuse Risk Assessment (DARA).

Although the Government have rejected some of these recommendations, they are considering or implementing others. They are not minded to introduce a statutory definition of HBA or a ‘firewall’. They also argue that the both the police and social services have training on HBA in hand, and that the Sentencing Council will look into sentencing for HBA. It defends DARA as being based on research and evaluation where HBA is also expected to be picked up by response officers without it becoming a ‘tick box’ exercise. It also talks about progress made in issues such as funding for the sector like the £8.3 million recently distributed to specialist and by and for services over two years (this fund has been criticised for being insufficient and difficult to access for small providers with problems regarding the definition of what constitutes a ‘by and for’ service – see chapter and appendix on funding of services).<sup>139</sup>

More broadly, the impact of austerity, Brexit, the Covid 19 pandemic, the hostile environment towards migrants and the cost of living crisis have all in recent years compounded black and minority’s women’s experiences of HBA. Cuts in services or denial of rights through the no recourse to public funds requirement, for instance, continue to reduce options to escaping abuse and rebuilding lives.

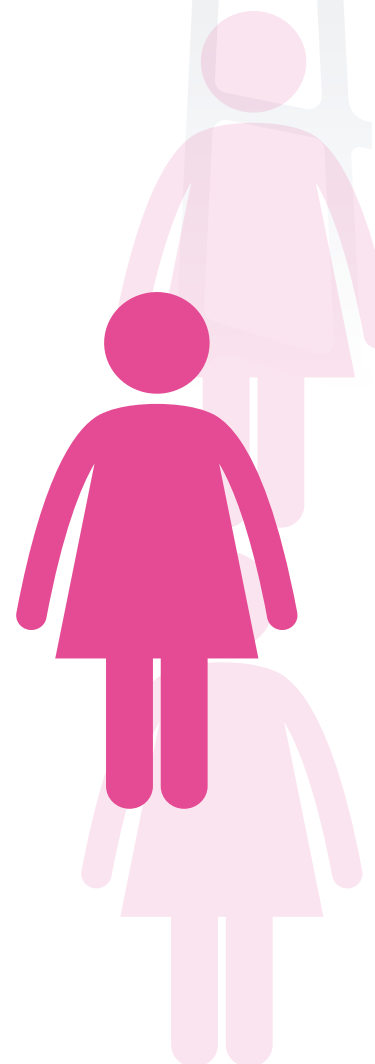
---

<sup>136</sup> <https://committees.parliament.uk/work/6997/socalled-honourbased-abuse/publications/>

<sup>137</sup> House of Commons Women and Equalities Committee (2023) *So-called honour-based abuse: Sixth Report of Session 2022-23. HC 831*. Online: <https://committees.parliament.uk/publications/40929/documents/200424/default/>

<sup>138</sup> The law is named after Banaz Mahmood – see Mahmood, B. with Siddiqui, H. (2022) *No Safe Place*, Ad Lib Publishers

<sup>139</sup> House of Commons Women and Equalities Committee (2023) *So called honour-based abuse: Government response to the Committee’s Sixth Report. Sixth Special Report of Session 2022-23*. Online: <https://committees.parliament.uk/publications/41432/documents/203672/default/>





### State response to honour killings

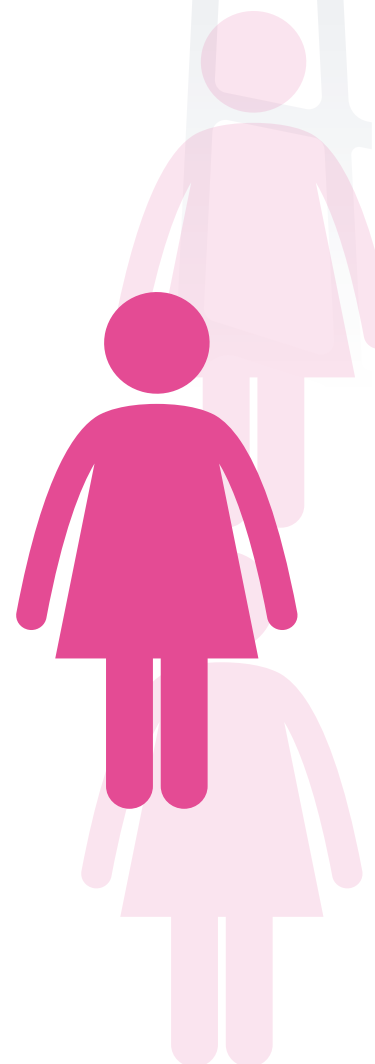
HBA is often missed when responding to domestic abuse, but even where it is identified or considered a possibility, it is can be ignored or poorly handled. However, failure to pick up the signs of HBA is the most common problem amongst agencies, and, due to the lack of evidence gathered at the time, also consequently in the post death investigation. As HBA is on a continuum, the cases may also not show honour codes as the primary motive, but an element in a domestic abuse or a sexually motivated crime. Moreover, cases involving only one perpetrator can include both personal and group honour due to close ties with the wider family and community in the UK or overseas with shared conservative codes of honour. Honour killings and suicide show how the failure to identify or respond effectively to HBA can escalate to death,<sup>140</sup> which are preventable through effective risk assessment to classify as high risk and early intervention under the 'one chance' rule,

The one chance rule means that the first opportunity of a sign or suspicion of abuse needs to be acted on immediately as this may be the only chance to do so, particularly as black and minority women often take longer to seek help than women generally. It enables the early identification of and intervention in HBA and other VAWG cases. It was originally developed in the forced marriage guidance by the FMU,<sup>141</sup> in consultation with by and for black and minority women's organisations. It is now also used more widely in domestic abuse and safeguarding cases.

---

140 See the Honour Killings and Suicide Timeline which shows stages of escalation in these deaths – 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.

141 <https://www.gov.uk/government/publications/the-right-to-choose-government-guidance-on-forced-marriage/multi-agency-statutory-guidance-for-dealing-with-forced-marriage-and-multi-agency-practice-guidelines-handling-cases-of-forced-marriage-accessible>



### Conclusion

Some key problems are highlighted in the case studies of Reneem and Charlotte, but other cases also show that more broadly, agencies miss or ignore the signs of HBA or the underlying honour codes, which prevent early identification of high risk and specialist or appropriate intervention. It may mean that they lack an understanding of HBA or dismiss it as an issue. Most agencies treat cases as a domestic abuse case, but even here the response can be either poor or inconsistent with regard to risk assessment, information sharing, investigation and safeguarding. The 'one chance rule' is rarely applied with regard to domestic abuse or HBA, and there is a lack of referral to specialist by and for services.

Due to the agencies involved in the cases failing to identify or address HBA at the time, some post death investigations also struggle with identifying the HBA features of the case. The lack of understanding, information gathering or referral to specialist services or experts on HBA act as barriers to the uncovering the agency failures on HBA cases. This means that the post death investigations may recommended little or no action to prevent future honour related fatalities.

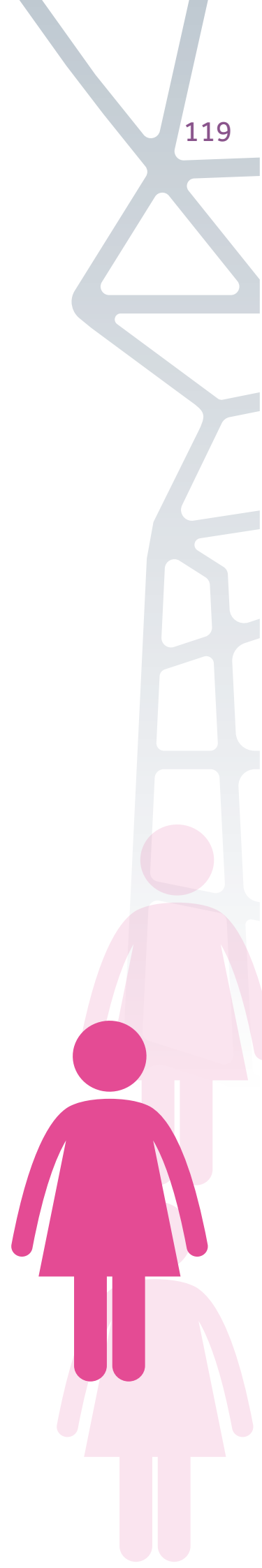
### Recommendations

The recent wide-ranging recommendations of the Inspectorates for the super complaint on policing, and by the WEC more generally must be implemented as these are based on the on-going experiences of survivors and called for by the by and for black and minority women's sector. This requires Government, statutory and other agencies reviewing all their legal obligations, and policies and procedures on forced marriage and HBA, and ensure their implementation so that these crimes are not missed or ignored, and left to escalate to greater harm and even death.

The remedy requires improvements in the collection of data and provision of training as well as enforcement of statutory and best practice guidance such as the application of the 'one chance' rule, good quality risk and needs assessment and management (it is unclear how DARA would improve identification of HBA if this is already being missed by first responder police officers), and the enforcement of criminal and civil law.<sup>142</sup> These must be monitored and subject to regular inspections to ensure compliance and accountability. Sufficient, ringfenced and sustainable funding of the by and for sector, and referral pathways to these life-saving services, is key to improving survivors' ability to escape abuse as well as their voice and journey to freedom. This overhaul of the system will help to ensure that more honour killings and suicides are thereby prevented, and that black and minority women's human rights are upheld by the state.

---

142 The honour killing of Somaiya Begum in 2022 by her uncle even though she had a Forced Marriage Protection Order shows the need to have a proper monitoring system to ensure their implementation. See: <https://www.bbc.co.uk/news/uk-england-leeds-64957852>



# Annex 7

## Sustainability of the 'by and for' Black and minoritised women's sector

The early *'by and for'* refuges and organisations evolved out of Black feminist and anti-racist activism of the 1970s. Black and minoritised women were not only challenging racist violence and oppression in wider society but also patriarchy within the home. The early Black<sup>143</sup> feminists fought against many issues including racist immigration and deportation laws, virginity testing, police surveillance and brutality, unequal labour rights, poor working conditions, and violent racist attacks from far-right groups, demonstrating their unique location at the intersection of 'race', gender and class marginalisation (Wilson, 2015). Many of these issues continue to resonate today, with the Casey review highlighting routine police racism as well as the much documented impact of the hostile environment on entrenching the exclusion of migrant women. During the 1970s, there was a growing recognition that mainstream domestic violence services were unable to address the specific contexts and needs of Black and minoritised women facing violence and abuse, which made them reluctant or unable to approach mainstream services for support (Mama, 1989; Thiara and Rai, 1995). Within this historical context, over the decades, Black and minoritised women have established a network of specialist *by and for* VAWG support services across the UK, which are expert in understanding and responding to the specific needs and lived realities of Black and minoritised women and girls.

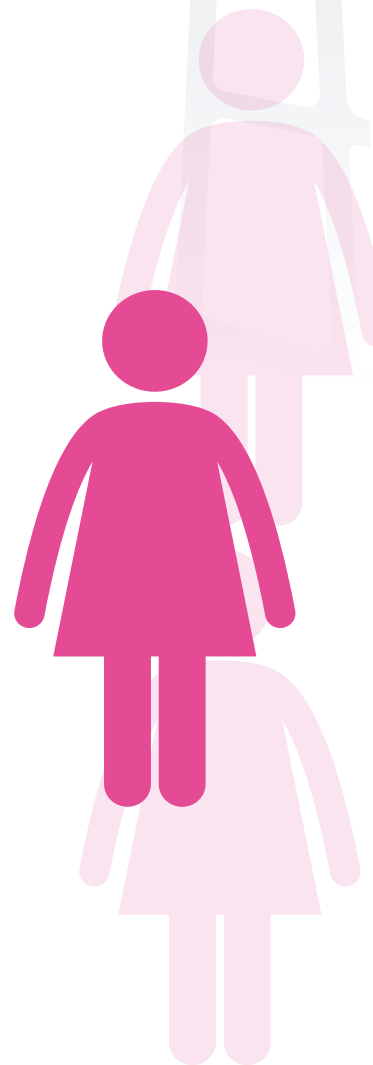
### Value of 'by and for'<sup>144</sup> services

Specialist *'by and for'* services remain the first point of contact for many Black and minoritised women and girls, who have encountered and navigated multiple barriers and intersectional discrimination from mainstream services. Such services provide safe, relatable and trusted women only spaces, invaluable in ameliorating isolation and powerlessness in a wider hostile environment. Today, the *'by and for'* sector provides lifesaving and transformative services for women and children.

---

143 Black in this context is politically Black

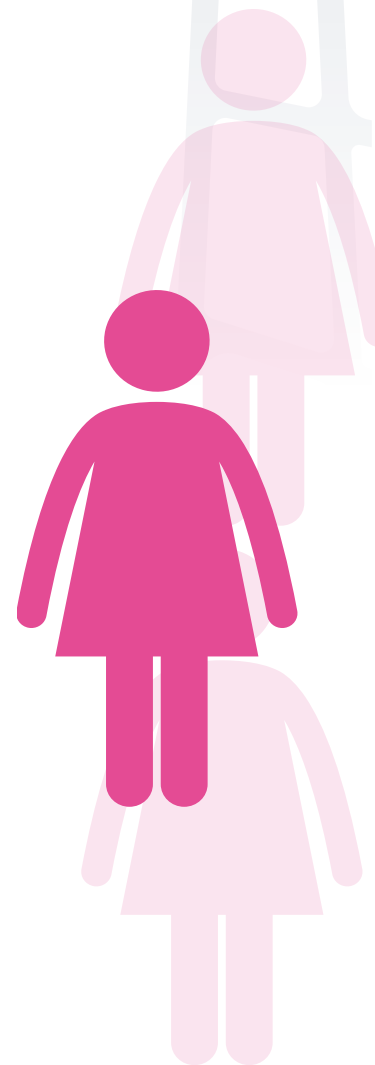
144 The definition of 'by and for' within existing guidance enables non – VAWG and non-Black and minoritised organisations to bid for resources earmarked for *'by and for'* services. Imkaan avoids arbitrary definitions and instead recommends *'by and for'* as being services that are wholly led by and for Black and minoritised women which should be reflected across the organisation (governance, leadership, management, staffing and service delivery). Through Imkaan's bespoke accreditation specialist *'by and for'* services need to meet a number of specific criteria, including a track record and expertise in working with and supporting Black and minoritised women/girls.



A significant body of evidence reinforces the value of *'by and for'* VAWG support for Black and minoritised survivors:

- ♀ *'By and for'* provision offers a uniquely empowering experience for Black and minoritised women and children, as they are reflected in the staffing, management and governance structures of these organisations (Imkaan, 2015).
- ♀ More than 85% of Black and minoritised women prefer to receive support from a BME VAWG service and 99% state that such a service made them feel safer and protected (Imkaan, 2012, 2013). Recent research by the Domestic Abuse Commissioner (DAC) also highlighted a distinctive difference in the level of safety Black and minoritised women reported when support was received from a *'by and for'* organisation – 78% from a *'by and for'* service compared to 48% from a non-*'by and for'* service (DAC, 2022; EAW Snapshot, 2022).
- ♀ Black and minoritised women value *'seeing themselves'* in services, not based on language alone, but where staff are knowledgeable about their complex abuse contexts and intersectional realities and show understanding and sensitivity to the intersecting impacts of racism, sexism, misogyny and homophobia. These are spaces where Black and minoritised survivors do not have to explain themselves and feel respected without discrimination, creating a strong foundation for safety and trust which enable women to open up about their contexts and pressures (Thiara and Roy, 2020). Imkaan research on sexual violence found that the majority of women had not disclosed rape (many disclosed sexual violence within an intimate partner context) or child sexual abuse before reaching a *'by and for'* VAWG service (Thiara and Roy, 2020).
- ♀ Intersectional rights-based advocacy are highly valued by Black and minoritised survivors who routinely encounter racism and negation from the mainstream support system. Systemic inequalities exacerbate Black and minoritised women's experiences of abuse and create another layer of violence. In response, the *'by and for'* sector has altered the ways in which VAWG is understood and responded to through redefining mainstream approaches to risk assessment, case work and advocacy, therapeutic support, and the delivery of community based interventions. The sector's gendered social justice activism has helped to shape more effective national law and policy on VAWG.

*'By and for'* spaces are vital for Black and minoritised women subject to punitive statutory responses through: over-policing and surveillance; medicalised and racially pathologising responses that compound VAWG-related trauma; child-protection scrutiny and/or the removal of their children; deportation or detainment; dispersal because of unequal protection for migrant women; and displacement and exclusion through discriminatory housing policies.



### Under-investment in 'by and for' services

Despite considerable evidence of their vital role, commissioners often fail to fully understand the value and impact of 'by and for' organisations. Black and minoritised organisations are left to operate at the margins, at both local and national levels. Only half of the Black and minoritised survivors that needed support were able to access it (51%) and other minoritised groups experience institutional barriers to access, such as Deaf and disabled groups (DAC, 2022). There is continuing evidence of chronic underfunding, and limited and patchy provision for 'by and for' services (Map of Gaps, 2009; DAC, 2022)

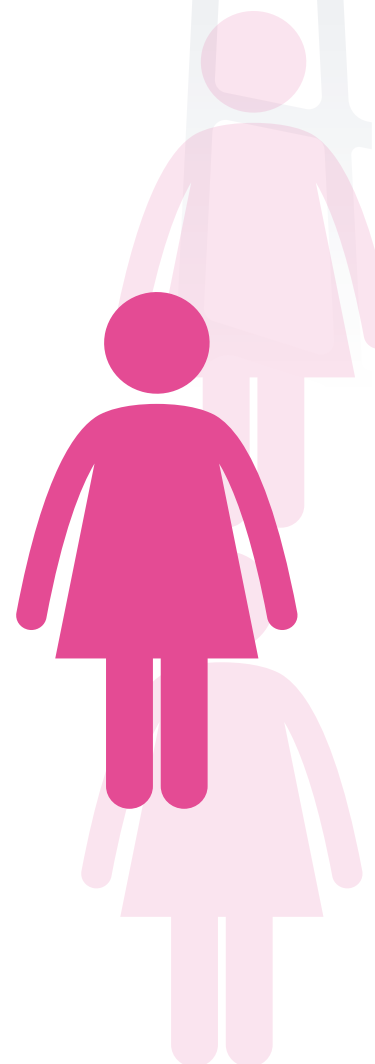
*Specialist 'by and for' services are disproportionately underfunded, with considerable gaps in provision across England and Wales. 'By and for' services were 5 times less likely to receive statutory funding than mainstream domestic abuse or violence against women and girls' organisations, and almost half of all 'by and for' services are based in London and the South East of England (DAC, 2022).*

VAWG provision for Black and minoritised women has historically been disproportionately underfunded, compared to mainstream VAWG services. Imkaan research (2018)<sup>145</sup> found that 25 'by and for' organisations shared approximately £10 million in turnover in 2017 averaging £400,000 per organisation, while 10 generic women's organisations shared £25 million, averaging £2.5 million per organisation. Black and minoritised organisations are six times or more less likely to obtain funding compared to mainstream organisations because of exclusion criteria in funding applications (Imkaan, 2020).<sup>146</sup>

The move from grant-based funding to competitive tendering and the general commissioning culture has had a disproportionately negative impact on the sustainability of the specialist 'by and for' sector because of a systemic bias towards larger providers. Tendering and procurement processes create structural advantages for larger charities and exclude small-medium size ones from bidding for contracts on equal terms; larger charities are in a much better position to offer economies of scale, provide support at reduced cost and meet value for money assessments. Other barriers include demanding and complex human resource, administrative and finance requirements and the tendency for local authorities to streamline different types of support provision into bigger regional contracts. A consequence of this is that smaller, local providers rarely meet bidding criteria or are unlikely to bid for contracts because of fewer internal resources and capacity compared to larger, well-resourced organisations (Lloyds Bank Foundation, 2016). Commissioning approaches are often short-term and fragmented and lack a holistic needs-led approach, with service specifications that have a prominent emphasis on criminal justice outcomes and/or short-term 'high risk' driven support; or a focus on one strand of VAWG. Consequently, contracts are not always designed to address the lived realities of women and girls across the life-course and the continuum of VAWG.

145 <https://static1.squarespace.com/static/5f7d9f4addc689717e6ea200/t/621d22fd8548ef4509c01832/1646076691042/2018+%7C+Imkaan+%7C+From+Survival+to+Sustainability.pdf>

146 Imkaan (2020) Unpublished



Contracts are rarely designed *by and for* the communities they serve and by those who are most likely to understand what is needed and how this should be delivered.

'By and for' VAWG organisations often have little choice but to be forced into unequal partnerships or mergers with generic organisations. The secrecy of bidding processes has created a fertile ground for unhealthy competition and inequality in the way partnerships are established in response to a commissioning process. For example, this has led to more contracts being led by generic primary providers who sub-contract specialist provision to local *'by and for'* services that bring specific expertise and knowledge not offered by the lead provider, but where the lead provider acts as a gatekeeper in terms of referrals and in the allocation of resources. In some cases, the track record of the *'by and for'* service has been used to boost the credentials of the bidding organisation but the *'by and for'* service has no knowledge of this and/or does not receive any referrals or funding, something referred to as 'bid candy' (Lloyds Bank Foundation, 2016).

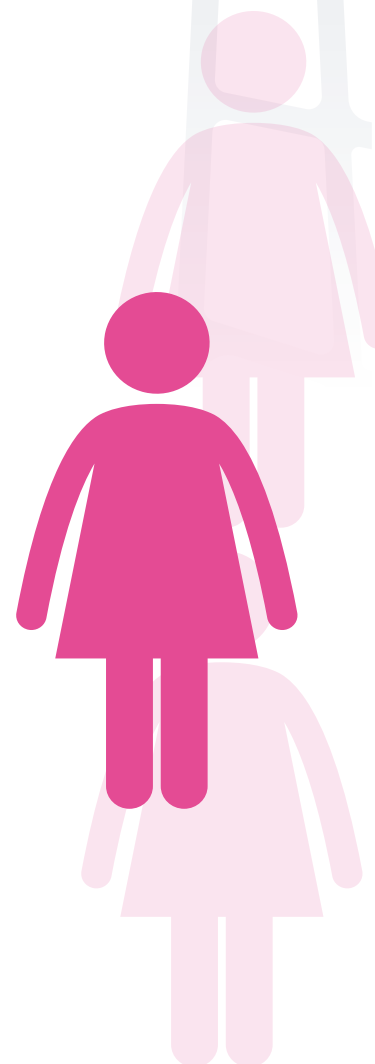
Evidence from Imkaan members show that in some partnerships white-led organisations retained 70% of overall funding, resulting in the negation-erasure of the specialism, deeply embedded in the communities served, that *'by and for'* organisations have developed over five decades. The replacement and reduction of specialist *'by and for'* Black and minoritised services with mainstream and generic provision often leads to the closure of grassroots specialist *'by and for'* women's services. Many Imkaan member organisations are not commissioned by local authorities and therefore operate without any local government support. The reduction in services puts women's lives at risk.

The decimation of *'by and for'* VAWG services has led to patchy coverage across the UK, with many areas having no VAWG services for Black and minoritised survivors. Equally, an organisation may find that it is the sole provider covering a large region of the country with scant resources to meet demand. There are no specialist *'by and for'* Black and minoritised VAWG services in Northern Ireland, while Wales has one pan-Wales provider. In 2002, there were an estimated 240 refuge support services in the UK, with approximately 40 being specialist Black and minoritised women's refuges.<sup>147</sup> Since 2007, over 50%<sup>148</sup> of refuges developed for Black and minoritised women have been decommissioned, forced to close or been taken over by generic/ non-specialist providers. Price undercutting measures through tendering processes have resulted in the structural weakening of the specialist *'by and for'* VAWG sector, resulting in job insecurities and falling salaries. While there is a paucity of services for Black and minoritised women in general across the UK, this is especially marked for African-Caribbean women, Southeast Asian women, and new and emerging communities such as Latin American women (there are only two specialist *'by and for'* VAWG organisations in the UK for these groups. This level of provision is disproportionate to the level of need. In 2014-15, 733 Black and minoritised women contacted Women's Aid Federation England for a refuge space, only 21% were successful.<sup>149</sup>

147 [http://files.wave-network.org/fempowermagazine/Fempower\\_Magazine\\_06.pdf](http://files.wave-network.org/fempowermagazine/Fempower_Magazine_06.pdf)

148 <https://www.independent.co.uk/news/uk/home-news/women-refuge-domestic-violence-refuge-bame-london-black-women-s-project-newham-cuts-a8990391.html>

149 Imkaan (2016). 'Capital Losses'. London: Imkaan.





### What is needed

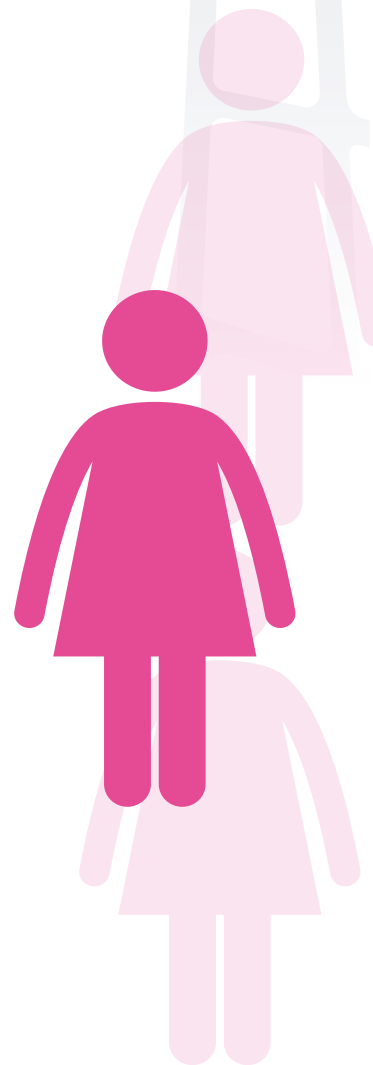
The wider external financial and political environments are challenging to the VAWG sector as a whole and continue to have a disproportionate impact on specialist 'by and for' organisations, which continue to either face cuts or closure. As a consequence of the ongoing vulnerability of the specialist 'by and for' sector, there is an increasing need for continued representation and voice for the Black and minoritised VAWG sector provided by Imkaan. The work of specialist 'by and for' organisations across the country remains critical even as they continue to work from one small funding pot to another with limited resources whilst balancing their own survival alongside the provision of life-saving services for survivors.

Due to the on-going challenges confronting the 'by and for' sector, Imkaan published an Alternative Bill (2018) which outlined a gendered and intersectional response to VAWG, shifting the focus from criminal justice to a focus on sustaining and resourcing specialist 'by and for' VAWG organisations. Imkaan called for ring fenced funding to be included in the *Domestic Abuse Act 2021* to address structural funding inequalities experienced historically by specialist 'by and for' services. Ring fenced funding would ensure critical resources are made available to meet the needs of Black and minoritised survivors<sup>150</sup>. Imkaan, with and for the 'by and for' sector, is making similar calls within current Bills progressing through Parliament (Victims and Prisoners Bill).

It is evident that the specialist 'by and for' sector requires ring-fenced and sustainable funding, which is non-linear, fluid, needs-led and available to Black and minoritised survivors at the point of need. This sector carries out important social justice work that drives change in systems and culture on a macro level but often without additional resources. Current funding systems work in opposition to this. A recent evaluation by Imkaan (2023)<sup>151</sup> of a ring-fenced and dedicated grant for the 'by and for' sector – Comic Relief's Supporting and Sustaining Specialism Programme – provides yet more evidence that when VAWG services are able to use funding in ways that utilises their knowledge and expertise, and is not restricted to **mainstream ways of working**, it is more effective in reaching Black & minoritised survivors. Comic Relief's Programme centred its design on a community led and driven approach and its ring-fenced funding gave Black and minoritised women-led 'by and for' organisations a unique opportunity to bid on their own terms without the inherent structural disadvantages they face when forced to compete with better funded generic VAWG providers and their mainstream offer (Imkaan, 2023). Without a long-term commitment to a sustainable solution, the 'by and for' sector continues to face disproportionate risks to its survival, which affect its ability to offer sustainable transformative and life-changing support and recovery pathways to Black and minoritised survivors.

<sup>150</sup> <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Joint-Briefing-for-Meg-Hillier-MP-Debate-EVAW-Imkaan.pdf>

<sup>151</sup> Our Sector, Our Voice, Our Work [https://assets.ctfassets.net/zsfvwwzfgl3t/6gMpiSDmePxx1YiYdwmtOc/84a18937cd7141386d60ac79e6984a01/Supporting\\_Sustaining\\_Specialism\\_Final\\_Evaluation\\_Report.pdf](https://assets.ctfassets.net/zsfvwwzfgl3t/6gMpiSDmePxx1YiYdwmtOc/84a18937cd7141386d60ac79e6984a01/Supporting_Sustaining_Specialism_Final_Evaluation_Report.pdf)





# Annex 8

## Legal obligations

### I. Introduction

1. The structure of this legal analysis is as follows:
  - a. General Observations in respect of relevant international human rights law.
  - b. General Observations in respect of relevant domestic law in the UK.
  - c. Legal obligations arising from various issues identified in this report.

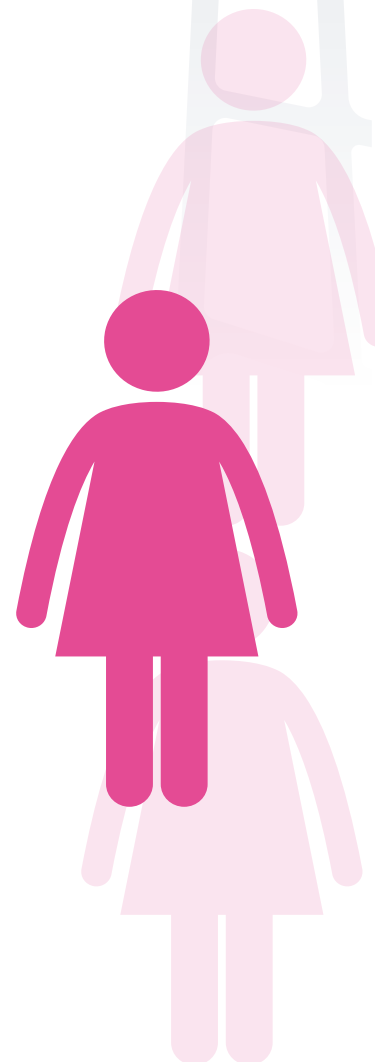
### II. International human rights law and domestic violence: general observations

#### A. Overview of States' overarching obligations

2. International human rights law contains a number of obligations and standards for the prevention, investigation and prosecution of gender-based violence against women, including domestic violence, and the provision of services and other support to victims. These obligations apply to all those on the territory and under the jurisdiction of the State and must be implemented on a basis of equality and without discrimination of any kind, including on the basis of race or immigration status. These international obligations and standards have been accompanied by the development of detailed policies, guidance and best practice, which together provide a comprehensive framework for States in responding to violence of this nature.
3. The key relevant international instruments – which have been ratified by the UK – are the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ('Istanbul Convention'), the Convention for the Elimination of All Forms of Discrimination Against Women ('CEDAW'); the Convention on the Elimination of All forms of Racial Discrimination ('CERD'); and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ('CAT').
4. The implementation of the CEDAW and the CAT is monitored at the international level by independent expert committees (the CEDAW Committee<sup>152</sup> and CAT Committee,<sup>153</sup> respectively). Both committees can adopt (non-binding) 'general comments' and 'general recommendations' interpreting the content and scope of States' obligations and providing

152 More information about the CEDAW Committee is available here: <https://www.ohchr.org/en/treaty-bodies/cedaw>

153 More information about the CAT Committee is available here: <https://www.ohchr.org/en/treaty-bodies/cat>



guidance on their implementation.<sup>154</sup> Analogous implementation and monitoring arrangements apply to CERD<sup>155</sup> and to the Istanbul Convention.<sup>156</sup>

### Istanbul Convention

5. The Istanbul Convention contains a comprehensive set of obligations aimed specifically at addressing violence against women, including domestic violence, defined under the Convention as “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim” (Article 3(b)). The Istanbul Convention is grounded in international human rights, in particular CEDAW, and builds upon the existing legal framework (see Preamble).
6. The Istanbul Convention makes clear the link between domestic violence, discrimination and human rights (Article 4) and recognises the rights of women to live free from such violence (Article 4(1)). It contains detailed standards for the protection of women against domestic violence; the protection and assistance to be provided to victims; and the prevention, investigation, prosecution and punishment of such crimes (Article 1), including an obligation to act with due diligence (Article 5).

### CEDAW

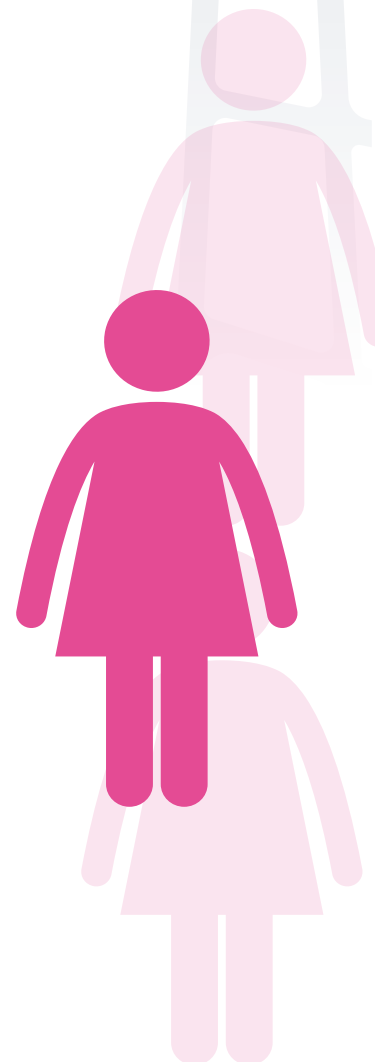
7. Domestic violence under CEDAW is recognised as a form of prohibited discrimination within the meaning of Article 1,<sup>157</sup> and a violation of women’s fundamental rights, including the right to life, the right to liberty and security of person and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (‘ill-treatment’): CEDAW Committee, General recommendation No. 19 (1992): Violence against women, **General recommendation 19** (at [1] and [7]).
8. This recognition of domestic violence as a form of discrimination engages all the UK’s obligations under the Convention. The UK is required under international law to respect, protect and fulfil women’s rights to live free from discrimination, including domestic violence, and to the

154 UN treaty monitoring bodies may also, in certain circumstances and once all relevant available domestic remedies have been exhausted consider individual complaints of treaty violations (‘individual communications’). The State party concerned must however have recognised the competence of the treaty monitoring body to receive individual communications. To date, the UK has recognised the competence of the CEDAW Committee (by ratifying in 2004 the Optional Protocol to the CEDAW Committee) but not of the CAT Committee (which requires a declaration under Article 22 UNCAT which has not been made by the UK).

155 More information about the CERD Committee is available here: <https://www.ohchr.org/en/treaty-bodies/cerd>. As with the other UN treaty monitoring bodies, the CERD Committee may consider individual complaints where a State party has recognised its competence to do so, in this instance by making a declaration under Article 14 CERD. The UK has not made such a declaration.

156 The independent expert body responsible for monitoring the implementation of the Istanbul Convention is the Group of Experts on Action against Violence against Women and Domestic Violence (‘GREVIO’). GREVIO produces reports evaluating legislative and other measures taken by State parties to give effect to the provisions of the Convention. It may also initiate a ‘special inquiry’ procedure where action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the Convention and adopt general recommendations. To date, GREVIO has only published one general recommendation, concerning online violence against women (‘[GREVIO General Recommendation No.1 on the digital dimension of violence against women](#)’, 20 October 2021).

157 Article 1 CEDAW states: ‘For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.’



### Annexes

enjoyment of de jure and de facto equality,<sup>158</sup> and to pursue “by all appropriate means and without delay” a policy of eliminating discrimination (Article 2 CEDAW).

9. The content and scope of this obligation in the context of domestic violence has been addressed by CEDAW Committee in a series of General recommendations. These provide, *inter alia*, that States must exercise due diligence and ‘take all appropriate measures’ to prevent, investigate, prosecute, punish and provide reparations for such acts. (CEDAW Committee, *General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, ‘General recommendation no. 35’* at [24.b]).<sup>159</sup>
10. The United Nations Special Rapporteur on violence against women and girls, its causes and consequences (**‘Special Rapporteur on VAWG’**) has emphasised that the due diligence obligation is both a *systemic* one – i.e., to create good and effective systems and structures that address the root causes and consequences of violence against women; and an *individual* one – i.e., to provide each victim with effective prevention, protection, punishment and reparation measures.<sup>160</sup>

### CERD

11. The CERD Committee, which is the expert body tasked with monitoring States’ obligations to eliminate racial discrimination under the CERD, has frequently underscored the linkages between gender-based and racial discrimination, including in the context of gender-based violence. In particular, the Committee has repeatedly observed that minority women “*face multiple and intersecting forms of discrimination on the basis of ethnic origin and gender, including barriers in access to [...] justice*”,<sup>161</sup> and that both minority women and immigrant women are often more likely to experience gender-based violence,<sup>162</sup> despite persistent under-reporting.<sup>163</sup>
12. The Committee has expressed concerns over measures taken by States that “*do not adequately take into consideration the root causes or address intersecting forms of discrimination, such as discriminatory stereotypes and the multidimensional exclusions faced by women on the basis of gender and ethnicity, which perpetuate violence against women*”<sup>164</sup> and recommended that they “*incorporate a minority-women perspective in all policies and strategies*”.<sup>165</sup>

---

158 CEDAW Committee, General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, ‘General recommendation no.28’: The obligation to *respect* requires that the UK ‘refrain from making laws, policies, regulations, programmes, administrative procedures and institutional structures that directly or indirectly result in the denial of the equal enjoyment by women of their civil, political, economic, social and cultural right’. The obligation to *protect* requires that the UK ‘protect women from discrimination by private actors’. The obligation to fulfil requires that the UK ‘take a wide variety of steps to ensure that women and men enjoy equal rights de jure and de facto’ (at [9]).

159 See also, CEDAW Committee, *General recommendation No. 19 (1992)*; *General recommendation No. 28 (2010): The core obligations of state parties under Article 2 of CEDAW*; and *General recommendation No.33 (2015): Women’s Access to Justice*.

160 United Nations General Assembly and Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/23/49*, 14 May 2013, at [20].

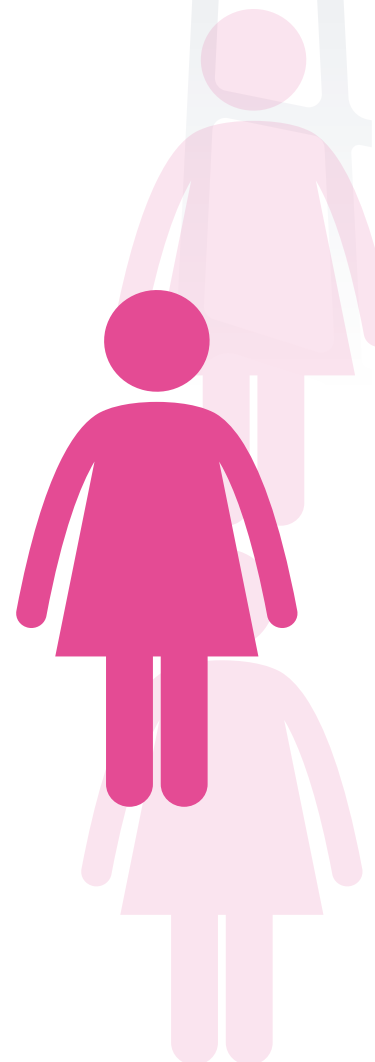
161 Concluding observations on the combined fourteenth to seventeenth reports of Cambodia, CERD/C/KHM/CO/14-17, 30 January 2020; Concluding observations on the combined seventeenth to nineteenth reports of Israel, CERD/C/ISR/CO/17-19, 27 January 2020; Concluding observations on the combined initial and second periodic reports of the State of Palestine, CERD/C/PSE/CO/1-2, 20 September 2019; Concluding observations on the combined seventeenth to twenty-first periodic reports of Qatar, CERD/C/QAT/CO/17-21, 2 January 2019.

162 See for e.g. Concluding observations on the combined twenty-first to twenty-third periodic reports of Iceland, *CERD/C/ISL/CO/21-23*, 18 September 2019, at [21]; Concluding observations on the combined seventh to ninth periodic reports of the United States of America, *CERD/C/USA/CO/7-9*, 25 September 2014, at [19].

163 Concluding observations on the combined eighth to tenth periodic reports of the former Yugoslav Republic of Macedonia, CERD/C/MKD/CO/8-10, 2 November 2016.

164 Concluding observations on the combined sixteenth to eighteenth periodic reports of Namibia, CERD/C/NAM/CO/16-18, 23 August 2023.

165 See for e.g. Concluding observations on the combined fourteenth to seventeenth reports of Cambodia, CERD/C/KHM/CO/14-17, 30 January 2020.



### CAT

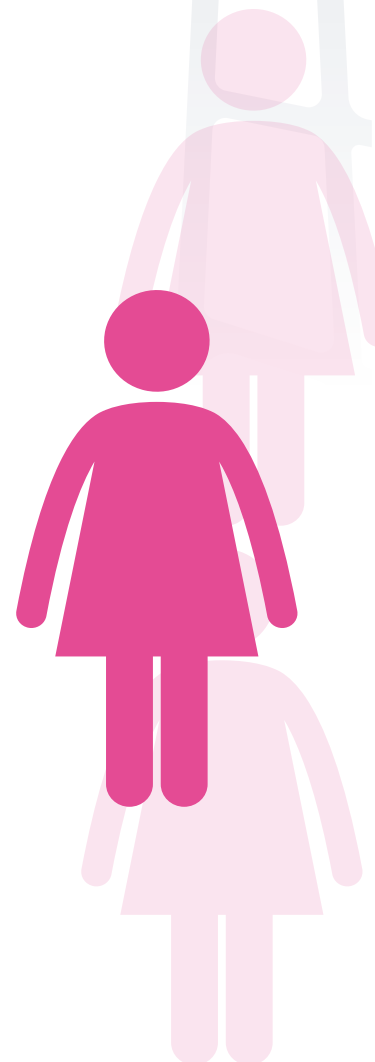
13. The CAT Committee, CEDAW Committee and UN Special Rapporteurs<sup>166</sup> have consistently recognised that domestic violence will always amount to ill-treatment<sup>167</sup> and that it will frequently rise to the level of torture under CAT.<sup>168</sup>
14. Under CAT, the UK is required to take “effective legislative, administrative, judicial or other measures” to prevent the occurrence of torture and other ill-treatment (Article 2 and 16) and ensure that victims of torture or other ill-treatment have access to redress, including “the means for as full rehabilitation as possible” (Article 14). Failing to exercise due diligence to prevent, investigate, prosecute and redress torture and ill-treatment by private actors, amounts to consent or acquiescence in torture or ill-treatment giving rise to state responsibility (CAT Committee, *General comment no. 2 (2007): Implementation of article 2 by States parties, ‘General comment no.2’*, at [2]).
15. The UN Special Rapporteur on Torture has interpreted these obligations in the context of domestic violence to include the following four key duties:
  - a. **General** – Duty to establish legal provisions, mechanisms and processes that effectively protect individuals from domestic violence.
  - b. **Operational** – Duty to take effective measures to protect individuals from risks of domestic violence of which they know or ought to know- this includes establishing avenues and mechanisms for receiving, recording and responding effectively to complaints of domestic violence and establishing services and institutions that can promptly and effectively initiate and implement protective measures.
  - c. **Investigative and procedural** – Duty to conduct independent, impartial, effective and prompt investigations into all credible allegations or suspicions of domestic violence. Such investigations may trigger duties to take specific measures to protect victims and potential victims who may be at risk of further violence.
  - d. **Redress, reparation and guarantees of non-repetition** – Duty to ensure that all victims of domestic violence have access to redress and reparation and take concrete measures to ensure non-recurrence of such violence.<sup>169</sup>

166 See generally, amongst others, UN General Assembly, Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Relevance of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment to the context of domestic violence*, A/74/148, 12 July 2019; see also, UN Human Rights Council, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak*, A/HRC/7/3, A/HRC/7/3, 15 January 2008, at §§44–58; Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 1995/85, E/CN.4/1996/53, 5 February 1996, at §§42–50; CEDAW Committee, General recommendation no.35, at §16; CAT Committee, concluding observations the following periodic reports of States parties under the Convention against Torture: Burundi (CAT/C/BDI/CO/1); Guyana (CAT/C/GUY/CO/1); Mexico (CAT/C/MEX/CO/4); Peru (CAT/C/PER/CO/5–6); Senegal (CAT/C/SEN/CO/3); Tajikistan (CAT/C/TJK/CO/2).

167 There is no definition of ill-treatment under UNCAT, and the CAT Committee has recognised that ‘in practice, the definitional threshold between ill-treatment and torture is often not clear’ (CAT Committee, *General comment no. 2 (2007): Implementation of article 2 by States parties, ‘General comment no.2’*, at §3). Unlike torture, ill-treatment does not require a prohibited purpose

168 Article 1 UNCAT defines torture as ‘any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.’

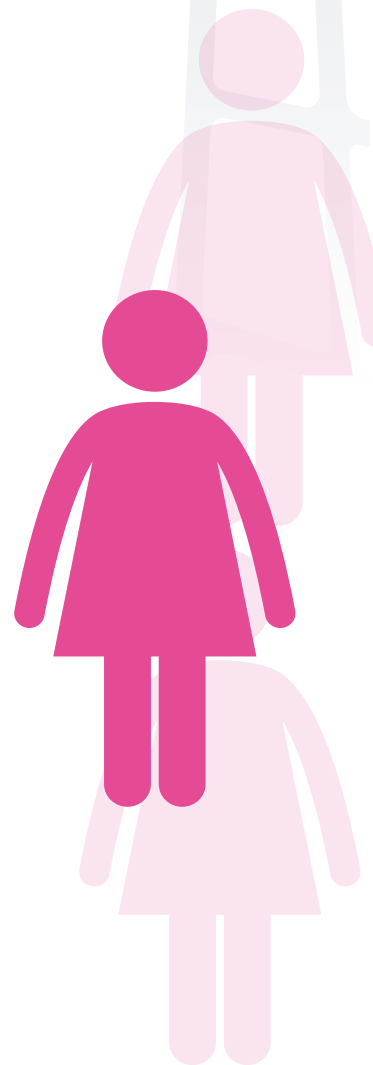
169 UN General Assembly, Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Relevance of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment to the context of domestic violence*, A/74/148, 12 July 2019, at [23].



### Annexes

#### B. Non-discrimination and intersectionality

16. As noted above, States' obligations under international human rights law must be implemented without discrimination.
17. The Istanbul Convention contains an explicit non-discrimination clause under Article 4(3) which provides, in relevant part:  
*"[t]he implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour [...] migrant or refugee status, or other status."*
18. Specifically, the CEDAW Committee has affirmed that "the obligations of States parties apply (...) without discrimination both to citizens and non-citizens, including refugees, asylum-seekers, migrant workers and stateless persons, within their territory" (*General recommendation No. 28 (2010) on the Core Obligations of States Parties under Article 2 of the Convention, 'General recommendation No.28'*, at [12]). In *General recommendation No. 26 (2008) on women migrant workers ('General recommendation No.26')*, the Committee emphasised that women migrants fall within the scope of CEDAW and are entitled to be protected against all forms of discrimination under the Convention, as well as against other human rights violations, including the right to be free from torture and other ill-treatment (at [4], [[6]).
19. Similarly, the CAT Committee, in General comment no. 2 stated that (at [21]):  
*"States parties must ensure that, insofar as the obligations arising under the Convention are concerned, their laws are in practice applied to all persons, regardless of race, colour, ethnicity, age, religious belief or affiliation, political or other opinion, national or social origin, gender, sexual orientation, transgender identity, mental or other disability, health status, economic or indigenous status, reason for which the person is detained, including persons accused of political offences or terrorist acts, asylum-seekers, refugees or others under international protection, or any other status or adverse distinction (...) States parties should, therefore, ensure the protection of members of groups especially at risk of being tortured, by (...) ensuring implementation of other positive measures of prevention and protection."*
20. Additionally, in General recommendation no. 28, the CEDAW Committee recognised that violence against women is inextricably linked to other factors that affected their lives such that (at [18]):  
*"Intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men." (emphasis ours)*
21. The Committee has specifically recognised that these intersecting factors may hinder the ability of women from certain groups, including minority and migrant women, to access justice, noting that such women "often do not report violations of their rights to the authorities for fear that they will be humiliated, stigmatised (...) or have other forms of violence inflicted upon them, including by law enforcement officials" and further that when they do lodge complaints "the authorities frequently fail to act with due diligence to investigate, prosecute and punish perpetrators and/or provide remedies" (*General recommendation No. 33 (2015) on women's access to justice, 'General recommendation No. 33'*, at [10]).
22. The Committee has further outlined the need for States to recognise and respond to women's intersectional identities through specific action to eliminate any occurrences of discrimination based upon these identities, including through the adoption and implementation of appropriate policies and programmes:  
*"States parties must legally recognize such intersecting forms of discrimination and their*



compounded negative impact on the women concerned and prohibit them. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25<sup>170</sup>

23. The UN Special Rapporteur on Torture has also expressly acknowledged that “Domestic violence frequently occurs, or is exacerbated or perpetuated, at the intersection of different types of discrimination. Societal indifference to, or even support for, the subordinate status of certain persons, in particular of women and children, together with the existence of discriminatory and disempowering laws, combined with the sometimes systematic or systemic failure of States to prevent and redress abuse, create conditions under which victims are subjected to severe forms of domestic violence with impunity and for prolonged periods of time.”<sup>171</sup>

### Justiciability of international obligations in UK courts

24. The UK takes a dualist approach to international law. This means that, although binding in international law, an international treaty, including those referred to above, will not confer enforceable rights as a matter of UK domestic law unless and until it is incorporated by legislation.<sup>172</sup> Whilst unincorporated international treaties cannot be directly relied upon as such before UK domestic courts, they nevertheless remain relevant and can inform the courts’ interpretation of domestic obligations.<sup>173</sup>
25. Although international human rights law obligations cannot be litigated directly in the UK’s courts, (unless they are incorporated as the European Convention on Human Rights has been via the Human Rights Act) they are nevertheless important obligations that the UK has held itself out as committing to abide by, both to those in the UK and to the international community.

## III. Relevant Domestic Law: General Observations

### A. The Equality Act 2010

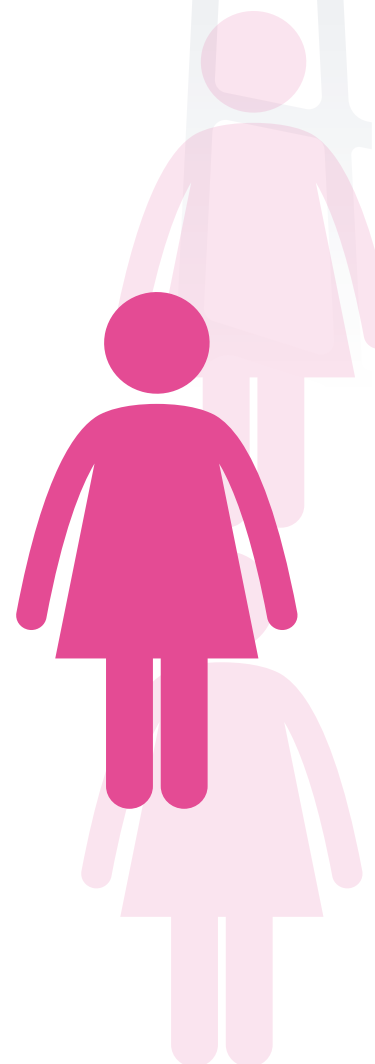
26. The EA 2010 prohibits a number of different forms of discriminatory treatment. The forms of discrimination that may be complained of – for example, direct discrimination (s.13), indirect discrimination (s.19), harassment (s.26) or victimisation (s.27) – must be done “because of” what is known as a “protected characteristic” if the complaint is to succeed. The protected characteristics set out in the EA 2010 are age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The protected characteristics most relevant to the circumstances described in the report are race and sex. It is, however, also possible that religion or belief could be relevant.

170 CEDAW Committee, General recommendation no. 28, at [18].

171 UN General Assembly, Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Relevance of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment to the context of domestic violence*, A/74/148, 12 July 2019, at [65].

172 *R (SC, CB and 8 children) v Secretary of State for Work and Pensions and others* [2021] UKSC 615 at §§74-96

173 *R (JS) v Secretary of State for Work and Pensions* [2015] UKSC 16 at §83; *In re McLaughlin* [2018] UKSC 48 at §40.





### Indirect Discrimination

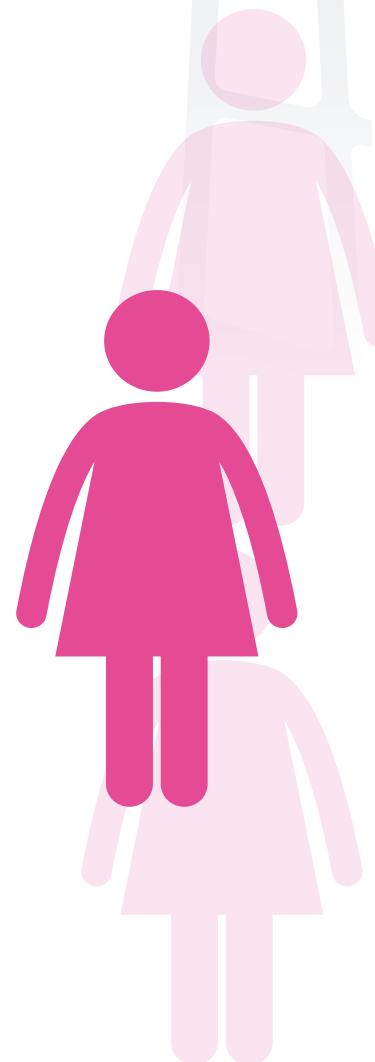
27. Indirect discrimination is defined in s.19(1) and (2) EA 2010 as follows: "
1. " (1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.
  2. (2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if –
    - a. A applies, or would apply, it to persons with whom B does not share the characteristic,
    - b. it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,
    - c. it puts, or would put, B at that disadvantage, and
    - d. A cannot show it to be a proportionate means of achieving a legitimate aim."
28. Indirect discrimination is, therefore, the application of a provision, criterion or practice ("PCP"), which appears neutral on its face, to someone who is, or would be, disadvantaged by its application/operation because of a protected characteristic (e.g. race or sex); "Indirect discrimination looks beyond formal equality towards a more substantive equality of results: criteria which appear neutral on their face may have a disproportionately adverse impact upon people of a particular colour, race, national or ethnic origin..."<sup>174</sup>
29. Indirect discrimination can, however, be justified if the apparently neutral rule or practice amounts to "a proportionate means of achieving a legitimate aim" (s19(d) EA 2010). A justifiable rule must be shown to "correspond to a real need...[be] appropriate with a view to achieve the objectives pursued and necessary to that end"<sup>175</sup>. The principle of proportionality requires a balance to be struck between the discriminatory effect of the rule and the objective being pursued. The more serious the differential and adverse impact on the protected group, the more convincing the proposed justification for it must be.<sup>176</sup> If, therefore, a person who complains is able to show that the rule, practice, policy or procedure has a serious negative and disproportionate impact on a significant number of black and minoritized women, a court will be less likely to find the measure to be justified. "Serious" in this context does not have to mean quantitatively serious; grave harm for a statistically smaller group will be sufficient.
30. The EA 2010 prohibits discrimination in specific areas of activity. The discrimination that might have arisen in the circumstances covered by the report is discrimination in respect of the provision of services (s.29 EA 2010). The provision of a service includes "the provision of a service in the exercise of a public function". Public functions include law enforcement (The Equality Act 2010 Code of Practice: Services, Public Functions and Associations, (The Services Code'), para. 11.16) and will include the activities of the Home Office and the police. The EA 2010 itself gives the term 'public function' the same meaning as 'function of a public nature' for the purposes of the Human Rights Act 1998 ('HRA 1998').<sup>177</sup>
31. The conduct prohibited by the EA 2010 in relation to services and public functions includes, among other forms, indirect race or sex discrimination. Indirect discrimination in the context of providing a service or exercising a public function would involve applying a neutral or universal

174 R (Elias) v Secretary of State for Defence [2006] EWCA 1293, [2006] 1 WLR 3213, para 119.

175 Bilka-Kaufhaus GmbH v Weber Von Hartz (case 170/84) [1984] IRLR 317.

176 Hardy & Hansons plc v Lax [2005] IRLR 726 per Pill LJ at paragraphs [19]–[34], Thomas LJ at [54]–[55] and Gage LJ at [60].

177 See s.31(4) EA 2010.





### Annexes

rule which puts, or would put, the person concerned at a disadvantage as compared to others who do not share her protected characteristic by doing one of the following:

- a. Not providing a service to the person (s.29(1) EA 2010);
  - b. Providing the service on less favourable terms (s.29(2)(a) EA 2010);
  - c. Terminating the provision of the service (s.29(2)(b) EA 2010);
  - d. Subjecting the service user to any other detriment (s.29(2)(c) EA 2010).
32. In order to establish indirect discrimination, a person would need to establish that:
- a. She did suffer a disadvantage because of her race or sex as a result of the service provider acting in the ways described at paragraph 35 a-d above; and that
  - b. A disproportionate number of those of her race/sex would also suffer similarly because of their race or sex if the same rule was to be applied to them.
33. The service provider can still avoid a finding of indirect discrimination by showing, by objective means unrelated to race or sex, that the rule is a proportionate means of achieving a legitimate aim.

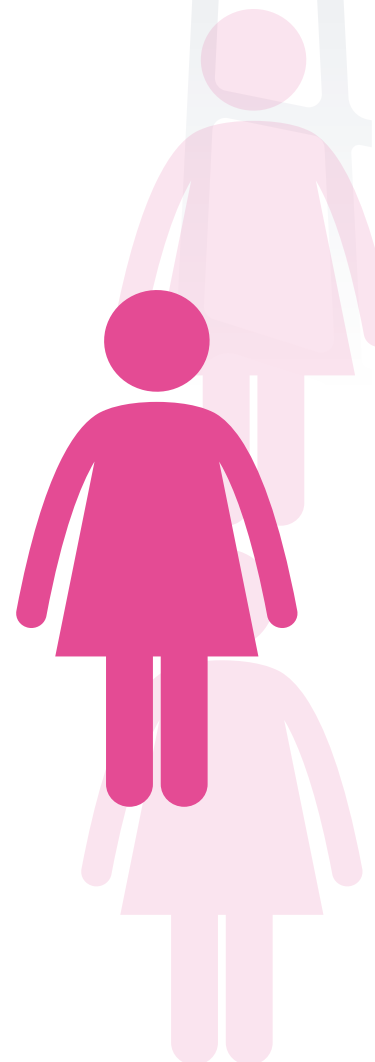
## Public Sector Equality Duty

### General Duty

34. The public sector equality duty contained in s.149(1) EA 2010 places a prospective obligation on public authorities to have “due regard” to a trio of equality considerations: the need to eliminate discrimination, advance equality of opportunity, and foster good relations, between persons of different protected characteristics. This “positive” statutory duty requires a public body to demonstrate that it has considered steps it might be required to take to anticipate and avoid discrimination. It is commonly known as the “general duty” and applies to all public authorities listed in Schedule 19 to the EA 2010 in the exercise of their public functions. It is intended to require such public authorities to assess the risk that their policies might cause adverse and discriminatory impact, and to take steps to ameliorate such impact as appropriate, before the adoption of such policies. The courts have indicated that the general duty, though not absolute, should not be regarded a mere bureaucratic exercise but should be exercised “in substance, with rigour and with an open mind.” It has been said to be an essential preliminary to policy implementation; inattention to its requirements constitutes bad and unlawful government: *R (BAPIO Action) v. Secretary of State for Health* [2007] EWCA Civ 1139, *per* Sedley LJ at [2] and [3].
35. Schedule 19 applies the general duty to a list of public authorities which includes the Home Office (‘A government department other than the Security Service, the Secret Intelligence Service or the Government Communications Headquarters’) and the police.

### Specific Duties

36. In addition to the general duty, a further cohort of public bodies including the police and the Home Office are subject also to “specific duties” to:
- a. publish information to demonstrate compliance with the general duty (Regulation 4, Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017); and
  - b. publish one or more objectives to be achieved in order to demonstrate “due” regard to the equality-enhancing aims contained in s.149(1) EA 2010.



### Annexes

#### B. Articles 2 & 14 ECHR and the systems duty

37. Article 2 of the European Convention on Human Rights ("ECHR") imposes a series of positive obligations on a state to protect life. The "systems" duty is characterised as an obligation to have in place legal regimes and administrative systems in place to provide general protection for the lives of citizens and persons within the territory.<sup>178</sup> There is also an "operational duty" to take preventative measures to preserve and protect life in certain defined circumstances.
38. The systems duty has been found to exist in relation to the protection of patients in a care home,<sup>179</sup> the protection of children and vulnerable adults.
39. In *Opuz v Turkey* (2010) 50 EHRR 28 the ECtHR endorsed the view of the CEDAW Committee that violence against women, including domestic violence, was discrimination within the meaning of Article 14 in so far as it "resulted from the general attitude of the local authorities, such as the manner in which the women were treated at police stations when they reported domestic violence and judicial passivity in providing effective protection to victims" [192]. In concluding that there was a breach of Article 14 (read together with Arts 2 and 3) the ECtHR specifically noted that "when victims report domestic violence to police stations, police officers do not investigate complaints but seek to assume the role of mediator by trying to convince the victims to return home and drop their complaint. In this connection, police officers consider the problem as a "family matter with which they cannot interfere". [195]
40. *Opuz* is a clear indication that Article 2 can be read together with Article 14 ECHR to establish a breach of the systems duty where, by virtue of a set of failings linked to a patriarchal culture, a particular group is denied access to the framework (or frameworks) in place to protect life. In the domestic context, in *R(AP & ors v HM Coroner for the County of Worcestershire* [2011] EWHC Admin, though the court rejected an *Opuz*-style argument that the police owed a particular duty to those with Aspergers as persons likely to be victims of escalating violence, it was prepared to proceed thus in relation to the police: "It is not the purpose of the general duty to address the specific needs of particular vulnerable groups, *unless the systems operate effectively to bar equal access to the criminal justice system for that group*" [73].

#### IV. Issue 1: Interpreters

##### A. Duty on the police to provide a professional interpreter

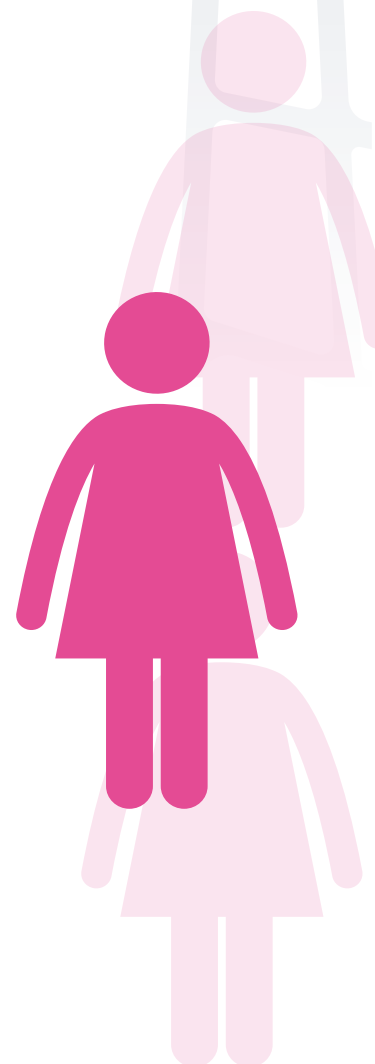
### International human rights law

#### Istanbul Convention

41. Under the Istanbul Convention, the onus is on the State to provide 'independent and competent' interpreters for victims of domestic violence. Article 56 (1)(h) (Measures of protection) reads, in relevant part:
  1. Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:
    - h. providing victims with independent and competent interpreters when victims are parties to proceedings or when they are providing evidence; [...]"

178 *Rex (Maguire) v Blackpool and Fylde Senior Coroner and others* [2023] 3 WLR 103 at [10]

179 See *Rex (Maguire)* [2023] 3 WLR 103 at [10]

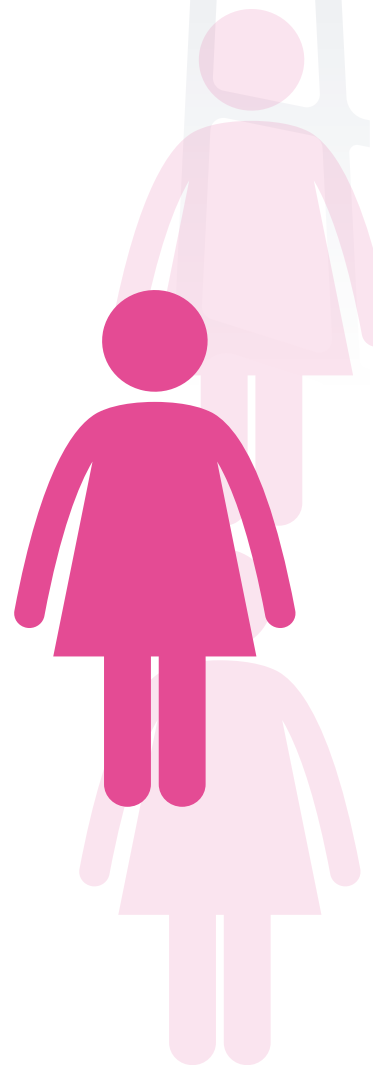


#### Annexes

42. This is in recognition that the provision of interpreters is 'an essential measure for for access to justice' (Explanatory Report at [291]), and the duty to provide an independent and competent interpreter arises at all stages of the proceedings, including during investigations (Explanatory Report at [291]).

#### CEDAW

43. There is no free-standing obligation under CEDAW for State parties to provide victims of domestic violence with professional interpreters during the course of criminal investigations. Nevertheless, this has been recognised as essential to the realisation of a number of core interrelated CEDAW rights.
44. Firstly, the failure to provide professional interpreters has been upheld by the CEDAW Committee as a violation of Article 2 Convention, in conjunction with Articles 1 and 3.
45. In *Isatou Jallow v Bulgaria* (Communication No. 32/2011, 28 August 2012), the complainant was an illiterate woman from Gambia who was living in Bulgaria. She spoke only her native language and basic level English. She was married to a Bulgarian national who subjected her and her daughter to significant psychological and physical violence. Her husband alleged that it was the complainant who was violent towards him and their daughter. He petitioned the local courts and successfully obtained an emergency protection order, removing the complainant from the family home and granting him custody of their child.
46. In considering whether her rights had been breached under CEDAW, the Committee noted that the complainant "*had no or limited access to the institutions dealing with issues relating to gender-based violence (the police, the courts, the health-care system and the State Agency for Child Protection) because her lack of knowledge of Bulgarian prevented her from addressing those institutions directly unless she secured an interpreter at her own expense*" ([3.4]).
47. The Committee further observed that (at [8.2]):  
*"The Committee takes note of the author's allegations that the State party did not provide her and her husband with the same protection from domestic violence. In contrast with her husband's application under the Protection against Domestic Violence Act that was duly heard, the State party's authorities failed [...] to take into account her vulnerable position, as an illiterate migrant woman with a small daughter without a command of Bulgarian or relatives in the State party. It further notes that no translation of the emergency protection order was provided to the author. [...]"*
48. The Committee concluded that Bulgaria had breached Articles 2(e) and 2(d) CEDAW, in read in conjunction with Articles 1 and 3 CEDAW and recommended that the State (at [8.8])  
*"[...] take measures to ensure that women victims of domestic violence, in particular migrant women, have effective access to services related to protection against domestic violence and to justice, including interpretation or translation of documents [...]"*
49. In *R. P. B. v the Philippines* (Communication No. 34/2011, 21 February 2011), the complainant was a 17-year-old deaf girl who had been raped by her neighbour and who had not been provided with sign language interpretation during the court proceedings.
50. The Committee found that:  
*"[...] the free assistance of an interpreter in cases where the parties concerned, such as the accused or the witnesses, cannot understand or speak the language used in court, is a fundamental fair trial guarantee enshrined in human rights treaties and further developed in the jurisprudence of treaty bodies. It notes that, in the present case, the author, a young deaf woman, understood only written English and was unable to hear, whereas the proceedings, including the court hearings, were conducted both in spoken and written Filipino and English.*



### Annexes

8.6. The Committee further notes the author's claim that sign language interpreting was not provided to her in the course of the investigation and in some of the court hearings, including during the pronouncement of the acquittal of the accused, even though she attended all the hearings; and that the burden of finding sign language interpreters and ensuring their presence in court was placed, at least partly, on the author. The Committee notes that the State party has not contested the author's claim. [...]"

51. The Committee concluded that the State party had breached her Article 2 rights (at [8.7]): "[...] In the light of the above, the Committee considers that, in the circumstances of the present case, the provision of sign language interpretation was essential to ensure the author's full and equal participation in the proceedings, in compliance with the principle of equality of arms and hence to guarantee her the enjoyment of the effective protection against discrimination within the meaning of article 2 (c) and (d) of the Convention,<sup>180</sup> read in conjunction with the Committee's general recommendation No. 19 [Violence against women]."
52. The Committee repeated (at [8.8]) the recommendation set out in *Jallow* that the State provide interpretation (and translation) to ensure that migrant women victims of domestic violence had effective access to justice.
53. Secondly, the duty to provide access to professional interpreters has been upheld as a corollary to the right to access to justice. In General Recommendation no. 33, the CEDAW Committee affirmed that the right to access to justice for women "is essential to the realization of all the rights protected under [CEDAW]" and a "fundamental element of the rule of law" (at [1]). The Committee identified six interrelated elements necessary to ensure women's access to justice, namely justiciability; availability; accessibility; good quality; accountability; and the provision of remedies (at [14]).
54. According to the Committee "accessibility" requires that "all justice systems, both formal and quasi-judicial, be secure, affordable and physically accessible to women, and be adapted and appropriate to the needs of women, including those who face intersecting or compounded forms of discrimination" (at [14(b)]). The Committee specifically recommended that States "[r]emove linguistic barriers by providing independent and professional translation and interpretation services, when needed, and provide individualized assistance for illiterate women in order to guarantee their full understanding of judicial and quasi-judicial processes (at [17.b])"

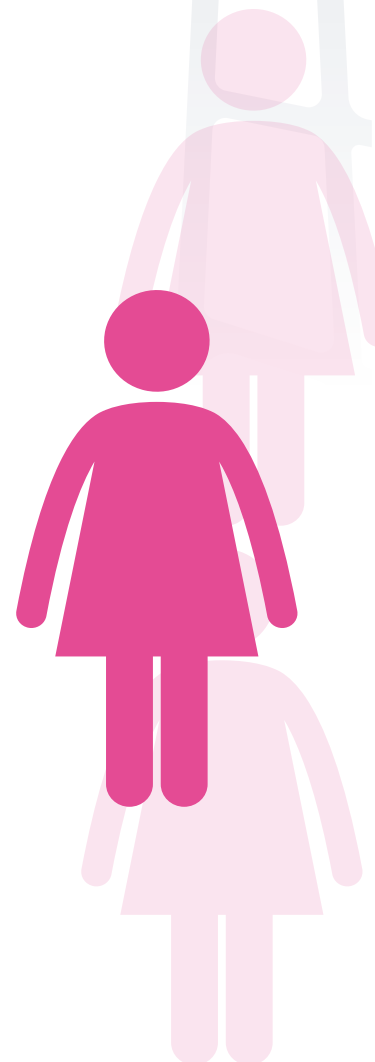
### International guidance and best practice

55. The importance of providing professional interpreters for victims of sexual and gender-based violence is well-recognised in international guidance. Although not legally binding, this guidance is authoritative as to what constitutes best practice.
56. The UN's Secretariat's *Handbook for Legislation on Violence Against Women* provides that: "Legislation should ensure that the complainants/survivors have the right to [...] Free access to a qualified and impartial interpreter and the translation of legal documents where requested or required."<sup>181</sup>
57. The UN Office on Drugs and Crime ("UNODC") *Handbook on effective prosecution responses to*

---

180 Article 2 CEDAW provides: "States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: [...]  
(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;  
(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; [...]"

181 UN, Department of Economic and Social Affairs, Division for the Advancement of Women, [Handbook for Legislation on Violence Against Women](#) (2010), at p.39



*violence against women and girls* states, in relation to the conduct of victim interviews: "Select, where required, an independent and competent interpreter. Interpreters that are independent and competent are crucial for prosecutors dealing with victims whose language differs. Flawed interpretations can easily lead to confusion, misunderstandings and unjustified concerns about witness credibility. Interpreters can also present challenges for rapport-building and a victim's willingness to proceed."<sup>182</sup>

58. The UNODC's *Handbook on effective police responses to violence against women* recommends that States adopt policies that direct responding police officers, amongst others "to ascertain of language is a barrier and provide a translator when necessary"<sup>183</sup> and emphasises that "children or family members should not be used as interpreters".<sup>184</sup>
59. The Council of Europe, UN Women and Equality Now guidance *Effectively investigating, prosecuting and adjudicating sexual violence cases: a manual for practitioners in Georgia* also highlights the importance of providing interpreters for victims. Whilst the manual is aimed at investigators and prosecutors working on sexual violence cases in Georgia, it is "a rights-based tool offering techniques and methodologies drawn from international human rights law and best practice"<sup>185</sup> that is "aimed at supporting the timely and effective handling of criminal cases to achieve the best possible outcomes and improving access to justice for survivors of sexual violence in a safe and supportive environment."<sup>186</sup> It contains generic guidance relevant to the work of investigators and prosecutors in other contexts, including in the UK.
60. On interpreters, it provides:  
*"If the victim does not understand an official language, an interpreter will need to be assigned from the very initial stages of the investigation to make sure that information is adequately understood and shared, that she is fully advised of her rights and to ensure that she is able to access the most appropriate support services. Family members or persons from the victim's community group should not be allowed to act as interpreters and support persons, as this could place the victim at risk by disclosing their interaction with the criminal justice sector and may additionally expose them to community pressure to withdraw their statement."*<sup>187</sup>
61. The Istanbul Protocol is also relevant in this context- given that domestic violence is a recognised form of torture/other-ill treatment. It states:  
*"Interpreters fulfil a critical role in investigations. An interpreter is the gatekeeper and conduit for information flowing both ways between the interviewer and interviewee. The absence of a good interpreter risks jeopardizing the efficacy of the investigation. Working through an interpreter when investigating torture is not easy, even with professionals (...) It will not always be possible to have interpreters on hand for all different languages and dialects and sometimes it may be necessary to use interpreters from the person's family or cultural group. This is not ideal, as persons may not always feel comfortable talking about the torture or ill-treatment experience through people they know. Children should not be expected to interpret for their parents in interviews that relate to torture or ill-treatment. Ideally, the interpreter should be part of the investigating team."*<sup>188</sup>

182 UNODC, *Handbook on effective prosecution responses to violence against women and girls* (2014), Criminal Justice Handbook Series, at p. 51

183 UNODC, *Handbook on effective police responses to violence against women* (2010), Criminal Justice Series, at p. 44

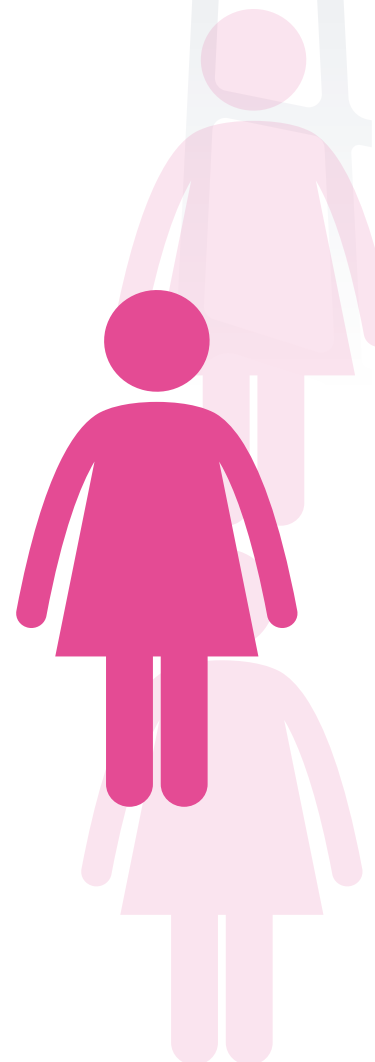
184 *Ibid*, at p. 44

185 Council of Europe, Equality Now and UN Women, *Effectively investigating, prosecuting and adjudicating sexual violence cases: a manual for practitioners in Georgia* (2021), at p. 2

186 *Ibid*, at p. 2

187 *Ibid*, at p. 39

188 UN OHCHR, *Istanbul Protocol- Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (2022), at p.53



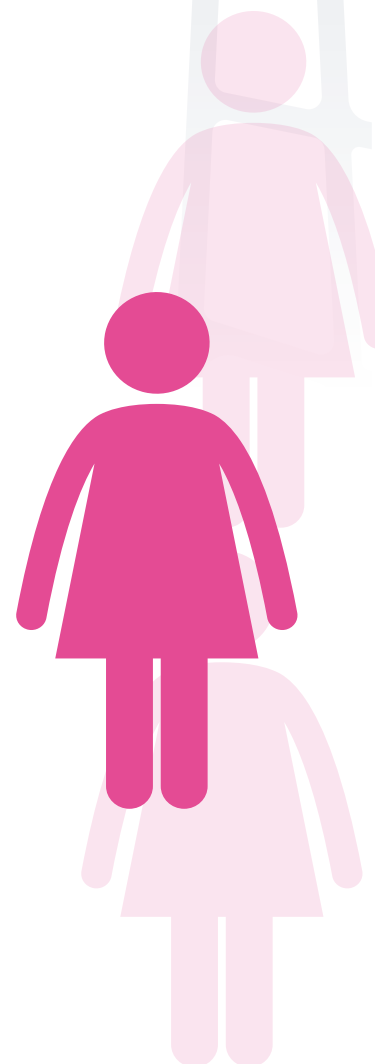
### Annexes

### Domestic law

62. A failure to provide access to a professional interpreter, in the relevant circumstances described in the report is capable of amounting to indirect discrimination sex and/or race discrimination in the provision of services to the public, or a section of the public, by the police contrary to sections 29 (provision of services) and 19 (indirect discrimination) of the Equality Act 2010 (“EA 2010”).
63. The “right to use an interpreter” contained in paragraph 1.3 of the Victims Code does not, in and of itself, reflect the Article 56(1) Istanbul Convention duty on the state to provide the services of an “independent” or “competent” interpreter. Nor does it chime with the CEDAW communications, recommendations and international best practice guidance referred to above. The Istanbul Convention, the relevant communications and recommendations of the treaty bodies referred to, and the international law best practice guidance, can be used to inform the way that a domestic court would approach a claim in indirect discrimination.
64. However, in the particular circumstances of the cohort outlined in the report, reliance on international law would not be crucial to a domestic indirect discrimination complaint contrary to the EA 2010. The pivotal issue in such a case would be the identification of the PCP (the choice of PCP is the claimant’s prerogative subject to the court accepting that it is appropriate) and, potentially, the appropriate comparator groups. A PCP need not be an “absolute bar” in order to found a claim; it may allow for exceptions as long as it can properly be argued that it “puts or would put” the protected group at a disadvantage by comparison to those who fall outside of that group.<sup>189</sup> The fact that a particular PCP also disadvantages others outside of the protected group is not fatal; the question is whether it puts those inside of the protected group at a “particular disadvantage”.<sup>190</sup>
65. The potential PCP could be, for example, “the lack of a requirement to source a professional interpreter”. Based on the contents of the report, the application of that PCP “puts or would put [a black and/or minoritized woman]...at a particular disadvantage” when compared with persons who do not share those characteristics (s.19 EA 2010). The provisions of the EA 2010 which would have allowed potential claimants to bring complaints of discrimination “because of a combination of two relevant protected characteristics” (s.14) have never been brought into force.
66. The Victim’s Code also confers “Enhanced Rights” upon specific categories of potential victim including those who “suffer from mental disorder...” or “intimidated victims”. Enhanced Rights can include referrals to specialist support services (Right 4, Victim’s Code). The definition of “intimidated victims” covers victims of domestic abuse (an intimidated victim is identified by considering “the behaviour towards the victim on the part of the suspect, members of their family or associates” and “the victim’s social and cultural background, religious beliefs...ethnic origin, domestic and employment circumstances”).
67. Therefore, in addition to the recommendation that police forces source a professional interpreter “in every situation where a report is made of domestic abuse and an interpreter is required, including telephone interpreting services for immediate communication following 999 calls...”, a further recommendation is for the Home Office to consider whether the engagement of professional interpreters ought to be a service provided to the particular class of victims with which the report is concerned as an “Enhanced Right”.
68. The PSED would be relevant to this question if, for example, in formulating the policy (not to mandate the sourcing of professional interpreters), or in the context of the continuing duty to review such a policy, the police could be said to have failed to have “due regard” to the three

189 *British Airways plc v Starmar* [2005] IRLR 862.

190 *Pendleton v Derbyshire County Council* [2016] IRLR 580, EAT at [44].





### Annexes

limbs of the duty under s.149 EA 2010: the elimination of discrimination, the advancement of equality of opportunity between persons who share a relevant characteristic and those who don't, and the fostering of good relations between those identified groups. As set out above, the duty is considered an essential preliminary to policy implementation, such that inattention to its requirements constitutes bad and unlawful government: R (BAPIO Action) v. Secretary of State for Health [2007] EWCA Civ 1139, per Sedley LJ at [2] and [3]. In addition, non-compliance with the PSED is relevant to the question of objective justification for the purposes of an indirect discrimination claim; a failure to comply with the PSED makes it more difficult for a defendant to show that it acted proportionately: R(Coll) v SSJ [2017] 1 WLR 2093 at [42].

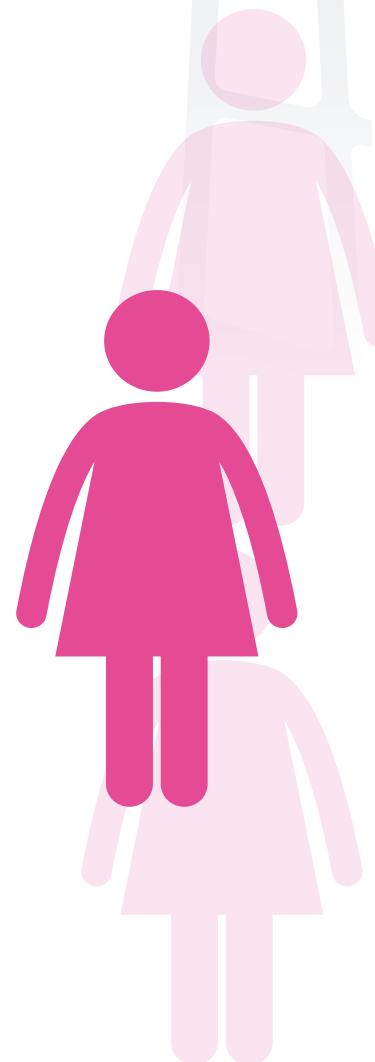
### B. Duty on the police to provide a professional interpreter of the victim's choice of sex/gender

#### International human rights law

- 69. The question of whether the State is strictly obliged, as a matter of international law, to always accommodate a victim's preference as to the sex or gender of the interpreter is less clear cut than the obligation to provide a professional interpreter. There appears to be support for the proposition that the State should provide an interpreter of the victim's choice of sex/gender *where operationally possible*.
- 70. Such support may be derived from more general principles that domestic violence investigations must be rights-based, victim centered and gender-responsive.

#### Istanbul Convention

- 71. The starting point is Article 5 Istanbul Convention which requires State parties to exercise due diligence to investigate, prevent, investigate, punish and provide reparation for acts of domestic violence. Article 49 elaborates on the content of the investigative duty and states:
  - 1. 'Parties shall take the necessary legislative or other measures to ensure that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings.
  - 2. Parties shall take the necessary legislative or other measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, to ensure the effective investigation and prosecution of offences established in accordance with this Convention.' (emphasis added)
- 72. The Explanatory Report, in relation to Article 49, highlights that the provision recognises the importance of protecting the rights of the victims during investigations and 'therefore requires Parties to avoid to the extent possible aggravating any harm experienced by victims during investigations.' (at [255]).
- 73. Under Article 6 Istanbul Convention, State parties commit to including a gender perspective in the implementation of all of the provisions set out in the Convention, including Article 5 (obligation of due diligence) and Article 49 (obligation to ensure effective investigations and prosecutions). Article 49 further stipulates that as part of their duty to ensure effective investigations, States must have regard to a 'gendered understanding' of the crimes set out in the Convention, defined as one which 'recognises the gendered dynamics, impact and consequences' of violence against women.' (Explanatory Report at [115]).
- 74. Neither the Convention nor the Explanatory Note elaborate further on how a gender-perspective is to be integrated into the due diligence obligation or the obligation to conduct



effective investigations. International guidance and best practice suggest however that this would include (a) understanding how gendered inequalities and power relationships between men and women affect the commission and impact of crimes of violence against women, as well as women's participation in the criminal justice process and (b) ensuring that investigative measures, policies and practices are responsive to the gender-specific needs of female victims.

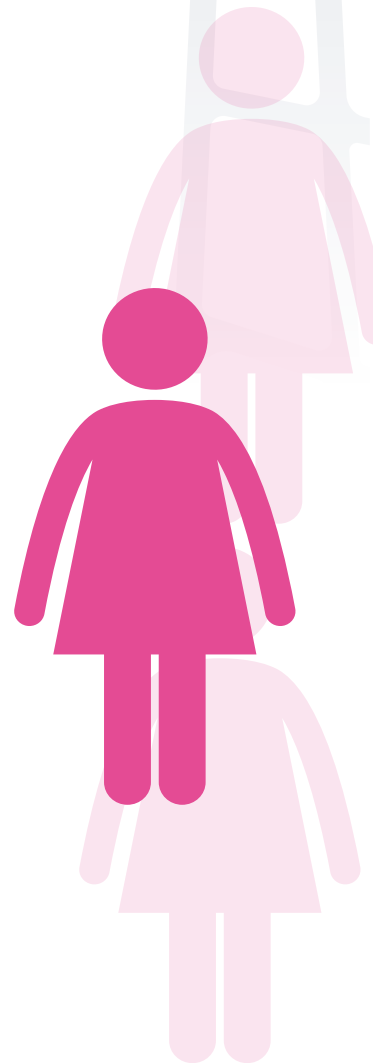
191 It can be argued that a female interpreter is a gender-specific need in this context.

## CEDAW

75. As noted above, State parties to CEDAW are required to exercise due diligence and take "all appropriate measures" to prevent, investigate, prosecute, punish and provide reparations for domestic violence against women (General recommendation no.19, at [9] and General recommendation no. 35, at [24.b]). In General recommendation no.35, the Committee emphasised that all measures implemented by States in relation to their obligations with regards to gender-based violence against women "should be implemented with an approach centred around the victim/survivor, acknowledging women as right holders and promoting their agency and autonomy" (at [28]).
76. In General recommendation no. 33, the CEDAW Committee made a number of recommendations concerning the accessibility of justice systems (at [15]) including:
  - a. Ensuring that justice system professionals handle cases in a "gender-sensitive" manner;
  - b. Taking effective measures to protect women against secondary victimisation in their interaction with law enforcement;
  - c. Taking appropriate measures to create supportive environments 'that encourage women to claim their rights, report crimes committed against them and actively participate in the criminal justice process'.
77. These principles were further affirmed, in the context of investigations specifically, at [51] of General recommendation no.33, when the Committee highlighted the need to use a confidential and gender-sensitive approach to avoid stigmatization, including including secondary victimization in cases of violence, during all legal proceedings, including during questioning, evidence collection and other procedures relating to the investigation.

---

191 See for example, Office of the Prosecutor, International Criminal Court, [Policy Paper on Sexual and Gender-Based Crimes](#), June 2014, "Gender perspective[] requires an understanding of differences in status, power, roles, and needs between males and females, and the impact of gender on people's opportunities and interactions. This will enable the Office to gain a better understanding of the crimes, as well as the experiences of individuals and communities in a particular society", at p.3; United Nations Office on Drugs and Crime ("UNODC"), [Handbook on effective responses to violence against women and girls](#), 2014, "Victims of gender-based violence require distinctive consideration at each stage of the criminal justice process (...) Prosecutors need to appreciate the gendered nature of the crimes of violence against women and girls and how the context of women's roles in society and discrimination against women generally may factor into the victim's reaction to the violence as well as her participation in the criminal justice process.", at p. 41; see generally, UN Women and UN Office of the High Commissioner for Human Rights, [Latin American Model Protocol for the investigation of gender-related killings of women \(femicide/feminicide\)](#), 2014; Independent, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Criminal Law Committed in the Syrian Arab Republic since March 2011 ("IIIM"), [IIIM Gender Strategy and Implementation Plan- Addressing the Adverse Impact of the Discriminatory Gender Hierarchy to Facilitate Inclusive Justice for International Crimes in the Syrian Arab Republic](#), 30 September 2022; UN Office of the High Commissioner for Human Rights, [Integrating a Gender Perspective into Human Rights Investigations- Guidance and Practice](#), 2018.

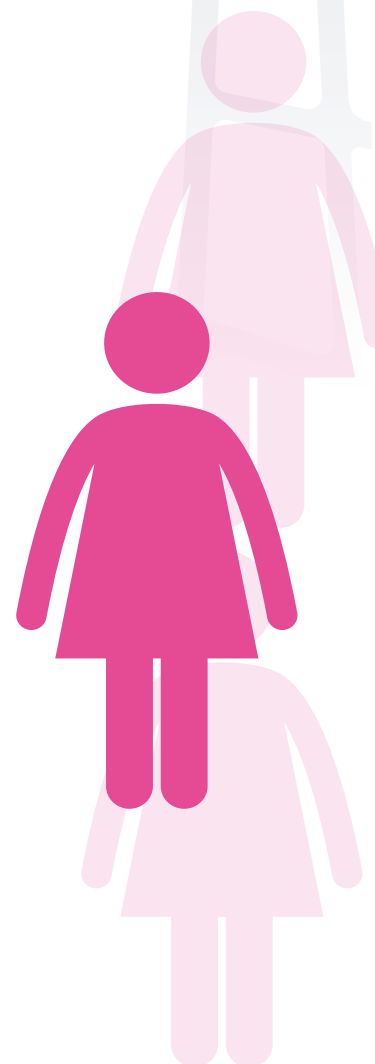


### International guidance and best practice

78. The *Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice* ('**Model Strategies**') were adopted by the UN General Assembly in 2011, pursuant to Resolution 65/228 (A/RES/65/228) to provide guidance to States on the design of an effective criminal justice response to violence against women, in line with their obligations under international law, in particular their due diligence obligations.
79. The Model Strategies recognise that criminal justice responses to such violence 'must be focused on the needs of victims and empower individual women who are victims of violence' and that intervention efforts 'restore a sense of dignity and control' to victims (at [7]), and further that certain groups of women may be particularly vulnerable to violence, including because of their ethnicity or immigration status, and therefore 'require special attention, intervention and protection' in the criminal justice system (at [10]).
80. Member States are urged to abide by the following 'guiding principles', *inter alia*:
  - i. The overall principle that effective crime prevention and criminal justice responses to violence against women 'are human rights-based, manage risk and promote victim safety and empowerment while ensuring offender accountability' (at [13(a)]).
  - ii. To ensure that victims can testify in criminal proceedings through adequate measures that facilitate such testimony by protecting the privacy, identity and dignity of the women; ensure safety during legal proceedings; and avoid "secondary victimization" (at [13(c)]).
  - iii. To 'develop and implement policies and appropriate responses regarding the investigation and collection of evidence that take into account the unique needs and perspectives of victims of violence, respect their dignity and integrity and minimize intrusion into their lives while abiding by standards for the collection of evidence (at [16(e)]).
  - iv. To provide victims of violence, where possible, with the right to speak to a female officer, whether it be the police or any other criminal justice official (at [16(l)]).
81. The UK's own *International Protocol on the Documentation and Investigation on Sexual Violence in Conflict- Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law* recognises that an interpreter's sex (amongst other characteristics) 'might be a factor affecting the extent to which the survivor/victim trusts them' and that 'where possible' female and male interpreters should be made available.
82. The guidance goes on to state that (at p.166):

*"Wherever possible, ask the victim/witness in advance whether s/he would prefer a male or a female interviewer and/or interpreter. Remember not to assume that all female victims/witnesses will prefer female interviewers/interpreters or that all male victims/witnesses will prefer male interviewers/interpreters; each victim/witness can make her/his own choice."*
83. Whilst this guidance deals specifically with conflict-related sexual violence, it remains relevant insofar as this is also a form of gender-based violence.
84. UNODC's *Handbook on effective prosecution responses to violence against women and girls* highlights the following:

*"(...) women and girls who suffer violence, whether by intimate partners, male relatives or strangers, may not behave like victims of other crimes and prosecutors should not expect them to (p.41). This is due to a confluence of factors including the psychological impact of the violence- Studies have reported that a significant portion of victims of gender-based violence suffer from trauma, such as*



*post-traumatic stress disorder, depression and anxiety. Such trauma might affect the victim's ability to coherently or fully recount her experience. Victims may struggle to remember precise details of the violence or experience negative feelings when doing so. Emotional numbness can complicate responsiveness to questioning. In many countries, the interviews conducted by police and prosecutors are often done by men and this might create a gender dynamic that may be especially uncomfortable for a woman or girl who has suffered violence at the hands of a man*<sup>192</sup>.

85. The guidance provides that 'where possible, victims should be able to choose whether they would prefer to speak to a female prosecutor'<sup>193</sup> and that 'prosecution agencies should consider whether they can accommodate a victim's request to speak to prosecutor of a specific gender'.<sup>194</sup> Whilst the choice of interpreter is not addressed in the document, it is arguable that the rationale set out above would also apply.
86. At the International Criminal Court, the Office of the Prosecutor's policy on the investigation of sexual and gender-based crimes stipulates that "[t]he interview team will verify, and be sensitive to, the witness's preference regarding the gender and other profile factors of interpreters and interviewers".<sup>195</sup>
87. The *Istanbul Protocol* also contains best practice when dealing with victim/survivors of torture and other ill-treatment. It explains that '[t]he torture survivor's personal reactions to the interviewer (and the interpreter, in cases in which one is used) can impact the interview process and, in turn, the outcome of the evaluation'.<sup>196</sup> and that '[t]orture survivors may have difficulty recounting the specific details of the torture or ill-treatment' including because of a 'lack of trust' in the interpreter.<sup>197</sup> Thus, '[i]deally, an evaluation team should include clinicians of different genders offering the interviewee the option of being attended by a clinician and, where necessary, an interpreter of the same or another gender'.<sup>198</sup> and further such considerations are said to be '*particularly important in situations of known gender-based violence and sexual torture*' (our emphasis).<sup>199</sup>

## Approach to asylum claims

88. The approach adopted in the context of asylum claims is also relevant as it provides instructive guidance in a situation that is analogous. The Home Office's caseworker guidance Gender issues in the asylum claim deals with gender-based claims, including domestic violence.<sup>200</sup> It provides that "it is important to ensure that the asylum process is gender-sensitive throughout".<sup>201</sup> There is a section of the guidance headed "Taking gender into account: asylum interview and decision" which deals with requests for male or female interpreters (and interviewers). It provides:  
*"Claimants are asked at the screening interview if they would like a male or female interviewer and*

192 UNODC, *Handbook on effective prosecution responses to violence against women and girls* (2014), Criminal Justice Handbook Series, at p. 42

193 *Ibid.*, at p. 42

194 *Ibid.*, at p. 51

195 *Policy Paper on Sexual and Gender-Based Crimes*, June 2014, at p. 27

196 *Istanbul Protocol- Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (2022), at para. 279.

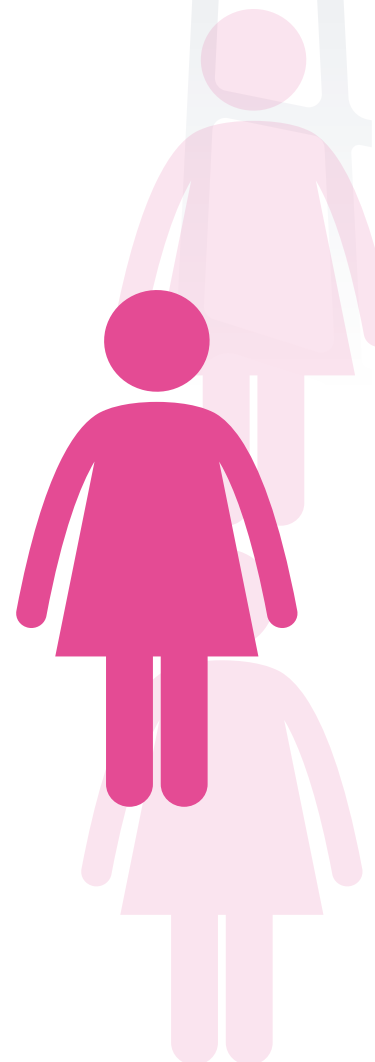
197 *Ibid.*, at para. 342.

198 *Ibid.*, at para. 283.

199 *Ibid.*, at para. 283.

200 We understand that this guidance is non-statutory, nevertheless 'good reasons' are required to depart from it (*Ali v London Borough of Newham* [2012] EWHC 2970 (Admin) at [39] – [41]).

201 Home Office, *Gender issues in the asylum claim*, Version 3.0, 10 April 2018, at p.6



*interpreter and they can also request this later. The letter sent inviting them to their asylum interview repeats this option and explains why it is important. You should normally expect to meet the interviewer requirement and if it cannot be met on the scheduled day, the interview should normally be re-arranged. When requested in advance of the interview, you must also make every effort to meet the request for a male or female interpreter as far as operationally possible."*

89. The *Asylum Interview* guidance elaborates on how caseworkers must deal with requests of this nature. It reads:
- "Claimants are asked at the screening interview if they would like a male or female interviewer. They are also asked again in the invitation to interview letter and advised to telephone us if they have a preference and have not advised us already and that we will do our best to arrange this. When a request for a male or female interviewer or interpreter is made in advance of the interview, you should make every effort to meet this requirement as far as operationally possible. This includes making any requests for a gender specific interpreter clear to the Interpreter & Language Services Unit (ILSU) booking team, by completing the comments section of the booking request. If a claimant's request cannot be met on the scheduled day, the interview should normally be rearranged. If a claimant states a preference for a male or female interviewer or interpreter for the first time on the actual day of the interview, you must consider whether this can be accommodated. If it can't be accommodated, you must proceed with the interview as planned unless there are any vulnerabilities or other reasons that come to light that suggest the interview should be rearranged. The decision to proceed with, or to rearrange, an interview must be agreed with a Senior Caseworker and noted on Home Office records."*
90. Similarly, the Office of the UN High Commissioner for Refugees (UNHCR) *Guidelines on the Protection of Refugee Women* note that "it may be necessary to use a variety of gender-sensitive techniques to obtain information from women during the status-determination process. *The recruitment and training of female interpreters is a precondition for the most effective interviewing*"<sup>202</sup> (our emphasis).

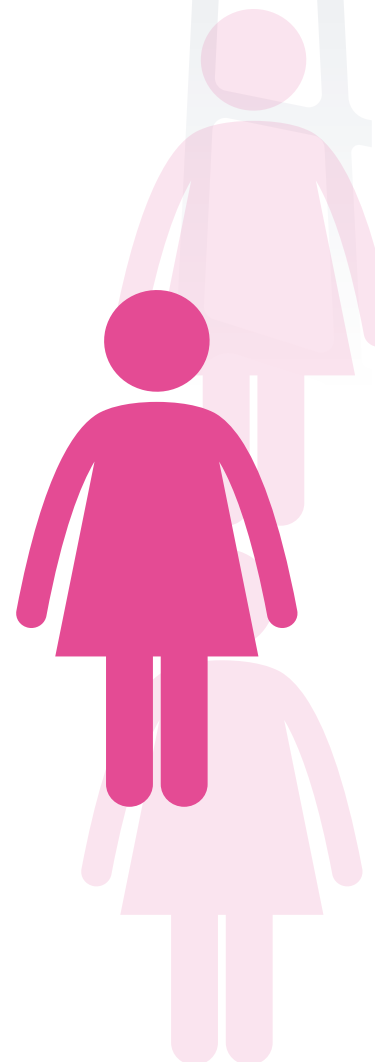
## Domestic law

91. A failure to afford a victim/survivor the right to request a female interpreter can be indirectly discriminatory the same way as outlined at paragraphs [69-77] above in relation to professional interpreters. The PCP would be a failure to provide a female interpreter or an interpreter of the gender that accords with the victim's choice. It would then have to be shown that the rule or policy put the particular victim at a disadvantage and would put others of the same sex and/or race at a similar disadvantage and was not objectively justified.

## ECHR Article 2/3/14 systemic duty to put in place systems to protect life – Interpreters

92. Two cases are referred to in the general observations on the Article 2/14 systemic duty: *Opuz v Turkey* (2010) 50 EHRR 28 and *R(AP & ors v HM Coroner for the County of Worcestershire* [2011] EWHC Admin.
93. Whereas the circumstances described in the report are not exactly the same as those in *Opuz*, they reveal strikingly similar features of patriarchal control in insular communities. Indeed, the reports before the ECtHR in *Opuz* – which included findings not dissimilar to those indicated in the report – were considered, together with unchallenged statistical evidence and the relevant international standards, to be sufficient to establish that:

202 Office of the UN High Commissioner for Refugees ("UNHCR"), *Guidelines on the Protection of Refugee Women*, July 1991, at para 72.



#### Annexes

- a. Domestic violence mainly affected women;
  - b. A failure to protect women against domestic violence (in the context of judicial passivity and a generally dismissive attitude to complainants on the part of local authorities and the police) amounted to a breach of their right to equal protection of the law;
  - c. These failings amounted to breaches of Articles 2/3 and 14 of the ECHR on the facts.
94. The question of whether the failure to provide professional interpreters or interpreters of the gender of choice may on its own, or in the context of what has happened to the “by and for” sector, breach Articles 2/14 is one which would turn on the evidence in an individual case. However, the lack of professional/ “gender of choice” interpreters might properly be seen as part and parcel of a denial of equal access to the criminal justice system and, therefore, a potential breach of the general systemic duty under Article 2 read together with Article 14. This argument is likely to be strengthened where, as the report suggests, the context in which these women are being potentially denied equal access is one in which state organs are not gathering, or properly analysing, the kind of data that would allow them to adequately assess and address the particular, and grave, consequences for this sub-section of black and minoritised women (see section on data collection below).

## V. Issue 2: Data collection

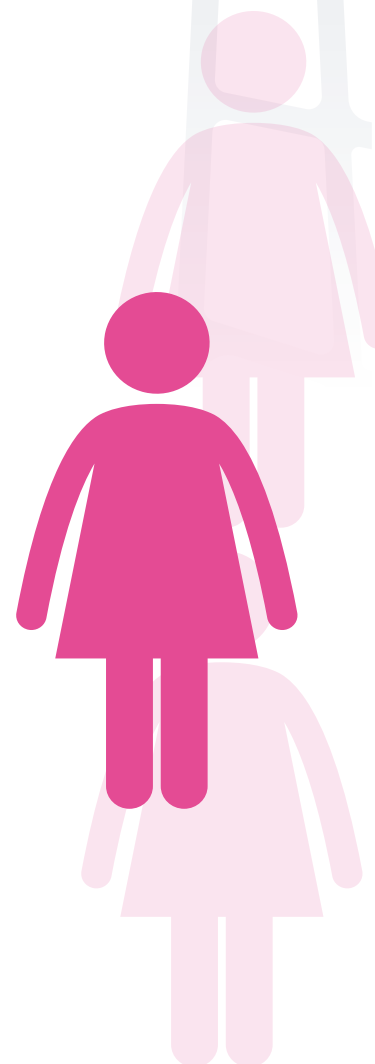
### International human rights law

#### Istanbul Convention

95. Article 11 Istanbul Convention (data collection and research) reads, in relevant part: ‘1. For the purpose of the implementation of this Convention, Parties shall undertake to: (a) collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention’ (emphasis added).
96. As with the other provisions under the Convention, this obligation shall be implemented without discrimination on any ground, including race or colour (Article 4(3)).
97. In relation to Article 11, the Explanatory Report provides that: ‘Preventing and combating violence against women and domestic violence requires evidence-based policy-making. This implies effectively documenting the magnitude of violence by producing robust, comparative data in order to guide policy and to monitor the implementation of measures to address the problem’ at (at [74]).
98. The data that must be collected includes data from law enforcement agencies and public prosecutors (Explanatory Report at at [75]). At a minimum parties should record victim data disaggregated by sex, age, type of violence, and relationship to the perpetrators, as well as ‘other factors deemed relevant by the Parties’ (Explanatory Report at at [76]).
99. The Convention thus does not contain an explicit obligation to record the victim’s race/ ethnicity, only to collect ‘relevant’ data, which could include, as seen further below, data of this nature.

#### CEDAW

100. The duty to collect relevant statistical data under CEDAW arises out of State parties’ general Article 2 obligation to fulfil women’s rights to non-discrimination. This requires that State parties ‘take a wide variety of steps to ensure that women and men enjoy equal rights *de jure* and *de facto*’ (General recommendation no. 33 at [9]). In General recommendation no.28, the





### Annexes

Committee highlighted (at [10]) that 'States parties have an international responsibility to create and continuously improve statistical databases and the analysis of all forms of discrimination against women in general *and against women belonging to specific vulnerable groups in particular.*' (*our emphasis*)

101. In relation to gender-based violence specifically, in General recommendation 19, the Committee recommended that State parties "should encourage the compilation of statistics and research on extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence.' (at [24(e)]).
102. As the CEDAW Committee has explained (General recommendation no. 33 at [10]): 'States parties have an obligation not to cause discrimination against women through acts or omissions; they are further obliged to react actively against discrimination against women, regardless of whether such acts or omissions are perpetrated by the State or by private actors. Discrimination can occur through the failure of States to take necessary legislative measures to ensure the full realization of women's rights, the failure to adopt national policies aimed at achieving equality between women and men and the failure to enforce relevant laws. Likewise, States parties have an international responsibility to create and continuously improve statistical databases and the analysis of all forms of discrimination against women in general and against women belonging to specific vulnerable groups in particular.' (emphasis added)
103. In General recommendation no.35, the CEDAW Committee stated that parties should establish a data collection system, including on the number of complaints of all forms of gender-based violence against women. The Committee explicitly highlighted (at [34(b)]) the need for all data to be disaggregated 'in relation to intersecting forms of discrimination against women and other relevant sociodemographic characteristics' (emphasis added).<sup>203</sup>

### CAT

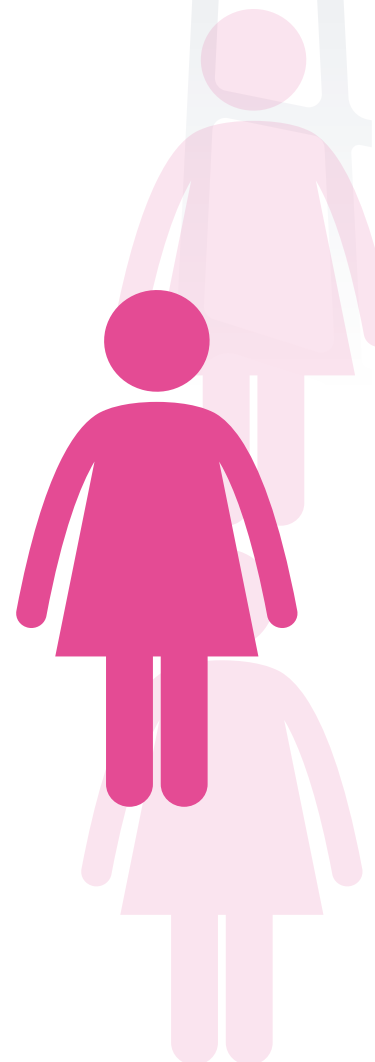
104. The obligation to collect disaggregated data forms part of States' broader obligation to take effective measures to prevent torture and other ill-treatment. In General comment no. 2, the Committee stated that:  
'Disaggregated data permits the States parties and the Committee to identify, compare and take steps to remedy discriminatory treatment that may otherwise go unnoticed and unaddressed. States parties are requested to describe, as far as possible, factors affecting the incidence and prevention of torture or ill-treatment, as well as the difficulties experienced in preventing torture or ill-treatment against specific relevant sectors of the population, such as minorities, victims of torture, children and women, taking into account the general and particular forms that such torture and ill-treatment may take.'

### Race and ethnicity under other international instruments and guidance

105. UN independent experts and mechanisms have repeatedly called for the collection and disaggregation of data, including by race and/or ethnicity, to analyse the impacts of laws, policies and practices on specific populations.
106. In the specific context of gender-based violence, the CERD Committee has recommended that States:

---

203 See also UNGA Model Strategies in which the UNGA (at §15): 'Calls upon Member States to set up and strengthen mechanisms for the systematic collection of data on violence against women with a view to assessing the scope and prevalence of such violence and to guiding the design, implementation and funding of effective crime prevention and criminal justice responses'.



### Annexes

- i. “[e]valuate the outcomes and effectiveness of the various measures adopted to combat violence against women, including through a review of access to justice in this regard, the number and nature of reported cases of violence against women disaggregated by ethnic groups of victims and perpetrators and noting which were investigated, and prosecuted, for women across all ethnic groups”<sup>204</sup>;
  - ii. “[i]ntroduce tools for accessing information on crime and violence, including the variables of the victims’ colour, national origin or ethnic origin or any other relevant variable of intersectional discrimination”;<sup>205</sup> and,
  - iii. “[e]nsure dedicated attention to women suffering from intersecting forms of discrimination, and collect relevant statistics to better understand and address the specific challenges facing such women”.<sup>206</sup>
- 107.** More generally, in General Recommendation 25 (2000), Gender Related Dimensions of Racial Discrimination, the CERD Committee stressed that:  
Noting that reports submitted by States parties often do not contain specific or sufficient information on the implementation of the Convention with respect to women, States parties are requested to describe, as far as possible in quantitative and qualitative terms, factors affecting and difficulties experienced in ensuring the equal enjoyment by women, free from racial discrimination, of rights under the Convention. Data which have been categorized by race or ethnic origin, and which are then disaggregated by gender within those racial or ethnic groups, will allow the States parties and the Committee to identify, compare and take steps to remedy forms of racial discrimination against women that may otherwise go unnoticed and unaddressed.”<sup>207</sup>
- 108.** The International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement<sup>208</sup> (**‘the Expert Mechanism’**) has recognised that the collection of data disaggregated by race or ethnic origin is “central” to achieving the right to non-discrimination under international human rights law.<sup>209</sup>
- 109.** The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has determined that the collection of such data was crucial for monitoring the realisation, protection and promotion of human rights and ‘could be considered as a component of the right to non-discrimination’.<sup>210</sup> According to the Special Rapporteur: ‘Ethnically disaggregated data is a necessary tool in gathering evidence of occurrences of racial discrimination; evaluating the situation of groups that are discriminated against; assessing the effectiveness of the measures taken; monitoring progress made; and deciding on special measures to correct the situation. Disaggregated data are essential to meaningful prevention

204 Concluding observations on the combined sixteenth to eighteenth periodic reports of Namibia, CERD/C/NAM/CO/16-18, 23 August 2023.

205 Concluding observations on the combined nineteenth to twenty-first periodic reports of Cuba, CERD/C/CUB/CO/19-21, 20 September 2018.

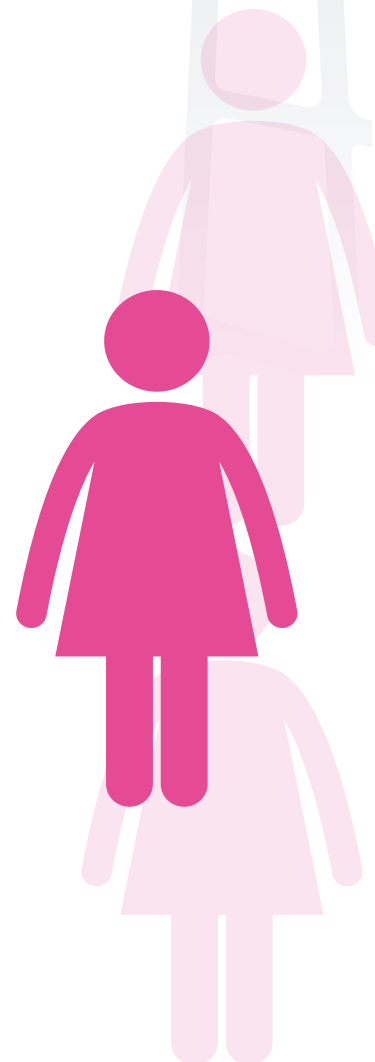
206 Concluding observations on the combined tenth and eleventh periodic reports of Japan, CERD/C/JPN/CO/10-11, 26 September 2018.

207 CERD Committee, General Recommendation 25, Gender Related Dimensions of Racial Discrimination (Fifty-sixth session, 2000), U.N. Doc. A/55/18, annex V at 152 (2000), at [6].

208 The Expert Mechanism was established by the Human Rights Council in 2021 with a mandate, amongst others, ‘to advance racial justice and equality in the context of law enforcement’ worldwide. See, [A/HRC/RES/47/21](#), 26 July 2021.

209 UN Human Rights Council, *Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers*, Report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, A/HRC/51/55, 4 August 2022.

210 UN General Assembly, *Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action*, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/70/335, 25 August 2015, at para. 18



#### Annexes

and enforcement, and key to setting up evidence-based targets and designing appropriate and effective anti-discrimination legislation, policies and programmes.' 211

110. The Special Rapporteur has thus recommended that States "make all necessary efforts to collect data that could help (...) assess the access of victims to justice and detect discrimination in the administration of justice"<sup>212</sup> and reiterated "the necessity of collecting disaggregated data with a view to upholding the cross-cutting human rights principle of non-discrimination".<sup>213</sup>
111. The *Durban Declaration and Programme of Action*- adopted by UN Member States at the 2001 World Conference Against Racism- recommended that States "collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures which are necessary to assess regularly the situation of individuals and groups of individuals" who are notably victims of racism and racial discrimination, recognizing that policies and programmes aimed at combating racism and racial discrimination should be "based on quantitative and qualitative research, incorporating a gender perspective"(at [92]-[98]).
112. The UN High Commissioner for Human Rights has similarly called for data to drive and assess responses to systematic racism and recommended that States collect and publish comprehensive data disaggregated by race or ethnic origin, gender, age, and other factors, with the aim of analysing the effects of laws and policies.<sup>214</sup>

### Domestic law: Data collection and disaggregation-Public Sector Equality Duty

113. As summarised above, S.149(1) EA 2010 ("The General Duty") requires a public authority, or those performing public functions, to have "due regard" to the need to:
  - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b. (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c. (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
114. Section 149(3) EA 2010 specifically provides that the duty to have due regard to the need to advance equality of opportunity involves, in turn, having due regard to the need to minimise disadvantage associated with a particular protected characteristic, taking steps to meet the particular needs of a protected groups which might be different from those of other groups, and encouraging the participation in public life of those from protected groups whose public engagement is disproportionately low. Compliance with the requirements of sections 149(1) and (3) may result in more favourable treatment of a particular group.
115. There is no dispute that the general duty applies to the police. In addition to the general duty,

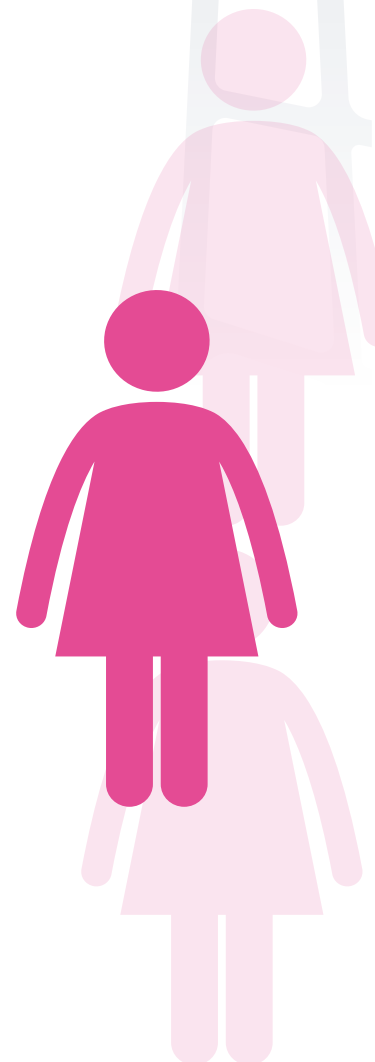
---

211 Ibid, Para 84

212 Ibid, Para 88

213 Ibid, Para 92

214 UN Human Rights Council, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, Racism, racial discrimination, xenophobia and related forms of intolerance follow-up to and implementation of the Durban Declaration and Programme of Action, Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers, Conference room paper, A/HRC/47/CRP.1, 28 June 2012, at §80.



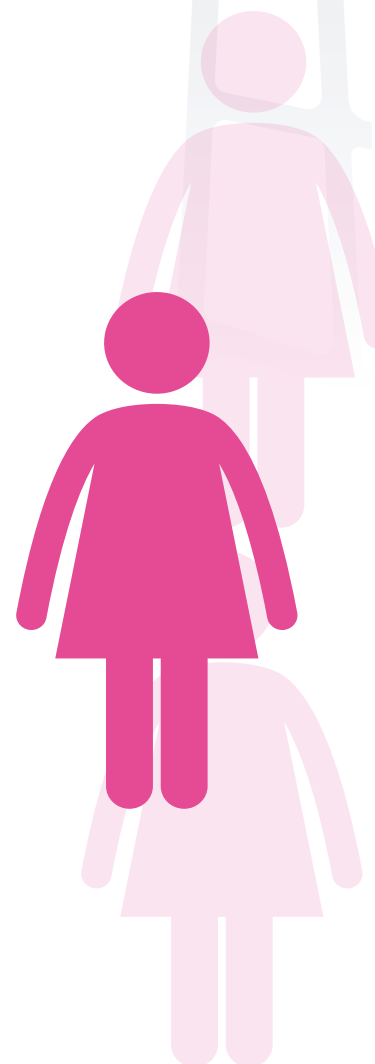
#### Annexes

the police are also subject to “specific duties” to publish information to demonstrate compliance with the general duty and to publish one or more objectives to be achieved in order to demonstrate “due” regard to the equality-enhancing aims contained in s.149(1) EA 2010.

- 116.** The Equality and Human Rights Commission (“EHRC”) has promulgated a series of guidance documents on the PSED targeted at particular areas of activity, public function or service provision. Public authorities to which the general duty applies are required to assess the relevance of that tripartite duty to the functions they exercise. The following extracts from the EHRC’s Technical Guidance are apposite (emphasis in bold added):
- 5.15.** In order **to give proper consideration** to the aims set out in the general duty, **a relevant body will need to have sufficient evidence of the impact its policies and practices are having, or are likely to have, on people with different protected characteristics.** Such information is referred to in this guidance as equality evidence.
- 5.16.** The courts have made clear the need to collate relevant information in order to have evidence-based decision making<sup>215</sup> and **a body subject to the duty will need to be able to show that it had adequate evidence to enable it to have due regard.**<sup>216</sup>
- 5.17.** **Adequate and accurate equality evidence, properly understood and analysed, is at the root of effective compliance with the general duty. Without it, a body subject to the duty would be unlikely to be able to have due regard to its aims.**
- 5.18.** By ensuring it has a reliable evidence base a body subject to the duty will be better able to:
- understand the effect of its policies, practices, and decisions
  - consider whether further research or engagement is necessary
  - consider whether there are ways of mitigating any adverse impact identified
  - decide whether to modify, or reconsider a policy, practice or decision
  - identify equality priorities; for listed authorities this includes developing equality objectives
  - monitor their progress against these objectives.
- 5.19.** **Monitoring the progress of policies and decisions will enable the body subject to the duty to address the continuing nature of the general equality duty.** It will need to decide how to review progress proportionately so it is aware of circumstances which could require it to consider reviewing a current policy or decision. For example, equality evidence could show that the community it serves has changed; the context in which the body operates has changed; or that the policy is having a potentially discriminatory effect in practice.
- 5.20.** Where one or more aims of the duty have been identified as being relevant to a function (as described in para 5.9) in relation to one or more protected characteristics, **a body subject to the duty should consider whether it has sufficient evidence to give proper consideration to the potential impact of the function on people with those protected characteristics.**
- 5.21.** This will include consideration of **whether it has sufficient understanding of the particular disadvantages, different needs and/or disproportionately low participation experienced by people who share particular protected characteristics affected by the**

<sup>215</sup> R. (Rahman) v. Birmingham City Council [2011] EWHC 944 Blake J at para 35, sub para 3. See also R (on the application of KE and Ors) v Bristol [2018] EWHC 2103 (Admin), HH J Cotter QC at 105. “In my view this is a case where the Defendant was under a duty to acquire further information, including through consultation, in order to comply with the PSED, yet did not do so”.

<sup>216</sup> For example, Child Poverty Action Group v. Secretary of State for Work and Pensions [2011] EWHC 2616 at para 76.



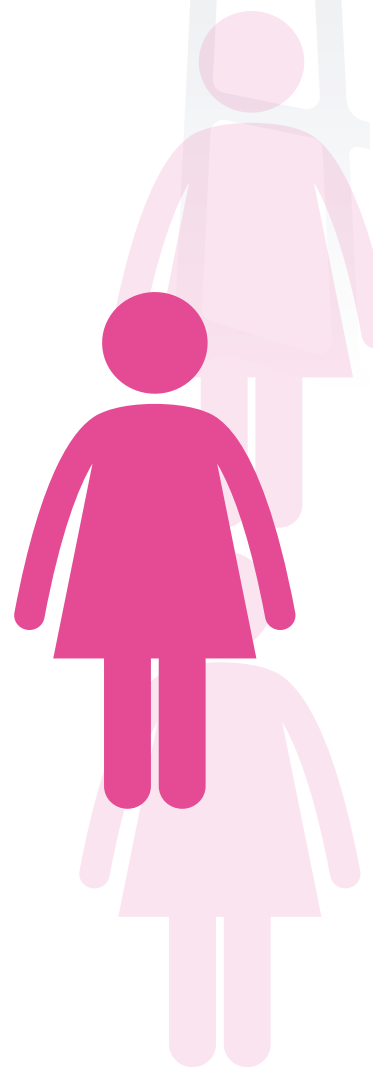
### Annexes

function. That understanding is particularly **relevant to compliance with the aim of advancing equality of opportunity but may also assist in identifying ways in which a policy may indirectly discriminate against people with a particular protected characteristic.**

- 5.22.** 5.22 The requirement to have sufficient evidence does not imply that a body subject to the duty needs, in every instance, to have hard statistical data. **A relevant body can also use more qualitative sources such as service user feedback. Where a body subject to the duty does not have sufficient information in-house it can also use external sources, for example information available from the Equality and Human Rights Commission; local or national representative groups etc.**
- 5.23.** It is not acceptable for a relevant body to say that it cannot meet the duty because it does not have evidence about a relevant issue. **If a body subject to the duty does not have sufficient evidence to have due regard it will need to obtain this. Possible ways it can do this are by:**
- collecting new sources of data itself, if it has time and it is proportionate to do this
  - engaging with people with certain protected characteristics, or
  - using external sources of information. This is likely to be particularly helpful for those protected characteristics where the collection of information is sensitive and numbers low, for example gender reassignment.
- 5.24.** It may take some time for good quality information to be collected. A body subject to the duty will need to decide where there are gaps in its evidence base and how to address them.
- 5.25.** A body subject to the duty should not delay considering issues which come to light through existing sources; for example, staff knowledge, court or tribunal cases, customer feedback or engagement (involvement) of equality groups, or national data.<sup>217</sup>
- 5.26.** It is not always necessary, or possible, to have sophisticated equality evidence before considering an equality issue. However, **any decision that there is insufficient time to collect further evidence will need to be justified. A balance needs to be struck between efforts to collect evidence and efforts to address equality issues. Further evidence gathering may not be necessary if the body subject to the duty properly considers that it can exercise its duty with the material it has.**<sup>218</sup>
- 5.27.** As another example, although devising sophisticated measurements regarding the accessibility of local amenities can be complex and expensive, local authorities can identify the extent and location of problems through the engagement of disabled people, and should use this evidence to inform their decisions about accessibility issues.
- 5.28.** In deciding what evidence to gather, a body subject to the duty could ask itself the following questions:
- a. What information, if any, does it already routinely collect which could help it understand the impact of its functions?
  - b. Is that information disaggregated by different protected characteristics? If not, can it be?
  - c. Does that information give it a sufficient understanding of the particular disadvantages, different needs and/or disproportionately low participation

217 A number of research reports including "Is Britain Fairer" – The state of Equality and Human Rights 2018

218 Hurley and Moore, R. (on the application of) v. Secretary of State for Business, Innovation and Skills [2012] EWHC 201 (Admin), Elias LJ at para 90.



### Annexes

experienced by people who share particular protected characteristics?

- d. Are there steps it needs to take to ensure the confidentiality of any sensitive information it collects?
- e. If it does not have relevant information, what alternative sources of information are available?
- f. Would it be useful to engage with the people particularly affected by a decision or policy?
- g. Is it possible to work locally with other bodies subject to the duty to share resources in gathering evidence?"

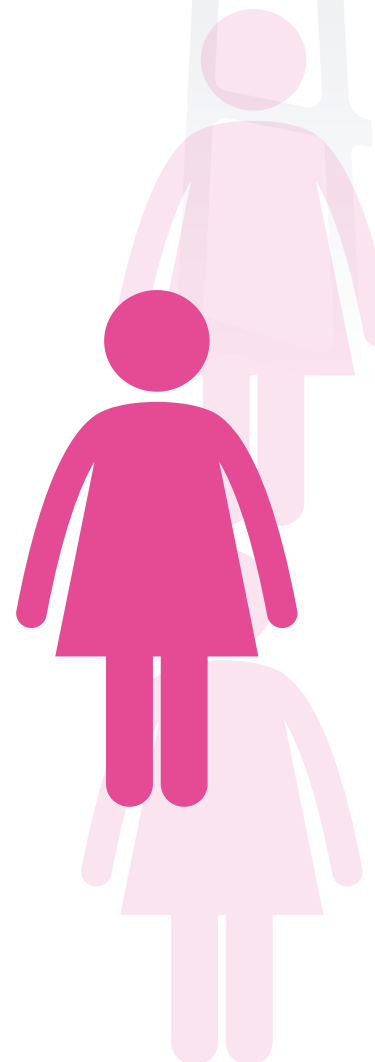
### Lack of disaggregated data on killings of Black and minoritized women and the PSED

117. As the above extract from the EHRC Technical Guidance suggests, “[a]dequate and accurate equality evidence, properly understood and analysed, is at the root of effective compliance with the general duty. Without it, a body subject to the duty would be unlikely to be able to have due regard to its aims.” The use of qualitative data (such as that collated in the report and the underpinning research) is recommended where hard statistical evidence is not available. That qualitative data can give rise to a further duty to gather more, and better, or disaggregated data. To this end, the general duty is an important tool.

## VI. Lack of sustainable funding for the Black and minoritised women’s ‘by and for’ sector

### Istanbul Convention

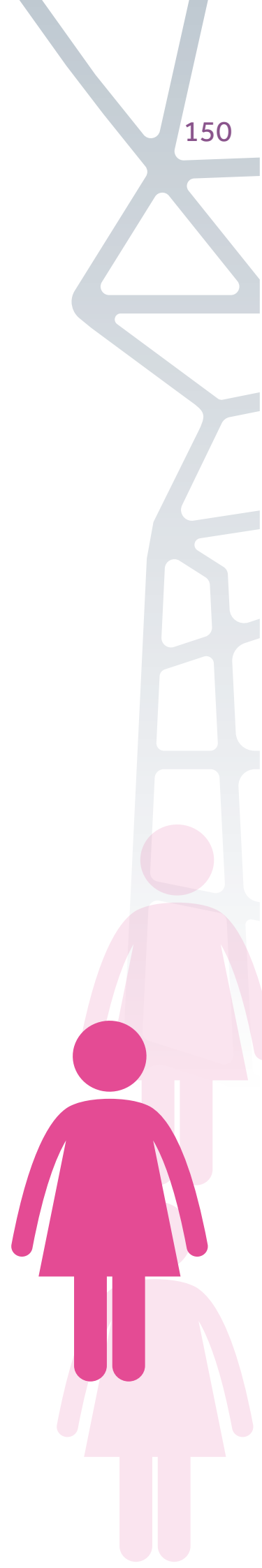
118. Article 8 (Financial resources) requires State parties to allocate “appropriate” financial resources (amongst others) for the implementation of “integrated measures and programmes to prevent and combat” domestic violence, including those carried out by NGOs.
119. Article 18(1) requires State parties in providing protection and support, shall “take the necessary legislative or other measures to protect all victims from any further acts of violence.” (emphasis added).
120. Article 20 (General support services) states:  
“1. Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.”  
2. Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced, and professionals are trained to assist victims and refer them to the appropriate services.” (emphasis added).
121. Article 20 applies to “general” support services i.e., those provided for by public authorities (e.g., social services) which provide long-term assistance and are not exclusively designed for victims of gender-based violence. The obligation contained at Article 20(1) requires public authorities to “address when necessary, the specific needs of victims of the form of violence covered by the scope of this Convention” and State parties are “required to ensure victims are granted access to such services, treated in a supportive manner and that their needs are properly addressed” (Explanatory Report, at [125]-[126]).





#### Annexes

- 122.** Complementing Article 20, Article 22 (Specialist support services) requires States to set up or arrange for a well-resourced specialist sector. It reads:
- “1. Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention
2. Parties shall provide or arrange for specialist women’s support services to all women victims of violence and their children.”
- 123.** According to the Explanatory Report (at [132]):
- “The aim of such specialised support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women’s organisations and by support services provided, for example, by local authorities with specialised and experienced staff with in-depth knowledge of gender- based violence. It is important to ensure these services are sufficiently spread throughout the country and accessible for all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of this Convention and provide support to all groups of victims, including hard-to-reach groups. The types of support that such dedicated services need to offer include providing shelter and safe accommodation, immediate medical support, the collection of forensic medical evidence in cases of rape and sexual assault, short and long-term psychological counselling, trauma care, legal counselling, advocacy and outreach services, telephone helplines to direct victims to the right type of service and specific services for children as victims or witnesses.”* (emphasis added).
- 124.** In addition, the Convention contains a specific, free-standing, obligation to provide shelters to victims. Article 23 (Shelters) states:
- “Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children
- 125.** The goal of this provision is to ensure “immediate, preferably around- the-clock, access to safe accommodation for victims, especially women and children, when they are no longer safe at home.” The Explanatory Report further highlights that temporary housing or general shelters e.g., for the homeless are not sufficient satisfy the requirements of Article 23. That is because victims face “multiple, interlocking problems related to their health, safety, financial situation and the well-being of their children” therefore “specialised women’s shelters are best equipped to address these problems” and to provide the “necessary support and empowerment” (Explanatory Report at [133]). As for how many shelters will be deemed “sufficient”, the Explanatory Report merely states that this should depend on the **actual need**” and that States must ensure that **“the needs of all victims are met, both in terms of shelter places and specialised support”** (Explanatory Report at [134]) (emphasis added).
- 126.** Also relevant is Article 19 (Information) which emphasises the need to ensure that victims receive adequate and timely information on available support services in a language that they understand. Finally, all measures taken under Chapter IV, including the ones mentioned above must, amongst others (i) be based on a gendered understanding of domestic violence and focus on the human rights and safety of the victim; (ii) be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment; (iii) aim at avoiding secondary victimisation; and (iv) address the specific needs of vulnerable persons (Article 18(1)). For the purposes of the Convention, vulnerable persons include ethnic minorities and migrants.<sup>219</sup>



### VII. Access to protection and support – NRPF, the DDVC and Support for Migrant Victims Scheme

#### A. Overview of the current position

127. Some migrant victims are subject to a No Recourse to Public Funds “NRPF” condition which means that they cannot access most mainstream benefits (unlike British citizens or other migrants who do not have this condition attached to their leave). In such cases, migrants who are on certain types of spousal visas (namely, spouses of British citizens; persons present and settled in the UK; persons with refugee leave and EEA nationals with pre-settled status) whose relationships have broken down due to domestic violence and who are destitute have the right to access limited state benefits and temporary housing for three months under the “Destitute Domestic Violence Concession” (DDVC), and to make an application for indefinite leave to remain during this period. Migrant victims of domestic violence who do not fulfil these criteria cannot benefit from assistance and support under this scheme. Rather, they are presently entitled to access safe accommodation for up to 12 weeks and weekly subsistence payments calculated in line with the current rate of support for asylum seekers, under the Support for Migrant Victims Scheme. This is a pilot scheme, which was launched in 2020 and currently set to run until 2025.

#### B. Legal framework

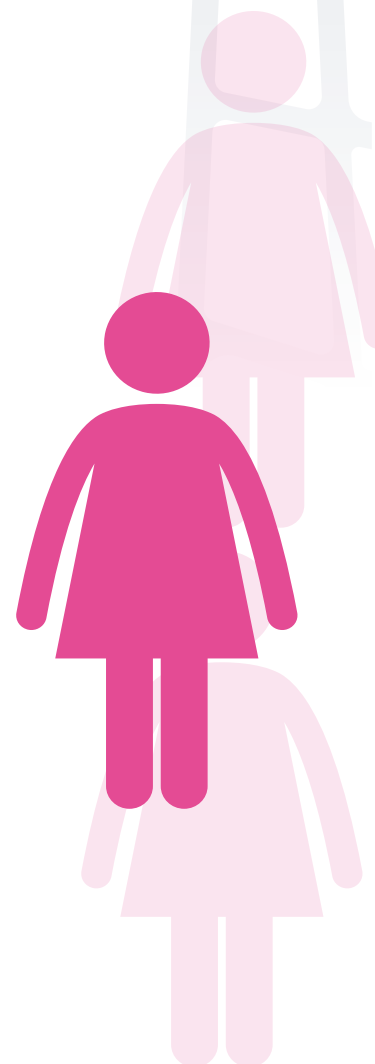
128. Chapter IV Istanbul Convention (Protection and Support) contains various measures that States *must* take to protect *all* victims from domestic violence. These include ensuring access to general support services (Article 20), specialist support services (Article 22) and shelters (Article 23). Whilst CEDAW does not contain free-standing obligations to provide accommodation and support to victims of domestic/gender-based violence, the Committee has upheld this duty in several communications, as part of State’s broader obligation under Article 2 of the Convention to provide effective protection to victims of gender-based violence (*A.T v Hungary*, Communication No. 2/2003; *V.K v Bulgaria*, Communication No. 20/2008). Article 14 UNCAT establishes a right to redress for victims of torture or ill-treatment, comprised of a right to an effective remedy and a right to reparation. As part of the right to reparation, States are required to provide the means for “as full rehabilitation as possible” (CAT Committee, *General comment No.3 (2012), Implementation of article 14 by States parties*, at para 12 “**General comment no.3**”) and implement measures to guarantee non-repetition, including by ensuring the availability of temporary services, such as shelters, for victims of gender-based violence (General comment no. 3, at para, 18).

#### C. Adequacy of the current service provision

129. Protection and support currently provided to migrant victims of domestic violence falls short of what is required under international law. The relevant standards contained in the Istanbul Convention against which the current system is assessed are at Articles 8, 18(1), 20, 22 and 23 as set out above at paragraphs 118 to 126.

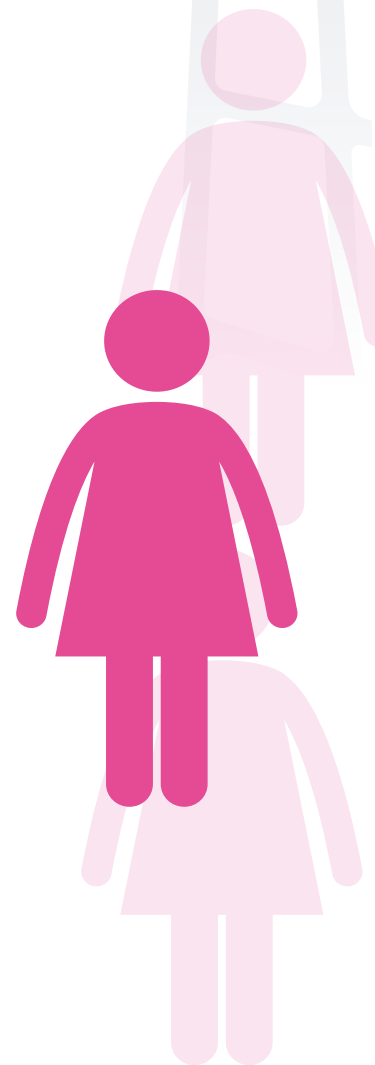
### CEDAW

130. States are required under Article 2 CEDAW to provide “effective protection” to women against domestic violence (see *A.T v Hungary*, Communication No. 2/2003; *V.K v Bulgaria* Communication No. 20/2008; *X and Y v Georgia*, Communication No. 24/2009; see also **General recommendation no. 28** at [17]).



#### Annexes

- 131.** Amongst others, this means that there should be effective *legal* protection. **General recommendation no. 19** highlights that State parties “should take all legal and other measures that are necessary to provide effective protection” of against domestic violence (at [24(t)]). **General recommendation no.35** provides that protection means (amongst others) that State parties must have “laws, institutions and a system in place” to address domestic violence and provide reparations to victims (at [24(b)] and [26]). In *X and Y v Georgia*, the Committee found that the State had failed to provide effective legal protection because it lacked a legal framework on domestic violence, leaving such cases instead to be dealt with on the basis of administrative rules (see [3.4], [9.2] and [9.4]).
- 132.** Protection should be “adequate” and “appropriate” protective and support services should be provided (**General recommendation no. 19** at [24(b)]). Specific protection measures include “refuges, counselling, rehabilitation and support services” for women who are victims or at risk of violence (**General recommendation no. 19** at [24(t)]; see also [24(k)] and 24(r)). In addition, for such protection to be *effective*, it must enable the “practical realisation” of women’s rights to protection from domestic violence. In *Fatma Yildirim (deceased) v Austria*, the Committee found that (at [12.1.2]):
- “[t]he State party has established a comprehensive model to address domestic violence that includes legislation, criminal and civil-law remedies, awareness raising, education and training, shelters, counselling for victims of violence and work with perpetrators. However, in order for the individual woman victim of domestic violence to enjoy the practical realization of the principle of equality of men and women and of her human rights and fundamental freedoms, the political will that is expressed in the aforementioned comprehensive system of Austria must be supported by State actors, who adhere to the State party’s due diligence obligations.” (emphasis added).
- 133.** In *A.T v Hungary*, the Committee acknowledged Hungary’s “efforts at instituting a comprehensive action programme against domestic violence and the legal and other measures envisioned” (at [9.3]) but held that these measures had “yet to benefit the author and address her persistent situation of insecurity” (at [9.3]) (emphasis added).
- 134.** Finally, States must ensure that immediate protection is available for women victims of domestic violence, including by ensuring access to shelters without delay. In *A.T v Hungary*, the complainant was unable to go to a shelter because none were available that could accommodate her and her children- one of whom was disabled. The Committee found that the State had breached its obligations under Article 2 owing to the lack of shelters capable of providing immediate protection to the complainant and her children. This failure further amounted to a violation of the complainant’s right to security of person (at [9.3]). The Committee recommended that the State “[e]nsure that A. T. is given a safe home in which to live with her children, receives appropriate child support and legal assistance as well as reparation proportionate to the physical and mental harm undergone and to the gravity of the violations of her rights (at [9.6 (b)]).
- 135.** In *V.K Bulgaria*, the State was found to have violated its obligation to provide immediate protection from domestic violence under Article 2 owing to a lack of state-funded shelters and crisis centres (at [9.13]). The Committee recommended (at [9.6 (b)]) that Bulgaria: “(iii) [e]nsure that a sufficient number of state-funded shelters are available to victims of domestic violence and their children and provide support to NGOs offering shelter and other forms of support to victims of domestic violence” <sup>220</sup> (emphasis added).
- 136.** In **General recommendation no. 35**, the Committee provided further guidance on the scope and content of State’s duty to protect victims of domestic violence. The Committee observed

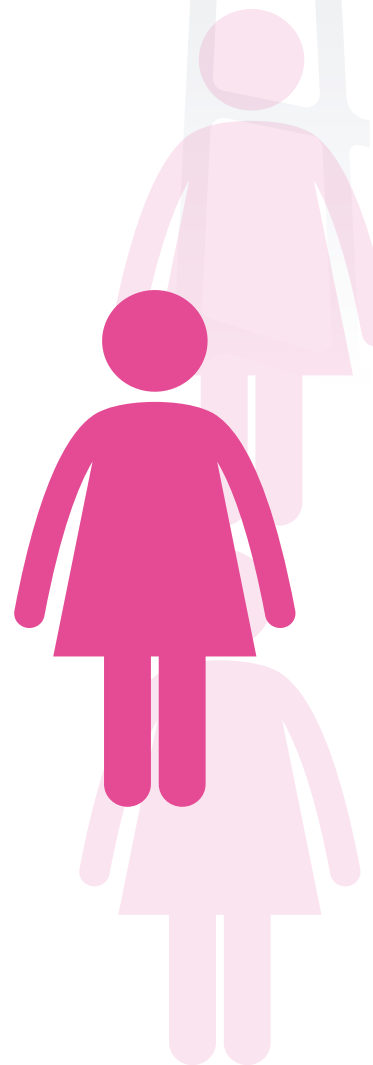


#### Annexes

(at [26(b)]):

“Articles 2 (c), (d) and (f) and 5 (a) provide that States parties are to adopt and adequately provide budgetary resources for diverse institutional measures, in coordination with the relevant State branches (...) States parties should provide accessible, affordable and adequate services to protect women from gender-based violence, prevent its reoccurrence and provide or ensure funding for reparations to all victims/survivors”

- 137.** The Committee recommended that States implement the following protective measures (amongst others):
- i.** Ensure access to financial assistance, gratis or low-cost, high-quality legal aid, medical, psychosocial and counselling services, education, affordable housing, land, childcare, training and employment opportunities for women who are victims/survivors and their family members (at [31(a)(iii)]);
  - ii.** Provide specialised women’s support services, such as gratis helplines operating around the clock and sufficient numbers of safe and adequately equipped crisis, support and referral centres and adequate shelters for women, their children and other family members, as required (at [31(a)(iii)]);
  - iii.** Establish and implement appropriate multisectoral referral mechanisms to ensure effective access to comprehensive services for survivors of such violence, ensuring the full participation of and cooperation with nongovernmental women’s organisations (at [31(a)(v)]).
- 138.** The duty to provide protection and support also forms part of victims’ access to justice rights. In **General recommendation no. 33**, the CEDAW Committee recommended, in relation to “availability of justice systems”, that States parties, “[i]n cases of violence against women, ensure access to financial aid, crisis centres, shelters [...]” (at [16(b)]).
- 139.** As noted above, these obligations must be implemented without discrimination. In **General recommendation 26 on migrant women workers**, the Committee issued a number of recommendations in relation to women migrant workers “who may be at risk of abuse and discrimination” (at [1]), specifically, (i) those who migrate independently; (ii) those who join their spouses or other members of their families who are also workers; and (iii) undocumented migrant workers (at [4]). Whilst this General recommendation is not specific to gender-based violence, the Committee, in relation to countries of destination, stated that: “States parties in countries where migrant women work should take all appropriate measures to ensure non-discrimination and the equal rights of women migrant workers, including in their own communities. Measures that may be required include, but are not limited to, the following (at [26]):
- i.** Access to remedies: [...] (iv) Provide temporary shelters for women migrant workers who wish to leave abusive employers, husbands or other relatives and provide facilities for safe accommodation during trial [...] (at [26(c)(iv)] [...])
  - ii.** Access to services: States parties should ensure that linguistically and culturally appropriate gender-sensitive services for women migrant workers are available, including language and skills training programmes, emergency shelters, health-care services, police services, recreational programmes and programmes designed especially for isolated women migrant workers, such as domestic workers and others secluded in the home, in addition to victims of domestic violence. Victims of abuse must be provided with relevant emergency and social services, regardless of their immigration status (at [26(i)].”



### Annexes

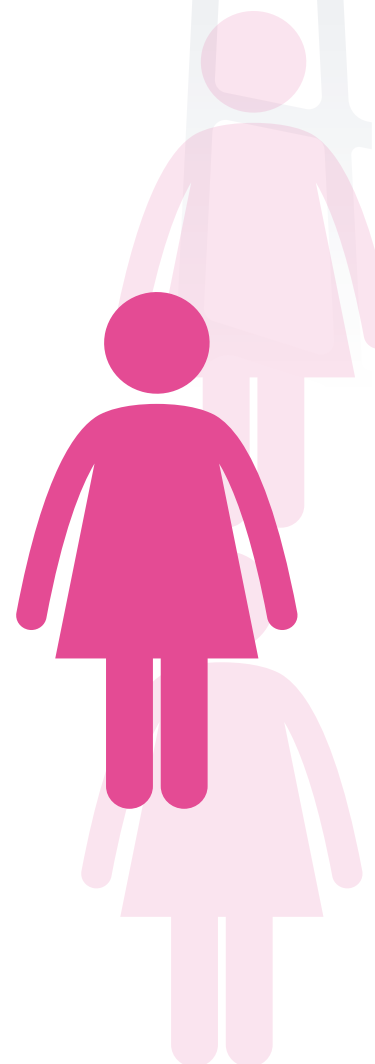
## UNCAT

140. Article 14 UNCAT provides:
- “1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.
2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.”
141. In **General Comment no.3**, the CAT Committee clarified the scope and content of Article 14. The Committee affirmed that “redress” within the meaning of the provision encompassed the concepts of “effective remedy” and “reparation” and that the latter included, amongst others, the provision of rehabilitation and guarantees of non-repetition (at [2]).<sup>221</sup> The Committee found that “the provision of means for as full rehabilitation as possible for anyone who has suffered harm as a result of a violation of the Convention should be holistic and include medical and psychological care as well as legal and social services.” (at [11]). Rehabilitation “seeks to enable the maximum possible self-sufficiency and function for the individual concerned” and “should aim to restore, as far as possible” victims’ independence, physical, mental and social ability, and full inclusion and participation in society (at [11]).
142. In order to fulfill their obligations to provide victims of torture or ill-treatment with the means for as full rehabilitation as possible States are required to establish effective rehabilitation services and programmes that take into account “victims’ culture, personality, history and background”. These must be accessible to all victims without discrimination and regardless of the victims’ legal status. This obligation can be fulfilled directly by the State or through the funding of services, including those provided by NGOs (at [15]). Specialised services must be “available, appropriate and promptly accessible” (at [13]), and *may* include include medical, physical and psychological rehabilitative services; re-integrative and social services; community and family-oriented assistance and services (at [13]).
143. Also relevant are the Committee’s recommendations in relation to guarantees of non-repetition, which include “ensuring the availability of temporary services, for individuals or groups of individuals, such as shelters for victims of gender-related (...) torture or ill-treatment” (at [18]). Finally, the Committee has highlighted the States “shall ensure both *de jure* and *de facto* access to timely and effective redress mechanisms for members of groups marginalized and/or made vulnerable, avoid measures that impede the ability of such groups to seek and obtain redress, and address formal or informal obstacles that they may face in obtaining redress” (at [39]).

## Does the current system comply with international standards?

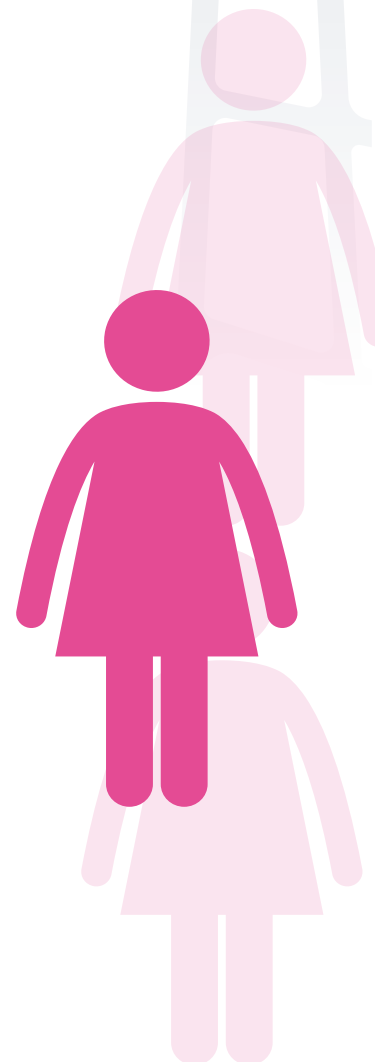
144. A briefing document produced by the Southall Black Sisters (“*The Domestic Abuse Bill and Migrant Women*”) highlights, at pp.3-6:
- i. The three months support provided to victims under the Support for Migrant Scheme is insufficient- the majority of women on non-spousal visas require a longer-period of support as they tend to have complex immigration problems that can take longer to resolve. This is compounded by the deficit in specialist BME services, which creates delays in their access to appropriate advice and support.

221 Similarly, in General recommendation no. 35 the CEDAW Committee affirms the need to provide reparations to victims of gender-based violence,



#### Annexes

- ii. There is limited specialist refuge provision to meet the needs of BME women (with only around 30 in total); of these, the majority are in London, are oversubscribed and at risk of closure due to a lack of funding.
  - iii. Local authorities regularly fail to meet their obligations to provide section 17 support, including due to a lack of resources and statutory guidance on families with NRPF.
  - iv. Staff in most refuges lack the skills and expertise to effectively assist migrant women to deal with immigration matters.
145. The briefing recommends (i) extending eligibility under the Domestic Violence Rule (DV Rule) and the Destitution Domestic Violence Concession (DDVC) to protect all abused women with insecure immigration status; (ii) extending the time frame for the DDVC from three to six months; and (iii) introducing a comprehensive strategy on violence against migrant women (at p.2).
146. The Domestic Violence Commissioner's report ("*Safety Before Status*") further provides that (at pp.13-25)
- i. Data sharing between public services, including social services, and the Home Office can deter victims from seeking support (as well as from reporting to the police). Specialist 'by and for' services have noted that some local authorities share data 'as routine practice'.
  - ii. There is a lack awareness among agencies of the pathways available to victims and rights to legal advocacy and support. As a result of this lack of awareness, many victims may face delays and barriers in accessing the appropriate support.
  - iii. There are "systematic" problems within available pathways to support and protection. In particular, the police do not always have the capacity or resources to issue Domestic Violence Protection Notices and Domestic Violence Protection Orders. This is particularly concerning for migrant victims who may face additional barriers to safe accommodation.
147. Finally, the conclusions of the Government's own review into the Support for Migrant Victims Scheme are that:  
"Firstly, the Pilot provision itself did not always meet the need for "safe accommodation". Refuges could almost never be covered within the accommodation budget, meaning that some victims/survivors were housed in a patchwork of other provision which might be unclean, unsafe, or unreliable (with some cases of victims/survivors being asked to leave B&Bs at the weekend). Secondly, the subsistence payments provided to victims/survivors did not always cover their basic needs. As well as food, victims/survivors can need clothing, toiletries, and transport to appointments or to stay in touch with their communities and support networks. Subsistence payments could not always cover these costs, and delivery partners were reliant on in-kind donations from charities to help victims/survivors make ends meet. Thirdly, there is an unresolved question on the outcomes of victims/survivors who do not have a quick pathway to funding, for example through DDVC. Whilst the Pilot gave delivery partners some flexibility to extend support if needed from January 2022, it was often unclear what the long-term path is for victims/survivors, and this caused additional anxiety for victims/survivors during the Pilot as well as leading to a lack of support once the Pilot ended."
148. As noted in the report, a further limitation is that only a minority of women who could benefit from the scheme currently access it- around 500 women per year are receiving assistance whereas over 7,000 are said to require it. This is in part due to the "complexity and confusion" around who has NRPF, and who is entitled to access the DDCV and Support for Migrant Victims scheme.





#### Annexes

- 149.** The fact that not all migrant victims are in practice able to access the support to which they are entitled, including because of a lack of available shelters, including specialist shelters able to respond to the specific needs of BME, is a breach of the Istanbul Convention. Moreover, as noted above, State parties to the Convention are required to ensure that victims receive adequate and timely information on available support services and the available evidence suggests that in practice, they are not.
- 150.** Moreover, the above deficiencies may also be a breach of CEDAW. As highlighted, State parties are required to provide effective protection to victims of domestic violence. This includes ensuring access to state-funded shelters without delay, and other forms of support services, including financial assistance, which must be appropriate and adequate to meet the needs of all victims. The UK may also be failing in its obligation to provide effective *legal* protection to victims who qualify for support under the Support for Migrant Victims Scheme, as their access to protection is governed by a pilot project rather than on clear legislation or policy. Under UNCAT, rehabilitation services and programmes must take into account the culture and background of victims (amongst others); and specialist services must be available, appropriate and promptly accessible. Migrant victims are a particularly vulnerable group and in relation to vulnerable groups in general, it is incumbent on States to avoid measures that impede their ability to obtain rehabilitation and to address obstacles that they may face in that regard.

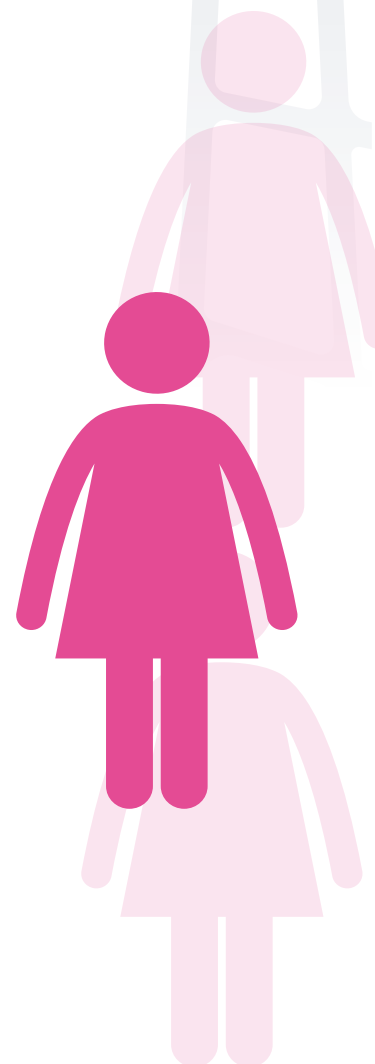
### VIII. Firewalls between police, service providers and immigration authorities

- 151.** International law does not currently impose a 'hard and fast' obligation on States to establish a 'firewall' between police, service providers and immigration authorities, either generally or in the context of domestic/gender-based violence disclosures. Nevertheless, the need for such a mechanism has been recognised by various UN bodies as a pre-requisite to the effective realisation of, inter alia, the rights to access to protection, access to justice and to non-discrimination, including in the context of domestic violence.
- 152.** As a "legal principle" a firewall seeks to ensure that "no information gathered by those responsible for protecting and realising basic human rights can be used for immigration enforcement purposes" in order "to guarantee that people will be able to pursue their basic rights without exposing themselves to apprehension and deportation".<sup>222</sup>
- 153.** The UN Special Rapporteur on the human rights of migrants has observed:  
"33. As the only mechanisms that allow migrants to exercise and enjoy their human rights without fear of being reported to the immigration authorities, 'firewalls' are an inescapable consequence of the State's obligation to protect all persons under its jurisdiction against discrimination, in accordance with international human rights norms and standards.  
34. The establishment of "firewall" protections is key to ensuring migrants' access to justice [...]"<sup>223</sup>
- 154.** Further, the Special Rapporteur on the human rights of migrants has reiterated (specifically in relation to female victims of violence):  
"firewalls, or the strict and real separation between the immigration authorities and public services, are crucial for migrants to exercise and enjoy their human rights without fear of being reported to the immigration authorities. It is thus firewalls that will allow migrant women and girls who may become victims of any form of violence or abuse, including gender-based violence and sexual abuse, to report the crimes, obtain legal assistance and gain access to the courts to defend their rights."<sup>224</sup>

222 Joseph Carens, "The Rights of Irregular Migrants" (2008) 22 *Ethics & International Affairs* 163–186 at 167 [saved on [OneDrive](#)].

223 [Report of the Special Rapporteur on the human rights of migrants](#) (25 September 2018) UN Doc A/73/178/Rev.1 at §§33-4. (See report for further discussion regarding "Firewall protections" at §33ff.)

224 [Report of the Special Rapporteur on the human rights of migrants: The impact of migration on migrant women and girls: a gender perspective](#) (15 April 2019) UN Doc A/HRC/41/38 at §§66.

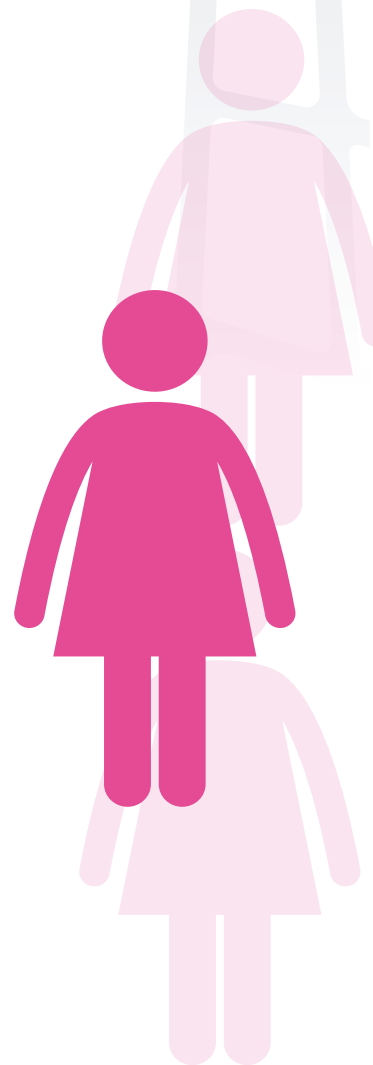


## Life or Death?

### Preventing Domestic Homicides and Suicides of Black and Minoritised Women

#### Annexes

155. The CEDAW Committee in General recommendation no. 35 (at [29]) has recommended that States repeal all laws that 'enshrine, encourage, facilitate, justify or tolerate any form of gender-based violence', including 'in particular', the following:  
"All laws that prevent or deter women from reporting gender-based violence, such as (...) restrictive immigration laws that discourage women, including migrant domestic workers, from reporting such violence".
156. For its part, the CAT Committee has highlighted the States "shall ensure both de jure and de facto access to timely and effective redress mechanisms for members of groups marginalized and/or made vulnerable, avoid measures that impede the ability of such groups to seek and obtain redress, and address formal or informal obstacles that they may face in obtaining redress" (General Comment no.3, at [39]).
157. Finally, UN Special Rapporteur on Torture has also repeatedly found that "States should be held accountable for complicity in violence against women, whenever they create and implement discriminatory laws that may trap women in abusive circumstances."<sup>225</sup>



225 Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak, A/HRC/7/3 (2008), at [46.]

