



WRITTEN EVIDENCE FOR THE COMMITTEE STAGE OF THE VICTIMS AND PRISONERS BILL TO THE JOINT COMMITTEE ON HUMAN RIGHTS

July 2023

Introduction

1. Muslim Women's Network UK (MWN UK) is a national Muslim women's organisation in Britain (www.mwnuk.co.uk) that has been advancing equality, promoting women's empowerment, and connecting voices since 2003. We are a small national charity (reg. no. 1155092) that works to improve social justice and equality for Muslim women and girls. Our membership also includes women of other faiths or of no faith and men who support our work. We find out about the experiences of Muslim women and girls through research and our helpline enquiries. We identify policy and practice gaps and use this information to inform decision makers in government as well as informing our community campaigns at a grassroots level.
2. We also develop resources and train women, so they are better aware of their rights. We have a separate website for our national helpline (www.mwnhelpline.co.uk) that provides advice and support on a range of issues including domestic abuse, forced marriage, honourbased violence, sexual exploitation and abuse, female genital mutilation, hate crimes, discrimination, mental health etc.
3. As the only national charity working with and providing a frontline service to Muslim women and girls in the UK, it is perhaps no surprise that we deal with female victims of crimes/violence on an almost daily basis. Our Helpline evaluations (<https://www.mwnuk.co.uk/muslim-women-helpline-dashboard.php>) show that domestic abuse (alongside mental health) has consistently appeared as a top two issues since the MWN Helpline's inception in January 2015. In fact, two thirds of the calls are about various forms of abuse against women and girls that also includes forced marriage, sexual abuse/violence, sexual exploitation, so-called revenge pornography, so-called honour-based abuse and FGM are also key issues that are regularly dealt with by the MWN

Helpline. The support we provide to our beneficiaries ranges from providing practical and emotional support, liaising with police officers, refugees, social workers, and other key stakeholders, providing case work support, providing counselling services, and providing assistance through emergency funds.

4. In June 2019, MWNUK published ""Muslim Women's Experiences of the Criminal Justice System" (henceforth "CJS Report"). This report aimed to consider whether Muslim women were 'getting justice' in their interactions with the justice system, and if they are not then what factors were contributing to any 'justice gap.' We found that some of the factors contributing to Muslim women and girls not getting justice were the same as those faced by women of any other background. However, in some of the cases the poor service was a result of their social positioning at the intersections of gender, ethnicity, faith and class. Our report found that often additional language, cultural and faith barriers that may have been preventing Muslim women from seeking help were not being considered. The combination of the issues, as highlighted in our CJS Report, are in our opinion disempowering victims and doing the opposite of what a world-renown criminal justice system (and its institutions) should be achieving and upholding. The research demonstrates that some Muslim women and girls are being failed by the criminal justice system and their needs are not being met. This is having an adverse effect on the trust and confidence they feel in the criminal justice institutions.
5. The impact of our work is particularly felt in reducing the vulnerability of Muslim women and girls, reducing the prejudice they face, and giving them greater access to rights and services – all of which allow them to contribute to society like any other citizen. We are also creating a critical mass of voices to influence change with more women being confident to challenge discriminatory practices within their communities and in society and to influence policy makers.
6. Although we work predominantly with Muslim/BAME women and girls and where relevant will focus on the experiences of Muslim/BAME women within our report, the points we raise may equally apply to non-Muslim/non-BAME women generally (and in certain cases, men).
7. We would like to note that we have previously submitted extensive written evidence to the Ministry of Justice regarding the Victims and Prisoners Bill, specifically on how to improve victims' experiences of the justice system, as have other organisations. It is therefore

disappointing to have to submit similar written evidence again simply to make the same points and provide the same evidence. The consultation submitted by MWNUK to the Ministry of Justice can be accessed here: <https://www.mwnuk.co.uk/resourcesDetail.php?id=252>.

8. In the submission for evidence, we are only providing written evidence for question 2, namely:

Does Part 1 of the Bill do enough to protect victims' rights? If not, how could it do more?

Definitions and terminology

1. 'Emotional' harm is amongst the types of harms listed under clause 1(4)(a) of the Bill. We would instead recommend that the Bill adopts alternative terminology; namely, that it replaces 'emotional' harm with *psychological* harm. Adopting the term psychological harm would also better reflect the wording used in the Istanbul Convention and would therefore ensure greater consistency with the definition used in the Convention. The Domestic Abuse Bill also adopts the term "psychological" to describe abusive behaviour.
2. Furthermore, the Domestic Abuse Bill lists "sexual" abuse as an example of abusive behaviour in section 1(3)(a). We would therefore recommend that the Committee adopts "sexual" in its definition of "harm" under s1(4)(a) of the Bill.

The Victims' Code: Awareness Raising

3. Clause 2 of the Bill sets out regulations regarding the victims' code. Research conducted in 2021 by the Victims' Commissioner has concluded that a mere "29% of victims are aware of the Victims' Code"¹. Given the lack of awareness of the current victim's code, we are concerned that introducing a new code under the Bill will not improve the situation for victims, nor will it protect their rights. Our helpline service users' experiences tell us that when victims of abuse or any other crime are engaging with the police, police officers too often are not complying with the victims' code. For example, victims often report to us that they do not receive from the police a response to reports in a timely manner and those

¹ <https://victimscommissioner.org.uk/news/2021-victim-survey/>

victims are not kept up to date, with them having to constantly chase over months and years, particularly in cases of historical child familial sexual abuse and sexual exploitation. We have observed service users not pursuing cases due to these failures and therefore they do not get the justice they deserve.

4. Furthermore, it is likely that the issue will be exacerbated as in clause 5 the Bill states that effect of non-compliance with the code “does not of itself make that person liable to criminal or civil proceedings”. We are concerned what this would mean for victims, especially those who are women from racialised minority backgrounds, as are our helpline’s service users. The current victims’ code lacks sufficient enforcement mechanisms, making victims ill-equipped to deal with the crimes committed against them. Given that the existing victims’ code is already not being followed, we are concerned that adding additional victim’s rights will make little difference unless accountability mechanisms are introduced and that compliance is measured within police forces, CPS and the judiciary. Comparisons across regions and sections of the criminal justice system may act as a catalyst for change, providing information as to where improvements need to be made and lessons to take from regions and/or sections of the CJS where compliance is shown to be high.
5. We are pleased to see that the Bill has incorporated some compliance measures within police forces, the CPS and the judiciary, as per our previous recommendation, which will help improve the awareness of the code. However, we are nonetheless concerned that the phrasing used in the Bill is too subjective and open to interpretation, which could potentially continue to leave victims unaware of their rights under the code. For example, clauses 6(1)(a), 8(2) and 9(2) of the Bill mention that “reasonable steps” must be taken by a range of public bodies to promote awareness raising of the victims’ code. We are concerned that the meaning of “reasonable steps” in these clauses has not been clearly defined. Thus, we recommend that the Bill, at the very least, sets out an appropriate range of steps that should be expected for these public bodies to take in order to effectively raise awareness of the victims’ code, thereby granting victims their rights.

The Victims’ Code: Embedding Victims’ Voices

6. Clause 2(1)(3)(c) stipulates that under the victims’ code, victims should “have the opportunity to make their views heard in the criminal justice system” but does not specify *how* the Secretary of State will ensure that victims’ voices are heard effectively.

7. Our CJS Report has found that women who are at risk of harm, especially those from racialised minority backgrounds, are not being listened to. For example, when there are conditions of arrest on non-molestation and harassment orders and these are not followed through, there needs to be accountability. Many times, on the MWN Helpline, women report the police not arresting the perpetrator for breaching conditions of contact or harassment, which has included near misses due to police inaction. In one example, a woman ended up being stabbed by her ex-husband. In another example, the husband broke in and held the woman hostage all night. She was fortunate to be freed the next day. Despite reporting him again, he was not arrested. The helpline had to then contact the police on her behalf. Mechanisms need to be implemented to ensure arrests are carried out.
8. Whilst we have observed that adult women sometimes are struggling to get a good service by criminal justice agencies; we have found that it is much harder for our young people, who already do not trust the police, to be heard. 'Manal', a woman in her 20s from a Pakistani background, contacted the MWN Helpline to reopen her child sexual exploitation case. She was raped and sexually abuse as a child by her older cousins/ They continued abusing her into her teenage years which included gang raping her and passing her around to their friends. Manal revealed the abuse to social workers and was later interviewed by police, providing names of the perpetrators and other potential witnesses, which included other victims. However, the police ended up closing her case and did not charge anyone with child sexual exploitation. When the MWN Helpline contacted the police force on her behalf we were informed that her case was closed and that no further action had been taken because she could not provide evidence of her abuse, her account could not be corroborated by third parties such as her school who had labelled her as 'troublesome,' and that she had a history of lying, theft and 'sexualised behaviour.' The citing of a victim displaying criminal and sexualised behaviour as a reason for not pursuing a case of CSE is particularly concerning as these are consistently highlighted as being potential signs that child is a victim of CSE and highlights how victims of CSE and CSA are often denied the chance of being heard and achieving justice. Manal has tried to reopen her case in 2018, but police refused to, she subsequently contacted the MWN Helpline in 2020 to reopen the case. We have referred this case nationally to Operation Hydrant to look into the way the police force is handling her case. However, almost a year later, despite chasing, we have not been informed as to whether any action has been taken and the case is still ongoing.

9. The above case, which is one of many, highlights that victims' voices are being ignored and the impact on them of crimes are being disregarded. The CJS Report also highlights various instances where police failed to identify risks of forced marriage.
10. It is imperative therefore that the victims' code includes requirements to ensure that the range of different factors, and the victim's own account of the impact upon them, is specifically considered. Unless the institutions of the criminal justice system are truly able to understand the needs of victims and the harms they face, the Victims' Code of Practice and any other entitlements included within it will be meaningless.
11. If a provision explaining this process is not adopted, we are concerned that clause (2)(3)(d) of the Bill will become meaningless. The clause stipulates that victim "should be able to challenge decisions which have a direct impact on them". Although we are pleased to see such a provision in place, it will not be enough to ensure that victims do indeed challenge such decisions. We recommend that the Bill adopts an additional provision under clause (2)(3) to ensure that the victims' code will ensure that victims' data, such as race, ethnicity, gender and religion, will be monitored. If such data is not monitored, it will not be possible to challenge services and criminal justice bodies, not hold them to account. The lack of accountability would therefore compromise on victims' right to justice.
12. Currently the Victims Right to Review criteria is flawed as victims are not allowed to request a review where there are multiple perpetrators. We strongly recommend that the Bill makes provision to strengthen the victims' rights to review criteria to ensure that in cases where there are multiple perpetrators imminent reviews can be requested, this is crucial in serious cases of sexual assault and gang rape.
13. It is also imperative that when police are recording incidents (such as violence, threats of violence, sexual abuse etc), they also record any concerns of honour-based abuse, potential or otherwise. For example, police should log whether the victim has been subjected to the crime because of honour or is at risk of honour-based abuse. We believe that this will allow us to obtain a better picture of the scale of the issue and will enable the government to strengthen its work to change attitudes and improve prevention as part of its 'Ending Violence Against Women and Girls' strategy. Therefore, we recommend that the Bill adopts a provision which ensures that police are recording such incidents, including concerns of honour-based abuse.

Accessibility in the Victims and Prisoners Bill

14. We recommend that victims are informed how their feedback will be used to better services and if there is a time limit to when feedback can be provided. If English is not the first language feedback should be permitted to be recorded in the chosen language of victims. We recommend that the Bill stipulates a clear and explicit provision to allow service providers like ourselves be able to provide feedback on behalf of our service users if they require.

On behalf of Muslim Women's Network UK,

Roukagia Afan

APPG Officer of the APPG on Muslim Women

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