



House of Commons
Home Affairs Committee

Domestic Violence, Forced Marriage and “Honour”-Based Violence

Sixth Report of Session 2007–08

Volume I



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The Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

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The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/homeaffairscom. A list of Reports of the Committee since Session 2005–06 is at the back of this volume.

Committee staff

The current staff of the Committee are Elizabeth Flood (Clerk), Jenny McCullough (Second Clerk), Elisabeth Bates (Committee Specialist), Sarah Harrison (Committee Specialist), Mr Tony Catinella (Committee Assistant), Mr Ameet Chudasama (Chief Office Clerk), Sheryl Dinsdale (Secretary) and Ms Jessica Bridges-Palmer (Select Committee Media Officer).

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Key facts

- Domestic violence is the largest cause of morbidity worldwide in women aged 19–44, greater than war, cancer or motor vehicle accidents.
- According to the British Crime Survey, 1 in 4 women and 1 in 6 men in the UK will experience domestic violence at some point in their lives. The vast majority of serious and recurring violence is perpetuated by men towards women.
- Domestic violence accounts for 16% of all violent incidents reported to or recorded by the police. Around 2 women a week are killed by their partner or former partner.
- The UK Government has adopted the following non-statutory definition of domestic violence: *“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality”*.
- Home Office figures suggest there are around 12 “honour” killings each year, but the total is likely to be far higher.
- So-called “honour”-based violence occurs in communities where the concepts of honour and shame are fundamentally bound up with the expected behaviour of families or individuals, especially women. “Honour” killings represent the extreme end, but there is a spectrum of other forms of violence associated with “honour”.
- The Government’s Forced Marriage Unit deals with 5,000 enquiries and 300 cases of forced marriage each year. 30% of these concern under-18s, and 15% are men.
- Forced marriage is not arranged marriage, nor is it in any way a religious practice. The Government defines it as: *“A marriage conducted without the valid consent of both parties where duress (emotional pressure in addition to physical abuse) is a factor”*.
- Neither domestic violence nor forced marriage is in itself a specific criminal offence.
- Domestic violence is estimated to have cost the UK £25.3 billion in 2005–06.

Summary

A lack of standardised data, and what is judged to be significant under-reporting, make it difficult to make an accurate assessment of the numbers of individuals experiencing domestic violence. Only a tiny proportion of victims ever come into contact with statutory authorities, particularly criminal justice agencies, making measurement of the scale of abuse even more complex. However, available statistics suggest that one in four women and one in six men will experience domestic violence at some point in their lives, although the vast majority of serious and recurring violence is perpetuated by men towards women. Understanding of the scale of so-called “honour”-based violence and forced marriage is even patchier. The Government’s Forced Marriage Unit handles 300 cases a year but the true number is likely to be far higher.

Our evidence showed that the Government has made significant steps to improve its response to domestic and so-called “honour”-based violence and forced marriage over the last few years. It has introduced new legislation on domestic violence and on forced marriage, established a National Domestic Violence Delivery Plan, an Inter-Ministerial Group on Domestic Violence and a dedicated Forced Marriage Unit. It has funded a number of initiatives in partnership with the voluntary sector, including a National Domestic Violence Helpline, and it has introduced new specialist domestic violence courts, multi-agency risk assessment conferences and independent domestic violence advocates. However, significant failings remain in a number of key areas.

Overall, we conclude that the Government’s approach to all forms of domestic violence remains disproportionately focused on criminal justice responses at the expense of effective prevention and early intervention. We conclude that the vast costs of domestic violence to the UK economy—estimated at £25.3 billion in 2005–06 alone—demonstrate the scale of savings to be gained by effective prevention. We therefore recommend that the Government adopts a national strategy on domestic violence, or on violence against women more generally, to include an explicit emphasis on prevention. We conclude that such a strategy would provide a framework within which to implement many of the detailed recommendations we make in this report.

Our specific conclusions can be summarised as follows.

Prevention and early intervention are vital in tackling domestic and so-called “honour”-based violence and forced marriage. Yet education on these issues in schools seems to be at best variable, and at worst non-existent. There is no explicit statutory requirement for schools to educate pupils about any of these forms of abuse. In the case of forced marriage, some schools appear resistant to allow discussion of the issue, owing to fear of offending parents and communities. From a child protection perspective, evidence from case studies suggests that there are children in danger of being removed from school or further education and forced into marriage. However, data collected by schools about children who ‘disappear’ from school rolls tell us little about children at risk of forced marriage, and consequently there is scant recognition of the problem by education authorities. We recommend that the Department for Children, Schools and Families introduces an explicit statutory requirement for schools to educate children about domestic and “honour”-based

violence and forced marriage.

Despite innovative work by the Foreign and Commonwealth Office, marriage visas are still being granted in cases where the visa sponsor has been forced into marriage and compelled to sponsor the visa. Victims are being failed by the lack of a mechanism consistently to refuse entry to the UK in cases where an individual has been forced into marriage, and this failure is compounded by the absence of a mechanism by which the Government can accept information from third parties on reluctant sponsors. We recommend that visa sponsors are interviewed where there is suspicion of a forced marriage, including where suspicion is raised through information provided by third parties. We also recommend that the Government attach a power of refusal without the need for an evidential statement to visa applications in the case of reluctant sponsors.

It is essential that front-line professionals who come into contact with victims of domestic violence and forced marriage are equipped to identify abuse and refer the victim to appropriate support. Currently many of these professionals are ill-equipped to do this. We recommend that a thorough programme of accredited training for front-line professionals should be implemented across the board, including teachers, health professionals, visa entry clearance officers, police, judges and magistrates.

There is a desperate shortage of refuge space and emergency housing for those fleeing domestic or so-called “honour”-based violence or forced marriage. A concerted effort across Government is required to improve access to short-term emergency accommodation and longer-term housing for victims. We recommend that the Department for Communities and Local Government urgently quantify the scale of the shortfall and work with local authorities to ensure that refuge space is sufficient to meet demand across every local authority area.

The availability of Probation Service perpetrator programmes is so poor that some courts have been expressly prohibited from using the programmes as a sentencing option, whereas in other cases an offender’s community order runs out before they even begin the programme. We recommend that, once research currently underway to identify the full extent of under-capacity has been completed, the Government urgently needs to find resources to fill the gap. We also recommend that the Government introduces “GO” orders, which have proved effective in other European countries in offering an inexpensive short term method of removing the perpetrator from the home. The introduction of a “GO” order scheme should be linked with Sanctuary Schemes, enabling the victim to remain safely in their home.

The provision of domestic violence services across the country is a “postcode lottery”. Funding for specialist services, in particular those for black and minority ethnic women, is being cut because of changes to commissioning and funding processes at the local level. This is a cause for serious concern particularly at a time of greater awareness about so-called “honour”-based violence and forced marriage, when increasing numbers of victims are coming forward. We recommend that the Government and local authorities reassess funding and commissioning arrangements for domestic violence services, particularly those under ‘Supporting People’, and ensure that a presumption against ‘Single Group Funding’ does not impact disproportionately on domestic or “honour”-based violence

services, or women-only services.

The Domestic Violence, Crime and Victims Act 2004 introduced a new criminal offence for breach of a non-molestation order. There is some evidence that police are issuing cautions for breaches of injunctions, including for breaches of non-molestation orders. We conclude that the use of cautions by the police as an alternative to charge by the Crown Prosecution Service is wholly inappropriate and dangerous in cases of domestic violence. We recommend that the Home Office and Association of Chief Police Officers must ensure all police officers are explicitly instructed not to issue cautions, and that the Crown Prosecution Service must charge for breaches of injunction.

We do not—yet—recommend that forced marriage be made a specific criminal offence, in the same way that domestic violence is not a specific criminal offence. However, there are strong arguments that it should be, not least those made by survivors themselves. If the implementation—in September 2008—of the Forced Marriage (Civil Protection) Act (2007) does not have the effect of reducing forced marriage, the Government must reconsider criminalisation. To this end we recommend that the Government produce an initial progress report one year after implementation of the Act, with fuller reports in subsequent years.

1 The Committee’s inquiry

1. On 26 July 2007 we announced our intention to conduct a broad-ranging inquiry into domestic violence, including so-called “honour” killings and forced marriage. We decided to focus in particular on:

- The implementation of the Domestic Violence, Crime and Victims Act 2004 and related legislation, especially in terms of increased reporting and convictions and whether greater support is being provided for victims;
- Public education and awareness-raising;
- Police powers and legal protections for victims;
- Criminal and civil justice processes, including the Specialist Domestic Violence Court Programme;
- Support for victims, including finance and refuge services;
- Perpetrator programmes;
- Multi-agency approaches, and what barriers exist to their effective operation.

2. We set out to hear at first hand from agencies and organisations working with victims, and with victims and survivors themselves. We were especially keen to involve individuals and groups who might not normally be reached by select committee inquiries. To this end, we:

- a) Held an opening seminar, attended by a range of key stakeholders, during which we heard from survivors of domestic violence and forced marriage;
- b) Visited a family justice centre in Croydon and spoke to victims and relatives; visited the Government’s Forced Marriage Unit; visited a women’s refuge in Colchester; visited the Southall Black Sisters in Southall; visited the National Domestic Violence Helpline in Tower Hill, and the Ashiana Project in Leytonstone to speak to “honour”-based violence and forced marriage survivors; and visited a refuge, observed a multi-agency risk assessment conference (MARAC) and met representatives of the Probation Service in Wolverhampton;
- c) Took oral evidence on six occasions from witnesses including survivors of domestic violence, so-called “honour”-based violence and forced marriage. A full list of those who gave evidence is annexed;
- d) Ran an online consultation to give victims and survivors of domestic and “honour”-based violence and forced marriage, who wished or needed to remain anonymous, the chance to share their experiences. The eConsultation ran for six weeks during January and February 2008, and received over 240 postings. A summary of the eConsultation is contained in the annex to this report, and an analysis of postings from the eConsultation is contained in the volume of evidence published with this report;

e) Considered 83 written submissions from government and public bodies, voluntary sector agencies, and individuals.

3. We would like to thank the Specialist Advisers appointed to assist us with the inquiry: Davina James-Hanman, Director of the Greater London Domestic Violence Project and Professor Marianne Hester of Bristol University. We would also like to thank the Specialist Adviser we appointed specifically to assist with our eConsultation: Dr Nazia Khanum, Director of Equality in Diversity, who was supported by eQuality Networks. We are most grateful to all the organisations and individuals who gave their time in hosting visits, coming to speak to us in person or supplying us with written evidence. Our particular thanks go to all the courageous individuals who shared with us their own experiences: those who we met on visits, those who gave evidence to us in person, and all those who spoke to us online through the eConsultation.

2 Context

Definitions and nature of abuse

Domestic violence

4. Definitions of domestic violence vary. The United Nations uses a gender-based definition, situating domestic violence within a broader context of violence against women:

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.¹

A gender-based definition is the preferred approach of many UK organisations, including Women’s Aid, the End Violence Against Women coalition, the Crown Prosecution Service and the Equalities and Human Rights Commission.

5. The common non-statutory definition adopted across the UK Government, however, is gender-neutral:

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.²

We have used this as a working definition for the purpose of our inquiry.

6. Victims and survivors of domestic violence writing on our eConsultation described the impact of the abuse on them:



“Having experienced many kinds of abuse the physical abuse is horrible but the verbal and emotional abuse are far worse – no one sees that and often people think you are the one with the problem not the abuser. The emotional abuse goes on for a long time and believe me that’s what you need help with” – dot.com

“Imagine this scene: being beaten so bad you just curl up and wish to die but then you hear him say he is going to kill you and the children with a gun you then realise you have to save your kids, you panic and try to fight back. In the mean time your toddler wakes up crying he then comes towards you with a gun...you beg him not to shoot you instead he throws the gun and comes at you and your daughter and punches you repeatedly in the face and head you both fall on the floor and feel like giving up” - louie

1 UN Declaration of Violence Against Women, Article 1

2 House of Commons Library, *Domestic Violence*, Standard Note SN/HA/3989, 2006, p 1

So-called “honour”-based violence

7. So-called “honour”-based violence occurs in communities where the concepts of honour and shame are fundamentally bound up with the expected behaviour of families and individuals, particularly that of women. There have been a number of high-profile “honour killings”, the most extreme form of so-called “honour”-based violence, in the UK in recent years. In other circumstances, the victim can be subjected to long term low level physical abuse and bullying as ‘punishment’ for ‘bringing dishonour on the family’.³ The term describes a form of domestic violence motivated by the notion of “honour”. The Iranian and Kurdish Women’s Rights Organisation (IKWRO), a London-based women’s and human rights advocacy group, describes the notion of honour as follows:

So-called family ‘honour’ is a patriarchal ideology of oppression. Women who make autonomous decisions, particularly relating to their private lives, are believed to have brought ‘shame’ to their family. ‘Honour’ crime is performed with the intent of limiting the psychological and physical freedom of women.⁴

8. A recent report by the Centre for Social Cohesion on “honour”-based violence in the UK described common ways in which honour can be perceived to be damaged:

Perceptions of common ways in which honour can be damaged

Defying parental authority: In many cultures, elder members of the family are expected to control their children. Parents who publicly fail to do so may lose status in the community as a result.

Becoming ‘western’ (clothes, behaviour, attitude): People from honour-based cultures often transform ideas of honour into a pride in one’s origins and/or religion once they settle in ‘the West’. Families who allow their children to assimilate into wider society can be seen as betraying their origins, their community and their ancestors.

Women having sex/relationships before marriage: Many honour-based cultures put a high premium on a girl’s virginity and sexual fidelity. Families whose women are believed to have extramarital relationships (even of a non-sexual kind) can suffer a decline in honour and social standing.

Use of drugs or alcohol: Drinking alcohol and using drugs not endorsed by religion, culture or tradition can bring shame on families because their children are seen as abandoning or rejecting the values of their parents and their community.

Gossip: In many cases honour is damaged less by a person’s action than by knowledge of that action becoming public knowledge. Rumours and gossip—even if untrue—can damage the status of a family or an individual. In many cases, families are less concerned with immoral acts, than with how these will affect how they are seen by their relatives and by other members of their community.⁵

3 Ev 278 (Family Justice Council Diversity Sub-Committee)

4 Ev 289

5 James Brandon and Salam Hafez, *Crimes of the Community: Honour-based violence in the UK*, Centre for Social Cohesion (2008), p 6

9. So-called “honour”-based violence differs from domestic violence in that it is often perpetrated by more than one individual, from the victim’s own family or wider community. It is most usually directed towards young women, although this is not always the case: men have also been victims. We emphasise that so-called “honour”-based violence is **not** associated with particular religions or religious practice: it has been recorded across Christian, Jewish, Sikh, Hindu and Muslim communities.

10. The perception of violence in this context as a ‘cultural’ practice—to be respected in the same way as other cultural practices—has in the past granted immunity to perpetrators of these violent crimes. In recent years, however, so-called “honour”-based violence has been denounced in simple terms, both in this country and internationally, as a grave abuse of human rights. Responses to our eConsultation agreed with this interpretation:



“We need the community and the professionals to understand this is a human rights issue...that every person has a right to make choices in their lives and that as professionals we should not hide behind “cultural issues” so cannot interfere, may upset the community etc. The attitudes and views on this subject are what used to be, and to some extent still is in the arena of domestic violence”. – anonymous

11. Forced marriage is defined by the Government as “a marriage conducted without the valid consent of both parties where duress (emotional pressure in addition to physical abuse) is a factor”.⁶ It is **not an arranged marriage** into which, while families may be involved in choosing the marriage partner, both parties enter freely. Forced marriage can be seen as a form of so-called “honour”-based violence. IKWRO states that:

There is an absolute correlation between the crime of forced marriage and crimes committed in the name of ‘honour’. In cultures where marriages are conducted between families, and where women are valued for their capacities for domestic labour and childbearing above all others, submission and chastity become the essential of a woman’s worth in life. It is precisely the nature of marriage as a transaction between families that creates the condition of ‘shame’ for a family suspected of passing on unacceptable merchandise. Forced marriage is often in itself an honour crime, used as a punishment for girls who defy parental authority and as a means to increase masculine control over a woman.⁷

12. A recent report on forced marriage in Luton observed that forced marriage has historically been practised in many different communities:

Although the expression ‘shotgun wedding’ is nowadays used jokingly among white British people, it testifies to the use of force in marriage in the past.⁸

6 Home Office, *A choice by right: the report of the working group on forced marriage* (2000), p 4


7 Ev 291

8 Dr Nazia Khanum OBE, *Forced marriage, family cohesion and community engagement: National learning through a case study of Luton* (March 2008), p 8

However, it concluded that, due to their relative size within the UK population, forced marriage was now most common in the UK amongst South Asian communities:

In Britain, the largest communities which display such strong commitment to a sense of 'traditional' values are South Asian—Pakistanis, Bangladeshis and Indians—and so the majority of forced marriages take place among these communities. It happens among other minorities as well, especially from Africa, the Middle East and parts of Eastern Europe, but the numbers are inevitably smaller.⁹

13. Survivors told us that, in many cases, neither they nor their parents considered that their marriage was forced:




“My parents would never think what they did to me was ‘forced’. They genuinely thought they knew what was best for me. In ALL relationships...there is always one party who thinks they know what’s best for the other” – The Real Me

“Supporting parents is key as sometimes they too are under pressure to force – either from the extended family or other community members” – anonymous

The Luton report supported this interpretation:

Forced marriage is universally condemned, even by the perpetrators. When it happens, the perpetrators do not say—or for the most part even believe—that they are forcing their children into an unpleasant situation. They say and usually believe that their greater age, wisdom and experience give them a better understanding of their children’s long term welfare, and that their right to assert their authority is sanctioned by custom, religion and common sense. The children’s resistance only corroborates their immaturity.¹⁰

14. Forced marriage is not a religious practice. This was particularly emphasised through our eConsultation:



“What does shock me, is when they do not whisper it, or at least try to make sure I don’t hear them, they all freely say ‘It’s their religion’. It’s NOT ‘their’ religion. Abuse is NOT anyone’s religion” – hope

“There is no religion I know of which allows forced marriages” – dare2connect

“It’s so hard talking about forced marriages coming from my ethnicity/religion. Over the last few years a malignant form of hatred, directed against Muslims especially those of Pakistani origin has come to permeate British life. A recent article described the problem well: “Muslim

9 Dr Nazia Khanum OBE, *Forced marriage, family cohesion and community engagement: National learning through a case study of Luton* (March 2008), p 9

10 *Ibid.*, pp 8–9

people as a whole are now being stereotyped not just as terrorists but also as backward, sexist, homophobic bigots whose intolerance and values threaten [Britain’s freedoms]”. It then does not help when topics such as forced marriage are branded with Muslims” – The Real Me

So-called “honour”-based violence and forced marriage: mainstreamed or separate?

15. There is some debate around whether the issues of so-called “honour”-based violence and forced marriage should be considered as part of, or separately from, mainstream domestic violence provision and legislation. On the whole South Asian women’s groups agree that policies to address so-called “honour”-based violence and forced marriage should be integrated into broader domestic violence policy as this allows the issues to benefit from the resources and best practice developed in this area and can help to prevent the development of “differential policies which negatively impact on minority communities, such as racist immigration controls”.¹¹ This approach also stresses that, although the term “honour”-based violence describes a particular motive for violence, whatever the background the result is still domestic violence.

16. Middle Eastern women’s groups, however, have expressed the view that so-called “honour”-based violence and forced marriage should be considered separately in order to make sense of and deal with the issues in a targeted way.¹² Such groups also doubt that so-called “honour”-based violence and forced marriage fit the core Government definition of domestic violence, as many of those forced into marriage are children, and perpetrators of so-called “honour”-based violence may be members of the extended family or wider community, rather than intimate partners.

17. The approach of the UK Government is to address so-called “honour”-based violence and forced marriage in the context of its domestic violence policy framework, although it recognises that these kinds of violence raise specific issues. The provisions of the recent Forced Marriage (Civil Protection) Act 2007 take the form of a new part 4A of the Family Law Act, thereby also placing this legislation in the wider context of domestic violence and family proceedings.¹³ This framework was supported by the recent report on forced marriage in Luton, which concluded that “forced marriage should be regarded as a highly specific form of domestic bullying”.¹⁴

18. We considered so-called “honour”-based violence and forced marriage within the context of our wider domestic violence inquiry. However we also considered issues which relate specifically to these types of violence. We note that some groups disagree with the use of the term “honour”-based violence on the grounds that this could perpetuate the notion that such violence is indeed honourable. Others believe that the

11 Hannana Siddiqui, *BME women’s struggles against forced marriage and honour based violence*, Safe, vol.22 (2007), p 23

12 See for example, the Iranian and Kurdish Women’s Rights Organisation (IKWRO), Ev 289 ff

13 House of Commons Library, *Forced Marriage (Civil Protection) Bill [HL] Committee Stage Report*, Research Paper 07/63 (2007), p 8

14 Dr Nazia Khanum OBE, *Forced marriage, family cohesion and community engagement: National learning through a case study of Luton*, (March 2008), p 11

term is useful to attempts to highlight and promote understanding of the issue and should be used as it engages with the language of those who perpetrate such violence. We have used the term ‘so-called “honour”-based violence’ during our inquiry to reflect this range of views. However, for ease of reference, we use the term “honour”-based violence during the remainder of this report.

Scale of abuse

Domestic violence

19. There are no data on general incidence of domestic violence in the UK. Analysing statistics on the incidence of domestic violence and the impact of interventions is a complex task. Some definitions and data include only intimate partner violence while others include both intimate partners and other family members. Only a tiny proportion of victims ever come into contact with statutory authorities, particularly criminal justice agencies, making measurement of the scale of abuse even harder. It is, however, possible to build up some kind of picture as to the scale of the problem in relation to more serious violence.

20. Domestic violence is the largest cause of morbidity worldwide in women aged 19–44, greater than war, cancer or motor vehicle accidents.¹⁵ In the UK, according to estimates from the British Crime Survey (BCS), one in four women, and one in six men, will experience domestic violence at some point in their lives.¹⁶ The BCS data excludes sexual violence, which constitutes a major factor in intimate partner violence against women. BCS data shows that less serious violence is broadly gender-neutral, but that the vast majority of serious and recurring violence is perpetuated by men towards women.¹⁷ Home Office figures show that domestic violence accounts for 16% of all violent incidents reported to and recorded by the police, and that on average around two women a week are killed by a partner or former partner.¹⁸ This accounts for around one-third of all female homicide victims.

21. Different agencies measure domestic violence rates in different ways. For example, the police record arrests made, and may present these as a proportion of incidents recorded, as a proportion of incidents with a power of arrest, and/or as a proportion of incidents classed as crimes related to domestic violence. By contrast, the Crown Prosecution Service focuses on charges and convictions, and tends to present these as proportions of charges resulting in convictions. Thus the proportions are unlikely to be comparable.

22. Domestic violence has not been separately identified in police force statistical returns of recorded crime to the Home Office because it is not a legally defined offence. Crimes of domestic violence can be recorded by the police and prosecuted in numerous ways, and the

15 Home Office, *Domestic Violence: A National Report (2005)*, p 2

16 Home Office Domestic Violence mini-site: <http://www.homeoffice.gov.uk/crime-victims/reducing-crime/domestic-violence/?version=2>

17 Walby and Allen, *Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey*, Home Office Research Study 276 (2004); see also Ev 280 (Children and Family Court Advisory and Support Service).

18 Home Office Domestic Violence mini-site: <http://www.homeoffice.gov.uk/crime-victims/reducing-crime/domestic-violence/?version=2>

police do not have to record the relationship between victim and offender.¹⁹ In pilot schemes carried out between 2007–08 and 2008–09, however, police forces will flag incidents of domestic violence in their data returns.²⁰

“Honour”-based violence

23. Even less data are collected on “honour”-based violence or forced marriage. Crimes connected with these forms of violence have not until now been separately or comprehensively recorded by any agency, making it likely that they are even more under-reported than other forms of domestic violence. Home Office figures suggest there are around 12 honour killings, the most extreme form of “honour-based” violence, a year,²¹ but as “honour”-based violence is often a hidden problem with the criminal justice system either not detecting the motive for murder or mistaking honour killings for suicide, it is likely that this figure is too low.²² The Iranian and Kurdish Women’s Rights Organisation (IKWRO), a small London-based voluntary organisation, reported dealing with 14 cases of an individual threatened with death for reasons of honour in 2006. This number rose to 60 in 2007.²³

24. Organisations working with “honour”-based violence victims also report that often families “drive” women to suicide (often setting themselves alight) by applying psychological pressure. The Metropolitan Police is undertaking a review of 109 cases of murder, suicide and missing persons over a 10 year period across the country. As of summer 2007, 12 cases of previously unrecognised honour killings had been identified.²⁴ In the same way there are no reliable figures for non-fatal incidents of violence in the name of honour, but community-based organisation Karma Nivana sees around 15 cases a week of “honour” related violence, including forced marriage.²⁵

25. In July 2007, a pilot project to introduce specialist prosecutors and to flag all incidents of forced marriage and “honour”-based violence commenced in four CPS Areas: Lancashire, London, West Midlands, and West Yorkshire. The Crown Prosecution Service told us that the aims of the pilot were to:

- identify the number and patterns of cases;
- identify issues facing prosecutors in identifying, managing and prosecuting these cases; and

19 House of Commons Library, *Domestic Violence*, Standard Note SN/HA/3989 (2006), p 3

20 HM Treasury, *2007 Pre-budget Report and Comprehensive Spending Review, PSA Delivery Agreement 23: Make Communities Safer*, October 2007, pp 27–28

21 UK ‘Honour Killings’, *cloaked in family silence, stymie police*, www.bloomberg.com, 17 January 2007

22 Until now, neither the police nor the CPS have separately recorded “honour”-based violence of forced marriage

23 Ev 289

24 Hannana Siddiqui, *BME women’s struggles against forced marriage and honour based violence*, *Safe*, vol 22 (2007), p 23

25 Ev 238

- inform the development of any national guidance and training for prosecutors to improve these prosecutions and increase support for victims.²⁶

The CPS gave us sight of emerging findings from the pilot.²⁷ It expects to complete a full report on the pilot in summer 2008.

Forced marriage

26. The Government’s Forced Marriage Unit, which handles approximately 5,000 enquiries and 300 cases per year concerning young British nationals at risk of being forced into marriage overseas, believes that forced marriage is another issue that remains vastly under-reported. The majority of individuals dealt with by the unit are aged 15–24, but 30% of cases involve minors (under 18).²⁸ 85% of the unit’s caseload involves women, but 15% involves men. The unit’s caseload has increased by around 50% in recent months,²⁹ seemingly corresponding to a rise in general public awareness of the issue.

27. A recent report on incidence of forced marriage in Luton concluded that “there are over 300 approaches to external bodies for advice of some sort [on forced marriage] in Luton per year”.³⁰ Although the report concluded that these figures may include a degree of double counting, it suggests that the evidence from interviews demonstrates that the incidence of forced marriage is likely to be far higher nationally than the 300 cases per year referred to the Forced Marriage Unit.

The cost of domestic violence

28. In 2004, a major study by Sylvia Walby estimated the overall cost of domestic violence in England and Wales.³¹ Updated to reflect the latest population numbers and prices, this cost was estimated at £25.3 billion for 2005–06. This included a total cost to public services of £3.4 billion, £3.0 billion in lost employment, and £18.9 billion in costs to the victim. The breakdown of costs to services was as follows:³²

- Criminal justice £1.1 billion
- Health services £1.5 billion
- Social services £0.25 billion

26 Ev 246

27 It should be noted that these findings were partial, since the pilot was incomplete, and the CPS advised caution in drawing any firm conclusions from the interim data.

28 Presentation from Hannah Buckley, FCO Forced Marriage Unit, to the Home Affairs Committee seminar, 15 January 2008

29 See paragraph 132 of this report

30 Dr Nazia Khanum OBE, *Forced marriage, family cohesion and community engagement: National learning through a case study of Luton*, (March 2008), p 42

31 Professor Sylvia Walby, *The Cost of Domestic Violence*, Women and Equality Unit (2004)

32 Costs have been updated using the ‘Cost Calculator’ developed by Professor Sylvia Walby and the Greater London Authority. Prices have been updated by 10.46 per cent to allow for price increases between 2001 and 2006, using GDP deflators from HM Treasury 29 March 2006 budget deflator update. Population estimates are based on the latest mid-year update from the Office for National Statistics.

- Housing £0.17 billion
- Civil legal £0.3 billion

29. Some acknowledgement of the vast cost of domestic violence to employers and the economy has been made with the introduction of the Corporate Alliance Against Domestic Violence, a group of businesses and employers committed to tackling domestic violence in the workplace and supporting employees who are victims of violence. The Alliance currently has 160 members, including KPMG, The Body Shop and NHS employers. It aims to demonstrate to employers the direct cost of domestic violence to their business in terms of absenteeism, presenteeism, health and safety, security and behaviour.

30. **A lack of standardised data, and what is judged to be significant under-reporting, make it difficult to make an accurate assessment of the numbers of individuals experiencing domestic violence. Only a tiny proportion of victims ever come into contact with statutory authorities, particularly criminal justice agencies, making measurement of the scale of abuse even more complex. However, available statistics suggest that one in four women and one in six men will experience domestic violence at some point in their lives. The vast majority of serious and recurring violence is perpetuated by men towards women.**

31. **Understanding of the scale of “honour”-based violence and forced marriage is even patchier. The Government’s Forced Marriage Unit handles around 300 cases of forced marriage each year, but this is likely to represent only the tip of the iceberg.**

32. **Too little is still understood about the true scale of domestic violence, “honour”-based violence and, particularly, forced marriage. Because of the different ways in which data is gathered and recorded by different agencies, it is difficult to assess the effectiveness of the Government’s response to domestic violence. Differences in data recording also makes it virtually impossible to track offenders across agencies, and between relationships. We recommend that the Government implements a single performance management framework on the collection and reporting of domestic violence data, to apply across all relevant Government agencies, not only criminal justice agencies. This framework should ensure that data are comparable across all agencies, and be used to measure the effectiveness of the Government’s response to domestic violence.**

33. **In addition, the Government should introduce a specific requirement into its annual National Domestic Violence Delivery Plan progress report to publish available Government data on domestic violence across all departments, including health, education, social services and the criminal justice departments.**

34. **We found that the lack of any comprehensive data on forced marriage made it difficult for agencies to understand the nature of the issue and formulate appropriate responses. We recommend that the Government commission a separate study into the prevalence of forced marriage in the UK, as a matter of urgency.**

35. **We had sight of emerging data on prosecutions of “honour”-based violence and forced marriage cases, which is currently being collected via a pilot study in four Crown Prosecution Service areas. We think that this data, particularly that relating to the age**

of defendants, will make an important contribution to understanding the nature and scale of these particular forms of violence. We look forward to the full results of the pilot in the summer of 2008.

36. It is calculated that domestic violence cost the UK £25.3 billion in 2005–06 in costs to public services, losses to the economy and costs to the victim. The true cost of domestic violence to its victims is immeasurable. But estimates of the burden placed by domestic violence on public services should further strengthen the Government's resolve and the economic case for tackling domestic violence.

The current legislative picture

37. This section briefly outlines recent key legislation on domestic violence. We discuss the implementation of new powers in the Domestic Violence, Crime and Victims Act, and the Forced Marriage (Civil Protection) Bill later in this report, at paragraphs 399 to 414. Neither domestic violence nor forced marriage is in itself a criminal offence. However there are a range of current criminal offences and civil remedies which are relevant in cases of domestic violence and forced marriage, including assault and battery, threats to kill, public order offences, harassment, sexual offences, kidnap and child cruelty.

38. The Domestic Violence, Crime and Victims Act 2004:

- Introduced new police powers to deal with domestic violence, including making it a criminal offence to breach a non-molestation order, punishable by up to five years imprisonment (implemented July 2007);
- Strengthened the civil law on domestic violence to ensure cohabiting same-sex couples have equal access to non-molestation and occupation orders (implemented in December 2005 via the Civil Partnership Act) and extending the availability of these orders to couples who have never lived together or been married (implemented in July 2007); and
- Made common assault an arrestable offence³³

The following measures have yet to be implemented:

- Extending the courts' powers to impose restraining orders when sentencing for any offence, and not just offenders convicted of harassment or causing fear of violence;
- Enabling courts to impose restraining orders on acquittal for any offence, if it is considered necessary to protect the victim from harassment; and
- Putting the establishment and conduct of domestic homicide reviews on a statutory footing, allowing a systems review of key agencies policies and practices when a domestic homicide has occurred, with the aim of learning lessons.³⁴

33 This was implemented in January 2006 via the Serious and Organised Crime and Police Act 2005

34 Ev 250 (Home Office)

During the course of our inquiry the Government announced it would implement this last measure in the summer of 2008.³⁵

39. The Forced Marriage (Civil Protection) Act 2007, coming into force in autumn 2008, will enable victims and third parties to seek an injunction to prevent a forced marriage and put forced marriage guidelines (for police, education, health and social services professionals) on a statutory footing. While forced marriage is not itself made a criminal offence (in the same way that domestic violence is not), breach of an injunction would be a contempt of court and courts would have the full range of sanctions available to them, including imprisonment. The first phase of implementation will enable people to apply for an order at specified county courts rather than just the high courts.³⁶

Government responsibilities

40. Government action on domestic violence is led by an Inter-Ministerial Group, set up in 2003 and currently chaired by Parliamentary Under-Secretary of State at the Home Office Vernon Coaker MP. Lead policy responsibility for domestic violence sits within the Home Office, but the issue cuts across a number of different departments. Policy on the specific issue of forced marriage is led by the Forced Marriage Unit, a joint Home Office and Foreign and Commonwealth Office initiative. The Government monitors progress on domestic violence by way of an annual report against its 2005/06 National Domestic Violence Delivery Plan. We discuss the effectiveness of the cross-Government approach further, at paragraphs 415 to 429.

35 Q 422 (Vernon Coaker MP)

36 Ministry of Justice press release, *Autumn date for forced marriages law*, ref 145/07, 27 November 2007

3 Victims and survivors

41. In this section we explore how domestic violence, including “honour”-based violence and forced marriage, is experienced by different groups.

Women

42. The British Crime Survey (BCS) estimates that one in four women are likely to have experienced some form of non-sexual domestic threat or force since the age of 16, that women are much more likely to be severely affected and that ‘women are the overwhelming majority of the most heavily abused group’.³⁷ BCS data shows that 72% of abused women are victimised more than once, with an average of 20 incidents per victim.³⁸ Women also experience domestic violence in same sex relationships: in a UK-wide but non-random survey 40.1% of female respondents had experienced domestic abuse at some time in a same sex relationship.³⁹ 85% of cases dealt with by the Forced Marriage Unit are women.

Male victims

43. The issue of identifying male victims of domestic violence is complex and controversial. The Men’s Advice Line states that there is a “fundamental dearth of research about male victims”⁴⁰ and the Home Office has commissioned research better to understand the issue.⁴¹ Several men’s groups argue that domestic violence is as prevalent and severe against men as it is against women. The BCS shows that one in six men say that they have experienced domestic violence at some point in their lives. These prevalence data suggest that men are victims almost as often as women. However, with more serious abuse repeated abuse, women are far more likely than men to be the victim (see paragraph 20).

44. Partner abuse amongst gay, bisexual or transgender (GBT) men accounts for a proportion of data recorded on male victims. Data on incidents recorded by the police indicate small numbers of GBT men reporting domestic violence, for example, GBT men accounted for 0.4% of domestic violence incidents recorded by Northumbria police.⁴² However, in a UK-wide but non-random survey 35.2% of the male respondents said that they had experienced domestic abuse at some time in a same sex relationship.⁴³

45. Approximately 15% of cases dealt with by the Forced Marriage Unit are men. The nature of violence against men forced into marriage is arguably somewhat different to that

37 Walby and Allen, *Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey*, Home Office Research Study 276 (2004), vii

38 *Ibid.*, vi

39 Donovan, C., Hester, M. (2007), *Comparing Love and Domestic Violence in Heterosexual and Same Sex Relationships: Full Research Report*, ESRC End of Award Report, RES-000-23-0650, p 7

40 Ev 309

41 This research is due to report in July 2008

42 Hester and Westmarland (2006-07) *Domestic Violence Perpetrators*, *Criminal Justice Matters*, 66, pp 34–39

43 Donovan, C., Hester, M. (2007), *Comparing Love and Domestic Violence in Heterosexual and Same Sex Relationships: Full Research Report*, ESRC End of Award Report, RES-000-23-0650, p 7

of female to male domestic violence in a heterosexual relationship or male to male in a same sex relationship, since the perpetrator(s) are often the parents, or extended family, rather than an individual.

46. Organisations working with male victims report a high degree of scepticism amongst professionals and the public towards male victims. For example, Parity, a gender equality campaigning charity, states:

Anecdotal evidence suggests that the police and other agencies...are often not even-handed in their response to male victims...in a significant number of cases arresting the male victim instead of the female perpetrator.⁴⁴

47. Some respondents to our eConsultation noted that society does not condemn violence by women against men, as it does by men against women:



“Boys for years have been taught that it is not right to hit a girl. Counter to that, it is rare to hear girls educated not to hit boys. In fact I feel it is widely accepted that boys can be hit by girls and it is acceptable. Why? Is it because girls don’t hit as hard and boys are tougher? The comic T-shirts by David and Goliath demonstrate this prevalent attitude to hitting and hurting of boys....can you imagine the uproar if there were T-shirts promoting the hitting or throwing of rocks at girls because they are stupid?” – drthomas

48. We recognise that there are male victims of domestic violence. We also note that the issue of the relative numbers of male and female victims is a highly emotive one in which views are polarised. During our inquiry we took evidence on both male and female experiences of domestic violence and forced marriage. We acknowledge that there is a dearth of reliable data about the prevalence of domestic violence against men. We have not made any assessment of the relative claims of male and female victims’ groups, but the available evidence suggests that women experience more serious and more frequent violence than men.

Children

49. Children experience domestic violence as witnesses, and as direct victims. 30 per cent of domestic violence starts in pregnancy,⁴⁵ and between 4 and 9 women in every 100 are abused during their pregnancy and/or after the birth.⁴⁶ This suggests that a great many children are at risk of harm from domestic violence. Moreover, the risk of domestic violence for women is nearly doubled if there are children present in the household.⁴⁷

44 Ev 101

45 Lewis and Drife (2001, 2005); McWilliams and McKiernan (1993), cited by Women’s Aid Federation of England, *Statistics: Domestic Violence*, http://www.womensaid.org.uk/core/core_picker/download.asp?id=1602.

46 Taft (2002), cited by Women’s Aid Federation of England, *Statistics: Domestic Violence*, http://www.womensaid.org.uk/core/core_picker/download.asp?id=1602.

47 Walby and Allen, *Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey*, Home Office Research Study 276 (2004), p 87

50. At least 750,000 children a year witness domestic violence,⁴⁸ and in London 30 per cent of domestic violence murders are witnessed by children.⁴⁹ Children who live with domestic violence are at increased risk of behavioural problems, emotional trauma, and mental health difficulties in adult life.⁵⁰ Nearly three quarters of children deemed to be ‘at risk’ live in households where domestic violence occurs and 52% of child protection cases involve domestic violence.⁵¹ 30% of the Forced Marriage Unit’s cases involve minors (under 18). We heard via our eConsultation of the impact on children:



“From my professional perspective I can see this in the correlation between a number of children who have difficulties at school and domestic violence. This can be seen in their behaviour generally, a noticeable change in their behaviour following contact with their violent father, the number of children with speech and language difficulties, the number of children who are diagnosed as having ADHD which may well be their response to having been exposed to domestic violence and the children identified as having special educational needs.” -Frances

51. Under-18s are excluded from the Government’s definition of domestic violence, which refers to “any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 18 and over”.⁵²

Those with insecure immigration status

52. Those who enter the United Kingdom as a spouse or fiancé(e) of a person who is present and settled in the UK are granted limited leave to remain. Their initial two-year leave to remain status is subject to a condition that they have no recourse to public funds, although those given leave as spouses (or civil partners) are free to take employment. Having no recourse to public funds means that victims are unable to access housing or income support and therefore cannot easily access housing, even in refuges. In 2003, refuges were able to accommodate only approximately a third of the women with no recourse to public funds that approached them for emergency accommodation.⁵³ Victims of domestic violence in this group are, therefore, particularly vulnerable, trapped in a pattern of violence which they are unable to leave because their immigration status makes them totally financially dependent on their abuser. The number of victims in this category is not known, but Southall Black Sisters, a campaign and support organisation for BME

48 Department of Health (2002), cited by Women’s Aid Federation of England, *Statistics: Domestic Violence*, http://www.womensaid.org.uk/core/core_picker/download.asp?id=1602.

49 Metropolitan Police, *Findings from the Multi-Agency Domestic Violence Murder Reviews in London* (2003), p 10

50 Kolbo *et al* (1996), Morley & Mullender (1994), Hester *et al* (2000), cited by Women’s Aid Federation of England, *Statistics: Domestic Violence*, http://www.womensaid.org.uk/core/core_picker/download.asp?id=1602.

51 Department of Health (2002); Farmer & Owen (1995), cited by Women’s Aid Federation of England, *Statistics: Domestic Violence*, http://www.womensaid.org.uk/core/core_picker/download.asp?id=1602.

52 See paragraph 5 of this report for Government definition of domestic violence.

53 Southall Black Sisters, *Domestic violence, Immigration and No recourse to public funds: a briefing to amend the Domestic Violence, Crime and Victims Bill 2004*, <http://www.southallblacksisters.org.uk/research.html>

women which works extensively with ‘no recourse’ victims, has estimated that there are 600 women each year in the UK.⁵⁴

53. The Iranian and Kurdish Women’s Rights Organisation (IKWRO), a London-based charity which works with women with ‘no recourse to public funds’, give the following case study:⁵⁵

‘No Recourse to Public Funds’ Case Study: ‘SA’

SA entered the UK in November 2004 on a marriage visa. Her husband became extremely violent (physically, mentally, sexually and financially) toward her soon after her arrival. To SA’s knowledge, her husband was a violent criminal. He told her that he didn’t love her and that he loved another woman with whom he had been having an affair. He asked her to leave and threatened to kill her if she refused to go back to her country. SA discussed her situation with her uncle (her legal guardian); he told her that she had not been a good wife to her husband and that she had no rights; she was not permitted to return because this would bring shame to her family.

We contacted police and at the same time tried hard to locate safe accommodation for her, but there were no places for her as she was not entitled to statutory welfare benefit, and had no income to pay toward her housing and living costs. The police couldn’t help her for the same reason. She decided to stay with a family friend, but her husband found out and threatened them, took her back and assaulted her.

We managed to get an injunction and she can stay in the flat. We claimed asylum for her on the grounds of domestic violence: she is still waiting for her decision. During the last few months, she had no income to live on whatsoever.

Other groups with specific needs

54. There are several other groups of victims also with specific needs, such as disabled, gay or lesbian victims, or those with alcohol and substance misuse problems. We did not take evidence on the specific needs of these groups during our inquiry. However, we note that these groups also face particular barriers in accessing support, and that there is often little to no specialist provision for their needs. For example, disabled victims may be even less able to access help since their abuser may also be their carer, and they may therefore be dependent on the abuser for help with mobility, medication or communication. In the case of lesbian or gay victims who are not living openly as gay, the abuser may use threats to expose them to further abuse the victim.⁵⁶

54 Southall Black Sisters and Amnesty International, *No Recourse, No Safety* (2008), p 7

55 Ev 291

56 Barking and Dagenham Primary Care Trust, *Domestic violence, a resource for lesbian and bisexual women*, p 2

Victims’ voices in our inquiry: the Committee’s eConsultation

55. Whilst we did not commission original research to add to statistical evidence on the extent of domestic violence, we focused on the experiences of victims and survivors as a vital aspect of our inquiry. To this end, we set up a secure online consultation to hear directly from the victims and survivors of domestic violence, including “honour”-based violence and forced marriage. The eConsultation ran for 6 weeks in January and February 2008, and received over 240 postings from victims and those working to support them. A summary of the eConsultation is published as an Annex to this report, and an analysis of the individual postings is contained in the volume of evidence published alongside this report. The postings have also directly informed our analysis and recommendations. We reiterate our thanks to all those courageous people who revisited their own experiences in order to help us with our inquiry.

4 Prevention



“There should be more energy put into preventing domestic abuse rather than just reacting to it” – eConsultation respondent

In this section we consider ways in which domestic violence, “honour”-based violence and forced marriage could be prevented. We look in particular at the need for a Government information campaign to increase public awareness, the role of schools in educating children on relationships, possible changes to immigration rules to prevent forced marriages, and engaging in dialogue with communities about harmful interpretations of “honour”.

Raising public awareness through information campaigns

56. Our witnesses told us that there was a need to raise public awareness of domestic violence, and in particular the less well understood issues of “honour”-based violence and forced marriage. In relation to “honour”-based violence, Nazir Afzal, Director of the Crown Prosecution Service London West, said:

The main obstacle is the lack of awareness, the lack of education, around this issue. As much as I have been talking about it—and [others have] for many years—there are still people who are surprised by it. There is a need to make sure that everybody is familiar with the issues, everybody is aware that this is an issue not of honour, it is an issue of power and control—ultimately, as long as you put it in the context of human rights, and not just women’s rights, people are prepared to listen.⁵⁷

District Judge Marilyn Mornington told us:

There has been a total lack of understanding of how deep the concepts of Izzat⁵⁸ and honour dictate the lives of many people in our communities, particularly those of south Asian backgrounds. It has nothing to do with religion.⁵⁹

57. The Government has run three previous campaigns on domestic violence, focusing variously on victims and their children, the role of third parties, and on police enforcement.⁶⁰ The Forced Marriage Unit ran a campaign in 2006 aimed at raising awareness of forced marriage.⁶¹ Previous multi-media information campaigns, nationally and locally, seem to have been effective in raising awareness. For example, a survey conducted by Women’s Aid to inform our inquiry reported that 82% of respondents had

57 Q 130

58 Urdu word meaning “honour”

59 Q 65

60 Ev 248 (Home Office)

61 FCO Forced Marriage Unit, *You have a right to choose* (2006)

seen at least one local or national domestic violence awareness-raising campaign, and around 80% thought that campaign had been effective.⁶²

58. Contributors to our eConsultation set out for us some of the key messages which a campaign to raise awareness should highlight. Several stressed the need to help victims understand that they are victims:



"I honestly thought it was normal for men to hit...I feel women need to know that even if they raise their voice it is not OK for a man to physically hit them" – amosemper

"The victim needs to realise that they are indeed a victim. Many of us didn't know that is what we were. I thought my abuser had anger issues he had to work through and that the abuse he showed towards me was my own fault for "winding him up" – mari

"I was not aware that I was a victim of DV. I was raped by my ex (but my line of thought there was, can a husband rape his wife?) surely they were his rights? I believed that what went on indoors was between a husband and his wife, for better or worse, unfortunately half the population agrees with me...until we recognise the abuse we are living in you are banging your head against the wall" – survivor76

59. British Crime Survey data shows that over 60% of victims confide in their friends and family,⁶³ making this group a key audience and those who may be best able to see warning signs of abuse. The Metropolitan Police Service/Metropolitan Police Authority cited a recent NSPCC campaign as a good example of how campaigns can direct victims, children, family and friends to sources of support, increase awareness more generally and raise funds for agencies.⁶⁴

60. Other eConsultation respondents spoke of the need to educate perpetrators:



"In my own experience I firmly believe that the perpetrator of the abuse towards me felt that it was his right as a man to control and dominate 'his' woman. Unfortunately that is still a commonly held belief and it needs tackling at the roots" – claire-health

61. Joint University of Bristol and Home Office research on perpetrators of domestic violence found that "perpetrators interviewed said that adverts in newspapers and on the

62 Ev 213. Approximately half had seen a local campaign and half a national campaign.

63 Ev 250 (Home Office). Karma Nirvana also told us that forced marriage victims "normally go to a concerned friend", Q 168.

64 Ev 236

radio for services would be useful to highlight domestic abuse behaviour and direct them to services”.⁶⁵

62. Others said there needed to be greater awareness about forced marriage, in particular the difference between forced and arranged marriages:



“There needs to be a holistic approach, there needs to be a BIG campaign to highlight the issue, DV in diverse communities, particularly in Muslim communities is taboo, BME professionals supporting and campaigning to end violence are viewed as home wreckers, therefore, DV in ALL communities must be raised as crucially important as a crime” - anonymous

“It is important to ensure an understanding of the difference between arranged and forced. Arranged is fine, I myself went through an arranged marriage. There were no pressures on me and I am in a happy relationship. Forced is different and we must understand the subtleties that work on this...emotional, psychological, physical etc” - anonymous

63. A great many victims of forced marriage and other forms of “honour”-based violence to whom we spoke said that they did not see themselves as victims, but rather as perpetrators of wrong doing against their families. Many said that they did not know that their marriage was forced and had no idea where to turn for support or information.

64. eConsultation respondents cited a number of hard-hitting recent Government campaigns as particularly effective. These included the NSPCC’s ‘Stop It Now’ campaign against child abuse, ‘THINK! Speeding Kills’ driving campaign, and recent anti-smoking campaigns.⁶⁶ The Government’s THINK! road safety publicity campaign provides a possible model for an integrated domestic violence campaign.⁶⁷ The THINK! campaign has its own communications strategy, budget, and runs regular high-profile campaigns on issues including drink driving and speeding, across television, radio and other media. An independent evaluation of the campaign in 2007 found that half (52%) of respondents said they had recently seen advertising about road safety and half (49%) said THINK! was making a difference to road safety.⁶⁸

65. We heard lots of innovative ideas for communicating information, including publicising information on bus and car park tickets and in women’s toilets, local radio interviews and an awareness-raising session with the local GP forum. One respondent to our eConsultation cited Australia and New Zealand as successful models and provided links to hard-hitting videos from campaigns in those countries. These could provide good models for a UK campaign.⁶⁹

65 University of Bristol and Home Office, *Domestic Violence Perpetrators: Identifying Needs to Inform Early Interventions* (April 2006), p 16

66 Ev 483

67 The THINK! campaign is funded by the Department for Transport

68 THINK! Road Safety campaign evaluation, Annual survey 2007 report (November, 2007), pp 5–6

69 Ev 483

66. An important note of caution was sounded by several witnesses. Any co-ordinated information campaign must ensure that phone-lines, support agencies and perpetrator programmes are allocated sufficient resources to deal with the corresponding surge in demand for their services.⁷⁰

67. **The evidence we heard from survivors about the ignorance they faced from many quarters, coupled with widespread under-reporting, persuades us of the need for at least one major public information campaign. We consider that in the UK a number of different campaigns would be valuable, targeting different audiences, including the following:**

(a) A general public awareness campaign to target victims, including male victims, and friends and family. This should emphasise the nature of abuse, educate friends and family on warning signs, and publicise support.

(b) A campaign specifically on forced marriage and other forms of “honour”-based violence. The Government should make full use of feedback from survivors, starting with that gathered through our eConsultation, to design key messages and media.

68. **The Government should consider implementing an overall communications strategy for domestic violence, including “honour”-based violence and forced marriage. This could perhaps be developed along the lines of the THINK! Road Safety campaign, which is well recognised and has wide coverage.**

69. **Any concerted campaign will increase demand for victim’s services, in particular emergency help lines and accommodation. These services must be sufficiently well-reourced to meet any surge in demand arising from public information campaigns.**

Education in schools



“Education, Education, Education is the key...it’s not too late for the children”

- eConsultation respondent

70. There is no explicit statutory requirement for schools to educate pupils about domestic or “honour”-based violence or forced marriage. Schools are encouraged to cover the issues within discussion of relationships under personal, social and health education (PSHE),⁷¹ or within citizenship classes. However, PSHE is not a curriculum requirement for schools and informal feedback from voluntary sector organisations suggests that in practice many schools who do teach PSHE do not opt to cover domestic violence. The Government’s Best Value Performance Indicator (BVPI) 225, which required schools to have a resource pack

70 Ev 256 (Mayor of London); Ev 382 (Men’s Advice Line)

71 Sex and Relationships education is statutory, but makes no explicit mention of domestic or “honour”-based violence or forced marriage. PSHE is non-statutory.

on domestic violence but set out no obligation to use it, has recently been withdrawn. Nicola Harwin of Women’s Aid explained that as a consequence:

There are [now] no government indicators for which local authorities have to report that have any requirement to do anything in relation to public awareness, education, the provision of information or anything else of that nature in relation to domestic abuse or honour-based crime.⁷²

71. In a special survey of 302 Women’s Aid member organisations carried out for our inquiry, respondents were asked whether or not, to their knowledge, local schools specifically addressed domestic violence. The results can be seen in the table below.⁷³

Table 1: Survey of Women’s Aid member organisations: domestic violence education in schools

Include within PSHE/Citizenship curriculum	65	46%
Have a domestic violence policy/procedure	16	13%
Identified member of staff for DV issues	27	19%
Work on violence and gender equality issues	44	31%
Address in any other way	57	40%

72. Survivors of forced marriage told us that they had not received any education at school about the issue, and emphasised the importance of information as a prerequisite for gaining access to support:

Imran: At that age, 15, there was nothing to teach you about forced marriages and domestic violence. If I had realised there was any support there I would have got it, but at that age I did not know if I had a choice at the age of 15. For me it was education strongly.⁷⁴

Ajmal: When I was growing up mainly in schools you did see posters for drug abuse and for females if there is any help out there, but as a male I did not see any posters about who I could speak to. It was just one of those things. I just did not want anyone to laugh at me because you had never seen it on TV and never seen any male support out there or refuges. It was making it difficult because it was never advertised on TV and you do not know where you can get help from.⁷⁵

72 Q 173

73 Ev 213

74 Q 254

75 Q 256

Abuse in teenage relationships

73. We heard about significant levels of domestic violence between teenagers. Respondents to our eConsultation outlined worrying attitudes held by some young people towards violence in intimate relationships:



“More and more young girls seem to regard being hit by their boyfriends as a badge of honour. Showing them where this type of attitude can lead and how it affects those around them would be a start” – peri249

In one survey of 2,039 14–21 year olds in Scotland and North-West England almost half the young men and a third of young women envisaged circumstances where they thought it would be acceptable for a man to hit a female partner. One in eight young men considered ‘nagging’ as justification for violence and one in five were tolerant of forced sex between partners.⁷⁶

74. To date, there has been very little research into the behaviour patterns and needs of young perpetrators, and under-18s are excluded from the current Government definition of domestic violence. However, Respect has recently been awarded funding by the DCSF Children and Young People’s Fund, for a 3 year project to develop work with children and young people (under 21) who use abusive behaviours in their intimate relationships. A major research study, funded by the Big Lottery Fund and NSPCC, is also being carried out to investigate young people’s experiences of physical, sexual and emotional forms of dating violence.⁷⁷

75. The Government’s current definition of domestic violence excludes 16–18 year olds.⁷⁸ The Association of Chief Police Officers told us that this was a problem:

There is increasing comment directed to us from practitioners and professionals that by excluding persons under 18, vulnerable young people in abusive relationships are being deprived of the expertise and resources available to adults in similar circumstances.⁷⁹

ACPO recommended an extension of the Government’s definition to include “persons over the age of 16 who are or have been intimate partners and adults (i.e. over 18 years) in other familial relationships”.⁸⁰

76 Research findings published in Humphreys & Mullender, *Children and domestic violence: a research overview of the impact on children* (1999), cited by the Department for Children, Schools and Families, Ev 397

77 *Safeguarding Young People from Exploitation and Violence in Teenage ‘Dating’ Relationships*, University of Bristol, Big Lottery Fund and NSPCC.

78 The definition currently adopted by the Home Office reads: ‘any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional between adults [i.e. aged 18 and over] who are or have been intimate partners or family members, regardless of gender or sexuality’

79 Ev 182 (ACPO Domestic Abuse portfolio)

80 Ev 182

76. We heard of concerning attitudes and abuse between young people in intimate relationships. However, 16–18 year olds are excluded from the current Government definition of domestic violence, there has been little research on the needs of teenage victims and perpetrators of domestic violence, and there is little support for under-18s in abusive relationships. The existence of abuse in teenage relationships further underlines the urgent need for effective early education on domestic violence and relationships.

77. We welcome the research being carried out by Respect and the NPSCC with the Big Lottery Fund. We recommend that the Government consider amending its definition of domestic violence to include under-18s.

Some schools have developed educative programmes

78. Some individual schools have introduced domestic violence into the classroom. Such educative programmes are very often the result of partnerships with local voluntary organisations, many of which develop and deliver educative programmes, both in schools and in the community. We heard examples of good practice, where the efforts of community organisations had been effective in reaching young people. For example, the Newham Asian Women’s Project carries out targeted work with young people, including sessions in schools, local youth centres and at the Project’s resource centre. Through working with five schools they reached 605 young women.⁸¹

79. Another example is provided by Domestic Violence Responses, a group of practitioners, teachers, researchers and drama specialists, which developed a tool kit and a PG film, “Spiralling”, featuring abuse and control in a relationship between two teenagers. The story of the film was developed through a series of workshops with young actors from the National Youth Theatre. The toolkit contains activities and programmes of work for children and young people designed to help to prevent domestic violence and to promote gender equality. The interactive contents include drama, quizzes, discussion of the film (for young people over 11) and other information and resources for teachers and youth workers to use with children and young people from aged 5 and upwards. “Spiralling” is available online or from Safer Bristol, who commissioned the resource with funding from Government Office of South West in 2005 and are currently updating it. Domestic Violence Responses is working with the Greater London Domestic Violence Project to create guidelines for schools on how to locate prevention work within the curriculum.⁸²

80. With regard specifically to forced marriage, the Department for Children, Schools and Families told us that some schools are providing information in a range of ways to their pupils. The DCSF identified some examples of good practice:

- Schools in Oldham are displaying the poster.
- Bristol local authority is working with its schools to make sure that posters are appropriately displayed.

81 Ev 428 (Imkaan)

82 See http://www.domesticviolenceresponses.com/index_files/page0005.htm

- In Luton, schools and the local authority have issued FMU cards instead, having found these to be more discreet and effective than posters.
- Bradford local authority has issued the poster to its schools together with a Forced Marriage policy.⁸³

But other schools seem reluctant to take action

81. However, we also heard of schools which had been reluctant to display materials or challenge attitudes about forms of domestic violence. Nicola Harwin, Chief Executive of Women's Aid, told us: "there is a lot of work being done on developing tools. That is not so much the problem. It is the will inside schools to deliver it and creating time for teachers".⁸⁴ An account of resistance by schools is provided by a refuge worker:

Domestic violence education in schools: a case study

Today myself and my colleague were asked to go to a school to talk to some 7-year old girl Brownies who were collecting breakfast boxes for the refuge where I work. Their teacher said we must not mention the words 'domestic violence', which I was a little irritated by, so we said that sometimes Mummies and children had to leave their homes and come to a secret house where no-one knew about where they were and sometimes had no clothes, no food etc.

One little girl asked the obvious question: "WHY"?

I thought, in for a penny, in for a pound, so I said that sometimes Daddies were not very nice to Mummies and they were scared to stay at home and so were the children, so they came to a secret house where Daddy couldn't find them. The teacher was obviously annoyed but the children suddenly went very quiet and put their hands up asking really grown up questions such as:

'What happens if the Daddy finds them?'

Do the children ever have to leave the Mummy and go back to the Daddy?

Who looks after the Daddy if you are looking after the Mummy and the children?

Can they have their friends for tea?

It went on and on. We answered as fully and truthfully as we could without scaring them. When it had finished we said to the teachers that, should the talk bring about any issues and they needed advice, they should ring us. The teachers only seemed concerned that the parents would complain!! I pointed out that with statistics being 1 in 4 women, then by the law of averages it may be happening to one or more of those children. They would not accept this.

83 Ev 392

84 Q 173

Just at that point a little girl came up to us and said, ‘If it is a secret house then how can I find you if I need to bring my mummy there?’ She was close to tears. We said she should talk to a teacher and they could find us. We looked at the teacher, raised our eyebrows and watched her stunned reaction.⁸⁵

82. We took extra evidence on the particular case of forced marriage which, some witnesses told us, schools were too sensitive to tackle openly for fear of upsetting parents or the local community. Karma Nirvana, a Derby-based community organisation which works with survivors of forced marriage, told us that “not one secondary school in Derby” would display a poster designed by the Government’s Forced Marriage Unit. Karma Nirvana stated that “some of the reasons given for not displaying the poster were that they did not want to upset communities”.⁸⁶

83. A schools outreach worker attached to an Asian community-based project which we visited echoed this experience, telling us that she faced strict controls on discussing forced marriage in certain schools. Testimony on forced marriage from our eConsultation reflected a similar picture:



“Many schools will not give us the time of day for fear of upsetting parents. It is also quite telling that the schools most unwilling to talk to us are those in the areas that are probably most likely to have victims” – Fatema

84. We were extremely concerned about this apparent reluctance to address forced marriage in schools, and pursued the issue with the authorities in Derby and the Department for Children, Schools and Families. Derby City Council wrote to us to refute the allegations made by Karma Nirvana:

Three of our schools have been directly approached by Karma Nirvana, being schools with a high proportion of children and young people of Asian heritage. Of those three, two have engaged staff from Karma Nirvana to work directly in their schools as part of the PSHCE programmes around marriage. Furthermore, one of these is displaying the poster and associated leaflets. The third school approached by Karma Nirvana already has in place a planned scheme of work on marriage which includes educating children from all backgrounds about the issues associated with forced marriage.⁸⁷

85 The Mayor of London’s response to the Government’s *Safety and Justice* consultation (2003), Appendix B

86 Ev 239

87 Ev 329

85. The DCSF surveyed schools in 14 local authority areas identified by the FMU as having a high incidence of forced marriage, to see what information on forced marriage was being displayed. It confirmed that, although some schools were displaying materials, others were reluctant to address the issue. For example, it stated that “in Birmingham, the poster has not been displayed as schools felt that the graphics are too ‘hard-hitting’. Some schools in Leeds are displaying the posters, but others are concerned that they may offend some of their parents”.⁸⁸

86. A complicating factor in the debate about schools displaying the poster is that FMU publicity materials are currently not routinely distributed to schools but are available on request. Derby City Council said that:

The poster referred to has not actually been sent to schools. Rather, it is available on request from the Government’s Forced Marriage Unit. The Unit tells us that schools usually become aware of their publications through their website or by word of mouth. It is not so much a case, therefore, of schools refusing to display the poster, but not being aware of the poster’s existence.⁸⁹

87. As a result of concern about materials not being displayed in schools, Kevin Brennan MP, Parliamentary Under-Secretary of State at the DCSF, told us that his department would work with the Forced Marriage Unit to develop more ‘school-friendly’ materials, and “actively distribute these before the summer”.⁹⁰

Domestic and “honour”-based violence and forced marriage must be integrated into the curriculum

88. Research commissioned by the Home Office, which included evaluations of domestic violence projects in schools, indicated that for domestic violence to be addressed effectively in schools it should at the least be a core feature in personal, social and health education (PSHE), and preferably be included across the curriculum. It stated that it was crucial that teachers felt supported and able to deal with any issues arising from discussions in the class.⁹¹ Witnesses including the Family Justice Council, NSPCC, Women’s Aid, Refuge and Respect agreed that there was an urgent need to integrate education on domestic violence and forced marriage with the PSHE curriculum and to link it in with bullying, conflict resolution and healthy relationships.⁹²

89. Some materials have also been developed for integrating discussion of domestic violence and forced marriage into a range of other subjects, such as history, geography, art and drama. For example, primary schools in Hounslow hold an annual competition where pupils are given the opportunity to design a poster, write a poem, or an article on the theme of domestic violence, with prizes for the winners.⁹³ Integrating domestic violence

88 Ev 392

89 Ev 329

90 Ev 329

91 HORS 290, *Tackling domestic violence: effective interventions and approaches*, p viii

92 Ev 201 (Respect); Ev 258 (FJC); Ev 190 (NSPCC); Ev 207 (Women’s Aid); Ev 159 (Refuge)

93 See <http://www.lgfl.net/lgfl/leas/hounslow/accounts/projects/learningtorespect/>

into other subject classes like this should provide useful alternatives where schools consider their PSHE curriculum not to allow enough time.

90. Children’s advice service Childline has recently spoken out about the inadequacy of PSHE education, citing up to 50 calls a day to the helpline from children seeking advice on sex and relationships. The NSPCC, which runs Childline, called for PSHE to be made a compulsory part of the school curriculum, saying that lessons are currently provided ‘patchily’ across the country.⁹⁴

91. Guidance provided by the Forced Marriage Unit for education professionals, which is currently being revised for reissue on a statutory footing this autumn, gives advice to schools on different ways of including forced marriage in the curriculum. Suggestions include discussing different types of marriage within PSHE, citizenship or religious knowledge classes; introducing discussions into English literature classes; or exploring the theme in drama classes.⁹⁵ Information provided to us by the DCSF about 14 local authority areas with high incidence of forced marriage showed that in some schools “the issue of forced marriage is not covered in PSHE”, but others were using various methods to educate pupils, for example:

- In Middlesbrough a member of the local authority’s Ethnic Minority Service team currently delivers a programme to Black and Asian girls on raising self-esteem and this includes the issue of forced marriages. Schools are consulted on content and delivery of this programme.
- Bristol Local Authority is developing an ‘issues based’ additional resource for schools to include in their PSHE programmes. Forced marriage will be one of the areas covered alongside other issues, e.g. rape, sexual exploitation, violence in relationships, grooming, female genital mutilation etc. The local authority plans to offer training to schools based on this resource, which will also cover how to spot the signs of forced marriage and awareness raising on how to intervene and who to contact.⁹⁶

92. Kevin Brennan MP, Parliamentary Under-Secretary of State at the DCSF, told us that “it is for schools to decide within the PSHE curriculum how to deal with these issues, and there is huge pressure on the curriculum across the piece to introduce all sorts of things as additional statutory burdens on schools”.⁹⁷ However, he conceded that “obviously we need to look at improving PSHE” and stated that the question of including domestic violence in statutory sex education would be reconsidered as part of a current Government review of the delivery of sex and relationships education in schools.⁹⁸ This review is expected to be completed in July 2008.⁹⁹

94 Observer, Sunday 4 May 2008 *Childline receiving 50 calls a day as schools fail to advise on relationships*.

95 *Dealing with cases of forced marriage; Guidance for education professionals, 1st edition 2005*, Forced Marriage Unit, p 9

96 Ev 393

97 Q 365

98 Q 366

99 Ev 397

93. We acknowledge that there are areas of good practice in education in schools on domestic violence and forced marriage, and we welcome the initiative by the Department for Children, Schools and Families (DCSF) to design ‘school-friendly’ materials in conjunction with the Forced Marriage Unit. We recommend that the DCSF and FMU work together proactively to distribute these materials to all schools, rather than waiting for materials to be requested.

94. However, we were alarmed by the evident resistance of some schools and local authorities to displaying information, particularly on forced marriage. Whilst schools should retain discretion about the most appropriate way to display materials, it is clear from survivors’ accounts that schools can provide a lifeline to vulnerable pupils by providing information on support services. We strongly recommend that the Department for Children, Schools and Families take steps to ensure that all schools are promoting materials on forced marriage, whilst allowing them to retain discretion on the details. We intend to follow up this issue.

95. Recent concern raised by the National Society for the Prevention of Cruelty to Children over the inadequacy of sex and relationships education in schools serves to highlight further the need for better statutory education on these subjects. We recommend that the Department for Children, Schools and Families specifically consider education about relationships, domestic and “honour”-based violence and forced marriage as part of its current review of sex and relationships education in schools. We strongly urge the Department to recommend that education on these issues is explicitly made a part of the statutory school sex and relationships curriculum, rather than being left to the discretion of individual schools.

96. An emerging picture of violence between young people in intimate relationships demonstrates that it is not only schools which need to engage in educative work on domestic violence and forced marriage. Sixth forms, further education colleges and universities also must ensure that they provide information about support for students and run educative programmes about domestic violence and forced marriage.

97. Full use should be made of the expertise of local and national voluntary sector organisations to deliver educative programmes in schools and colleges, drawing in particular on good practice in areas such as Newham and Waltham Forest. These organisations should also be consulted in drawing up changes to the sex and relationships curriculum, and in training teachers, both of which we recommend in this report.

Amending visa application rules to prevent forced marriage

98. We considered ways in which amendments to the visa application procedures might help to prevent forced marriages taking place, or, in cases where a marriage has taken place to a non-British citizen, prevent the spouse gaining a UK visa.

UK residency as a contributory factor in forced marriage

99. The Forced Marriage Unit lists as one of several motives for forced marriage “assisting claims for residence and citizenship” in the UK.¹⁰⁰ The Minister for Consular Affairs, Meg Munn MP confirmed this, stating that procuring a UK visa for the spouse “is certainly one of the reasons but it is not by any means the only reason. There are many other reasons why forced marriages take place”.¹⁰¹

100. Some of the survivors we heard from felt that procuring a UK visa was the primary motive behind their forced marriage. For example, Shazia Qayum argued that it was behind her parents’ decision to force her into marriage:

Martin Salter MP: Is forced marriage used in many ways as a way of shortcutting the established immigration procedures?

Ms Qayum: Definitely. I see a lot of young women and men who tell us that forced marriages are used to get entrance to the UK. I quite clearly told my ex-husband that I did not want to be his wife and he told me he did not care, he just wanted to come to the UK.¹⁰²

101. In other cases, however, we heard that, whilst procuring a UK visa is a factor in a forced marriage, the primary reason might be family commitment, or a desire to maintain ties with the country or community of origin. Some voluntary sector organisations which support forced marriage survivors argued that residency was not a primary factor. For example, Imkaan, an umbrella organisation for BME domestic violence women’s services, said: “it is not the major rationale or the major reason why forced marriage occurs—there are many, many other reasons and a lot of it is, obviously, to do with power and control”.¹⁰³

102. Where residency is a motivation for forced marriage, the British partner might be pressured into sponsoring their spouse into the UK on a marriage visa. Marriage visas initially enable the spouse to remain in the UK for two years, after which the spouse can apply for Indefinite Leave to Remain (ILR). When a British citizen—the sponsor—applies for a marriage visa to bring his or her spouse into the country, the spouse is interviewed by immigration officials, but not the sponsor.

103. The majority of forced marriage cases dealt with by the Forced Marriage Unit concern Pakistani (65%) and Bangladeshi (15%) communities.¹⁰⁴ Pakistani and Bangladeshi, along with Indian, communities make up the biggest settled migrant communities in the UK. The FCO told us that in 2007 “in Pakistan, 11,022 spouse settlement applications were issued and 3,216 were refused. There will undoubtedly be cases of forced marriage concealed in the first figure.”¹⁰⁵ Applications for spousal visas about which visa entry

100 *Dealing with cases of forced marriage; Guidance for education professionals, 1st edition 2005*, Forced Marriage Unit, p 3

101 Q 574

102 Q 119

103 Q 490

104 Ev 437 (Foreign and Commonwealth Office)

105 Ev 438 (Foreign and Commonwealth Office)

clearance officers raise concern are referred to the Foreign Office Consular Immigration Link (CIL) team. In 2007, 407 cases were referred to the CIL team in Pakistan. 193 of these related to forced marriage, and the others to other forms of family abuse.¹⁰⁶

Using visa application procedures to tackle forced marriage is controversial

104. The appropriateness of amending visa application procedures to tackle forced marriage is disputed. Several organisations working with forced marriage victims, and domestic violence victims from BME communities, resist the idea that forced marriage can be tackled simply through such measures. They argue that to do so would not only be ineffective—a blunt instrument—but would also risk increasing prejudice against one community or ethnic group in particular, and effectively invite racism. For example, Southall Black Sisters, a campaign and support organisation for BME women, states the following about proposals from the UK Border Agency for changes to border control measures:

Although made in the name of tackling forced marriage, the proposals have nothing conceivably to do with addressing forced marriage and every thing to do with restricting the rights of certain communities. On principle, we object to an approach that consistently links violence against women in minority communities with immigration matters, as if such women have no intrinsic right to liberty and life unless they are addressed as an aspect of immigration control.¹⁰⁷

The UK Border Agency is consulting on changes to visa application procedures

105. In December 2007 the UK Border Agency (then the Borders and Immigration Agency) published a consultation paper on certain changes to the marriage visa process, designed to help prevent forced marriage.¹⁰⁸ The consultation identified specific weaknesses in marriage visas which had been granted in cases of forced marriage, and made proposals to tackle these. The relevant proposals were summarised by the UK Border Agency in the following table:

Table 2: UK Border Agency proposals for changes to marriage visas, December 2007

Issue	Proposal(s)	Suggested benefits	Suggested risks
Young people may be pressured into sponsoring a partner from overseas.	The minimum age at which you can sponsor a person from overseas to come to this country be raised from 18 to 21. The same would apply to the person being sponsored.	Individuals establish themselves as independent adults in this country before sponsoring a partner	Young girls may be taken to live overseas until old enough to sponsor someone; there would be more time in which to pressure someone; and there may be resort to forged documents.

¹⁰⁶ Ev 439 (Foreign and Commonwealth Office). Additionally, 45 pre-existing (old) cases were dealt with by the CIL in 2007.

¹⁰⁷ Ev 302

¹⁰⁸ *Marriage to partners from overseas: a consultation paper*, UK Border Agency (then the Border and Immigration Agency), December 2007

Issue	Proposal(s)	Suggested benefits	Suggested risks
	Require someone to declare their intention to sponsor a partner from overseas before they leave the UK to marry	Reduce pressure and give people a better chance to avoid a forced marriage	
Many sponsors would like to give a confidential statement	Offer the sponsor [a reluctant sponsor] an opportunity to make a confidential statement about their sponsorship	Could help to identify patterns useful in resolving future cases	A confidential statement could not be produced as evidence and so could not be used to turn down a visa
	Introduce a Code of Practice setting out how an application for a visa should progress if one of the parties is identified as being vulnerable to a forced marriage	A power would be attached to refuse the visa without the sponsor having to provide an evidential statement	

We considered a number of these proposals during our inquiry.

Evidence on whether or not raising the age of sponsorship for a marriage visa would prevent forced marriage

106. One of the proposals from the UK Border Agency was to raise from 18 to 21 the minimum age for sponsoring a spouse into the UK on a marriage visa.¹⁰⁹ Witnesses held different views on whether raising the age would have a positive or detrimental impact. Imkaan argued that:

The increase in the age of sponsorship could lead to young people being taken abroad and kept there for long periods of time—i.e. until they turned 21. This would lead to these young people missing out on a life in the UK, and possibly even losing their freedom, for an even longer period of time than they do now.¹¹⁰

Jagdeesh Singh, brother of Surgit Athwal, victim of an “honour” killing, agreed:

I think it is a distraction. Shifting the age sounds good and simple, but on further examination it distracts. It is the forced marriage bit and whether it is a valid, meaningful marriage that needs to be scrutinised.¹¹¹

107. However, some survivors felt that being two years older might equip them with more independence and ability to refuse an unwanted marriage. Ajmal, a survivor of forced marriage, told us:

109 See table 2, above

110 Ev 433

111 Q 309

I think myself it would help...I think they [the victim] will start understanding things a little bit more because they will be a bit more mature. At 18 they are just going to go along with their parents still.¹¹²

Jasvinder Sanghera, Director of Karma Nirvana, agreed, with a caveat: “In relation to raising the age, yes, but many victims do not even know they are making an application to become a reluctant sponsor. They need to know to ask the question”.¹¹³

108. In 2004 the minimum age for sponsoring a spouse into the UK was raised from 16 to 18 years old. The Home Office commissioned research from the University of Bristol with forced marriage survivors and stakeholders to consider the impact of this change and the risk factors associated with raising the age further, from 18 to 21. This is the only research undertaken in the UK on the impact of raising the age of sponsorship. A summary of the research findings was made available to us.¹¹⁴ Stakeholders perceived little or no change from raising the age to 18, although no quantitative data were available. The study found that raising the age could offer “greater maturity, access to education and financial independence for young people, all of which could leave them in a stronger position to resist forced marriage”.¹¹⁵ However participants warned that young people might be put at risk of greater physical and psychological harm, including “being taken abroad to marry and kept there forcibly until they are old enough to sponsor their spouses; entering the UK with false documentation; and implications for mental health, particularly attempted suicide and self-harm”.¹¹⁶ The study concluded that:

There was limited support for raising the age of sponsorship or entry further to either 21 or 24, with only 16% of stakeholders and 17% of survivors holding this view....[the] benefits were perceived by those consulted as being largely outweighed by the risks, with 88% of key individuals, 71% of stakeholders and 54% of survivors indicating this view.¹¹⁷

109. The experience of other European countries on raising the age of entry of a sponsor or spouse has proved inconclusive. In 2002 Denmark raised the age of sponsorship to 24, the highest minimum age in the European Union. Research carried out by the Danish National Institute of Social Research involved interviews with young people and parents from a representative sample of BME groups regarding the Danish ‘24 year’ rule and possible impacts.¹¹⁸ The research did not show that there had been an effect on the number of forced marriages, but did show a range of other possible or actual effects. These included preventing entry for people who are in love, or arranged, marriages but not subject to a

112 Q 299

113 Q 204

114 We note that the Home Office no longer intends to publish this research owing to some concerns about methodology. However the research has instead been published by the University of Bristol.

115 Research summary, *Forced Marriage: the risk factors and the effect of raising the minimum age for a sponsor, and of leave to enter the UK as a spouse or fiancé(e)*, University of Bristol (2008), p 3

116 *Ibid.*, p.3

117 *Ibid.*, p.3

118 Schmidt and Jakobsen, *Pardannelser blandt etniske minoriteter i Danmark (Relationship forming among people from minority ethnic groups in Denmark)* (2004), <http://www.sfi.dk/sw12774.asp>

forced marriage.¹¹⁹ Some young people interviewed stated that the ‘24 year’ rule made them feel ‘targeted’ and thus even less integrated into Danish society.

110. **The testimony we heard from forced marriage survivors suggests that the desire to procure a marriage visa for a spouse can be an important factor in forced marriage. When we asked for their views on this issue, survivors told us that raising the age of sponsorship for marriage visas from 18 to 21 could better equip victims to refuse an unwanted marriage. However, associated with such a change is a significant risk that young people would be kept abroad for sustained periods between a marriage and being able to return to the UK with their spouse.**

111. **We have not seen sufficient evidence to determine whether or not raising the age of sponsorship would have a deterrent effect on forced marriage. Given the potential risks involved, we urge the Government to ensure that any changes it proposes to its policy on visa application procedures in respect of sponsorship are based on further research and conclusive evidence as to the effect of those changes. This evidence must demonstrate that any changes will not inadvertently discriminate against any particular ethnic groups.**

The Government has a mechanism to help reluctant sponsors

112. Some survivors of forced marriage told us that substantial pressure had been put on them by their families to support a visa application for their spouse. Ajmal, a survivor, told us:

They [his family] forged my signature and got it stamped from the High Court of Pakistan from Islamabad stating I was legally married to this girl. I was not agreeing to it and she tried to get a visa and she got entry clearance as well for coming to the UK.¹²⁰

Such reluctant sponsors are often vulnerable and unable to make a public refusal to sponsor the visa. Director of UK Visas, Mark Sedwill, told us:

We have to handle the victims very carefully; very many of them do not wish the fact that they have tipped us off that there is some impropriety in their marriage to come to the attention of their families...if the victim will not make a public statement then, inevitably, the evidential process is that much more difficult.¹²¹

113. We were surprised to learn that visa entry clearance officers do not interview the sponsor of a marriage visa application as a matter of course, but only the spouse applying to enter the UK. The Minister for Consular Affairs at the Foreign and Commonwealth Office, Meg Munn MP, explained that this policy existed because of the sheer volume of

119 This finding is backed up by Danish Government statistics which indicate that while 2,808 out of 5,838 applicants were refused residence permits in family reunification cases in Denmark, only 7 of these cases were suspected of involving coercion or marriages of convenience. That is less than 1% of all cases. *Statistical Report for 2004*, www.udlst.dk.

120 Q 311

121 Q 580

sponsors who would otherwise have to be interviewed.¹²² Last year alone a total of 47,000 spouses entered the UK for a probationary period on settlement visas.¹²³

114. However, Mark Sedwill, Director of UK Visas, told us that in cases where the authorities received a tip-off from a reluctant sponsor, they had a special procedure for refusing a visa application:

Where a sponsor has let us know that, for whatever reason, forced marriage or indeed other reasons, the marriage has collapsed or become violent, the sponsor will be interviewed either by telephone or in person. It is not an immigration interview but they will be interviewed either by consular colleagues or by the Forced Marriage Unit in the UK, in order to gather the information that enables us to then make the immigration decision. That is the decision at the first phase of the process. The second phase of the process is when the applicant comes in and we use that information from the sponsor, which may or may not include an on the record statement, to conduct a forensic interview with the applicant, essentially to penetrate whether the applicant, who could equally be a victim or a perpetrator, is genuine about the marriage, and that is the basis on which we can then refuse an application.¹²⁴

But visas are still granted in forced marriage cases

115. Despite the special system in place to refuse visas in the case of reluctant sponsors, Mark Sedwill noted that about one twelfth of refusal cases were overturned on appeal:

We are currently getting around about a quarter of these cases going to appeal and we are losing around a third of those cases at appeal and that is because of course an Immigration Tribunal is, like all court proceedings, a public forum and if the victim, the sponsor is unwilling to make a public statement...our refusal notice is therefore inevitably weaker because we have had to concoct it on whatever evidence we can create.¹²⁵

In relation to Pakistan alone, the Foreign and Commonwealth Office stated that:

In 2007, of the 407 new cases that were referred to the Consular Immigration Link (CIL), and had an application refused: 128 appeals have been lodged; 28 have been dismissed, by the independent Asylum and Immigration Tribunal (AIT); 6 have been allowed and 94 have not yet had a substantive appeal hearing outcome and remain outstanding.¹²⁶

116. One of the proposals under consultation by the UK Border Agency is aimed at addressing this shortfall: the introduction of a Code of Practice setting out how an

122 Q 579

123 *Marriage Visas: Pre-entry English requirements for spouses: consultation paper*, UK Border Agency (then the Border and Immigration Agency) December 2007, p 5

124 Q 588

125 Q 620

126 Ev 439

application for a visa application should progress if one of the parties is identified as being vulnerable to a forced marriage. The UK Border Agency states that “a power would be attached to refuse the visa without the sponsor having to provide an evidential statement”.¹²⁷ A further proposal put forward by the UK Border Agency is to require sponsors to declare their intention to sponsor a partner from overseas before they leave the UK to marry. Jasvinder Sanghera supported this proposal: “I think they should register their intention, because it will alert the agencies. Part of the problem is we are not aware of where they are going and, once we lose them, they can get lost”.¹²⁸

117. We wish to note that much of our casework as Members of Parliament is related to immigration, and that many of us have written to the Home Office on behalf of a constituent, to identify someone who was being forced to apply for indefinite leave to remain (ILR) under duress, on behalf of their spouse. In each of these cases, we have found that information is rejected out of hand because it comes from a third party. We asked the Minister for Consular Affairs whether this information was routinely passed from the Home Office to the FCO Forced Marriage Unit. The Foreign and Commonwealth Office told us that:

There is currently no system in place to routinely alert the Forced Marriage Unit to third party information relating to reluctant sponsors of ILR applications. We recognise this as a shortfall. The Forced Marriage Unit is working with the Borders and Immigration Agency to consider the development of an information sharing protocol to ensure that all relevant cases and representations that make reference to forced marriage are referred to the Forced Marriage Unit.¹²⁹

118. Where victims of forced marriage are courageous enough to approach the authorities or a third party to state that they are reluctant sponsors of marriage visa applications, it is vital that they are fully supported and visas are refused. We recognise the importance of protecting reluctant sponsors from harm at the hands of their families. In this context, the procedure currently employed by the Government to refuse marriage visa applications, without exposing reluctant sponsors, is welcome.

119. However, this procedure does not go far enough on two counts. First, the fact that visa sponsors are only interviewed when they themselves come forward as a reluctant sponsor means that forced marriage is unlikely to be detected unless the victim takes the initiative. Second, even when a forced marriage victim alerts the authorities, one twelfth of the visas refused on this basis are currently overturned at appeal by the Asylum and Immigration Tribunal, because the reluctant sponsor is unwilling to make a public statement in evidence to the Tribunal.

120. In relation to the first of these shortcomings, we recommend that interviews with visa sponsors take place not only when reluctant sponsors come forward themselves, but also in cases where there is a suspicion of forced marriage by immigration and visa-granting authorities, or other third parties.

¹²⁷ *Marriage Visas: Pre-entry English requirements for spouses: consultation paper*, UK Border Agency December 2007, p 7

¹²⁸ Q 204

¹²⁹ Ev 440

121. In relation to the second of these shortcomings, we consider it essential that a power of refusal without the need for an evidential statement be attached to visa applications in cases of reluctant sponsors. The Code of Practice which has been proposed by the UK Border Agency, may provide a mechanism for implementing this measure.

122. Currently, information about a reluctant sponsor of a spousal visa, or of indefinite leave to remain, which is sent to the Home Office by someone other than the sponsor themselves—for example a Member of Parliament—is refused on the grounds that the information comes from a third party. This situation is wholly unacceptable. By failing to act on this information, the Government is putting victims and potential victims of forced marriage at greater risk. It is imperative that the Home Office, The UK Border Agency and the Forced Marriage Unit put in place a system to refer information received from third parties to the Forced Marriage Unit, immigration and visa-granting authorities. The Government must actively inform third parties who are likely to provide such information, including Members of Parliament, teachers and GPs, about which department they should contact in these cases.

123. Whilst we did not investigate in any detail the UK Border Agency proposal to require someone to declare their intention to sponsor a partner from overseas before they leave the UK to marry, we consider this proposal to have merit in providing a further layer of protection to potential victims.

124. We recommend that all visa entry clearance officers should be trained as a matter of course to identify risk factors associated with cases of forced marriage, and to refer those at risk of forced marriage appropriately. This will be especially important in assisting visa entry clearance officers to identify suspected cases of forced marriage and interview sponsors in those cases, as we recommend in paragraph 120 above.

Engaging communities is key to tackling “honour”-based violence and forced marriage

125. Survivors of “honour”-based violence and forced marriage agreed that changing harmful attitudes at community level is fundamental to tackling abuse. A recent report into forced marriage in Luton concluded that “the most effective way to prevent force in marriage is to change attitudes so that the issue does not arise in the first place”.¹³⁰ However, witnesses described different receptions to attempts to discuss “honour”-based violence—on the one hand a willingness to engage, and on the other hand antipathy, or even collusion, in abuse. Nazir Afzal, Director of the Crown Prosecution Service London West, gave us examples of negative responses:

(I will give you two examples) from a faith leader whom I asked to talk about this during a ceremony, telling me: “I have to deal with my congregation every day; you only come here once a year”—so immediately saying he was not going to talk about it because he thinks he would lose his congregation. The second example is of a women’s group which wanted to set up a memorial tree for each victim of honour

¹³⁰ Dr Nazia Khanum OBE, *Forced marriage, family cohesion and community engagement: National learning through a case study of Luton* (March 2008), p 22

killings over the last few years, hearing from within the community that somebody would chop them down.¹³¹

126. These polarised responses were also reflected in our eConsultation. For example, some contributors argued that imams can be positively engaged as community leaders to challenge more traditional beliefs on honour and marriage:



“I think it needs to be tackled at the root...talk to the imaan at the mosque. All Asian parents go to the mosque and some do get pumped by other elders so if the mosque is addressed then maybe the parents could see it differently” –billo786

“Women’s groups need to work with Imaams and together they can influence and change the views of families...having posters put up on mosque notice boards, in community centres and Asian business premises, saying that this is wrong will help” – christmas

127. Others argued that in a number of cases imams or other community leaders have ‘reported back’ to the parents, or advised the victim to return to their abuser:



“I know local leading members of the Muslim community who although they say they respect the laws in this country, still counsel women to go back to their abusive families in the name of ‘honour’” – Cllr Davison

“They don’t know the meaning of the word confidentiality, before you get home the information would be with your parents” – hswa786

128. The Luton report made eight recommendations for action to prevent forced marriage, including to: improve parenting; increase awareness of right and duties [both by parents and by children]; promote a culture of condemnation of forced marriage; promote the education of women; train professionals about forced marriage; and empower women’s self-help groups, which the report found were more frequently approached by victims than other agencies.¹³² It also proposed specific action to engage communities in dialogue on forced marriage, including: developing materials for use by priests and imams as a basis for discussion of forced marriage in their teachings; short courses or workshops for priests and imams to explore techniques for raising the topic with their congregations.¹³³

129. The Forced Marriage Unit, and members of the ACPO honour-based violence working group, have undertaken some awareness-raising work with community representatives, but ACPO concludes that “further work must be developed if

131 Q 143

132 Dr Nazia Khanum OBE, *Forced marriage, family cohesion and community engagement: National learning through a case study of Luton* (March 2008), pp 21–31

133 *Ibid.*, p 62

communities are to develop solutions to such issues as honour based violence from within and ensure the eradication of such practices”.¹³⁴

130. **“Honour”-based violence and forced marriage cannot be prevented without challenging attitudes within those communities which practise them. Community leaders must therefore be encouraged actively and openly to engage in dialogue about “honour”-based violence and forced marriage, and to condemn these practices.**

131. A recent research study—*Forced marriage, family cohesion and community engagement: National learning through a case study of Luton*—makes constructive and detailed recommendations for furthering this community engagement agenda. We support the direction of the report’s recommendations on ‘promoting a culture of condemnation of forced marriage’ and ‘empowering women’s self-help groups’.

Resourcing of the Forced Marriage Unit

132. The Government’s Forced Marriage Unit is currently staffed by six people, and has a non-casework budget of £167,000 per annum.¹³⁵ The unit was set up three years ago, in particular to provide emergency support, including rescue and repatriation, for victims taken overseas. Growing awareness about forced marriage and the true extent of the practice has meant that demand for the unit’s services has grown at an increasingly fast rate, and it seems that it now needs to expand to respond to that demand. The Unit told us that its caseload has substantially increased in recent months. In the twelve months to December 2007 it handled approximately 400 cases, whereas in the four months from January to April 2008 it has handled approximately 200 cases, an increase per month of around 50%.¹³⁶ The Unit’s services are also increasingly in demand in terms of developing guidelines, publicity materials and carrying out community engagement.

133. **It became clear during our inquiry that demand for the services of the Government’s Forced Marriage Unit has significantly increased over the last few months, to the extent that it now requires additional resources in order to expand its capacity. If the Forced Marriage Unit is to engage in proactive preventative work with schools on a systematic basis this need will become still more urgent. We recommend that the Home Office and Foreign and Commonwealth Office should undertake to provide resources to increase the capacity of the Unit and enable it to operate effectively at this heightened level of activity.**

134 Ev 176

135 Ev 447

136 Figures provided informally by the Forced Marriage Unit to the Home Affairs Committee

5 Identification of abuse



“We need to ensure that every public sector employee understands that the next victim may be calling them asking for help with housing or their children but really they are screaming inside for help to stop the abuse. They might even be working with a colleague in need of help”

- eConsultation respondent

134. Professionals in front line roles are often best placed to identify when abuse is happening and refer the victim to appropriate agencies. This section identifies some of these professionals and makes recommendations to improve identification and referral rates for domestic violence cases.

The role of health professionals

Health professionals routinely come into contact with victims

135. Around 30% of domestic abuse begins during pregnancy and abuse is more common in pregnant women than gestational diabetes or pre-eclampsia—both conditions for which pregnant women are routinely screened.¹³⁷ One in three women seeking emergency medical treatment in UK inner city hospitals have suffered domestic violence,¹³⁸ and over one per cent of A&E department visits are due to domestic violence: to put this in context, an A&E department with 55,000 patients of all ages attending during one year would see over 550 adult patients suffering due to domestic violence.¹³⁹ The British Medical Association stated that victims approach a range of health services, including: accident and emergency, obstetrics and gynaecology, midwifery, psychiatry, health visiting, and most importantly, GPs and nurses.¹⁴⁰ Consultations with health professionals may be one of the few occasions on which the victim is not accompanied by their abusive partner or family member. Those writing on our eConsultation agreed that health professionals are often the first port of call for victims:

137 Gazmarin J.A., (2000), *Violence and reproductive health; current knowledge and future directions*, Maternal and Child Health Journal 4, pp 79–84. Cited in *The facts on reproductive health and violence against women*, Family Violence Prevention Fund (Available at www.endabuse.org), cited by the British Medical Association, Ev 97

138 Sethi, D., Watts, S., Zwi, A., et al (2004), *Experience of domestic violence by women attending an inner city accident and emergency department*, Emerg Med J 21, pp 180–184, cited by the British Medical Association, Ev 97

139 Williamson, E (2006), *Women’s Aid Federation of England 2005 survey of domestic violence services findings*. England: Women’s Aid, cited by the British Medical Association, Ev 98

140 British Medical Association Ev 98–99



"Professionals, doctors in particular, may well be the first port-of-call for victims...they need to be fully comfortable about asking questions, never backing out of this responsibility. Surgeries should make it very clear that the doctor can be approached about domestic violence...Confidentiality is a shallow excuse. Child protection is a good model" - ksurvives

Initiatives have been introduced within the health sector

136. The Department of Health (DH) has introduced a number of measures to help health professionals identify victims of domestic violence. To date these have focused primarily on maternity and health visitor services, and, to a more limited extent, Accident and Emergency (A&E) departments. Pregnant women are now routinely screened by professionals taking a social history. The DH has also developed a training manual for health professionals, established a Domestic Abuse and Pregnancy Advisory Group, and introduced training events for senior maternity practitioners. In the south-east of England a number of pilot schemes to establish the feasibility of gathering data on patients at risk of violence and de-personalising this data to share with other agencies have been run in A&E departments. Representatives of some local health agencies also attend multi-agency risk assessment conferences (MARACs).¹⁴¹

But the health sector was still singled out as being poor at engaging with domestic violence

137. Despite recent Government initiatives, we heard concern about health professionals ignoring disclosure by victims or failing to refer them to appropriate support or advice.¹⁴² One contributor to our eConsultation agreed:



"I had also on a number of occasions been slapped with such force across the face, that I had been physically knocked into the bath tub. I wasn't looking for sympathy. I just wanted her to know what the GP thought the cause of my injuries could be. The radiographer either hadn't heard me or had refused to listen. Her irritated reply to me was "have you fallen at any time"? This illustrates the lack of understanding that exists within some pockets of health professionals"- anonymous

138. At the local level, evidence from Gloucestershire suggested that routine enquiry by health agencies does not always happen in practice: "health professionals should ask about

¹⁴¹ Ev 333 ff (Department of Health)

¹⁴² For example, the Mayor of London, Ev 258

domestic abuse at routine contacts yet there is local evidence that this advice is not being followed”.¹⁴³ Standing Together Against Domestic Violence told us that the DH document “Responding to Abuse”, which introduced routine questioning “is for guidance only and has been very partially implemented”.¹⁴⁴

Victims of abuse particularly mentioned General Practitioners

139. General Practitioners (GPs) were particularly singled out for criticism. The Family Justice Council told us that “It continues to be felt by many in the field that General Practitioners are lagging behind in awareness and practice in relation to DV and this requires urgent attention”.¹⁴⁵ This was supported by comments on our eConsultation:



“I first went for help to my GP. He gave me a course of anti-depressants and failed to refer me to any other agencies. I felt he wasn’t taking me seriously so I didn’t bother going back or taking the tablets, which he has so helpfully prescribed” - nadine

“I took my partner to the doctor to see if her temper was because of a medical reason, the doctor said ‘no wonder you hit him’ because I interrupted him during his suggestion of giving my then partner a prescription for vitamins to stop her severe mood swings” – george36

Perpetrators seek help from health professionals

140. In 2006 a joint University of Bristol and Home Office study found that perpetrators approach GPs or other health or counselling agencies to seek help with their offending behaviour. The study found that, out of 45 men attending perpetrator programmes interviewed about which agencies they were in contact with:

- 32 men stated that they had been to their GP prior to beginning the domestic violence programme;
- 26 men had contact with the police in relation to domestic violence (13 for non-domestic violence; 21 for other non-violent offences);
- 13 men had contact with Relate, 11 with Social Services, 6 with the Samaritans, 5 with hospitals, 5 with alcohol services, and 4 with drugs services;
- Some men had also been in contact with services such as counselling, legal aid or solicitors, and welfare services at work.¹⁴⁶

141. The research concluded that:

143 Ev 145 (Gloucestershire County Council)

144 Ev 106

145 Ev 261

146 *Domestic violence perpetrators: Identifying needs to inform early intervention*, Home Office (April 2006), p 11

Other men may have contacted an agency, such as the GP, with which they were familiar, but without being explicit about their violence. Some may have reported problems with anger, while others complained about other ailments, most commonly depression or ‘feeling low’ or ‘down’. According to some men, their GPs simply prescribed anti-depressants, or they referred the men to inappropriate counselling services.¹⁴⁷

Respect reported that, as with victims, health services are insufficiently engaged with perpetrators with whom they have contact:

GPs occasionally refer clients to the Respect Phonenumber and/or Respect members but this is very patchy and to be honest, uncommon. There is a huge job to do in engaging health professionals across the board with perpetrator issues. There are opportunities for early interventions and appropriate referral across a range of health settings, but without guidance and training for health professionals, this does not happen.¹⁴⁸

Health professionals require accredited training

142. The special survey conducted for us by Women’s Aid showed that:

60% [of respondents] said NHS trusts are training health professionals on domestic violence. However, it was apparent that only selected health professionals were receiving such training—predominantly health visitors (trained in 96% of cases) and midwives (87%), and rather lower numbers of A and E staff (55%) and practice nurses.¹⁴⁹

The British Medical Association (BMA) recommends that information on domestic violence services should be available in all settings and that all professionals should practise selective enquiry and sometimes routine enquiry.¹⁵⁰ Research cited by the BMA showed that doctors who have been trained in domestic violence are more likely to ask patients about domestic violence, and as such are more likely to have patients who disclose abuse.¹⁵¹

143. The Department of Health recognised the role of health professionals in tackling forced marriage:

Evidence suggests many victims assume that health professionals cannot help them and they may not feel confident in expressing their concerns. Consultations with health professionals may be one of the few occasions when the victim is unsupervised by a family member and by being aware of the warning signs, they may encourage victims to speak out.¹⁵²

147 *Domestic violence perpetrators: Identifying needs to inform early intervention*, Home Office (April 2006), p 12

148 Ev 385

149 Ev 214

150 Ev 98

151 Glowa, Frasier & Wang (2003), *What happens after we identify intimate partner violence? The family physician’s perspective*, Family Medicine November-December 730–36, cited by the British Medical Association, Ev 97

152 Ev 335

144. The Department of Health has issued a handbook for health professionals on responding to domestic violence.¹⁵³ However, there is evidence that health professionals have not been trained to respond to domestic violence¹⁵⁴ suggesting that this handbook has not been widely disseminated or promoted. The Department also described the Forced Marriage Unit guidelines for health professionals in dealing with forced marriage, which will be placed on a statutory footing this autumn. However, it did not say whether or how they are being implemented, or whether professionals have received any training in implementing the guidelines.¹⁵⁵

145. We received evidence to suggest that victims of domestic violence and forced marriage often come into contact with health services. Victims identified health professionals, in particular GPs, as being poor at responding to disclosure of abuse or at referring victims to appropriate services.

146. The Department of Health must ensure that health professionals across the range of front-line services are trained to identify and respond appropriately to domestic violence and forced marriage. This should include compulsory training in the Guidance for Health Professionals produced by the Forced Marriage Unit, and in the handbook for health professionals on domestic violence. The Department of Health must closely monitor the implementation of both the guidance on forced marriage and the handbook on domestic violence.

147. GP surgeries and other community health centres should routinely display information on domestic violence and forced marriage, including advice on available support.

148. The Department of Health should consider ways in which GPs can be involved in the multi-agency risk assessment conference (MARAC) process. This might take the form, for example, of a representative of the local surgery or health centre attending the MARAC.

149. Joint University of Bristol and Home Office research has found that perpetrators also approach GPs for advice or help with offending behaviour. We recommend that the Department of Health work with Respect to develop accredited training and/or guidelines for GPs and other health professionals on how to identify domestic violence perpetrators and refer them to appropriate services.

The role of schools and education authorities: children “missing” from schools

150. Individual schools, and the education authorities which they report to, must have good systems in place to identify abuse and refer victims to appropriate support. As part of our inquiry we undertook a short investigation into the particular issue of children who have disappeared from school and who may have been forced into marriage. We

153 *Responding to Domestic Abuse – A handbook for health professionals*, Department of Health.

154 See paragraph 142.

155 Ev 333 ff (Department of Health)

considered this at some length since we heard that there were potentially very large numbers of such "missing children", which deeply concerned us.

Evidence from case studies shows some young people have been removed from school, temporarily or permanently, for forced marriage

151. The box below contains a case study of a girl who was taken from school for a forced marriage.

Forced Marriage Case Study: "Shahida"

"Shahida" was a well-behaved, able and keen student throughout her primary and early senior school years. However, by the time she was 14 she was becoming increasingly withdrawn, she began to truant on arrival at school and seemed to be losing weight. She also was significantly less interested in her schoolwork.

She was referred to the education welfare officer and the learning mentor in the school. The school logged, over a 7-month period, that she turned up with marks consistent with physical abuse and beatings as well as self-harming behaviour. She said that this was due to family conflicts but did not want to get her family into trouble.

She was referred to social services by the school. She refused to say anything against her family. Shortly afterwards she ran away staying with friends and stayed with various people locally. In each case, she ended up being returned to her family. Shahida would not press charges against them and therefore social services felt they had no grounds for any other action.

As the summer holidays approached (by now Shahida was 15 turning 16), her behaviour and attitude worsened, she missed several exams and at the start of the following autumn term she did not turn up for school. At this point the school, on speaking to some of her friends, discovered that she had told them she feared a possible forced marriage or at least being left overseas. The school then contacted the Forced Marriage Unit.

Shahida was finally located overseas and repatriated to the UK. She had to re-sit her GCSE year but is doing very well and living in foster care.¹⁵⁶

152. Thirty per cent of cases seen by the Forced Marriage Unit involve minors (under the age of 18), many of whom will be in compulsory or further education. Based on survivors' testimony, a common pattern within the South Asian community seems to be for young people to be taken abroad for marriage aged 16 or shortly after, when they reach the legal age to marry, and finish compulsory education. Imran Rehman told the Committee that he was "taken out of school and taken to Pakistan on a holiday at the age of 17. I was

¹⁵⁶ Case study provided by the Government Forced Marriage Unit, *Guidelines for Education Professionals*, Forced Marriage Unit, 1st edition 2005, p 8

kidnapped and drugged and abducted”.¹⁵⁷ A contributor to the Committee’s online consultation—a secondary school teacher in East London—stated:

I am very concerned about the issue of forced marriage, especially amongst the Year 12–13 group (sixth form). Of my current sixth form group I am likely to lose 2–3 young women to an arranged marriage [*nb. posting says ‘arranged’, but refers to marriage without consent*]. In all cases they do not understand that as a British citizen they do not have to agree to such an arrangement and that they have the right to turn it down.

153. Other victims, under the age of 16, have been taken abroad during school summer holidays to marry, and others have been taken out of school entirely. Shazia Qayum told us:

When I refused to get married I was told that I would not be able to finish my education. At 15 it was very important for me because it was my GCSE time. I was kept at home for a whole year; no one from the education welfare, no one from social services asked the question where I was. My parents handed in a sick note from the family GP telling them that I was not well enough to attend.¹⁵⁸

Contributors to our eConsultation gave a similar story:



“There is little or no action when young men and women are taken from school to another country, and never return after their ‘holiday’” - actecanni

“I know that some authorities find it difficult to investigate young Asian girls who disappear from the education system as that are not allowed by family members to interview the young girl alone, and are often accused of racism when they try to do so” – Cllr Davison

“If a young girl disappears from the school system, it is very difficult to gain access to her house without a relative being present, making it very difficult for her to say whether she is under any pressure, or to be honest about what is really happening. I think procedures need to be put in place where agencies work together to hold confidential interviews, in private, without any family members there who may intimidate her” – Cllr Davison

Data on children ‘missing’ from school rolls appeared to show large numbers of children unaccounted for

154. Jasvinder Sanghera of Karma Nirvana told us that “we are finding examples across England and Wales where children have gone off rolls and people have just allowed them to go off rolls without tracking where they are”.¹⁵⁹ The Forced Marriage Unit recorded

157 Q 240

158 Q 103

159 Q 179

that “250 girls aged between 13–16 were taken off the school roll in Bradford during 2006 because they failed to return from a trip abroad”.¹⁶⁰ We were alarmed by this report and investigated further with the Department for Children, Schools and Families (DCSF) and local authorities. The figure was also widely reported in the press.

155. The Parliamentary Under-Secretary of State at the DCSF, Kevin Brennan told us that “[Bradford] Council had identified 205, not 250. Of that number, 172 of these children were tracked to an alternative destination or known to be on roll at a school”.¹⁶¹ That left 33 children unaccounted for.¹⁶² The minister agreed to conduct further enquiries in the 13 other local authority areas identified by the Forced Marriage Unit as having high prevalence of forced marriage. He subsequently reported that the figures for those areas—comprising all children listed as “not in suitable education”—were as follows:¹⁶³

Table 3: Children in 13 local authority areas identified as “not in receipt of a suitable education” (March 2008)

Local authority	Number of children listed as “not in suitable education”
Birmingham	250
Blackburn with Darwen	6
Bristol	155
Derby	121
Lancashire	149
Leeds	250
Leicester	294
Luton	66
Manchester	385
Middlesbrough	23
Newham	40
Tower Hamlets	16
Waltham Forest	31

160 *Marriage to partners from overseas: a consultation paper*, UK Border Agency (2007), p 11

161 Q 374

162 A revised figure as at 19 March was subsequently provided by Bradford Education Authority (Q 497). This recorded 180 pupils on the register, of which 27 were listed as either missing education for more than two months or as removed from a roll.

163 Ev 399–400

On investigation, data collected by schools and education authorities could not be related directly to forced marriage

156. The minister told us that, contrary to what had initially been suggested, the figures collected by local authorities could not be directly related to forced marriage. Following the introduction of a new statutory duty in 2006,¹⁶⁴ local authorities are obliged to keep a record of children who are considered to be “not receiving a suitable education”. The Minister explained that the figures include children not attending school for multiple reasons, including:

- a) Children who are resident in the local area but are not presently undertaking education. These could include children who have not yet been registered in schools on reaching compulsory school age and children who have not gained a place at their parents’ preferred school and are being kept away from school altogether.
- b) Children who are being educated at home, where the local authority does not judge that education to be of a sufficient standard.
- c) Children who have been notified to the local authority by schools because they have not been attending school. These may include children who are on extended periods of leave. It will include a number of children of families that have moved away without giving details of their destination to the school, and who the local authority has not yet managed to trace to another part of the country using one of various mechanisms.¹⁶⁵

157. Of these categories, (c) is arguably the one most likely to contain children who have been removed from school for forced marriage. However, we have no way of identifying how many might be at risk of forced marriage from within these figures. Local authorities which wrote to us to explain the situation in their area reported that they had little concern that those pupils who were recorded as missing and their whereabouts still unknown were at risk of forced marriage. For example, Tower Hamlets stated:

There had been 46 children referred since September 2007, 30 of whom had been admitted to school by 10 March 2008. This left 16 cases being worked with by the Attendance & Welfare Adviser (AWA) for Children Missing Education (CME). These were all children confirmed as living in Tower Hamlets who were not currently on a school roll and this figure did not relate in any way to forced marriage. There are 27 names on the missing children register, 12 have been added in the current academic year. Forced marriage was not reported as a contributory factor in any of the 27 cases.¹⁶⁶

Blackburn with Darwen and Leicester City Councils also stated that they had no reason to suspect forced marriage in any of their cases of children missing suitable education.¹⁶⁷

¹⁶⁴ The Education and Inspections Act 2006 placed a duty on local authorities to make arrangements to establish the identity of children residing in their area who are not receiving a suitable education. Statutory guidance was issued in February 2007 to local authorities on how to discharge this duty (Ev 398–399)

¹⁶⁵ Ev 400

¹⁶⁶ Ev 331

¹⁶⁷ Ev 329 (Blackburn with Darwen Council); Ev 472 (Leicester City Council)

158. It was not therefore possible simply to equate those whose whereabouts are not known with victims of forced marriage. Despite this, and despite the fact that local authorities had not identified specific cases of forced marriage, we remained concerned about the numbers of children who were still unaccounted for. Using Bradford as a case study, we explored the scale of these figures with local authority officials. John Gaskin, Managing Director of Education Bradford, told us that, as of 7 March, there were 27 pupils not in suitable education whose whereabouts were not known.¹⁶⁸ In addition, Bradford provided us with data on pupils taking extended leave from school. In a four-week period from 25 February to 20 March 2008, 3 females and 3 males took holiday or extended leave for 15 days or more. None of these were of South Asian heritage.¹⁶⁹ John Gaskin, Managing Director of Education Bradford, told us that he had no concerns that any of those missing were the victims of crime or of forced marriage.¹⁷⁰

159. John Freeman, of the Association of Directors of Children's Services, made enquiries about documented cases of forced marriage amongst local authorities:

I have checked further with the 14 named local authorities, and within my own authority, Dudley, which has a significant minority population, and can confirm that the casework relating to forced marriages presently in hand (as of 28 March) in these 15 local authorities is limited to four cases.¹⁷¹

There appears to be a discrepancy between the experiences of victims and what is reflected in official data

160. What was striking in evidence from local authorities is that all of them disagreed with the assertion that they had high incidence of forced marriage, and no cases of forced marriage were identified in any of the data returns. Only four cases were identified across 15 local authority areas, 14 of which were identified by the Forced Marriage Unit as having high incidence of forced marriage. The number of cases identified in local authority areas does not seem to match what we heard of individual cases. John Freeman, Joint Director of the Association of Directors of Children's Services, agreed with this assessment:

These figures [from local authorities] do not sit easily with the FMU estimate of 250 cases per year, together with many other cases resolved without reference to the FMU, and yet others not reported at all. And I am aware that there is other evidence, for example from the Luton study, of greater numbers.¹⁷²

161. Mr Gaskin called for research to be carried out, led by DCSF or FMU in collaboration with the ADCS, to analyse the underlying facts from individual cases. He considered that the following information would be especially useful:

168 Twenty who had been missing from education for more than two months, and seven who had been removed from roll. Qq 498-499.

169 Ev 425 (Bradford Council), figures taken from table entitled *Breakdown by length of absence showing numbers by gender, aged 16 or more and ethnicity*

170 Q 515

171 Ev 423

172 Ev 423

At a statistical level, it would help to know the ages of the young women known to the FMU as having been at risk of, or suffering, forced marriage; their home location; the country in which the forced marriage was threatened or carried through; any specific vulnerabilities such as special educational needs, or disabilities; and the outcomes for the young women concerned in respect of family reconciliation.

At a case study level, it would be helpful to analyse, for a sample of specific cases:

what the local authority, school or college, and other local agencies knew, and when; what action was actually taken; and the effectiveness of the action; and

what the local authority, school or college, and other local agencies could or should have known in advance, and what further action could or should have been taken, and by whom, that would have been more effective in securing better outcomes.¹⁷³

162. The Parliamentary Under-Secretary of State at the DCSF wrote to HM Chief Inspector of Schools (HMCI) to seek her view on how well local authorities were implementing their duty to establish the identities of children not receiving a suitable education. Although the HMCI reported that most authorities have ‘good’ procedures in place, she reported that “in a few areas there is a lack of an over-arching co-ordinated approach to collecting and recording the data relating to missing children which makes it difficult to establish their whereabouts”.¹⁷⁴ The Minister wrote to us that local authorities “are using different definitions of categories of children whom they are identifying and tracking”.¹⁷⁵ He concluded that:

There is scope for developing some standard definitions for local authorities to use in collecting information and we plan to consult on this issue over the spring and summer, with a view to including these in updated, extended statutory guidance on identifying children not receiving a suitable education.¹⁷⁶

Some children listed as ‘home schooled’ could be at risk

163. Director of the Crown Prosecution Service London West, Nazir Afzal, and District Judge Marilyn Mornington, both of whom work regularly with cases of forced marriage, were troubled that some children who were classified as not in suitable education and who were listed as being home schooled were in fact at risk of forced marriage. Mr Afzal told us that some children:

Are, allegedly, being home schooled and very many of them are not being home schooled at all because there is no means of being able to check what is happening to them. Very many of them will end up being victims of forced marriage or honour-based violence.¹⁷⁷

173 Ev 423

174 Ev 470

175 Ev 450

176 Ev 450

177 Q 137

District Judge Mornington told us that the DCSF has guidance for schools on children being educated at home, but that the system of inspection lacked teeth because parents could deny access to the home and the child.¹⁷⁸

164. The evidence from victims collected by the Forced Marriage Unit and other survivors’ groups, and heard in the course of our inquiry, convinced us that there are children in real danger of being removed from school, or further education, and forced into marriage.

165. However, when we examined the issue of these ‘missing’ children we exposed a confusing picture, of different data recorded by different schools and local authorities in different categories, none of which could give us concrete information about children at risk of forced marriage. The Parliamentary Under-Secretary of State at the Department for Children, Schools and Families himself recognised the shortcomings in the available data, and proposed to consult on developing a standard definition for local authorities in collecting information.

166. Currently, schools only record data on pupils listed as being ‘not in suitable education’. This covers a wide range of reasons, and from our investigations it became clear that these data tell us little about children at risk of forced marriage. This caused us great concern. Rather than disproving that there are children missing from schools who have been removed and forced to marry, our investigation showed simply that there is no adequate mechanism of identifying these children.

167. We acknowledge that data collected by schools are unlikely ever to identify the true numbers of young people forced into marriage. Many victims are aged 16 or over, some may be listed as home-schooled, and others are taken abroad during school summer holidays. These categories are unlikely ever to be comprehensively captured in school data. Nevertheless, we consider that data collected by schools provide a vital mechanism by which some of those most at risk might be identified.

168. We consider that the measures outlined by the Parliamentary Under-Secretary of State at the Department for Children, Schools and Families—to develop a standard definition for local authorities, and reissue guidance on children listed as ‘not in suitable education’—are urgently necessary as a first step to standardising data collection between schools and local authorities. However, more action is needed. We recommend that as a matter of urgency the Government commission research into the relationship between trends identified through cases of forced marriage and data collected by schools. In this, we support the broad framework for research set out by the Joint Director for the Association of Directors of Children’s Service, John Gaskin.

169. We did not investigate the relationship of children listed as being home-schooled to possible cases of forced marriage. However, the link made by experts between home-schooling and forced marriage is troubling, and we recommend that the Government include this issue in a revision of data collection and procedures for identifying cases of forced marriage and child protection.

Training education professionals

170. It is vital that teachers and other education professionals are equipped to teach about domestic violence and forced marriage, recognise signs of abuse and know how to help students. This is particularly true if, as we recommend in this report, domestic violence and forced marriage should be made an explicit part of the school curriculum, under statutory sex and relationships education, since teachers will be required to teach and respond to these subjects.

171. However, Nicola Harwin, Chief Executive of Women’s Aid, told us that research has shown that teachers “are worried that they do not have enough understanding...[schools] feel that it is a Pandora’s Box and if they raise the issue, they do not know how they will deal with what comes back”.¹⁷⁹ Respondents to our eConsultation felt that these findings applied to forced marriage too:



“It came to my attention that many of the girls sought refuge through education to avoid marriage to an unwanted partner. The longer they pursued their studies...they could avoid the inevitable. I admit then I was completely ignorant about such matters. I was unable to offer any constructive help or advice” - zander

“Train professionals, to make them aware of cultural issues and steps they can take when faced with an individual who may be going through this. There is also a fear to tackle cultural issues such as these, and sometimes due to cultural sensitivity gone too far” - dare2connect

172. All teachers are required to “be aware of the current legal requirements, national policies and guidance on the safeguarding and promotion of the well-being of children and young people” and to “know how to identify and support children and young people whose progress, development or well-being is affected by changes or difficulties in their personal circumstances, and when to refer them to colleagues for specialist support”.¹⁸⁰ However, training in domestic and “honour”-based violence and/or forced marriage is not a specific training requirement. It came as no surprise to us, then, to hear that teachers are diffident in tackling these issues, and are unsure how to respond to disclosure from pupils.

173. The Forced Marriage Unit *Guidance for education professionals*, which will be placed on a statutory footing this autumn, includes suggestions about how to cover forced marriage within existing curricula and guidance on spotting warning signs. The Family Justice Council suggested that:

Designated teachers in each school should receive awareness training and there should be specific guidelines for school staff dealing with DV in all its forms—including information that may be required of them by the courts.¹⁸¹

179 Q 173

180 Ev 397 (Department for Children, Schools and Families)

181 Ev 261

There is currently a designated teacher in each school with responsibility for safeguarding children, but these teachers have not been specifically trained to respond to domestic violence and forced marriage.

174. The joint End Violence Against Women/Equalities and Human Rights Commission report, *Making the Grade 2007*, called for all PGCE and professional training qualifications to include specific training on violence against women.¹⁸²

175. Teachers and other education professionals cannot be expected to deal confidently and effectively with sensitive subjects such as domestic violence and forced marriage without training and advice. We recommend that specific accredited training be introduced for all education professionals on these issues, including in the re-issued Guidelines for Education Professionals from the Forced Marriage Unit. In the first place this could amount to ensuring that a designated contact for domestic violence and forced marriage exists in each school. This person could take responsibility for implementing a programme of accredited training.

176. We consider that the approach outlined by the *Making the Grade 2007* report—that all postgraduate certificate in education (PGCE) and professional development training specifically include modules on violence against women—is a good one. We recommend that the Department for Children, Schools and Families implement specific training modules on domestic violence in all PGCE and professional development training.

Ofsted has a role to play

177. Kevin Brennan MP, Parliamentary Under-Secretary of State at the DCSF, told us that “all schools should be dealing with matters relating to the safeguarding of children, including domestic violence and forced marriage” and that where schools were failing to deal adequately with the issues “in relation to the inspection of those schools, those matters should be brought out very clearly and remedial action taken”.¹⁸³ We suggested to the Minister that the schools inspectorate should be involved in holding schools to account for their success or failure in tackling domestic violence and forced marriage. The Minister agreed: “Ofsted will have to look at this issue....[it] absolutely has to be a part of their inspection of schools”.¹⁸⁴

178. We recommend that Ofsted be tasked, as part of its inspection framework, to inspect schools specifically on their success or failure in tackling domestic violence and forced marriage. This should include the effectiveness of teacher training on these issues, and assessment of the implementation by individual schools of the Forced Marriage Unit Guidelines for Education Professionals.

182 *Making the Grade 2007*, End Violence Against Women coalition and the Equalities and Human Rights Commission, p 26

183 Q 359

184 Q 362

6 Emergency interventions



“Victims often minimise abuse or are too scared to do anything about it, so a lot of input is needed to help them”

- eConsultation respondent

179. This section considers some of the kinds of emergency assistance and support available to victims and the agencies which can offer it. These include advice help lines, the Police, and refuge and housing services. We also consider the case of victims who are unable to access emergency support due to their immigration status.

Helplines provide a lifeline in emergencies

180. Refuge and Women’s Aid, in partnership, run the National Domestic Violence Helpline. The line is free phone and operates 24 hours a day, 365 days a year on one national telephone number. The helpline is staffed by fully trained workers and volunteers, and helps women to access refuge places, provides practical advice on a range of issues including safety planning, housing and legal rights, immigration procedures, and emotional support. It receives funding from a number of sources, including London Councils, the Home Office and Comic Relief.

181. We visited the Refuge headquarters of the helpline to watch it in operation. We were told that, in total, there are 21 paid staff and around 42 volunteers. At any one time there is a maximum of 9 staff operating the phones. Sandra Horley told us that, in 2007, the helpline received £950,000 in funding, of which £500,000 came from the Home Office. It received 175,000 calls, of which approximately 65% were able to be answered.

182. Refuge told us that the helpline is facing a crisis in funding, with a projected budget deficit in 2008–09 of £260,000. Ms Horley explained that if it was unable to raise funds to cover the shortfall, the help line would have to reduce the number of its helpline staff, or stop its night service. We raised the issue of the help line’s resource situation with the Home Office. The Minister, Vernon Coaker, told us “I will look at the issue of the helpline again. We give £500,000 from the Home Office, but of course if it is in difficulty we will look at it”.¹⁸⁵

183. On 11 April 2008 Karma Nirvana, in partnership with the FMU, launched a national helpline for survivors of “honour”-based violence and forced marriage. The line will be staffed by survivors offering practical and emotional support.

184. The National Domestic Violence Helpline provides a vital lifeline to victims of abuse. However, the helpline is very under-resourced, facing a budget deficit of

£260,000 in 2008–09. It is currently able to respond to only 65% of the calls it receives. It is essential that the Helpline is properly resourced, not only to maintain its current level of service provision, but to increase its services to meet increasing demand. This step will be crucial if, as we recommend, public awareness-raising campaigns on domestic violence are to be run.

185. The Home Office must undertake to review its resourcing of the Helpline and increase the funding it provides to ensure that the Helpline can maintain its vital services, including 24-hour coverage. Investment in this service is likely to be amply offset by the savings, not only to human life, but in police call-outs, health and support services and legal proceedings.

186. We welcome the launch in April 2008 of the ‘Honour Network’ helpline for survivors of “honour”-based violence and forced marriage, and urge the Government to ensure that it is fully resourced to be able to operate effectively.

The police response

187. We considered aspects of the police response to domestic violence, including risk assessments, victims’ experience of contacting the police, and protection for “honour”-based violence victims. In paragraphs 402 to 405 we consider the implementation of new powers for police introduced by the Domestic Violence, Crime and Victims Act.

188. Every minute in the UK, the police receive a call from the public for assistance for domestic violence. The police receive an estimated 1,300 calls each day, or 570,000 each year.¹⁸⁶ However, only a minority of incidents of domestic violence are reported to the police, with estimates varying between 23%¹⁸⁷ and 35%.¹⁸⁸ Typically only 26% of incidents result in arrest and 7% of incidents result in charge.¹⁸⁹ In many cases, the police are the first contact point for victims in an emergency and it is crucial that they respond appropriately.

Police risk assessment tools

189. The police have been criticised for having inadequate risk assessment tools for dealing with domestic violence, and in particular with “honour”-based violence and forced marriage. A report by the Independent Police Complaints Commission (IPCC) in July 2007 came to some disturbing conclusions with regard to failings in a number of domestic homicide cases, identifying systematic problems including:

- Lack of awareness of the circumstances likely to trigger domestic violence and failure to recognise factors in perpetrator’s history that showed a need for intelligence in order to assess risk

186 Stanko (2000), cited by Women’s Aid Federation *Statistics: Domestic Violence*, http://www.womensaid.org.uk/core/core_picker/download.asp?id=1602

187 Walby and Allen, *Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey*, Home Office Research Study 276 (2004), x

188 Home Office (2002)

189 Hester, M., *Social Policy and Society* 5 (1) (2006), p 81

- No risk assessment/risk assessment informal or based on partial evidence/no review on escalation of violence.¹⁹⁰

The IPCC gave a number of case studies illustrating such failings, including that in the box below.¹⁹¹

IPCC Case Study: Investigating Properly

A woman suffered over a year of terror and harassment after ending a relationship. She alerted the police to her fears on several occasions, reporting (among other things) assault, damage to her car, threatening calls, an attack during a robbery (which she believed her ex-partner was behind) and finally threats to kill her. At no stage did the police identify her as vulnerable or categorise her case as high risk.

There was no meaningful investigation of the robbery. Statements were not taken from key witnesses who had seen two men near the scene at the time, forensic tests were not carried out on a Mars bar wrapping found in the telephone box from which the robbers had called her first, the descriptions of the robbers were not circulated and her ex-partner was not interviewed though there were strong grounds for suspecting he was behind the robbery. No risk assessment was made in relation to the victim’s safety.

Her ex-partner shot her dead. He was subsequently tried and convicted of the robbery as well as her murder. Although he used an unlicensed firearm to kill her he had a valid firearms licence at the time. The last renewal was after he had been bound over in relation to the allegation of assault and while he was still under suspicion for the robbery. The firearms licensing officer renewing the certificate looked only at bind over and did not consider the whole of the man’s record.

190. Police representatives told us that risk assessment procedures were improving. The Association of Chief Police Officers (ACPO) stated that “there is no single risk ‘tool’ available to guide all the agencies which have a part to play in keeping people safe from domestic abuse”, but that it is currently working with partners to identify a common tool to identify critical risk factors.¹⁹² Chief Constable Brian Moore, Domestic Abuse lead for ACPO, told us that “the single factor that would improve overall consistency of all agencies, not just the police, would be a consistent risk management regime across and between agencies”.¹⁹³ Commander Steve Allen told us that there were specific questions and factors to identify “honour”-based violence included in the police domestic violence risk assessment tool under development. He added that ACPO was trying to ensure that other agencies adopt this risk model so that a consistent approach is being taken.¹⁹⁴

190 Ev 112 (IPCC *Learning the Lessons Bulletin* 1 June 2007)

191 Ev 114–115

192 Ev 181 (ACPO Domestic Abuse portfolio)

193 Q 8

194 Q 140

191. Failure by the police adequately to assess the risk of harm to victims has, in a number of cases, resulted in homicides which might have been prevented. The police must ensure that work under way to implement consistent risk assessment across all forces, in partnership with other agencies, puts right these failings.

The police response to victims has varied

192. We heard from survivors of domestic violence who were critical of an inadequate police response. Some said that response times were too long:



"My sister was told what she could expect a response within ten minutes and that even a silent 999 call would bring the police. The actual response time was 6 hours and 42 minutes measured as the time from the start of the 999 call to when the police entered the house to find my sister dead" - tiscali

"I called the police in the early hours scared for my life after being beaten and having something thrown at my head. I waited an hour cold, shivering and petrified of my ex-partner fearing he would break through the door I had shut myself behind to try to kill me. No police officer arrived...so again I dialled 999 and requested police assistance. I was then left to wait another 45 minutes before the police finally arrived by which time I could literally have been dead...my home was already listed on the local DVU's [police domestic violence unit] 'fast response' list" - claire-health

Respondents bore out some of the IPCC criticisms with regard to police co-ordination, especially the following up of incidents:



"I found the police very helpful at the beginning, when I first called them, but the follow up support was severely lacking. I was told a DV policewoman would call in the next couple of days, but it took over two weeks for her to call me. She asked if there was anything I needed help with, I asked what kind of help she could offer, she said I obviously didn't need her then, and hung up, I couldn't believe I had waited so long for so little" - Happynow

"A couple of times I tried to phone the DV department at the local police station – as I had been warmly invited to do by officers on several occasions – but on both occasions I met with an irritable WPC who the first time said the police weren't interested, I just had a 'messy divorce'. The second occasion the reason given was that it had just been a 'domestic argument'. I felt very depressed and humiliated after this, but have since heard other women say they have received the same treatment as me" - parijata

Others spoke of prejudicial responses from individual officers:



“I called the police after my ex-husband tried to strangle me, [he] had been threatening and verbally abusive all night and said he would put me through days of sleep deprivation. The officer who I spoke to asked me if I really wanted flashing blue lights outside my house with all the neighbours watching and told me to call him back in the morning when things had calmed down! I never rang them again. That was 10 years ago. I hope the police has improved since then” – marigold123

193. Community organisation Karma Nirvana told us that forced marriage victims reported receiving sceptical responses from the police:

On the day [victims] find the courage to leave they are very often faced with agencies who do not understand the risk posed to them and common responses to our clients are ‘stop overreacting’, ‘do not be so dramatic’ or ‘wait for something to happen’ and more importantly it is not a police matter.¹⁹⁵

194. Chief Constable Brian Moore, ACPO lead for domestic violence, told us that in recent years there has been a cultural change in the way the police service deals with domestic violence.¹⁹⁶ Seventy five per cent of respondents to a Women’s Aid special survey agreed that police responses to domestic violence had improved over the last two to three years, but that performance was inconsistent. One said “often it depends on individual senior officer’s commitment in terms of the response or service the victim receives”.¹⁹⁷ Southall Black Sisters also thought that “the problem lies not with senior ranking officers, many of whom have considerable awareness of the issues but with rank and file officers, many of whom continue to view domestic violence as a ‘waste of time’”.¹⁹⁸

195. We also heard of some positive responses from the police from eConsultation respondents:



“The police treated me really well, listened to me , I felt understood and believed” - andiecraft

“The police who came out to rescue me were very kind, sympathetic and supportive and when my husband refused to agree to cease harassing me – but would leave to live with his parents – they escorted him from the house...they subsequently checked up to see if I was okay at intervals on the phone” - parijata

195 Ev 239

196 Q 1

197 Ev 214

198 Ev 303

196. The police service response to “honour”-based violence has been strengthened by the formulation of the ACPO Honour-based Violence Working Group (HBVWG). HBVWG is a multi-agency group merged in 2005 from the ACPO Forced Marriage Working Group and the ACPO Honour Killings Gold Group, with membership drawn from police services across the UK, central government and the criminal and civil justice systems. The group is developing a national police strategy and supporting action plan specifically for responding to incidents of “honour”-based violence. The draft strategy was published for consultation in August 2007 and promised that the strategy and action plan would be published in November 2007. However, the strategy has not yet been published. Commander Steve Allen, ACPO lead for Honour-Based Violence, told us that he had delayed ratification of the draft strategy to take into account lessons from the Independent Police Complaints Commission (IPCC) report into the “honour” killing of Banaz Mahmood.¹⁹⁹ The IPCC report was published on 2 April 2008.

197. The head of the HBVWG, Commander Steve Allen, told us that the key challenge for police in responding to “honour”-based violence was ensuring a consistent response from individual officers:

The key challenge is that we have in excess of 100,000 people around the country who may be the first person to whom a victim reports, and the ambition has to be to have the confidence that every one of those 100,000-plus people, every single time they come into contact with a victim, gets it right. I cannot sit here and say to you that I believe on every single occasion we do get it right, because I know that on far too frequent a basis we still do not.²⁰⁰

198. We took evidence on the specific “honour” killing case of Sergit Athwal. Sergit’s brother, Jagdeesh Singh, described the difference that having an informed and engaged police officer assigned to his case had made to him:

It was not until many years into the investigation and with the introduction of new officers we saw this massive turnaround in the speed and thoroughness of the case. It demonstrated very cruelly and very vividly that attitudes amongst officers can have such a fundamental effect on whether a case is taken forward or a line is drawn on the case to say ‘No more enquiries’.²⁰¹

More consistent training is required for front-line police officers

199. The Government has set a National Delivery Plan Target for the Association of Chief Police Officers to train all frontline officers in domestic violence by 2008.²⁰² Chief Constable Brian Moore told us:

Every person who joined the police force is receiving training and has been trained to the Centrex standard. That training covers not only front line officers but those who receive the 999 call. We have to go back and do remedial training in respect of those

199 Q 127

200 Q 126

201 Q 265

202 Ev 248 (Home Office)

who entered the Police service earlier than three or four years ago. There is a mixed picture across the Police service about remedial and follow-up training, and I and the HM Inspectorate of Constabulary are working through that programme with the forces.²⁰³

200. ACPO noted the need for specialist guidance and training for all agencies, including the police, stating in particular that:

With the enactment of the Forced Marriage (Civil Bill) and the placing of guidelines on a statutory footing it is essential that forced marriage guidelines for all agencies are revised as a matter of urgency. The revision and implementation of guidelines is essential if front-line service delivery is to be sensitive and appropriate to victims’ needs. This will require additional resources.²⁰⁴

However, evidence from our eConsultation suggested that many police officers still lack understanding of the issues. This suggests that training has not yet been consistently and fully implemented.

201. **Most of our witnesses agreed that there has been progress in terms of the police response, in moving away from a culture of diffidence towards domestic violence over the last ten years or so. The top level of the police service, aided by the relevant ACPO working groups, appears to have made a commitment further to improve the police response to victims. However, the evidence we heard suggests that the experience of individual victims remains varied, and depends to a great degree on the commitment and knowledge of the individual officer. Police representatives agreed that it remains difficult to ensure that every front line officer is trained and that the response is consistent every time.**

202. **We therefore recommend that the police service renews its efforts to ensure that every police officer is trained to respond to domestic and “honour”-based violence and forced marriage. Comprehensive, accredited training must be implemented swiftly. HM Inspectorate of Constabulary (HMIC) should ensure that, as part of its inspection regime, it assesses whether, and to what standard, forces have implemented training.**

203. **We note that ACPO has not yet published its strategy and action plan on “honour”-based violence, and urge it to do so.**

A police protection programme should be made available to victims of extreme “honour”-based violence

204. Cases of “honour”-based violence and forced marriage can involve a group of perpetrators and an organised conspiracy. We heard that in a number of cases families went to great lengths to track down the young person, including hiring private investigators, sending family members undercover or using other mechanisms such as MPs or national insurance records to locate the person. The Iranian and Kurdish Women’s Right Organisation (IKWRO) stated:

203 Q 10

204 Ev 176

Immigrant communities are tightly-knit; immigrant families are large, and will often collaborate in bringing about the murder. Potential victims, the majority of whom are young women who have led sheltered lives, need no less protection than those threatened by organized crime gangs; and this must include police protection and new identities. Domestic violence provisions are often inadequate and inappropriate for this purpose.²⁰⁵

IKWRO gave the following case study:²⁰⁶

"Honour"-based violence case study: SS

SS was only nine years old when her family decided she should be married to her cousin who was fifteen years older than she was. SS fell in love with her boyfriend SF (now her husband) in 2002. Her family became suspicious. She was not allowed to make calls and was under constant surveillance. Her family arranged for her cousin to come over to the UK for a wedding ceremony. On the day of her wedding she took an overdose and so the wedding did not take place. She decided to leave home.

The entire family: brothers, uncles and other cousins came looking for her and her partner. They feel SS has disgraced the family by marrying for love and not the partner they chose for her so they resolved to kill her. We learnt that they paid a bounty hunter/hit man to kill SS and SF. SS went to police in London, but police refused to provide any protection and sent them to the local council where they were told there were neither refuges for couples, nor for men. They were put in touch with IKWRO through one of the police station that SS contacted. We arranged meetings with the police to ensure their safety and to gain a referral to the council where they were eventually provided with safe accommodation.

205. In such circumstances, elevated levels of protection are essential. Yet currently the only high level protection programme is police witness protection, to qualify for which the individual has to be giving evidence as a witness. This is often not the case with victims of "honour"-based violence, and yet they face similar danger. Several witnesses argued for the creation of a protection programme for victims or potential victims, along the lines of the witness protection programme. Jasvinder Sanghera cited a Metropolitan Police initiative launched by Commander Sawyer to provide protection to gang members as a good model. This initiative offers gang members refuge in a national network of safe houses, together with education and jobs.²⁰⁷ Commander Allen told us that ACPO "would also support an extension of the use of the Witness Mobility Scheme and Witness Protection schemes for victims and those at risk of honour based violence where appropriate".²⁰⁸ He said that ACPO has begun work on such a scheme.²⁰⁹

205 Ev 289

206 Ev 289

207 For a description of the scheme, see *Met moves gang members to 'safe houses'*, Evening Standard, 7 February 2008

208 Ev 176

209 Q 152

206. We consider that in some cases of extreme “honour”-based violence, victims face a particular danger from organised conspiracies. We therefore recommend that the police develop a victim protection programme, along the lines of those offered to court witnesses or gang members, for such cases. Entry onto a programme must not be dependent on giving testimony in court.

Emergency housing

207. A critical need for victims of domestic violence is safe housing, away from the perpetrator. In the short term this can mean refuge accommodation. Whilst this might seem obvious, we identified a lack of planning and a shortage of funds to meet the housing needs of domestic violence victims.

There is a shortage of refuge space across the UK

208. There are currently 450 women’s refuges in the UK. Last year there were 17,406 women and 25,384 children staying in refuge accommodation.²¹⁰ However, the Men’s Advice Line told us that only 15% of women fleeing violence are able to access a refuge place.²¹¹ In London alone, during 2006–07, 21 refuge providers turned away over 2,300 requests for support from women, overwhelmingly because refuges were full.²¹² We visited two refuges during the course of our inquiry. The Haven in Wolverhampton told us that staff must turn away just over one third of referrals due to a lack of capacity. The National Domestic Violence Helpline receives an average of 20 requests a day for refuge.

209. The Department for Communities and Local Government told us that it had invested in refuge provision, including funding UK Refuges Online (UKROL):

In this financial year we have been able to move away from the insecurity of year on year funding for UKROL and have provided three year indicative funding of £400,000 from 2008/09 to 2010/11....We, together with the Housing Corporation, provided £34 million between 2003/06 under the Women Fleeing Domestic Violence programme to build and refurbish 511 units. Since then in the Housing Corporation’s Affordable Housing Programme for 2006–08 over £17 million was allocated for accommodation for women at risk of domestic violence. This funding will provide 153 units of housing.²¹³

210. However, the joint End Violence Against Women and Equalities and Human Rights Commission’s *Map of Gaps* report in 2007 noted that “one in three local authorities (37.8%) do not have a women’s refuge”.²¹⁴

210 Q162 (Nicola Harwin, Women’s Aid)

211 Ev 310 (Men’s Advice Line)

212 Women’s Resource Centre, *Funding to London Women’s Refuges: Report to London Councils 2007*

213 Ev 403

214 *Map of Gaps 2007*, p 25. The *Map of Gaps* report only assessed third sector specialist domestic violence services, thereby excluding all statutory services. It therefore does not reflect all available domestic violence services.

The inconsistency of provision was also highlighted by respondents to our eConsultation:



“Refuge provision differs dramatically from one area to the next. I live in an area with 150,000 residents but we only have 7 refuge beds, whereas 20 miles away in a neighbouring authority they have 15. We also need provision to be more flexible, ours only accepts women and will not accept teenage boys over the age of 13” – Cllr Davison

211. The communities Minister, Parliamentary Under-Secretary of State at the DCLG, Iain Wright MP, undertook to “look at the provision of refuge places across the country. This will help establish how many bed spaces are available for those fleeing domestic abuse”.²¹⁵

There is little specialist refuge provision for minority ethnic women, including forced marriage victims

212. Nationally only 30 refuge providers specifically support Asian women, and only 6% of local authority areas have specialist refuges.²¹⁶ Data from 6 BME refuges supplied by Imkaan shows that in a 2-year period, 537 women and children were unable to access emergency housing and support from 12 services.²¹⁷ There are currently only 8 bed spaces specifically for female victims of “honour”-based violence or forced marriage aged from 16 years.²¹⁸ These are at the Ashiana Project in East London. However, “honour”-based violence and forced marriage victims can also access mainstream refuge provision.

213. Despite the shortage of provision for Asian victims, the situation is even worse for non-Asian minority ethnic victims of forced marriage or “honour”-based violence. There is not a single refuge in the UK specifically for Chinese victims, nor for Middle Eastern or Eastern European victims.

There are few refuge places for male victims

214. There are no refuges specifically for heterosexual male victims. Approximately 12 rooms are available for heterosexual men in women’s hostels,²¹⁹ there is some dedicated bed space for male victims in North Somerset and there are 400 ‘generic’ bed spaces. There is one refuge for gay male victims.²²⁰ Mankind Initiative, a Taunton-based charity supporting male victims of domestic violence, stated that “of the referrals [to refuges] that the charity has made since 1st January 2007, refuges accepted the placement on only 11

215 Ev 404

216 Ev 234 (The Fawcett Society), citing Shaw, S., *Domestic Violence and Black and Minority Communities*

217 Ev 172 (Imkaan)

218 Ev 176 (ACPO Honour-Based Violence Working Group)

219 Ev 132 (The Mankind Initiative)

220 *Ibid.*

occasions, on six occasions the referral was refused and on four occasions no place was found”.²²¹

215. We heard conflicting views on the need for male-only refuges. The Mankind Initiative told us that “Government and local authorities have a duty to offer specialist support including refuge spaces for male victims of domestic violence”.²²² However, others referred to research carried out by the Cardiff-based Dyn Project, which suggested that most male victims do not want or require refuge services.²²³ The Men’s Advice Line agreed, stating:

We have yet to be convinced that there is a significant need for additional beds for male victims of intimate partner violence. Most men, even if they are victimised do not face the same levels of fear as women and most will want to remain where they are due to employment and family commitments. ... We also submit that again the issue of men’s refuges has been somewhat misrepresented by some for political reasons that have more to do with misogyny than concern for genuine individuals.²²⁴

216. Male victims of forced marriage who gave evidence to us strongly recommended a male refuge for forced marriage victims. Imran, a survivor and case worker with Karma Nirvana, said:

My suggestion is a male refuge for men, which is highly needed. Due to my caseload I have 44 Asian male victims of domestic violence and forced marriages and honour-based violence and at the moment there is nowhere for them to go, just hostels and YMCAs. A lot of males phone me saying, “where am I supposed to go?” and when I say YMCAs and hostels, they just do not want to leave.²²⁵

217. One homelessness charity which supports young homeless people, might provide an alternative to the refuge model for men fleeing domestic violence or forced marriage. The Albert Kennedy Trust supports homeless Lesbian, Gay, Bisexual and Transgender (LGBT) individuals made homeless because their families have rejected them due to their sexuality. The Trust arranges foster care and lodgings with trained LGBT carers.²²⁶

218. We welcome the extra investment in units of housing for domestic violence victims provided by the Government. However, despite this investment, there remains a desperate shortage of refuge spaces. Those who flee domestic violence give up their homes, their possessions and move away from family, friends, jobs and possessions. Refuges represent the very last resort for these victims and those who access such services do so in desperation. The Government must not fail in its duty to support these vulnerable people.

221 Ev 133

222 *Ibid.*

223 *The Dyn Project: Supporting men experiencing abuse*, Robinson & Rowlands, Cardiff University (2006)

224 Ev 309–310

225 Q 275

226 For further information on the Albert Kennedy Trust, see <http://www.akt.org.uk/>

219. The Department for Communities and Local Government must urgently investigate the scale of the shortfall in refuge spaces and work with local authorities to ensure that refuge space is sufficient to meet demand across every local authority area. Once it has quantified the scale of the shortfall, it should produce a timetable for delivering the additional refuge places required, and report back regularly on progress against this timetable.

220. On the question of male refuges, it is clear that there is a need for some emergency housing, perhaps particularly for victims of forced marriage, who can be younger and more isolated. However, it would seem that the need for bed spaces for men is not of the same order of magnitude as for women. We recommend that the Government consider whether or not alternative support might be appropriate for male victims, such as a means-tested grant for accommodation. For male victims of “honour”-based violence or forced marriage, consideration might also be given to using the forced marriage survivor network, launched on April 11, to facilitate short term accommodation of victims with survivors. A possible model for this could be the Albert Kennedy charity, which supports homeless LGBT individuals through facilitating lodgings with LGBT carers. Clearly due care would need to be given to the acute vulnerability of forced marriage victims.

Sanctuary Schemes allow victims to remain in their own homes

221. Sanctuary Schemes allow victims to remain in their own home, by installing safety measures, such as extra locks on doors, window or door alarms, anti-arson letter boxes, external solar lights or a ‘safe room’ within the victim’s home. The Department for Communities and Local Government told us that, in 2007, 171 local authorities had introduced Sanctuary Schemes, and a further 90 were planning to introduce them.²²⁷ Sanctuary Schemes are available to both male and female victims.

222. The implementation of Sanctuary Schemes across the country has been variable and as such, the schemes have received a luke warm response. On the one hand they have been welcomed for empowering the victim to remain in their home, but on the other hand they have been criticised for being, in some cases, a ‘box-ticking’ exercise, or ‘cheap way out’ for local authorities. For example, one respondent to a special survey by Women’s Aid highlighted shortcomings:

Our police fund things like shutters and bars for doors etc, but not CCTV or panic rooms. There is no perpetrators’ support programme and there is no housing available which could be used for single male perpetrators in a supported tenancy scheme linked to Sanctuary. I think making a house more secure, without the other provision to keep the perpetrator supported and away from the victim, just leaves the woman a prisoner in her own home.²²⁸

223. Nicola Harwin of Women’s Aid told us of anecdotal evidence from a local provider in the South West: “the local authority said ‘we have got a supply of locks and various things

227 Ev 403

228 Ev 220

in a cupboard somewhere and that will do.’ Honestly, that was literally what someone said”.²²⁹ Sandra Horley told us that the schemes “are often used by local authorities to stop giving women the right of choice of alternative housing”.²³⁰

224. In Barnet during 2004/05 Sanctuary Schemes resulted in a 40% reduction in families fleeing violence having to go into temporary accommodation. This saved a total of £601,299 in aborted temporary accommodation costs.²³¹ Feedback from those participating in the schemes was generally positive. For example, in Newcastle under Lyme, 90% of respondents said they felt more secure in their properties following the work.²³² The Minister, Parliamentary Under-Secretary of State at the DCLG, Iain Wright MP, told us that he intended to carry out a comprehensive evaluation of the scheme.²³³

225. Although we heard some accounts of poor implementation of Sanctuary Schemes, evidence suggests that the schemes have great potential to allow women and children to remain in their own homes, thus minimising disruption to their lives. The schemes are also available to male victims, and may better suit the needs of male victims than refuge space.

226. We heard evidence, however, that some local authorities are using the schemes as ‘cheap’ alternatives to emergency housing, simply providing a spare lock or bolt. It is vital that Sanctuary Schemes are only employed when this can be done safely and when associated support and protection measures are in place. Where schemes are implemented properly—with victim safety the paramount concern—local authorities must ensure that any savings made in temporary accommodation costs through the scheme are reinvested in domestic violence services.

227. We urge the Minister to carry out a national evaluation of Sanctuary Schemes, as he proposed, and publish the findings. Guided by the evidence we heard, this evaluation should explicitly consider: whether schemes are providing adequate security, or being used as a ‘cheap’ option; whether local authorities are offering women any choice, or whether women refusing the scheme are classed as ‘intentionally homeless’; and how any costs saved in temporary accommodation can be ring-fenced for investment in other domestic violence services.

Victims with insecure immigration status are acutely vulnerable

228. Witnesses told us that the most desperately vulnerable group of victims are those who, due to their insecure immigration status, are not able to access public funds for emergency accommodation or support. We took evidence from one such victim, Anita, who was abused by her husband but who was forced to remain with him since she could not access refuge provision owing to her immigration status:

229 Q 159

230 *Ibid.*

231 Ev 405. The cost of those 40 cases for a year in temporary accommodation would have totalled £669,760. The saving figure of £601,299 is arrived at by taking away the total costs for the project for the year (£68,461) from the cost of temporary accommodation.

232 Ev 406

233 Ev 404

Gwyn Prosser MP: So you were forced to go back?

Anita: Yes, because I did not have any choice. Where would I go? I went to many organisations at that time but everyone said there is no recourse to public funds; that is why we cannot help you.²³⁴

Advocacy group Rights for Non-British Spouses provided us with several case studies detailing the plight of such women. Respondents to our eConsultation agreed that this group is overlooked:



“Those who have no recourse to public funds often face the starkest choice: either return to the perpetrator or face destitution. There have been cases where women have had their children taken into care because they have no financial resources and can claim nothing. This is nothing short of disgraceful” - nadine

“Most of the time such women have very little education, no independent means and no experience whatsoever of how to live in this country. They are completely at the mercy of their in-laws. Whilst they are on probationary leave their status in this country, in practice, is also very much at the whim of their in-laws as well. I would say that this is one of the most vulnerable if not the most vulnerable group. However, in my view because they are immigrants, I think this is one of the groups that receives the least sympathy and attention – such women are in fact invisible” - concerned

229. A recent report by Amnesty International and Southall Black Sisters condemned the Government for failing to change the situation of “women in desperate need of safety [who] cannot access basic levels of protection and support, simply because of their immigration status”.²³⁵ In 2002 the Government introduced a Domestic Violence Rule into the immigration rules.²³⁶ Under the rule, a woman who is a spouse or long-term partner of a British national or someone who is settled in the UK can apply for indefinite leave to remain, so long as they can provide evidence that the relationship broke down before the end of their period of limited leave because of domestic violence. However, while this application is pending their existing immigration status precludes access to housing provision.

230. The length of time taken by the Home Office to determine an application for ILR under the ‘domestic violence’ rule has been criticised. A survey carried out by Southall Black Sisters found that on average it takes six to 24 months for a woman’s immigration application to be determined.²³⁷ In response to a recent parliamentary question, the Home Office stated that:

234 Q 270

235 Amnesty International and Southall Black Sisters, *No Recourse, No Safety*, (March 2008), p 3

236 Paragraph 298A

237 Southall Black Sisters submission to the Home Affairs Committee inquiry into Immigration Controls, March 2006

The average time for determination of applications for indefinite leave to remain (ILR) on the grounds of domestic violence (DV), decided between 18 December 2002 and 30 September 2007, was sixty-one days.²³⁸

One respondent to our eConsultation described difficulties with applying under the Domestic Violence rule:



"The Home Office still insists on a level of evidence that is virtually impossible for the...victim to obtain. Such applications seem to take a very long time to process and victims often have to go to the courts to reverse the Home Office decision...In my view this is a regrettable instance of the Home Office playing politics on a vulnerable group. They need to be seen as tough on all immigrants generally, so they leave it to the courts to reverse the legally 'dodgy' decisions" - concerned

231. During the course of our inquiry the Home Office announced the enactment of measures to support women with 'no recourse'. The Parliamentary Under-Secretary of State at the Home Office, Vernon Coaker MP, told us:

I can tell the Committee that we have listened to representations. Although final details are to be worked out, in the very near future we will put together a system to ensure that where people do receive a positive determination with respect to their ILR status they will actually be able to apply for and receive housing and living costs for that period up to the determination of their ILR.²³⁹

232. The Government announcement was broadly welcomed by the domestic violence sector. It will enable more refugees to accept women with insecure immigration status since, if they receive a positive ILR decision, the refugee can claim back their costs to the date of application. However, there remain significant problems for women with 'no recourse', including the length of time taken by immigration agencies to determine their application for ILR, which is compounded by confusion over requirements for supporting evidence to accompany the application, and the number of cases which are refused ILR.

233. We are very pleased that, during the course of our inquiry, the Government announced that it would introduce measures to help those acutely vulnerable victims of domestic violence who have insecure immigration status and therefore 'no recourse to public funds'. This should ease the heavy financial burden of supporting these women on the refuge sector.

234. There seems, however, to remain a problem with the speed of processing applications for Indefinite Leave to Remain (ILR). We heard that applications can take between 2 and 24 months. This is too long to expect women to live in destitution. We recommend that the process could be speeded up by simplifying the application process and related paperwork. This could be achieved, for example, by reviewing forms to

²³⁸ Parliamentary Question tabled by Margaret Moran MP (Luton South, Labour).

²³⁹ Q 443

ensure that they are in plain English, and by developing an internet system through which claims could be tracked. The small claims court system could provide a model.

7 Longer-term resettlement and post-separation support



“The damage caused is long term and far reaching – support must be made available long term”

- eConsultation respondent

235. In this section we consider the needs of victims after the point of separation, whether from an abusive partner or other family members. The support required by survivors to rebuild their lives includes longer-term housing, physical and mental health services, financial support, and outreach services.

Victims require long-term support

236. Many support services are focused on the point of separation for victims of domestic violence and forced marriage. Yet the post-separation period—once the victim has left the abusive relationship—has been identified as one of particular danger and vulnerability for victims. Research has shown that 76% of domestic violence victims suffer post-separation violence,²⁴⁰ and most family-murder suicides (where the abuser kills their family and then themselves) occur post-separation.²⁴¹

237. The risk to forced marriage victims is also elevated after they leave their family. Director of the Crown Prosecution Service London West, Nazir Afzal, told us:

The moment they [victims of “honour”-based violence] engage the authorities, their risk is escalated substantially. Undoubtedly they will require support, and perhaps protection for the rest of their lives.²⁴²

Contributors to our eConsultation discussed the support they needed after escaping the abusive relationship, particularly focussing on victims of “honour”-based violence and forced marriage:

240 Humphreys & Thiara (2002), cited by Women’s Aid Federation, *Statistics: Domestic Violence*, http://www.womensaid.org.uk/core/core_picker/download.asp?id=1602

241 Metropolitan Police Service, *Findings from the Multi-Agency Domestic Violence Murder Reviews in London*.

242 Q 143



"Nothing can protect you from the psychological fear that is drilled home to you regarding what happens when you dishonour the family" – kka38

"[Women go to] great lengths to escape forced marriage – they had to keep away from their community, lie about their origins and create a new identity" – Northampton Women

There are inadequate services for BME victims

238. Some minority ethnic women experiencing domestic violence often face a different set of pressures to their white British counterparts. English may not be their first language, they may be completely financially dependent on their husband or family and they may have had little contact with the world outside their own close-knit community. As a result they can be particularly vulnerable and may find it harder to access services.

239. We took evidence on the need for specialist services for BME women. Kiranjit Ahluwalia is a survivor of domestic violence whose case introduced to British law the precedent of 'slow-burning' provocation as a defence. She was initially given a life sentence for the murder of her husband, but was later freed on appeal. At Ms Ahluwalia's first trial she could not understand proceedings or communicate through her solicitor, and the role of "honour" in the violence she suffered at the hands of her husband was not explained to the court. She told us:

Because I was so depressed and I could not speak good English, half the time I did not know what was happening in court and I did not give my evidence. At my trial there were 50 pages of evidence by my solicitor and I did not know anything of what was happening around.²⁴³

240. At her retrial she was supported by a BME women's campaign and support organisation, Southall Black Sisters. She described the importance of such a specialist service, particularly in terms of advocacy:

They took my statement and they translated my story and instead of 50 pages there were 500 pages. They found a good solicitor who understood the Hindi language as well. They visited me in prison...they did explain family honour through my solicitor properly and I felt totally different at my trial.²⁴⁴

241. Kiranjit Ahluwalia's case vividly illustrates the necessity of linguistic- and culturally- specific services for black and minority ethnic women. Without support from such a service, she was unable to understand the proceedings against her, unable to communicate the vital role that the notion of "honour" played in the abuse her husband inflicted, and therefore unable to gain access to a fair trial.

243 Q 267

244 Q 268

Victims have long-term physical and mental health needs

242. The British Medical Association (BMA) stated that “there is growing evidence to confirm that [domestic violence] has serious and long-lasting consequences on the health and wellbeing of the victim and their family members”.²⁴⁵ The BMA described some of the long-term health impacts for victims, including: chronic pain, arthritis, hearing or sight deficits, seizures or frequent headaches, stress, stomach ulcers, and hypertension.²⁴⁶ Respondents to our eConsultation described a wide range of long-term health impacts arising from their abuse:



“When the court date arrived I was so stressed I was on anti-depressants and having treatment for debilitating anxiety attacks” - Reflective

“My mental health deteriorated and I started to have conversations with myself” - billo786

“Before [experiencing domestic violence] I was a strong, bubbly, outgoing girl...I did suffer from panic attacks as a direct result and received treatment for this periodically throughout the relationship” - Reflective

“I suffered post traumatic stress syndrome after that night” - louie

“I already have chronic fatigue syndrome after my ordeals” - parijata

243. Statistics indicate that women experiencing domestic violence are up to fifteen times more likely to misuse alcohol and nine times more likely to misuse other drugs than women generally.²⁴⁷ The Stella Project, a London-based project working to develop services for people affected by drugs, alcohol and domestic violence, stated:

Survivors of DV are over-represented in drug/alcohol treatment: one recent British study found 40–67% of women had suffered violence and abuse in the last 5 years. A UK study of 60 women using crack cocaine found that 40% reported being regularly physically assaulted by a current partner and 75% being physically assaulted by a current or past partner.²⁴⁸

245 Ev 96

246 Ev 97

Stark, E. & Flitcraft, A. (1996) *Women at Risk: Domestic Violence and Women’s Health*, London; Sage; Mullender, A. (1996) *Re-thinking Domestic Violence: The Social Work and Probation Response*, London: Routledge; GLDVP (2005) *Draft Report on Round Table Mental Health and Domestic Violence*; Humphreys, C (2003) *Mental health and domestic violence: a research overview*. Conference presentation for Making Research Count, Coventry

248 Ev 196–197

One contributor to the eConsultation mentioned substance misuse:



“[For some victims] substance misuse has developed as a way of coping with the abuse, or as a result of the perpetrator influencing and even forcing the woman to use alcohol or drugs” – Front line

244. Abused women are five times more likely to attempt suicide than the general population, and a third of all female suicide attempts can be attributed to experience of domestic violence.²⁴⁹ Asian women are two to three times more likely to commit suicide. Jasvinder Sanghera, Director of Derby-based organisation Karma Nirvana, told us that “the majority of young people we see in the age group between 16 to 24 who have issues pertaining to honour-based crimes or forced marriage, have tendencies towards self-harming, very high rates of depression”.²⁵⁰ Nazir Afzal, Director of the Crown Prosecution Service London West, told us “just in the line between Slough and Southall 80 women killed themselves in the last year, and you can work out for yourselves, perhaps, the ethnicity of those individuals”.²⁵¹

245. The Government told us that “between 2002 and 2008, the Department of Health has provided 20 streams of funding totalling over £1.95m to 12 mental health voluntary and community sector organisations providing therapeutic services for victims of abuse”.²⁵² Over six years, this amounts to £27,083 per organisation per year.

246. Many victims of domestic violence suffer long-term physical and mental ill health following abuse, including substance misuse, self harm and suicide. Whilst the Department of Health is funding some therapeutic services for victims of abuse, it is hard to believe that what amounts to £27,083 a year per organisation is anywhere near enough. We urge the Department of Health to increase its funding of mental health and other therapeutic services for victims.

Longer-term housing

247. Access to permanent housing for women and children who have left their homes because of domestic violence is key to recovery. Refuges—while offering crucial support in the immediate aftermath of abuse—are not intended as long-term accommodation, and most domestic violence survivors are not in a position to own their own homes. Many will be hoping for an offer of accommodation from their local council or housing association.

249 Stark, E. & Flitcraft, A. (1996) *Women at Risk: Domestic Violence and Women’s Health*, London; Sage; Mullender, A. (1996) *Re-thinking Domestic Violence: The Social Work and Probation Response*, London: Routledge; GLDVP (2005) *Draft Report on Round Table Mental Health and Domestic Violence*; Humphreys, C (2003) *Mental health and domestic violence: a research overview*. Conference presentation for Making Research Count, Coventry

250 Q 191

251 Q 131

252 Ev 334

248. Two thirds of respondents to the Women’s Aid special survey for the Committee reported that women were now waiting longer to be re-housed than they were two years ago. The proportion who had been re-housed in private rental accommodation had apparently risen in the past year. The survey responses showed the importance of continued availability of ‘social’ and other non-private ownership housing options for victims. The proportions of women moving on from refuges to different kinds of housing provision were as follows: ²⁵³

Table 4: Proportion of women moving on to different kinds of housing provision

Council owned accommodation	35% ²⁵⁴
Housing association provision	27%
Private rental accommodation	25%
Owner occupied housing	1%
Other	11%

Social housing is often inaccessible to victims of domestic violence

249. For the local authority to have a duty to re-house someone, they must show that they:

- are habitually resident in the UK and are eligible for “recourse to public funds” under immigration law;
- are statutorily homeless or threatened with homelessness;
- are in priority need;
- are not intentionally homeless; and
- have a local connection. ²⁵⁵

250. Certain groups of people are considered to have automatic priority need. These include people with dependent children, pregnant women, 16 and 17 year olds and some care leavers. Others must show that they are vulnerable due to one of the particular circumstances listed in the Housing Act 1996 or the Homelessness (Priority Need for Accommodation)(England) Order 2002. In particular, this includes ‘a person who is vulnerable as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence from another person which are likely to be carried out’.

251. Domestic violence and homelessness charities have identified significant problems with the current test for priority need as regards victims of domestic violence. In particular,

253 Ev 219

254 This figure is a rough average of all the responses to this question.

255 Housing Act 1996, Part VII ss175–196

due to the secretive nature of the abuse, victims often find it hard to show evidence of violence, meaning that they are superceded by others in the priority list for social housing. These victims are then faced with the stark choice of remaining with their abuser or becoming street homeless.

252. Respondents to the Women's Aid survey complained about the availability of permanent housing:

The waiting times for families moving on from first and second stage into temporary housing is too long. It takes between 18mths and 2yrs to reach permanent housing for families during which time they may have settled into properties and feel reluctant to have to move their family once again. Hostel accommodation is still being used for families despite this being bad practice.²⁵⁶

Sandra Horley of Refuge told us that lack of social housing stock was blocking bed spaces at refuges:

There is not enough social housing, and as a consequence refuge bed spaces become blocked with women and children having to stay for longer periods of time in refuges. ...In some London boroughs we are seeing the available stock go down year after year. The local authority in Hounslow has only 72 properties available for homelessness applications, so when women do get accepted as being homeless and in priority need for housing, it is often the case that they have to wait a long time for suitable housing, sometimes several years.²⁵⁷

253. Parliamentary Under-Secretary of State at the DCLG, Iain Wright MP, acknowledged the shortage of appropriate social housing as a problem. He told us that "the wider and more fundamental issue of housing supply is something that we need to address".²⁵⁸ He suggested that the intention of Government policy in this area was not reflected in practice, stating "I am keen to go in and make sure that the vision of the department and the Government, in terms of accommodation which is appropriate for the victims of domestic violence, matches the reality on the ground".²⁵⁹ The Minister noted that this issue had recently been raised by way of a proposed amendment to the Housing and Regeneration Bill, currently going through Parliament. The amendment would include a new section 189 (1)(e) in the Housing Act 1996, that 'a person without dependent children who has been subject to domestic violence or is at risk of such violence, or if he or she returns home is at risk of domestic violence' [is in priority need]. The Minister undertook to report back to us on progress at the report stage of that bill.²⁶⁰

254. We recommend that the opportunity presented by the Housing and Regeneration Bill be used to ensure that domestic violence victims, both with and without dependent children, and with or without an additional vulnerability, are given priority need for appropriate social housing. This is not only of huge benefit to victims, but will also save

256 Ev 219

257 Q 157

258 Q 339

259 Q 341

260 Q 340

the Government and the domestic violence sector money in refuge provision, since victims will not be blocking bed spaces in refuges. In line with his suggestion, we recommend that the Parliamentary Under-Secretary of State at the Department for Communities and Local Government undertakes to report back to us on progress at report stage of the Bill.

Private rental accommodation is inaccessible

255. Private rental accommodation is often prohibitively expensive for victims. Director of Refuge, Sandra Horley, told us that “local authorities are increasingly referring women to private accommodation. The trouble is that some of our residents have been asked for a six-month deposit despite the fact that they are on welfare benefits”.²⁶¹

256. We urge the Department for Communities and Local Government and local authorities to consider what action is available to them in making private rental accommodation more accessible to victims of domestic violence.

Victims require financial support

257. Victim Support identified financial hardship as a key reason that victims remain trapped in abusive relationships: “the cost of relocation for victims is often prohibitive, as is the cost of applying for non molestation orders”.²⁶² We discuss further the high cost of obtaining civil injunctions, as well as of court fees, in paragraphs 284 to 285.

258. Respondents to the eConsultation described the same experience:



“My only source of income was his income...he got his friend [and] employer to make him redundant to avoid the CSA [Child Support Agency] and gain legal aid...as I was working [by this time] and not eligible for legal aid I had to represent myself at court and could not afford the money for a non molestation order” - anonymous

It is common practice for victims to be deliberately housed outside their local authority area in order to put them at a distance from the perpetrator, but this can make accessing financial support harder. The Citizens’ Advice Bureau (CAB) stated that many victims find it hard to claim benefits when they have to move accommodation frequently. It gave the following case study:²⁶³

Financial difficulties: case study

A CAB in Wiltshire reported that a woman with two young children had to move five times over a period of five months to escape a violent partner. She hadn't filled in

261 Q 164

262 Ev 287

263 Ev 322

income support claim forms for each address and had therefore lost her entitlement. She was now living in private rented accommodation and needed a further social fund loan. She already had one crisis loan, and could not get a community care grant until her income support claim had been sorted out. She was overwhelmed with filling in forms and not getting anywhere, and in the meantime her and her family were living on around £97 per week. The DWP were unable to be flexible in accepting her claim due to her frequent changes of address, even when she was only somewhere for a couple of days. The CAB felt there should be more discretion on this.

259. It is important that victims are able to access financial support quickly and easily, to prevent them from being trapped in a cycle of abuse. The Government and local authorities should consider introducing some form of support for victims of domestic violence—perhaps in the form of an interest-free loan—to assist in their resettlement.

260. Since many victims require financial support, and may find it difficult to access benefits, particularly when in emergency accommodation, it is important that the Benefits Agency is fully engaged in domestic violence fora, both at the local and national levels.

The value of survivors’ networks

261. Survivors told us of the value of support networks of other survivors, in rebuilding their lives. Karma Nirvana, which has recently launched a ‘survivor’s network’ for victims of forced marriage, stated:

When you leave a forced marriage or honour related crime and find the courage to leave, inevitably you become disowned. Our survivors tell us how it is your friends that become your family. We currently have an increasing database of 92 UK survivors that have been estranged by their families and many share their accounts of managing their risks, emotions and the need to tap into the network that reduces their isolation.²⁶⁴

262. An online consultation with domestic violence victims run by Women’s Aid and the Hansard Society in 2000, found that “a majority of women (60%) found that the consultation helped them deal with their own experiences of domestic violence and almost a quarter of women put this down to the fact that they could share experiences with other women and listen to other women’s experiences”.²⁶⁵ The report noted that “several women called for the site to be a permanent arrangement or for a longer-term initiative to be set up”.²⁶⁶

264 Ev 239

265 *Womenspeak: Domestic violence consultation report*, Women’s Aid Federation, Hansard Society and Office of Margaret Moran MP (2000), p 41

266 *Ibid.*, p 17

263. Some contributors to our eConsultation told us that the experience of hearing from other victims and survivors, and being able to contribute their own experiences and views, was an important element of support:



“There needs to be more centres [where] women can access advice and support and where women can go and talk to other women that have experienced it” – Women centre

Several survivors used our eConsultation to express messages of sympathy and support for one another.

264. The evidence suggests that online fora, where victims and survivors can share their experiences and offer one another support and advice, provide a very important support mechanism. We therefore recommend that the Government should consider setting up a permanent, anonymous, online forum for victims and survivors of domestic and “honour”-based violence and forced marriage.

8 Prosecution and the courts



"I found the entire process through the courts, both criminal and civil, weighted heavily on the side of the abuser"

-eConsultation respondent

In this section we consider the response of the Crown Prosecution Service, and Courts system to domestic violence. We also consider the experience of the victim in the court process and barriers to successful prosecutions.

Convictions for domestic violence are low

265. The Crown Prosecution Service (CPS) stated that it sets targets for reducing unsuccessful prosecutions for domestic violence as part of its target for hate crimes:

A target of 28% unsuccessful prosecutions for hate crimes has been set for April 2008, with a sub-target for domestic violence of 30%.²⁶⁷

The CPS provided the Committee with a summary of successful prosecutions for domestic violence:

Table 5: Successful prosecutions for domestic violence 2004–08

Timeframe	DV Numbers	% successful	% unsuccessful	Discontinued	Bindovers
Q1 2007–8	14,966	67.2%	32.8%	26.3%	7.1%
2006–7	57,361	65.2%	34.8%	27.9%	9.6%
2005–6	49,782	59.7%	40.3%	33.0%	14.9%
2004–5	34,839	55.0%	45.0%	37.0%	18.2%

The figure for successful prosecutions has risen from 46% in 2003 to 67% overall (of charges resulting in convictions), and 70% in some areas with specialist domestic violence courts.²⁶⁸

266. However, the increase in successful prosecutions represents only an increase in the percentage of charges resulting in convictions. Without linking this to data on incidence, arrests, charges or cautions, which are an integral part of the picture, the increase in

²⁶⁷ Ev 244. Domestic violence accounts for 80% of all hate crime and the targets for individual hate crimes are 'weighted' to reflect that position. The 30% represents 30% of all charges resulting in conviction.

²⁶⁸ Presentation from John Dunworth, Home Office Domestic Violence Unit, to the Committee, 15 January 2008

successful prosecutions does not tell us much about the criminal justice response to domestic violence.

267. Although there is no national figure, in areas in which the attrition process has been tracked, the overall conviction rate for domestic violence—the percentage of incidents reported to police which result in a conviction—is extremely low, at around 5%.²⁶⁹ This is comparable to the conviction rate for rape, in areas which have been tracked, which is 5.7%. The reasons for such low prosecution and conviction rates are multiple, but the difficulty of cataloguing sufficient evidence of abuse to mount a prosecution plays a significant role, as do a high rate of retraction of statements by victims, and further attrition once cases reach the courts.

268. Although some progress has been made by the Crown Prosecution Service over the last few years in increasing conviction rates for domestic violence offences, it is sobering to note that, in areas in which the attrition process has been tracked, the conviction rate for domestic violence, at around 5%, is even lower than that for rape, which is 5.7%. Without linking CPS data on successful prosecutions to data on incidence, arrest, charge and caution, the increase in successful prosecutions tells us little about the criminal justice response to domestic violence.

Measures have been introduced to increase successful prosecutions

269. The Government and the Crown Prosecution Service have introduced a number of initiatives aimed at increasing the number of successful prosecutions, including pursuing prosecutions despite victim retractions, use of measures to support vulnerable witnesses, and use of Specialist Domestic Violence Courts (SDVCs).

Victim retractions and use of other evidence

270. A ‘snapshot’ of domestic violence case statistics recorded by the Crown Prosecution Service in December 2006 showed that the proportion of victims who retracted their statement had fallen from 37% in 2002 to 28% in 2006.²⁷⁰ In 2006, of those victims retracting their statement, 30% did so before plea (39% in 2005), and 63% before trial (53% in 2005).²⁷¹ Despite this reduction, the discontinuance rate for domestic violence cases remains high, compared with a rate of 10.8% for all cases handled by the CPS.²⁷² Jude Watson, Domestic Violence Implementation Manager for the CPS, told us, “very often the victim, usually a female, will withdraw the allegation”.²⁷³

271. The CPS has acted to counterbalance this, in particular by prosecuting cases despite retraction by the victim, where there is sufficient evidence to do so. The CPS told us that, out of 868 cases in 2006 in which the victim retracted, it decided to continue with the

269 In areas in which the attrition process has been tracked, for example in the Northumbria Police Force area, where, out of a total of 2,402 domestic violence incidents, perpetrators were arrested, charged and convicted in only 120 incidents (5%), Hester and Westmarland, *Criminal Justice Matter*, (2007)

²⁷⁰ Ev 344 (Crown Prosecution Service)

²⁷¹ Ev 347 (Crown Prosecution Service)

²⁷² Crown Prosecution Service *Annual Report and Resource Accounts, 2006–07*

²⁷³ Q 17

prosecution of 421 cases (49%) after retraction. This compared with 341 (36%) of cases in 2005, 321 (40%) in 2004, 27% in 2003 and 19% in 2002.²⁷⁴ Ms Watson described a range of other evidence being employed by the CPS to prosecute cases: “we are pursuing a combination of other evidence—999 tapes, photographs, evidence from other people who may have witnessed the violence—and encouragement of the victim”.²⁷⁵

272. The CPS introduced enhanced electronic monitoring in April 2007 to gather information on victim retractions and analyse what happens to a case after a victim retracts. The flagging will also, for the first time, identify “honour”-based violence cases. The first set of data is expected in summer 2008.²⁷⁶

Supporting vulnerable and intimidated witnesses

273. The Crown Prosecution Service (CPS) told us that it had put in place measures to support vulnerable victims and witnesses in criminal courts. It had adopted minimum service standards for victims, which include keeping victims informed about the progress of their case, and consulting with victims, where possible, on bind-overs and bail conditions.²⁷⁷ Multi-agency Witness Care Units (WCUs) had been established in every CPS Area through the ‘No Witness, No Justice’ programme. In domestic violence cases, Witness Care Officers (WCOs) ensure that a single point of contact provides tailored support to victims and witnesses from the point of charge through to the finalisation of a case. The WCO provides a range of other support, including referral to specialist domestic violence organisations, identifying vulnerable and intimidated witnesses and arranging for Victim Personal Statements to be taken.²⁷⁸

274. Special measures are available under the Youth Justice and Criminal Evidence Act 1999 to victims and witnesses who are deemed vulnerable or to have been intimidated. These include, for example, giving evidence behind a screen. The CPS stated that all prosecutors have received training on the use of these special measures.²⁷⁹ However, Refuge felt that this did not go far enough, and recommended that all victims should have automatic status as intimidated witnesses:

It is already the case that complainants in sexual offences are automatically eligible for special measures. Yet victims of domestic violence still have to apply for special measures despite the fact that they may well have experienced sexual abuse as part of the many other forms of abuse that they have experienced.²⁸⁰

274 Ev 347

275 Q 17

276 Ev 381

277 Ev 245

278 *Ibid.*

279 Ev 246

280 Ev 338

Specialist Domestic Violence Courts

275. The Government announced the establishment of the first Specialist Domestic Violence Courts (SDVCs) in 2005. SDVCs, along with Multi-Agency Risk Assessment Conferences (MARACs) and Independent Domestic Violence Advisers (IDVAs) form the core of the Home Office response to domestic violence. In April 2007, there were 64 operational SDVCs in CPS areas throughout England and Wales, with funding announced in March 2008 for 30 further courts, bringing the total to 98. The Government intends that specialist courts should enable domestic violence cases to be fast-tracked, and to be heard by specially trained magistrates, with support for victims from specialist staff, including IDVAs. The Home Office states that the SDVC system “situates the court system and the CJS as part of a community-wide response to domestic violence, improving local responses to DV cases and increasing the number of DV offences successfully prosecuted”.²⁸¹

276. Magistrates’ courts deal with 86% of domestic violence cases, and have a conviction rate of 64%, compared with 76% and 75% in the youth courts and the Crown Court respectively. The CPS told us that the high proportion of cases dealt with in the magistrates’ courts and the lower rate of successful outcomes have meant that the SDVC Programme has focused to date on magistrates’ courts.²⁸² Some witnesses have suggested that the focus on magistrate, rather than Crown, courts would suggest that the more serious the charge, the less support the victim is offered.

277. Feedback on the effectiveness of SDVCs has been, on the whole, positive. There is evidence of a significant increase in successful prosecutions where specialist courts are used. For example, in 2005, while 59% of overall domestic violence cases recorded by the CPS led to convictions, this figure rose to 71% of cases tried in specialist courts.²⁸³ One worker for Victim Support was enthusiastic:

The SDVC is brilliant...having everyone in court trained about DV issues is just great- from ushers to Magistrates—to Legal advisors—to CPS... The way the courts work has also sent out a message to the defence teams and perpetrators—there are just no soft options now and the safety of the victim is considered paramount.²⁸⁴

A similar view was expressed by a contributor to our eConsultation:



“I’d suggest...extending the Domestic Abuse courts model (seeing a perp [etrator] in court on Monday for an assault on Saturday is a real incentive to press ahead with charges)” - Campaigner

278. A review of the first 23 specialist courts has just been carried out by the CPS. Jude Watson, Implementation Manager for the CPS, told us that 10 of those 23 achieved over

281 Ev 251

282 Ev 379

283 Ev 231

284 Ev 287

70% successful outcomes²⁸⁵, and that they had the least number of cases discontinued where no evidence was being offered. In six months of the first courts practising, 6,000 victims were referred to independent domestic violence advisers to provide them with support.²⁸⁶

279. There have, however, been a number of criticisms. These tend to be around inadequate time allocated to hearing domestic violence cases in the court. For example, one Women’s Aid member told us that:

Due to the sheer volume of cases it is not possible to hear all within the SDVC. Another court/time period should be allocated rather than the current practice to slot cases into any court as time allows. Support services, trained staff etc are not always available at these other times.²⁸⁷

280. The CPS identified a number of barriers to rollout of the scheme, including the uncertainty of funding the associated IDVAs and MARACs beyond the current 3-year term, the small number of officials administering the programme at the centre, and the capacity of the National Steering Group.²⁸⁸

Linking civil, criminal and family courts

281. Police representatives suggested to us that the attrition rate could be reduced by automatic referral of cases which failed to meet CJS standards to civil law:

There is not presently automatic referral to civil jurisdiction of cases which do not meet the exacting standards of the CJS. We would welcome the design and implementation of an approach which would see the immediate and automatic referral of all material gathered during a criminal investigation of domestic abuse to inform the application for a civil order to protect a victim. ‘Immediate’ means whilst the perpetrator is still in police custody following arrest but at the point where it is clear that the CPS will not prefer a charge.²⁸⁹

282. However, the Crown Prosecution Service considered that there would be practical difficulties associated with automatic referral. Director of the Crown Prosecution Service London West, Nazir Afzal, told us that there would be legal obstacles, for example that victims, not the CPS, own their statements. As such, these statements could not be automatically handed over to a civil lawyer.²⁹⁰

Barriers still prevent victims from accessing the courts

283. Victims reported negative experiences of the courts process and other witnesses reported significant barriers faced by victims in accessing the courts.

285 Measured as the proportion of charges resulting in conviction

286 Q 19

287 Ev 216

288 Ev 380

289 Ev 181 (ACPO Domestic Abuse portfolio)

290 Q 146

Many victims cannot afford legal fees for civil courts

284. District Judge Marilyn Mornington told us that victims of domestic violence required legal aid:

The first and growing barrier is legal aid. In the past few weeks I had a finding of fact hearing²⁹¹ involving a psychologist and psychiatrist listed for five days. The woman did not have legal aid and serious allegations were raised. How she could be expected to conduct that hearing on her own was almost impossible to believe.²⁹²

eConsultation respondents described difficulties in accessing legal aid.



“There should also be a way of women getting free legal support. I was told that I would not be entitled to legal aid because of the equity in the family home, which of course I cannot access anyway” - nadine

285. The Rights of Women, a voluntary organisation which offers advice to women on their legal rights, has calculated that the cost of obtaining a civil injunction ranges from a minimum of £300—if the victim represents themselves in court—to well over £3,000—if a solicitor is employed. The exact cost depends on the component parts needed for the injunction.²⁹³

Child contact cases are being used to perpetuate abuse

286. Overwhelmingly, one of the biggest concerns for respondents to our eConsultation was custody of their children and contact arrangements with the abusive partner. Many told us that their ex-partner had been awarded contact, and that contact arrangements had allowed them to abuse the victim further, and sometimes the children. The following is a brief selection, but we received a huge number of similar complaints on this issue:



“What is the point of spending time, energy, resources to help families of DV to escape their nightmare only to be forced back into it on a weekly basis inside the family courts” - atlantis

“The family legal system will insist on sending him unprotected to his violence bully of a father. The family courts are still failing our children and something has to be done to protect everyone from DV be them men women or most importantly children” - tidewillturn

291 A preliminary hearing held in child contact cases, to establish whether domestic violence has been present in the home

292 Q 37

293 Ev 471 (Rights of Women)

"Almost all men guilty of violence are rewarded with contact to children. Now, I ask you?? What message is that to send out to the abused mother and children?? To the abuser is says...wow...I still have control here!!!! The judge is allowing me to get away with this and I can persecute her and the children every time at contact" – Lady Portia

There is a growing consensus that child contact should be awarded more carefully

287. In the view of Lord Justice Wall, domestic violence "is a critical issue" in the family justice system. Women's Aid stated that "evidence from court files indicates that nearly 25% of private law contact cases involve allegations of domestic violence".²⁹⁴ A study by Women's Aid in 2004 found that 29 children in 13 families were killed between 1994 and 2004 as a result of contact arrangements in England and Wales.²⁹⁵

288. A 2005 report by the Judicial Statistics Department found that, of 28,641 applications for contact in the Family Courts, only 58 resulted in a non-contact order, and more recent figures show a further decrease.²⁹⁶ The Family Justice Council told us that there is a fundamental cultural problem where family courts are asked to respond to applications for contact by consent in cases involving a history of domestic violence:

A cultural change is required, with a move away from 'contact is always the appropriate way forward' to 'contact that is safe and positive for the child is always the appropriate way forward'. This will not be an easy task and the FJC believes continued multi-agency training, supported by a public information campaign will be vital to effect change.²⁹⁷

289. Most witnesses agreed that there needs to be a move away from a presumption that the violent partner will obtain contact or that supervised contact will automatically lead to unsupervised contact.²⁹⁸ The Family Justice Council has recently issued a practice direction for the courts along these lines, to be accompanied by very strict guidelines. Opinions expressed through the eConsultation strongly recommended changes to current arrangements:



"Fathers who have been convicted or there is evidence that he has abused his partner should not have any direct contact with his children until the necessary risk factors have been considered" – Jane J

"It should not be an assumption that a convicted perpetrator should have contact with

294 Smart, C. et al (2003), *Residence and contact dispute in court*, University of Leeds, Centre for research on Family, Kinship and Childhood.

295 Saunders, H (2004), *Twenty-nine child homicides: Lessons still to be learnt on domestic violence and child protection*, Bristol: Women's Aid Federation of England

296 Ev 309 (Men's Advice Line)

297 Ev 259

298 For example, Ev 232 (Fawcett Society)

children at all” – hope through help

“Court systems fail victims of domestic abuse and they are in need of big improvements when it comes to contact arrangements. They shouldn’t view a case of what contact, it should be a case of if contact. The children have far more rights to be protected than a perpetrator of domestic abuse” – louie

290. We were moved by some of the accounts of abuse in child contact cases expressed in our eConsultation. We support the call by the Family Justice Council for a move away from the presumption that the violent partner will obtain contact or unsupervised contact in domestic violence cases. We further recommend that the Ministry of Justice, in partnership with the Family Justice Council, carries out a full investigation to determine the risk posed to children by unsupervised contact.

The Children and Family Court Advisory and Support Service

291. The Children and Family Court Advisory and Support Service (CAFCASS) is a non-departmental public body, accountable to the Secretary of State for Children, Schools and Families. It represents children within the family courts system with the aim of safeguarding and promoting their welfare. It is independent of the courts, social services, education and health authorities. In 2006/07, it worked with 80,536 children: 12,104 public law and adoption, and 68,432 in private law.²⁹⁹

292. A 2005 inspection of CAFCASS by HM Inspectorate of Court Administration (HMICA) was highly critical of the organisation’s response to domestic violence. The report highlighted in particular that, for both CAFCASS and the family courts the presumption that contact is always best for children in private law cases is not appropriate where domestic violence is an issue. It identified a need for CAFCASS to provide staff with better structures around risk assessment, and improved training.³⁰⁰

293. CAFCASS told us that, in response to the critical 2005 HMICA report, it had:

Made major developments in the way we respond to domestic violence, including: introducing a comprehensive and mandatory training programme; implementing guidance for practitioners in the form of a toolkit; introducing a three-fold approach to risk assessment; establishing procedures for sharing information with children’s social care; and establishing protocols with police for more effective screening and risk identification.³⁰¹

HMICA re-examined CAFCASS between January and March 2007. This report found that “inspectors saw evidence of significant amounts of training in dealing with domestic violence”.³⁰² The National Domestic Violence Delivery Plan states that, of the five

299 Ev 279 (Cafcass)

300 Ev 280 (Cafcass)

301 Ev 278 (Cafcass)

302 HMICA, *Children’s Guardians and Care Proceedings* (2007), p 21

recommendations for improvement made to CAFCASS by HMICA, “four of them have been ‘fully met’ and the first has been rated ‘partially met’”.³⁰³

294. However, a CAFCASS East Midlands inspection report published in February 2008 was again highly critical. The report, carried out by Ofsted³⁰⁴ in June and July 2007, concluded that, despite some good practice, there remained serious failings in relation to safeguarding children, inadequate case files and case plans, and that inspectors “could not fully see how managers satisfied themselves that FCAs [Family Court Advisers] were reaching sound conclusions and therefore making the right recommendations to courts about children’s lives”.³⁰⁵

295. Many of the conclusions of both the 2005 HMICA and 2008 Ofsted reports were supported by respondents to our eConsultation, who were fiercely critical of the organisation:



“There was no support whatsoever for myself and children and Cafcass wrote a report weighted in favour of my ex, quoting blatant lies about me without even asking me whether the accusations were true...my son informed Cafcass of the severe violence [against him] and nothing was done, too much work for the officer involved...As a barrister I was disbelieved by Cafcass and indeed the “system” so what chance has a lay person of getting justice?” – anonymous

“At one point [the] Cafcass officer was actually writing about another person in one of her reports about me. I asked for a change in Cafcass officer and got one with about the same intelligence as the first one. All the professionals involved in the residency case knew about that man’s violence, his motive for wanting our daughter, they even had written proof from a psychologist, school statements, police logs from DVU and they made a joint residency order. They actually put her back in the situation I got her out of” - anna

The Family Justice Council noted that, due to under-funding, CAFCASS is unable to carry out critical work: “CAFCASS needs sufficient funding—the resultant under-staffing means that reports are now taking between 14–26 weeks in many areas”.³⁰⁶

296. We heard a great deal of fierce criticism of the Children and Family Court Advisory and Support Service (CAFCASS), especially via our eConsultation. Whilst, from evidence supplied by CAFCASS, the organisation appears to be making progress in dealing with domestic violence cases, it is clear that it has a very long way to go yet.

297. If accounts that the Children and Family Court Advisory and Support Service is taking 14–26 weeks to complete reports in child contact cases are correct, this is

303 National Domestic Violence Delivery Plan, Annual Progress Report 2006/07, Home Office, (March 2007), p 29

304 Ofsted took over monitoring of CAFCASS from HMICA in 2007

305 Ofsted Press Notice:

<http://www.ofsted.gov.uk/portal/site/Internet/menuitem.e11147abaed5f711828a0d8308c08a0c/?vgnnextoid=3e28ec29f4918110VgnVCM1000003507640aRCRD>

306 Ev 259

unacceptable. The Department for Children, Schools and Families must work with the Children and Family Court Advisory and Support Service to ensure that it can carry out its essential work.

298. We recommend that Ofsted carry out a follow-up inspection of the Children and Family Court Advisory and Support Service (CAFCASS) response to domestic violence at a national level within the next year, to assess progress following the critical 2005 and 2008 reports.

Inadequate sentencing

299. Both professionals and survivors told us that inappropriate or lenient sentences, including heavy use of fines, are being handed down in some domestic violence cases. One contributor on our eConsultation said:



“He was released after 6 months in prison [on remand] and sentenced for 2 years Actual Bodily Harm with 2 years suspension. There is no justice for the victims” - female

Refuge asserted that:

Domestic violence has the highest rate of repeat victimization than any other crime. Yet charges are regularly downgraded to common assault and perpetrators of domestic violence commonly receive non-custodial sentences such as bind overs, fines or community orders if convicted.³⁰⁷

300. Anecdotal evidence suggests that the amounts handed down for fines are often extremely low. Refuge gave us an example of a case in which a perpetrator of domestic violence, earning in excess of £90,000 per year “received only a £2,000 fine for branding his wife with a hot iron (for failing to press his shirt) and slashing her feet while sleeping (for not preparing his sandwiches for the following day)”.³⁰⁸ An academic study in 2005 showed that the value of fines for domestic violence handed down to perpetrators is consistently far less even than £2,000—fines are most likely to be in the region of £150–300.³⁰⁹ The study gave the following case example:

Fining perpetrators: a case study

Celia had been married for five years. Her husband gradually became more violent. At first he used the ‘odd slap’, but then started isolating her from friends and family. She tried to leave three times, but her husband became more violent each time. The police were eventually called. Her husband was arrested for breach of the peace, but she would not press charges and he was released. More violence ensued: broken ribs,

307 Ev 336

308 *Ibid.*

309 Hester, M (2006), *Social Policy and Society*

nose, an arm, chin split, teeth loose. The police were eventually called again. Celia gave a statement, and her husband was charged with grievous bodily harm with intent. He was placed in a bail hostel and she felt safe, but he was then allowed out to see the children. The court case resulted in conviction: he was fined £100, paid at £5 a week, and ordered to attend a perpetrator programme. She felt none of this had an impact on the offender, as he continued to pester her daily.³¹⁰

301. The courts and CPS do not collect data on the types of penalties handed down in domestic violence cases, except in SDVCs, where the monitoring of types of sentencing is encouraged although not mandatory. The courts and CPS do collect data on successful and unsuccessful outcomes, but not on types of sentence handed down or the amount of any monetary penalties. Some limited data is available on the types of sentence handed down in domestic violence cases in SDVCs, from an evaluation of the first SDVCs in Gwent and Croydon in 2004. The evaluation report³¹¹ found that, out of all the sentences handed down by the SDVC in Croydon over an eight month period, a financial penalty was handed down in 43% of cases.³¹² The same report found that, out of all the sentences handed down by the Gwent SDVC in the same period, a financial penalty was handed down in 24% of cases.³¹³

302. Sentencing of domestic violence perpetrators seems to be variable, and often to result in a fine or other monetary penalty, frequently for risibly small amounts. There is currently no collection or analysis of data on sentencing by type (except in SDVCs), nor on the amount of fines. The Government urgently needs to collate and evaluate data on the types of sentence being handed down in domestic violence cases, including the amount of any fines and the number of community sentences, and the effectiveness of different sentencing options, both in terms of reducing repeat offending, and in terms of ensuring the safety of the victim.

Some report ignorance from judges and magistrates

303. Respondents to our eConsultation described unsympathetic, and in some cases, ignorant, judges, and stressed the need for those involved in the judicial process to be trained in domestic violence:



“The only negative experience I had was in relation to the judge in my court proceedings. Unfortunately I found him to be judgmental, rude and dismissive and I struggled to maintain my confidence as a result” – Harrison

“At a conference today...we had been discussing the problems of judges in the higher courts (magistrates are getting better and SDVCs etc) still taking extraordinary decisions and making

310 *Making it through the criminal justice system: Attrition and domestic violence, Social Policy and Society 5: 1, 79–90, Marianne Hester (2005), p 87*

311 *Evaluation of Domestic violence pilot sites at Gwent and Croydon 2004/05, Interim Report, CPS September 2004, p 24*

312 There were 65 defendants available for sentencing in Croydon

313 There were 46 defendants available for sentencing in Gwent

remarks which betray an ignorance of the nature and dynamics of domestic abuse. The damage done by some judges is greater than the effort required to change their behaviour and knowledge” - tiscali

304. District Judge Marilyn Mornington agreed that there were a large number of untrained lawyers and judges operating in domestic violence cases. District Judge Mornington told us “apart from the CPS which has done an excellent job in training its solicitors at all court levels, there are lawyers who have had no training whatsoever in this work”.³¹⁴ She urged that this “is a huge gap which can be met without any resource issues for the Government because the lawyers will have to pay for it themselves. Training can be arranged at very modest costs”.³¹⁵ Women’s Aid stated that all magistrates, judiciary and courts staff should be trained in domestic violence cases.³¹⁶

305. In contrast, the CPS told us that it had implemented a comprehensive training programme for its staff:

A three-year domestic violence training programme for all prosecutors and caseworkers commenced April 2005 for completion by March 2008. By August 2007, 2,548 employees had been trained; 62% of the total figure to be trained. The training covers: identification and monitoring of cases; policy implementation and guidance to deliver effective prosecutions; and service provision for victims and witnesses.³¹⁷

306. A number of good initiatives have been introduced by the Crown Prosecution Service and the Home Office to increase the currently low rate of successful prosecutions in domestic violence cases. However, victims told us that key barriers remain for them in pursuing a case through the courts, including lack of legal aid in civil cases, fear of continued abuse through contact with the perpetrator, and ignorance or inadequate sentencing by judges and magistrates.

307. Feedback on Specialist Domestic Violence Courts (SDVCs) was on the whole positive, and the SDVC model seems to have resulted in an increase in successful prosecutions. We recommend that there should be a Specialist Domestic Violence Court in each local authority area, and that sufficient time be allocated in each court to hear domestic violence cases.

308. We recommend that the Crown Prosecution Service and Police service consider introducing automatic status as intimidated witnesses for all victims of domestic and “honour”-based violence and forced marriage, both in the criminal and family courts.

314 Q 37

315 *Ibid.*

316 Ev 208

317 Ev 243

309. We heard accounts of ignorance and misunderstanding amongst some lawyers, judges and magistrates with regard to domestic violence. We recommend that accredited training be developed and made compulsory for all lawyers, magistrates and judges undertaking domestic violence cases, including in child contact cases. Legal practitioners already pay for certain training as part of their licence, and we consider that the Government should include accredited training in domestic and “honour”-based violence and forced marriage as part of this.

9 Perpetrators



“The main area still to be tackled is the issue of educating the perpetrators”

-eConsultation respondent

Our inquiry focused principally on the experiences of and services for victims. However, we also considered perpetrators as part of the complete picture, both in terms of arrest and prosecution, and in terms of addressing their offending behaviour.

Behavioural programmes for perpetrators

310. Research in the UK on effective interventions with perpetrators of domestic violence is limited. A joint University of Bristol and Home Office study in 2006 found that, of a sample of 356 domestic violence perpetrators in the North-East of England, half were involved in at least one more incident within the three year follow up period; and one in five of these re-offended against a different partner.³¹⁸ The study suggested as one of a number of recommendations that men who are violent towards women need to learn new, appropriate responses to destructive feelings. It concluded that, for some men, a criminal justice sanction, or threat of one, provided the incentive for help-seeking, and that others wanted the police to direct them to perpetrator programmes or provide information about help available.

311. Home Office research in 2003 on the profile of domestic violence perpetrators found that “they were not a homogenous group in terms of characteristics and criminogenic need”. It concluded that there were two main types of perpetrator: the first group was “emotionally dependent”, with high levels of anger and low self esteem; the other was “antisocial/narcissistic” and hostile towards women. This latter group had the highest rate of alcohol dependence and previous convictions.³¹⁹ However, this research was only carried out with convicted perpetrators, identified through the Probation Service.

312. A number of programmes have been introduced in the UK, with the aim of helping the perpetrator understand why they use violence, take responsibility for that violence and teach non-controlling behaviour strategies to prevent further abuse. There are currently two types of programme: those run by the Probation Service, for convicted offenders, and community-based programmes run by the voluntary sector. Entry onto a Probation Service programme is only through referral from a court or Probation Service, whereas the voluntary sector programmes take self-referrals, as well as referrals from statutory agencies (e.g. Social services), voluntary agencies and health agencies (e.g. GPs, Relate). The

318 Hester, M., Westmarland, N., Gangoli, G., Wilkinson, M., O’Kelly, A., Kent and A. Diamond, *Domestic Violence Perpetrators: Identifying needs to inform early intervention*, April 2006

319 *Domestic violence offenders: characteristics and offending related needs*, Home Office RDS (2003), p 4

Government has supported Respect, an umbrella organisation of perpetrator programmes, to develop an accreditation system for community-based programmes in the UK.

Anecdotal evidence suggests programmes are effective in changing behaviour, but systematic evaluation is needed

313. Although there is anecdotal and project-based evidence to suggest that perpetrator programmes are effective in changing behaviour and reducing risk to the victim, there has been no systematic evaluation of their effectiveness in the UK. For example, the Domestic Violence Intervention Project, a community-based programme running in three London boroughs, states that “outcome evaluations show that 70% of men who complete the programme stop using physical violence”.³²⁰ A letter received by the Committee from a prisoner who attended a perpetrator programme in prison stated:

I thought it would be worthwhile to write and tell you how valuable this programme is to prisoners. It was the most difficult 6 months of my entire life (I am 47) but it was also the most worthwhile 6 months as well. I was in a group of eight and found myself not only facing up to the pain I had caused others but being able to talk openly and honestly about the issues. I had worked hard throughout my time in prison to deal with my personal problems but at the end of the Healthy Relationships Programme I was truly able to say that my life had at last been completely turned around.³²¹

314. The Probation Service uses police reconviction data, collected 1 and 2 years following completion of the programme, as its key measure of effectiveness of the programme. It also uses a number of other data to measure outcomes, including the Spousal Assault Risk Assessment (SARA), where a checklist of 20 risk factors are assessed to determine whether the offender is low, medium or high risk, information about the offender’s performance on the programme, reviews by programme tutor and offender manager, and feedback from the offender and victim.³²² Respect stated that reconviction rates do not give a full picture of the effectiveness of programmes:

Attrition rates from report to court are still unacceptably high—reconviction rates do not reflect the true picture of re-offending; reconviction rates do not pick up non-criminal behaviour such as severe controlling behaviour and jealous surveillance which are key homicide indicators; and reconviction / re-offending rates do not take account of victims who have become too scared to report further violence if they have been punished for doing so before.³²³

315. Respect states that there is “hardly any UK based research into the effectiveness of perpetrator interventions. This is hampering the development of effective services”.³²⁴ It concludes that there is an urgent need for a systematic evaluation of perpetrator

320 *Information Re: DVIP, Domestic Violence Intervention Project factsheet*

321 Ev 415–416

322 Ev 316–317 (Probation Service)

323 Ev 387

324 Ev 204

programmes in the UK, similar to the work by Gondolf in the US. Respect has designed an evaluation, costed at £1.2 million, for which it has start-up funding, but is seeking Government support.³²⁵ One respondent to our eConsultation agreed on the need for proper evaluation of programmes:



“What is needed is some long term study into the attitudinal change of the perpetrator not just over the lifetime of the programme or 3-6 months down the line but a more extensive period of time. As we know with many behavioural change programmes, the relapse is high” - lorca

316. Respect stated that: “research (such as that by Gondolf in the USA) identifies that perpetrator programmes are most effective when they get offenders on to programmes quickly post sentence, include intensive early intervention and have systems in place for victim support and multi-agency risk management”.³²⁶ With this in mind, it is even more imperative that those who are sentenced to attend a programme are able to begin the programme quickly.

317. All Probation Service programmes should include the assignment of a Women’s Safety Worker to the partner, to support and seek feedback from the victim during the programme. However, witnesses told us that many partners are not receiving adequate support. For example, Respect states that “women’s safety work often only begins when a perpetrator begins a programme. Where there is a delay (or where a perpetrator is deemed unsuitable) vulnerable women and children often receive no support or information at all”.³²⁷ Respect recommends that “women’s safety officer support needs to be more structured and consistent and available pre-sentence and in the early months of the programme when they are most likely to experience re-assault”.³²⁸

318. We conclude that there is a need for research into the effectiveness of perpetrator programmes in the UK, and urge the Government to consider funding Respect to carry out this work. This should include improvement of the current system of measuring programme success. There is also a need for research to identify the characteristics and criminogenic need of all domestic violence perpetrators, not only those who have been convicted, in order to inform effective interventions.

319. Police reconviction data do not provide an adequate measure of the effectiveness of perpetrator programmes, especially given the extremely high rates of attrition for domestic violence. The Probation Service must implement a better method of measuring effectiveness, taking into account data from different sources, including partner reports. Probation areas already collect a range of data, including from the

325 Ev 387

326 Ev 203

327 Ev 384

328 Ev 203

victims, but do not seem to have integrated this data to produce any meaningful outcome measures.

320. **Women’s Safety Workers must be assigned and make contact with the partner immediately on sentencing, and NOT when the perpetrator begins the programme, which might be some time later.**

There is a desperate shortage of perpetrator programmes run by the Probation Service

321. As of April 2006 all 43 Probation Service areas run a perpetrator programme accredited by the Correctional Services Accreditation Panel (CSAP). They can choose whether to run the Integrated Domestic Abuse Programme (IDAP) or the Community Domestic Violence Programme (CDVP). These programmes are only provided for men over the age of 18, and perpetrators are referred post-conviction following use of the Spousal Assault Risk Assessment tool.

322. Of those witnesses who gave evidence on the issue, the overwhelming majority raised grave concerns about the Probation Service programmes, primarily about lack of capacity and under-funding. Jo Todd, Director of Respect, told us that “there are lots of problems in terms of places on programmes, on actual capacity”.³²⁹ The Metropolitan Police Service stated that it is “concerned at the extremely limited availability of perpetrator programmes in the capital. Those placed on programmes are often placed on waiting lists and are then unable to access an appropriate programme”.³³⁰

323. A recent study by the National Audit Office³³¹ of the supervision of community orders reported that Probation Service areas flagged domestic violence perpetrator programmes as a specific area in which they were unable to deliver. The study also found that there were lengthy waiting lists to enter programmes, and that data on order completions were not gathered, meaning that it was not possible to say whether perpetrators had fulfilled their sentences. A separate report by the National Association of Probation Officers (NAPO) made similar findings about under-capacity.

324. We were told that in some cases that courts were being expressly prohibited from using perpetrator programme as a sentencing option. Jo Todd, Director of Respect, told us that “we are aware of certain areas that have got very long waiting lists where they have even told the magistrates’ courts ‘do not bother referring. We have closed the waiting list. You cannot even make an order to a programme’”.³³² Lord Justice Wall concurred that this was the case.³³³ This suggests, rather alarmingly, that since a number of programmes are not even accepting referrals on to their waiting lists, the true extent of under-resourcing is not even known.

329 Q 215

330 Ev 238

331 *The supervision of community orders in England and Wales*, National Audit Office, January 2008

332 Q 215

333 Q 84

325. We were also told that, in a number of cases, perpetrators on one, or even two, year probation orders had to wait so long to go on a programme that it was pointless for them to start the programme because they would not have time to finish it before the order was completed.³³⁴ For example, the submission from the Mayor of London stated:

The effectiveness of community orders needs to be evaluated. There is evidence in London to show that because the waiting list for IDAP is lengthy, perpetrators’ Community Orders expire before they access the course.³³⁵

This picture was borne out in informal discussions when we visited West Midlands Probation Service.

326. The Probation Service acknowledges that it has huge capacity problems. Probation Service National Implementation Manager, Phil Mackin, told us that “information regarding waiting time for offenders to commence the group work element of their supervision for programmes has rightly caused concern” and that as a result of this concern the Probation Service has commissioned research to determine the extent of under-capacity.³³⁶ In terms of additional resources needed to meet demand, he told us that the average unit cost per perpetrator completing a programme is £7,262 for the CDVP and £7,250 for the IDAP, and that a ‘ballpark’ figure for additional resources needed to clear the backlog might be surmised from the unit costs.³³⁷

327. There is a desperate shortage of places on Probation Service perpetrator programmes. The full extent of this has yet to be revealed. Lengthy waiting lists mean that not only is a possible way of changing behaviour being lost, but that perpetrators are able to avoid carrying out the programme they are sentenced to, or that the victims are placed at greater risk, without the advantage of being supported, during the period that the perpetrator is waiting for a place. This is an unacceptable situation. Once research currently being undertaken by the service to identify the full extent of under-capacity has been completed, the Government urgently needs to find the resources to fill the gap. The costs of failing to protect victims from further attack by tackling the root causes of domestic abuse are far greater than the cost of funding sufficient programmes.

Community based programmes meet a specific need, but also face funding shortages

328. Perpetrator programmes run by the community sector serve a large group of perpetrators who are not provided for by the statutory sector. Probation Service programmes are only accessible to the few perpetrators with a conviction, leaving a large swathe of perpetrators who are not convicted. Ironically, those without convictions who are not eligible for the statutory programmes, may well be less hardened offenders and more willing to address their behaviour. In February 2008 there were 37 Respect-accredited

334 Q 215 (Respect); Ev 257 (Mayor of London)

335 Ev 257

336 Ev 315

337 Q 82

community-based programmes in England and Wales. Respect recommends that long term funding is required for voluntary sector programmes.³³⁸

329. Community programmes suffer from some of the same problems as Probation Service programmes, in particular under-capacity, and a lack of sustainable funding. Respect stated that:

Provision of perpetrator programmes for non-convicted offenders is incredibly patchy, with vast areas of the country having no provision at all. The programmes that do exist are usually overstretched, with long waiting lists. There is no secure funding for these programmes—most of them are grant-funded and their financial situation is often precarious.³³⁹

Rationalising services provided by the statutory and voluntary sector could maximise use of resources

330. Both the Probation Service and voluntary sector have expressed willingness to collaborate more closely on perpetrator programmes. Probation Service National Implementation Manager, Phil Mackin, told us that “we acknowledge that there has been a massive amount of expertise in the voluntary sector and are working closely with colleagues in the third sector to look at other ways they can support both CDVP and IDAP”.³⁴⁰ Jo Todd, Director of Respect, told us:

We would welcome the opportunity to work with the Probation Service on this. We have several ideas for different models of working, including:

- Respect accredited services staff could work side by side with probation staff to help them run probation groups (and could also provide some / all of the women’s safety work)
- Probation staff could deliver some of the probation groups, with Respect accredited services staff delivering the remainder (and some or all of the women’s safety work) in the probation office
- Probation could contract out the delivery of IDAP/CDVP to Respect accredited services entirely or;
- Purchase places on a Respect accredited service programme which it could use whenever probation waiting lists reached a particular level.³⁴¹

331. A pilot project in the South West, initiated by the Regional Offender Manager, is currently mapping out interventions with convicted and non-convicted perpetrators across the statutory and voluntary sectors. The aim of the pilot is to identify gaps and duplications, and assess how best to allocate resources. The Probation Service told us that

338 Ev 204

339 *Ibid.*

340 Q 89

341 Ev 384

“this is a project of obvious national significance and would act as a pilot in creating a more holistic response to domestic violence from all agencies including NOMS”.³⁴²

332. We have been pleased to see willingness on the part of the voluntary and statutory sectors to work towards better collaboration on delivering domestic violence programmes. We welcome their efforts to develop this. There is quite clearly a role for community-based programmes in delivering interventions. But this must not be seen by the Probation Service or government as a cheap way of passing on a capacity problem. Any contracting from the Probation Service to the voluntary sector must, therefore, be fully funded.

333. We welcome the initiative of the pilot mapping interventions for perpetrators across the South-West of England, and urge the Probation Service to use the findings to develop an action plan for collaboration between the statutory and voluntary sectors.

“GO” orders: removing the perpetrator from the home

334. The Men’s Advice Line (MALE) recommended that more radical measures should be taken towards perpetrators: “we would like to see the perpetrator removed from the house and offered accommodation subject to him engaging in a suitable programme such as the Integrated Domestic Abuse Programme (IDAP) or similar”.³⁴³ MALE argues that, apart from allowing the victim to remain in their own home, such an approach would be financially prudent, since re-housing one person would be cheaper than re-housing a whole family.³⁴⁴ This view was supported by respondents to our eConsultation:



“The action that would have helped me would have been able to stay in my own home, instead of moving my children away. Women should be able to feel safe in the homes that mostly they had built. Women suffer from the violence, the man does this, yet in a lot of cases he has the marital home. The woman ends up having to start all over again” - lifeafter

“As it stands hundreds of thousands of women and children every year have to flee their homes from domestic abuse...the men in the majority of cases remain at home. Emergency accommodation should be made available for perpetrators so that women don’t have to be the ones to leave” - Jane J

“Why should women and children leave homes, all their stuff, friends, family, jobs, school and the dog?” - Stockport

335. A scheme along these lines has been developed by some European countries, so-called “GO” orders. Austria, Switzerland, Germany and more recently Poland have developed legislation which allows the police to take positive action at the domestic violence incident to exclude the perpetrator of violence from the home. The legislation differs between these

342 Ev 316

343 Ev 310

344 *Ibid.*

countries in terms of factors such as the length of the exclusion order and the extent to which the state allows victims to influence the interventions which occur. In Austria, the order is valid for 10 days and controlled by the police for the first three. In Germany the police can ban the perpetrator from the house for 10–14 days.

336. A significant issue for each country in the development of their legislation has been the extent to which the State intervenes to protect the victim (usually woman) and children and can override their stated wishes and feelings or proactively bring in support and information services. In Austria there is a two stage process. In the first instance, the victim cannot influence the imposition of a barring order or “GO” order. The second stage of the process involves the woman taking action on her own behalf. After a barring order has been imposed, the victim can apply for an interim injunction at the Civil Court (Family Court) within ten days. If such an application is submitted, the barring order is automatically prolonged to 20 days.

337. The first Austrian evaluation showed that some women who were interviewed opposed barring orders, because they wanted to stay with their partners and thought this measure was too strict. Others felt that the barring order was important in developing personal understanding that they should separate from their partners. Some women told researchers that the perpetrators had been shocked by their own behaviour and that their relationship had changed for the better. The follow-up evaluation found that the reaction of some interviewees towards eviction and barring orders changed in the course of time. While in the beginning they had opposed these measures (especially when they did not want to give up their partners, but their partners left them), they admitted in the follow-up interviews how helpful the new legislation had been.³⁴⁵

338. The breaching of “GO” orders through the perpetrator returning to the residence is an on-going problem. In Germany no specific research on this dimension has been undertaken so far. In some federal states the law bound the police to issue a “GO” order at least once. In most cases where victims asked for the ending of the “GO” order, the perpetrator gained permission to return to or to stay at his residence. However, police have the discretion to continue the “GO” order if they believe that the victim is being threatened or pressured to allow the perpetrator to return though there are problems for the police in distinguishing between a forced and a voluntary statement of the victim.

339. We recommend that the Government introduces “GO” orders, which have proved effective in other European countries in offering an inexpensive and dynamic short term measure of removing the perpetrator from their home, thus allowing the victim to remain in it. We recognise that it is important to ensure that, as far as possible, the victim is involved in the decision to remove the perpetrator from the home. However, it seems to us that a compromise arrangement is possible, with an initial decision to remove the perpetrator taken by the police, and subsequent decisions taken in consultation with the victim. Feedback from victims, through our eConsultation, suggests that they would welcome such a scheme.

345 Haller (2005)

340. Development of "GO" orders in the UK should be linked with Sanctuary schemes, which we discuss in paragraphs 221 to 227 of this report, to provide further protection to victims who remain in their own home.

10 Partnerships



“At present there is a silo mentality towards delivering services for domestic violence victims, whereas most people need the support of a number of different agencies”

-eConsultation respondent

In this section we consider the ways in which agencies and Government departments need to work together to provide adequate protection to victims and manage perpetrators.

Multi-agency responses are needed to respond effectively to domestic violence

341. Domestic violence is an issue which does not fit neatly within the responsibilities of one agency or Government department, but which requires a co-ordinated response. One of a series of briefing notes on effective approaches to domestic violence, commissioned by the Home Office in 2000, concluded that “local policy and practice has been transformed in some areas by multi-agency domestic violence work”.³⁴⁶

342. One domestic violence professional described the genesis of multi-agency approaches:

Multi-agency approaches to domestic violence developed out of frontline, especially voluntary sector, service providers’ awareness that the survivors they worked with needed to contact a range of agencies when they had experienced domestic violence, and were not well served when such agencies did not communicate or work well together.³⁴⁷

343. The same professional noted that agencies have different approaches to domestic violence, and these agencies need to work with one another in order to get the full picture. For example, the police and CJS have an incident-based approach, whereas domestic violence tends to be part of a wider pattern of behaviour which can be overlooked in an incident-based response.³⁴⁸

Appropriate data sharing is essential for agencies to work together

344. One barrier to effective inter-agency working was identified as information sharing between agencies. The police, in particular, stated that information sharing is inadequate since there is no legal compulsion to share. Chief Constable Brian Moore told us that:

³⁴⁶ *Reducing Domestic Violence...what works? Multi-agency fora*, Home Office (January 2000), p 3

³⁴⁷ Ev 125

³⁴⁸ Ev 127

There is inadequate information sharing between agencies. Each agency may have part of the picture but if it is operating only on that it will never properly understand the risks someone faces and prevent further harm. It is only when all the pieces of information from the police, education, social services and local housing authorities are put together that you have the clearest picture of those most at risk.³⁴⁹

Chief Constable Moore called for a change in the law to make information sharing mandatory: “I say that the law in this regard is inadequate. The law on information sharing is passive”.³⁵⁰

345. Several witnesses particularly cited health professionals as being reluctant to share information. For instance, ACPO stated “some agencies, notably Health, are reluctant to share information even in forums (such as MARACs) designed to facilitate such exchange. Concerned professionals frequently cite their obligation to patient confidentiality as the basis for their reluctance”.³⁵¹ The British Medical Association supported this, citing concern about disclosing patient information as one of the major barriers to engagement.³⁵²

346. The Parliamentary Under-Secretary of State at the Home Office Vernon Coaker MP noted some confusion amongst professionals about what information can be shared, particularly in relation to the Data Protection Act, and to patient confidentiality. He told us:

We have been to see the Information Commissioner about this and information which is shared on the basis of public protection is information that can be shared providing it is done properly. I think sometimes with data protection and all of these other things people are frightened of it...We need to change people’s mindset that you cannot share information as you will be doing something illegal.³⁵³

The Home Office has published guidance for practitioners on sharing personal and sensitive data in domestic violence contexts.³⁵⁴ This guidance is listed as having been last updated in April 2004.

347. Safe sharing of appropriate information between agencies is vital in supporting and protecting victims. Witnesses reported confusion amongst some agencies and professionals about what data the law currently allows to be shared. We have not seen evidence of a need to change the law to mandate information-sharing, as suggested by the police. However, there is a need for better understanding of what the law allows amongst front-line professionals. We therefore recommend that the Government, in consultation with the Information Commissioner, updates its guidance for practitioners on sharing personal and sensitive data in a domestic violence context, and writes to practitioners to highlight this guidance.

349 Q 8

350 *Ibid.*

351 Ev 180

352 Ev 97

353 Q 448

354 www.crimereduction.homeoffice.gov.uk/ispol.htm

