



# **Muslim Women's Experiences of the Criminal Justice System**

## Executive Summary

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Reina Pathan was employed as a Criminal Justice Officer for this project as a researcher to help identify cases from the Muslim Women's Network Helpline Database and to also provide support to Muslim female victims who raised concerns about their interactions with the criminal justice institutions.

# INTRODUCTION

Muslim Women's Network UK (MWNUK) works to improve social justice and equality for Muslim women and girls. We aim to reduce the vulnerability of Muslim women and girls, decreasing the negative effects of the discrimination they face and giving them greater access to rights and services which allow them to contribute to society, like any other citizen, on economic, social, political and cultural levels.

MWNUK operates a national helpline and two-thirds of the calls received relate to some form of violence such as domestic abuse, honour-based abuse, harassment, stalking, forced marriage, rape and sexual violence, including child abuse. These experiences bring a significant number of our service users into contact with the criminal justice system, particularly the police.





## WHAT IS THE PROBLEM?

Muslim women constitute one of the most disadvantaged groups in British society. They disproportionately experience adverse socio-economic conditions and within their families and communities often experience further inequalities from the gender roles expected of them, and behaviours rooted in honour culture. There is an intense pressure to conform and suffer in silence. Thus, when Muslim women are able to find the courage to report abuse to the police, they are taking a colossal step. If they then receive a poor service, it can disempower and deter them (and others who may be aware of the step they have taken) from continuing with any reports made to the police or from making future reports, or they may drop cases before they reach the court's door. The result of this can be Muslim women not getting justice and the perpetrators not being held accountable. This may also embolden perpetrators, leading to an increase in the abuse inflicted on the victim or even an increase in the number of victims. The consequences of an inadequate service can sometimes also be fatal.

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## WHAT DID WE HOPE TO ACHIEVE?

The main aims of our research were to examine how the criminal justice system responds to Muslim women who have been victims of violence and abuse and whether they are 'getting justice' and what factors are contributing to any 'justice gap' so we can make recommendations to improve their criminal justice outcomes.

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## METHODOLOGY

Cases were identified from the helpline database where Muslim female service users had come into contact with criminal justice institutions such as the police, crown prosecution service or judiciary and the responses they received were insufficient or inadequate.



# KEY FINDINGS

1

## Poor standard of investigations

Sometimes complaints were not being taken seriously and were dismissed or were not investigated to an acceptable standard. The perception held by victims of not being believed, whether or not that was the reality, is damaging and has serious adverse effects on the confidence of victims.

2

## Victims not kept informed

Victims were not being kept up to date and they were having to constantly chase police and the Crown Prosecution Service for updates, which was mentally exhausting and which would result in our helpline being contacted. When suspects were not charged, defendants acquitted or perpetrators otherwise not brought to justice, reasons were not always given.

Although the helpline escalated concerns on behalf of victims, interventions by third parties should not be required for victims to receive good standards of service. The police and the CPS are understandably busy and the lack of resources and impact of budget cuts is noted. However, being kept up to date and being given the right information can help victims cope better with the stresses of investigations and trials thus decreasing the likelihood of cases being dropped; otherwise perpetrators will not be held accountable and victims will feel disempowered and silenced.

# 3

## **Victims' Right to Review Scheme flawed**

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Weaknesses in the Victims' Right to Review scheme were also identified; victims are not allowed to request a review where only some suspects are charged but not others.

# 4

## **Poor CPS and judiciary standards of service**

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When cases proceeded to court, the quality of publicly funded barristers i.e. prosecution barristers and legal aid funded defence barristers (e.g. for female offenders who were also victims of abuse) were variable. Poor handling of cases resulted in victims of abuse not obtaining justice. There was also a lack of understanding by judges about the impacts of different types of abuse on victims.



# 5

## **Police missing risk factors and not taking safeguarding measures**

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Sometimes police officers were missing risks associated with honour-based violence, forced marriage and revenge porn due to a lack of understanding. When victims were not correctly identified as high risk they were then not offered the appropriate safeguarding services. The research found that police were not using existing powers to effectively protect women. There were also failures in spotting signs of domestic abuse when dealing with incidents where the perpetrator may have called the police to report the victim as the main aggressor even though she had been defending herself against violence and abuse.

# 6

## **Needs of different communities not taken into account**

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We found that sometimes police were not alert to the fact that Muslim women may face additional barriers to reporting abuse. Police were sometimes inflexible and did not adapt their approach. For example, in one case they insisted a victim report a sexual assault herself even though she wanted to first make contact via a third party such as the helpline. In another case, a white male police officer was sent to the victim's home to take her statement even though the police had been informed she could not speak English and was living with the perpetrator. It is important that police have local strategies that meet the needs of different communities to make it easier for women to report abuse and also ensure their actions do not put them at increased risk.



# RECOMMENDATIONS

If Muslim women are putting their trust in the criminal justice system, this trust needs to be recognised; they should not only be supported but also feel supported. To decrease disparities in the way minority women are treated, in the criminal justice system, we make the following recommendations:

## Recommendation

1

### **Find ways of assisting women in minority communities to report abuse and improve the avenues that already exist**

Police should be more flexible in allowing someone other than the victim to make the initial report on the victim's behalf; e.g. third party specialist organisations that are trusted by ethnic minority women. They should make alternative arrangements (to police stations) that are local, accessible and safe and where women can attend without being chaperoned or arousing suspicion e.g. their children's school, women's centres etc.

## Recommendation

2

### **Improve speed of response**

Police should improve the speed of response when victims are at risk of harm and a minimum time response set out in guidelines such as the Victims' Code so that the public can hold police forces to account.

## Recommendation

3

### **Keep victims updated on investigations**

Police forces should ensure their police officers are meeting their obligations under the Victims' Code, which stipulates that police officers keep victims updated on progress of investigations.

## Recommendation

4

### **Provide information about decisions not to prosecute or proceed**

The police and the CPS should provide a clear explanation, in writing, to victims when they decide not to proceed or prosecute. The victim should also be provided with information on complaints procedures and the Victims' Right to Review Scheme, and mechanisms implemented to ensure this happens.

## Recommendation

5

### **Update eligibility criteria for Victims' Right to Review Scheme**

Changes should be made to the Victim's Right to Review scheme so that decisions not to prosecute can also be reviewed (particularly for serious crimes such as rape and sexual assault) in 'cases where charges are brought in respect of some (but not all) allegations made or against some (but not all) possible suspects.'

## Recommendation

6

### **Amend and review the law and guidance on revenge porn**

Police should have further training on revenge porn, including on how incidents can escalate risk of honour-based abuse. Revenge porn law should be updated to give victims anonymity. It should include threats to share and the actual sharing of images and audio recordings of a sexual nature.

## Recommendation

7

### **Strengthening guidance on forced marriage**

Police, government and CPS forced marriage guidance should be updated to include awareness of the potential risk of a foreign passport being acquired by dual nationality parents in order to take their children out of the country and to recognise that potential perpetrators can also be found among those who coerce a young woman or girl to marry them, e.g. boyfriends.

## Recommendation

8

### **Increasing understanding, improving the recording of cases and strengthening guidance on honour-based abuse**

The government, police, and CPS guidance should be updated to include examples of activities or actions that may be perceived as dishonoring individuals or families and can result in honour-based abuse. Consistent language should be used in guidance across criminal justice institutions.

The term 'honour-based abuse' should be used instead of 'honour-based violence' because not all honour-related offences include physical violence. Police knowledge of honour-based abuse should be improved and training should include less obvious factors that can also escalate risk such as divorce, leaving one's faith and revenge porn etc. Training should also cover better identification so that more incidents are recorded to help build a national picture of the scale of honour-based abuse.

## Recommendation

9

### **Strengthening guidance on domestic abuse**

The College of Police training and guidance on domestic abuse should be strengthened to include:

- recognising that victims who are not in legally recognised marriages will be financially reliant on their partners and therefore may not seek help;
- how to make an assessment to identify the predominant aggressor when dealing with incidents where the perpetrator may have been the person who actually called the police;
- recognising that young victims of abuse may deal with their abuse in different ways, such as truanting, shoplifting and other transgressive behaviours e.g. drug and alcohol misuse.



## Recommendation

10

### **Further training on stalking and harassment**

Police officers should be provided with further training on stalking and harassment to:

- improve understanding of victims' experiences;
- improve identification and ensure risk of harm is assessed for every victim;
- ensure allegations are properly investigated;
- ensure victims are protected at an early stage and that law enforcement tools used;
- ensure victims are referred to specialist support services.

## Recommendation

11

### **Improve barristers' and judges' understanding of domestic abuse**

Ongoing professional development of barristers and judges should include improving knowledge and understanding of domestic abuse and also cover the experiences of women in minority communities; for example, the additional barriers they face in receiving help and specific forms of abuse to which they may be subjected such as honour-based abuse and forced marriage.

## Recommendation

12

### **Unconscious bias training for judges should be provided**

The professional development of judges should include ongoing training on unconscious bias to minimise and eventually eliminate discrimination based on gender, race/ethnicity and faith, and to promote fairness.



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