



Invisible survivors **The long wait for justice**

Police response to BAME victims of sexual abuse

August 2020

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1.0 Forward

Yasmin Khan

It is through the experiences of the victims, combined with a lack of appropriate BAME provision to support survivors of sexual and honour-based violence, for which I founded the Halo Project Charity – to offer the specialist victim support service desperately needed.

I am acutely aware of that victims of sexual abuse, historic and current, do not get to the criminal justice stage, because of the lack of understanding by Police forces across England and Wales who have failed to apprehend the specific barriers and safeguarding risks BAME victims face when the abusers share the same culture and ethnicity.

Furthermore, our case studies and those of all the specialist providers who support BAME victims of sexual abuse highlighted throughout this super-complaint provides an unequivocal call for change in policing across England and Wales. The victims' experiences are not isolated to geography, the failings outlined throughout combine a number of features of policing, which appear to be significantly harming the interested of the public.

We have considered improvements in policing however the confidence within the BAME community remains low, under-reporting of sexual abuse is a national concern. Furthermore, we fail to see any “good practice” or increases in successful prosecutions where BAME victims have been protected and supported to come forward and seek help, this must change. What about BAME victims of CSE, exploitation and grooming? Fundamentally we must do all we can to encourage a culture of reporting, not a culture of ignorance which currently exists.

We need to remove the barriers which exist for victims of sexual abuse, not add to them. Unless we undertake a national review of how widespread these failings are, we will never remove institutional and systematic inequalities which exist. I, personally, am not advocating for preferential treatment for victims within the BAME community, abuse is abuse, there is no class, culture or community where this exploitation of the vulnerable does not exist. My only ask is that we improve the way investigations are conducted with confidence, vigor and a sense of understanding of the particular barriers which BAME communities face.

Inequalities exist in all aspects of society; this super-complaint is necessary if we are to ensure the police service provides a fair and responsive service that engages effectively with all the communities it serves.

If ever there is a time to start to address institutional reforms within Policing, it is now, when the perception of race relations is at an all-time low, when victims still suffer in silence. There are voices which need help - it is incumbent of us to listen.

Yasmin Khan

Founder, Director Halo Project Charity

Welsh Government - National Advisor for Violence against Women, Domestic Abuse and Sexual Violence

2.0 Expert Statements

Statement: Nazir Afzal OBE

There is sadly no community where women, girls and a smaller number of men boys are not at risk from men and sexual predators. In the last 2 years of prosecuting, I have prosecuted people, invariably men, from 25 countries, not including/just the European Union for sexual offences and trafficking. Victims come from all communities, as do the perpetrators. In those last two years, the victims of trafficking and sexual offending in the UK came from 64 countries. We have to deal here with the United Nations of abusers of women and girls. It needs to be clear, however, that white British men constitute the vast majority of offenders in the United Kingdom.

These victims often had such troubled lives that they didn't even see themselves as victims, but they were. I think they have suffered enough without being let down by the criminal justice system as well. There were multiple failings in each of my cases: the children's parents failed them, the education system failed them, those tasked with safeguarding children failed them, and the police and prosecutors failed them.

The effects of sexual abuse on the victim can be lifelong, but because of the way perpetrators operate, most abuse goes undetected. It takes courage to ask for help. Victims are beset by feelings of shame, guilt and fear. They should be able to have confidence that credible allegations will be adequately investigated and that they will be appropriately supported. Instead, experience shows that the abuse is often compounded by skeptical or inadequate reactions.

It is not always possible to establish where the truth lies, but where it is possible to investigate, there must be a good reason not to do so. The position of a complainant whose allegation is described as "unsubstantiated" is extraordinarily difficult, but sometimes "unsubstantiated" is no more than a euphemism for "un- investigated".

I often talk about justice delayed being better than justice denied, the sad fact is that most victims do not get any form of justice.

Nazir Afzal OBE

Former Chief Crown Prosecutor & Former Chief Executive of the country's Police & Crime Commissioners

Statement: Dexter Dias QC

Where do we find sexual abuse? What is it and what does it look like? We think we know or know enough. We don't. And in that gap between perception, indifference, ignorance and complacency, vulnerable people who have suffered sexual abuse keep suffering.

No community is immune from sexual abuse. Within each community, no socio-economic group is immune from sexual abuse. It is, and in all likelihood always has been, part of the human condition. But that does not absolve us of the need to do more to fight it. This is what this vital research is all about.

The Asian community within the United Kingdom has made a remarkable contribution to the quality of life and success of the country. It has punched way above its weight. To use just one metric, young Asian people, and in particular girls, do remarkably well academically. In terms of exam success, they are at the top of the tree.

But equally, and at the same time, sexual abuse and so-called 'honour-based' violence affecting the Asian community is one of the prime issues marring its progress. Why? The mechanism is complex. We should be slow to accept simple or simplistic explanations. However, one of the drivers of the success of young Asian people academically can also work against the effective reporting, investigation and justice-seeking when vulnerable people are abused within the community.

'Honour-based' crime exploits the strong kinship and extended family networks that enable young Asian people to flourish educationally. Those support networks can also result in a profound reluctance to expose shameful behaviour.

And that last phrase is critical. Human beings work on a very basic social and (research is beginning to show) cellular level with two key impulses. On one side of the coin, the need to belong. But on the other, and at the same time, the fear of the opposite – being ostracised, thrown out, blackballed, shunned. These imperatives are particularly powerful in close communities, those that are minority or not mainstream, and that operate traditional power structures. Compare those qualities with the Asian community in the UK and you will begin to see the problem.

I have taken a relatively long run up to the wicket here. The reason is that this report isn't about the indiscriminate or pointless blaming of others. It is about change. Thus, I have wanted to identify some of the complexities that any investigator, whether police, or from any other agency, has to contend with when investigating allegations of sexual abuse in the Asian community.

That said, none of the above is an excuse for not thoroughly investigating complaints of sexual abuse coming from the Asian community. In my human rights work with survivors and as a lawyer with extensive experience of cases involving the most serious sexual offending, I encounter time and time systemic problems in the investigation of sexual offending. I want to make clear that compared to when I started at the Bar, when someone called Margaret Thatcher was still PM, the process has improved. But there is much more to be done.

Let us be absolutely clear and not duck this issue: sometimes false allegations are made. But in the balance of cases, unquestionably the vast majority of them, we have genuine victims of some of the worst things that humans can do to other human being. How should we help them better? This thought lies at the heart of this report.

We should start from the position that for a victim, the act of coming forward after being abused is *in itself* a traumatic one. Equally, investigators must recognise or recognise better that the process of participating in any way in the investigation and prosecution of one's own abuse is re-traumatising. That thought should inform every step, decision and proposal in the investigation of sexual abuse.

Within the Asian community we must overlay the strong family and kinship networking. This can dramatically affect the willingness and capacity of a victim to withstand powerful internal social 'policing' pressures to desist, to sweep it under the carpet. An allied concern is that police investigators when faced with this labyrinth of familial connections and pressures may throw up their hands and regard it as something that is unsolvable. There might be concerns that if the perpetrator or perpetrators come from a certain community, robust and thorough investigation may affect social cohesion and community confidence in the police. Any such thinking must be rejected. It is prioritising the consequences of the investigation over and above the consequences to the victim.

Defective investigations can be deeply damaging. In some cases, even fatal.

The great French thinker Pierre Bourdieu stated that there is no such thing as racism – there are racisms. The same applies to sexual abuse. Therefore, I welcome this research and I hope you do. The team that has painstakingly compiled it should be commended for excavating some of the living reality of one of those many sexual abuses – that within the Asian community. It provides a precious opportunity to draw a line under a dysfunctional past and start again. That means thinking again. It means not assuming that sexual abuse within the Asian community is the same as sexual abuse elsewhere. It is about being sensitive and specific. It means thinking again about the dreadful pressures on survivors of sexual abuse who step forward.

I think of a young Asian boy or girl who has found the extraordinary courage to speak up. I think how lonely and frightened they must be. I think about how traumatic their involvement in investigation and prosecution will be.

And I want to change that.

I think that with this extraordinarily important report we can.

So, here's the question: do we want to?

Statement: Dr Roxanne Khan

Sexual violence against children is one of the largest silent global pandemics of our time, occurring in countries at all levels of development and affecting children of all ages. In the UK, a substantial body of research evidence indicates that south Asian victims of childhood sexual abuse (CSA) by family members suffer in ways that are distinguishable from their British-heritage counterparts. They are more likely to suffer the impact of intergenerational and complex trauma resulting from social inequality (race, class, and gender prejudice), social attitudes (victim-blame and normalisation) plus the internalisation of shame and self-blame - more so if they report the abuse committed by family or community members to authorities.^[1] They suffer further still from poor support services resulting from cultural-ignorance or failure to respond appropriately in fear of being perceived as racist.^[1-4]

CSA within the Britain's south Asian community is believed to be under-reported; ^[2, 4] a catalogue of suffering protected by a code of 'honour'. To understand this code, it is important to understand the high value placed on family bonds and a respectable public image. Honourable males are expected to act tough, show strength, and ensure that their families also act honourable. The power of 'honour' in south Asian communities must not be underestimated - it is valued up and above personal beliefs, ideals and safety. Thus, it is also important to note that any damage to a family's honour, including disclosures that a family member is abusive, brings a great deal of personal and social shame to a person who discloses their victimization, their family and wider community. ^[1-5]

Research studies report male survivors from all cultural backgrounds struggle to disclose CSA to authorities for many reasons, including fear of being disbelieved, blamed, exposed to other forms of negative treatment and/or concern that such a disclosure might interfere with their masculine self-identity.^[6,7] Add to this mix that south Asian males specifically are expected to act with masculine honour in their own community, while often and openly being portrayed in the British media as being from "backward communities" and involved in grooming gangs; this influential and negative depiction marginalises all members of South Asian communities which complicates efforts to identify or support victims and tackle perpetrators.^[2] There is a consensus in the social care literature that a poor understanding of cultural norms, traditions and values can lead professionals to pathologize all south Asian males and families.^[8]

The long-term consequences of CSA can be devastating for men from all backgrounds, many of which are indicated in this case. Studies report a wide and complex array of negative effects on psychological functioning (e.g. anxiety, depression, post-traumatic stress disorder, anger, hostility, generalized vulnerability, stigma, shame, guilt, embarrassment and self-blaming); behaviour (e.g. self-harming, substance abuse and employment problems); the ability to maintain close personal relationships (e.g. intimacy, trust and attachment difficulties, emotional withdrawal, parenting problems, and sexual dysfunction); and general self-image (e.g. low self-esteem, perceived changes to one's gender identity, sexual orientation and/or sense of masculinity). ^[3]

CSA disclosures by South Asian male survivors may be amplified as they are more likely to have to contend with both internal and external barriers to adequate professional support, including myths about male CSA, victim-blaming, self-hate, homophobia, and racial/cultural stigmatisation.^[9]

With this in mind, I urge the reader to imagine for one moment what it is like to be a south Asian victim of CSA in the UK. I urge you to reflect on the research evidence presented here, then think pragmatically about what steps must be taken to protect ethnic minority CSA victims, who are caught helplessly between a rock and a hard place - unable to seek protection from family and largely excluded from mainstream support and emergency services.

In conclusion, I echo the words of researchers reflecting on their study of policing sexual abuse in south Asian communities in the UK: "Anything that can be done to increase the protection of those who have been abused or at risk of abuse, regardless of gender or race, must be considered worthwhile, and so we hope that this...may act as a catalyst for such change".^[3]

Dr Roxanne Khan CPsychol, CSci, AFBPsS, FHEA

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- ¹ Begum, R., Khan, R., Brewer, G., and Hall, B. 2020.
 - ² Harrison, K. and Gill, A. K. 2019.
 - ³ Harrison, K., and Gill, A. K. 2017 Policing the Culture of Silence.
 - ⁴ Rodger, H., Hurcombe, R., Redmond, T., and George, R. 2020
 - ⁵ Khan, R. 2018.
 - ⁶ Lowe, M. 2018.
 - ⁷ Wazaid, A. 2016.
 - ⁸ Qureshi, K., Charsley, K., and Shaw, A. 2014.
 - ⁹ Lowe, M., and Rogers, P. 2017.

3.0 Background

The Work of The Halo Project Charity

The registered super-complaint body, Tees Valley Inclusion Project CIC, is the parent arm of The Halo Project registered Charity which provides a victim support service in context of the case studies cited within this report. For clarity, both are separate legal entities, for the purpose of this super-complaint the Tees Valley Inclusion Project is the designated body for this report

The Halo Project Charity, founded in 2011, is a national project which supports victims of honour-based violence, forced marriages and female genital mutilation, domestic abuse and sexual violence by providing appropriate advice and support to victims. The Halo Project provides a victim support and advocacy service so that they are protected from, and do not experience, an indefensible abuse of human rights which can result in abduction, serial rape and murder in the extreme cases/scenarios.

The Halo Project not only provides emotional and practical support to victims who are at risk of, or subject to illegal cultural harms, but also functions to educate the community regarding these harms. By working closely with the police services amongst Government bodies, the Halo Project is able to create and maintain links with relevant agencies and organisations to provide emergency and non-emergency services to victims. The project also offers professional advice to agencies, which includes training, raising awareness, workshops, conferences and provides safe and secure supported BAME specialist accommodation.

Since its founding in 2011, we have provided intensive help and support to over 3000 victims fleeing from violent and life-threatening situations, with a rise of sexual abuse within our case work we feel it is imperative to ensure when victims seek help and justice, they are supported. Victims and survivors need to know their particular needs are considered as part of the complex nature of police investigations, yet throughout this report they are misunderstanding culture. In addition, where recourse and complaints are sought through the formal processes within various case studies, worryingly there is no single case we have interviewed which received any satisfactory response. This super-complaint provides evidence which has prevented victims and potential victims of sexual abuse to report to the Police, in fact in many cases the handling of police cases has acted as a deterrent. The consequences of reporting have resulted in physical risk and retribution experienced by those who sought the courage to report to the Police, it is time for change.

Tees Valley Inclusion Project is one of sixteen super-complaints bodies in this country and is one of only two designated BAME super-complaints bodies. This status affords us the opportunity to identify and report systemic issues in policing to Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMCFRS), the College of Policing (CoP) and the Independent Office for Police Conduct (IOPC).

Whilst collecting and analysing research for the super complaint, it became evident that sexual abuse within the BAME community is an area which has attracted disproportionately low research (when we consider the high statistical number of victim/survivors coming from BAME community) and that there is an overt gap in the lived experiences of BAME victim/survivors reflected in existing research, relating to sexual violence. It is submitted that accurate and useful research cannot be reduced without engaging with the individuals and communities that are at the forefront.

Academic research supports the breadth of BAME groups affected by the features of policing. Studies show that there are key communalities experienced by victims of sexual abuse in ethnic minority communities. For clarity, black and ethnic minority communities are defined here as those who have a migration history and are minorities in at least one of the four main dimensions of ethnicity identified by race, language, culture, and religion. Thus, ethnic minority communities are differentiated from their Anglo heritage counterparts. Furthermore, ethnic minorities usually come from non-English speaking countries of origin and includes refugees and asylum seekers.

This study reported that for minority groups, fear of shaming or dishonouring the family name is a significant barrier because it directly threatens definitive collectivist values for the family over the needs of individuals. The literature reviewed was rife with examples of honouring the family name as the reason for silence about CSA. It was noted in Eastern European and Roma communities (Nixon, 2009; Witold, 2017; Asquith, 2015); South Asian communities (Gilligan and Akhtar, 2005, Khan, et al., 2018; Singh, 2009; Hall, 2014); East Asian communities (Back et al., 2003, Chan et al., 2011, Foynes et al., 2014); as well as Jewish (Lusky-Weisrose, et al., 2020; Neustein and Leshner, 2008, Sulimani-Aidan and Benbenishty, 2013) and Saudi Arabian and Palestinian Arab communities (AlMadani et al., 2012, Haj-Yahia and Tamish, 2001). It

has thus always been imperative to the Halo Project that the real and lived experiences of BAME victim/survivors of sexual violence is made a priority throughout this super-complaint and that our writing is used as a vessel for their voices.

Police Response to Black, Asian, Minority and Ethnic Victims of Sexual Abuse

According to the Office for National Statistics, there were a total of 121,187 sexual offences recorded by the police in England and Wales in the year ending March 2017, with the number of sexual offences reported to the police in England and Wales over the past few years having increased.¹ In fact, the number of sexual offences recorded increased by 14% compared with the previous year and is now at the highest level recorded since the introduction of the National Crime Recording Standard (NCRS) which began April 2002.² Despite this trend, recent figures show that for every six victims, five did not report their experiences to the police.³

Why people fail to report sexual abuse is varied and understanding it is complex. However, the Stern Report have documented a number of reasons, such as a lack of trust in criminal justice agencies, a concern of not being taken seriously, a fear of being revictimized by the way the police deal with their report of abuse.⁴ As Harrison and Gill state, these barriers are transcendent, but also are compounded by the multiple aspects that form an individual's identity, such as gender, age and ethnicity.⁵ The relationship between the police and BAME communities has a heavy history, with research continuously showing that those from 'Asia, Africa and the Islands of the sea' are less satisfied with their experiences of the police than their white counterparts.⁶ To name but a few reasons, this disenchantment can be traced back to the way in which the police handled the death of Stephen Lawrence, an over representation of black deaths in police custody and the overuse of stop and search powers against the BAME community.⁷ However, little specific research has been conducted into the way in which the police are responding to reports of sexual abuse when both the victim/survivor and perpetrator are members of BAME community and what wider impact this response may be having.

Through an analysis of both primary and secondary sources, the Halo Project believes that the police response to reports of sexual abuse within the BAME community is falling short of acceptable standards. It is of the belief that the forces inadequate response to such reports are having a detrimental impact on the interests of the public, specifically, members of the BAME community.

The concerning response by the police is having the impact of deterring BAME victims/survivors of sexual abuse from reporting to the police (where levels of reporting are already considered to be particularly low); as a result, a sense of justice and a feeling of safety is lacking. This means that perpetrators within the BAME community may be left feeling protected and able to continue perpetrating.

The public sector duties require the Police to take action to redress inequalities encountered by people of different racial groups, different religious groups and ethnicity it is therefore necessary in making any policy decision, Police should pay proper attention as to whether the policy decision will eliminate inequality and positively promote equality⁸.

The findings within this report will provide evidence to demonstrate the adverse impact of treatment victims have faced within the BAME community and include evidence to the idea that there is widespread “unwitting prejudice” that leads to racially discriminatory practice.

¹ Office for National Statistics 2017.

² Office for National Statistics 2017.

³ Office for National Statistics 2017.

⁴ Stern Report 2010.

⁵ Harrison K., and Gill, A. K. 2017 Breaking Down Barriers.

⁶ Bowling et al. 2008 p.611.

⁷ Harrison K., and Gill, A. K. 2017, Policing the Culture of Silence.

⁸ Julie Holroyd, Centre for Crime and Justice Studies

4.0 Terminology and Methodology

Terminology

- BAME is used to describe Black, Asian and Minority Ethnic communities
- Sexual Abuse is used to refer to undesired sexual behaviour by one or more persons upon another. This term encompasses rape and sexual harassment.
- Victim/survivor is used to retain the empowerment conveyed by the word 'survivor' and the outrage implied by the word 'victim'⁸.

This super-complaint draws upon academic evidence, case studies provided from over 15 victims and 10 BAME specialist organisations across England & Wales. The experiences and evidence provided by experts include the previous Chief Crown Prosecutor, Chief Officer for the Association for Police & Crime Commissioners and, a Crown Court recorder authorised to sit at the Old Bailey on serious sexual offences. Although academic literature and research into sexual abuse within the BAME community is sparse, we have included expert statements from leading academics, we anticipate the level of research, accounts of survivors combined with the most senior accredited experts in the field of sexual abuse within the BAME communities provides a compelling, persuasive argument to ensure we recognise the necessity to explore in detail the failings, the additional obstacles, the lack of leadership, and thereby stimulate improvements for modern day policing.

Methodology

- Analysis of Muslim Women's Network UK Report 'Muslim Women's Experience of the Criminal Justice System'.
- Analysis of key research articles.
- In depth interviews and conversations with four BAME victim/survivors of historical familial sexual abuse.
- Interviews with Halo Project Support Workers.
- BAME Specialist support agencies including IMKAAN members, Henna Foundation and Jan Trust
- Supporting research leading UK academics,
- Impact statements from Victim/Survivors.

⁸ Koss, M., and Achilles, M 2008 p.1.

In addition, we have taken into account relevant learning materials provided by HMICFRS Super-complaint team including:

- National Police Curriculum
- Authorised Professional Practice (AAP):
 1. Investigations AAP
 2. Prosecution and Case Management APP
 3. Child Abuse APP
 4. CSE AAP
 5. Domestic Abuse APP
 6. FGM APP, FM APP
 7. Rape & sexual offences APP
- Specialist Sexual Assault Investigator Development Programme (SSAIDP)
- Victims' and Witnesses' Curriculum
- IICSA, BAME survivors of the Truth Project.

The Halo Project has relied on research and material produced by other specialist VAWG services that have a specific cultural competency in identifying barriers and risk that BAME victim/survivors uniquely experience. The super-complaint that will be submitted will therefore offer a specialist and expert understanding of sexual violence as it impacts of the BAME community.

5.0 The Complaint

Key Findings of Failures

The research underpinning this report has identified **NINE** key failures in police responses to reports of sexual abuse within the BAME Community.

Individually and cumulatively these critical failures (1) severely damage the effectiveness of police investigations of sexual abuse affecting BAME complainants; (2) materially dent community confidence in the police's commitment to properly investigating these serious allegations. This is a line of inferential argument grounded on logic, common experience and empirical evidence. We have followed the evidence. The failures documented if evidentially valid as the super-complaint demonstrates, can have no other consequence than damaging police investigatory effectiveness. The repeated failure to investigate appropriately, sensitively and effectively cannot conceivably have zero impact on community confidence. If effectiveness is damaged on the scale the document, this inevitably has an obvious and adverse impact on community confidence in these highly sensitive cases. Such denting of community confidence must jeopardise the confidence already vulnerable victims/survivors have that their complaints will result in any positive outcome for them. With serious and dangerous perpetrators left unchecked and unprosecuted, further victims are inevitably at risk. We maintain that this chain of logic is unassailable once the validity of the complaints is established, the body of the super-complaint substantiates these claims. These nine failures together paint a picture of what dysfunctional and ineffective policing looks like in Britain in the 21st century.

Failure 1: The overuse of voluntary suspect interviews.

There has been a significant rise in the use of voluntary attendance of suspects for police interviews. This unjustified and unnecessary policing trend has seriously and negatively impacted victim/survivors. Interviewing a suspect following voluntary attendance removes the vital investigative and safeguarding power of bail and restrictive bail conditions. This leaves victim/survivors at risk of further violence and intimidation from their perpetrators following their report of abuse. Furthermore, the use of voluntary suspect interviews can damage the investigation. Suspects may be provided with the time necessary to collude with others, destroy key evidence on phones or laptops and intimidate witnesses and the victim/survivors themselves.

Failure 2: The failure to consider honour-based abuse as a concomitant safeguarding concern following sexual abuse reporting.

Following the reporting of sexual abuse, BAME victim/survivors may be vulnerable to honour-based abuse from their family and wider community. They may be viewed as bringing dishonour and shame to their family and/or community, especially when the perpetrators are members of these same groups. This report identifies a recurrent pattern whereby the police (1) fail to identify particular behaviours as honour-based abuse and thus fail to appreciate the level of risk present; and (2) fail to act and adequately safeguard those at-risk following reports of abuse.

Failure 3: Failure to keep victims informed following the report of sexual abuse.

Our research indicates that the police are failing to take seriously their statutory obligation encapsulated in the Victims Code to keep victim/survivors informed during their investigations. Many victim/survivors report that they are constantly having to chase the police for updates. This causes significant and additional distress and the unmistakable impression that their case is not being taken seriously.

Failure 4: Failure to provide information during the currency of the prosecution process.

Our research has uncovered a similar lack of information being provided to victim/survivors during the ongoing currency of the prosecution process itself. Often the prosecution process is arduous and protracted and victim/survivors are left in limbo, isolated, anxious, uninformed or under-informed, and unsupported. In addition, frequently there is a general lack of information regarding trial progress, including why/when a trial is adjourned and what the next hearing date will be. The barriers which face BAME victims

often include language, no translated information was provided to any victim, alarmingly where interpreters were required, no regard has been given to exploring if the victim knew the interpreter or not.

Failure 5: Failure to discuss Special Measures and other protective measures with victim/survivors.

The police and CPS are repeatedly failing to discuss protective 'Special Measures' with victim/survivors. Complainants are not made aware of their safeguarding entitlements, making them feel unnecessarily vulnerable and exposed. Alternatively, safeguarding measures are tokenistic ally communicated or inadequately explained and too late in the day, sometimes on the eve of the trial or the very day of the court.

Failure 6: Lack of empathy from the police.

Many victim/survivors found a lack of empathy, understanding and sensitivity from the police when engaging with them. This significantly added to the stresses and anxieties of an already traumatic and emotionally turbulent process.

Failure 7: Ineffective and inadequate use of police resources.

Again, and again this research found that sexual abuse investigations involving BAME victim/survivors were blighted by understaffing, little personnel continuity and a marked lack of resource commitment.

Failure 8: Disproportionate focus on community impact.

Victim/survivors have reported that the heritage of their perpetrators significantly and adversely affected how the police investigated their cases. The police seemed disproportionately focused on how their involvement in a complaint involving members from a particular ethnic community may impact community cohesion. This was at the expense of the wellbeing and safety of the victim/survivor.

Failure 9: Failure to understand the retraumatising effect of the prosecution process.

All victim/survivors of sexual abuse require deep reserves of courage to step forward and make such allegations. Those from BAME communities face additional challenges and pressures that the police fail to understand, allow for and seek to alleviate. This significantly adds to the re-traumatising the effect of the prosecution process, a phenomenon the police understand very little

Policing priorities and resources are directed by what they see and what they believe is happening including what intelligence they received. Community intelligence from minorities is limited and the full extent of abuse is missing. It's impossible to calculate the number of victims of crimes that are not reported or investigated. We concluded that 1000s of victims are being denied justice based on the fact that the most recent data from the Office for National Statistics (January 2020) estimated that there were 3.1 million victims of child sexual abuse between the ages of 18 and 74. Add to that the unknown, but not insignificant number of adult sexual abuse victims. The BAME population of the U.K. is 14% so it would be reasonable to surmise that the number of victims denied justice or protection is in the 1000s.

We, therefore, have a significant & substantial under-reported crime impacting on communities who face additional obstacles thereby exacerbating an already serious problem.

Wider public interest in ensuring that criminals are prosecuted and punished, and less able to commit further crimes. It is our submission that the practice of police officers sharing the data of people reporting crimes or coming forward as witnesses with the Home Office, is preventing crimes being reported, investigated, and prosecuted. This is clearly contrary to the public interest.

This is a line of inferential argument grounded on logic, common experience and empirical evidence. We have followed the evidence. The failures documented in this SC, if evidentially valid as the SC demonstrates, can have no other consequence than damaging police investigatory effectiveness. The repeated failure to investigate appropriately, sensitively and effectively cannot conceivably have zero

impact on community confidence. If effectiveness is damaged on the scale the SC documents, this inevitably has an obvious and adverse impact on community confidence in these highly sensitive cases. Such denting of community confidence must jeopardise the confidence already vulnerable victims/survivors have that their complaints will result in any positive outcome for them. With serious and dangerous perpetrators left unchecked and unprosecuted, further victims are inevitably at risk. We maintain that this chain of logic is unassailable once the validity of the complaints are established. The body of the SC substantiates those claim

If we do not address the barriers to reporting and the experiences of BAME victims who do report then this will continue to damage individual and community life chances, as well as reduce further public confidence in policing and justice.

6.0 Victim/Survivor Case Studies

The Voices Behind This Complaint

In the process of producing this super-complaint, the Halo Project has had the opportunity of working with and speaking in depth with four individuals who are victim/survivors of historical Familia sexual abuse. Through many meetings, interviews and informal conversations, their stories of abuse were shared. It quickly became clear how deeply they were failed by the Criminal Justice System and in particular, by the police.

They have been supportive of the Halo Project in writing this super-complaint and have agreed for their experiences to be included as case studies, all have been anonymised, but they have all stated that they hope that their experiences, frustrations and injustices faced will finally be heard. The Halo Project is writing this super-complaint for, and on behalf of them, alongside the many other victim/survivors that have been inadequately treated by the police. They are the voices behind this complaint.

Case Study 1 - “Baz”, British Pakistani Male

The Abuse

Between the approximate ages of 5 to 9 years old, “Baz” was sexually abused by his 3 cousins. The abuse began when “Baz” was 5 years old, after having moved to Pakistan with his mother and siblings, for around 18 months. During this time, he was sexually abused by one of his cousins who was aged around 13 years at the time of the abuse. When “Baz” returned to England, he began to be sexually abused by two of his other cousins, who were also the older brothers of the initial perpetrator in Pakistan. This abuse was a regular occurrence and continued for many years in a variety of different locations. Unbeknown to them, the abuse often occurred whilst “Baz”’s mother and sisters were in the next room. “Baz” states that this abuse was often premeditated and planned for his cousins would take him out and buy him gifts before they would abuse him. In an interview conducted, “Baz” stated that the first time his own father brought him a gift years after the abuse had ended, his initial reaction was crippling fear that this would mean his father would violate him because of what he had always experienced with his cousins. The abuse stopped when the eldest and most prolific abuser married “Baz”’s sister and stated he had ‘no further use for him anymore’.

The Disclosure

“Baz” struggled in silence for years after the abuse, before making his first disclosure to his partner. This was then followed by further disclosures to his sons and a family friend. A few years later, “Baz” made a disclosure to a medical professional. Weekly consultations with the doctor resulted in “Baz” revealing the details of his abuse in much more depth than his previous disclosures. Once the doctor realised that the perpetrators were residents in the UK and still in contact with children from “Baz”’s family and began urging him to inform the police.

“Baz” made the decision to contact a police officer, informally and as a friend, to discuss what had happened to him. “Baz” was then put in contact with another police representative on a formal basis, for the purpose of this report called ‘Police Officer 1’, who encouraged him to make a formal statement attesting to the abuse so that the case could be brought forward. “Baz” was told multiple times by the police that his case would be a landmark one, as it is so uncommon for a male and further, an Asian male, to report sexual abuse to the police. “Baz” wanted personal justice, but he also wanted to help the wider community and hoped his own decision to make a disclosure would encourage other victim/survivors to follow suit. “Baz” stated in various meetings that his own experiences of abuse are not isolated by any means, that no one speaks out about it within his own community in which he hoped he could help lift the veil of secrecy. In July of that year, “Baz” spent more than five harrowing and traumatic hours giving his statement, having to articulate and remember in as much excruciating detail as he could, the abuse he suffered at the hands of his cousins.

The Investigation and Its Failings: 'Voluntary' Suspect Interviews

The College of Policing has published guidance for police officers called 'Authorised Professional Practice' (APP). There is a particular APP which provides guidance to officers as to how they should deal with child sexual abuse investigation.

It states that 'the timing, coordination and extent of any arrests, potential victim or witness approaches, research enquiries (including with multi-agency partners) and evidential searches could, if not properly considered, have a detrimental effect on evidence gathering and, subsequently, on any prosecution (e.g. by alerting suspects)⁹'.

Following "Baz" providing his statement, he was assured that the suspects would be questioned promptly. The next day, child protection took away the children living with the suspects. However, it took over three months for the suspects to be brought in for questioning, and when they finally were, it was done by an appointment organised by the suspects. During this three-month period, the suspects were able to collaborate, make clear their stories and contact lawyers. When the suspects eventually and voluntarily offered themselves for questioning, they had solicitors present and stories well-rehearsed. Clearly, the guidance provided by The College of Policing was not followed accordingly.

In addition, because the suspects were voluntary interviewed, the power to impose bail was lost. As a result, "Baz"'s abusers were able to approach him as no conditions were imposed against this. Therefore, not only does the use of voluntary interviews potentially impact the strength of the investigation and chances of a successful prosecution, it also puts the victim/survivor at risk.

Ineffective Use of Police Resources

The guidance also states that 'managing staffing issues is a key initial consideration in planning complex child abuse investigations - their availability to commit to a potentially long-term inquiry.'¹⁰

However, Police Officer 1, who "Baz" had initially had the formal conversation with about the abuse he suffered and who took his statement alongside Police Officer 2, was removed from the case to work 'elsewhere' when the investigation began, without any explanation. Thus, Police Officer 2 was the only detective assigned to the case following the removal of Police Officer 1. Furthermore, "Baz" explained that his meetings with Police Officer 2 were continuously cut short due to personal commitments. Moreover, "Baz" has stated that during an internal review meeting after the trial, a senior police officer, acknowledged and confirmed that the investigation was under-resourced by as many as three to four detectives. Once again, this case was not handled in line with the guidance that had been provided.

⁹ College of Policing 2018.

¹⁰ College of Policing 2018.

Police Professionalism

“Baz” has made it clear that particular police officers he encountered during the investigation and after the trial, did not conduct themselves with professionalism or empathy. He described an incident where he pressed an officer to answer his questions that had been continuously left unanswered and received the response from the officer that “Baz” needed ‘mental help.’ In addition, during the internal review meeting, “Baz” was told that the police had made mistakes, but that “Baz” now needed to ‘get on with his life.’

Failure to Consider or Identify Honour-Based Abuse as a Safeguarding Concern

Definition of Honour-Based Abuse:

College of Policing define it as ‘*an incident or crime involving violence, threats of violence, intimidation, coercion or abuse (including psychological, physical, sexual, financial or emotional abuse) which has or may have been committed to protect or defend the honour of an individual, family and/ or community for alleged or perceived breaches of the family and/or community’s code of behaviour.*’¹¹

The Halo Project supports on a regular basis, victim/survivors of sexual abuse who do not, under any circumstance, want to report the incident to the police. We have found that the notions of culture/izzat and shame act as some of the most substantial reasons why Asian victims/survivors are less likely to report sexual abuse than their white counterparts. Many members of the Asian community feel that reporting sexual abuse will bring shame to themselves and their family’s reputation and is thus better kept a dirty secret. This reluctance is often further confounded by family and wider community pressure to not report. Alongside family pressure, fear of the consequences of going against the wishes of the family and/or the community can act as a significant deterrent to reporting. These consequences can range from ostracism from family and the community, to honour-based abuse and forced marriage. Harrison and Gill, during their research, provide a telling quote from one of the officers they interviewed, who describes the distinction he makes between the seriousness of consequences in Asian and White British communities:

*‘People tend to fall out over matters within the white British community, or what you might call it, but don’t tend to take any retribution, in my experience. Whereas I tend to find there is a very real-life threat of retribution within the South Asian community.’*¹²

“Baz” experienced, and continues to experience, abuse, intimidation and harassment from the Asian community as a result of involving the police. During the investigation, he was directly approached on numerous occasions by community elders who stated he must drop the charges and ‘forgive’ the accused. In fact, “Baz” recalls a relative of the accused travelling from another part of the country to pressure him into retracting his allegations. Furthermore, “Baz” was even approached by the perpetrators themselves who attempted to force him to drop the case. “Baz” explains that he was ‘subject to emotional blackmail and threats’ and when this did not work, he was ‘offered a blank cheque’ if he dropped the charges. “Baz” reported each of these incidences to the police and yet nothing tangible was done to stop further abuse from happening or procedures to mitigate it. “Baz” states that Police Officer 2 ‘resolutely refused to take any action when informed’ and promises that arrangements would be made for the safety of “Baz” and his family were not kept. This abuse continues to present day to the extent that “Baz” feels he has no option but to move from the area.

Fundamentally, the police failed to understand the link between the abuse and community honour. They did not identify it as honour-based abuse, or even consider the risk of honour- based abuse, nor did they act upon “Baz”’s reports of further abuse. It would have been expected

¹¹ College of Policing 2017.

¹² Harrison K., and Gill, A. K 2017, Policing the Culture of Silence p.8.

that the police would have given serious consideration to any culturally specific safeguarding concerns, considering the fact “Baz” is himself a Pakistani male who has reported three other members of the Asian community to the police for sexually abusing him over many years, and considering the abuse “Baz” received from the wider community.

Disproportionate Focus on Community Impact

Former Victims Commissioner - Louise Casey - talks in depth about what she calls ‘The Race Factor’ in her report into the investigation of Child Sexual Exploitation (CSE) in Rotherham. In interviews conducted by key partners including voluntary sector workers and police officers, it is made clear how significantly this factor shaped the police and council’s response to reports of CSE.¹³

A voluntary Sector Worker states:

*‘The issue [of CSE perpetrators] was predominately Asian men and they were scared that this would cause a problem. We would tell them that in the forums and they were uncomfortable. Stats on ethnicity were taken out of presentations. There was resistance to focusing on who the perpetrators were’.*¹⁴

A former key partner echoes this view:

*‘The number one priority was to preserve and enhance the [Pakistani heritage] community – which wasn’t an unworthy goal, but it wasn’t right at the time. It was difficult to stand up in a meeting and say that the perpetrators were from the Pakistani Heritage community and were using the taxi system - even though everyone knew it’.*¹⁵

Senior officers, as well as frontline workers and officers, seemed to share this view:

*‘They wanted to use any other word than ‘Asian males. They were terrified about [the effect on] community cohesion. I got this sense from overhearing conversations between [senior Members] and [senior officers] ... they were terrified of the BNP’.*¹⁶

Louise Casey aptly sums up what impact this attitude has on both the Pakistani community and the victims:

*‘Rotherham’s suppression of these uncomfortable issues and its fear of being branded racist has done a disservice to the Pakistani heritage community as well as the wider community. It has prevented discussion and effective action to tackle the problem. This has allowed perpetrators to remain at large, has let victims down, and perversely, has allowed the far right to try and exploit the situation. These may have been unintended consequences, but the impact remains the same and reaches into the present day’.*¹⁷

¹³ Casey, L. CB 2015 p.32.

¹⁴ Casey, L. CB 2015 p.32.

¹⁵ Casey, L. CB 2015 p.35.

¹⁶ Ibid.

¹⁷ Casey, L. CB 2015 p.36.

The 'Rotherham effect' is also evident in "Baz"'s case. "Baz" is of the belief that the Pakistani heritage of his perpetrators played a significant role in shaping the way that the case was dealt with by the police. In particular, the police seemed disproportionately focused on how their involvement in a complaint involving Pakistani suspects would impact on community cohesion, and more importantly, their own relationship as an institution with the Pakistani community. "Baz" felt that the police seemed more concerned by this than the actual abuse reported and his own wellbeing and safety.

"Baz" explains, for example, that after spending five harrowing hours giving his statement, the first thing he was asked by Police Officer 1 and Police Officer 2 was if he could 'foresee any hindrance from the community in picking up the accused?', and whether he thinks the community may react violently to police involvement. "Baz" was understandably upset that this seemed to be their foremost concern given the fact he had just recalled his excruciating story of abuse. In fact, "Baz" states that Police Officer 2 made it clear that the accused had not been picked up due to concerns over community impact.' It is also of the belief that a large reason the police did not act on the harassment and intimidation "Baz" received from the Pakistani community following his report, was because they did not want to harm their relationship and level of cohesion with the Pakistani community, especially considering there is such an entrenched and large community within this part of the country.

The Trial

None of the three perpetrators were prosecuted following the trial and "Baz" now has to live with the fact that his abusers are able to live their lives freely, despite the destruction they have caused throughout his life. Considerable failures can be identified at trial. Whilst these failings are not only due to the response of the police, they are worth considering in the context of these particular failings occurring within a general pattern when it comes to trials involving BAME sexual abuse victims.

The Interpreter

"Baz" and his family felt particular concerns over the quality and neutrality of the interpreter that was present at the trial. The interpreter made comments to a security guard present that the 'case is all about money' and when this was reported to the clerk, no action was taken.

Furthermore, the interpreter was observed answering questions himself, reading answers from a diary and having lengthy discussions with the defendants rather than purely interpreting. In fact, there was a question over the actual accuracy of the interpretation from those present who could understand the language.

The Judge

"Baz" and his family felt that the judge allowed comments to be made that were inappropriate. For example, he recalls the defence barrister asking him if his allegations were made because he was angry that the Asian community were not accepting of him having an inter-racial marriage. "Baz" found this to be exceedingly offensive and racist, yet nothing was said. In addition, the Judge informed the Jury when summing up that the defendants had no previous convictions and "Baz" felt this was said in a way that inferred he did or that this was relevant. It is the opinion of "Baz" and his family that the Judge seemed to have more empathy towards the defendants.

The Prosecution Barrister

"Baz" felt let down by the prosecution barrister. The barrister was given the case no more than two weeks before trial because the original barrister was unable to attend, and as a result did not seem 'up to speed and missed opportunities to probe witnesses further'. For example, the owner of a the premises where Baz had been abused was used as a defence witness. It seemed that he was more concerned about demonstrating that he had adhered to all of the relevant laws around the management of those premises whilst being questioned, where the prosecution barrister failed to steer him to relevant ground and probe further.

Evidence: Muslim Women's Network UK

The same concerns and failings have been identified by the Muslim Women's Network in their report. A case study is provided, which outline very similar trial failings that "Baz" experienced:

'In 2014 an Islamic teacher was found guilty of sexually abusing Aziza, an 11-year old girl. However, Aziza's family were angry that despite the guilty verdict, the judge gave the perpetrator only a 40-week suspended sentence, which they felt was too lenient. The family also felt that they were let down by the prosecuting barrister and were concerned about the following gaps in procedure. He did not:

- *Use DNA evidence.*
- *Point out all the facts that were important to the prosecution and ignored valuable sources of information. Act on serious concerns raised by the victim's family e.g. that the defendant's interpreter did not translate what the defendant had said and instead changed the wording to assist him.*
- *Challenge aggressive questioning of the child by the defence barrister.*
- *Show sensitivity to the victim, in the opinion of the family, but instead laughed and joked with the defence barrister and interpreter in front of the family, outside the court room.*
- *Appear interested when the family engaged with him; the barrister's behaviour was intimidating.*

The family also felt let down by the judge and were concerned that the judge:

Failed to control what the family deemed to be inappropriate and unnecessary conduct such as allowing defence barristers to question an underage witness in a hostile and brutal manner.

Appeared, in the opinion of the family, to have more empathy with perpetrator rather than with the victim. The family felt that Aziza was not given the justice she deserved and wondered whether the lack of empathy was due to the fact that she was an ethnic minority female being abused by someone of the same background as her'.¹⁸

Key Issues Arising

It is clear that "Baz"'s case was handled unacceptably by the police in innumerable ways. "Baz" made the brave and difficult decision after years of keeping his abuse a secret, to tell the police despite knowing how the community and some of his family would react to him being an Asian male reporting sexual abuse. Notwithstanding this, "Baz" was from the onset let down by the police. To summarise, the key issues that can be extracted from "Baz"'s experience are:

- Significant investigative failures, including there being 'voluntary' suspect interviews, a lack of police resources and an absence of police professionalism when interacting with "Baz". In particular, there was a clear lack of understanding and empathy towards the pain and frustration "Baz" was experiencing.
- A failure on the part of the police in understanding the case in the context of shame and dishonour; in particular, considering specific safeguarding concerns that may arise from this, such as honour-based abuse.
- A disproportionate focus on the impact that "Baz"'s allegations may have on the community and its feelings towards the police, rather than on the safety and wellbeing of "Baz" himself.
- Significant trial failings that involved the interpreter, the Judge and the defence barrister.

¹⁸Gohir, S. OBE 2019 p.6.

Case Study 2: “Sam” (British Pakistani male), “Jay” (British Pakistani female) and their brother (British Pakistani male).

The Abuse

“Sam”, “Jay” and their brother “Zaid” are victims/survivors of familial sexual abuse. The below assessment of the police response is based on all three victim/survivors’ experiences and feelings. “Sam” and “Zaid”, as children, were subject to abuse perpetrated by both their uncle and the cousin of one of their parents. “Jay” was abused as a child and teenager by their uncle. “Sam” was 10 years old when the abuse began, with it ending when he was 13. “Jay” was abused when she was 9 years old, 11 years old and 19 years old. “Zaid” was 6 years old when the abuse began, and 10 when it ended.

The Disclosure

“Sam” kept his abuse a secret for many years, before disclosing his experiences to his friends. Like “Baz”, he made a disclosure to a medical professional before telling his family, and then reporting the abuse to police. “Jay” made her first disclosure to her aunt in Pakistan when she was 11 years old, but nothing was done with this information. As an adult she disclosed the abuse to a therapist. Some years later she disclosed the abuse to her mother and “Zaid”, and then went to the police. “Zaid” made his first disclosure to “Jay” and his mother, and then to the police, at about the same time.

The Investigation and Its Failings

Failure to Consider or Identify Honour-Based Abuse as a Safeguarding Concern

Following their report of sexual abuse to the police, “Sam”, “Jay” and “Zaid” experienced ostracism from the community and their family and honour-based abuse. The police 1) failed to clearly identify the abuse as honour-based abuse and thus, failed to understand the level of risk posed, and 2) failed to take any action upon reports of it. This left all three victim/survivors feeling unsafe and vulnerable.

“Sam” explains that one of the abusers is a close relative, and thus *‘the family were against us throughout and still are. We were very intimidated, scared and frightened on many occasions by the family and mostly by [one of the perpetrator’s relatives] who is in a position of authority at the local mosque’*.

“Sam” goes on to explain that they tried to make the police understand that they were experiencing honour-based abuse because by reporting the sexual abuse, they have been perceived to have compromised their family’s honour:

‘We tried on several occasions to explain and make the police understand the consequences of the older brothers influence and intimidation tactics, but it was always disregarded and never taken seriously. He is still using these tactics and yet the police are sitting on their hands. I just hope that nothing has to happen for them to realise how it affects us daily’.

“Jay” described one occasion where her ex-husband called her, trying to pressure her into retracting her statement, stating that he was glad she had been raped. “Sam” explains that *‘she rang me, distressed and crying, to explain what had happened. I called him [the ex- brother in law] but knowing that there was an active case going on, I was very careful in what I said yet firm in telling him not to contact us’*.

He goes on to describe the shocking response he got from his local police force:

‘I informed the local police force of the situation and to this date nothing has been done about it. I was instead called by local police force and told not to speak to my ex brother in law or they would arrest me. After an hour of explaining the situation he still would not listen or investigate the situation of witness intimidation’.

The siblings also received death threats via social media by family members of the perpetrators and yet *‘the local police force never took the death threats seriously and every time we contacted them; we were not helped at all’*.

In fact, they described an incident where a police officer said, 'what do you want us to do?' when they reported the honour-based abuse. "Sam" also states that *'we told our case officer who said if we start going in for 'tit for tat' the courts will not look into the case, but more into these particular incidents and this could affect our case. We then had more threats, but it just seemed pointless telling the police'*.

The abuse experienced by "Sam", "Jay" and "Zaid" were never classified as honour-based abuse by the police, with a failure to understand the level of risk the siblings were subject to by their family and community. There was also a considerable failure on the part of the police to take action upon reports of incidences and safeguard.

"Jay" continues to receive abuse from her ex-husband because she went to the police about her abuse. She recalls in recent year, he told her that if ever sees her outside he will kill her. "Jay" has not reported this to the police because she does not believe they will help due to the pattern of their past response. "Zaid" has also continued to be threatened. He describes that recently, someone posted a link under a photo he uploaded to on social media of his child, which contained a threat written in Urdu. He did not report this to the police either, because he had no trust that they would take it seriously or do anything about it.

"Zaid" explains that because the police have not taken the honour-based abuse they were subject to seriously, he cannot see his friends and family anymore because he does not feel safe being there and does not believe the police will safeguard him or take his concerns seriously. This is a large reason why he states: *'I regret reporting my abuse to the police, totally and utterly'*.

The siblings conclude that *'we are still suffering abuse from the community and we don't know who to turn too as we now realise the police will not help'*.

Not being kept informed following a report of a crime

According to the Victim's Code, victims of crime are entitled to be kept updated about their case and the police investigation. In particular, they have the statutory right to:

A written acknowledgement of the crime reported including the basic details of the offence. The written acknowledgement can be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand;

A clear explanation of what to expect from the criminal justice system;

Be informed how often updates will be received on the status of the case following discussion with the police;

An explanation, within 5 working days of a decision not to investigate a crime.¹⁹

¹⁹ Ministry of Justice 2015.

Despite this entitlement, “Sam”, “Jay” and “Zaid” explained that they were constantly having to hound and chase the police for updates, spending hours on the phone and speaking to numerous different officers to get information or updates on the case and their reports of honour-based violence. For example, the siblings explain that *‘we had spoken to several police officers and were given numerous crime numbers when we reported incidences of abuse and intimidation and yet to this day, the police have failed to provide us with any updates about what they are doing’*.

“Sam” describes one incident where he reported receiving death threats on social media from a family member of one of the perpetrators to the police. He was understandably very concerned, especially considering he has children and was worried about their safety. “Sam” was given no updates from the police and had to chase them up to find out what developments had been made. It was only after chasing them that “Sam” was told that the individual sending the threats was in Pakistan and thus there was not an immediate risk. “Sam” explains that if the police had communicated this to him straight away, rather than waiting for him to chase them for answers, a lot of his anxiety and concern would have been reduced earlier.

“Jay” explains that it was virtually impossible to get updates from the police as they never contacted her. She said this made the whole process even more distressing for her and is a significant reason why she would not recommend a friend reporting a crime to the police. “Jay” explains that she wishes she never involved the police.

The Trial

Both perpetrators were prosecuted. Their uncle was sentenced to 10 years in prison, whilst the cousin of one of their parents was sentenced to 6 years.

Lack of Information During Prosecution Process

“Sam”, “Jay” and “Zaid” found that they were provided little to no information during the prosecution process by the police or CPS. Firstly, they were not made aware about ‘Special Measures’ that could be used in court. Secondly, the siblings were not kept fully informed as to any developments or updates in the court case; for example, when/why the trial was being adjourned or why the jurors were dismissed. In an already stressful and difficult situation, this made them feel more unsupported and anxious about the court case.

Special Measures

All three siblings should have automatically received enhanced support throughout the criminal justice process due to them being victims of sexual abuse, and because they experienced intimidation as a result of reporting their abuse to the police as per the Victim’s Code.

The Victim’s Code states that victims of crime are entitled to enhanced support throughout the criminal justice process if they are:

Victims of the most serious crime (the guidance states that you are a victim of the most serious crime if you are a victim of a sexual offence), persistently targeted victims, vulnerable or intimidated victims²⁰.

²⁰ Ministry of Justice 2015.

Following this, the Victims Code also states that victims of crime who are vulnerable or intimidated witnesses are entitled to have Special Measures made available to assist them to give their best evidence in court. Victims should be provided with information about these Special Measures, which include:

Screens/curtains in the courtroom so the witness does not have to see the defendant, and, in some cases, the public gallery;

A live video link allowing a witness to give evidence away from the courtroom;

This could be from a separate room within the court, or from a dedicated live link site outside the court building;

Evidence in private – the public gallery can be cleared in cases involving a sexual offence, human trafficking, or where the court is satisfied that someone other than the accused may seek to intimidate the witness;

Removal of wigs and gowns by judges, defence and prosecution advocates;

Video-recorded statements – these allow a witness to use a pre-recorded video statement as their main prosecution evidence.²¹

It is the responsibility of the police and the CPS to consult with victim/survivors on what special measures are available and to discuss what they may wish to be applied. Despite this obligation, “Sam”, “Jay” and “Zaid” were not kept informed by the police or the CPS about special measures and that they had a variety of entitlements; for example, to ask the public to leave when giving their evidence.

The siblings were told by the police when the investigation began that if they became witnesses, the public gallery would be closed for them. However, just two weeks before the court case began, they were then told by the usher that this never happens, and that the public gallery will have to remain open when giving their evidence. This understandably caused significant distress to all three siblings, in particular “Jay”, who was very close to not continuing with the case as she was anxious as to who would be in the public gallery watching her give evidence. During the court cases, the public gallery did remain open and “Sam”, “Jay” and “Zaid” had to give their evidence with an audience. The audience included the same relatives of the perpetrators and members of the community that subjected them to honour-based abuse. “Sam” explains that throughout the entirety of the court case, these individuals were sat right behind them.

However, the police and the CPS never explained ‘Special Measures’ or discussed with them what measures they would wish to be applied when giving evidence. If this had been discussed and explained, as it should have been, much of this distress and anxiety could have been avoided.

Lack of Information About Developments or Changes

“Sam”, “Jay” and “Zaid” felt that they were not kept informed as to any developments or changes during the prosecution process to the extent that “Sam” felt he was being treated *‘like someone who had no involvement in the case’*.

²¹ Ministry of Justice 2015.

For example, they were not made aware when court was cancelled or why the trial was being adjourned. They explain that: *'The trial was adjourned every month and it took 6 months before sentencing was passed. Going back and forth with no explanation as to what was going on was mentally and physically exhausting not to mention the difficulty in continuously trying to resource multiple trips to court'*.

"Sam" explains that *'On one occasion we went to court and the guard at the door had to tell us we were not on today and it was only after ringing the police and witness care that we were told it was cancelled'*.

The siblings also felt that they were not provided with any practical information by the police during the prosecution process. "Sam" states *'I was not made aware of times or places to arrive in court and nearly got arrested for going in with the jurors'*.

"Sam" described another scenario where he feels him, and his siblings were not kept adequately informed by the police during the prosecution process:

'3 days into our uncle's trial we were told that the jurors had been dismissed and that they cannot tell us anymore and we need to go home. The next day I get a call from CID [Criminal Investigation Department] saying my uncle has pleaded guilty to a lesser charge. He told me my brother and sister have agreed to this lesser charge and they are now just waiting on me. He told me I had 30 minutes to make the decision. I called my brother and sister, who tell me that they agreed because the police officer had told them I had already agreed. I called the head of CID back, who explained that we might lose the case if we do not agree to the lesser charge. He could not explain any legalities, such as whether my uncle could appeal. He just wanted me to accept the lesser charge. After an hour of hell, we accepted the lesser charge as we were told by the police the CPS were going to accept it either way so we had no choice. Nothing was actually explained to us. With no legal explanation or advice how could we be forced to make a decision of such magnitude in 30 minutes?'

"Sam", "Jay" and "Zaid" also felt that the officer behaved unprofessionally, in lying to all three parties in regard to who had already agreed to a lesser charge in an attempt to put pressure on them to agree as soon as possible.

Key Issues Arising

Whilst there was success in securing a guilty conviction for both perpetrators, it is still clear that the police response throughout both the investigation and prosecution fell, at times, below acceptable standard. To summarise: the key issues that can be extracted from "Sam", "Jay" and "Zaid" experience are:

- A failure on the part of the police in understanding the case in the context of shame and dishonour, and in particular, a consideration of specific safeguarding concerns that may arise from this, such as honour-based abuse.
- A failure to keep them informed following the reporting of the crime to the police.
- Lack of information provided during the prosecution process, in regard to 'Special Measures' and trial developments/changes.

Evidence from Available Research

The police response experienced by "Baz", "Sam", "Jay" and "Zaid" are in many ways similar and points to the beginning of a pattern in the police response to allegations of sexual abuse from the BAME community. In order to determine whether there is a persistent problem, the Halo Project has decided to analyse evidence from existing research that relates to police response to sexual abuse from the BAME community.

Muslim Women's Network UK: Muslim Women's Experiences of the Criminal Justice System.
Author Shaista Gohir OBE, June 2019.

The aim of the report and the research conducted is to examine how the criminal justice system, including the police, responds to Muslim women who have been victims of violence and abuse. A lot of the research conducted relates specifically to sexual abuse and includes a variety of victim/survivors from the BAME community.

Failure to keep victims informed following the report of sexual abuse by talking to victim/survivors that have accessed their support, the report concludes that many victim/survivors are not being kept up to date and informed about their case. The report explores what impact this is having: *'We found that the lack of timely*

information made victims think that their case was either being neglected or not being taken seriously, despite this not necessarily being the case. The consequences of inadequate engagement could result in victims dropping their cases²².

The report includes case studies which shows a pattern involving the police not keeping victim/survivors adequately informed:

Case Study 2: Shabana, Historical Child Sexual Abuse

Shabana is a 40-Year-old Muslim woman of Pakistani heritage who contacted the helpline because she had reported historical sex abuse to the police. Six weeks after reporting it to the police they still had not contacted her to arrange to take her statement. She was advised by the MWN helpline to wait another few weeks and that if during that time the police did not make contact, the helpline would try to find out why she had not had a response. An officer from the Specialist Sexual Offences Team did eventually contact Shabana and she provided her statements. She explained that she had been sexually abused and also raped by different men in her family during her childhood. While she could not recall the identity of some of the men, she was clear about which of her uncles had raped her.

*Shabana contacted the helpline again several months later. She was upset because the police had not contacted her again since taking her statements. She had called them two weeks earlier for an update and was not satisfied with their response. She was told that the police officer allocated to her case, who was her point of contact, had moved on and that no one else had been assigned her case which meant no progress had been made. She was also informed that 'as several family members were named as abusers, they did not understand her family tree.' She did not understand why the police had not contacted her to get clarification if that was the case. Shabana said she was not feeling positive about the way they had left her hanging with no communication and felt that it was unprofessional.*²³

Case Study 18: Samina, Sexual Exploitation/Rape

*Samina, an 18-year-old Muslim woman of Pakistani heritage was befriended online and raped by a group of men. She reported the crime to police with the support of her family. During the days and weeks following, Samina felt frustrated that she was not being kept up to date about how the investigation was progressing. It was during this period that MWNUK was contacted for support. Arrests were eventually made. However, the CPS made the decision to charge only one of the perpetrators and not all of them. This was upsetting for Samina because she felt that her rapists were getting away with what they had done to her. When Samina asked the police for their reasons not to charge all the perpetrators, the police officer verbally informed her that it was due to 'evidential reasons' but did not provide an explanation as to what that meant. Neither the police nor the CPS explained how long the case would take to get to court and what were the expected procedures. The lack of information made Samina feel depressed.*²⁴

²² Gohir, S. OBE 2019, p.24.

²³ Ibid.

²⁴ Gohir, S. OBE 2019 p.59.

Case Study 19: Fozia, Historical Child Sexual Abuse

*Fozia an 18-year-old woman of Pakistani heritage reported to the police about historical child sexual abuse by her stepfather. She complained that there was a lack of interest in investigating her complaint, which she felt was due to the fact that it was historical abuse. Fozia was not provided with an explanation as to what had happened to potential evidence including statements taken from her younger, underage siblings who may also have been victims. The laptops provided to the police containing potential evidence, were lost or destroyed and Fozia was not provided with an explanation as to what had happened to them.*²⁵

Lack of information during prosecution process

Like “Sam”, “Jay” and “Zaid”, many victim/survivors the Muslim Women’s Network UK spoke to felt that they were provided with a lack of information during the prosecution process from the police and the CPS, in regard to ‘Special Measures’ and general trial updates.

Case Study 18: Samina, Sexual Exploitation/Rape

Samina’s anxiety increased when the police informed her that the defendant’s lawyer had asked for all her medical records and she needed to provide consent. She could have ended up providing consent while in a state of trauma to making available personal information that was very unlikely to be relevant to the case. It was not explained to her by the police or the CPS that a representation could be made on her behalf so that only medical information that is necessary and relevant to the trial is disclosed.

Samina became so worried about ‘everyone’ finding out the details of her ordeal that she asked to withdraw her video statement. The police informed her if she withdrew the video statement then she would have to stand to give evidence instead. She was not informed about special measures that the judge could allow so her face would not be visible such as asking the public to leave the court while the video evidence was played or when she was giving evidence or screens put up so that the suspect and the members of the public would not be able to see her. The MWN Helpline provided Samina with the information she had not received from the police and CPS. However, the victim became so depressed about the pending court case, she decided to withdraw her statement and no longer pursue it.

Case Study 19: Fozia, Historical Child Sexual Abuse

Fozia found that the police and CPS did not keep her up to date before or during the trial. For example, when the jury was dismissed she was not told why. She was also not made aware of what to expect during the trial. Fozia lost the case, which she feels was as a result of police and CPS incompetence. She wanted to complain about the way her case had been handled, but was not informed about how to raise a formal complaint e.g. via the Independent Office for Police Conduct. In the end she did not make an official complaint because she felt too exhausted by the process to take the matter further and said that “the system wears you down so much that you do not have the energy to complain”. She had lost all trust in the criminal justice system and felt that although the perpetrator had raped her, she felt “raped by the system” too.

²⁵ Gohir, S. OBE 2019, Muslim Women’s Network UK: Muslim’s Women’s Experiences of the Criminal Justice System p.62.

7.0 Key Features of the Super Complaint

Lack of Empathy from The Police

Similar to the victim/survivors Halo have spoken to, many case studies included in the report suggest that the police did not respond to victim/survivors with empathy.

Case Study 19: Fozia, Historical Child Sexual Abuse

Fozia also had concerns about how the police officers perceived her. She felt that because she was articulate and confident and did not fit the stereotype of a vulnerable victim (especially a female Asian / Muslim victim), she was not believed or taken seriously. In fact, from their attitudes and treatment of her, she felt that the police officers felt some sympathy for the perpetrator.

Case Study 18: Samina, Sexual Exploitation/Rape

Samina was also asked for a Victim Impact statement. When the police contacted her about doing this, Samina was on the bus. She explained this to the police officer who suggested she could start writing it while she was travelling. She found the conversation upsetting and insensitive. This left Samina feeling as though the police were treating her rape as a minor incident, something so trivial that it was appropriate for her to discuss its impact while travelling on public transport.

Case Study 20: Aziza, Child Sexual Abuse

*The family felt that Aziza was not given the justice she deserved and wondered whether the lack of empathy was due to the fact that she was an ethnic minority female being abused by someone of the same background as her.*²⁶

Failure to consider honour-based abuse as a safeguarding concern:

The report also identifies, via the case studies provided, that the police often fail to identify particular behaviour as honour-based abuse and fail to adequately safeguard. Although not all of the case studies relate directly to sexual abuse, they do outline that the police are continuously failing to identify honour-based abuse and act accordingly to ensure the safety of victim/survivors.

Case Study 4: Nyla, Honour-Based Abuse

Nyla who was in her early 20s had a forced marriage in Pakistan. When her husband arrived from Pakistan on a spousal visa, they were housed in one of the family properties. However, she did not want to stay with him and wanted to leave but was worried about her uncles tracking her down as they had said they would be 'capable of anything' if she tried to leave. Her family already knew she was not happy and were pressuring her to remain in the marriage until her husband secured his immigration status and obtained his 'indefinite leave to remain.' She was very worried that if her uncles suspected she was going to leave; they would confiscate her mobile phone and lock her up in a room.

*MWN Helpline provided safety advice and she maintained a contact regime with her friends until a refuge space was found. Concerns about her safety were reported to the police by the helpline and help was requested to take Nyla to the refuge as using public transport or a taxi escalated risk. However, the police refused to help transport Nyla to the refuge even though they were informed it was a forced marriage and of the risks of honour-based abuse. The police simply viewed the situation as someone wanting to leave their marital home and said that they are 'not a taxi service and she can use another taxi company.'*²⁷

²⁶ Gohir, S. OBE 2019, p.66.

²⁷ Gohir, S. OBE 2019 p.32.

Case Study 5: Ambar, Revenge Porn and Honour-Based Abuse

Ambar was a university student and had broken up with her boyfriend. She asked him to delete all intimate images that he had of her. However, he shared them with one of his male friends. Her ex-boyfriend and his friend then started threatening to put her images online unless she had sex with them. To show they were serious they uploaded them on to Instagram and when she contacted them, they deleted the images from Instagram. She was worried that if they continued to put the images on social media her relatives would see them and was concerned about the response from her family.

The MWN Helpline advised her to contact the police and also provided details of the Revenge Porn helpline. Ambar contacted the police and made a report explaining that if the intimate images appeared online, she would be at risk of honour-based abuse. She was told that a police officer would contact her within a few days and meet her to take further information. However, a week had passed and she had not had any contact and so she contacted the MWN Helpline again. She was advised to keep contacting the police and if necessary, make an appointment to go in herself to make a statement. It appeared that the police took their time as they did not think Ambar was in any danger of honour-based abuse and viewed it as a revenge porn case only.

Another week later, Ambar contacted the helpline again stating that the police officer contacted her and had arranged to see her but did not turn up. By this time two weeks had passed and a statement had not been taken from Ambar. It took another week before a statement was taken, where she also handed over evidence of the blackmail.²⁸

Policing the culture of silence: strategies to increase the reporting of sexual abuse in British South Asian communities. Authors: Karen Harrison and Aisha K. Gill. November 2017.

Failure to consider honour-based abuse as a safeguarding concern

The report, through interviews with police officers, considers how four British police force areas currently respond to sexual abuse incidents where the victim is a member of the British South Asian Community. All four forces had high south Asian populations. The report is suggestive that generally, the police are failing to adequately identify honour-based abuse and act accordingly resulting from a lack of adequate in-depth training. As long as culturally specific training falls short of acceptable standards, victim/survivors are left vulnerable.

Many of the police officers interviewed acknowledged that shame and dishonour play a large role in South Asian culture: *'Their culture is about shame and dishonour and it's shameful even [to] talk to the police, let alone describe what's happened to them.'*²⁹ However, many of the police officers interviewed also acknowledged that there was little to none sound training processes in place in order to make police fully aware of South Asian culture and in particular, honour-based abuse. For example, one officer states: *'They will have had diversity training but it's going to be pretty basic... it's not going to be in depth.'*³⁰ Another comments: *'we used to get diversity training. Does that still happen? I don't even know if it still happens.'*³¹

²⁸ Gohir, S. OBE 2019 p.33.

²⁹ Harrison K., and Gill, A. K 2017 Policing the Culture of Silence p.7.

³⁰ Harrison K., and Gill, A. K 2017 Policing the Culture of Silence p.11.

³¹ Ibid.

The police officer accepted that more training is necessary: 'we probably do need to invest more for that [good] level of understanding... [to allow for a greater] understanding of risk and the issues that they face'³². Others acknowledged that superficial diversity training 'wouldn't help with HBV.'³³

What does good practice look like?

The research concluded that out of the four forces, only one police force had an acceptable level of training:

'The fourth area stood out from the other three. Not only was it providing in-depth training, it was also trying to share this best practice with other neighbouring forces. The impetus for and emphasis on cultural training had, however, come from the bottom up, again emphasising the element of personal endeavour. One officer explained that she had undertaken a lot of research, reading books and reports, while another pointed to knowledge gained from being practically involved with the issues: 'It has been hands-on and wanting to know. And we want to know.' These officers had initially arranged for an NGO which supports British South Asian victims to speak to their colleagues to fully explain the concepts of honour, shame and HBV. This initial training was then replicated internally and provided to all front-line officers to ensure that, as first responders to a complaint, they would know what signs to pick up on when going into women's homes and were aware of the cultural 'dos and don'ts'. When asked why this level, and breadth, of training was important, one officer explained that it was impossible to work with British South Asian women unless such issues were understood. Another stated: 'At the end of the day, if they're brave enough to come to us, then we've got to step up to the mark and make sure they're kept safe.'³⁴

Centre for Women's Justice Super-complaint: Police failure to use protective measures in cases involving violence against women and girls. Author: Nogah Ofer, March 2019.

Voluntary Suspect Interviews

The super-complaint produced by the Centre for Women's Justice also discusses the use of voluntary suspect interviews, but from the perspective on how this may impact on the safety of the victim/survivor who have reported abuse. Specifically, when a suspect is interviewed voluntarily, there is no power to impose bail conditions. The included case study outlines the impact this is having on the safety of victim/survivors:

'A woman in Yorkshire reported her ex-husband for repeated rapes during their 13-year marriage, which had been characterized by domestic abuse. He was interviewed by the police and released without bail conditions.

Whilst the rape investigation was still on-going, he came to her home address one night at around 2am. She opened the door and he pushed his way in and held her hostage for approximately 5 hours. During this ordeal he broke a glass and cut her with it, and also tied her to a table. When she later made a complaint to the police about her vulnerability during the rape investigation the police force stated that the suspect was interviewed voluntarily and therefore no bail conditions could be imposed. She has now submitted a further complaint that her ex-husband should not have been interviewed voluntarily but under arrest so that he could be subject to bail conditions'³⁵.

When considering this in light of "Baz"'s case, it can be questioned that if the suspects had not been voluntarily interviewed, then bail conditions would have been imposed and this may have acted as a deterrent to the perpetrators against indirectly and directly contacting him to intimidate and harass him into dropping his charges.

³² Ibid.

³³ Harrison K., and Gill, A. K. 2017. Policing the Culture of Silence p.12.

³⁴ Ibid.

³⁵ Ofer, N. 2019 p.2

Failure to Keep Victims Informed

The report, conducted and produced by Victim Support, focuses on whether victims are being kept informed about their case to an acceptable standard by the police. The report also discusses why it is imperative that the police keep victims informed and the impact of being kept in the dark can have on victims.

It can lead to victims feeling revictimized because of the distress in chasing for updates and lead to them feeling frightened for their safety:

*'Lack of contact and information about their case can make victims feel uncertain and isolated which can worsen the distress caused by the crime itself. If the victim knows the perpetrator, it can make them afraid for their personal safety or frightened about reprisals.'*³⁶

Victim/survivors not being adequately kept informed can also detrimentally impact their perception of the police:

*'Lack of information can also make victims think that their case is being neglected or not being taken seriously. Evidence suggests that this is a significant factor in victims being generally less satisfied with the CJS, and having a lower opinion of the police, than the general public.'*³⁷

Being kept informed can have as much of an impact on victim/survivor's confidence in the police as their perpetrators being brought to justice. This can be reflected in "Sam", "Jay" and "Zaid"'s experience. Whilst their perpetrators were prosecuted, the lack of communication from the police has acted as a significant reason as to why Jay and her brother wish they had never reported the abuse to begin with:

*'There is strong evidence to suggest that the quality of service that victims get from the CJS – of which being kept informed about their case is a vital element – is often as important a factor in their satisfaction and confidence in the police and wider CJS as the outcome of the case (i.e. whether or not the perpetrator is brought to justice).'*³⁸

Failing to communicate with victim/survivors can also harm the interests of the public:

*'Furthermore, the cost of ignoring victims' desires to be kept informed about their case has wider consequences for communities and society at large. Public attitudes to the police and wider justice system, and engagement with the criminal justice process are directly affected by how well we care for the victims of crime.'*³⁹

Despite how clearly important it is to keep victim/survivors informed about their case, the report has found similarly to Halo: victim/survivor needs and desires to be kept informed often go unmet. The main findings, established via a victim support survey, are:

*'Victims are only kept updated about what is happening in their case to a satisfactory level in around half of all reported incidents. In around a third of reported incidents the victim hears nothing more from the authorities after first contact with police when they report the crime (which includes telling them that the case has been dropped). This equates to millions of victims left in the dark every year.'*⁴⁰

³⁶ Victim Support 2011 p.3.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Victim Support 2011 p.4.

⁴⁰ Victim Support 2011 p.3.

*This represents a widespread failure to meet the requirements for keeping victims informed set out in the Code of Practice for Victims of Crime.*⁴¹

*Many victims are not only not kept updated but do not hear anything further at all after initial contact with police. When asked what happened after the police became aware of the incident, one third (35%) of 'Victim Voice' respondents said they did not hear anything further. These account for most of the victims in the survey who said they had not been kept updated about their case (58%), while a little over a quarter (29%) were not kept updated while the case was ongoing but were told of the outcome.*⁴²

*In some cases, victims are explicitly told that they will be kept updated and then find that they are not. Although those who get no further contact at all are worst off, there are also those who are updated, but inadequately, so that they are left wondering what is going on for extended periods. Our 'Victim Voice' survey suggest that around 20% of victims are updated less frequently than monthly (and therefore fall outside of the Victim's Code commitment). Having large gaps between updates leaves plenty of scope for victims to begin feeling neglected and anxious.'*⁴³⁴⁴

What Does All This Research Tell Us?

The collection of research above helps to platform various victim/survivors' experiences with the police, not restricted to one police force area. Whilst it is not all directly linked to the specific subject matter of this super-complaint, it nevertheless does paint a story that has already been expressed by "Baz", "Sam", "Jay" and "Zaid". It is suggestive that there is a pattern on the part of the police in:

- Failing to keep victim/survivors informed of updates in their cases.
- Failing to keep victim/survivors informed about the prosecution process.
- Failing to act with the expected levels of empathy.
- Failing to consider HBA as a safeguarding concern.
- Failing to avoid voluntary suspect interviews.
- Failing to discuss or provide special measures and other protective measure
- Disproportionate focus on community impact as opposed to protection for BAME victims
- Failing to recognise additional barriers and challenges including retribution for victims, subjecting them to intimidation and harassment from the wider family.

⁴¹ Ibid.

⁴² Victim Support 2011 p.6.

⁴³ Ibid.

⁴⁴ Ibid.

8.0 Experiences of BAME Specialist Sector – England & Wales

The Voices of Halo Support Workers

In light of the above research and the experiences that “Baz”, “Sam”, “Jay” and “Zaid” have articulated, Halo decided to ask Halo support officers to provide their own professional accounts as to whether or not they have observed similar failings from the police when supporting sexual abuse victim/survivors from the BAME community. The Halo support officers provided telling statements. Key parts of their statements are outlined below, but their full statements have been submitted alongside this report and can be read in full.

“Our role as support workers within the BAME community is to provide specialist advice, advocacy and interface with safeguarding agencies and public bodies. Gaining the trust of the victim is paramount, so when they report they have been sexually abused as a child or as an adult, it is our duty to help them through their harrowing journey. The situation is often exasperated when the perpetrator is also from the BAME community, anxiety and fear of retribution becomes real, the impact of what they are telling you is sometimes the difference between life and death, not only here in the England and Wales but also Internationally”.

“We work well with our partner agencies, including the Police in our local area. Almost all of our victims who experience sexual abuse where disclosures are either made directly to the Police or through Halo do not result in prosecutions, as far as I am aware. The way the Police have handled cases shows little or no consideration to the issue of honour, I feel a complete lack of awareness of the associated risks where the perpetrator is also from the same ethnic background. In fact, in the nine years of me working in this field, there is little change”.

“The same old questions being asked, the same mistakes being made-calling upon “community members” for advice or “IAG’S”, many cases have wrongly asked the advice of BAME police officers-one particular case a third-party approached victims family to drop the charges, threats being made to the family living abroad. I still gasp at the questions I am being asked, I worry that as a BAME support worker, I too will be seen as a failure to any potential victims who may have wanted to come forward but because of the mistakes of the Police and my association to previous cases, my credibility is questioned”.

“ We live in the community, the few victims that do have the courage to come forward, what about the many who don’t, in the families I know, in all of the local areas sexual abuse is an issue, a real concern for families, yet there is little confidence in what will happen when they come forward, based on previous handling of cases-something has to change”

Supporting Evidence from Professionals

The Halo Project has also invited experts to provide further evidence. Again, key parts of their statements are outlined below, but their full statements have been submitted alongside this report and can be read in full.

Centre for Women’s Justice

Failure to keep victim/survivors informed

‘One issue that comes up repeatedly, amongst frontline workers dealing with all the different forms of violence against women, is problems receiving information from and communicating with police officers. Frontline workers consistently report that they have to chase and chase to get information about progress of cases. Sometimes they struggle to even find out who is the officer dealing with a particular case. Their messages are not returned and they have to adopt an approach of standard repeat chasing to successfully extract information from officers. Similarly, if they cannot make contact with the officer in the case, they also cannot pass on information from the women they are supporting, so the lack of communication goes both ways.

Frontline support workers report that many of the women they work with feel unsupported by police, once their statement or video recorded interview is finished.

The lack of communication and the length of time that investigations take result in some women wanting to drop out of the system and withdraw support for the prosecution. Those that remain feel increasingly

frustrated by the process. Support workers point out that many of their clients would simply not have the resources to chase the police themselves if they did not have a professional assisting them, and of course there will be many women in that position who are not in touch with local women's services.

The Victim's Code enshrines certain rights to information, particularly for victims of domestic abuse and sexual offences who have enhanced rights. The experience reported to us by frontline women's services is that those rights are being disregarded on a wholesale basis. We note that the Government's Victims' Strategy published in September 2018 states that there should be monitoring of compliance with the Victim's Code and in our view, this is urgently required.'

Nazir Afzal OBE

Failure to consider honour-based abuse as a safeguarding concern

'Unlike virtually any other crime type, with the possible exception of domestic abuse, victims reluctance to report puts the onus on authorities to seek them out. The main driver for these crimes is not sex but power and control. The victims do not trust anyone to protect them never mind prevent it happening in the first place. The offender burdens the victim with secrets and makes them feel that they are to blame for what's happening

Then when we consider victims from Black, Asian or minority communities there are further well-known hurdles to reporting, often cultural. Most commonly, issues relating to honour and shame. It's not enough to say that this is a version of victim-blaming, it's deeper than that. A victim is brought up from birth to believe that they carry the family's honour on their shoulders. To do anything that undermines the family unit, to say anything that draws attention to negativity within the family or community, or to bring outsiders including authorities into matters of the family – as they are indoctrinated to see them as – is in itself shameful. I have often heard "if you think it's shameful what happened to you, just think how much more shameful it is that you have told the police or authorities about it."

The lack of understanding of honour has led to many serious crimes including homicide where the harm could have been prevented if police and authorities had demonstrated greater sensitivity to the concerns being raised with them. I have had the terrible privilege of prosecuting dozens of such homicides and the mistakes have been identified in each and every case and subsequent case review.

The most common is a refusal to appreciate the risk that victims face. Officers have often mistakenly believed that the family or community will standby and support the victims of sexual abuse, when the risk profile of further harm has actually increased several times over. Linked to that is a failure to appreciate that time is of the essence. NGOs have long adopted the "One Chance" rule for good reason. When the victims pluck up the immense courage to break the chains that bind them to the family to report what's been done to them, they need immediate support and action. They cannot be asked to come back tomorrow because I have dealt with many cases when there was no tomorrow.'

Voluntary suspect interviews and disproportionate focus on community impact

'I have also witnessed how suspects are often treated differently because of the communities they come from. With most serious crimes, we rightly expect an arrest, an interview under caution and challenging questioning. Too often I have seen "invitations" to suspects to come in for a voluntary interview so as "to get your side of the story" which undermines the investigation from day one. Where's the challenge? Or seizure of evidence including digital profiles which could support any future prosecution. Allowing the suspect to dictate the terms of the police engagement is a demonstrable example of allowing misconceived cultural or community sensitivity to weaken the police approach

Too many survivors have told me that they felt under investigation whilst the suspect was treated with kid gloves. That unlike any other crime or community, the investigating officers would engage formally or, more often, informally with so called community leaders to "provide reassurance."

National BAME Voices

The consensus amongst professionals and specialist BAME women's organisations who have worked with victims of sexual abuse have cited consistent failings of policing where investigations have significantly failed to consider the specific difficulties, often created by the intersection of socio-economic disadvantage, ethnicity, gender and immigration status.

As a National BAME victims support service, affiliated to infrastructure organisations including IMKAAN, Cleveland Women's Network, Muslim Women's Network, Jan Trust, BAWSO, (Wales) Henna Foundation (England & Wales) to name but a few, we have listened to complaints across England & Wales Police forces. Within this report, we have specifically highlighted experiences and case studies of survivors from a small sample of police force areas. However throughout this analysis we have listened to victims across the UK who have experienced similar disadvantage and detrimental impact due to their race. Therefore, we must consider the National issue, as often cross-border policing has also been highlighted for victims who have fled to neighbouring forces for safety. If we do not explore this in more detail, we will never uncover the systemic changes required within policing and encourage victims to come forward and seek the help they deserve.

There is no denying that there have been complex and uncertain relationships between the police and BAME communities. In the case of sexual abuse, the police have systematically failed to protect victims, for a number of reasons, further ostracising BAME communities and as such failing to protect victims of abuse. JAN Trust CEO, Sajda Mughal OBE says: -

"Working for over 30 years with BAME women who have been victims of abuse, we have seen failings in the police handlings of these cases, often lacking the cultural knowledge to deal with the sensitivity of the issue".

The police have often shown to lack an awareness and/or understanding of the impact that reporting abuse to the police can have for BAME victims, in particular in communities where honour and shame are significant parts of culture, which can often prevent victims coming forward and fearing repercussions in the community without effective support from the relevant authorities.

This same historical racism within in the police has also resulted, as seen in the Rotherham abuse scandal, in a failure to prevent or stop abuse through fears of being deemed racist and allowed the scale of abuse reach an unprecedented level and evidencing a failure to protect the victims of sexual abuse. We have seen hundreds of cases of sexual abuse within London where victims have been failed by a complete lack of understanding from Police and this in turn has had a "ripple effect" for others coming forward and seeking the justice they so rightly deserve. How are we ever going to address the barriers and identify the necessary improvements and change required in modern day policing if we have a pre-historic approach to the investigations based on ignorance and institutional discrimination".

Wider Impact

The inadequate police response to reports of sexual abuse within the BAME community is having a far-reaching impact. Not only is it impacting the wellbeing of individual victim/survivors, leading to them feeling re-victimised, but it is also harming the interests of the BAME community as a whole. Inadequate police responses are acting as a deterrent to BAME victim/survivors reporting sexual abuse to the police because they do not have the necessary confidence in the Criminal Justice System. This leads to victim/survivors not receiving the support and justice they deserve and allows for perpetrators to continue perpetrating with a confidence that their victims will not report the abuse to the Police, therefore they will not be held culpable.

Victim impact statements have been provided by the victim/survivors I have spoken to, which powerfully and heartbreakingly sums up the impact the police failings have had on them. Key parts of their statements are provided below, but their full statements will be submitted alongside this report and can be read in full.

“Sam” writes in his statement that the police response he experienced has further confounded his mental health difficulties:

‘Hurt, scarred, scared to move forward in my life. I think about ending my life every day and then to endure this with services who are supposed to help us. The police forces are not performing to what they should be doing.’

“Sam” also explains how he was made to feel like a criminal, and he does not understand why he was treated this way:

‘As a victim I have felt through the investigation and trials like I was the criminal. No information no correct communication no support. Please, please, please can someone answer me this, why was I treated this way?’

“Baz” in his statement explains that following involving the police, he feels that he is in an even worse situation than before:

‘Going to the police and the following investigation and trial traumatized me so heavily that I found myself in a worse situation than ever. The failings of the police and CPS resulted in the abusers being acquitted and my feeling of total injustice was overwhelming.’

He also goes on to state that the police response to his concerns post-trial as mirrored in the response he continues to get from the Asian Community:

‘Following the trial, I have had many meetings with the police at medium and higher levels and the outcome is similar to the response of the Asian Community. Comments like ‘although we (the police) have made mistakes, you need to get on with your life’. Officer L made the comment that most shocked me in front of 7 or 8 family members and friends, that I needed ‘mental help’. I have been monitored on a regular basis by 2 successive GP’s for 9 years now and this is set to continue indefinitely. I have been declared unfit for work by my GP due to depression and emotional problems. This shows no sign of changing soon.’

MD, a close friend of “Baz”, has also provided a statement explaining what impact he has observed the police failings has had on “Baz”. MD explains after the trial and going to the police, Baz is doing worse than before:

‘Baz was clearly now in a worse emotional position than ever and we would regularly meet up just to chat over things. I became involved in meetings with Baz called by the police as due to pressure they finally admitted that they had made mistakes. I’m sure the police now find the content and narrative of these meetings particularly embarrassing. The whole upshot was that it seemed to be an exercise in making Baz feel better by praising him in an attempt to keep the lid on the whole thing.’

9.0 Conclusion and Recommendations

Deciding to come forward as a victim/survivor of sexual abuse, regardless of gender or race, is an incredibly difficult and brave decision to make. However, victim/survivors from the BAME community reporting sexual abuse perpetrated by members of their same community often face a different set of barriers and deterrents than their white counterparts.

Victims/survivors who put their trust in the criminal justice system deserve to be treated by the police with respect and have confidence in the police's response to their abuse.

Unfortunately, the research the Halo Project has conducted and analysed suggest that often the police are failing to adequately respond to reports of sexual abuse from the BAME community.

The numerous failings on the part of the police have been outlined throughout this report and the various evidence collected paints a picture, not of isolated and rare failings, but of a systemic and continuous pattern of failings on the part of the police, which is not only adversely impacting the individual victim/survivor, but the wider interests of the BAME community.

The terrible experiences that victim/survivors included within this report have had with the police (alongside many others), inevitably feed back to their communities, their friends and family, and very fairly and understandably act as a deterrent to reporting and having confidence in the police's ability to help them as minority victim/survivors. BAME victim/survivors are all too often being failed by the police and left feeling revictimized and regretful for trusting the Criminal Justice System to begin with.

Change is urgently needed if victim/survivors of sexual abuse from BAME backgrounds, or any background for that matter, are going to get the response they deserve from the police when investigating their abuse. This is not an exhaustive list, but key recommendations are as follows:

- A national police training programme is required to ensure all officers are equipped with a detailed knowledge of the cultures that exist in Britain today. This training should go further than delivering isolated diversity training. British forces need to have a deep understanding of the cultural context in which BAME victim/survivors live. Illegal cultural harms such as honour-based abuse and forced marriage need to be taught in depth to officers.
- The above training should be part of continuous professional development for all police forces, rather than a beginner's course.
- Police officers and the criminal justice system need to take seriously their statutory obligation as per the victim code in keeping victim/survivors informed and updated during the investigation and prosecution process.
- Compliance with the Victim's Code needs to be monitored and there needs to be accountability when there is a lack of compliance.
- All police responses to victim/survivors of sexual abuse need to be trauma informed.
- Police officers need to consider the language they are using when interacting with victim/survivors and ensure they are interacting with a level of empathy.
- There needs to be an improvement to Barristers' and Judges' understanding of sexual abuse; particularly, understanding the additional barriers members of the BAME community face when reporting sexual abuse.
- The importance of having a neutral and professional interpreter in both investigation and prosecution processes cannot be undermined. Significant effort needs to be made to ensure interpreters are working at a high standard of professionalism and concerns expressed about the competence of an interpreter must be taken seriously and acted upon if deemed necessary.
- Police officers need to consider seriously whether the use of voluntary suspect interviews is appropriate, particularly in regard to the safety of victim/survivors and the strength of the investigation.

- Development of UK wide National BAME Sexual Violence Reference Group which includes experts and survivors of sexual abuse who have lived experiences of failings can influence and shape National Police guidance, training and scrutiny of cases. Based on the model of CPS Scrutiny Panels, we recommend an independent group is able to inform AAP for the College of Policing which ensures National standards can be implemented across England & Wales.
- The appointment of a Specialist Lead Professional to ensure the effective integrated specialist support is provided to investigators enabling an evidence-based, trauma informed assessment takes place.

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Annex

The Annex contains statements from the following:
Centre for Women's Justice
Nazir Afzal OBE

Note for Tees Valley Inclusion Project super-complaint from Centre for Women's Justice

Centre for Women's Justice provides training to frontline women's services around England and Wales on policing of domestic violence, harassment and stalking and rape and sexual offences. Those attending our trainings are frontline workers in local women's services who directly support women in their dealings with the criminal justice system.

Our training sessions are participatory and frontline staff often share their experience of dealing with the police and the difficulties they encounter in their day to day work.

One issue that comes up repeatedly, amongst frontline workers dealing with all the different forms of violence against women, is problems receiving information from and communicating with police officers. Frontline workers consistently report that they have to chase and chase to get information about progress of cases. Sometimes they struggle to even find out who is the officer dealing with a particular case. Their messages are not returned and they have to adopt an approach of standard repeat chasing to successfully extract information from officers. Similarly, if they cannot make contact with the officer in the case, they also cannot pass on information from the women they are supporting, so the lack of communication goes both ways.

Frontline support workers report that many of the women they work with feel unsupported by police, once their statement or video recorded interview is finished. The lack of communication and the length of time that investigations take result in some women wanting to drop out of the system and withdraw support for the prosecution. Those that remain feel increasingly frustrated by the process. Support workers point out that many of their clients would simply not have the resources to chase the police themselves if they did not have a professional assisting them, and of course there will be many women in that position who are not in touch with local women's services.

Two examples of the communication failures that occur can be given from a training session I delivered this week in South Wales to a domestic abuse service supporting standard and medium risk women through outreach and refuge services. They said that their clients were almost never consulted about a need for bail conditions when a suspect had been arrested, and often also not told when he was released from the police station. They also reported that many women were not told that an NFA decision had been made and only found out when a support worker chased up some time later to request an update on a case.

The Victim's Code enshrines certain rights to information, particularly for victims of domestic abuse and sexual offences who have enhanced rights. The experience reported to us by frontline women's services is that those rights are being disregarded on a wholesale basis. We note that the Government's Victims' Strategy published in September 2018 states that there should be monitoring of compliance with the Victim's Code and in our view, this is urgently required.

Nogah Ofer
Solicitor
Centre for Women's Justice

International Rule of Law – Nazir Afzal OBE

In a quarter of a century of prosecuting, half of which I spent as Chief Crown Prosecutor and then subsequently as Chief Executive of the country's Police & Crime Commissioners I have come to conclude that sexual assault of all kinds are generically the most difficult cases to prosecute because usually rely on one person's word against another.

Also, unlike virtually any other crime type, with the possible exception of domestic abuse, victim's reluctance to report puts the onus on authorities to seek them out. The main driver for these crimes is not sex but power and control. The victims do not trust anyone to protect them never mind prevent it happening in the first place. The offender burdens the victim with secrets and makes them feel that they are to blame for what's happening

Then when we consider victims from Black, Asian or minority communities there are further well-known hurdles to reporting, often cultural. Most commonly, issues relating to honour and shame. It's not enough to say that this is a version of victim-blaming, it's deeper than that. A victim is brought up from birth to believe that they carry the family's honour on their shoulders. To do anything that undermines the family unit, to say anything that draws attention to negativity within the family or community, or to bring outsiders including authorities into matters of the family – as they are indoctrinated to see them as – is in itself shameful. I have often heard "if you think it's shameful what happened to you, just think how much more shameful it is that you have told the police or authorities about it."

Research indicates in relation to domestic abuse that south Asian victims are between 2 and 3 times less likely to report the abuse than British White women. They will suffer close to 100 incidents of abuse before reporting, compared to an average of 35 for a British white woman. There is no reason to suggest it's any less difficult to report sexual abuse.

The lack of understanding of honour has led to many serious crimes including homicide where the harm could have been prevented if police and authorities had demonstrated greater sensitivity to the concerns being raised with them. I have had the terrible privilege of prosecuting dozens of such homicides and the mistakes have been identified in each and every case and subsequent case review.

The most common is a refusal to appreciate the risk that victims face. Officers have often mistakenly believed that the family or community will standby and support the victims of sexual abuse, when the risk profile of further harm has actually increased several times over. Linked to that is a failure to appreciate that time is of the essence. NGOs have long adopted the "One Chance" rule for good reason. When the victims pluck up the immense courage to break the chains that bind them to the family to report what's been done to them, they need immediate support and action. They cannot be asked to come back tomorrow because I have dealt with many cases when there was no tomorrow.

We know the mantra that "Victim is at the centre of everything you do" but the reality is very different

We fail to make the process as easy as possible. The first Statement of victim rarely includes all relevant and admissible detail. There is poor understanding of the victim's trauma. We fail to actively look for evidence that will strengthen the case. Medical and forensic evidence is important but if not available should not be seen as weakening the case, which is the conclusion most investigators reach. The best cases involve close working between police investigator and prosecutor, but the number of specialists on both sides has reduced to critical levels.

Whilst we know Victim support is key, there are very few specialist providers and they are not properly funded. This leads to generalists trying to do specialist work at best, at worst it means no support at all.

Building a rapport with victims requires that Communication is essential but again is patchy. If investigators recognised that the victim has never trusted another person in their life, then they may better understand the need for constant, relentless communication through one person.

We know that Protecting identity and anonymity essential, but this haphazard. Lazily using interpreters with links to the victim's family, or taxi drivers known to the family to take them to places of safety is a recipe for disaster. Having insecure data systems which can and have been accessed by those wanting to intimidate (or worse) the victim, continue to exist.

I have also witnessed how suspects are often treated differently because of the communities they come from. With most serious crimes, we rightly expect an arrest, an interview under caution and challenging questioning.

Too often I have seen “invitations” to suspects to come in for a voluntary interview so as “to get your side of the story” which undermines the investigation from day one. Where’s the challenge? Or seizure of evidence including digital profiles which could support any future prosecution. Allowing the suspect to dictate the terms of the police engagement is a demonstrable example of allowing misconceived cultural or community sensitivity to weaken the police approach

Too many survivors have told me that they felt under investigation whilst the suspect was treated with kid gloves. That unlike any other crime or community, the investigating officers would engage formally or, more often, informally with so called community leaders to “provide reassurance.”

I ask only that we treat these crimes with the professionalism and integrity they deserve. It is my belief, based on experience, that there are 100s if not 1000s of victims who deserve justice they are not getting or unlikely to get.

Nazir Afzal OBE