

Appendix 3

**HMIC Review on Police Response to Domestic Violence and Abuse.
Submission by Southall Black Sisters
February 2014**

1. Introduction

Southall Black Sisters (SBS) welcomes the opportunity to make this submission on the policing of domestic violence in the UK. The submission is based on our casework experience. We hope that it will help to inform the HMIC's review into the police response to domestic violence in the UK and contribute to a fundamental shake up in how the police respond to domestic violence. The police and the criminal justice system must not become a 'no-go area' for women and girls who experience domestic and sexual violence. It is the first and often final safety net for vulnerable women and other sub groups and must therefore work in their interests and be accountable to their need for protection and justice, irrespective of whether the violence takes place in the public or private spheres. If the criminal justice system is not made more accountable to vulnerable women and girls, confidence in the police amongst women will in our view, be seriously undermined.

In the UK, we have had a decade or more of often quite impressive policies, laws and initiatives on violence against women and girls. After years of hard campaigning, this has finally included the recognition that specific forms of abuse such as domestic violence, forced marriage, honour based violence, ritual abuse, female genital mutilation and other harmful practices are also human rights abuses and subject to the law.

Our concern about the policing of violence against women is not so much about the lack of laws and policies but about the implementation of these law and policies. Consistently effective and sensitive implementation of criminal law and policies on domestic violence remains an elusive goal. There are still unacceptably wide variations in police responses across the UK ranging from the excellent to the ignorant, negligent and oppressive.

At the same time, we are also mindful that austerity measures and other contradictory social and economic policy developments exacerbate a difficult situation for all statutory and voluntary agencies and threaten to severely undermine the gains that have been made. This includes the government's commitments established in international agreements to promote, protect and fulfil the human rights and fundamental freedoms of women and children. However, precisely

because of these austerity measures, it is all the more important that police resources are better targeted and utilised.

Although SBS has had experiences of effective intervention by the police, (ranging from the excellent to the satisfactory) this submission is inevitably focussed on areas of ongoing concerns and even alarm about the police response. In particular, the lack of consistency and a continuing tendency to either under-police or over-police victims of gender based violence remain the key problem areas.

2. About Southall Black Sisters

SBS is one of the UK's leading organisations for black and minority women. We have been in existence since 1979. In 1983, we set up a not for profit advocacy and campaigning centre for black and minority women, with a particular focus on the needs of South Asian women. The bulk of our work is directed at assisting women and children - the overwhelming victims of domestic and other forms of gender-related violence – obtain effective protection and assert their fundamental human rights. Whilst based in West London, an area with a large South Asian population, we have a national reach. Our work by its very nature addresses issues of multiple or intersectional discrimination, involving the simultaneous experience of race, gender and other forms of inequality.

For the past 30 years, SBS has provided advocacy and support to black and minority women who represent some of the most marginalised and disadvantaged sections of our society and therefore often very 'hard to reach'. Many arrive at SBS having experienced violence and abuse and related problems of homelessness, mental illness, poverty and insecure immigration status.

SBS advice and casework ranges from dealing with one-off enquiries to undertaking mid to long-term casework which can last for over a year or more and cover a number of support needs. Essentially, through advocacy we assist women to access relevant services that are needed for protection such as housing and mental health services to legal advice and representation in family, immigration, criminal, community care and other civil legal proceedings. On average we handle about 300 cases and 3000 (national) enquiries a year.

3. Our concerns

Although closing the gap between the rhetoric of protection and the reality has always been unfinished business, we are alarmed by the noticeable downward trend in the policing of domestic violence that we have observed in the last decade or so. Our casework experience on police response to domestic violence indicates that we appear to be going backwards to the 80s when police regarded domestic violence a family or private matter and failed to take it seriously.

Our casework reveals many continuing failures and deterioration in police response. It remains a post code lottery dependent entirely on the officer who is dealing with the report. We are witness to daily struggles by victims of domestic and sexual violence to obtain the protection and justice to which they are entitled. Even where injuries from physical assaults are visible, more often than not, no effective action is taken. We have yet to see any effective action taken where there has been serious emotional, sexual and financial abuse (for example domestic servitude, demands for dowry, taunts and encouragement to commit suicide, forced termination of pregnancy or pressure to conceive, marital rape and so on.) This remains the case despite the fact that such forms of harm are included in the definition of domestic violence shared by key statutory agencies including the police.

In many of our cases, time is of the essence and any delays in obtaining police and legal protection can be serious and even fatal. In other cases, failure of police investigation and failure to provide support can have adverse consequences for women in other legal proceedings in relation to children and immigration matters which lead to other life threatening consequences. For example, the failure to take account of and investigate reports of domestic violence can result in migrant women being denied the right to remain in the UK as victims of domestic violence under the Domestic Violence Rule¹ in immigration law. This can leave vulnerable migrant women exposed to the risk of deportation and other forms of serious harm in their countries of origin. In other cases, police failure can have an adverse effect on women's applications for legal aid to obtain protection orders, or to make applications for residence and contact orders in respect of children who are also often at risk.

¹ In 2002, the government introduced the 'Domestic Violence Rule' (previously known as the domestic violence concession) into the immigration rules in) for victims of domestic violence who arrive in the UK for the purposes of marriage. Under the Domestic Violence Rule, which applies both to spouses and partners in a same sex relationship, if a person (usually a woman) can prove that she is a victim of domestic violence by providing the requisite evidence, then she is entitled to remain in the UK indefinitely.

The failings in police response highlighted in this submission point not to flawed responses from individual officers but to systemic or structural failures. Given that we have had years of improved policies, plans, strategies, training and other developments on the policing of domestic violence, these failures should be occurring or at least not with such regular frequency. What is required is a fundamental re-conceptualisation of how domestic violence is regarded and treated by the police and other agencies within the criminal justice system and improved mechanisms of accountability.

4. Independent Police Complaints Commission (IPCC) investigations into the policing of domestic violence

Many of our experiences and concerns have been echoed by the IPCC. Over the years, the IPCC investigations into police failure resulting in domestic homicide have led to a series of general reports on the lessons to be learnt. In 2007 for instance, in a report entitled 'Learning The Lessons' (Bulletin 1) on domestic violence in the UK, the IPCC highlighted recurring failures in several cases that they investigated – almost all involving women who died following reports to the police of threats and risks to their lives from their violent and abusive partners. All the cases investigated highlighted common failures including the following:

- lack of supervision by specialist domestic violence officers/units;
- lack of awareness of triggers and risk indicators;
- failure to pursue investigations effectively or provide adequate support;
- failure of communication within the police force and across a number of agencies.²

In a 2010 report, the IPCC stated that sixteen people were murdered in England and Wales during 2009, ten after the police had been informed about concerns over their safety. Seven of these were women killed by current or former partners or a friend.

In 2013, the IPCC made a written submission to the All Party Parliamentary Group for Domestic and Sexual Violence³. It stated that between April 2010 and 8 March 2013, the IPCC had independently investigated 33 cases where there were concerns

² IPCC Learning the lessons Domestic Violence Bulletin 1 June 2007

³ IPCC Submission to the All Party Parliamentary Group for Domestic and Sexual Violence 28 November 2013

that the police had failed to adequately protect a victim of domestic violence. Again it summarised a number of 'common weaknesses' in the police response to victims of domestic violence including:

- failure to complete (or inadequate completion) of risk assessments;
- call handling - failure to take and record full and accurate details;
- insufficient or inadequate training for staff;
- inadequate resourcing of domestic abuse teams;
- failure to keep the victim informed of any delays in police response;
- failure to link previous incidents or history of domestic incidents and therefore viewing incidents in isolation.

5. Key themes emerging from SBS 'casework experience in the last five years

Despite the IPCC investigations and the introduction of other measures including the establishment of homicide reviews,⁴ all aimed at learning lessons from previous mistakes, the reality is that the duty to protect and to conduct investigations into domestic violence capable of bringing perpetrators to justice is being regularly flouted by the police and by extension, the State.

SBS casework experiences features many of the recurring themes of key failures set out by the IPCC and by the Home Office in its recent report on Homicide Reviews. In the Home Office report entitled 'Domestic Homicide Reviews: Common Themes Identified as Lesson to be Learned⁵', several recurring failures in agency response are noted. They include:

- gap in awareness and understanding of what constitutes domestic violence;
- lack of a consistent approach to risk assessment;
- lack of information sharing and multi-agency working about risk and other matters including bail conditions and management;
- overlapping and complex needs involving for example domestic violence, mental health and substance misuse, often not properly identified and addressed in a co-ordinated manner;

⁴ Homicide Reviews were first introduced in the Domestic Violence, Crime and Victim Act 2004. In April 2011, the government implemented S9 of the Act which expects local areas to undertake a multi-agency review following a domestic homicide with a view to learning lesson to prevent future homicides relating to domestic violence

⁵ Home office 2013

- lack of awareness of safeguarding needs of children.

One of the central goals of the government's current Action Plan on Violence against Women and Girls is to increase the confidence of women and girls and to encourage access to the Criminal Justice System.⁶ Unfortunately, despite these developments and initiatives, we continue to bear witness to routine and serious failings in the way in which the police and CPS operate.

SBS frequently encounters cases from around the UK in which the police response is at best unsatisfactory and at worse, not fit for purpose. Our cases reveal a pattern of continued scepticism, indifference, insensitivity and lack of empathy towards women who report domestic violence. The police response falls far short of the standards that should be expected. Following a report of domestic violence, investigations are often simply not undertaken and even when they are, they are often superficial and lack rigour.

In addition, our experience also shows that women who are victims of domestic or sexual violence often find themselves detained or criminalised when they report domestic violence. This is a disturbingly recurring pattern which raises concern in respect of wider public interest and human rights issues.

The overall inconsistency and insensitivity of police response feeds into generally low expectations held by the very vulnerable users that attend our services. Many of our users already have low expectations of the police and other statutory bodies. They do not know what to expect from the police and CPS and what they are met with falls far below acceptable professional standards. Only a fraction of those who have been in our view let down by the police and CPS, pursue complaints or legal action in respect of police response. Usually it involves cases where the lack of an adequate response has caused considerable distress or has had serious consequences. Due to their own difficult circumstances and immediate priorities, in the more routine cases, women do not pursue complaints for a variety of reasons: many desire to put the past behind them rather than pursue complaints; others fear being caught up in needless delays, interviews and bureaucracy. Some women believe that there is no point since complaints are rarely upheld. The low numbers of complaints pursued

⁶ See A Call to End Violence Against Women and Girls: Action Plan 2015 HM Government. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181088/vawg-action-plan-2013.pdf

cannot therefore be taken as a safe indicator of confidence in the complaints system or in police and the criminal justice system generally.

However, as a result of a multitude of police failures, SBS has often been compelled to assist women who do wish to submit complaints to the police and to the IPCC. Their complaints range from unprofessional and insensitive responses to the disproportionate and heavy handed. We should stress that we have no illusions that when we make the complaints that they will amount to anything. Our aim in making complaints is to ensure that failures are recorded and that at some point in the future, if and when there is the political will to do so, valuable lessons will be learnt. In the majority of cases, the complaints are usually dismissed and occasionally in the more extreme cases, partially upheld. However, even in cases where the police response has fallen short of what is to be expected, we are often told that the officers concerned will receive 'words of advice'. However, such informal means of 'resolution' are not transparent since we have no way of knowing or monitoring whether any improvements are made as a result.

In some cases SBS has been compelled to assist families of deceased or injured women to bring legal actions against the police, particularly where there has been fatalities resulting from police failure to protect or where there is a police failure to investigate serious injuries arising from domestic violence.

The following recurring themes regarding police (and CPS) failures are highlighted by our casework experience:

- lack of awareness and understanding of what constitutes domestic violence;
- failure to identify and record domestic violence properly or at all and instead recording incidents as 'domestic disputes' or 'non – crimes';
- failure to correctly identify victims and perpetrators of domestic violence;
- failure to investigate or locate an incident within a wider history of domestic violence;
- failure to link various incidents of domestic violence together;
- readily accepting cross allegations by perpetrators without properly assessing the circumstances of a domestic violence incident;

- missing opportunities to gather and preserve evidence, including medical evidence;
- routinely discontinuing with an investigation citing 'insufficient evidence';
- discontinuing investigations without informing the victim and failing to provide reasons or adequate reasons for the discontinuance;
- failure to refer a case to CPS or misleading victims into believing that a CPS referral has been made;
- arresting, detaining and even charging women with criminal offences when they report domestic violence and are clearly victims;
- using reports of domestic violence as an excuse to check immigration status resulting in reporting and detaining those without secure status instead of focusing on protection and safety;
- failure to act on breaches of court protection orders;
- making inappropriate, insensitive and even racist comments when attending a scene of domestic violence;
- failure to accept and recognise the role of domestic violence caseworkers/advocates in assisting vulnerable victims throughout the criminal justice process and instead excluding them or bypassing them when engaging with victims;
- failure to supervise interviews or interpreters and act on breaches of codes of conduct by interpreters;
- failure to communicate with a victim or those acting on her behalf and failing to provide an up-date on developments and progress in police investigations;
- failure to investigate even where fatalities or serious injuries in suspicious circumstances or due to domestic violence have occurred.

In the sections below, we present case studies to elaborate on some of these failures. Needless to say all the cases cited involve women who sought positive police intervention and protection and who wished to pursue criminal proceedings. It is also important to note that although the case studies highlight a particularly dominant theme, the overwhelming majority also highlight a number of the overlapping themes cited above. (Most of the cases, unless they are already in the public domain, have been anonymised.)

5.1 Understanding domestic violence as a gender neutral rather than a gendered phenomenon

An emerging trend observed in or casework is the tendency by the police to perceive and record domestic violence in a gender neutral manner. The significance of this is that in the absence of an understanding of domestic violence as a form of gender-based violence and as a manifestation of gender inequality, the implementation of policies on domestic violence is flawed.

Existing official government policies and action plans on domestic violence reflect the definition of violence against women found in the UN Declaration: on the Elimination of Violence against Women (1993)

“The UN Declaration on violence against women (1993) defines such violence as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”⁷

This definition specifically refers to the gender-based nature of violence against women, recognising that "violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men." The definition of gender-based violence is also broadened by the inclusion of acts of coercion, deprivation of liberty and the psychological harm done towards women in both private and public life. The UN Declaration defines violence against women therefore as encompassing, but not limited to, three areas: violence occurring in the family, within the general community, and violence perpetrated or condoned by the State.

While gender-based violence is not specifically mentioned in the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in 1992 the Committee overseeing the CEDAW implementation adopted General Recommendation 19, which states that it is a form of discrimination that inhibits a woman's ability to enjoy rights and freedoms on a basis of equality with men. It asks that governments take this into consideration when reviewing their laws and policies.

⁷ Call to End Violence Against Women and Girls: Action Plan HM Government March

“International human rights instruments such as the UN Declaration and CEDAW, endorse the view that the most crucial consequence of violence against women and girls is the denial of fundamental human rights to women and girls. They affirm the principles of fundamental rights and freedoms of every human being. The two Conventions call for the right to protection from gender-based abuse and neglect”.

In contrast to the above, the shared ACPO, Crown Prosecution Service (CPS) and government definition of domestic violence is:

“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 18 and over, who are or have been intimate partners or family members, regardless of gender and sexuality”⁸

This definition is in our view, a seriously flawed definition since it does not include the recognition given in the UN Declaration and CEDAW that violence against women in the private sphere (domestic violence) amounts to gender-based based acts of violence and discrimination.

SBS is of the view that this lack of recognition of the gendered basis of domestic violence affects the understanding and implementation of laws and policies by the police. Whilst the gendered recognition may be included in any preamble or narrative to a policy or guidance, its absence in the very definition of what constitutes domestic violence is problematic. The police fail to appreciate that domestic violence affects women disproportionately or that it constitutes a wider pattern of coercion and control, often involving financial and psychological abuse as well as physical or sexual abuse and the arbitrary deprivation of liberty of women. In other words, the notion of domestic violence as a structural manifestation of gender inequality is completely absent at the implementation level.

This is most clearly observed in our casework experience which shows that often when a report of domestic violence is contradicted by a perpetrator who makes a counter allegation of violence from the victim, the police either treat both parties as ‘victims’ or record the incident as a ‘domestic dispute’ or ‘no crime’ . In some instances, based on counter allegations alone, the actual victims of domestic violence have themselves been arrested and charged with various criminal offences.

⁸ Guidance on Investigating Domestic Abuse (2008) ACPO:/NPIA

(See below) The rationale often given by the police for doing so is that in the absence of other immediate corroborating evidence they have no means of assessing the credibility of the allegations and cross allegations that are made. They argue that in these circumstances, they have 'no choice' but to record an incident as a 'domestic dispute' or to record both parties as 'victims' of domestic violence. The significant failing in this approach is that no attempt is then made to examine the credibility of the allegations made in the light of the entire circumstances surrounding an incident, within a prior history of domestic violence, including coercive and controlling behavior, which more often than not exists. The police fail to gather or rigorously assess relevant evidence that might support an initial report of domestic violence and lead to a rejection of a cross allegation. Rather than carry out a proper examination and assessment of the presenting incident, it would seem that the police prefer to regard a cross allegation as a negation of an initial report of domestic violence. The initial report is assumed to be without foundation and treated in a superficial manner if at all.

We fear that the strategy of recording domestic violence as a 'domestic dispute' or of recording both parties as 'victims' may be deliberate to meet internal police targets which confirm the misleading but increasingly popular view that men are as affected by domestic violence as women. We do not dispute that some men may be victims of violence in the home, but we dispute that it is a significant problem given that statistics in the UK and worldwide show that domestic violence is a gendered phenomenon impacting overwhelmingly on women and children. Recording men who make cross allegations as 'victims' of domestic violence contributes to statistical evidence purporting to show that men both men and women experience domestic violence equally. The statistics then feed into and shore up a gender neutral understanding and response to the problem of domestic violence.

Nor is this a problem confined to the police alone. Other statutory agencies such as local authorities are also increasingly making the same mistakes. However, the consequences of police failure to accurately record and address domestic violence are potentially far reaching, since it can contribute to misconceptions about domestic violence as a waste of scarce police resources and more importantly creates the conditions conducive to repeat victimisation and to impunity for perpetrators and ultimately leads to miscarriages of justice. See the case of Foolan and others below:

Foolan's case

Key points: The victim's report of domestic violence and her account of a prior history of violence and rape was not taken seriously. The police refused to take her statement or investigate her report due to 'insufficient evidence'. However, she was arrested and charged on the basis of counter allegations of assault made by the perpetrators (husband and in-laws) who were treated as the victims of domestic violence. Risk factors including her acute isolation, insecure immigration status and deprivation of liberty was not taken into account and the counter allegations made by her husband and in-laws were not properly assessed by the police or the CPS. The victim was put through the ordeal of undergoing a criminal trial but the case was called 'absurd' and thrown out following a half way submission by her lawyer. The victim's reports of domestic violence including witness accounts were taken by the police but not tested leading to amongst other things, a failure to respond to domestic violence appropriately or to arrest and charge the actual perpetrators. Later, the victim also made a report of rape by her husband but the matter was also discontinued due to 'insufficient evidence'.

The victim was doubly traumatised by the police and CPS response and has no confidence in the criminal justice system. The response was also a waste of scarce time and resources in respect of all those involved including the police, CPS, court and lawyers.

Foolan is an Indian national who came to the UK in 2010 to join her husband following her marriage. Once in the UK, she was subjected to physical, sexual and emotional abuse by her husband and in-laws. She also discovered that her husband and in-laws had misled her about her husband who had been previously married but not divorced from his previous wife. When Foolan confronted her husband about his previous marriage, she was assaulted and thereafter subjected to escalating violence, control and harassment. Foolan was also subjected to sexual assault and rape by her husband and to emotional and financial abuse. She managed to find work but her husband and in-laws took all her wages and she had no control over her finances. She was not permitted to open a bank account or to have her own credit cards or to have any money of her own.

Foolan was forced to do all the housework when she returned from work every day and was isolated from friends and family in India who she was not permitted to contact. Her husband and in-laws also began to put pressure on her to return to India, something she could not do for fear of the stigma and the discrimination that

she would face as a divorced woman and the risk of other forms of financial and sexual exploitation. As a result of her refusal to go to India, her husband and in-laws repeatedly threatened to throw her out of the marital home. Foolan became severely depressed and fearing that she would be disgraced and left destitute and homeless, she tried harder to comply with her husband and in-laws wishes.

On one occasion, whilst 3 months pregnant, Foolan's husband and in-laws called the police because she refused to leave the marital home and move to Leicester with her in-laws. Her husband and in-laws alleged that she had assaulted her father, mother and sister-in-law. Her husband also denied being married to her. Foolan tried to explain her side of the story to the police and how she had been subjected to domestic violence by her husband and in-laws. However, instead of carrying out a risk assessment, offering her protection or carrying out a proper investigation into the matter, Foolan was ordered by the police to leave the marital home and to hand over her mobile phones to her husband on the grounds that they were his property. She was then taken to a police station in North London and charged with two counts of assault and one count of common assault. At the same time, Foolan tried to make a complaint against her husband in respect of the domestic violence but was told by the police that she could not make a complaint against them whilst proceedings against her were pending. She became very depressed and distressed as a result of the police response and pending criminal proceedings. She was referred to SBS and required intensive support throughout this period.

The case was set for trial at a local Magistrates Court in July 2012. At court, Foolan pleaded not guilty to all the charges. At trial, following a half time submission by her counsel, the case was thrown out by the Magistrate Court on the basis that there was 'no case to answer'. The Magistrates found the account given by her husband and in-laws to be 'inconsistent and 'absurd' and that 'no reasonable criminal offence could be made out on the facts'. She was alleged to have assaulted three adults at the same time! Tthe court could see that Foolan's perpetrators were clearly all bigger than her and that she was a petite Asian woman. The Magistrate Court also recognised that Foolan was the victim of domestic violence and that this was a case where she should never have been charged.

5. 2. Failure to take an initial report of domestic violence seriously

In many of our cases, the police appear to act in a completely arbitrary manner. They often prefer to act on the account of perpetrators rather than that of the victims. More often than not, there is a failure to take an initial report of domestic violence from the victim seriously; to provide further advice and support; undertake thorough risk assessments or refer to appropriate support agencies. Some cases show how the police mislead victims by denying the full extent of the powers they have under criminal law to take action to protect victims and to apprehend their perpetrators. In some instances, police inaction had put the victims at immediate risk of further violence. These common occurrences are highlighted below:

Rita's case

Key points: The police failed to act on a report of domestic violence despite being aware of a previous history of violence from the perpetrator (husband) to the victim for which he had been cautioned. The report of domestic and sexual violence was dismissed on the basis that the parties were 'husband and wife'.

Rita is a young single mother of African-Caribbean background. She has 6 children aged between 1 and 14 years. She entered into a relationship with her ex-partner in 2001 but it quickly turned into a very controlling and abusive relationship. He did not allow her to have friends and would accompany her whenever she went out. Within three months of the relationship, Rita's partner subjected her to physical violence. He slapped her for wearing a skirt and for going out. He often became aggressive if she did not stay at home and do the housework. As she was pregnant with her first child, Rita decided to give her partner a chance to change his behaviour. However, over time, her partner's abuse towards her increased; he would physically and sexually abuse her at least once a fortnight.

In 2012, Rita's partner tried to stab her with a knife and repeatedly punched her, resulting in a fracture to her jaw on the right side of her face. He also grabbed a kitchen knife and threatened to kill her. Her daughter called the police.

Rita's partner was arrested. He admitted to assaulting her and was given a caution on the basis that 'it was his 'first offence'. However, following this incident, he continued to sexually abuse and rape Rita, resulting in her second pregnancy. Rita did not report the rape as she did not want to cause distress to the children but she decided to separate from her partner.

Following, the separation, Rita's partner continued to harass and abuse her. On one occasion he went to her home and asked her to reconcile and when she refused, he sexually abused her and attempted to rape her. The police were called and he was arrested at the scene. The next day, a statement was taken from Rita but the police told her that 'she was better off not taking it further as they were husband and wife'.

Nawal's case

Key points: The police failed to properly assess a report of domestic violence made by the victim or to investigate it against an ongoing history of controlling and threatening behaviour by the perpetrator (husband). The police dropped investigations into domestic violence following counter-allegations from the perpetrator, despite having evidence of assault against the victim.

Nawal is an Egyptian national who came to the UK with her husband in 2007. She has two children from the marriage. Following her arrival to the UK, her husband subjected her to control and abuse on a regular basis which involved verbally humiliating her and isolating her from the outside world.

In 2009, several incidents of violence against Nawal took place and in relation to some of these incidents, Nawal contacted the police but her husband threatened to take her children away from her if she took matters further.

In 2012, the assaults on Nawal increased in frequency and severity. On one occasion, she asked her partner to take her children to Egypt to visit her mother but her husband refused and instead obtained a court order preventing her from taking the children to Egypt.

On October 2013, Nawal was assaulted by her husband following an argument. He attempted to strangle her and as a result, she sustained visible injuries to her shoulder, arms and legs. She managed to call the police who arrested her husband and she also took photographs of her injuries. Her husband was then released on bail with conditions attached, including not to contact her. However, her husband breached his bail conditions by returning to the marital home whilst Nawal was out and took the TV, laptop and other documents including the children's birth

certificates. When the police were contacted, they took no action for the breach and instead stated that it was a 'civil matter' and not 'theft'.

Later that month, the police informed Nawal that they were not going to pursue charges against her husband as 'he had given a different account of the incident' and presented 'audio evidence' to show that she had been shouting and verbally abusing him. His bail conditions were also removed. No attempt was made to assess the credibility of the perpetrator's evidence against Nawal's account of her history of domestic violence or against evidence of the most recent assault to which she had been subjected and for which there was photographic evidence.

As a result of the police failure to protect Nawal as a victim of domestic violence, SBS assisted Nawal to obtain a protection order from the civil courts.

Gurpreet's case

Key Points: The police failed to take an initial report of domestic violence from the victim seriously or to locate the incident within a wider pattern of abuse and control until SBS intervened. The victim was ignored as she did not speak English and was instead treated as a 'difficult' to deal with. An assumption was made that she would not be able to make an informed decision. There then followed another incident of violence from the perpetrators (husband and other family members) resulting in injuries sustained by the victim for which there was supporting medical evidence. This was also reported to the police but the police have failed to communicate with the victim or to SBS who is assisting her, on the progress or otherwise of the police investigation.

Gurpreet, is an elderly British national woman of Indian origin. She has 3 adult children one of whom still lives with her. She works for a catering firm on a shift work basis serving airlines at Heathrow Airport. I

In September 2013, she was found at the front door of SBS in a distressed state. She informed an SBS caseworker that she was a victim of frequent physical violence from her husband. Gurpreet's husband was having an affair and when she asked him questions about his affair, he assaulted and abused her. He denied the relationship altogether. Her children supported her husband and also subjected her to physical abuse.

On this occasion, she had had an argument with her husband and her adult daughter who lived with them. Her husband slapped and scratched her face. She had sustained physical injuries which were photographed by the caseworker. Gurpreet had called the police but her daughter gave an account stating that she had caused the injuries to herself. The police did not take note of the injuries that Gurpreet sustained and justified taking no action by arguing that 'she was difficult to deal with'. When questioned further by an SBS caseworker about their lack of action, the police stated that Gurpreet had not told them clearly that she was subjected to domestic violence and that had she done so, her husband would have been arrested. They denied having seen any injuries to her face.

Gurpreet was assisted in re-reporting the incidence of violence from her husband. The police attended the offices of SBS to take the report and were also given photographs taken by the caseworker of the injuries that Gurpreet had sustained on her face. On seeing the photographs, the police officer agreed that there were bruises on her face which were consistent with an assault having taken place.

At the end of the interview, Gurpreet stated that she did not want her husband to be arrested but wanted the police to give him and her daughter a caution or warning.

In early December 2013, Gurpreet was assaulted again by her husband who hit her on the head with a chair and by her daughter who pushed her, causing her to hurt her head on tiles on the kitchen floor. She called the police but her daughter told the police that Gurpreet was suffering from depression and had knocked her head against the wall. Gurpreet tried to tell the officers about the assault but a female police officer reprimanded her, telling her not to shout. Gurpreet felt that she had not been listened to properly because she was not able to adequately explain herself in English.

An ambulance was called by the police and she was then taken to the local hospital for treatment to her injuries. At hospital, Gurpreet was able to tell the medical staff what had occurred and they contacted the police on her behalf. She was also advised to give a full statement to the police. The doctors who attended to Gurpreet provided her with a supporting letter confirming her injuries.

The police have yet to communicate with Gurpreet to inform her of developments on her case although on this occasion she has clearly stated that she wishes to support

criminal proceedings against her husband. SBS have made enquiries of the police but so far there has been no explanation as to why the matter has not been progressed.

Kamaljeet's case

Key Points: The victim was frequently abused by the perpetrators (husband and in-laws). Her brother-in-law (sister's husband) called the police as he was extremely worried about her. The police attended the home and she told them she was terrified due to ongoing threats made by her husband and in-laws. She also informed the police of a domestic violence incident that had occurred two months previously. The police told her that there was nothing they could do as there was no immediate 'presenting incident' at the time of her call. No account was taken of the threats made to her and no risk assessment was undertaken. The police left without taking any action, which left the victim at immediate risk of further violence. Immediately after the police left, the victim's husband subjected her to a brutal attack and the police were called again. The victim was found bleeding and visibly distressed. The police took her and her children out of the marital home. Later she asked the police to accompany her to collect her belongings but they refused stating that they 'did not have a search warrant to do so'. No further action against her perpetrators was taken by the police.

Kamaljeet married her British national husband in India in 2006. She has two children. She came to the UK in February 2007 to join her husband and lived with him, his parents and four brothers-in-law in the matrimonial home in East London.

From the outset, Kamaljeet's husband and mother-in-law were very controlling and abusive. She was made to do all the housework and was forced to clean up after seven or eight pit-bull dogs that the family kept. Kamaljeet's mother-in-law constantly criticised her work and made her clean the house several times before she was satisfied that it was clean. Kamaljeet was not allowed to leave the house including to see her GP unless accompanied. She could only eat or drink after she had served her mother-in-law. If she did not obey, her mother-in-law would pull her and scratch her arms. She was also repeatedly accused of 'bringing bad luck' to the family.

During her first pregnancy in 2008, Kamaljeet was made to work in the home for long hours. She was not allowed to leave the house, visit her GP or go to bed until she

had finished cleaning the house. On one occasion, although it was 11pm, she was told that she could not go to bed until she had finished painting a bedroom. She was forced to continue with housework and clean and look after the dogs even when she became heavily pregnant.

In December 2008, Kamaljeet's first child was born but she was not allowed to enjoy or take care of her child for the first year; except to feed him and change his nappies.

After the birth of her child, Kamaljeet's husband began to subject her to violence on a regular basis. He would punch and kick her and often struck her face with a thick silver bangle that he wore for religious reasons. Her face was often bruised as a result but her mother-in-law would hide her from relatives and make up excuses for her absence.

Kamaljeet was unable to disclose her experiences of domestic servitude, abuse and violence to her parents in India because she was never afforded any privacy. All her conversations were closely monitored.

The physical violence that Kamaljeet experienced was so severe that in 2010, she suffered two miscarriages. On both occasions, her mother-in-law accompanied her to the hospital to prevent her from disclosing the abuse.

In early 2011, although pregnant with her second child, Kamaljeet missed several medical appointments as her face had been badly bruised due to the assaults on her. However, at one hospital appointment, Kamaljeet's midwife recognised that she was being abused and asked her if she wanted assistance but Kamaljeet declined out of fear of reprisals from her husband. She also hoped that having a second child would improve her relationship with her husband.

In September 2011, the police raided Kamaljeet's home in order to confiscate the dogs that were kept there unlawfully. During the course of the raid, they also found drugs in the property. Kamaljeet's husband was a regular smoker of cannabis and was associated with criminal gangs in the locality. Her husband's association with local gangs was also a major reason why Kamaljeet did not disclose the abuse to anyone outside the home. She feared for her safety and that of her children.

At the end of December 2011, Kamaljeet experienced yet another assault, but this time it was far more brutal than that she had experienced previously. She was

commanded by her husband to wake up her young son particularly early one morning and when she refused, he began to hit her. He threw her on the bed and hit her with his shoes. He then punched her in the ribs several times and dragged her across the floor by her hair and kicked her. The entire incident was witnessed by her son. Kamaljeet tried to escape through the front door of the house but her mother-in-law was standing there with her youngest son and threatened to drop him on the floor if she left. Kamaljeet's older son then punched Kamaljeet's mother-in-law but she verbally abused him and kicked him.

Kamaljeet's husband carried on hitting her and prevented her from leaving the house. She was made to stand outside in the back garden in the rain without any shoes. Her husband then repeatedly spat on her from a window. Kamaljeet was locked outside in the garden for two hours and eventually let back in because her youngest son needed feeding. Kamaljeet could not call the police as she did not have access to a phone.

In February 2011, Kamaljeet's parents visited her in the UK and stayed with her in the matrimonial home but within days, her in-laws also began to abuse her parents. This gave Kamaljeet the opportunity to disclose the violence that she and her children had been experiencing. For the sake of her children, her parents tried to reconcile Kamaljeet and her in-laws but they were unsuccessful. After they left, Kamaljeet's father-in-law threatened her and told her 'nobody will realise if something happens to you...nobody will know any details'. He then called her parents and told them to take her away stating that her immigration visa was about to expire. He also threatened to take her children away from her.

Out of concern for their daughter, Kamaljeet's parents contacted her sister who lived in Scotland to help Kamaljeet as they did not know what could be done to help her. As a result, in February 2012, Kamaljeet's brother-in-law (sister's husband) called the police and reported the domestic violence that she was experiencing and expressed concerns for her safety.

The police attended Kamaljeet's home and she told them that she feared for her life. She also recounted the incident that took place in December 2011, but the police told her that they were unable to help her as they were 'no presenting incidents at the time of the attendance'. She was also made to sign a piece of paper although she was not clear what she was signing. She was told that the police would visit her

again in the morning. They left without ascertaining whether or not she and the children were safe.

As soon as the police left, Kamaljeet's husband became angry with her for speaking to the police and rang her parents, threatening to harm her. He said "watch what I do". Fearing the worst, Kamaljeet's parents called the police again. By then, her husband began to hit her and pull her hair. At one point, he held her against a metal cupboard door and started to bang her head against it. He also snatched her youngest son from her and kicked her face. Kamaljeet was terrified and was screaming for help. Her oldest son was again witness to the assault on her.

The police attended her home and found Kamaljeet on the kitchen floor bleeding from her ear. Although her husband told her not say anything Kamaljeet gave the police an account of the assault on her. She and her two children were then escorted out of the property. Kamaljeet went to stay with a distant relative as the police were unable to find alternative accommodation for her. Her husband and his family do not know where she lives but they have contacted her family and have continued to make threatening phone calls. They are actively trying to trace her.

Soon after the separation, Kamaljeet tried to retrieve essential documents including her passport from her marital home but the police told her incorrectly that they did not have a search warrant and so were unable to assist her in recovering her documents. She therefore requested advice and support from SBS.

The police took no action in respect of the assault on Kamaljeet or her previous history of domestic violence.

Khushpreet's case

Key points: The victim was subjected to considerable abuse and neglect and kept imprisoned in a shed at the back of a garden for many months by the perpetrators (husband and in-laws). The police were called but took no action and left her at risk of further violence. Once freed, she gave a detailed statement of the abuse and imprisonment that she experienced to the police but she was informed that it was a 'civil matter' as 'no specific criminal offences had been committed'. No further police action was taken.

Khushpreet, an Indian national married her husband in 2008, in India, and subsequently arrived in the UK on a spouse visa. At some point in 2010, Khushpreet was granted discretionary leave to remain in the UK, which was valid until August 2013.

Khushpreet resided at the marital home in West London with her husband and in-laws. She was subjected to extreme control, verbal and emotional abuse by all her in-laws. For example, her telephone calls to members of her family were constantly monitored and supervised by her in-laws. Khushpreet's in-laws also exploited her insecure immigration status and her general vulnerability by demanding more and more dowry payments from her, even though her parents had made a dowry payment of £25,000 at the time of the marriage.

Khushpreet fell very ill as a result of the abuse and neglect that she experienced. However, she was initially denied access to medical treatment by her husband and in-laws. It was only when she contracted tuberculosis, which caused a rapid deterioration in her health, that her in-laws permitted her to see a doctor. By this time, Khushpreet's condition had reached an advanced stage and she required immediate surgery. Between 2010 and 2012, Khushpreet was admitted to various hospitals for medical and rehabilitative treatment.

In 2012, following her discharge from hospital, Khushpreet returned to the marital home and was imprisoned in a shed/outhouse located at the foot of the garden. The living arrangements caused Khushpreet's health to deteriorate.

Khushpreet never reported her experiences to the police and although her parents knew about her plight; she had begged them not to disclose her situation to anyone. Her main concern was that she would have nowhere to go and that as a divorced woman she would be shamed and culturally treated as an outcast. She had resigned herself to the fact that she would only leave her marital home when she died.

On January 2013, Khushpreet's husband and in-laws were behaving in an aggressive and threatening way towards her. Her movements in the garden shed were being closely monitored for a while and then out of the blue, her mother-in-law told her to leave the matrimonial home altogether and slapped her. Feeling scared, she phoned 999 and after a while, two officers attended the matrimonial home. Khushpreet told them that she had been threatened and feared for her life but the

officers told her that they could not find 'any evidence of suspicious activity' on the part of her in-laws and decided to take no further action. No risk or needs assessment was undertaken. Khushpreet felt extremely vulnerable and afraid for her own safety she contacted her father, who rescued her later that day.

When Khushpreet finally left her in-laws' home, she went to the local police station in West London to give a detailed report and statement of the violence, imprisonment, neglect and abuse that she had experienced. Although her command of English was not good, no interpreter was provided when her statement was taken. Eventually, she was told by the police that they would not be pursuing the matter as it was 'a civil matter only' and could be dealt with through the civil courts.

5. 3. Discontinuance of investigations due to 'insufficient evidence'

Even when the police take account of an initial report of domestic violence our casework reveals that their investigations are almost always discontinued on an alarmingly frequent basis. It is one of the most worrying themes to emerge in our casework.

In most cases, no attempt is made to collect and assess the evidence that may be available. This is especially the case if the police are confronted by two parties giving two different accounts. Despite the fact that domestic violence incidents are rarely supported by other independent evidence, the police make no effort to take detailed statements from victims or assess the credibility of their account or that of their perpetrators or to think creatively about how to gather or preserve potential evidence. Crucial opportunities to gather evidence are often missed. In other cases, even where evidence including evidence of injuries is available, it is often ignored or dismissed. In the overwhelming majority of our cases therefore, with or without CPS involvement, the police inexplicably discontinue their investigations, even if some or considerable evidence has been presented.

Moreover, victims are never told that investigations into their reports have ceased. Lack of communication between victims and the police is a perennial problem. Women are not kept informed of the progress of their cases and it is never made clear how decisions are made or the reasons for them. Often no information is given to women or they are given only a brief explanation over the telephone at a time

when they are still vulnerable. Unsurprisingly, many of our users remain confused and clueless as to what, if any, progress has been made on their case.

In many of these cases, SBS is forced to write to the police seeking further information as to the progress of their investigations, only to discover that the matter has been discontinued. When asked for reasons for the discontinuance, SBS is told that it is due to 'lack of sufficient evidence' but no further detailed reasons or explanations are given. In some cases, we are told that 'it was the victim's word against that of the perpetrator' or that 'no independent evidence' was available.

Significantly, however, the 'lack of sufficient' evidence has not stopped the police or the CPS from pursuing charges against victims of domestic violence based on nothing but counter-allegations made by perpetrators.

Apart from seeking reasons for the discontinuance, in some cases, we have also sought a review of a decision not to pursue an investigation. Understandably, many of our users are greatly distressed by the response of the police and the general standard of care that they receive from the police, a response that is compounded by poor or non-existent communication and transparency in the decision making process.

Radha's case

Key points: The victim is a 14 year old whose first language is not English. She was raped and sexually abused by her perpetrator (a temple caretaker) but the police failed to investigate the matter with the seriousness it deserved. Instead officers made inappropriate comments concerning the minor's perceived age. The matter was eventually discontinued without a proper investigation and no adequate reasons for the discontinuance were given. There was also a failure to liaise, communicate or act in a transparent way in respect of the decision with either the victim or her family. SBS intervened, seeking reasons for the discontinuance but the police claimed that the minor had given an inconsistent story. But the police had not taken account of the victim's age or provided an interpreter or interviewed her in the presence of an appropriate adult. Of particular concern was the attitude of the police which appeared to blame the 14 year old for the way she looked. This appeared to be the basis of their initial decision to discontinue the investigation. This matter would not have been re-opened but for SBS' intervention and continuing pressure to compel the police and

CPS to investigate the matter. The case highlights serious contravention of policies and best practice on the policing of the rape and sexual assault of a minor.

Radha was a 14 year old girl of Indian origin, who came to the UK as a dependent. In 2012, she attended a local temple and was raped by a temple caretaker who had been grooming her for some time. She fell pregnant which led her parents to discover the relationship. They reported the perpetrator to the police in Ealing and asked for him to be arrested. Radha was interviewed by two male police officers but in the absence of any special measures required to interview a minor. There was no appropriate adult present when she was interviewed in a standard police station for about 15 minutes in the presence of male officers. Her first language was not English but this was not taken into account. The police did not provide an interpreter. Radha subsequently told an SBS caseworker that she was scared throughout the interview and so gave replies even though she did not understand some of the words used. Terrified and confused, Radha was not able to give a proper account of her ordeal.

The temple caretaker was initially arrested but the charges against him were dropped and the investigation discontinued due to 'insufficient evidence'.

The family were unclear as to what lines of enquiry if any, had been pursued. They approached SBS for assistance. When an SBS caseworker questioned the police about the discontinuance of their investigation, she was told that the matter was dropped because the caretaker believed the girl was over the age of 17 and that she had not provided any evidence to confirm her date of birth and had given an inconsistent account. It transpired that the police investigated the matter not as rape but as a case of underage sex. They also appeared to have taken at face value the word of the caretaker who stated that he believed that the girl was 17 years old without undertaking further investigations. The officer involved gave the impression that he also believed the caretaker as he said that in his view, 'Radha did look grown up'.

SBS requested a review of the decision to discontinue the investigation on the basis that the matter was very serious. We threatened to make a complaint about the police and CPS' handling of the matter. As a result of our intervention, the police and CPS re-opened the case. Radha was then interviewed with a social worker present in a designated sexual assault centre. A week later, the perpetrator was arrested again and the matter is currently ongoing.

Harpreet's case

Key points: The police disregarded the seriousness of the victim's reports of domestic violence but accepted and acted on the perpetrator's (husband's) cross allegation that she only reported the matter in order to regularise her stay in the UK. The police also failed to allow an SBS caseworker to support the victim during the taking of her statement at the police station. They also failed to take photographs of her visible injuries and a few days later closed the case on the basis of 'insufficient evidence'. There was no attempt to collect further evidence or consider all the witness statements and medical evidence that existed in support of the victim's report. The Sapphire Unit to which the victim was referred, also failed to ensure that she understood the questions put to her, given that her first language was not English. The matter is the subject of a complaint by SBS.

Harpreet is an Indian national who married her British national husband in February 2012 in India. At the time of the marriage, her husband told her that he was married previously but divorced. Believing this to be true, she consented to the marriage and came to the UK in September 2012, on a spouse visa. She resided with her husband in West London.

Within days of her arrival in the UK, Harpreet's husband started complaining about increases in household expenses and began to demand that she obtain money from her parents. On the first occasion, Harpreet did as she was told but on the second occasion, she refused. Around the same time, she also discovered that her husband was not divorced and that he was an alcoholic.

Harpreet's husband demanded that she bring an income by working or by prostituting herself and told her that the sole reason he married her was so that she could bring in an extra income. She was subjected to sexual abuse which escalated over time. On one occasion, Harpreet's husband tried to force her to engage in the making of a pornographic video.

In October 2012, an argument broke out between Harpreet and her husband and in response to her persistent refusals to agree to his sexual demands which she found demeaning, he slapped her. At the beginning of November 2012, following another argument, Harpreet's husband slapped her two or three times.

In November 2012, Harpreet discovered that she was pregnant but when she broke the news to her husband, he told her that he no longer wished to live with her. A few days later, Harpreet's husband carried out a sustained assault on her. He slapped her, held her by the neck, pushed her and kicked her. The assault led to a miscarriage which was confirmed by her GP.

The next day, Harpreet's husband assaulted her again and snatched her phone as she tried to call for help from a friend. He twisted her arm and in the process broke her glass wedding bangle, causing injury to her arms. Later, that night, Harpreet's husband hit her on her back with keys. He also forcibly took her gold and money. He then moved out of her flat with his belongings and told their landlord that he would not be paying rent for her anymore.

Homeless and penniless, Harpreet went to her local gurdwara (Sikh temple) for help but was told that they could not assist her. She was eventually helped by family friends who also referred her to SBS where she was encouraged to make a report of the domestic violence, including sexual abuse to the police. A few days later, an SBS caseworker accompanied her to a local police station to give a witness statement. The SBS caseworker was told that she was not permitted to be present when Harpreet was being interviewed although Harpreet had given her express consent and wanted the caseworker to be present to give her support. Nor did the police seek to obtain photographs of injuries to Harpreet that SBS had taken, although the police had been made aware of them.

The police also failed to take photographs of Harpreet's injuries which were still visible or take a witness statement from Harpreet's friends even though they agreed to give statements describing what they had seen when she first went to them for help.

Following her disclosure of sexual abuse, Harpreet was referred to the Sapphire Unit, based at a station in North West London. At the Sapphire Unit, Harpreet disclosed her experiences of sexual abuse, however, when asked if she had been 'raped' she replied 'no' and this resulted in the Sapphire Unit taking no further action. Harpreet later disclosed to her SBS caseworker that she had misunderstood the question stating that she did not know that what she had experienced was rape and sexual assault and that it was unlawful.

In early December 2012, Harpreet received a call from the police informing her that her husband had been arrested but released shortly afterwards for 'lack of evidence' and that the case had been closed. The police also informed Harpreet that her husband had alleged that she had made the report in order to obtain her immigration stay in the UK as a victim of domestic violence. Harpreet was also reprimanded for not reporting to the police earlier than she did.

SBS had no choice but to submit a complaint to the police about their failure to investigate Harpreet's report of domestic violence properly. This included their failure to consider taking witness statements from her friends, failure to take photographs or to obtain photographic evidence from SBS or to take account of evidence from her GP who had provided a report confirming his knowledge of the domestic violence. We outlined our concern at the overall failure of the police to adhere to force policies and guidelines. We submitted that the police had acted in a manner contrary to paragraph 2.17.8 of the Metropolitan Police Service, Misconduct Investigation Guide 2008, which states that: 'Every investigation should be proportionate. If it appears that an allegation can be proved, then all relevant evidence should be secured, whether it tends to support or undermine the allegation...'. To date, there has been no response to the complaint

Samira's case

Key points: The police discontinued their investigations into a report of domestic violence by the victim without a proper investigation. The police also failed to allow an SBS caseworker to be present to provide support at the time of the interview and failed to supervise an interpreter who breached professional codes of conduct.

Samira, a Pakistani national, came to the UK on a spouse visa on 3 April 2013 and lived with her husband and in-laws in West London. Soon after arriving to the UK, her husband began to verbally and emotionally abuse her. He called her names and whenever he was in a bad mood slapped her across the face. This occurred on average two or three times a week. Her husband also often threw her out of their bedroom, usually with the assistance of her mother-in-law who also on one occasion, physically assaulted her by pulling her hair.

In August 2013, Samira visited her brother in Southampton for Eid celebrations and her husband called her and told her to find a job in Southampton. She returned to her matrimonial home and both her mother-in-law and husband began to demand money

from her. She was unable to provide this and so her husband attempted to strangle her and hit her on her face, legs and hands. Thereafter, Samira was assaulted in this way on a regular basis and often sustained injuries. However she was too frightened to call the police.

In late November 2013, Samira's husband told her that he had divorced her in accordance with Islamic laws. He and his mother then threatened to kill her if she did not leave the matrimonial home. Samira was therefore forced out of her home. Homeless and destitute, she sought the assistance of SBS.

In the beginning of December 2013, with encouragement from SBS, Samira reported the incident of domestic violence and threats to kill made by her husband and mother-in-law to the police. She was accompanied to the police station by an SBS caseworker. She was initially interviewed but after a few questions, it was clear she needed an Urdu interpreter and so an interpreter was requested. The male interpreter arrived and began taking Samira's statement. At first, he did not object to the presence of the SBS caseworker, however, 10 minutes later, the interpreter asked whether the caseworker was from Southall Black Sisters and when this was confirmed, he refused to continue to take a statement from Samira. The caseworker explained that Samira wanted her presence for moral support. However, the interpreter became extremely hostile and refused to continue. The caseworker then asked the police to instruct another interpreter but the police officer merely asked the victim if she was ok to continue with the interpreter without questioning the interpreter's motives for asking the SBS caseworker to leave the room. Feeling confused and frightened that her report would not be taken seriously, the victim agreed to go ahead with giving a statement without her caseworker present.

Samira's husband was initially arrested but he denied that he had assaulted and threatened her. The police discontinued the matter on the basis of 'insufficient evidence'.

Narina's case

Key points Following an emergency call out for domestic violence, the police failed to assess the victim's needs and risk and left her at risk of further assault. A further assault on the victim led to the police being called again, but again they failed to arrest or charge the perpetrator (husband), even though they witnessed injuries sustained by the victim. The injuries were also witnessed by an independent social worker. Following a third assault on the victim, the police and CPS finally arrested and charged the perpetrator who was convicted in January 2014. The police did not communicate the outcome to the victim and she is still awaiting details of the proceedings.

Narina came to the UK as a refugee from Afghanistan in 2001 and was granted British citizenship in 2013. She has three children. She faced domestic violence from her second husband who is the father of her two younger children. Narina married her husband, a Pakistani national, in accordance with Islamic custom and joined him in the UK as his spouse. At the time, she was not aware that her husband had overstayed his visa in the UK. When Narina became pregnant with her third child, her husband tried to force her to have an abortion but when she resisted, he threw water on her face and assaulted her. She called the police but by the time they arrived, he had run away. A month later, the police found him and arrested him but did not charge him as Narina did not want to press charges.

Narina wanted to reconcile with her husband as she was very fearful of being regarded as a failure given that it was her second marriage. However, her husband continued to abuse her and on one occasion, he pulled her hair in front of her brother-in-law. When she complained to her family, she was told to put up with his behaviour and to accept the beatings. Her husband would beat her two or three times a month.

When Narina's youngest son was four months old, her husband assaulted her. She had suspected that he had a girlfriend and when she confronted him, he threw a glass of water at her and she fell on the glass which shattered and cut her. The police was called and her daughter told the police that her father beat her mother and that he abused her regularly. The police asked her husband to leave the home but did not arrest or charge him.

Narina's husband left the matrimonial home but within days, he went back and physically assaulted Narina. He punched and slapped her about the face. The police

were called once again and he was arrested and released on bail with a condition not to go near. Her face was visibly swollen when a social worker visited the property soon after the incident. Narina and her daughter both gave statements in support of criminal proceedings against her husband but a few days later, Narina was told by the police that the matter was discontinued due to 'lack of sufficient evidence'. They stated that it was 'her word against his'.

On 23 October 2013, Narina was assaulted yet again in the presence of her children and the police were again called. On this occasion, the police arrested and charged her husband. He was found guilty of assault at Uxbridge Magistrates Court in December 2013 and was sentenced on 7 January 2014. However, she is awaiting confirmation of this development and of details of the proceedings.

Priyantha's case

Key points: Despite a history of considerable violence against the victim by the perpetrator (husband) including a forced termination of pregnancy, some of which was witnessed by independent witnesses, the police discontinued the investigations following an initial report due to "lack of evidence".

Priyantha is young woman of Sri-Lankan origin. She married her British national husband in Sri Lanka and came to the UK to join him in September 2011. She lived with her husband in London in one room in a house shared by other tenants and their landlady.

Throughout her marriage, Priyantha was frequently raped and sexually abused by her husband. It took her some time to recognise that her husband's conduct amounted to unlawful acts of rape or sexual assault.

In mid-October 2011, Priyantha discovered that she was pregnant, but when she told her husband, he became agitated and began to threaten her. He told her to either go back to Sri Lanka, something she could not do for fear of being ostracised as a divorced woman, or have an abortion. She was horrified by the thought of having an abortion as it went against her religious and cultural beliefs. For several days Priyantha's husband subjected her to a tirade of emotional, verbal and physical abuse. He frequently told her to 'get rid of the virus', (referring to her pregnancy). He

also forbade her from speaking to her family in Sri Lanka. She became increasingly isolated and fearing that she had no option, agreed to terminate her pregnancy.

In October 2011, with the assistance of her landlady, Priyantha registered with a GP and requested assistance in terminating her pregnancy. But the GP refused to assist her. When she told her husband about the refusal, her husband became angry and assaulted her. He slapped her several times across her face, attempted to strangle her and threatened to send her back to Sri Lanka so that she could have the abortion. Priyantha's landlady overheard the argument and offered to assist her. In December 2011, she attended a London hospital and had her pregnancy terminated.

Following the abortion, the violence and abuse experienced by Priyantha intensified. Her husband moved her belongings out of their bedroom and made her sleep on the floor in a communal area in the house. On one occasion, he smashed her mobile phone and attempted to strangle her with his belt. He also took a photo of the belt around her neck and threatened to send it to her family in Sri Lanka and claim that she was suicidal.

In August 2012; unable to tolerate the abuse and isolation that she was experiencing, Priyantha asked her relatives to intervene and persuade her husband to change his behaviour towards her. In September 2012, her uncle and several family members visited the matrimonial home. However, during the meeting her husband became angry and aggressive. As a result the police were called and Priyantha's husband was arrested. Priyantha gave a statement of her history of domestic violence. At the same time, she left the matrimonial home and temporarily resided with her uncle and began divorce proceedings.

A few weeks later, Priyantha was informed by the police that their investigations were discontinued due to 'lack of evidence'. No further reasons were given.

Navdeep's case

Key points: Despite a considerable history of domestic violence from the perpetrators (husband and in-laws) including an attempted suicide, the police discontinued the investigations following a report of domestic violence without providing adequate reasons.

Navdeep is an Indian national who married her British national husband in April 2010. Following the marriage, Navdeep's husband stayed with her in India for four weeks and then returned to the UK. Around this time, she discovered that she had been misled about her future family. For example, she noticed that in the UK, the marital address was in fact not that of her husband but that of her sister-in-law. When she questioned her mother-in-law about these and other discrepancies, she was reprimanded for asking questions.

In January 2011, Navdeep arrived in the UK and went to reside with her husband and mother-in-law at the marital home. From the outset of her married life in the UK, her husband and mother-in-law excluded her from the family and were secretive about their actions. She was not allowed to listen or participate in their conversations. For reasons not explained to her, Navdeep's husband received correspondence at his sister's address and she was directed to do the same.

Navdeep's mother-in-law was very controlling and treated like a domestic servant. She was expected to complete all the household chores in the early hours of the morning and was constantly criticised for taking too much time when cooking and cleaning.

Navdeep's husband stayed at home all the time and seldom socialised with anyone other than his immediate family members. He seemed disinterested in Navdeep and in family life in general. He became obsessive in his behaviour which she found bizarre and unnerving. Navdeep suspected that her husband had a drug habit as he smoked a substance which affected his daily activities and sleeping patterns. He also moved into her mother-in-law's bedroom and spent entire nights playing with various electronic games.

Navdeep managed to find employment and started working six days a week in a food packing factory. However, she was forced to hand over her wages to her mother-in-law and was only allowed to keep a small allowance for her own personal expenses. Later, her wages were directed into her husband's bank account to which she did not have any access.

In September 2013, Navdeep's mother-in-law assaulted her for answering back during an argument about money. Thereafter, Navdeep's mother-in-law' subjected Navdeep to increasing levels of violence and abuse. She often expressed regret

about Navdeep's marriage to her son and made derogatory comments about her inability to conceive. Navdeep's husband also expressed uncertainty about the marriage and on many occasions threatened to have her deported. Navdeep lived in a constant state of anxiety and uncertainty due to her husband's contradictory and unpredictable behaviour.

On one occasion in September 2013, Navdeep's mother-in-law and husband told her that they were sending her back to India and demanded that she leave her employment. Navdeep refused to do this and in response her husband assaulted her. He dragged her down the stairs by her arms and slapped her. Following this incident, she was locked in the home whenever her husband and in-laws went out. Her husband and in-laws would also take the cordless landline phone with them to prevent her from having any contact with the outside world.

In mid September 2013, Navdeep's husband tried to rape her several times. He told her that he wanted to 'ruin' her before sending her back to India. Towards, the end of September 2013, during a family gathering, Navdeep overheard family members plotting to send her back to India. In a state of panic and desperation, Navdeep attempted to kill herself by taking an overdose. Her in-laws called an ambulance and she was rushed to hospital but she was told not to disclose her experiences of abuse.

Navdeep was discharged from hospital two days later but as she had nowhere else to go, she returned to the marital home. However, the violence and abuse that she was subjected to continued. Her mother-in-law taunted Navdeep about her attempted suicide and encouraged her to take another overdose. She was forbidden from having any outside contact and was forced to cook her food separately. Unable to tolerate the abuse and isolation, Navdeep managed to flee from her husband and his family and eventually found her way to SBS.

SBS assisted Navdeep in making a report of the violence and abuse that she had experienced to the police. However, Navdeep felt unable to disclose her experiences of rape and sexual abuse to the police because all the interviewing officers and the interpreter were male. She felt ashamed and inhibited from talking about the full extent of her experiences of domestic violence.

Despite giving a detailed statement of incidents of abuse and violence to the police, a few weeks later, the police informed Navdeep that they had discontinued the investigation but no reasons were given. On 27 November 2013, SBS wrote to the Metropolitan Police requesting detailed reasons for the discontinuance.

Rashida's case

Key points: Despite a considerable history of domestic violence which put the victim in the 'high risk' category, the police refused to investigate her report of violence or consider arresting her perpetrators (husband and mother-in-law). Their refusal was based on a 'lack of evidence'. The victim's husband was only given a verbal warning.

Rashida is a Pakistani National who arrived in the UK in July 2010 to join her husband (an EEA National). Following her arrival, Rashida resided at the marital home in West London with her husband and in-laws who subjected her to increasing levels of control and domestic violence.

Within a few days of her arrival, Rashida's mother-in-law forced her to do the housework for the entire extended family, which consisted of more than 10 family members. She monitored Rashida's every movement and would not let her go out of the house unaccompanied. She also constantly criticised Rashida for not performing the household chores to her standards and generally encouraged other family members including Rashida's father-in-law to do the same. Due to her mother-in-law's hostile behaviour, Rashida felt isolated and became increasingly anxious about her position within the family.

Over time, Rashida's husband attitude towards her also changed; he became rude and aggressive and frequently subjected her to verbal, physical, financial and emotional abuse. He refused to give her any money for her personal expenses and despite repeated requests, did not allow her to work so that she could be financially independent.

In mid November 2010, during the festival of Eid, Rashida's husband had an argument with her and in anger broke his laptop and threw a part of the broken laptop at her, hitting her arm. On another occasion, in December 2010, Rashida's husband splashed her face with cold water in order to wake her up from sleep to do the household chores. In January 2011, whilst Rashida and her mother-in-law were

cooking, her husband went to the kitchen and during a conversation with Rashida became angry. He grabbed the kitchen knife and pushed Rashida onto the floor and held the knife against her face, threatening to slice off her tongue. On yet another occasion, in March 2011, reacting to a complaint made by her mother-in-law, Rashida's husband dragged her down the staircase and asked her to apologise to his mother.

Rashida's husband often threatened Rashida with further violence if she disclosed her experiences to anyone outside her family. She remained terrified of her husband but on two occasions in July and August 2011, when the opportunity arose, Rashida disclosed her experiences of violence and abuse to her parents. On the first occasion, her husband found out about her complaint to her parents and subjected her to verbal and physical assault. He shouted and screamed at her, slapped her and pulled her hair. He also threatened to throw her out of the house and to divorce her if she spoke to her family again. On the second occasion, Rashida's husband confiscated her mobile phone. He also forced her to give him her password relating to her email ID.

Sometime in September 2011, Rashida discovered that she was pregnant and in response, her husband tricked her into returning to Pakistan. Once there, he refused to bring her back to the UK.

In November 2011, when she was three months pregnant, Rashida managed to return to the UK. Upon reaching the airport, she contacted her husband who told her that he had divorced her in her absence. In a state of distress and confusion, Rashida contacted a family friend, who agreed to collect her from the airport and to accommodate her temporarily.

With the help of her friend, Rashida managed to obtain assistance from a number of agencies. In November 2011, Rashida was referred to SBS via Ealing MARAC. She had been identified as a 'high risk' victim of domestic violence.

In January 2012, with the help of SBS, Rashida made a report of her experiences of domestic violence to the police. But instead of investigating the matter, her husband was merely given a verbal warning. The police refused to arrest him due to 'insufficient evidence'.

5. 4. Cross allegations leading to discontinuance of investigations

The cases cited above show how with alarming regularity initial reports of domestic violence are simply not investigated or are investigated in a cursory manner and then dropped due to 'lack of insufficient evidence.' However, another sub set of cases that have come to SBS' attention, involve the discontinuance of police investigations based on nothing but cross allegations made by the perpetrators but in the absence of any proper investigation into the initial report of domestic violence. This theme is dominant in the cases outlined below:

Zaheen's case

Key points: The victim was subjected to a sustained assault by the perpetrator (mother-in-law) but the matter was not pursued by the police. However, an allegation of assault from the victim's mother-in-law led the police to arrest the victim. The victim was threatened with handcuffs and taken to the local police station. She was seen by a doctor at the request of the police due to injuries she had sustained during the assault on her by her mother-in-law. The victim was kept overnight and for the majority of the next day in a police cell. She was eventually interviewed by the police but was told that her mother-in-law had photographs of scratches and marks that she had made when assaulting her. The police ignored the evidence of injuries sustained by the victim as well as her account of the incident and the history of domestic violence that she had been subjected to for over 10 years by her husband and in-laws. The police told the victim that they did not believe her and bailed her to return later to be charged. The matter was eventually 'discontinued due to lack of evidence'. The heavy handed police response left the victim distressed, shaken and traumatised. She now has no trust or confidence in the police.

Zaheen is a Pakistani national who was married at the age of 16 years to her British national husband. Four weeks after the marriage, she joined her husband in the UK. She resided in the matrimonial home with her husband, father-in-law and mother-in-law. In the initial stages of her marriage, she did not experience any significant problems, although her mother-in-law often subjected her to verbal abuse, which involved insulting and swearing at her.

However, 5 years into her marriage, Zaheen was subjected to physical violence initially from her mother-in-law but later from her husband and other in-laws. Her

mother-in-law was very manipulative; she often encouraged Zaheen's husband to beat her by telling him that Zaheen was answering back, disobedient and rude. Zaheen's husband never supported her against her mother-in-law.

On one occasion, in the presence of her husband, her father-in-law attempted to strangle her. Her husband did not try to stop his father

The first time that Zaheen's husband hit her was when she returned home after having taken her son to hospital for a hearing test. Her mother-in-law began to argue with her complaining that she had not told her about the appointment. She then encouraged Zaheen's husband to hit her. Zaheen's husband pulled her hair and threw her on the sofa and started to slap her and was joined in by her mother-in-law who also told Zaheen's husband to call the police and to divorce Zaheen. Zaheen was then pushed out of the house and as a result was forced to spend several hours in a local park as she had nowhere else to go. She eventually managed to plead with her in-laws to allow her back into the house.

Following this incident, Zaheen was subjected her to escalating levels of abuse and violence. Her mother-in-law often put her index finger near the bridge of Zaheen's nose and pushed her back whilst verbally abusing her. On one occasion, she pushed Zaheen into a radiator causing her to injure herself. On other occasions, Zaheen would find herself surrounded by her husband, mother and father-in-law who would all hit her and push her head against the wall. She was verbally and physically assaulted by all three at least once a week. She was also frequently thrown out of the matrimonial home in order to be 'taught a lesson' and was only permitted to return after she had 'apologised'. Zaheen's mother-in-law also tried to turn her children against her.

Zaheen was forbidden from disclosing the violence to anyone and was threatened with being thrown out of the matrimonial home permanently if she did so. Zaheen kept silent even though she lived in fear.

In August 2012 following an argument, Zaheen's mother-in-law began to slap her and push her. She was thrown onto the sofa in the living room and repeatedly hit by her mother-in-law and children who pulled her hair and kicked her. Whilst hitting her, her mother-in-law told her to leave the house and asked Zaheen's husband to call the police. Zaheen was unable to see who was hitting her as her head was being held

down, making it difficult for her to breathe. Five minutes later, Zaheen managed to get up and run into the hall way. Her mother-in-law followed her and started to hit her on her back and her head with a phone that she was holding. As a result, Zaheen suffered a number of injuries including a bruised eye. Her mother-in-law called the police and taunted her by saying that the police would not listen to her.

Two police officers attended the home and asked Zaheen's mother in law questions and also spoke to her children. Zaheen was upstairs in her bedroom at the time. An officer then went upstairs and spoke to her. Zaheen's mother-in-law complained that Zaheen had been hitting her and even though Zaheen tried to explain that her mother-in-law had in fact assaulted her, the police did not believe her. Zaheen tried to give an account of her history of domestic abuse but the police asked her why if that had been the case, she had not called the police before and why it was that her mother-in-law had contacted them. The police told her that she was being arrested even though she was visibly injured, bleeding and covered in bruises. They told Zaheen that she would be handcuffed if she did not co-operate with them.

At the police station, Zaheen was seen by a doctor called by the police and given pain killers. She remained in a police cell and was given medication every two hours. The police did not take any notice of clumps of Zaheen's hair which had been ripped out by her mother-in-law during the assault on her and which was lying on the floor. Zaheen remained in the police cell for the night and for most of the next day. She was then interviewed in the presence of a solicitor but was told that she would not be believed since her mother-in-law had photographs of scratch marks to her neck and arms. The police took no notice of her account of domestic violence and instead told her to go home and to 'apologise' to her mother-in-law. She was told that she was being released on bail with conditions attached and that she had to return to the police station as she was going to be charged at a later date.

Zaheen was very distressed, anxious and tearful when she made contact with SBS. She was at pains to show us that she was not lying She was shaking uncontrollably and it was clear that she was visibly traumatised by her experience. The matter was eventually discontinued due to 'insufficient evidence'.

Anita's case

Key Points: The police made no attempt to undertake a proper investigation into the victim's report of domestic violence and this led directly to a further assault on the victim by the perpetrators (husband and in-laws) However, the police readily accepted a cross allegation made by the perpetrators who told the police that the victim had 'mental health problems'. No attempt was made to properly assess the credibility of the cross allegations. The basis on which police made their decisions was not transparent. There appeared to be no recognition of domestic violence suffered by the victim and therefore no assistance offered. A complaint about police handling of the matter was made by SBS but this was dismissed on the grounds that the police response was 'adequate'. The matter was appealed to the IPCC and the complaint was upheld in part. The IPCC concluded that more could have been done in terms of the overall handling of the report of domestic violence and that a more informed decision by the Metropolitan Police could have been taken if they had applied themselves properly. It stated that had the cross allegation been considered within the overall history and context of domestic violence, a different outcome may have resulted. The IPCC also advised that it would have a meeting with the Metropolitan Police to monitor progress/implementation of domestic violence policies. We do not know if the IPCC monitored the Metropolitan Police in respect of its progress (if any) or implementation of domestic violence law and policies.

Anita, is a British national who married her British national husband in July 2010. Following her marriage, she moved into the matrimonial home in the East Midlands, consisting of her mother-in-law, father-in-law and husband. From the outset of her marriage, she experienced considerable control and abuse from her in-laws in particular. They also isolated her from her friends and family.

By October 2010, Anita's husband also began to physically abuse her. His violence increased over time. On one occasion, he pushed her with considerable force into a door and on another occasion in February 2011, he assaulted her; by punching her arms with his fists which left bruise marks. Anita took photos of these bruises. The worst incident of physical abuse occurred in July 2011, when Anita's husband punched her hard and tried to push her down the stairs. She was saved by her mother and sister-in-law who managed to stop her husband.

One evening in September 2011, Anita was assaulted by her father-in-law and thrown out of the house. She was told not to return. She reported the incident and her experiences of domestic violence to the local police in East Midlands. However, she was told that as it was the father-in-law's house, 'he had the right to remove her from the property'. She was also told that the police could not investigate her complaint as she had not reported domestic violence incidents previously. In distress, Anita contacted her brother who resides in the UK who went to her home and took her away that same evening.

Following this incident, Anita made several attempts to recover her property and belongings from the matrimonial home. She tried to obtain assistance from the police as she was afraid of violent reprisals but the police refused to assist her.

In December 2011, Anita instructed solicitors to liaise with her husband and in-laws in order to arrange a date when she could return to the matrimonial property to recover her belongings. A date was arranged in January 2012 but when she arrived at the matrimonial home, she was verbally abused and threatened by her husband and members of his family. Frightened that the matter would escalate into violence, Anita's brother who had also accompanied her called the police from the London area where she was now residing. He asked for assistance so that they could retrieve her belongings safely.

At the matrimonial home, Anita was advised by the Metropolitan Police to stay out of the property whilst they instructed her husband and his family to bring her belongings to the front door. The family brought only a few items of her belongings.

Thereafter, Anita made several attempts to report her experiences of domestic violence to the Metropolitan Police, including a report of theft against her husband and in-laws for retaining some of her belongings. On each occasion, no action was taken.

Anita was also forced to make a report of harassment from her husband who had by then, taken to writing to her children's schools making allegations about her state of mental health. He also sent malicious letters to her employers alleging that she had mental health problems. Although the police took an initial statement from Anita, in May 2012, she was informed by the Metropolitan Police that they would not be

investigating the matter further. Anita was advised that her husband had 'valid reasons' for writing the letters to her children's school which they could not disclose to her. She was also informed her that the police would not be investigating her reports of domestic violence as they operated a policy stating that no domestic violence incident of more than 6 months old would be investigated.

Anita was left angry and bewildered by the police response. A formal complaint about the actions of both police forces including the decision to discontinue her report of harassment was therefore made by SBS on Anita's behalf. We submitted that no attempts had been made by either the East Midlands or the Metropolitan Police to take her reports of domestic violence and harassment seriously. We outlined our concerns about the discontinuance of the investigations into Anita's reports of domestic violence and harassment by the Metropolitan Police which had been justified solely on the basis of an account given by Anita's husband. We expressed our alarm at the manner in which the Metropolitan Police had accepted her husband's allegations of her so called mental health problems without assessing the credibility of the allegations. No attempt had been made to investigate the matter or obtain further evidence in support of her account of domestic violence of which the continuing harassment was a symptom. Yet a decision had been made about her complaint based entirely on her husband's account of her state of health.

Anita's complaint about the Metropolitan Police was dismissed by the Metropolitan Police but it then became the subject of a further appeal to the IPCC which upheld the complaint in part. The IPCC stated that Anita's report of harassment at her children's school and workplace should have been considered in the context of her report of domestic violence and that assaults on her should have been considered so that a more informed decision as to whether or not to take action could have been considered. The IPCC also stated that as part of its role, its recommendations would be discussed with the Metropolitan Police at a future meeting, in order to monitor progress/implementation.

At the time of the IPCC response, the police in the East Midlands had not reported back on its own investigations. Anita is still waiting for a response from East Midlands Police.

5. 5. Failure to act on the breach of court protection orders

Failure to take effective action by the police also extends to those cases where women have obtained court protection orders. Despite the fact that a breach of a non-molestation order is a criminal offence, we are frequently witness to a complete failure by the police to act on such breaches. This is highlighted by the following cases:

Harinder's case.

Key Points: Following a report of domestic violence by the victim, the police arrested and charged her perpetrator (husband) for domestic violence and rape. This led to a conviction for assault and a restraining order was imposed. The victim also obtained a non-molestation order. The police then failed to act on the perpetrator's continuing breaches of the restraining and non-molestation order.

Harinder is Afghanistani in origin. She moved to the UK with her mother in October 2010 and was granted refugee status until 2016. Harinder and her mother reside with Harinder's sister who is widowed. The entire family receives therapeutic support from the Helen Bamber Foundation, a medical centre for victims of torture.

In July 2012, Harinder married her British national husband in a religious ceremony in a local gurdwara (Sikh temple). Her husband persuaded her to postpone the civil marriage ceremony which subsequently never took place.

Following the marriage, Harinder went to live with her husband and in-laws in West London. This included her mother-in-law, father-in-law, sister and brother-in-law.

Following marriage, her husband's behaviour changed. He became verbally abusive and controlling. She was raped on the first night of her marriage and thereafter on a regular basis. She was also stopped from attending college or from going out of the house. She was expected to obey her husband and was prevented from having any independence. She was not given any money and was put under pressure to conceive.

Harinder's husband also started to hit her on a regular basis. In December 2012, she discovered that she was pregnant but when she told her husband, he beat her. He

pushed her, grabbed her hair and told her that he didn't care. During the assault, she called out to his parents to help her but they took his side. That same night harinder's husband punched her in the face. Harinder ran downstairs but he followed her with a knife and began to threaten her. She ran out of the house and went to her neighbour who called the police. Her husband was arrested and cautioned.

Following this incident, Harinder was hospitalised for a few days but when she was discharged, her in-laws refused to collect her. There followed a family meeting to effect a reconciliation. Harinder was forced to return to the marital home. However, the ill-treatment towards her intensified; her husband and in-laws stopped giving her food and subjected her to cruelty and neglect. The food was largely kept in the garage which was locked. She was forced to eat at the local gurdwara whenever she was hungry.

Eventually, unable to tolerate the abuse, Harinder fled her home and returned to live with her mother and sister. However in March 2013, her husband went to her mother's home and assaulted her. He punched Harinder in the stomach and slapped her face. The police was called and Harinder gave an account of the incident and her history of domestic and sexual violence in general. Her husband was arrested and in June 2013, he was found guilty of assaulting Harinder. He was given a 6 month prison sentence, suspended for 2 years and a community sentence was also imposed. He was also subject to a 2 month curfew which prevented him from having any contact with Harinder. He was also ordered to pay her £200 in compensation as well as court costs. The trial for the rape will take place in May 2014.

Around the same time, Harinder also obtained a non-molestation order against her husband though he was already subject to a restraining order as a result of the criminal proceedings.

In October 2013, Harinder was in a car with a friend when they noticed that her husband was following them in his car. They found it difficult to lose him. Harinder's husband harassed her in this way on a number of occasions, forcing Harinder to report his behaviour to the police. However the police told her that he was just attempting to 'intimidate' her. They took no action for his breach of the non-molestation or the restraining order.

Sunita's case

Key points: The police misled the victim about their powers to arrest and charge the perpetrator (husband) following an assault and damage to her furniture. No risk assessment was undertaken and no advice given to the victim. The victim separated from her husband but he continued to harass and stalk her. The police took no action in respect of her reports of harassment and so the victim obtained a non-molestation order. However, the police then misled the victim in respect of their powers to enforce a breach of the non-molestation order by her husband. There was an overall failure to look at the pattern of harassment that took place involving the victim and others close to her. No attempt was made to link various incidents of harassment or locate them within a history of domestic violence to the victim. Instead each act of harassment was seen as an isolated event involving separate victims.

Sunita was married to her British national husband on 3 October 1992. Her husband had a daughter from a previous marriage and two children (a girl and boy) with Sunita. Her son suffers from Asperger's syndrome.

Following her marriage, Sunita discovered that her husband was incompetent in managing his finances and was in huge financial debt. As a result they had many arguments over money. However, during these arguments, Sunita's husband frequently became angry and aggressive and damaged household items.

In 1996, during an argument about money, Sunita's husband put his hands around her neck in an attempt to choke her. She called the police but they stated that they could not pursue the matter as it was of a 'domestic nature' and that it merely signified 'a deterioration of their relationship'.

Following the birth of her second daughter, Sunita's husband became even more aggressive and controlling. He often sexually forced himself on her and would constantly monitor her friendships and all her movements outside the home including at work. He demanded to know where each of her friend's lived and would check her mobile phone usage to discover who she had been in contact with and when. He would send her messages and lose his temper if he did not receive an immediate response. Due to the extent of the abuse, Sunita was unable to cope and in November 2012 took sick leave from work.

In January 2013, Sunita's husband accused her of having affairs and during the argument, threw a bottle of rum at her and smashed a coffee table. Pieces of glass hit her son's leg, which resulted in a cut. Sunita's husband stood over her in an intimidating manner and kept insisting on taking her mobile phone. Sunita called the police but before they arrived her husband tidied up the glass and left the marital home.

When the police arrived, they took an initial report from Sunita and went in search of her husband. Having found him, they spoke to Sunita and to her husband separately. However, they told Sunita that there were unable to pursue charges against her husband. Sunita pointed out her son's injuries but was told that they were only 'surface cuts'. The Police also told her that as her husband had 'damaged his own property' they could not do anything about it. They then told her husband to leave the house for 24 hours in order to 'to cool off'. He returned the next day and the abuse continued.

In February 2013, a meeting took place between Sunita's family and her husband's family in order to resolve their marital issues. However, Sunita's sister advised her to leave the marital home for her own safety. Sunita took this advice and went to stay with her mother. However, given her son's condition and her daughter's schooling, she decided to temporarily leave her children at the marital home with their father.

Following the separation, Sunita's husband continued to send her various abusive text messages calculated to intimidate and humiliate her and to instil fear in her. As a result, Sunita was forced to see a psychologist and was advised to obtain counselling. In the meantime, Sunita was forced to return to the marital home to support her daughter during her exams in May and June 2013. Sunita did however take precautions by putting a lock on the door of the spare bedroom door in which she stayed most of the time. She left the marital home when the exams were over. Her children did not want to go with her as they were unhappy about leaving their home. Sunita found it difficult to move them, especially her son who is autistic He does not like change and has a room in the martial home that is set up for his needs.

Following the separation, Sunita's husband continued to torment her by sending her text messages accusing her of having affairs. On several occasions he harassed her by leaving abusive messages and by stalking her whenever she went out. On one

occasion, he showed a photo of a male friend to her mother and neighbours and accused her of having an affair with him. He also continued to verbally abuse her.

Eventually, in July 2013, Sunita obtained a non-molestation order against her husband which prevented him from harassing or abusing her directly or indirectly. However, as soon as the order was served on him, Sunita's husband breached the order by using his son's phone.

Sunita made a series of reports about her husband's constant harassment of her to the local police but no action was taken. She was advised to stay at her mother's home and told that there was 'minimal evidence' to prove the text messages that she received came from her husband as he had used various pay as you go numbers. However, it was clear that the content of the messages were directed at Sunita and contained references and information that Sunita believed could only have come from her husband. Despite this, the police stated the non-molestation order that she had obtained could not be enforced.

Abusive messages were also received by Sunita's friends and by her aunt, all of whom made reports to various police stations. However, all the police forces have treated the reports as separated and isolated incidents. There has been no attempt to link the incidents of harassment or to locate it within the context of Sunita's history of domestic violence. No attempt has been made to enforce Sunita's non-molestation order which prevents the perpetrator from directly or indirectly interfering with Sunita.

Gagandeep's case

Key points: The victim had suffered repeated domestic violence for over 10 years at the hands of her perpetrator (husband) who is an alcoholic, has mental health problems and is disabled. Following a particularly vicious assault on the victim, the police were called and the victim's husband was arrested and charged with assaulting her. He was convicted and a community sentence was imposed. He then suffered an accident as a result of which he became disabled. The victim's husband continued to directly and indirectly harass and abuse the victim and her daughters. The police were often called but failed to take action citing his disability. The victim was forced to obtain a non-molestation order but the police refused to take criminal action or act on breaches of the order which included threats to kill and assault. Again the police cited the husband's disability for their inaction. Following persistent

questioning from the victim and intervention from SBS, the police agreed to act but then drew back stating that convictions were difficult to secure where non-molestation orders existed and where parties still lived in the same household. Later, following questioning, the police argued that they could pursue criminal charges but could not act in respect of the breach of the non-molestation order as 'it would impact on the perpetrator's human rights'. The case has not been progressed in respect of the breach of the non-molestation order or criminal matters.

Gagandeep, a British national married her Indian national husband in November 1991. He was granted permanent stay in the UK in 1993. Gagandeep experienced physical and verbal abuse from her husband throughout the marriage. In 1997 her husband was diagnosed with manic depression and started drinking heavily. His drinking continued for many years. He also began to physically abuse Gagandeep. In 1997, Gagandeep's husband was sectioned by the local mental health hospital for a period of 30 days and thereafter he was sectioned on several occasions.

Gagandeep was first physically assaulted by her husband in 1997. Her husband was drunk and he hit her on her head. This frightened Gagandeep and so she spoke to her parents about the incident but was advised by her father to stay in the relationship and to try and make it work.

From 1997 to 2008, Gagandeep's husband subjected her to physical, sexual and mental abuse on a regular basis. Sometimes (when he stopped drinking) their relationship improved but if she did not agree to his demands, especially for sex, he would get angry and become abusive.

In December 2007, Gagandeep experienced the worst incident of physical abuse. Her husband had been provoking her throughout the day and was looking for a reason to have a confrontation with her. She left the matrimonial home and went to her sister-in-law's house which was located on the same road. Her husband followed her to her sister's house and chased her up the stairs. When she tried to go back down the stairs, he pushed her on the floor and kicked her in the stomach and head. Her mother-in-law and sister-in-law had to intervene to prevent him from hitting her.

Gagandeep called the police and they arrested her husband. He was placed on bail with the condition that he stayed away from the matrimonial home. On this occasion,

he was charged and convicted of assaulting her and given a fine of £190 and told to do 180 hours of community service.

In October 2008, Gagandeep's husband went to India and was involved in an accident which led to paralysis in both of his legs. He was and remains wheelchair bound. Gagandeep felt safer for a short period after the accident believing that her husband was no longer physically capable of assaulting her.

Following his return to the UK, Gagandeep's husband's behaviour improved but in May 2012, his attitude towards her and her three daughters changed. He subjected them to considerable emotional cruelty. On one occasion, following their return from holiday, her husband and his nephew threatened to kill her youngest daughter. As a result of this incident, both Gagandeep and her daughter became anxious and distressed and all her daughters were given counselling which was arranged by their school.

By this time, Gagandeep had filed for a divorce and made a complaint to the police but was told that they could not do anything as her husband was disabled. She was advised to leave the property with her children. This was not something that Gagandeep could afford to do for lack of finances and also because she did not wish to uproot her children from their school which had been very supportive. Gagandeep attended SBS and was assisted in obtaining a non-molestation order and referred to the local MARAC. SBS also liaised with social services to arrange alternative accommodation for her husband.

In June 2012, Gagandeep's husband threatened to kill her. He swore at her and told her eldest daughter, that he was going to get her mother killed. As a result of the threat, Gagandeep went to the local police station to report her husband. She showed them her non-molestation order. However, the police did not make a report or investigate the matter. Gagandeep's husband continued to verbally abuse and threaten her.

In August 2012, Gagandeep's husband again made threats to the children. He told one of his daughters that he was 'going to 'smash her face in' and then he hit her on her shoulder. Gagandeep again called the police as advised by Social Services and officers from the local police station attended the matrimonial home. However, the officers did not question her husband about hitting her daughter and instead notified

Gagandeep that they did not have disability facilities at the station and could not therefore arrest him.

That same day, Gagandeep overheard her husband offering someone £10,000 over the telephone to have her killed. One of her daughters also overheard the conversation and she told a friend who contacted the police.

Officers from the same local police station attended the property and spoke to Gagandeep's husband who denied the allegations. He pointed to himself and said that he was a 'paralysed man' and 'not capable of making such threats or arrangements'. The attending officer did not check his phone or consider carrying out any investigations. He did however give Gagandeep a reference number and stated that he would link the latest incident with the previous incidents. He then went away without offering any further support or advice. Gagandeep was dissatisfied with the police response on both the occasions that she called them.

The next day, Gurpreet informed her GP of the death threats and her GP referred the matter to the local hospital so that a mental assessment of her husband could be made. The following day, a mental health team attended Gagandeep's home but advised that her husband did not have any mental health problems and stated that his actions were 'understandable' given that he was paralysed. On the same day, Ealing Adult Social Services also attended Gagandeep's home to discuss her husband's care package. She informed them of the death threats made by her husband and they told her that temporary accommodation could be arranged for her husband if he agreed. Her husband declined their offer.

Gagandeep then attended SBS for support and advice regarding her reports to the police. An SBS caseworker contacted the police to obtain further information as to what action if any, they were taking in response to Gagandeep's reports of domestic violence and threats to kill made by her husband.

The police informed the SBS caseworker that they had decided against arresting Gagandeep's husband as he was 'wheelchair bound' and because they did not have disability facilities at the police station. Gagandeep had to remind the police that her husband had no problems getting into a taxi to go to the County Court when she obtained a non-molestation order. The police then informed Gagandeep that they would contact her husband to voluntarily attend the police station in a taxi and that if

he did not, they would make arrangements for him to attend the station. They informed Gagandeep that they would act on the breach of the non-molestation order and advised her to keep a record of any further abuse and breaches of the order.

SBS was told that the police would invite Gagandeep and her daughter to make an additional statement if needed. However, the police then contacted the SBS caseworker and said that they had informed Gagandeep that they could not act on the breach of the non-molestation order. Gagandeep was told that 'where a non-molestation order is in place and the parties continue to live in the same household it is hard to secure a conviction'. The SBS caseworker had to point out that there were other witnesses, namely Gagandeep's daughter in the house at the time that Gagandeep's husband made the threats and that she had been greatly distressed by what she had overheard.

In September 2012, the police advised Gagandeep that they were charging her husband with two counts of assault. Thereafter, no further action was taken by the police and the investigating officer could not be contacted despite repeated attempts made by SBS to obtain more information. Gagandeep's husband had by this time breached the non-molestation order at least three occasions. SBS also faxed signed letters of authority from Gagandeep, requesting that the police disclose information on the progress of their investigations to SBS. Despite requesting a transfer of the matter to the local police community safety unit, no action was taken. .

Eventually, a month later, Gagandeep's caseworker managed to obtain some information from an administration worker at the police station who informed her that the matter had not been allocated and so the case had not been progressed. She could not explain why the case had not been allocated.

Towards the end of September 2012, an SBS caseworker managed to speak to the police and was informed that the police were waiting to interview Gagandeep's husband following his arrest for Actual Bodily Harm. When asked why he was not also being arrested for breaching the non-molestation order, she was told that as the perpetrator was disabled, he was not being arrested for the breach as 'it impacted on his human rights'. Gagandeep was then assisted by SBS in obtaining an occupation order against her husband.

Since December 2013, Gagandeep has been waiting for the police to inform her of what action if any they have taken in respect of the breach of the non-molestation order.

5.6 Detaining, arresting and charging women who report domestic violence

One of the most alarming trends to have emerged out of our casework is the criminalisation of women who report domestic violence.

Our casework experience reveals that often women who report domestic violence are themselves detained in police cells, arrested, cautioned and even charged as a result of cross allegations made by their perpetrators. What is particularly striking about these cases is the willingness of the police to listen to perpetrators' accounts of 'assault' and 'theft' even though there is no other corroborating evidence available. Yet women who report domestic violence are often told that the police cannot take action because it is only 'their word against that of her perpetrator'. Their reports are routinely dismissed due to 'insufficient evidence'. (See above)

The cases outlined below show how a lack of evidence did not prevent the police from pursuing criminal proceedings against women who reported domestic violence in circumstances where they were clearly the victims of domestic violence. The contrast could not be starker. For example, women are cautioned and given warnings when perpetrators are not. At other times, when women have refused to allow perpetrators to collect their belongings without the presence of the police, they are charged with 'theft' on the basis of allegations made by their perpetrators. Yet when perpetrators have retained their belongings, it is not treated as theft, as in the case of Anita and Nawal above. They are told that the retention of their belongings are 'civil matters' that do not fall within the proper remit of police work. In other cases, based on nothing but allegations of assault, women are detained and charged. Interestingly, women are often arrested for various degrees of assault even if they amount to nothing more than pushes and minor injuries, usually inflicted in self-defence during the course of an assault on them. (See also Foolan's case above). But when women report assault and suffer injuries, they are dismissed as 'surface cuts' only and recorded as 'domestic disputes' or 'non-crimes'. The police response suggests that individual officers exercise their powers on the basis of their whims and views and not in accordance with the law, force guidance, best practice or policy. Needless to say such responses by the police are completely arbitrary and amount to cruel, degrading and inhuman treatment since it serves to re-traumatise and re-victimise women who are already vulnerable and often trapped in abusive relationships.

Evidence from women's domestic violence organisations around the UK also suggests that this is not an experience unique to our users. Women in other parts of the UK have been met with a similarly oppressive police response.

Amisha's case

Key points: The police failed to speak to the victim or to take seriously her account of domestic abuse when attending an incident. There was a complete failure to properly assess the victim's report or to locate it within her history of domestic violence. Instead based on a cross allegation of assault by her husband and in-laws, the victim was arrested, detained overnight, charged and eventually cautioned. There was also a failure to investigate or assess the credibility of the cross allegation. In addition, the police failed to supervise a police interpreter who breached professional codes of conduct by advising the terrified victim who did not know her rights, to accept a police caution in relation to the charge of assault against her husband. The victim was re-arrested when her husband made further allegations about her and given a warning. Throughout the case, no action was taken in respect of the victim's initial reports of harassment and abuse by her husband and in-laws.

Amisha is an Indian national who married her British national husband in February 2008. Following the marriage, in June 2009, she joined her husband in the UK and resided with her him and his family which included his parents and sister in West London.

Immediately following her arrival, Amisha's mother and sister-in-law took her passport and all her gold jewellery from her and treated her as a domestic servant. Two or three months after her marriage, Amisha's relationship with her husband began to deteriorate. He rarely spoke to her and showed little interest in her. He often subjected her to emotional and verbal abuse and stopped having any physical contact with her. He was often drunk and made her sleep on the floor in their bedroom and used violence if she resisted. Her sister-in-law also subjected her to ill - treatment. She was not allowed to go out without her husband's permission or unaccompanied, although she did sometimes go to the local library on her own. Amisha was not given any money and was only able to speak to her family in India by using her mobile phone. She was deliberately kept isolated in the UK by her in-laws.

Amisha was constantly subjected to physical abuse (mainly involving being dragged by the hair downstairs) and verbal abuse. Her husband and sister-in-law constantly swore at her and humiliated her, making her feel worthless. She was often told that 'she was not up to the standard' required and that her primary role was that of a 'cleaner'. She was also told that as she had no status in the UK, they could make her 'disappear' so that her body would never be recovered. Her husband also often threatened to send her back to India.

There were occasions when Amisha was told to leave the house or be thrown out. She remained fearful of becoming homeless and destitute and at times felt inadequate and blamed herself for the problems in her marriage.

In August 2009, Amisha was subjected to physical abuse by her sister-in-law. Her husband became even more abusive towards her, accusing her of bringing 'bad luck' to the family. In November 2009, Amisha's husband told a family relative to take her away and to 'train' her to be more 'British' in her attitude and lifestyle. Amisha was sent away to stay with her relatives in this manner on a number of occasions. Every time Amisha returned to her marital home, her husband made her leave again. She was terrified of ending her marriage and of bringing shame on herself and her parents and so tried desperately hard to be compliant to keep her marriage intact.

In August 2010, Amisha's husband returned from work and demanded that she leave the marital home. She begged to be allowed to stay for a while as the relatives on whom she depended for accommodation and support were away on holiday. Her husband refused and started to pack her bags with the help of her sister-in-law. Amisha became upset and tried to resist her husband who was pushing her out of the bedroom. Her sister-in-law also joined in and dragged Amisha by her arms down the stairs and told her to leave the house. Amisha's husband pulled her by her hair and tried to drag her out of the house.

Amisha managed to break free from her husband and run to her room and call the police. When the police arrived, she was told to stand in the hallway whilst the police talked to her husband who was standing outside the house. Amisha did not know what was said but a police officer then returned to the house and told her that she had no right to be in the house and took her to the local police station. Amisha did not fully understand why she was taken to the police station; she thought the police had taken her away for her safety. However, she was then locked in a cell overnight. She

was petrified of what was happening to her. The next day was told that she would be interviewed about the previous day's incident and that a duty solicitor and an interpreter had been arranged for her.

When the solicitor arrived, she was told that she had been arrested and charged with common assault against her husband. Amisha admitted to having pushed her husband but tried to explain that it was in the context of resisting being thrown out of the marital home because she had nowhere else to go. Amisha also tried to give an account of the domestic violence that she had been subjected to by her husband and in-laws. However, Amisha was advised by the interpreter to admit assaulting her husband. The interpreter told her that if she did not admit to the offence, she would be locked in the police cell. He also told her in-laws were at the station waiting to take her home and so it was in her interest to admit to the charge. He effectively misled Amisha and put pressure on her to accept the caution and told her that this was the only way she could get out of the station.

Amisha was very distressed and confused. She had never been in contact with official authority in the UK. Terrified that she would be locked up again, she accepted the caution.

Amisha told the duty solicitor that she had been subjected to violence but he told her that it was a separate matter from the issue for which she was being cautioned and advised her to make a complaint after the caution had been dealt with. She was advised to approach the front desk on leaving the police station to make her complaint. However, as Amisha approached the front desk, she saw that her in-laws were waiting for her and thinking that they had come to take her home, she decided not to make the complaint.

As Amisha approached the marital home, she was asked to sign a document by her in-laws stating that her husband and in-laws were not responsible for the marriage and that they did not owe her anything. She signed the document under pressure, but once inside the house, realised that the document contained an admission of responsibility for the break up of the marriage and so she tore it up. In response, her in-laws dragged her out of the house, locked her in their car and drove her to the police station and left her outside the station. As they left her, her father-in-law warned her that she should be careful about what she said to the police otherwise her husband 'would not leave her alone'.

Amisha was referred by the police to the local social services but because she did not have any essential documents including her passport with her, social services told her that they could not assist her. Eventually, Amisha managed to make contact with a member of her community who arranged for her to stay in a temple until her relatives returned from their holidays.

Amisha was eventually assisted by SBS in obtaining a non-molestation order. However, her husband then made further allegations to the police of harassment by her and in September 2009, she was arrested and interviewed by the police again. Amisha denied having harassed her husband but she was given a verbal warning nevertheless. No action was taken in respect of her allegations of his harassment of her. At no point throughout her contact with the police on several occasions, did the police act on her reports of domestic violence at the hands of her husband and in-laws.

Moreover, the caution had an adverse impact on Amisha's application to remain in the UK indefinitely as a victim of domestic violence. An expert report had to be prepared for the purposes of her immigration appeal to show how the police routinely mishandle domestic violence cases. Amisha was granted indefinite leave to remain as a victim of domestic violence.

Tina's case:

Key points: The police failed to take seriously the victim's account of domestic violence or to pursue any action against her perpetrator (husband) for assaulting her. Instead the police arrested and charged the victim with Grievous Bodily Harm when she tried to defend herself from the perpetrator's attempts to strangle her. The police and CPS failed to consider the code of guidance for prosecutions, in particular, the question of whether it is in the public interest to arrest and prosecute a vulnerable victim of domestic violence. The victim was traumatised by the heavy handed conduct of the police even though she was eventually acquitted. Had the outcome been different, the police response would have also have had a detrimental impact on her application to remain in the UK as a victim of domestic violence under the Domestic Violence Rule.

Tina, a Ghanaian national came to the UK in 2006, following her marriage to her British national husband. On arrival, she discovered that her husband had a girlfriend who was pregnant by him. Tina's husband told her however, that he was breaking up with his girlfriend and that she was going to terminate her pregnancy. Tina decided to

stay with her husband and to make her marriage work, especially as she too was pregnant. However, her husband did not end his relationship with his girlfriend. Arguments frequently broke out between Tina and her husband because her husband continued to see his girlfriend regularly and often invited her to the marital home to stay with him. On these occasions, Tina would be expected to vacate her bedroom. Tina's husband also expected Tina to cook for his girlfriend and her brother and her husband would often show her naked photos of his girlfriend in order to humiliate her.

Tina's husband physically abused Tina if she did not take care of him, his girlfriend and her girlfriend's family. He threatened to send her back to Ghana if she disclosed her experiences to anyone. Tina lived in fear of being deported and so tolerated her husband's abusive behaviour.

The first incident of physical violence occurred in May 2007. On one occasion, Tina's husband returned from his girlfriend's house at 2am and when Tina questioned why he spent so much time at his girlfriend's home, her husband beat her by punching her 'like a boxer'. Tina lost consciousness and woke up the next morning in the local hospital. Her husband had called an ambulance and had explained the situation to the nurses at the hospital. Tina does not know what he said to the hospital staff. Tina did however visit her GP and reported the incident.

On another occasion, Tina's husband repeatedly slapped her in response to allegations made about her by his girlfriend. In desperation, Tina called her husband's friend to help resolve her difficulties with her husband. He spoke to her husband about his behaviour. Tina's husband confessed that he had beaten her but Tina did not report the incident to the police because she believed that her husband's behaviour would change. She did however report the incident to her manager at work, mainly because her husband's abuse was having an impacting on her work.

The relationship between Tina and her husband continued to deteriorate. Her husband continued his relationship with his girlfriend and to verbally and emotionally abuse Tina. He subjected Tina to harassment, taunts and beatings and was very controlling of her. She did not report her experiences to the police because she was threatened with being sent back to Ghana and because she lived in the hope that he would stop if she complied with his wishes. Tina became depressed over time and her husband took advantage of her mental state by encouraging her to kill herself with a knife or by taking an overdose.

The last incident of violence took place in July 2007. Tina's husband beat her for not giving him his food on time when he came from work. An argument broke out between them because Tina was about to go work and wanted her mobile phone; which her husband had taken from her. As Tina tried to grab the phone, her husband repeatedly slapped her and threatened to call the police and to send her back to Ghana. He then pinned Tina against a wall with her arms behind her, grabbed her by the throat and began to strangle her. Tina found herself unable to breathe and felt as if her 'eyes were popping out'. In a state of panic she bit her husband on his lips to make him release her. Her husband's lip was cut and he let her go but told his son who witnessed the incident to call the police.

The police arrived but instead of assessing the situation properly, they arrested Tina solely on the basis of her husband's allegation that she had assaulted him and cut his lip. They paid no attention to Tina's account of the incident and how her husband had tried to strangle her. They took no account of her history of domestic violence and the circumstances in which she came to defend herself against her husband. Nor did they make any attempts to attend to her visible injuries or obtain further medical evidence of injuries and bruises that she sustained during the attack. Tina was held overnight in a police station in West London. She was taken to the local Magistrates Court the next day and charged with Grievous Bodily Harm. Tina was in a state of shock throughout her ordeal because she had hoped that police involvement would lead to protection for her but instead she found herself being arrested and charged.

The matter eventually went to trial but fortunately the jury believed Tina's account and she was acquitted. The whole process was extremely traumatising for Tina. She was relieved by the outcome of the criminal trial because she had an insecure immigration status and her stay in the UK as a victim of domestic violence depended on the outcome of the trial. She eventually obtained indefinite leave to remain under the Domestic Violence Rule.

Raheena's case

Key points: The victim's report of domestic violence was not investigated by the police and no advice or assistance was given. She was left by the police to wander outside her marital home, homeless and penniless. A few hours later, the victim was arrested and locked overnight in a police cell based on the perpetrator's (husband's) allegation that she had threatened to kill him. She was released without charge the

next day but no assistance was given to her as a victim of domestic violence. The victim was let down by the police response which was insensitive, indifferent and unprofessional. As a result, she has no confidence in the police. A formal complaint about the police failure to respond to the domestic violence and to the arrest of the victim was made by SBS on behalf of the victim. The outcome is still pending.

Raheena, a Pakistani national, married her British national husband in January 2010, in Lahore, Pakistan. Following the wedding ceremony, Raheena's husband returned to the UK. Raheena was told that she would be able to join her husband in the UK as soon as her spousal visa was granted. However, after their marriage, her husband spoke to Raheena infrequently and was not forthcoming about his plans to sponsor her to the UK as his spouse.

Eventually, in January 2012, Raheena arrived in the UK and resided in the matrimonial home with 10 other members of her husband's family. Soon after her arrival, Raheena's mother-in-law began to make unreasonable demands on her. She had to report to her mother-in-law everyday at 10am to take her instructions for breakfast. She was not allowed to eat her own breakfast before serving her mother-in-law. Raheena would prepare her mother-in-law's food and take it on a tray to her bedroom. She was then forced to spend the rest of the day completing household chores. Every evening she had to prepare warm milk for her mother-in-law before going to sleep but she had to wait for her mother-in-law to request the milk before she was allowed to serve it. This often meant that Raheena had to stay up late waiting for the request.

Raheena's husband did not spend any time with her and showed little if any interest in her. He spoke to Raheena infrequently and slept separately from her. He frequently went out and came home late and refused to introduce her to his friends including many female friends with whom he was in regular contact.

In February 2012, Raheena tried to speak to her sister-in-law about her marital problems but was told to 'tolerate' her husband's behaviour. On one occasion, whilst in the kitchen, Raheena tried to speak to her mother-in-law about her husband but her mother-in-law screamed at her, demanded that she leave the kitchen and threw a chopping board across the floor which narrowly missed her. Raheena was told that her role was to serve her husband and to tolerate his conduct.

Raheena was not allowed to leave the house unaccompanied and was constantly harassed and bullied by her mother-in-law, who frequently threatened to cancel her visa and send her back to Pakistan. She was later prevented from leaving the house altogether.

By March 2012, Raheena's relationship with her husband deteriorated further. He demanded that she stay in her room during family occasions and was forbidden from speaking to anyone in the family. Raheena's sister-in-law took food to her bedroom as she was not allowed to eat with others in the family. Raheena felt as if she was living in a prison.

Raheena was also constantly subjected to verbal abuse by her mother-in-law who continued to threaten her with deportation. She was told to leave the house and to obtain a divorce. She was tormented in this way by her in-laws who knew that she could not return to Pakistan as a divorced woman.

In May 2012, Raheena discovered that her husband was having an affair with another woman in Pakistan but she was expected to tolerate the situation. On one occasion, she tried to question her husband but he reacted by confiscating her mobile phone which was her only connection with the outside world. She tried to use the land line to contact her family members who resided in the USA but her mother-in-law intervened and snatched the phone from her. She was then asked to leave the house. Her husband threatened to harm her family if she did not leave. Raheena was then subjected to verbal and emotional abuse and her husband began to kick the furniture in the room. Unknown to her husband and in-laws, Raheena had been trying to contact her brother via skype and he overheard the arguments and threats made against her. He therefore contacted the police.

The police arrived at the matrimonial home around 9pm but her husband had left the property by then. Raheena tried to explain how she had been abused but they seemed more interested in speaking to her father-in-law who deliberately misled the police by telling them that Raheena was divorced from her husband. Raheena informed the officers that she was afraid to be in the property and wanted to leave the house. The officers escorted her out of the property but she told the officer that she did not have any money and had nowhere to go. The police failed to assist her or to advise her. She was left wandering the streets without any food, money or accommodation. Raheena knocked on a neighbour's house and asked if she could

use their phone to call a relative. She called an uncle who agreed to collect her. Raheena's uncle also telephoned the police to obtain their assistance in retrieving her belongings from the property.

To Raheena and her uncle's utter bewilderment and shock, when the police arrived, they arrested Raheena. She was told that her husband had contacted the police and had alleged that she was threatening to kill him. Raheena tried to explain that her husband and in-laws had subjected her to violence, domestic servitude and imprisonment but the police did not listen to her. She was made to spend the night in a police cell at the police station. She was terrified and distressed by the police response.

Raheena was interviewed the next day and then released without charge. She was told not to return to the matrimonial home but no action was taken regarding her report of domestic violence from her husband and in-laws.

With the assistance of SBS, a formal complaint was made about the multiple police failures that occurred, ranging from the failure to ensure her safety or advise her when they were called out to an incident, to their decision to unnecessarily arrest and detain her overnight. We outlined how the police had failed to speak to Raheena alone when they attended her home and how she was questioned in the presence of her father-in-law. We raised our concern that the police appeared to be more attentive to Raheena's father-in-law and that they had completely failed to investigate her complaint or assist her as a victim of domestic violence. Officers failed to properly assess the risks to her or her needs. Instead, she was left in a vulnerable state and at risk of further harm. No steps were taken regarding her safety and wellbeing.

The complaint also outlined our concerns about how the police ignored Raheena's account of domestic violence and yet were only too ready to accept and act on her husband's allegation of her so called threats to kill him. No attempt was made to assess the credibility of Raheena's husband's statement, instead it was used to lock Raheena overnight in a police cell before being released the next day. The police action caused her much distress and anxiety.

Dominique's case

Key Points: The victim had been subjected to violence over a long period of time leading to a number of cautions against her perpetrator (husband) for assault. The victim also had a non-molestation order against the perpetrator which was constantly breached by his violence and stalking behaviour. Following a sustained assault on the victim and causing damage to her property, the police arrested the perpetrator but did not take adequate action to protect the victim. Eventually following persistent complaints by the victim, the perpetrator was arrested and charged with criminal damage but inexplicably, despite the evidence, not for the assault against her or for breach of the protection order.

The police refusal to arrest the perpetrator for assault has led us to speculate that the real reason why the police did not take action is due to the fact that the perpetrator had previously been given several cautions in relation to assaults to the victim. As a result it was easier to charge him with criminal damage for which they could issue another caution rather than deal with the assault which would have required time consuming investigations.

Dominique is a white South African national who came to the UK on a work permit and then met and married her British national husband. However, after marriage, her husband became very controlling and subjected her to verbal, physical and psychological abuse.

In 2009, Dominique's husband accepted a police caution in relation to an incident of common assault which involved pushing her so hard that she sustained carpet burns to her elbow. The incident also resulted in the police taking Dominique's children for their protection to their grandparents who lived in the area. Although Dominique had separated from her husband, there followed many instances of harassment and violence against her and her family by her husband. This involved damaging the front door of her parent's home, assaulting her, kicking her, and sending abusive and threatening text messages to her. Some of these incidents led to further police cautions and Dominique was also forced to obtain a non-molestation order against her husband which he constantly breached.

On one occasion in November 2012, Dominique's husband climbed through her bedroom window, grabbed her by the hair and pulled her to the floor. He also pulled

out the contents of a drawer and hit her with the drawer. She lay on the floor with her arms over her face to protect herself whilst her husband hit her on her arms with the drawer. Dominique managed to grab the phone and tried to call the police. Her husband then grabbed the phone and smashed it against the wall to stop her from calling the police. She managed to call the police on another phone. Dominique's husband continued to throw her clothes around the room and was verbally abusing her. The police arrived at the home but told Dominique that it was 'her fault' for inviting the violence and that they would not respond to any further calls. However, recognising that her children were in danger, they took her children to their grandparent's home. But the police failed to take a report from Dominique or investigate the matter further. Dominique was able to escape her husband and at the first opportunity she had, she went to her local police station in West London to make a complaint about the police response to the incident. She also showed the police bruising that she had sustained from the attack by her husband. She was told that the officer attending her home would be 'spoken to' but at no stage was a statement taken from Dominique.

Following Dominique's persistence in trying to report her husband's abuse to the police, the police eventually charged her husband with criminal damage but not with the assault on her, even though she had suffered considerable bruising on her arms. It appears that the criminal damage to property was given priority over the assault on her because issuing a caution involved no investigation..

Nafula's case

Key Points: The victim was subjected to repeated violence over a period of time by the perpetrator (husband). Following a particularly brutal assault on her, the victim called the police but she did not receive a swift response and in frustration, the victim threatened to kill her husband with a kitchen knife. Four police officers arrived and arrested the victim, handcuffed her and took her to the police station whilst still in her pyjamas. During the journey to the police station and at the station, inappropriate comments including racist comments were made by one of the police officers. The victim was forced to spend a night in a police cell without access to medical or legal help. She was released the next day without charge and her husband was arrested. The victim has made a formal complaint about the police handling of her report of domestic violence.

Nafula is a Portuguese national of African origin. She and her partner, also a Portuguese national, arrived in the UK in 2003. They married in 2004 and have two daughters.

Although, Nafula had suffered from a number of incidents of abuse, she did not contact the police. However in March 2013, following a particularly brutal assault on her, she contacted the police. On this occasion, Nafula's husband was caring for their children, while she was at work. When she returned, she saw that his eyes were bloodshot and his speech blurred. Nafula was angry as she had often told her husband not to drink in the presence of the children. She therefore confronted her husband for drinking.

During the argument that followed, Nafula's husband grabbed her, held her head under his arm and began punching her. He then threw her against a table and she fell onto the floor. She was lying face down, on the floor of the living room as her husband continued to punch her in the back of her head and neck. Her cousin who was visiting from Portugal and her youngest daughter were present throughout the incident. Her cousin then ran to a neighbour for assistance at which point her husband stopped punching her.

Nafula contacted the police by phone and requested help from the police. Nafula felt that the operator at the other end was being unhelpful as she was continually asking her questions that Nafula did not feel she had the time to answer. Becoming frustrated and growing fearful of her husband who was still in the property, Nafula grabbed a knife from the kitchen and told the operator that if the police did not attend, she would kill her husband.

Nafula's husband left the property before the police arrived. Approximately four officers arrived at her home. Nafula was standing in the kitchen and the officers requested that she step away from the knife, which was lying on the kitchen worktop. An officer then took hold of the knife and another officer grabbed Nafula and took her into the living room. At this point, Nafula, her cousin and neighbour began to protest about the conduct of the police officers and asked them why they were manhandling Nafula. One police officer replied that they were acting upon her threats to kill her husband. Another officer who was outside the property had managed to locate her husband, who alleged that Nafula had stabbed him in the hand. The officers arrested Nafula and placed handcuffs on her.

At the time, Nafula was still wearing pyjamas and she asked the officers if she could change into appropriate clothes, as it was raining outside. The officers brought a coat and shoes for her to wear but did not allow her to change her clothes. One of the male officers then made inappropriate comments as they left the property and were being transported to the local police station. He commented that it was 'International Women's Day' and told her that she was lucky that they had not used a taser against her.

When they arrived at the police station, the same male officer made further inappropriate remarks about having reached 'civilisation', which Nafula regarded as racist and derogatory of her background as an African. When she was arrested, Nafula complained about pain in her neck which had resulted from her husband's attack on her but the police took no notice. Instead, she was informed that her husband had also been arrested and that she would not be able to see a solicitor that evening as her husband was being advised by the only solicitor on duty.

Nafula was kept in a police cell overnight. The following morning she was allowed access to a GP and then interviewed in the presence of a duty solicitor. Nafula gave a statement to the police regarding the incident and the physical abuse that she had been subjected to by her husband. She was then released without charge and was informed that her husband had also been released on bail. In April 2013, Nafula's husband was charged with assault and later convicted. He returned to court on 25 April 2013, for sentencing. Nafula has since separated from her husband and is currently supported by SBS in obtaining a divorce.

Nafula is also being supported by SBS in making a formal complaint to the police about the police handling of her distress call and their heavy handed response which included handcuffing her, taking her to the police in her pyjamas and forcing her to spend a night in a police cell before allowing her to have medical attention or legal advice. The police only took her account of domestic violence seriously when she was interviewed in the presence of a solicitor.

Seeta's case

Key Points: The victim and her children had been subjected to abuse and violence from her perpetrator (husband) for a period of time. The victim finally summoned the courage to call the police but no adequate action was taken or advice given in respect of their safety and well being. The victim separated from her husband and

obtained a non-molestation order. She was known to the police and social services as a 'high risk victim'. The police then attended her home and arrested her for 'theft' based on an allegation made by her husband that she would not allow him to collect his belongings. The victim had refused to allow her husband to collect his belongings without police presence as she was afraid of the perpetrator and had a non-molestation order against him. She had requested police presence but the police had refused. SBS was forced to intervene to explain her circumstances and to point out involvement of various agencies, including social services, matters of which the police appeared to have no knowledge. The charges against the victim were eventually dropped. The victim received no assistance from the police for the domestic violence that she and her children experienced. Instead, she was told that she needed to 'sort out the mess' in which she found herself.

The police response to the issue of 'theft' also serves as a sharp contrast to that of Anita's and Nawal' cases cited above.

Seeta is a British national who married her British national husband in 1999. She has two young children; a daughter aged 3 months and a son aged 10 years. Although she was subjected to physical and verbal abuse for most of her married life, she did not, until recently, report her experiences to the police, partly because her husband also had mental health problems.

On one occasion, Seeta fled her husband's violence and went to stay in a refuge but her husband persuaded her to return to him and to be 'a good wife.' Seeta decided to return to her husband as she found living in an overcrowded refuge with her children extremely difficult and she had become very depressed. Seeta thought that her husband's behaviour would change for the better following the short separation.

However, Seeta's husband continued to abuse her and the children. He was very violent to her son in particular and had physically assaulted him on various occasions. In one incident in June 2012, Seeta's husband became drunk and hit her son and twisted his arm. Seeta called the police but by the time they arrived, her husband had run away. No action was taken by the police nor did they undertake any risk assessments or offer Seeta advice regarding her own or her children's safety and well being.

Seeta realised that she needed to prioritise her children's safety over her duty to her husband and so decided to take action to protect herself and her children. She

attended SBS for help and support and was also referred to social services for further support regarding the children. SBS also assisted Seeta in obtaining a non-molestation order against her husband

Even though Seeta was known to the police as a high risk victim of domestic violence, towards the end of November 2012, the police went to her home and arrested her for theft. They informed her that her husband had made a report of theft regarding his belongings. Prior to this incident, Seeta's husband has told her that he wanted to collect his belongings but Seeta had made a request for the police to be present when her husband did so as she was afraid of further violence and harassment from him. The police refused to do this. Following her arrest, an SBS caseworker intervened on her behalf and spoke to the police officers, including the local community safety unit to explain that Seeta had not declined her husband's request to collect his belongings but wanted police presence when he did so as she feared for her own and her children's safety.

SBS was informed that the investigating officer in charge of the matter was away and that there was no-one else who could deal with the situation. Eventually, a week or so later, a police officer informed SBS that an allegation had been made against Seeta by her husband and that as a result they had a duty to investigate the matter. The police officer refused to disclose any further information stating that SBS should contact the investigating officer for more details.

Seeta was charged with theft and she was interviewed by the police in the presence of her solicitor arranged by SBS. An SBS caseworker also contacted a police officer and informed her that Seeta's husband was a manipulative person who had mental health issues. She explained that Seeta's son was on a child protection register and that social services were aware of her background of domestic violence. The police officer expressed shock about Seeta's circumstances and stated that she did not know of the involvement of social services or other agencies. She kept repeating that the 'whole thing was a mess' and that Seeta needed to 'sort out the mess'.

A few days later, a police officer called Seeta to inform her that they were dropping all charges against her. The officer admitted to SBS that she should never have been arrested and charged. The police did not take any action against her husband for the domestic violence that she had reported.

Kaneez' case

Key Points: The police failed to take any effective action in respect of a long history of domestic violence, marital coercion and duress that the victim faced from her perpetrator (husband), despite the fact that some of the incidents were independently witnessed and led to police and social services involvement. The Victim's husband was never arrested or charged with assaulting and threatening his wife. Instead, the victim was arrested, charged and convicted for entering into a sham marriage even though it was accepted that she was a victim of forced marriage and domestic violence by an asylum tribunal. The case reveals serious inconsistencies in the approach to domestic violence and forced marriage between the criminal justice system and the immigration and asylum system. The victim was accepted as a victim of domestic violence and forced marriage for the purposes of her asylum application, yet the same set of facts led the police and CPS to treat her as the chief architect of a sham marriage for the purposes of criminal proceedings.

Kaneez is a Pakistani national who married her Pakistani national husband in Pakistan in 1997. She has three young children. From the outset of her marriage, Kaneez was subjected to very controlling behaviour and significant violence as a result of which, on one occasion, she suffered a miscarriage.

Her husband expected the marital home in Pakistan to be run in a regimented way. Everything had to be in place, his clothes ironed and the children studying all the time. If anything was out of place, Kaneez' husband would punch her with his fists. His mood was always unpredictable and he often exploded into a fit of anger and hit her.

In 2005, Kaneez' husband came to the UK on a visitor's visa but with the intention of settling in the UK. He then forced Kaneez and their children to follow him although Kaneez was not keen to leave Pakistan. Her husband told her to come to the UK on a student visa. Hoping that she would be allowed to pursue her desire to study further, (she had already completed an LLB in law in Pakistan) Kaneez agreed to enrol on a Masters course in Law and obtained a visa for two years.

Once in the UK, Kaneez' husband tried to prevent Kaneez from studying and told her that she had to stay at home and look after the children and the household. He kept control of all their financial and immigration arrangements as he was dependent on

her visa for hi stay in the UK. His own visa had expired and he was an 'overstayer'. Kaneez' husband also continued to subject Kaneez to high levels of violence and abuse. He also hit the children, especially if they did not study. On once occasion, he kicked one of her sons repeatedly for failing his tests to get into a local grammer school.

On another occasion, the police were called to an incident of domestic violence but no further action was taken. Kaneez was warned by her mother-in-law not to report the violence to the police. She was told that if she did, her children would be taken away from her and that she would be seen to have brought dishonour to her family. Kaneez felt trapped in the abusive relationship; she felt as if she had no choice but to comply with her husband's wishes. Her main fear was losing her children.

Kaneez' husband in the meantime made elaborate plans to remain in the UK, especially as Kaneez' visa was due to expire. He forced her to marry a Lithuanian so that he could obtain status on the back of hers. Despite her protestations, Kaneez' husband forced her to obey him by subjecting her to emotional and physical abuse. He threatened her and would frequently hit her on her face with his shoes causing her to bleed and bruise. She finally agreed to comply with his wishes.

The violence towards Kanez escalated to such an extent, that the police were often called to her home. The police did not at any point take account of her reports of domestic violence or investigate any of the incidents of violence, even though on occasions, her neighbours and strangers intervned to protect her from her husband's violence. On one occasion in June 2012, her neighbour witnessed an incident of assault on Kaneez. She had refused to go ahead with her husband's plans for the sham marriage and so he shouted at her and threatened to kill her. He grabbed her but before he could hit her, Kaneez ran out of the house without her shoes in the middle of the night and went to her neighbour's house. The police were called and her husband was arrested. Kaneez was told to attend the local police station in North West London with her children. Social services also became involved and they gave her emergency accommodation. However, at no point did the police pursue any investigation into the assault or her general reports of domestic violence.

On 15 May 2012, Kaneez and her husband were arrested for conducting a 'sham marriage'. Kaneez was told by her husband not to answer any of the police questions and was told to accept full responsibility for the matter. Kaneez refused. Instead she

admitted to the sham marriage but tried to explain that she had been compelled to comply with her husband wishes as he had threatened to 'cut her to pieces' and to take her children away from her.

Despite a background of forced marriage, marital coercion, duress and domestic violence, Kaneez found herself convicted on four counts of fraud including arranging and entering into a sham marriage. She was accused of deliberately trying to circumvent immigration law and policy by entering into the sham marriage. In July 2013, Kaneez was sentenced to immediate custody for a term of 13.5 months. Kaneez was separated from her 3 young children and due to the length of her sentence may also face deportation to Pakistan on the grounds of her criminal conviction.

Kaneez' husband on the other hand, only faced a lesser charge to do with aiding and abetting the sham marriage even though he orchestrated it and forced Kaneez into the sham marriage through intimidation, violence and threats. SBS is currently assisting Kaneez in appealing against her criminal conviction. She is also being supported by another domestic violence charity who is assisting her with other matters including obtaining counselling and legal advice on matrimonial and children matters.

Prior to her conviction, Kaneez had submitted an application for asylum which on appeal was granted on the basis that there was substantial evidence to show that she was a victim of domestic violence and that her life was in danger if she was forced to return to Pakistan due to her husband's status and contact as an ex army officer. The Immigration Judge also accepted that Kaneez had been forced into a sham marriage with the Lithuanian national by her Pakistani husband as a device to regularise his own stay in the UK.

Nafisa' case

Key Points: The victim came from a background of honour based violence. She left her family but then became trapped in an extremely abusive relationship. She was subjected to violence, harassment and stalking behaviour by the perpetrator (partner). Eventually, in a state of distress and acute anxiety, the victim threatened to set herself alight She did not at any stage threaten to harm anyone else. She was tasered by police officers, arrested and then charged with arson. The victim's trial is

set for June 2014. No attempt was made by the police or CPS at any stage of the criminal proceedings to locate the victim's actions in the context of repeated abuse, violence and threats to kill and harm her and her daughter. There has been no investigation into her complaints of domestic violence even though she was granted bail on the condition that she obtain the support she needed as a victim of domestic violence from SBS.

The case raises important questions about how women who are victims of domestic violence and who respond to extreme provocation are treated by the police and the criminal justice system. The response is indicative of how the criminal justice system takes a penal approach to victims of domestic violence rather than an understanding, empathetic and ultimately community based approach. This response stands in contrast to the approach taken by the court at her bail hearing where it was recognised that a community based approach was necessary and appropriate.

SBS has since submitted a detailed and lengthy submission to the CPS on the grounds that there has been a failure by the police and the CPS to treat the victim as a victim of domestic violence and that the CPS had failed to adhere to the guidance in the Code for Prosecutors in respect of domestic violence victims. We have submitted that the public interest factors favouring a prosecution are outweighed by factors against the prosecution, primarily because the victim was extremely vulnerable at the time of the relevant incident and was not harming anyone else. She was a previous victim of honour based violence and was facing repeated violence, harassment and threats to kill from her partner. She therefore responded to extreme provocation by threatening to kill herself and no one else.

Nafisa lived with her parents and three siblings in a tight knit Kurdish community. She grew up in an abusive environment which involved being subjected to physical, sexual and emotional abuse by her parents, brothers and other extended family members. Feeling trapped in her family, on one occasion, Nafisa attempted to commit suicide by taking an overdose of painkillers. She was convinced that if she did not kill herself, her family would kill her.

When Nafisa was nearly 16 years old, she ran away from home but was aware that her family were trying to trace her. They had made multiple threats to kill her. Nafisa reported the matter to the police and gave a statement about her family's threatening

behaviour. She was referred to local Social Services for assistance with accommodation. By this time, she had cut off all ties with her family.

Around 2006, Nafisa's cousin found her and brokered a meeting between her and her father. By this stage, Nafisa was in a relationship with her first partner and had a daughter. Nafisa met her father in a public place but he told her that she should accept a forced marriage in Turkey or face death. Nafisa reported her father to the police and the police arrested him. He was eventually charged and convicted and given a 6 month custodial sentence.

Nafisa decided to move into a refuge as she remained frightened for her life. Her relationship with her partner ended but for safety reasons, they agreed that their daughter should remain in the care of her partner and that Nafisa could have regular contact with her.

Towards the end of 2009, Nafisa met her current partner who did not reside with her but visited Nafisa every weekend at her flat in West London. Nafisa eventually agreed to have a religious (Islamic) wedding although it was never formally registered.

Nafisa then had a son with her current partner but soon after his birth, her relationship with her partner began to decline. Nafisa suffered from post-natal depression and started to experience abuse from her partner who rejected her daughter because she was mixed race. During contact visits, her partner would shout at Nafisa's daughter, make her cry and would not let her play with his son. He also began to isolate Nafisa from her friends and increasingly took control over every aspect of her life. Despite the abuse and hostility, Nafisa remained in the relationship as she was desperate to make it work and feared being labelled a 'failure'.

Over time, the abuse to which Nafisa was subjected, escalated. Her partner hit her whenever he was angry and on many occasions tried to strangle her. The abuse also began to have an impact on her daughter who was by this stage terrified of Nafisa's partner.

Around the beginning of July 2012, as a result of an assault by her partner, Nafisa sought medical assistance from a local hospital. Her partner had punched her and

tried to strangle her. The same day, worried that she had sustained serious injuries, he took her to the local hospital. The hospital notified Nafisa's GP of the incident.

Later that week, Nafisa reported the incident to the police in West London and she also gave a statement to them. However, feeling unable to cope with her situation and fearing violent reprisals, she declined to proceed with the matter. No further action was taken by the police.

Nafisa's relationship with her partner continued to deteriorate as his behaviour became more and more contradictory and unpredictable. He was very religious and grew increasingly jealous and suspicious. At times he ordered her to wear the niqab (full dress covering.) On the first day of Ramadan (in August 2012), he held a knife to her neck for not cooking his dinner but did not harm her. He often told her that he heard voices in his head instructing him to kill her.

On one occasion, in November 2012, Nafisa's partner subjected her to rape and as a result, Nafisa became pregnant. She requested a termination from her GP and told him not to inform her partner but shortly afterwards she suffered a miscarriage.

Eventually, Nafisa decided to end her relationship with her partner and so went to live with a girlfriend but her partner continued to harass and threaten her. That evening, her partner went to her friend's flat and tried to break the door down. She was forced to hand her son over to him.

In June 2013, Nafisa went to Turkey for a holiday with her son and her girlfriend. However, her partner followed her and began a campaign of harassment against Nafisa and her friend in Turkey. He sent countless abusive messages to them and began to stalk them. He threatened to harm Nafisa's daughter if she did not agree to meet him and to return their son to him. Nafisa finally agreed to meet her partner in the lobby of a hotel but at the hotel, her partner repeated his threats to kill her daughter and assaulted her in the presence of hotel staff. The hotel staff tried to intervene but Nafisa's partner took her son and brought him back to the UK. Nafisa then decided to return to the UK and to obtain a non-molestation order against her partner.

As soon as Nafisa arrived at the airport in the UK, she received several calls from her partner telling her not return to her flat. He threatened to break her legs and to make

her life 'hell' if she went back to her own flat. He also told her that she would not see her son. The calls made Nafisa increasingly agitated and distressed. Unable to tolerate his harassment and threats, she bought petrol and decided to confront her partner. Her intention was to threaten to set herself alight if he attempted to harm her. In a state of emotional turmoil, Nafisa purchased petrol and returned to her flat accompanied by her friend who was anxious for her. When they approached her flat, Nafisa asked her friend to call the police as a precautionary measure in case her partner became violent.

When Nafisa went to her flat, she saw that her partner had moved all his belongings into her flat whilst she had been away. The thought of her partner continuing to have control over her distressed her even more and in a state of panic, she poured the majority of the fuel over herself. She closed an internal glass door that separated the dining room from the living room and stayed in one half (the living room) so that her partner could not go near her.

Nafisa's partner walked into the flat holding her son but at the same time, the police also arrived. Nafisa's partner then left with her son. (Nafisa has not seen her son since the incident.)

By this time, Nafisa was confused and agitated especially as there were many police officers shouting at her and moving around. She threatened to set herself alight but at no point did she threaten her partner, her son, the police or anyone else. The police told Nafisa that they could help her when she asked to talk to her friend but instead they tasered her four times. Her body began to shake and she felt herself choking. She next found herself in an ambulance being taken to a hospital.

Nafisa was then charged with arson being reckless as to whether life would be endangered. Nafisa was recognised as a victim of extreme domestic violence by the court and was granted bail on the condition that she sought support from SBS. Despite making considerable progress as a result of the support and counselling that she has received, (support that she had never received prior to the incident) the CPS have insisted on continuing with the prosecution. SBS has made detailed and lengthy submissions to the CPS but have been told that they will continue with the prosecution. (A copy of the SBS submission is attached to the hard copy of this submission.)

5. 7. Policing immigration status rather than domestic violence

As the case of Kaneez above shows, often migrant women with insecure status who report domestic violence find themselves the subject of an immigration investigation by the police rather than assisted as victims of domestic violence. It would seem from the cases that we have observed that the paramount concern on the part of the police is not the safety and well being of the women but whether or not they are lawfully in the UK. No account is taken of the fact that many of these women have a right to make an application to regularise their stay as victims of domestic violence but have never had the opportunity to do so or obtain the support needed because they are trapped in abusive marriages or relationships. With specialist immigration advice and representation, the overwhelming majority of women that we see go on to make successful applications to remain in the UK. However, when such women engage with the criminal justice system, instead of being assisted to access protection and justice, including specialist advice agencies in respect of their immigration matters, they are arrested and detained for their lack of immigration status. This approach remains highly discriminatory since these women are not afforded the same approach or response that is theoretically, afforded to other women in society. Despite ACPO guidance which states that insecure immigration status is a risk indicator⁹, the police often choose to disregard it as a risk factor. Instead they view immigration status as an opportunity to carry out immigration policing functions. Immigration rather than safety appears to be the paramount concern in such cases:

Narinder's case

Key points: Despite a long history of domestic violence and domestic servitude, the police treated the victim and her sister who reported their experiences as potentially illegal immigrants. They were arrested and reported to the UKBA at a time when they were extremely vulnerable and needed immediate assistance and support. The victim and her sister were separated from their children whilst the police detained and investigated their immigration status. It was only when they were released several hours later with conditions to report to an immigration centre, that they were they

⁹ *Guidance on Investigating Domestic Abuse.* (2008) ACPO/NPIA

escorted back to their marital home to collect their children and belongings. A few days later, to the victim's shock and bewilderment, the police told her that they had discontinued their investigations into her report of domestic violence due to the 'lack of sufficient evidence'. SBS has submitted a letter requesting further information and details for the discontinuance but there has been no response so far.

Narinder is an Indian national who married her British national husband in October 2006. In February 2007, Narinder was granted a spouse visa to join her husband in the UK. Upon arrival, she lived at the matrimonial home in West London with her husband, father-in-law, mother-in-law, sister-in-law (who was herself going through divorce proceedings), her older brother-in-law (who was mentally and physically disabled) and his family and her younger brother-in-law and his family.

Narinder then returned to India on a couple of occasions to complete her studies. Prior to the marriage, she was reassured by her husband and in-laws that she could pursue further studies following her marriage. However, upon her arrival, her husband told her that courses in the UK were very expensive and suggested that she continue her studies in India. As a consequence, Narinder returned to India for the last time in October 2007, with the intention of staying there for two years in order to complete her studies. However a few days later her mother-in-law contacted her parents and told them to send her back to the UK as they could not tolerate her being away for two years.

Narinder returned to the UK in early 2008, along with her sister who had married her younger brother-in-law. Soon after their arrival, her mother-in-law seized their passports on the pretext of getting their visa extended, but never returned them. Narinder's jewellery was also taken for 'safe keeping'. Narinder and her sister were then subjected to increasing control and abuse. They were prevented from contacting their family in India and were forbidden from visiting them again. They were both imprisoned in the home and not given any money for their personal expenses.

Narinder was made to do all the household chores including cooking and cleaning and also had to provide full time care for her disabled brother-in-law with the help of her two sisters-in-laws. She also had to take care of her own children. She was not allowed to eat dinner until all of her family members had eaten and her mother-in-law regulated the quantity of food she was allowed to eat.

Narinder was subjected to verbal, physical and emotional abuse and neglect throughout her marital life. Her husband was not affectionate towards her and would invariably support his mother or sister in an argument against her. He also verbally abused and beat Narinder, usually at the instigation of her mother and sister-in-law. Narinder was beaten even when she was pregnant with her first child. Her daughter was born two months premature in March 2009 and as a result, her husband subjected her to even more abuse. He would swear at her and would repeatedly tell her to 'throw the baby into the bin'. At that time, Narinder felt unable to report the abuse to anyone including her GP.

Narinder's sister-in-law also regularly verbally and physically assaulted her, often for petty matters such as not serving the food on time. Her sister-in-law often hit her with anything that she could find, for example kitchen utensils, coat hangers etc. On one occasion, her sister-in-law threw hot tea at her. On another occasion in August 2009, when her older daughter was about 5 months old, her sister-in-law became angry and hit her on her face with slippers. Narinder called the police and made a report but the police did not take any action.

Due to an escalation of abuse towards Narinder and her sister, her sister contacted a relative who lived in Birmingham who became concerned and visited the sisters the following day. As Narinder was extremely distressed, she was taken to live with her relative in Birmingham. However, whilst she was there, her husband and mother-in-law contacted her repeatedly by phone and requested her to return. They told her that they would change and promised not to abuse her again.

In March 2010, Narinder returned to the matrimonial home and became pregnant with her second daughter. However her husband and sister-in-law had resumed their ill-treatment and physical abuse of her. Following one incident when she was hit with a coat hanger, Narinder called the police. The police arrested her husband but he was later released on bail with a condition that he should not visit the family home for 15 days. No further action was taken and Narinder's husband resumed his abuse of her.

In July 2013, following an argument, Narinder's husband slapped and kicked her continuously throughout the night and in the morning continued to swear at her and verbally abuse her, especially when she answered him back. Narinder threatened to call the police and so her husband eventually stopped.

In early October 2013, Narinder was packing lunch for her daughter, when her mother-in-law began to nag her about the housework. Narinder handed her lunch box to her husband and asked him to take her daughter to school. Her husband became angry and threw the lunch box at her, hitting her back. He then began swearing at her and slapped her. Narinder took her daughter to school and on her return, she asked her husband to return her passport stating that she wanted to have a break and visit her family in India. He again started swearing at her and told her to get out and physically pushed her out of the house. Narinder went to the local police station and asked for police assistance in recovering her passport. When questioned why she needed her passport, Narinder gave an account of the assault and ongoing abuse that she experienced from her husband and in-laws and explained that she could no longer tolerate their abuse and ill-treatment.

Narinder was told to stay in the police station while 3 police officers attended Narinder's marital home with the intention of arresting her husband. However, when they got there, they were informed by Narinder's mother-in-law that Narinder and her sister were overstayers. At the same time, Narinder also arrived at the marital home accompanied by a male and female police officer. On hearing that Narinder and her sister were overstayers, the police made no further attempt to investigate their reports of domestic violence and instead took them away and detained them whilst the police carried out further investigations into their immigration background. No account was taken of their experiences of domestic violence or of their need to collect their children or their belongings. Narinder and her sister had not known about their lack of immigration status and were shocked to discover that their husbands and in-laws had not regularised their stay in the UK as their spouses.

Narinder and her sister were reported to the UKBA by the police and were given a note from the Home Office notifying them that they were 'liable to detention' and were required to report to a reporting centre on a weekly basis.

It was only later that evening, at around 8 or 9pm, that Narinder was accompanied back to the marital home by the police in order to collect her children, belongings and other documents. She was referred to social services who assisted in accommodating her and her children in a temporary bed and breakfast accommodation but for three nights only. SBS was then contacted and we provided Narinder and her sister with long term support and assistance with accommodation.

In November 2013, the police informed Narinder that they were discontinuing their investigations into her report of domestic violence. No reasons were given. Narinder was extremely distressed on hearing the news and requested SBS to write to the police requesting the reasons for the discontinuance. There has been no response so far.

Shilpa's case

Key Points: The victim was the subject of domestic violence which included threats to kill and attempted strangulation. She was left stranded by her perpetrator (husband) and was assisted by SBS to report her experiences to the police. Instead of investigating her report of domestic violence, the police appeared to be more interested in her immigration status. They took her away from SBS' offices where she felt safe to the police station stating that they needed to take a full statement from her. At the station, they asked her questions about her immigration status causing her to panic and become distressed. SBS was forced to intervene to remind the officers that their priority was to assist her as domestic violence victim and not to police her immigration status. The police appear to have taken no further action in respect of her husband's threats and assault on her.

Shilpa is an Indian national who married her British national husband in India against the wishes of both their families. They arrived in the UK on visitor's visas which expired 6 months later. Shilpa has two young children, one of whom was born in the UK. Following their arrival to the UK, her husband began drinking heavily and was verbally and physically abusive and controlling. He often threatened to kill Shilpa and on one occasion attempted to strangle her. Shilpa was afraid of making a report to the police because of her insecure immigration; she feared being detained. Her husband then applied for asylum and she was made a dependent on his claim. This was refused in 2010 and she was not aware of any further application having been made by her husband who continued to subject her to abuse.

On 1st January 2014, Shilpa was assaulted by her husband who was drunk. He broke the furniture in the room, pulled her hair, hit her in the face and threw a table at her. He also took a knife and threatened to kill her and the children. He then left home and said that he would be back on the 6th January to claim money from her. He called her several times since the incident, threatening her and ordering her to pay him money.

On 6 January, Shilpa attended SBS offices desperate for assistance and we arranged for her to give a report to the police. Two officers attended the SBS office and took initial details from Shilpa about the incident of 1 January 2014. Whilst in the presence of SBS, no questions were asked about her immigration status. However, the police then took Shilpa to the local police station in West London; they said that they needed to take a full statement from her in a language that she could read and sign. Once at the station, Shilpa was asked more questions about her immigration status causing her to panic. She immediately telephoned SBS and a caseworker had to speak to the police and repeatedly impress upon them that their priority was to ascertain risk to her safety and that of her children as victims of domestic violence and to protect them. It was pointed out that the presenting issue was domestic violence and not Shilpa's immigration status, which was a matter that SBS was assisting her with. Fortunately, as a result of SBS' intervention, no further action regarding Shilpa's immigration matter was taken by the police. However, her husband has yet to be arrested; because according to the police, he cannot be found.

5. 8. Failure to police domestic violence leading to fatalities and failure to carry out an investigation following serious injury sustained due to domestic violence

Although the above cases raise serious questions about police failures, they represent the more routine end of the spectrum. Over the years, SBS has also had experience of more dramatic cases in which the routine failures described above have directly led to tragic consequences such as homicide, suicide or women suffering life threatening injuries. These cases highlight the failure of the State to exercise due diligence in either preventing and protecting women in circumstances where danger to their lives are known, or failure to investigate following a death or serious injuries in circumstances where domestic violence is known or suspected. In all these cases, SBS has assisted families in seeking accountability from the police, inevitably invoking international human rights law and standards such as those contained in the European Convention on Human Rights (ECHR), CEDAW and the Convention on Preventing and Combating Violence Against Women (Istanbul Convention) all of which place an obligation on contracting States to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence. Violations of the duty to provide effective protection or to carry out an adequate

investigation into the cause of death or serious injury following domestic violence, are highlighted by the cases below:

Banaz' case

Key points: The case received high profile media coverage as an 'honour' killing. However, its real significance was not that it was an honour killing, but the fact that, prior to the victim's murder, the police knew about the danger to her life but failed to act to protect her.

The police failed to prevent the death of the victim despite prior knowledge of the dangers and risk to her life from her perpetrators (family members) who subjected her to honour based violence. Several opportunities were missed by the police to link the threats made to the victim's life and that of her boyfriend. The police failed to take their reports seriously and instead nearly charged the victim with criminal damage when she tried to escape her father who tried to kill her. They treated the victim as an 'immature' adolescent. A subsequent IPCC investigation into the catalogue of police failures was critical of the police response and concluded that there had been missed opportunities to protect the victim. In addition, we submit that there was also a failure by the police to take the victim's sister's reports of threats and attempts on her life seriously or to link her reports to the subsequent reports of threats made by the victim. There was an overall police failure to record or investigate the victim's allegations of violence and threats to her life in accordance with their own policies and guidance and in breach of articles 2, 3, 8 and 14 of the ECHR 1998 (covering the right to life, the right not to be subject to inhuman and degrading treatment, the right to respect for private and family life and the right not to be discriminated in the enjoyment of substantial rights).

Banaz was from a Kurdish background. She lived with her parents and siblings consisting of four sisters and a brother in a close knit environment where the girls where expected to adhere to strict religious and gender roles. As a child, she and her sisters suffered abuse and torture at the hands of their father. Banaz and her sisters were subject to constant surveillance by their father, brothers and other male members of their community. Her older sister, Bekhal, had run away from home as a teenager, having experienced physical violence and pressure to conform to traditional and religious values, including strict dress codes and marriage. Although she had left home and was in hiding, she kept in contact with her siblings.

Banaz was subjected to a forced marriage whilst still a teenager. She was not happy with her marriage due to domestic violence and rape from her husband and decided to separate. She reported the incidents of violence and rape to the police but no effective action or investigation into her reports were taken.

Banaz left her husband and returned home to her family in the hope that she would be able to gain their support in obtaining a divorce. Whilst at home, her family and community discovered that she had a boyfriend whom she had been secretly meeting. Her boyfriend was considered 'unsuitable' because he was from a different ethnic background. Banaz then started to receive abusive and threatening calls and so contacted the police but told them that all she wanted was the police to record her complaints in case there were future problems but she did not want to take any immediate action.

In the meantime, Banaz' sister Bekhal, had been lured into a meeting by their brother. However at the meeting place which took place in an isolated location, Bekhal was attacked by her brother with a hammer. He hit her on the head and told her that their father had instructed him to kill her. Bekhal managed to run away and alerted the police. The police did not take any action.

Banaz' family then put pressure on her to return to her husband but she refused to go back to him. Unknown to Banaz, her father grew increasingly angry with her for her disobedience and was plotting to kill her.

On New Years Eve in 2005, Banaz' father plied her with drink in order to reduce her ability to defend herself as he prepared to strangle her. However, before he could attack her, she managed to escape into their back garden and tried to alert her neighbour by banging on her neighbour's window which she accidentally broke. Receiving no response from her neighbour, Banaz jumped over the garden fence and ran bleeding and bare footed into a coffee shop where the owner called the police and an ambulance. Banaz told the police about her father's attempt to kill her and repeatedly begged them to call her boyfriend fearing that he was also in danger. However, the police response was dismissive. Instead of investigating the incident as one of attempted murder, the police were more interested in charging her for criminal damage for breaking the neighbour's window. The police regarded Banaz as 'melodramatic' and 'immature'. They assumed that she was drunk and was merely seeking attention from her boyfriend or that she was simply 'rebellious' against her

parent's cultural beliefs and practices. They did not therefore take her allegations seriously.

In the absence of police protection, Banaz had no choice but to return home. She hoped that her mother would try to protect from further harm. However, unknown to her, her father had held a 'council of war' meeting involving male relatives and members of her community.

During the evening of 22 January 2006, Banaz' boyfriend was approached by four men from his community whom he knew. They asked him to go with them to an unknown place and when he refused, they threatened to kill him and Banaz. On 23 January 2006, Banaz' boyfriend attended Kennington Police Station to report the matter. But no crime report was raised that day. Although a statement was taken from him by two plainclothes officers, no further was taken. Banaz' boyfriend was therefore compelled to make a formal complaint about police inaction.

On the morning of 24 January 2006, Banaz was raped, sexually assaulted and strangled by her father, male relatives and other men from her community. They also threatened to kill her boyfriend. Her body was then bundled into a suitcase and buried. In 2007, Banaz' father and uncle were convicted of her murder.

On 13 June 2007, at the conclusion of the criminal trial, the Metropolitan Police Service referred the matter to the IPCC.

The litany of missed opportunities by the police to protect Banaz was investigated by the IPCC. Between September 2005 and January 2006, Banaz came into contact with several police officers and staff from two police forces - the Metropolitan Police Service and West Midlands Police on five separate occasions. The IPCC investigation showed how six MPS and three Police officers from the West Midlands were involved in responding to this matter. Of the six MPS officers, allegations against three were found to be unsubstantiated but were partially substantiated against the remaining three officers. Allegations of misconduct against all three West Midlands police officers were substantiated. Overall, the IPCC concluded that the standard of service Banaz received from the police officers varied widely. On some occasions, it fell far below what should reasonably have been expected. The IPCC found that there was little empathy shown to Banaz and that often only a cursory and insufficiently diligent investigation was carried out following a report made by her or

her boyfriend. There was no evidence of pro-active policing and there were delays and fundamentally flawed investigations conducted in an 'inappropriate and untimely way'¹⁰. The officers against whom the allegations were substantiated were either given written warnings or 'words' of advice.'

Nosheen's case

Key points: The police in South Yorkshire failed to conduct an adequate investigation following serious injuries sustained by the victim who was found set alight in her garden by a neighbour. Although an initial police investigation into the matter as a potential honour crime was opened, it was quickly closed following a catastrophic brain injury suffered by the victim whilst in hospital. Following this incident, all police investigations, inexplicably ceased. No attempt was made by the police to ascertain what occurred and whether she had set herself alight or was set alight by another person. Despite having been alerted to the victim's history of domestic violence, no account of this history was taken and no attempt made to locate the incident to the history of domestic violence. SBS has intervened at the request of the victim's father who has travelled from Pakistan in search of answers as to who was responsible for his daughter's plight and why the police have not carried out a proper investigation. He has instructed lawyers with the assistance of SBS to compel the police to re-open the investigations.

Given the severity of the injuries suffered by Nosheen, the State has a duty to conduct an effective investigation in accordance with article 3 of the ECHR. This duty has clearly been breached.

Nosheen came to the UK on a spousal visa in 2006 to join her British national husband and in-laws following an arranged marriage in Pakistan. From the outset of her marriage, she was repeatedly abused, imprisoned and forced to conceive. She was forbidden from having contact with her family in Pakistan or relatives in the UK. She was treated like a domestic slave and frequently locked in the house. She could not go out without permission. She was not allowed to attend her GP's surgery unless accompanied by her mother-in-law. She lived in a tight knit community and

¹⁰ Independent Investigation -Executive Summary Contact between Banaz Mahmud and the Metropolitan Police Service and West Midlands Police September 2005 - January 2006. IPCC .November 2008

had little opportunity to fully disclose her experiences of abuse and imprisonment to outside agencies. Her family and relatives to whom she had disclosed her experiences, told her that she needed time to 'adjust' to her new surroundings and to make her marriage work. On the rare occasions that she was permitted to attend her GP's surgery, medical records show that her GP often asked her mother-in-law to leave the consultation room so that Nosheen could have some privacy. But Nosheen was not able to fully disclose her experiences of violence and intimidation to him, However, she did disclose the fact that felt 'stressed out' because she was made to do all the housework and was being forced to conceive.

When she could, Nosheen complained of her husband and in-law's behaviour to her parents in Pakistan but she was told that her marriage would improve and that she was having problems because she was new to the UK. She was told that she needed time to adjust to her new surroundings.

Nosheen tried to leave home on 3 occasions. She went to her sister's home nearby and disclosed her experiences of ill-treatment and abuse. But on each occasion, she was sent back by her sister's family who were closely related to her father.

Within 7 months of her arrival in the UK, Nosheen was found set alight in her garden. Next to her a lighter and a bottle of white spirit were found. Immediately, prior to this incident, Nosheen had contacted her parent's in Pakistan and complained bitterly about her husband and in-law's ill-treatment. Hearing her screams, Nosheen's neighbour called the police and an ambulance and she was taken to hospital having sustained 60% burns. Nosheen was responding well to treatment and at the first opportunity she had, she begged the hospital staff not to allow her husband or in-laws to visit her. The hospital did not act on her wishes and instead allowed her husband and in-laws unrestricted and unsupervised access. No risk assessment was made either by the police or by the hospital although by then the police suspected that she was a victim of an honour crime. Nosheen then suffered a major brain injury which has left her cortically blind, minimally conscious and in need of 24 hour care. Her condition is life-long.

In this condition, the UKBA tried to deport Nosheen and her husband tried to divorce her. She was appointed an official solicitor and an immigration lawyer as she could not give instructions in respect of her divorce and immigration matters. The decision to deport Nosheen was challenged on medical grounds at an immigration appeal

tribunal. Considerable medical evidence was presented to show that Nosheen would not survive the plane journey and even if she did, would not receive the specialised medical care she needed in Pakistan. She won her appeal.

Despite her horrific injuries, to date, there has been no effective police investigation into how Nosheen came to suffer serious harm at her home. The police undertook a very superficial investigation based on an initial suspicion that she was the victim of an honour crime, although they failed to warn the hospital authorities about their suspicions. Following her brain injury, the police suspended all investigations into the matter. Nosheen's father was forced to travel to the UK in search of answers, as he and his family have been left without any explanation as to what occurred. He visits Nosheen on a daily basis at a nursing home where she resides in a near vegetative state.

Nosheen's father was referred to SBS for advice and assistance. SBS then wrote to the police insisting that they meet with Nosheen's father. Following several months of persistent requests sent to the Chief Superintendent of South Yorkshire Police, the police finally agreed to meet Nosheen's father. At the meeting, when an SBS caseworker questioned the investigating police officer as to why there had been no effective investigation into Nosheen's case, she was told that it was a case of attempted suicide and a 'cry for attention' and not domestic violence. The police officer suggested that SBS' should focus instead on Nosheen's parents who he argued shouldered the entire responsibility for Nosheen's plight, for not 'calling her back to Pakistan'. This highly insensitive and inappropriate comment was made in the presence of Nosheen's father who was already visibly distressed. The police officer refused to heed our request to re-open investigations into the case and instead argued that there was nothing more they could do.

The lack of an adequate police response left Nosheen's father with no choice but to instruct lawyers to act on his behalf. His solicitors have now sent a detailed letter seeking an explanation of the police response. Nosheen's father remains concerned that all potential lines of inquiry have not been pursued and that he has no way of knowing whether she was set alight by another person or whether she set herself alight. However, even if it is shown that Nosheen had set fire to herself, the police have a duty to investigate the circumstances of the possible attempted suicide and to consider whether or not domestic violence was a major contributing factor. There is strong circumstantial evidence from Nosheen's parents, GP records and sister that

Nosheen was subjected to domestic violence, involving imprisonment, financial and emotional abuse, servitude and violence. Other circumstantial evidence that appears not to have been taken into account includes an investigation into her brother-in-law who was in the house at the time of the incident. He has a history of domestic violence towards his ex-wife who obtained a non-molestation order against him. His attitude when Nosheen was found by neighbours was dismissive and inappropriate. He also changed his clothes which had traces of white spirit on them, immediately after the police left the house. But the police failed to forensically examine this and other matters. There was no proper gathering or preservation of evidence as required at a crime scene. These and other flaws in the police investigation have given rise to considerable concern about the lack of seriousness and professionalism with which they treated the matter.

The letter from Nosheen's lawyers reminds the police of their legal duty to conduct an effective investigation under the Human Rights Act 1998, into allegations of serious assaults. It has been argued that given the severity of the injuries suffered by Nosheen, the investigative obligation under article 3 was clearly triggered. (See a copy of the letter attached to the hard copy of this submission)

6. Concluding comments

We are extremely disappointed and alarmed with what we perceive to be a downward trend in the policing of domestic violence in the UK, one in which the very definition of domestic violence is implemented in ways that strips it of its gendered dimension and understanding. The situation is compounded for black and minority women. As the cases cited above show, many women are new in UK, lack English or knowledge of the legal and welfare system, are extremely isolated and have insecure immigration status. These factors are all recognised by ACPO as additional risk factors and barriers to protection in domestic violence cases and yet they are simply not recognised as such in the policing of domestic violence. Instead, the women's vulnerability arising from these very factors is exploited and used to excuse or justify inaction or insensitive and oppressive intervention.

Time and again, the police cite 'lack of sufficient evidence' to take no action. With a few exceptions, no attempts are made to undertake a pro-active approach to the policing of domestic violence. No attempts are made to gather evidence that does exist let alone think creatively about how other evidence may be gathered and

preserved to aid a prosecution. Indeed, we are of the view that 'lack of evidence', routinely used to justify no investigation or the discontinuance of an investigation, has now become an institutionalised response. It is symptomatic of the crisis in the policing of domestic violence that is now unfolding and leads directly to the lack of or low levels of confidence that many of our users have in the criminal justice system.

Such a response is indefensible in a context where it has been well known for at least 3 decades that domestic violence presents specific challenges, especially evidential challenges, to the criminal justice system. Yet instead of meeting these challenges, including developing better techniques for the gathering of evidence, 'lack of sufficient evidence' forms the basis for no effective action. The same is not always true for perpetrators whose allegations often lead to the criminalisation of the actual victims of domestic violence, even if there is no evidence other than allegations from perpetrators. It appears that the police are driven by other agendas and targets, and by the view that domestic violence affects men and women equally. This approach also stems from the assumption that domestic violence cases are not worth prosecuting even if women wish to support criminal proceedings.

Collectively, the key themes that pervade all our cases show how domestic violence is not taken seriously or acted upon in a timely, appropriate and empathetic manner. Indeed women who report domestic violence can find themselves facing cautions, arrests, charges, detentions, trials and immigration controls. In other cases, failure to take account of domestic violence or assess risk indicators properly result in women suffering serious injuries or fatalities. In addition, even when a woman has died in what are clearly suspicious circumstances, the police often undertake a superficial investigation only. The significant point is that both the more routine and dramatic types of failures that we have outlined represent a continuum of ineffective police response that is systemic or institutionalised in nature. The more routine flaws in the policing of domestic violence lead directly to the more dramatic flaws that result in death or serious injury to women and children.

We submit that not only is there a failure of implementation in accordance with the plethora of laws, police policies and guidelines that exist, but that there is at the heart of the policing of domestic violence in the UK, a failure of will and imagination. It has long been accepted that the policing of domestic violence often throws up specific challenges but this requires more not less effort and application to make policing work in the interests of all women and children subject to domestic and sexual

violence. Many of our domestic violence cases for example, reveal patterns of harassment, violence, domestic servitude, theft (retention of documents and belongings), suicide and homicide. Yet far from looking at how the criminal justice system can be effectively utilised in these situations, it appears that the approach remains one of deterring women from utilising the criminal justice system. This is why we believe that policing and the CPS response appears to be going backwards.

Perhaps we need to re-conceptualise the way in which domestic violence is policed and treated within the criminal justice system but this will be of no use unless we urgently find ways to ensure that there is consistent and effective implementation and accountability both from the police and the CPS.

Our casework experiences show that the UK State routinely fails to adhere to international law that obliges States to prevent and investigate with due diligence acts of violence against women committed by non-State actors. Such failure amounts to a violation of women's human rights and to discrimination against women.¹¹

Southall Black Sisters

February 2014