



**Protocol on the handling of 'so-called'  
Honour Based Violence/Abuse and  
Forced Marriage Offences between the  
National Police Chiefs' Council and the  
Crown Prosecution Service**

**This protocol has been approved and authorised by:**

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**Chief Police Officer [insert Police Area]**

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**Chief Crown Prosecutor [insert CPS Area]**

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## 1. SECTION 1 – PARTIES

1.1 The Parties to this Protocol are XXXX Police and the XXXX Crown Prosecution Service (CPS).

1.2 The successful prosecution of these cases and safeguarding of those victims involved; relies on strong and collaborative partnership working between the police and prosecutors. The police will be proactive in collating all relevant evidence and the CPS will be clear and informative about what (if any) further evidence is needed.

## 2. SECTION 2 – INTRODUCTION AND SCOPE OF THE PROTOCOL

*Please note that due to the differing terminology used by the police to the CPS and the Home Office i.e. ‘so-called’ Honour Based Abuse and Honour Based Violence, the rest of this document will refer to the term as ‘so-called’ Honour Based Violence/Honour Based Abuse (HBV/A). There is no statutory definition of ‘so-called’ HBV/A.*

2.1 The commitment to end ‘so-called’ HBV/A and Forced Marriage (FM) is embedded in the cross-government [Ending Violence against Women and Girls \(VAWG\) Strategy: 2016 to 2020](#). The strategy is underpinned by effective partnership working at both a local and national level.

2.2 The VAWG approach recognises that victims of ‘so-called’ HBV/A and FM crimes are disproportionately female. The approach acknowledges VAWG as a fundamental abuse of human rights and women’s rights<sup>1</sup>. The UK government has signed and ratified the United Nations call to all states to prevent and respond to violence against women<sup>2</sup>. However the police and CPS are committed to *all* victims of crimes grouped together as ‘VAWG’ and to that end, are inclusive in their approach. All VAWG policies are applied fairly and equitably to all perpetrators and victims of crime – irrespective of their gender.

2.3 Chief Constables who are members of the National Police Chiefs’ Council (NPCC) have overall responsibility for the investigation of alleged criminal activity in their individual force area. The NPCC published its revised [strategy on Honour Based Abuse \(HBA\), FM and Female Genital Mutilation \(FGM\) for 2016-18](#) in December 2015. The strategy states that the police service’s vision remains nothing less than the total eradication of HBA (which includes Violence), FM and FGM.

2.4 The CPS is the principal prosecuting authority dealing with criminal prosecutions in England and Wales. The CPS is fully committed to prosecuting fairly and effectively all those who harm others in the name of so-called ‘honour’. All CPS polices are gender neutral and all victims receive the same access to protection and legal redress.

2.5 This document sets out the principles governing the investigation and prosecution of any ‘so-called’ HBV/A and FM offences.

The objectives of this protocol are:

- To achieve improved and consistent performance in the investigation and prosecution of ‘so-called’ HBV/A and FM;
- To improve the service to victims of ‘so-called’ HBV/A and FM;

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<sup>1</sup> VAWG is the most widespread form of abuse worldwide, affecting on average one third of all women globally in their lifetime (WHO, MSC and LSHTM, 2013).

<sup>2</sup> In 2003, the UN published reference:

<http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMandate.pdf>

- Increase public confidence in the Police Service and CPS response to ‘so-called’ HBV/A and FM and;
- To reflect NPCC and CPS policy.

### 3. SECTION 3 – BACKGROUND

3.1 The definitions of HBA<sup>3</sup> and FM<sup>4</sup> adopted by the NPCC can be found within their revised [strategy on HBA, FM and FGM for 2016-18](#). The Home Office requires the police service to record all incidents of domestic abuse, which includes ‘so-called’ HBV/A and FM. Individual forces should have their own flagging processes in place for these cases and should ensure they follow local procedure.

3.2 The HBV and FM definitions followed by the CPS can be found within [CPS HBV and FM Legal Guidance](#). Prosecutors should also familiarise themselves with CPS [HBV and FM: Guidance on Identifying and Flagging cases](#) and ensure that they flag all cases of HBV and FM onto the CPS Case Management System (CMS). Prosecutors can also access the ‘Forced Marriage and Honour Based Violence’ e-learning module that can be accessed via the prosecution college.

3.3 It is important to remember that a number of offences can be committed in the context of ‘so-called’ HBV/A and FM e.g. common assault, GBH, harassment, kidnap, rape, threats to kill and murder. ‘so-called’ HBV/A and FM should also be considered in the context of the wider definition of Violence Against Women and Girls and domestic abuse<sup>5</sup>. Police should familiarise themselves with the College of Policing’s [Authorised Professional Practice on Domestic Abuse](#) and prosecutors should reference the [CPS Domestic Abuse Guidelines for Prosecutors](#).

3.4 Whilst there are many similarities between ‘so-called’ HBV/A and FM with domestic abuse there are also some stark differences given the collective nature of the offending, which includes the perpetration of crimes by offenders who fall outside the inter-familial relationships.

3.5 The [specific offence](#) of FM (s.121 of the Anti-Social Behaviour, Crime and Policing Act 2014) came into force in June 2014. A breach of a Forced Marriage Protection Order (FMPO) became a criminal offence under the same Act<sup>6</sup>.

3.6 The evidence of previous cases tells us that ‘so-called’ HBV/A and FM crimes are usually perpetrated by the victims’ families, extended families and members of their community. Instances of ‘so-called’ HBV/A and FM can also lead to conspiracy between the families, extended families and communities of the perpetrator in order to protect them as opposed to the victim. Police and prosecutors should also remember that ‘so-called’ HBV/A and FM offences are also being committed increasingly in an online environment, e.g. through social media platforms.

3.7 Other useful information:

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<sup>3</sup> ‘any incident or crime involving violence, threats of violence, intimidation, coercion or abuse (including psychological, physical, sexual, financial or emotional abuse), which has or may have been committed to protect or defend the honour of an individual, family and or community for alleged or perceived breaches of the family and / or community’s code of behaviour’.

<sup>4</sup> A FM is a marriage conducted without the valid consent of one or both parties and where duress is a factor. FM is now a specific offence under s121 of the Anti-Social Behaviour, Crime and Policing Act 2014.

<sup>5</sup> This includes the specific offence of [controlling or coercive behaviour in an intimate or family relationship](#).

<sup>6</sup> The maximum penalty for the FM offences is 7 years’ imprisonment in a criminal court. The maximum penalty for breach of a FMPO is five years imprisonment.

**Police:** officers should liaise with their force area 'so-called' HBV/A and FM lead who can advise on relevant guidance and toolkits that may also assist when handling these cases.

**CPS:** [Toolkit for Prosecutors on Violence Against Women and Girls Cases Involving Vulnerable Victims](#), [Guidelines on prosecuting cases involving communications sent via social media](#), [Achieving Best Evidence in criminal proceedings](#)

Police and prosecutors must also be alert to the fact that in cases of 'so-called' HBV/A and FM, FGM may also be a factor too. See the [Police / CPS joint Investigation and Prosecution Protocol into FGM](#) and the [College of Policing's Authorised Professional Practice regarding FGM](#).

#### 4. SECTION 4 – INVESTIGATION AND RISK ASSESSMENTS

4.1 There must be early consultation between the police and CPS, the timing of which will be determined by the circumstances of each case. This will focus on building strong cases for prosecution from the outset. The [Joint NPCC and CPS Domestic Abuse Evidence Checklist](#) will also be relevant in 'so-called' HBV/A and FM cases and should be referred to.

4.2 The police should explore the role and behaviour of the suspect/defendant in order to ensure a balanced consideration of the accounts provided ensuring that all available evidence is gathered:

- How plausible and consistent is the suspect's/defendant's account? What counter allegations, if any, have been made?
- Were there any signs of injury to the suspect/defendant upon arrest (see [domestic abuse guidelines on dealing with self-defence and/or counter-allegations](#))?
- Were there any allegations made of any other non-violent behaviour that fall within the definition of domestic abuse<sup>7</sup>?
- Are there any contradictions in the suspect's/defendant's account?
- Has the suspect/defendant made no comment during interview from which an adverse inference can be drawn?

4.3 The range of offending behaviour, with particular reference to other crimes, needs to be considered, such as enforced sexual activity including rape<sup>8</sup>. Ultimately, prosecutors should be alert to the fact that an offender will follow a course of conduct which is used to control, coerce, dominate or exploit a complainant. Identification of the triggers for abuse will assist in understanding the context of the offending. These issues should be considered as risk factors, rather than as causal links to the offending behaviour, and will assist prosecutors in their consideration of the public interest. This will also assist when considering factors to be taken into account for bail applications and/or terms for restraining orders at later stages of the prosecution process.

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<sup>7</sup> This includes the specific offence of [controlling or coercive behaviour in an intimate or family relationship](#).

<sup>8</sup> Refer to:

- CPS Domestic Abuse Legal Guidance for advice on avoiding assumptions in relation to [terminology used](#) and on the [dynamics of domestic abuse](#)
- [CPS Rape and Sexual Offences Legal Guidance](#).
- [College of Policing Authorised Professional Practice on Domestic Abuse](#)
- [Protocol between the Police Service and Crown Prosecution Service in the Investigation and Prosecution of Rape](#)

***in cases involving rape; police should consider the early investigative advice procedure as set out in the Director's Guidance on Charging***

4.4 A clear and coherent account from the victim is reliant upon their powers of recall/concentration, their cognition of the events and their ability to communicate. A number of issues can impact on the precision or the detail of the account provided e.g. drug and alcohol use, mental health and physical disabilities. Police and prosecutors should refer to the [Toolkit for Prosecutors on Violence Against Women and Girls Cases Involving Vulnerable Victims](#).

4.5 The safety of victims is paramount. A victim's family and/or members of their community may go to great lengths to discover their whereabouts once a crime has been reported. The risks to the victim from her/his entire family, the offender's family and the community should be considered in such cases; not just the direct risk of the immediate perpetrator(s) on the victim. There is evidence that the risks to the victim increase after they have engaged with the police service. In addition the risks also extend to others who may have assisted or otherwise supported the victim and these need to be considered by the police e.g. siblings or undisclosed partner.

4.6 In most cases the police will establish whether a witness is in fear and should inform the prosecutor. Ideally, a discussion about the type of 'protection' that should be applied for will take place between the police and the prosecutor at the pre charge stage. In some very serious cases witness protection will be necessary. Prosecutors should refer to the [Witness Protection and Anonymity Legal Guidance](#).

4.7 The police will ensure that the [Domestic Abuse, Stalking and HBV risk assessment \(DASH\)](#)<sup>9</sup> is used to assess the risk to the victim and inform the development of safeguarding plans in relation to the victim<sup>10</sup>. First response staff and their supervisor should identify risk factors, who is at risk and decide what level of intervention is required. Question 20 in the DASH outlines further questioning required in 'so-called' HBV/A and FM cases such as exploration into 'house arrest', being 'policed at home' and fear of being forced into engagement/marriage<sup>11</sup>.

4.8 Police must ensure they ask the victim about the abusers behaviour in all cases of 'so-called' HBV/A and FM. The risk identification process must remain on-going. Events and circumstances may undergo rapid and frequent change hence resulting in increases to the risk of the victim. The assessment must be kept under constant review. High risk cases may well require a multi-agency response and should be considered for referral to the relevant risk management panel i.e. the Multi-Agency Risk Assessment Conference (MARAC) and/or Multi-Agency Public Protection Panel (MAPPA).

4.9 Police and prosecutors should be aware that perpetrators may take victims of 'so-called' HBV/A and FM abroad to commit these crimes, they may be aware that the police and prosecutorial response is weak or non-existent in these other countries. Given the international nature of these crimes, early discussions with the extradition team at CPS Headquarters may assist. Information on the CPS extradition unit can be found on the internal CPS casework and knowledge hub.

## 5. SECTION 5 – PROTECTION ORDERS AND RESTRAINING ORDERS

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<sup>9</sup> It is recognised that the DASH model is under review and a refined model is currently being piloted.

<sup>10</sup> It is important to note that HBV/A and FM do not always follow a pattern of risk factors; they can escalate from seemingly minor incidents to homicide quickly; a professional understanding of the dynamics is therefore important.

<sup>11</sup> Whilst the DASH assessment is the only nationally recognised risk assessment, some police forces have incorporated additional questions on HBV/A into this and strengthened their risk assessment plans and processes. Forces are encouraged to do this.

5.1 Restraining orders will often be essential to ensure the on-going safety and security of victims of 'so-called' HBV/A and FM. The police will explain to victims that restraining orders can be applied for on conviction and upon acquittal. Prosecutors will ensure that the police have sought the victim's views, and provided accurate information to support the application for a restraining order.

5.2 Prosecutors will inform the police if a restraining order is granted by the court. The police will promptly inform the victim of the full details of any restraining order and where appropriate also share these with the IDVA/other specialist agency and the probation service.

5.3 A FMPO is a civil remedy issued under the FM (Civil Protection) Act 2007. It offers protection to a victim from all civil or religious ceremonies, by forbidding the respondent(s) themselves, or by encouraging or agreeing with any person whatsoever, from entering into any agreements in relation to the engagement or matrimony. Breach of a FMPO is now a criminal offence under s120 of the Anti-Social Behaviour, Crime and Policing Act 2014 which came into force on 16 June 2014.

5.4 Police should consider applying for a FMPO at the outset of an investigation<sup>12</sup>. Applications for FMPOs will be dealt with by the civil court; a crime does not have to be reported to start this process. Where a crime is reported and a FMPO is applied for both a civil and criminal proceeding will be taken forward.

5.5 Breach of a FMPO can be dealt with either in a criminal court or in a civil court. If the breach has been heard in a civil court then it is not possible to prosecute the same breach through the Criminal Justice System (CJS). When the breach is dealt with in the criminal court, breach of the FMPO should be treated in the same way as a prosecution of any other breach of an order for example, a breach of a non-molestation order.

## **6. SECTION 6 – REFERRAL AND CHARGING**

6.1 To facilitate effective referral and charging practices between the police and the CPS, all police forces, and all CPS areas will appoint Single Points of Contact (SPOCs) for 'so-called' HBV/A and FM cases. A list of SPOCs will be contained as a separate annex for police forces and the CPS which will be held with the CPS and NPCC, 'so-called' HBV/A and FM Policy Leads. The police and prosecutor SPOCs should make contact monthly to discuss: reporting, referrals, charging and; prosecutions, in relation to 'so-called' HBV/A and FM within their area. Agencies should work together to identify opportunities in awareness raising and improving the support to victims and witnesses.

6.2 Police and prosecutors should refer to the [Domestic Abuse Charging Advice Sheet](#) which outlines existing requirements and considerations around charging decisions in domestic abuse cases as outlined in the [5th Edition of the Director's Guidance on Charging](#) (and any subsequent editions). It should be read alongside this Charging Guidance and relevant Legal Guidance and policies developed to support effective investigations and prosecutions.

6.3 The CPS will make the ultimate decision as to whether an offence, which fits the definition of domestic abuse, is charged. When considering the appropriateness of the charge, prosecutors should consider the totality of the perpetrators offending. However the assessment of the evidence on the basis of the Threshold Test *must only* be made by a

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<sup>12</sup> Information on how to apply for a FMPO can be found here: <https://www.gov.uk/apply-forced-marriage-protection-order>

police decision maker when the suspect is *not suitable for bail* and *not all the evidence* is available at the time when they must be released from custody unless charged.

6.4 In all cases other than those where it is intended to remand the suspect into custody the supervising officer must assess the available evidence to determine if the Full Code Test can be met. In cases where the evidential stage is met, but the police consider that it is not in the public interest to prosecute, the case must still be referred to the CPS to make the ultimate decision. Therefore, police decision makers must be satisfied that there is sufficient evidence for a realistic prospect of conviction before referring a case for a charging decision.

6.5 When submitting a case for a charging decision based on the Full Code Test only files that have been confirmed as meeting the required standard by an appropriate accredited supervisor will be accepted by the CPS. All cases not meeting this standard will be owned by the police who will be responsible for any decision to take no further action.

6.6 The CPS will review all police charged cases prior to the first hearing in accordance with their duty under the [Code for Crown Prosecutors](#). Where it appears that the police have charged a case not permitted by the Director's Guidance on Charging, the reviewing prosecutor must consider whether the evidence and material available at that time fully meets the Threshold Test or Full Code Test relevant to the circumstances of the case.

6.7 Where a decision is taken not to charge, the police should inform the victim directly or indirectly through an interpreter/an appointed person e.g. an Independent Domestic Violence Advisor (IDVA), to explain the issues surrounding the decision.

6.8 Prosecutors will ensure:

- The DASH has been applied by the police, and used to inform decisions regarding bail or remand as well as to inform safeguarding plans in relation to the victim.
- The domestic abuse Joint NPCC and CPS Evidence Gathering Checklist has been completed.
- The MG3s contains a full record of the decisions taken with reasons for those decisions.
- Every MG3 contains an Action Plan (unless there is no additional or outstanding work required from the police). Dates will be agreed between the police and the CPS on the Action Plan.

6.9 With the exception of charging decisions taken by CPS Direct, charging decisions in 'so-called' HBV/A and FM cases in which rape has been perpetrated will always need to be made by Area-based prosecutors in Rape and Serious Sexual Offence Units. Where a charging decision is made by CPS Direct, any MG3 must contain an action that the police contact the local rape specialist within three working days to make an appointment for a consultation.

6.10 The police should refer to the cautions section within the [College of Policing Domestic Abuse Authorised Professional Practice \(APP\)](#).

6.11 Simple cautions can be offered only in exceptional circumstances, because of the interpersonal nature of these crimes, this is subject to a number of provisions outlined within the APP (see link above). When the evidential stage of the Full Code Test is passed, it will rarely be appropriate to deal with a 'so-called' HBV/A and/or FM case by way of a simple caution.

6.12 Part 3 of the Criminal Justice Act 2003 makes provisions for offenders to be diverted from the courts by issuing them with a conditional caution. As stated clearly in the [DPP's](#)

[Guidance on Adult Conditional Cautions](#), domestic abuse cases must not be considered for conditional cautioning<sup>13</sup>.

## 7. SECTION 7 – CASE PREPARATION

7.1 Prosecutors should work closely with the police and other specialist agencies to ensure that the best evidence is gathered and presented to the court. The case should have a clear narrative pre-empting and challenging any assumptions/associated myths and stereotypes. A strong, coordinated prosecution team is required to proactively build and manage a case.

7.2. If the suspect/defendant pleads not guilty, the full evidential file sent by the police will include:

- Completed MG2, as necessary (which indicates whether or not the police considers the victim might benefit from special measures)
- MG3/3A\*\* - Report/further report to the prosecutors
- MG4/4A – Charge sheet and bail/variation or MG4D/DPG/E-postal/written charge (where Digital Case File (DCF) not in use)
- MG5 (DCF where in use) – Case summary including Common Law Certification on Disclosure
- MG6\*\* - Case File Evidence and Information
- MG9\*\* - List of Witnesses
- MG10\*\* - Witness non-availability
- MG11(s) – All key witness summons and the VPS<sup>14</sup>
- MG12 – Exhibits List
- MG16\*- Bad character/Dangerous Offender
- Streamlined Disclosure Certificate
- A completed [Joint NPCC and CPS Domestic Abuse Evidence Checklist](#)
- DASH to inform decision regarding bail or remand
- The victim's views on an application for a FMPO or restraining order; and
- Confirmation that the police have discussed the proposed terms of a FMPO and/or a restraining order with victim and a draft FMPO/restraining order setting out proposed conditions tailored to victim's needs and addressing the specific circumstances of the behaviour

7.3 When a victim asks the police not to proceed or withdraws their support for a prosecution the police will take a written statement that will:

- Explain the reasons for withdrawing support;
- Set out whether the victim has been pressurised to withdraw their complaint by any person and;
- Confirm whether the victim is pursuing any civil action.

7.4 In addition, the police will provide a report that will:

- Set out the investigator's views about the case, in particular the reasons for withdrawal and its impact on the case;

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<sup>13</sup> DPP exemptions for domestic abuse conditional cautions are only currently granted for: Leicestershire, Staffordshire, West Yorkshire and; Hampshire as part of specific pilot sites.

<sup>14</sup> The VPS can be updated at any stage during the criminal justice proceedings however an initial statement should be provided to the prosecutor pre-charging decision.

- Confirm if the victim is supported by any specialist support service or an IDVA and, where they are, include the views of the IDVA or supporter on how the victim might react if required to attend court and whether they have been put under pressure not to support the prosecution;
- Assess the risks to the victim and any other persons' safety and;
- Assess how the victim might react if required to attend court.

7.5 If it is suspected that the victim has been pressurised or is frightened, the police will investigate further and assess any support that has been offered and whether the intervention of a local specialist support service could make a difference. The prosecutor will, if appropriate, ask the court to delay any hearing to enable this to be done.

7.6 If the victim confirms that the complaint is true but still wants to withdraw, the police and CPS will consider the feasibility of continuing without the victim's evidence and whether to do so against the victim's wishes.

7.7 The issue of a witness summons is a last resort; full consideration should be given to the specific facts of the case and impact on the complainant's safety and wellbeing<sup>15</sup>. Where a complainant is reluctant to attend court and it is decided the case can only continue with the complainant's evidence to prove the case, Section 169 of the Serious Organised Crime and Police Act 2005 allows the court to issue a witness summons if it considers it to be in the interests of justice to do so.

7.8 Before the decision to apply for a witness summons is taken, prosecutors must make enquiries to satisfy themselves that the safety of the victim, any children and/or other dependants will not be endangered. This information could be sourced from the police, and other sources such as any support organisations involved with assisting the complainant.

7.9 Prosecutors should familiarise themselves with the section on witness summons within the [CPS Domestic Abuse Guidelines for Prosecutors](#).

7.10 A prosecution can be supported by the provision of expert evidence from those who have an understanding not only of 'so-called' HBV/A and FM, but specifically of the communities within which they commonly occur. Expert evidence can assist juries and magistrates' in areas with which they are not familiar. Prosecutors should familiarise themselves with the [guidance on expert evidence](#).

## **8. SECTION 8 – VICTIMS AND WITNESSES**

8.1 It is important for police and prosecutors to remember that these cases may involve some of our most vulnerable victims and witnesses who may have the least confidence in the criminal justice process. Victims often feel a loyalty to their family/community and this might make them particularly reluctant to support a prosecution. They may also need support mechanisms not just during the prosecution process, but also after the case is concluded. Victims of 'so-called' HBV/A and FM are entitled to an enhanced service under [The Code of Practice for Victims of Crime: CPS Legal Guidance \(Victim's Code\)](#). The police and CPS will comply with their responsibilities as set out in the Victim's Code.

8.2 The police are responsible for ensuring that all 'so-called' HBV/A and FM victims are assisted appropriately according to their specific needs (age, maturity, disability, minority ethnic background, religion, gender/gender identity etc.) and that they are referred to local specialist support services at the start of an investigation including, IDVA support, BME

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<sup>15</sup> However this should be discussed with the victim; some victims may find a summons a useful tool to demonstrate to their families/extended families that they had no choice but to attend court.

specialist organisations, or their equivalent, where available. A list of support agencies and corresponding help lines can be found within CPS [HBV and FM Legal Guidance Annex D](#).

8.3 In every 'so-called' HBV/A and/or FM case the police will obtain the victim's agreement on who is to be their SPOC and their preferred means of contact (telephone, text, email or other). The identity of the SPOC should be shared with the CPS and the Witness Care Unit so that it is clear who is responsible for communicating with the victim and recording any actions arising. Thought should be given to succession planning in preparation for when a SPOC moves on or has any absence from work.

8.4 Police officers will explain to victims and their supporters the available special measures and their advantages and disadvantages, including any potential impact on the proceedings. They will obtain victim's informed views and pass them to the CPS to inform any special measures application. This should include the name of any supporter, including any IDVA that the victim wishes to accompany them in court or a live link room. The CPS should make applications for special measures, bad character and hearsay evidence at the earliest possible opportunity. Police and prosecutors should remind victims of the services offered by the Witness Service such as pre-trial familiarisation visits.

8.5 Where the CPS decision is not to charge or ends all proceedings in relation to the victim, the victim should be informed of their right to have the case re-reviewed as part of the Victim's Right to Review (VRR) scheme.

8.6 Police and prosecutors should familiarise themselves with Table 3 of the [Toolkit for prosecutors on VAWG cases involving vulnerable victims](#), which outlines the support that should be given to vulnerable victims throughout the CJS.

8.7 The police will ensure that in every case the victim has the opportunity to provide a Victim Personal Statement (VPS). In all cases, the VPS and the information about the victim's preference will be relayed to the court at the first hearing by the CPS advocate. The VPS can be read aloud in court by the victim or someone on the victim's behalf; this decision is at the discretion of the court.

8.8 When selecting interpreters, care must be taken to ensure that they have an understanding of the culture, speak the same language/dialect and where possible are sensitised to issues of gender based violence in BME communities. Experience has led to concerns about interpreters and translators who are not on the approved list and who may often be part of the family or linked to the group suspected of carrying out the crime. The selection of the right interpreter is essential given the potential risks for the details of the victim's account to be inappropriately disclosed to the perpetrators and/or other community members or for the victim to be threatened or intimidated by the interpreter. Police and prosecutors should consult [CPS guidance on the use of interpreters](#).

8.9 The immigration status of the victim may need to be considered. Victims with an insecure immigration status are particularly vulnerable as their rights to settlement or public funds, such as social security benefits and public housing, may be limited. They may be reluctant to come forward to seek help as they may fear deportation and/or destitution.

8.10 Investigators, prosecutors and Witness Care Units need to know what support agencies are available for victims within their local area, nationally, and internationally. Victims must always be afforded the opportunity to be referred to specialist VAWG services and not subject to automatic referral without their consent. The police must endeavour to ensure the

victim is provided with access to such support<sup>16</sup>. Police and prosecutors should refer to the [Domestic Abuse Guidelines for Prosecutors](#) and the [UK Border Agency \(UKBA\) Website](#).

## **9. SECTION 9 – TRIAL**

9.1 Prosecutors should familiarise themselves with the CPS Speaking to Witnesses at Court guidance which emphasises the need to ensure witnesses are properly assisted and know more about what to expect before they give their evidence. It sets out what is expected of prosecution advocates, outlining what they can and cannot say to witnesses and explaining the difference between assisting a witness to be better able to deal with the rigors of giving evidence and witness coaching.

9.2 Also agreed, as part of its implementation, is a roles and responsibilities document which sets out the roles and responsibilities of all agencies which support victims and witnesses at court. Each CPS Area should have discussed this document with local CJS partners as part of national implementation of the CPS guidance. The document may have been tailored to suit local practices, as such please ensure the local Roles and Responsibilities document is referred to.

9.3 The prosecuting advocate will introduce themselves to the victim at court prior to the commencement of the trial. This is especially important if a special measures meeting with the victim has not taken place<sup>17</sup>. Prosecutors should be aware of the potential for the witness to feel further victimised and/or traumatised and, to minimise this, should ensure that witnesses feel valued and involved in the court process. Particular care needs to be taken to make sure they understand what will happen in court.

9.4 Witnesses should be reassured that the prosecution can object to intrusive/irrelevant cross-examination and the judge will decide whether the questions need be answered. The witness should be advised that the judge's decision must be followed.

9.5 If a decision is taken at court to offer no evidence or accept a lesser plea the views of the victim will be taken into account before a final decision is reached and the advocate will speak to the victim directly or indirectly through an interpreter/an appointed person e.g. an IDVA, to explain the issues surrounding the decision.

## **10. SECTION 10 – SHARING LESSONS LEARNT**

10.1 Both the local police and CPS will monitor these cases and provide feedback about good practice and areas for improvement through an agreed frequency of meetings between the police and the CPS lead. This information will then be passed quarterly to the CPS 'so-called' HBV/A and FM Operational Policy lead, the NPCC lead on 'so-called' HBV/A and FM and the College of Policing so that national lessons can be learnt.

10.2 Where appropriate lessons learnt should also be shared with local specialist support agencies either through existing forums or by arranging ad-hoc meetings.

## **11. SECTION 11 – SIGNATORIES**

11.1 This protocol will take effect in respect of all 'so-called' HBV/A and FM investigations and prosecutions commencing on or after XXXX.

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<sup>16</sup> N.B: do not assume that if a victim is from a particular community they would want to be referred to an organisation representative of that community.

<sup>17</sup> Where special measures will be used in a HBV/A and/or FM case it is recommended a special measures meeting is held.