



**CPS pilot on forced marriage and so-called
'honour' crime – findings**
December 2008

Acknowledgements

This report has been prepared by the Crown Prosecution Service (CPS) with the cooperation and assistance of many individuals both within and external to the organisation.

Thanks, firstly, to our external partners who sat on the Steering Group convened to oversee the pilot. This includes: Detective Chief Inspector Gerry Campbell and Detective Constable Yvonne Rhoden (Metropolitan Police Service); Hannana Siddiqui (Southall Black Sisters) and Dr Aisha Gill (Roehampton University). Their contribution to discussions in the early stages of setting up the pilot and their support throughout the pilot was invaluable.

Second, we would like to express our thanks to the pilot Areas. The pilot would not have been possible without their agreement and the assistance of the staff. Specialist prosecutors deserve particular thanks for their contribution, not just in taking on the role of specialist, but also for their input on the research element of the pilot. Their helpful and prompt response to requests for information, and their completion of questionnaires, was crucial to the research. We are especially grateful to those prosecutors who attended the focus group discussion in May 2008.

Third, we are very grateful to Nazir Afzal (CPS London Sector Director) for the significant role he has played as a member of the project team as well as the advice and support he has provided to prosecutors in the Areas responding to these cases. Many thanks also to Linda Doughty and Paula Bowden for their help in monitoring cases during the pilot.

Finally, we are also grateful to our colleagues, Lynn Evans, Kirsten Foster, Tracey Gooch, Funmi Johnson, Lynne Townley and others in the Equality and Diversity Unit and the Policy Directorate for their input.

CPS pilot on forced marriage and so-called ‘honour’ crime – findings

Chris Magill and Vanessa Lee, Policy Directorate Research Team; Jude Watson, Equality and Diversity Unit, Crown Prosecution Service

Executive Summary	4
1. Introduction.....	6
Context.....	6
Definitions.....	7
Specialist prosecutors, guidance and training	8
Flagging procedure.....	9
Report structure.....	10
2. Approach and Limitations	10
An overview of the approach	10
Limitations of the study.....	13
3. Numbers and Patterns	14
Case profile	14
Defendant/Victim characteristics	16
Typical scenarios.....	18
Summary	20
4. Training and Guidance.....	21
Feedback on training.....	21
Ideas for future training.....	22
Feedback on guidance	24
Prosecution guidance.....	24
Flagging guidance.....	24
Improving guidance	24
Summary	25
5. Issues facing prosecutors: identifying, managing and prosecuting cases	25
Identifying cases.....	25
Levels of confidence	25
Challenges in correctly defining cases	26
Challenges in identifying cases	27
Charging cases.....	27
Levels of confidence	27
Mixed awareness and understanding of police.....	28
Case management	29
Victim and witness care.....	29
Understanding risks	30
Identifying special measures	31
Awareness of local support agencies	31
Responding to different communities	31
Presentation in court.....	32
Securing suitable experts in court	32

Explaining the cultural context in court	32
<u>Advising colleagues</u>	<u>32</u>
<u>Other issues</u>	<u>33</u>
Challenge to maintain momentum	33
Using appropriate interpreters	34
A multi-agency approach.....	34
<u>Summary</u>	<u>35</u>
6. Key Findings	35
Numbers and Patterns.....	35
Specialist prosecutors, training and guidance	37
7. Annexes	39
Annex A: Glossary.....	39
Annex B: Additional Information on Definition.....	41
Annex C: Flagging Procedure.....	42
Annex D: Case File Sampling Exercise: Methods	43
Annex E: Supplementary Tables	45
8. References	47

Executive Summary

The Crown Prosecution Service (CPS) is committed to prosecuting with the full force of the law those that are found to harm others in the name of 'honour'. This commitment is expressed in the CPS' Violence against Women strategy (CPS, 2008). The strategy aims to secure the coordination and improved prosecution response to a range of crimes, including forced marriage and so-called 'honour' crime.

Other government departments, such as the Departments of Health; Children, Schools and Family; Ministry of Justice; Home Office; and the Foreign and Commonwealth Office, as well as the voluntary sector, have joined with the CPS in responding to these crimes. It is hoped that this approach will improve the investigation of offences committed in a forced marriage or so-called 'honour' crime setting and that it, in turn, will lead to more successful prosecutions and better support for victims and witnesses.

On 1 July 2007, the CPS implemented a pilot project to identify and monitor forced marriage and so-called 'honour' crime cases for the first time. The aims of the pilot were:

- a) To identify the number and pattern of cases
- b) To identify issues facing prosecutors in accurately identifying, managing and prosecuting these cases
- c) To inform the development of any national guidance and training for prosecutors.

The pilot ran in four CPS Areas: Lancashire, London, West Midlands, and West Yorkshire. Within London there were four participating Boroughs (Newham, Brent, Tower Hamlets and Ealing). The pilot ran for nine months and concluded on 31 March 2008.

Within each Area, in advance of the pilot, nominated prosecutors (known as specialist prosecutors) were selected, provided with guidance and trained to lead and advise colleagues on the prosecution of these cases in their respective Areas.

A new monitoring system was also implemented as part of the pilot. This involved specialist prosecutors forwarding to a lead advisor any suspected case of forced marriage and/or so-called 'honour' crime in order for its status to be confirmed and a monitoring 'flag' to be applied. The lead advisor also acted as a direct point of contact for guidance and advice for prosecutors in relation to identifying, managing and prosecuting these cases during the pilot.

The CPS also initiated a research project in support of the pilot. The research adopted a mixed method approach involving qualitative and quantitative methods. It was also, in some respects, longitudinal in design. Data was collected in three stages: 1) pre-pilot; 2) during the course of the pilot; and 3)

post-pilot. The key findings from the research project are presented in this report.

In total, 35 cases of forced marriage and/or so-called 'honour' crime were identified during the nine month pilot period. Despite the small number of cases, analysis undertaken as part of the research revealed a number of patterns:

- Prosecutions were more likely to be completed at the Crown Court rather than the magistrates' courts
- All defendants in the pilot were male; aged, on average, 29 years old; and most defendants were classified as Asian (Pakistani, Bangladeshi or Indian)
- A number of offences involved more than one victim and more than one defendant, revealing a pattern of multiple defendants and/or victims
- Where there was one victim and one defendant their relationship was mostly spouse/ex-spouse
- Often the relationship between the victim(s) and defendant(s) was complex and it was not unusual for the relationship to fall outside a domestic violence situation
- Victims were almost equally likely to be male or female with most of these 'honour' crimes stemming from a relationship with a woman, who herself suffered harm, within a situation of male family control.

Of the 21 cases finalised at the time of data collection, 10 resulted in a conviction. Cases that did not result in a conviction were most often related to victim and/or witness concerns, where a reason for the outcome was recorded. Due to limitations in the sample these figures should be treated as indicative only.¹

The research highlights the benefits of training and guidance for prosecutors and the monitoring of these cases. Suggestions for future training, such as further training on cultural diversity using external speakers, are identified. Improvements to guidance as well as ideas for future initiatives are also identified. Specialist prosecutors reported a generally strong level of confidence across the various aspects of handling cases. Key areas for future development include: multi-agency work on these issues; the identification of support services for victims and witnesses; monitoring of future cases; and provision of expert witnesses.

Proposals for future work within the CPS on forced marriage and so-called 'honour' crime, based on the findings from the research, focus on three main areas: the prosecution of cases; support for victims and witnesses; and future flagging of cases.

Recommendations in these areas are planned for implementation from April 2009 onwards (see separate paper on CPS recommendations for further information).

¹ Further information on the limitations is available in the 'Approach and Limitations' chapter in the report.

1. Introduction

On 1 July 2007, the Crown Prosecution Service (CPS) implemented a pilot project to identify and monitor forced marriage and so-called 'honour' crime cases for the first time.

The aims of the project were:

- a) To identify the number and pattern of cases
- b) To identify issues facing prosecutors in accurately identifying, managing and prosecuting these cases
- c) To inform the development of any national guidance and training for prosecutors.

The pilot ran in four CPS Areas: Lancashire; London; West Midlands; and West Yorkshire. Within London there were four participating Boroughs (Newham, Brent, Tower Hamlets and Ealing). The pilot ran for nine months and concluded on 31 March 2008.

This report presents the key findings from a research project conducted in support of the pilot. In this chapter, the context within which the pilot was launched and definitions are considered. This is followed by an outline of initiatives introduced as part of the pilot.

Context

The government and representatives of all political parties have joined with the CPS, the police and the voluntary sector to develop strategies to respond to crimes committed in the name of so-called 'honour' and forced marriage. The CPS' Violence against Women strategy (CPS, 2008) aims to secure the coordination and improved prosecution response to a range of crimes, including forced marriage and so-called 'honour' crimes.

The CPS is committed to prosecuting with the full force of the law those that are found to harm others in the name of 'honour'. The CPS has a duty to protect all victims of crime, wherever they may be, and it would be failing in this duty if it did not try to explore ways of dealing with crimes that occur within specific communities.

There is a widespread recognition, accepted by the government, that these crimes are severely under-reported and that a cross-government, multi-agency, cross-sector partnership is required to improve everyone's response to it. It is also accepted that a lack of awareness, understanding, or established expertise can contribute to increased harm, increased risk and lower confidence levels amongst victims or potential victims.

Forced marriage and so-called 'honour' crime affects many communities (see, for example, Foreign and Commonwealth Office/Home Office, 2005; Brandon and Hafez, 2008). There is no faith foundation, ethnic excuse, or cultural reason for these practices. These crimes are based on out-dated customs

and practices and are fundamental abuses of human rights. All communities contain those who commit violence against women.

The CPS recognises that there is probably an ambivalent attitude towards the involvement of the state in matters which some may argue affect only the family. Its work in this area is not an attempt to say that one culture is better than another culture; it is simply a statement that a crime is a crime and that a variety of strategies are needed to respond to crimes that take place in a variety of circumstances.

The Department of Health; Department of Children, Schools and Family; the Ministry of Justice, the Home Office; the Foreign and Commonwealth Office; the police; and the voluntary sector have joined with the CPS in responding to these crimes. It is hoped that this approach will improve the investigation of such crimes and therefore lead to more successful prosecutions where perpetrators are brought to justice, where victims are made to feel safe and where potential victims can have confidence that they will be taken seriously.

Definitions

There are no specific criminal offences of ‘forced marriage’ or ‘honour crime’ within England and Wales. Forced marriage and so-called ‘honour’ crime are umbrella terms to encompass offences already covered by existing legislation. Individuals committing such crimes may be prosecuted for a range of offences under various legislation – from harassment under the Protection from Harassment Act 1997; threats to kill, actual or grievous bodily harm under Offences Against the Person Act 1861; various sexual offences as defined under the Sexual Offences Act 2003; to common law offences such as kidnapping and murder.² Forced marriage and so-called ‘honour’ crime are a violation of human rights³ and may be a form of domestic and/or sexual violence.

Domestic Violence is defined by the government as:

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

An adult is any person aged 18 years or over and family members are defined as mother, father, son, daughter, brother, sister and grandparent, whether directly related, in-law or step-family. It is acknowledged that domestic violence and abuse can also manifest itself through the actions of immediate and extended family members through the perpetration of illegal activities, such as forced marriage, so-called ‘honour crime’ and female genital mutilation.

² The list is not exhaustive.

³ At an international human rights level, additional protection against forced marriage is provided in the Universal Declaration of Human Rights Article 16(2). This states that marriage requires the free consent of both parties.

The definition for forced marriage used in the pilot is in line with that used by the Home Office Working Group on Forced Marriage⁴: “A marriage without the consent of one or both parties and where duress is a factor”. The Court of Appeal clarified that duress is: “Whether the mind of the applicant has been overborne, howsoever that was caused”.⁵ A forced marriage is distinct from an arranged marriage – “the distinction focuses on consent” (McAlpine, Gill and Hegarty, 2007: 15). In arranged marriages, although families may take a leading role in choosing the partners, the choice of whether or not to consent to the arrangement remains with the potential spouses (Foreign and Commonwealth Office/Home Office, 2005).

The definition used in the pilot for so-called ‘honour’ crime is in line with that used by the Metropolitan Police Working Group on ‘honour’ based violence:

“So-called honour based violence⁶” is a crime or incident that has or may have been committed to protect or defend the honour of the family and/or community.

Such violence is defined as a fundamental abuse of human rights and described as a: “Collection of practices, which are used to control behaviour within families to protect perceived cultural and religious beliefs”. It is also recognised as a crime predominantly (but not exclusively) committed against women within a context of male power and control. Further explanation on this definition is available at Annex B.

Specialist prosecutors, guidance and training

Within each pilot area, in advance of the pilot, nominated prosecutors (known as specialist prosecutors) were specifically selected and trained to lead and advise colleagues on the prosecution of these cases in their respective Areas.

A training seminar was held in May 2007. It included speakers from the Metropolitan Police, Association of Chief Police Officers (ACPO), the Government’s Forced Marriage Unit (Foreign and Commonwealth Office), Southall Black Sisters and the CPS. It was designed to equip specialist prosecutors to deal with cases involving forced marriage and so-called ‘honour’ crime. Specialist prosecutors were provided with information on the pilot aims and methods, including guidance on a new monitoring system (see below). Guidance in relation to prosecuting cases involving forced marriage and so-called ‘honour’ crime was also provided.

During the course of the pilot, some specialist prosecutors did not continue to work as specialists in their Areas. Others joined the pilot later, without attending the seminar, and were only provided with written guidance and copies of training materials. Others only had supervision by specialist prosecutors and a minority prosecuted cases with no guidance in any form.

⁴ The Home Office Working Group was set up in August 1999 to investigate the problem of forced marriage in England and Wales and to make proposals for tackling it effectively. For further information see Home Office (2000).

⁵ *Hinari v Hinari* (1984) 4 FLR 232 CA

⁶ This was the definition the Metropolitan Police were using at the time the pilot was established.

Those who received only guidance, or no specialist information at all, are designated as “non-specialist” throughout the report. There were 22 original specialist prosecutors and 13⁷ non-specialist prosecutors. Differences in their experience were identified in the pilot and are highlighted in this report.

A lead advisor was appointed and played a significant and pivotal role throughout the pilot. He acted as a point of contact for guidance and advice for prosecutors in relation to identifying, managing and prosecuting these cases during the pilot. The lead advisor also contributed to the implementation of the new monitoring system.

Flagging procedure

A new case monitoring system was introduced as part of the pilot. Specialist prosecutors were provided with information and guidance on the new system at the training seminar in May 2007.

Forced marriage: the guidance advised prosecutors to flag⁸ any criminal offence of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) that had been carried out in the context of a forced marriage either:

- To coerce a party/parties into marrying without their consent, which would be prosecuted under the specific offence committed, for example, harassment, kidnap, threats to kill; or
- After a forced marriage without the consent of one or both parties and where duress is a factor, which would be prosecuted under the specific offence committed, for example, rape, sexual assault.

As part of the CPS pilot, prosecutors were advised that these crimes, where committed in the context of the defendant(s) forcing or having forced someone to marry, should be identified (or flagged) as ‘forced marriage’ (as well as by the named offence) on the CPS Case Management System (CMS)⁹.

So-called ‘honour’ crime: the guidance advised prosecutors to flag any criminal offence of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) committed as a so-called ‘honour’ crime. Prosecutors were advised that cases should be prosecuted under the specific offence committed (for example, common assault, grievous bodily harm, harassment, kidnap, rape and threats to kill, murder). The guidance indicated, as with forced marriage, that these crimes should be identified as ‘Honour Crime’ (as well as by the named offence) on the CPS CMS.

⁷ One of those designated as a non-specialist was from CPS Direct (see the Glossary for further information). Although s/he attended the training and was given guidance to identify cases, s/he would not have been involved in prosecuting cases due to her/his specific role.

⁸ Flagging refers to the process of attaching an electronic ‘flag’ to cases on CPS electronic data systems. See the Glossary for further information.

⁹ Case Management System is a national CPS electronic case management system and management information system. See Glossary for further information.

The guidance also advised on cross-flagging with ‘domestic violence’ flags, where appropriate, within the government-wide definition. The cross-flagging also identified adult and under 18 defendants and victims.

The new flagging procedure, as outlined in the guidance, also required specialist prosecutors to forward to the lead advisor any suspected case of forced marriage and/or so-called ‘honour’ crime in order for flagging decisions to be reviewed and their accuracy confirmed (see Annex C for more detail).

Report structure

The remainder of the report is structured as follows:

- Chapter 2 provides an explanation of the approach adopted for the research and outlines the methodological limitations;
- Chapter 3 considers quantitative information on the cases identified in the pilot and includes a profile of the cases and information on defendant/victim characteristics;
- Chapter 4 presents feedback on the training and guidance developed as part of the pilot;
- Chapter 5 provides an overview of the key issues prosecutors encountered during the course of the pilot; and
- Chapter 6 summarises the key findings of the research.

Supplementary information is provided in a number of annexes:

Annex A	Glossary
Annex B	Additional information on Definition
Annex C	Flagging Procedure
Annex D	Case File Sampling Exercise: Methods
Annex E	Supplementary Tables.

References are listed at the end of the report.

2. Approach and Limitations

The research conducted in support of the pilot formed a descriptive study. It sought to answer questions that were important to the aims of the pilot, such as: “What are the issues facing prosecutors in identifying such cases?” In this chapter, the approach taken in answering such questions is outlined. Limitations of the study are also considered.

An overview of the approach

A mixed method approach involving qualitative and quantitative methods was adopted. The research was also, in some respects, longitudinal in design.

Data was collected in three stages: 1) pre-pilot; 2) during the course of the pilot; and 3) post-pilot. An overview of the approach, the data collected at each of these stages, how and why, is provided below.

i) Pre-pilot

Questionnaires: Self-completion questionnaires were administered to specialist prosecutors who attended the forced marriage and so-called 'honour' crime training seminar held in May 2007. Two sets of questionnaires were completed – one pre-training and one post-training. The aim of the questionnaires was to assess the usefulness of training and its impact on prosecutors' confidence in dealing with forced marriage and so-called 'honour' crime cases, and to identify any issues that might be addressed in the development of future guidance and training. In total, 21 specialist prosecutors completed the pre-training questionnaire, with 16 completing the post-training questionnaire. Findings from the pre-pilot questionnaires are summarised in the 'Training and Guidance' chapter in this report.

ii) During the pilot

Form MG3, 5, and 11: As part of the flagging procedure, specialist prosecutors were advised to send all MG Forms¹⁰ for cases referred to them to the lead advisor to check the accuracy of the flag. At the planning stage, it was anticipated that quantitative data on, for example, defendants' dates of birth, or victim characteristics, would be extracted from these forms. In practice, however, not all cases were referred to the lead advisor within the pilot time frame. Gaps in quantitative data were therefore filled retrospectively, that is, at the end of the pilot, from case details available on CMS.

Management Information System¹¹ (MIS): MIS reports on cases were used during the pilot to monitor cases. MIS reports were also referred to post-pilot in an audit of cases identified during the pilot (also see below under Post-Pilot).

Data from the above sources are presented in the chapter entitled: 'Numbers and Patterns'.

iii) Post-pilot

Questionnaires: Self-completion questionnaires were sent to all specialist prosecutors in the pilot Areas. Other prosecutors (non-specialists)¹² who had been involved in pilot cases were also sent the post-pilot questionnaire for completion. The aim of the questionnaire was to collate information on prosecutors' experiences in dealing with

¹⁰ See the Glossary for further information on Forms MG3, MG5 and MG11.

¹¹ Management Information System (MIS) is the application used to report upon case-related data entered into CMS. See the Glossary for further information.

¹² Information on other prosecutors was obtained from CMS.

cases of forced marriage and/or so-called 'honour' crime and their general experiences in relation to the pilot. In total, 13 (six specialist and seven non-specialist) prosecutors returned the post-pilot questionnaire. A further five responded and submitted a response indicating that they had not had any involvement with relevant cases during the course of the pilot.

Focus Group: A focus group was held in June 2008. The aim of the focus group was to collect more in-depth information about prosecutors' experiences in handling these cases and their views on the pilot. All specialist prosecutors with experience in handling relevant cases were invited to attend the focus group. Non-specialist prosecutors who had been involved in pilot cases were also invited. Six prosecutors volunteered and five¹³ subsequently attended, the majority of whom were specialists. The limited number of cases, coupled with operational commitments, meant that representatives from one of the pilot Areas were unable to attend.

Auditing flagged cases: At the close of the pilot, an audit was completed of cases monitored in the piloting phase. This involved cross-matching Unique Reference Numbers (URNs)¹⁴ for cases identified from monthly and quarterly MIS reports with the lead advisor's log¹⁵ to ensure that all eligible cases identified during the pilot were included in the final count. The audit confirmed 20¹⁶ URNs (or case files) in total (see below, under 'limitations of the study', for the parameters set for inclusions/exclusions). A case file may involve more than one defendant, victim and/or offence. The 20 case files identified as part of the pilot involved 35 defendants; 33 victims and 47 offences. The lead advisor confirmed that all 20 case files involved forced marriage and/or so-called 'honour' crime.¹⁷

Data from CMS/MIS/WMS: Additional data on defendant and victim characteristics were collected at the end of the pilot from CMS. MIS reports were relied upon for data on outcomes and application of monitoring codes. The Witness Management System (WMS)¹⁸ was consulted for data on victim characteristics.

¹³ This included a representative from CPS Direct. CPS Direct is the national 'out of hours' service that provides charging advice. See the Glossary for further information.

¹⁴ Each case file is allocated a Unique Reference Number (URN) at the earliest opportunity. See the Glossary for further information.

¹⁵ The log acted as a record of all cases referred to the lead advisor's office for flagging advice and confirmation. URNs were used to identify cases for auditing purposes.

¹⁶ This total includes one case file registered pre-pilot. This file was included in the pilot as two defendants were later charged and the file flagged within the pilot phase.

¹⁷ The audit revealed that at the close of the pilot, eight Unique Reference Numbers (URNs) had not been referred via the lead advisor for confirmation on the accuracy of flagging. The lead advisor retrospectively checked these cases. All eight were confirmed as correctly identified as forced marriage and/or so-called 'honour' crimes.

¹⁸ The Witness Management System (WMS) is a national IT system designed to support Witness Care Units (WCUs). See the Glossary for further information.

Case file sampling exercise: A case file sampling exercise was completed in July 2008. The aim of the exercise was to assess the extent to which prosecutors in the pilot Areas accurately identified forced marriage or so-called 'honour' crime (or both) cases during the course of the pilot. This information is, therefore, relevant to the second pilot aim which was to identify issues facing prosecutors in accurately identifying, managing and prosecuting these cases. The findings from the exercise are also relevant to the first aim of the pilot in terms of the interpretation of estimates on the number of cases. The exercise entailed a review of details relating to 259 randomly selected URNs. Further information on the approach and methods used in the case file sampling exercise is available at Annex D.

Data collected from post-pilot questionnaires and focus group discussions are included in the 'Training and Guidance' and 'Issues Facing Prosecutors' chapters. Data on cases and defendant and victim characteristics are reported in the 'Numbers and Patterns' chapter.

Limitations of the study

The following limitations should be taken into consideration when interpreting the findings presented in this report:

- i) *Cases files included/excluded:* The number of cases identified in the pilot includes only those cases that were a) *registered* on CMS; and b) *flagged* as either a forced marriage and/or so-called 'honour' crime between 1 July 2007 and 31 March 2008. Any cases that have not been identified as forced marriage and/or so-called 'honour' crime by the CPS (or the police) will not ultimately have been flagged on CMS and are therefore not included in the pilot. CPS systems, such as CMS, only contain data on cases referred to the CPS. Crimes reported to the police but not referred to the CPS (and similarly crimes committed but not reported to the police) fell outside the remit of the pilot.
- ii) *Reliance on CMS/MIS:* As with any administrative system the data that are extracted are only as reliable as the data that have been manually put into it. For further information on CPS performance in this respect, particularly in relation to the use of monitoring codes, see HMCPSI (2008). In the findings from the pilot, where results have been returned which seem anomalous, this has been noted. Similarly, where information from MIS reports was 'undefined' (in other words unavailable), documents on CMS and, in some instances, paper files, were consulted to address the gaps.
- iii) *Sample Constraints:* Caution should be applied when interpreting the quantitative data in this report. The findings are based only on certain cases (see above for further information on cases included and excluded), from selected Areas (four pilot Areas) and from a limited timeframe (nine months). Numbers are small, particularly in relation to subcategories. For these reasons, the findings should be treated as indicative only.

- iv) *Ethical considerations:* Where very small numbers are involved, the data have been aggregated in order to protect against unintentional disclosure of individuals. Where case studies or examples have been provided, these are taken from finalised cases only and have been restricted to cases involving individuals over the age of 17. All quotations from the focus group discussion have been anonymised for reporting purposes.

3. Numbers and Patterns

In this chapter, quantitative data relating to the cases identified in the pilot are considered. Data on outcomes and offences, as collated from MIS, are presented. Flagging is also addressed. Defendant and victim characteristics and other key features of the cases identified in the pilot are presented. In this chapter, the term 'case' is generally used interchangeably with 'defendant'. The term 'case file' or 'file' is used where the text is referring to a URN as the unit of measurement.

Case profile

The figures presented in this section of the report are based on finalised cases, in other words, completed prosecutions.¹⁹ The number of cases is small, particularly with reference to unsuccessful cases. Figures should be treated as indicative only. Caution should be exercised in drawing any conclusions based on comparisons between data presented here and data elsewhere.

In total, 21 out of the 35 cases identified between 1 July 2007 and 31 March 2008 were finalised at the time of data collection.²⁰ Of these 21 cases:

- 18 cases were flagged as so-called 'honour' crime
- Two cases²¹ were flagged as a forced marriage *and* a so-called 'honour' crime
- One case²² was flagged as forced marriage.

Forced marriage or so-called 'honour' crime cases were identified in all four of the pilot Areas. London, West Midlands and West Yorkshire each recorded six cases. Lancashire recorded three cases. Within London at least one case was identified in each of the four participating Boroughs (two in Tower Hamlets; two in Newham, one in Brent and one in Ealing). In relation to the three cases flagged as forced marriage, one was recorded in London and the other two in West Yorkshire.

¹⁹ Cases still 'live' and cases dealt with by way of a Pre-Charge Decision are excluded.

²⁰ The data in this section of the report is based on the status of respective cases as at 30/06/08.

²¹ This case represented one URN. The incident concerned two defendants, hence, counted as two cases.

²² An audit check completed at the end of the pilot revealed that although the lead advisor had advised the area to flag this case as a forced marriage case, the appropriate flag was not subsequently applied on CMS. The case is nevertheless included in this, and subsequent analysis, as it was confirmed as a forced marriage case, even if not electronically identified as such.

The CPS already monitors several other types of cases on CMS. This includes, amongst others, cases involving domestic violence, child abuse, rape, and vulnerable or intimidated witness(es). Disability incidents, racist incidents, religious incidents and homophobic incidents are also monitored.

An examination of these monitoring flags for the 21 finalised cases identified in the pilot revealed that:

- All cases, 21 in total, were also flagged as domestic violence cases
- 11 cases were identified as cases with one or more vulnerable or intimidated witnesses
- None of the 21 cases were flagged as a disability hate crime, a religious incident, rape, child abuse or a homophobic incident
- One case (a so-called 'honour' crime case) was flagged as a racist incident.

Of the 21 cases finalised at the time of data collection, 10 ended in a conviction or, in other words, a successful outcome. In nine of these 10 cases the conviction followed a guilty plea. The remaining case resulted in a conviction after trial.

Prosecutions were more likely to be completed at the Crown Court rather than the magistrates' courts – seven out of ten successful cases ended in Crown Court.

An unsuccessful outcome was returned in 11 of the 21 finalised cases identified in the pilot. Of the 11 unsuccessful cases, six were unsuccessful due to victim or witness difficulties; two were due to the prosecution being unable to proceed because an essential legal element was missing from the case; two cases resulted in an acquittal; and one case was recorded as unsuccessful for 'other' reasons. A full breakdown of the reasons for unsuccessful outcomes is available at Annex E; Table 1.

Case Study 1:

In one case, the victim made a withdrawal statement as the incident had had a devastating affect on the family. The prosecution offered no evidence in the matter after the victim did not attend court and the police were unable to serve a witness summons. Enquiries were made but the police concluded that the victim had gone into hiding to avoid the court proceedings.

Where a case is charged and finalised the Principal Offence Category²³ indicates the nature of the offence on MIS. MIS reports indicated that, of the 21 cases that had been finalised at the time of data collection, 14 were recorded as 'Offences against the Person'; three were recorded as 'All Other

²³ The Principal Offence Category indicates the most serious offence with which the defendant is charged at the time of finalisation.

Offences'; two as 'Homicide' and one recorded as 'Theft and Handling'²⁴. The Principal Offence Category was undefined in relation to the remaining case. A check on case details on CMS revealed the Principal Offence Category in this latter case was also 'Homicide'²⁵.

MIS reports also provide a breakdown of specific offences for which a prosecution was started. The analysis revealed that, for the 21 finalised cases, a total of 47 offences reached a first hearing in the magistrates' courts.

The more detailed breakdown shows the spread of offences committed in the name of 'honour' and in forced marriage situations. In terms of frequency, the most common offences were actual bodily harm (10); threats to kill (six); wounding with intent (six) and battery (five). There was one murder, one solicit to commit murder, three kidnaps and three false imprisonments. For a full breakdown see Annex E; Table 4.

Case Study 2:

In one case, the male victim was in a relationship with the other victim (female). The victims were from different religions. The relationship was a secret because of a belief that one of the families would not approve. The secret was revealed when the female victim became pregnant. Once the family found out, the threats to kill her and her boyfriend became real. As a result of the clear and present danger to them they moved to an undisclosed location but reported the matter to the police. The male victim was subsequently assaulted and threats were made to his life.

The seriousness with which this was taken by the police and the CPS was illustrated by the placing of both the complainant and his girlfriend into witness protection. Such protection is reserved for those at greatest risk of harm and not taken lightly. It is, however, sometimes necessary to provide that level of protection in order to prevent more serious crime. The long periods of imprisonment (four years each) given to the defendants recognised how unacceptable their behaviour was.

Defendant/Victim characteristics

In this section, defendant characteristics, as collated from MIS, are considered first. In this analysis, no distinction is drawn between 'live' and finalised cases. Specific characteristics include ethnicity, age, gender, disability and religion. Where available, information on these variables is presented for the 35 cases identified between 1 July 2007 and 31 March 2008. Data have been presented in such a way so as to protect the identity of the individuals concerned.

²⁴ This is likely a data input error. No information on the case details that were available made reference to such an offence. The original charge, as specified on CMS, is Battery.

²⁵ Homicide, as a Principal Offence Category, includes other offences besides murder, such as attempted murder and making threats to kill.

Ethnicity is recorded by the CPS using the 16+1 ethnicity classification²⁶. No ethnicity was specified for seven defendants.²⁷ Of the remaining 28 defendants, 15 defendants were recorded as Pakistani or Bangladeshi; eight Indian; and three as from an 'Other ethnic group' (including Other Asian). Two defendants were recorded as White²⁸ and on further clarification it was noted that one was from a minority ethnic community. It is not possible to provide any further information on the case involving the other White defendant as proceedings were still 'live' at the time of data collection. No defendants were recorded as Black or Mixed ethnicity (see Annex E; Table 2).

Age was calculated with reference to defendants' dates of birth and is based on age at the time of case registration on CMS. Information was available for 33 of the 35 defendants. The majority of defendants were under 34 at the time of case registration (25 out of 33): three defendants were aged between 10 and 17; 10 were aged between 18 and 24; and 12 aged between 25 and 34. Five defendants fell within the 35 to 44 age band. Three defendants were aged 45 to 64²⁹. No defendants were aged 65 and over (see Annex E; Table 3). The average age of the defendants was 29.

All 35 defendants were male.

Case Study 3:

So-called 'honour' crime is sometimes referred to as a "control crime" and this was evident in one case where a father tried to assert his control over his two daughters who evidently had tried to pursue education and employment. Both daughters lived in fear of him, sleeping with their doors locked at night, fearful of what actions their father may take against them because of his suspicions that they were disrespecting him. Neither daughter would reveal their work addresses to him for fear of attack. The threats of violence included threats that he would kill or even have his daughters raped.

The father was convicted of assaulting one of his daughters and of harassing the other. In this case, the CPS had to deal with the fear that both children had of their father and the fact that neither of the children wanted to support the prosecution after he was charged. The CPS recognised that the safety of not just one; but all the female members of the household had to be considered, and steps were taken to offer that protection.

continued next page

²⁶ See the Glossary for further information on the 16+1 ethnicity classification. Due to low numbers and the inclusion of 'live' cases, the data have been presented according to six categories of classification as recommended in ONS Guidance on classification of ethnicity data (ONS, 2003).

²⁷ Not specified includes three defendants where ethnicity was recorded as 'Not Stated' and four where ethnicity was 'Not Provided'.

²⁸ Under the six category classification the 'White' includes, 'White British', 'White Irish' and 'Any Other White'. The latter category in turn includes many minority ethnic communities such as, for example, Cypriot, Polish, Turkish and Kurdish.

²⁹ Age bands have been collapsed due to low numbers.

It is not enough to focus on one alleged victim; attention should be paid to others who could be victims or are victims of the same suspect but who have not been forthcoming in making a complaint.

Monitoring the disability and religion of defendants was introduced in the CPS in April 2007 and is in the initial stages of implementation. As such, it is not possible to present findings for these equality categories due to the high number of “not provided” responses.

Information on the previous criminal history of defendants is not available using MIS. Details on a case-by-case basis were explored using CMS. However, the information was not consistently recorded and is therefore not reported here.

Turning now to the characteristics of the individual victims, as above, in this analysis no distinction is made between ‘live’ and finalised cases. Case details, where available on CMS, were used as the primary source for victim data.

The 35 cases identified between 1 July 2007 and 31 March 2008 involved 33 victims in total.³⁰ 18 of the 33 victims were female; 15 were male.

It is not possible to report any information on the age, ethnicity, disability or religion of victims. Detailed victim data are not recorded on CMS in a form which can be reported using MIS. Available data from WMS were explored, however, recording levels were low. Information from WMS on special measures and referrals to support agencies was also unavailable due to low recording levels.

Typical scenarios

All case files³¹ identified in the pilot were examined so as to identify common themes in, for example, the circumstances surrounding the offence, or in the nature of the relationship between the defendant(s) and victim(s). Information was collated from documents available on CMS and, in some instances, full paper case files. Examples are taken from finalised cases only and have been restricted to case files involving individuals over the age of 17.

In all instances where there was a male victim, the crime centred on a relationship with a woman.

The case files identified in the pilot indicate that it is not unusual for more than one defendant to be involved in committing the offence(s). It is also not unusual for offences to be committed against more than one victim. For example, in eight of the 20 case files identified in the pilot, more than one defendant was involved in the same incident (or set of offences). Similarly, in

³⁰ These figures do not tally due to there being more than one victim and more than one defendant involved in the offence(s).

³¹ In this section, the unit of measurement is the Unique Reference Number (URN). One URN may involve more than defendant; victim or offence. The term ‘case file’ or ‘file’ has been used to reflect this. In total, 20 case files were identified in the pilot.

nine of the 20 cases files identified in the pilot, offences were committed against more than one victim. Five files involved multiple defendants *and* multiple victims – with one such case file involving four defendants and six victims.

Case Study 4:

In one case file, two defendants assaulted a male because of the relationship that he was having with a female in their family. The assault took place in public and involved a weapon. Fortunately, the injuries were not as serious as they undoubtedly could have been.

However, a family tree of this particular family and their relationship to the woman who was having an alleged relationship with the victim would not indicate the direct relationship to the two defendants. The extended family is such that individuals who are not directly related will often take it upon themselves to enforce codes of behaviour which they misguidedly apply. It is important to look, sometimes, beyond the immediate family for those who are a threat to victims and potential victims.

Offences were more often than not committed within a domestic violence³² situation in terms of the relationship between victims and defendants. However, there were occasions where extended family members, such as cousins, or individuals outside of the family, were involved in the offences (either as victims or defendants).

Overall, in 14 of the 20 case files the offences occurred in domestic violence situations; three of the 20 were cousins; and in another three there was a family connection, for example, in one case the victim was in relationship with the defendant's ex-wife.

Case Study 5:

One in nine so-called 'honour' killings are carried out by unconnected 'hit men'.³³ Most refuse to receive any money and choose to assist in carrying out the assault out of a belief that they have a duty to enforce a code of behaviour. In this case the defendant had separated from his wife because of how violent he had been towards her during the course of their marriage. She entered into another relationship some time after the end of the marriage and gave birth to another child where the defendant was not the father.

continued on next page

³² The Government definition for domestic violence is used here to define the relationship between defendants and victims. This includes, intimate partners or family members, the latter defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.

³³ Research conducted by Laura Richards for the Metropolitan Police Violent Crime Directorate 2006.

The defendant thought that this had brought dishonour on him.

The defendant did not want to kill his ex-wife and her new partner himself so he asked a family friend whether or not that friend could identify somebody who would carry out the killings. The defendant was prepared to pay for the killings. He made clear his wish to solicit murder. He also expressed a wish that the bodies were never found. The defendant was convicted after trial and sentenced to five-and-a-half years' imprisonment.

Eight of the 20 case files identified in the pilot involved a single victim and a single defendant. In six of these cases there was a family relationship between the victim and the defendant. In the other two cases, one victim was a cousin and the other was the new partner of the defendant's ex-wife. The family relationship in those six cases was most commonly (three cases) one of spouse/ex-spouse.

Case Study 6:

The victim had been assaulted dozens of times over a period of many months by her husband. Gradually, the level of violence increased to the point where she finally called the police. The victim felt uneasy about talking to the police about the violence she had suffered at the hands of her husband because of the consequences to her within the communities of which that she was part. These fears had to be dealt with in order for her to feel properly supported. The suspect made a full and frank admission and was convicted. He did not, however, show any remorse throughout the police investigation or court proceedings and stated continuously that he felt obliged by his culture and by his faith to do what he did to his wife whenever she did not show him any respect. It is known that no culture, or any faith justifies violence against women, but the defendant felt certain in his mind that he was permitted to behave as he did.

In 12 of the 20 case files with multiple defendants or victims the relationships were more complex. For example, a case may involve two victims; a boyfriend and girlfriend, both of whom are assaulted by two defendants, the girlfriend's father and his brother.

The majority of the victims were in a family relationship. However, those occasions with victims outside the family were usually men who were in relationship with a woman victim (see, for example, Case Study 4).

Summary

Overall, 35 cases were identified as part of pilot; of these, 21 were finalised at the time of data collection, with 10 resulting in a conviction. Despite the small number of cases in the pilot, a number of patterns have been identified:

- Prosecutions were more likely to be completed at the Crown Court rather than in the magistrates' courts
- All 35 defendants in the pilot were male; aged, on average, 29 years old; and most defendants were classified as Asian (Pakistani, Bangladeshi or Indian)
- A number of offences involved more than one victim and more than one defendant, revealing a pattern of multiple defendants and/or victims
- Where there was one victim and one defendant their relationship was mostly spouse/ex-spouse
- Often the relationship between the victim(s) and defendant(s) was complex and it was not unusual for the relationship to fall outside a domestic violence situation
- Victims were almost equally likely to be male or female with most of these 'honour' crimes stemming from a relationship with a woman, who herself suffered harm, within a situation of male family control.

4. Training and Guidance

This chapter considers the benefits of the training and guidance aspects of the pilot, as reported by specialist (and occasionally non-specialist) prosecutors in the questionnaires and focus group discussions. Based on these sources, the analysis first presents the feedback and retrospective experiences of training, followed by guidance. Ideas for future training and improvements to guidance are also considered.

Feedback on training

In order to assess the benefits of training as provided at the seminar in May 2007, specialist prosecutors completed two questionnaires – one pre-training questionnaire³⁴ and one post-training questionnaire³⁵. Questionnaires also explored the impact of training on prosecutors' confidence.

Findings from the pre-training questionnaire highlighted the need for training in this area. For example, the majority of the specialist prosecutors (19 of 21) had previously received training in domestic violence. However, training and experience in relation to forced marriage and so-called 'honour' crime cases was not as extensive: Only five (of 21) respondents indicated that they had received previous training in forced marriages; and the same five stated that they had received previous training on so-called 'honour' crime.

Responses to the post-training questionnaire indicated that specialist prosecutors left the seminar feeling confident they could identify forced marriage and 'honour' crime and charge such cases correctly. However, there was a perception that more training and/or experience was required when it came to: victim and witness care; understanding the cultural context and sensitivities; and advising the police.

³⁴ 21 prosecutors completed the pre-training questionnaire.

³⁵ 16 prosecutors completed the post-training questionnaire.

Overall, specialist prosecutors viewed the training seminar as useful, with all sections of the training reported as being beneficial in terms of improving their knowledge in areas relating to forced marriage and so-called ‘honour’ crime.

Ideas for future training

Further feedback on training, as well as views on what might be helpful in terms of future training, was collated from two sources. The post-pilot questionnaire, circulated to 22 specialist prosecutors and 13 other (non-specialist) prosecutors in pilot Areas at the end of the pilot,³⁶ formed one source. Feedback was also obtained from focus group participants. Findings are summarised in this section.

When recalling their impressions from the training seminar, focus group participants commented on the usefulness of external (non-CPS) speakers who presented at the training event.

“It really helps when you’ve got speakers from outside organisations come in ... because you’re ... more receptive to what they’ve got to say as they’re coming ... from a different perspective to make you think more.”

(Focus group participant 4)

Speakers were also commended for their direct experience of working on forced marriage and/or so-called ‘honour’ crime cases, which they shared at the seminar:

“When you have speakers who have dealt with those cases and can explain them to you ... you can ... identify ... issues from their experiences, and that’s how you get the knowledge, really, isn’t it? By dealing with it and listening to other people.”

(Focus group participant 5)

This is important as some prosecutors reported minimal or even lack of experience of dealing with forced marriage and so-called ‘honour’ crime cases during the pilot. For example, in response to the post-pilot questionnaire, five respondents indicated that no relevant cases had come to their attention during the pilot.

In response to the post-pilot questionnaire, and in the focus group discussion, prosecutors reflected on training needs for the police and the judiciary in relation to the understanding and awareness of forced marriage and so-called ‘honour’ crime.

A need for training to be delivered to frontline police officers in particular was identified by and supported amongst focus group participants. As one individual explained:

³⁶ 13 post-pilot questionnaires were completed: Six were from specialist prosecutors and seven were from non-specialist prosecutors.

“Training ... the PCs on the beat I think really is essential ... those who face it on a daily basis ... I think ... the senior officers and the Missing Persons Unit are very, very good, but then when it comes down to the initial officers going to take the report from the family who then feed back to the senior officers, that’s where the problem is.”

(Focus group participant 4)

Another participant, who raised a similar issue in relation to their experiences with the police, went on to support the argument for training in relation to the judiciary.

”I was very lucky with the judge that I had; he was very switched on; he was very supportive of the case, but ... I would imagine if they’ve got no understanding of this [forced marriage and so-called ‘honour’ crime] it would be very difficult”.

(Focus group participant 5)

The importance of further training on understanding cultural practices was underlined in the focus group discussion. One participant felt that further training on cultural and wider diversity issues was needed: *“I think you probably would need some more training [on cultural and diversity issues]”* (Focus group participant 4).

This observation further reinforces earlier results from the pre- and post-training questionnaires where relatively low levels of confidence were identified around understanding the cultural context and sensitivities.

When discussing their roles as specialist prosecutors, those individuals in the focus group who attended the training felt that continued training was essential in order to support their development and confidence in their specialist role.

“The problem for me is that because we are developing a new speciality... I have no or little experience in this field ... we must say ‘we are in training’ and there must be more to be done to bring us to the level [similar to more established specialists, such as those dealing with Domestic Violence].”

(Focus group participant 3)

In addition, participants supported the format of a one-day training event (like the one-day training seminar held in May 2007) for all specialist prosecutors, should the use of such specialists be rolled out nationally. One focus group participant commented that: *“It has to be a day training where [new and existing specialist prosecutors] get together, share, network, get an idea of faces, and then just build up [their] knowledge”* (Focus group participant 3).

Feedback on guidance

Guidance on the prosecution of forced marriage and so-called 'honour' crime cases was provided to specialist prosecutors before the pilot commenced. Guidance on flagging cases was also disseminated at this time. Initial feedback on these guidance documents was collected through the post-pilot questionnaires. The focus group participants also provided feedback on guidance.

Prosecution guidance

Overall, feedback from the respondents in the post-pilot questionnaire indicated a generally positive appraisal of the prosecution guidance document.

Of the nine (of 13) responses (five specialists and four non-specialist prosecutors) provided in the post-pilot questionnaire, all but one either agreed (five) or strongly agreed (three) with the statement that: "The written prosecution guidance was useful in prosecuting cases". Indeed, one respondent commented that it was: "*Comprehensive, included definitions, easy to follow*". The prosecutor that disagreed with the statement was a non-specialist prosecutor and provided no indication that s/he used the written guidance during the pilot. Four individuals (three of whom were non-specialists) did not respond to this question.

There was strong endorsement of the written guidance from the focus group participants. As one participant commented: "*I think the guidance was excellent ... very good indeed*" (Focus group participant 2).

Flagging guidance

Similar to the findings for the prosecution guidance, there was strong approval for the flagging guidance in the post-pilot questionnaire. Of the eight (of 13) respondents (five specialist and three non-specialist prosecutors), all but one either agreed (five) or strongly agreed (two) with the statement that: "The flagging guidance was useful in ensuring that cases were flagged accurately". In particular, one of these respondents explained that the flagging guidance: "*made me aware that I was required to complete certain monitoring forms*". The only respondent who strongly disagreed with the statement was a non-specialist prosecutor. No further information was available to explain this response.

Improving guidance

Prosecutors felt that there was some scope for improvement in the guidance. Focus group participants, for example, acknowledged the limited time available for charging prosecutors to read lengthy documents. As one participant commented:

“...at some point you’re going to have to condense it. I think it is [written guidance] too voluminous...it does cover everything; it’s brilliant, but at some point...you want to have a handy little booklet in the charging centre...”

(Focus group participant 3)

Focus group participants recommended the development of a shorter, condensed document, which draws out the key points, in the form of a simple checklist, or similar to the aide-mémoire recently produced for guidance on domestic violence.

Summary

Overall, the training delivered as part of the pilot was positively received amongst the prosecutors who attended the seminar in May 2007. All aspects of the training seminar were considered to be useful. Recommendations for future training from post-pilot questionnaire respondents and focus group attendees included: Suggestions on the delivery (continuing to engage external speakers with first-hand experience) and improvements on the content (further training on cultural diversity and sensitivities). Similarly, the guidance disseminated as part of the pilot was well received by all specialist prosecutors. A suggestion for consideration with regard to the future was to condense the existing written prosecution guidance into a concentrated document to increase its accessibility to staff. It was clear that non-attendance at the training had affected the understanding of the prosecution and flagging guidance of some of the non-specialist prosecutors.

5. Issues facing prosecutors: identifying, managing and prosecuting cases

This chapter summarises the main issues prosecutors faced across the various aspects of handling cases, from identifying relevant cases to charging; understanding risks; identifying special measures through to presentation in court. Personal experiences and opinions of prosecutors (both specialist and non-specialist prosecutors) in relation to each of these various aspects were raised in the post-pilot questionnaire and further considered during the focus group. Views of specialists and non-specialists are again separated out to indicate any differences in experience amongst the post-pilot questionnaire responses.

Identifying cases

Levels of confidence

Respondents were asked in the post-pilot questionnaire about the extent to which they agreed/disagreed with the statements:

- (a) “I feel equipped to identify so-called ‘honour’ crime”

(b) “I feel equipped to identify forced marriage cases and distinguish them from arranged marriages.”

Similar to the findings identified in the pre-and post-training questionnaires, many respondents in the *post-pilot questionnaires* reported a relatively high level of confidence around identification.

Overall, confidence in identifying both so-called ‘honour’ crime and forced marriage cases was generally high, with minimal differences in the levels of confidence amongst post-pilot questionnaire respondents with regards to identifying the two different types of cases.

Almost all of the 12 respondents³⁷ either agreed (seven) or strongly agreed (three) with the statement regarding so-called ‘honour’ crime. The only two respondents who disagreed (one) or strongly disagreed (one) with the statement in the post-pilot questionnaire were non-specialist prosecutors.

Similarly, all except three of the 12 respondents³⁸ also agreed (five) or strongly agreed (four) with the statement about identifying forced marriages. The only individuals who disagreed (two) or strongly disagreed (one) with the statement about identifying forced marriages were again non-specialist prosecutors.

Challenges in correctly defining cases

When discussing perceived issues around the identification and definition of so-called ‘honour’ crime and forced marriage cases, *all* focus group participants, both specialists and non-specialists, agreed there were some ambiguities in defining so-called ‘honour’ crime compared to forced marriage. One of the participants explained that:

“It’s quite hard as sometimes the issues overlap...there was one [case] that I thought was an ‘honour’ crime and it went up to [the Lead Advisor] and he said it was a forced marriage.”

(Focus group participant 4)

So-called ‘honour’ crime may involve individuals of any ethnicity or religion – as long as it falls within the definition, it is considered an ‘honour’ crime and should be identified as such.³⁹ Focus group participants discussed some of the challenges they had encountered in defining so-called ‘honour’ crime. One prosecutor, in the context of this discussion, re-enforced the need for this type of crime not to be seen as a ‘racial issue’.

³⁷ One non-specialist prosecutor did provide a response to the question on identifying so-called ‘honour’ crimes.

³⁸ One non-specialist prosecutor did provide a response to this question.

³⁹ See Annex B for additional information on definitions.

Challenges in identifying cases

Focus group participants expressed surprise at what was generally perceived to be a low number of cases involving forced marriage and/or so-called 'honour' crime that came to their attention during the pilot.

In attempting to account for this, focus group participants suggested two possible reasons. The first suggestion was that prosecutors in their Areas were not identifying and/or passing potentially relevant cases onto the specialist prosecutors (although findings from the case sampling suggested otherwise). One focus group participant who was a specialist prosecutor commented that:

"I spoke to all the lawyers in my particular Area, and it was great to start off with. The first few months, I was having phone calls: "I've got an 'honour' crime coming through, can we come to see you?" and then it seemed to die off a little bit so I suspect again that we've missed a few."

(Focus group participant 5)

In contrast, findings from the case file sampling exercise suggest that, on the whole, prosecutors were accurately identifying forced marriage and so-called 'honour' crime cases during the pilot with only one 'missed' case file found in the sample (259 case files) reviewed.

The second possible reason to account for the perceived low number of cases was that the police were not identifying relevant cases. As one focus group participant commented:

"I've only been provided cases that my colleagues thought might either be an 'honour' crime or a forced marriage, so there's probably a lot [of cases] that have probably been missed ... cases that are [forced marriage or 'honour' crime] but they just haven't picked up on it, or the officers haven't identified it, and then we've missed it."

(Focus group participant 4)

An assessment of the extent to which this was an issue lay beyond the scope of the present study.

Charging cases

Levels of confidence

Respondents were asked in the post-pilot questionnaire about the extent to which they agreed/disagreed with the statements:

- (a) "I feel equipped to determine the most appropriate charge in cases involving honour crime"
- (b) "I feel equipped to determine the most appropriate charge in cases involving forced marriage".

Similar to identification of forced marriage and/or so-called ‘honour’ crime cases, a high level of confidence was reported overall around charging forced marriage and/or so-called ‘honour’ crime cases.

When comparing the two types of cases, respondents in the post-pilot questionnaire tended to feel *slightly* more equipped to determine the most appropriate charge in cases involving forced marriage than so-called ‘honour’ crime. From the responses provided in the post-pilot questionnaire, 11 respondents reported either agreeing (seven) or strongly agreeing (four) with the statement about forced marriages; whereas nine individuals either agreed (six) or strongly agreed (three) with the statement about so-called ‘honour’ crime.⁴⁰

In attempting to account for this relatively minor variation, some explanation was found by separating the specialist prosecutors’ responses from the non-specialist prosecutors’ – albeit with the caveat that small numbers are involved at this level of analysis. Specialist prosecutors unanimously supported both statements pertaining to so-called ‘honour’ crime and forced marriage: five agreed and one strongly agreed with *both* the statements. Therefore, the variation in responses for the two categories can be pinned down to the disparity in the non-specialist prosecutors’ answers.

The relatively high level of confidence in respect to determining the appropriate charge was also evident in other aspects of the charging process; notably, application of the evidential stage of the *Code for Crown Prosecutors*⁴¹ whereby all but one of the respondents⁴² either agreed (seven) or strongly agreed (four) with the statement: “I feel confident in assessing whether there is a sufficient evidence for a realistic prospect of conviction in cases involving honour crime and/or forced marriage.” The only prosecutor who strongly disagreed with the statement was, again, a non-specialist prosecutor.

Mixed awareness and understanding of police

When discussing personal experiences of charging forced marriage and so-called ‘honour’ crime cases generally, a number of participants in the focus group described their experiences of working with police to support the charging process. Some individuals provided positive examples where the police officers they worked with were very sensitive to the needs of the victim:

“The police were really good ... they were really ... sensitive in the way they handled the victim ... the officers were really sensitive to the needs of the victim.”

(Focus group participant 1)

⁴⁰ One prosecutor did not provide a response to either of these statements.

⁴¹ Crown prosecutors in making their decisions about whether a person should be charged with a criminal offence, and if so, what that offence should be, are bound by [The Code for Crown Prosecutors](#) (see CPS 2004).

⁴² One prosecutor, a non-specialist, did not respond to this question.

However, the same individual went on to describe further examples of other police officers who appeared reluctant to follow up and pursue the lines of enquiry.

“I found it really frustrating because ... I got the impression that the police just wanted to get the statistic down that they charged and that was it, that their work was done, nothing else, and you had to keep on going back to them and saying ‘look can I have some information?’ and it was ... a process of drip-feeding that information to me, rather than giving me the evidence that I could present before a judge ... I don’t know why they were reluctant.”

(Focus group participant 1)

Case management

The post-pilot questionnaire asked respondents about the extent to which they agreed or disagreed with the statement: “I feel my team (case workers, administrative staff etc) were equipped over the pilot period to deal with potentially complex and sensitive cases of this kind”. Overall, responses to this statement were divided – just over half of the respondents either agreed (five) or strongly agreed (one) and the remainder either disagreed (four) or strongly disagreed (one).⁴³ This split in consensus was reflected across specialist prosecutors and non-specialist prosecutors who responded to this question.

Victim and witness care

Experiences and opinions concerning victim and witness care during the pilot were discussed during the focus group. Those prosecutors who had come into contact with Witness Care Units and other support organisations (for example, women’s refuges) positively rated the quality of the services provided to the victims.

The importance of being aware of the needs of victims and witnesses was acknowledged in the focus group. One participant reported having an increased awareness of the possibility of victim retraction as a result of the pilot:

“I think all the training and the documents and the shared experiences ... mean you’re anticipating having to do a prosecution with reluctant witnesses ... with intimidation; you’re ahead of the game ... so you can actually be thinking ahead.”

(Focus group participant 2)

When discussing potential ways to improve the quality of victim and witness care in cases involving forced marriage and/or so-called ‘honour’ crime, another focus group participant felt that for these cases, where the victim and/or witness is likely to have more intensive needs which require sensitive handling, a more senior frontline staff member should have overall responsibility for victim and witness care.

⁴³ Two individuals did not respond to this question on case management.

“If you did have a case with sensitive issues and ... there are problems regarding your witnesses, I don’t necessarily think the Witness Care [Unit staff], who are mostly Administrative Officers, should have sole responsibility for dealing with them. I think the Officer in the case should be the one who deals with them; just as they would in rape cases or serious domestic violence cases. They should be the point of contact because all it takes is a phone call to someone and someone else picks it up, or a letter to go astray, and that causes huge issues.”

(Focus group participant 4)

Understanding risks

Respondents were asked in the post-pilot questionnaire about the extent to which they agreed/disagreed with the statements:

- (a) “I understand the risks in relation to the use of interpreters”
- (b) “I understand my role in contributing to risk assessments in cases involving vulnerable victims and witnesses”.

From the responses provided in the post-pilot questionnaires, generally consistent levels of understanding were expressed concerning different risk-related aspects; although there is, nonetheless, scope to strengthen understanding of risks amongst prosecutors in the sample.

There was a fairly strong understanding of the risks in relation to the use of interpreters: eight respondents either agreed (six) or strongly agreed (two) with the statement: “I understand the risks in relation to the use of interpreters”.⁴⁴ Three respondents disagreed with the statement. Responses were reasonably mixed across specialist and non-specialist prosecutors.

In addition, this level of understanding was broadly reflected in the responses to the statement: “I understand my role in contributing to risk assessments in cases involving vulnerable victims and witnesses”. Seven respondents either agreed (five) or strongly agreed (two) with the statement; and four respondents disagreed.⁴⁵ Similar to the previous statement, responses were somewhat scattered across specialist and non-specialist prosecutors.

Prosecutors’ understanding of risks was also explored in the focus group, where participants felt that CPS prosecutors should take more ‘*proactive*’ measures to ensure that risk assessments were undertaken by the appropriate person on the case (such as the police officer or Witness Care Officer). Particular actions that were discussed included: undertaking ‘*full endorsements*’⁴⁶ and preparing detailed action plans at the point of charge, to ensure that “*every point has been covered at an early stage*”.

⁴⁴ Two individuals (one specialist and one non-specialist prosecutor) did not provide an answer to this question.

⁴⁵ Two individuals did not provide an answer to this question.

⁴⁶ File endorsements constitute a written record of decisions, discussion and events, and provide a means to facilitating timely and necessary actions are carried out on prosecution files.

Identifying special measures

Special measures⁴⁷ are designed to assist vulnerable and intimidated victims and witnesses to provide their best evidence both at the investigative and trial stages. No respondents reported any problems in the post-pilot questionnaires in identifying special measures, and unanimous confidence was expressed by the post-pilot questionnaire respondents in identifying appropriate special measures. Half (six) of the completed responses strongly agreed with the statement: “I feel confident in identifying appropriate special measures in court” and the other half agreed (six).⁴⁸

Awareness of local support agencies

Prosecutors were asked in the post-pilot questionnaire about the extent to which they agreed/disagreed with the statement that: “I know how to find out which victim and witness support agencies I could approach in my local area”. Overall, there was a fair level of knowledge and awareness of local support agencies reported: seven respondents either agreed (six) or strongly agreed (one) with the statement, compared to four respondents who disagreed (three) or strongly disagreed (one).⁴⁹

Analysing the responses in more detail, again bearing in mind the low number of respondents, there was a marked difference in responses from specialist and non-specialist prosecutors when indicating respective levels of awareness of local support agencies. All specialist prosecutors who provided a response either agreed (four) or strongly agreed (one) with the statement that: “I know how to find out which victim and witness support agencies I could approach in my local area”. However, only two non-specialist prosecutors agreed with the statement and the remainder either disagreed (three) or strongly disagreed (one). This shows that training was needed to raise awareness amongst non-specialist prosecutors of local support agencies.

Responding to different communities

Prosecutors were asked in the post-pilot questionnaire about the extent to which they agreed/disagreed with the statement: “I feel equipped to respond appropriately to a range of communities”. The responses were split as six respondents either agreed (four) or strongly agreed (two) with the statement, and five either disagreed (four) or strongly disagreed (one).⁵⁰ This split was reported across specialist and non-specialist prosecutors.

The above finding links with results highlighted earlier in the post-training questionnaires. Understanding the cultural context and sensitivities is identified as one area where prosecutors felt they might benefit from more training and/or experience.

⁴⁷ See the Glossary for further information on special measures. The post-pilot questionnaire asked respondents to indicate how confident they were in identifying appropriate special measures.

⁴⁸ One individual did not provide a response for this question.

⁴⁹ Two individuals did not provide a response for this question.

⁵⁰ Two individuals did not provide a response for this question.

Presentation in court

Responses in the post-pilot questionnaire highlighted a number of areas which could be improved to better support the prosecutor in the court process.

Securing suitable experts in court

Respondents were asked in the post-pilot questionnaire about the extent to which they agreed/disagreed with the statement: "I feel confident in getting the most suitable experts to court to support the case." Responses were divided as six respondents agreed with the statement, and six either disagreed (four) or strongly disagreed (two).⁵¹ This variation in responses was also generally reflected across specialist and non-specialist prosecutors. In view of the responses received, it suggests that further support and information in this area is required.

Explaining the cultural context in court

The post-pilot questionnaire also asked about prosecutors' confidence in assisting the judge and jury to understand the cultural context of forced marriage and/or so-called 'honour' crime cases. Responses indicated a fair level of confidence overall, as seven prosecutors either agreed (six) or strongly agreed (one) with this statement about confidence.⁵² However, in view of the four prosecutors who disagreed (three) and strongly disagreed (one) there would be some scope to develop some further guidance on this topic. Responses were rather mixed across specialists and non-specialists.

Cultural factors were specifically mentioned by one prosecutor in their post-pilot questionnaire return. S/he commented that: "*Any training [that is rolled out after the pilot] should be offered particularly in relation to cultural factors*". This was also supported by a participant in the focus group who felt that prosecutors who s/he came into contact with, and who had not attended the training seminar, were challenged around cultural sensitivities. This was supported by others.

Advising colleagues

Questions relating to giving advice to colleagues were explored in the post-pilot questionnaire. Most of the respondents either agreed (seven) or strongly agreed (two) with the statement in the questionnaire: "I feel confident in advising staff on 'honour' crime and forced marriage flagging procedures". Three individuals disagreed (two) or strongly disagreed (one).⁵³ There was a marked difference in responses from specialist and non-specialist prosecutors when indicating respective levels of confidence for this category. All specialist prosecutors either agreed (five) or strongly agreed (one) with the statement, however, only three non-specialist prosecutors agreed (two) or strongly agreed (one) with the statement and the remaining either disagreed (two) or strongly disagreed (one).

⁵¹ One individual did not provide a response for this question.

⁵² Two individuals did not provide a response for this question.

⁵³ One individual did provide a response to this question.

Overall, there was less certainty around giving advice on whether international co-operation should be sought on forced marriage and/or so-called ‘honour’ crime cases. Most the respondents either disagreed (five) or strongly disagreed (three) with the statement in the post-pilot questionnaire: “I feel equipped to give advice about whether international co-operation should be sought” and only four prosecutors agreed.”⁵⁴ This lack of confidence was reported across specialist and non-specialist prosecutors.

Other issues

In addition to the challenges and issues already outlined above, focus group participants reported further issues they experienced during the pilot. These are presented below.

Challenge to maintain momentum

Focus group participants commonly expressed concerns over the perceived loss of momentum and declining awareness in the pilot amongst their colleagues since the initial wave of activity supporting its launch.

“It’s just gone under the radar again, and how do you raise the profile again when there are so many other issues ... in a busy charging centre with officers who are not really conversant with [the issues].”

(Focus group participant 3)

“All of my colleagues knew that I was the person to go to [as the specialist prosecutor] and they’re also really busy and it’s difficult to catch up with each other so ...after the initial session back in May, we were all excited and everyone was excited in the Unit and then they ... lose interest [in the pilot] ... you need to keep refreshing their interest.”

(Focus group participant 4)

In response, participants provided several suggestions on potential initiatives to maintain impetus and interest on forced marriage and/or so-called ‘honour’ crime across the CPS and CPS Direct⁵⁵, including:

- Disseminate regular ‘running totals’ on the number of forced marriage and/or so-called ‘honour’ crime cases identified
- Specialist prosecutors to maintain regular contact (suggested on a monthly basis) with the non-specialist prosecutors in their respective Area to boost awareness of forced marriage and/or so-called ‘honour’ crime cases; for example, to attend the team meetings
- A newsletter to highlight the useful guidance available on the CPS intranet; provide contact details for the specialist prosecutors; and present relevant case studies to illustrate real examples (from the pilot) of what has worked and which cases resulted in a conviction

⁵⁴ One individual did provide a response to this question.

⁵⁵ CPS Direct is the national ‘out of hours’ service that provides charging advice. See the Glossary for further information.

- Posters in local CPS offices to provide a constant and visual reminder of forced marriage and/or so-called 'honour' crime policy.

Focus group participants endorsed a more direct strategy, notably using domestic violence as an example of a successful publicity campaign: *"That's why the domestic violence policy has worked so well, because it's been hammered home so many times and recited backwards"* (Focus group participant 4).

Using appropriate interpreters

An additional issue raised in the focus group discussion concerned the engagement of inappropriate interpreters. Two participants provided examples where people linked to the respective defendant (for example, family members) were used to translate between the police and the victim/witness. One of these participants went on to convey that this was a recurring problem in his/her respective Area:

"They [the police] just tend to think 'there's someone here who can speak the same language, let's just get them to sit in and take the statement' ... it does happen quite a lot ... it's the easy option rather than 'phoning round trying to get someone.'"

(Focus group participant 5)

Although it was not clear from the prosecutors' comments whether these examples were recent, this is, nevertheless, another area where further work with the police could be considered.

A multi-agency approach

When exploring suggestions for future work in the area of forced marriage and/or so-called 'honour' crime, one participant in the focus group recommended a multi-agency approach. It was felt that this would assist in building a stronger prosecution case and ensuring that effective and joined-up support is provided to vulnerable individuals before they become victims of a so-called 'honour' crime or forced marriage.

"I think you have to look at the multidisciplinary aspect of what we do...we need to work as a ... wider body to ... deal with this ... Doctors, mental health professionals, social professionals, housing."

(Focus group participant 3)

One focus group participant underlined the above position with reference to personal experience. This prosecutor provided an example of interaction with a Local Authority who employed an officer responsible for dealing with domestic violence and hate crime, and was considered to be well linked with the local Asian networks.

Summary

Overall, prosecutors reported a generally strong level of confidence across the various aspects of handling cases. This was especially observed in identifying so-called 'honour' crime and forced marriages; charging cases; assessing if there is a sufficient evidence for a realistic prospect of conviction; and identifying special measures. Differences were identified between specialist and non-specialist prosecutors' responses in the post-pilot questionnaires in relation to: identifying cases; feeling confident in prosecuting the cases; awareness of local agencies; and advising other colleagues. These differences may reflect the importance of training and guidance in relation to these issues.

Particular areas where lower levels of confidence were identified included: confidence in getting the most suitable experts to court to support the case; providing advice about whether international co-operation should be sought; and confidence in responding to different communities. There was also scope to strengthen prosecutors' understanding of risks; victim and witness care; and case management in teams.

6. Key Findings

Numbers and Patterns

In total, 35 cases were identified as part of the pilot. This number was lower than expected by the specialist prosecutors who attended the focus group. It is important to keep this figure in context; the figure represents only those cases identified during the pilot and flagged as forced marriage and/or so-called 'honour' crime. However, the results from the case file sampling exercise suggest that, on the whole, prosecutors in the pilot Areas accurately identified forced marriage and so-called 'honour' crime cases – with only one 'missed' out of the 259 case files reviewed. The extent to which under-recording or under-reporting is an issue was outside the scope of the current study.

Of the 21 finalised cases identified in the pilot, 10 ended in a conviction. An unsuccessful outcome was returned in 11 (out of the 21) finalised cases identified in the pilot. Findings are based on a limited sample of cases and numbers are small, particularly in relation to subcategories. For these reasons, figures should be treated as indicative only. Caution should be exercised in drawing conclusions based on comparisons between data presented here and elsewhere.

The data indicated that the majority of those cases that did not result in a conviction were most often due to victim and/or witness concerns. This reflects the importance of further development of work to support victims and witnesses in these cases.

It is important to note the severity of offences. For the 21 finalised cases, offences reaching a first hearing in the magistrates' courts included: one

murder, one solicited to commit murder, and six threats to kill. Also notable is the spread of offences committed in the name of 'honour' and in forced marriage situations, including crimes of kidnap and false imprisonment.

Cases were more likely to be completed at the Crown Court rather than the magistrates' courts – seven out of 10 successful cases ended in Crown Court. It is interesting to note that support systems for victims of domestic violence, including forced marriage or so-called 'honour' crime have been developed across Specialist Domestic Violence Courts (SDVCs), which are all in the magistrates' courts in England and Wales. The support systems – Independent Domestic Violence Advisers (IDVAs)⁵⁶ – provide support for high risk victims. As the cases in the pilots tended to be finalised in the Crown Court it is likely that the victims did not have the level of support that many of those in the magistrates' courts currently have.

Previous research (Foreign and Commonwealth Office/Home Office, 2005; Brandon and Hafez, 2008) has indicated that the majority of 'honour' crime and forced marriage cases in the UK are within south Asian communities. Findings from the pilot reflected this ethnicity breakdown, with the majority of defendants stating their ethnicity as Pakistani, Bangladeshi or Indian. Although two were recorded as "White" due to the ethnic classification codes used, one was from a minority ethnic community.

All defendants were male in the pilot cases. One of the key issues in relation to defendant profile was the tendency for individuals to be aged under 35 years old. Three defendants were aged 10 to 17; just under a third (10 of 33) aged 18 to 24 and just over a third (12) aged between 25 to 34 years old.

There was a lack of monitoring of defendants' religion and disability status. This indicated the need to ensure that the new flags introduced in 2007 are implemented by CPS staff and that the systems in place to gather this information. Area CMS users were provided with an additional prompt on monitoring disability in November 2007. Further work is underway to improve the monitoring of these new flags.

The pilot identified 35 defendants and 33 victims. A particular characteristic concerned the number of occasions where there was more than one defendant and more than one victim. This pattern differs from domestic violence, generally, where often there is one defendant with one victim and, more rarely, whole families will be victims.

Analysis on relationships between victims and defendants further underlined the complexity of these crimes. Offences were more often than not committed with the domestic violence situation in terms of the relationship between victims and defendants⁵⁷, however, it was not unusual for extended family members, such as cousins, or individuals outside the family, to be involved in

⁵⁶ For further information see CPS (2007).

⁵⁷ The Government definition for domestic violence is used here to define the relationship between defendants and victims. This includes, intimate partners or family members, the latter defined as mother, father, son, daughter, brother, sister and grandparent, whether directly related, in-law or step-family.

these cases (either as victims or defendants). Despite this, all the cases had been flagged as involving domestic violence.

It was noticeable that the victims were almost equally likely to be males or females. It is important to note that most 'honour' crime revolves around a relationship with a woman, who may herself suffer harm, within a situation of male family control – this was substantiated in the pilot cases. In nine (out of 20) case files⁵⁸ there was more than one victim – in most of these instances the secondary victims were men, victimised because of their relationship with the woman victim.

The lack of equality data in relation to victims suggests a need for improved systems to monitor these data through Witness Care Units. This is particularly important when monitoring codes for cases identified in the pilot are considered – 11 out of the 21 finalised cases identified were flagged as involving vulnerable or intimidated witnesses. The Equality and Diversity Unit within the CPS is working with the Victim and Witness Care Delivery Unit to address this and develop systems that will help to improve data collection and quality.

Specialist prosecutors, training and guidance

There was support from the questionnaires and focus group for the setting up of specialist prosecutor networks. However, further liaison and networking was requested. In addition, there was a strong endorsement of the guidance with wide support for shorter documents, such as checklists and aide-mémoires, to assist in decision making.

One of the suggestions from the prosecutors included a need for more senior frontline police staff to be responsible for victim and witness care. Findings emphasised the importance of prosecutors taking more 'proactive' measures to ensure risk assessments were undertaken by the appropriate person on the case (such as the police officer or victim and witness care officer). Further information in the guidance, through the police and Multi-Agency Risk Assessment Conferences (MARACs)⁵⁹, as used in domestic violence cases, is an option for future consideration.

Securing the provision of expert witnesses for use in cases was raised as one of the areas where prosecutors reported generally lower levels of confidence. One option for future consideration is the need for a specific expert witness familiarisation programme. Such a programme would identify experts and train them in giving evidence in court and preparing statements, thus increasing the cadre of available experts.

Although the use of appropriate interpreters that were not known to the victims was raised in the guidance and the training, prosecutors still referred to examples illustrating inappropriate uses on behalf of the police. Although it

⁵⁸ Here the term case file refers to a URN. One URN may involve more than one offence; victim or defendant.

⁵⁹ See the Glossary for more information on MARACs.

was not clear from the prosecutors' comments whether these examples were recent, this is nevertheless another area where further work with the police could be considered.

There was also wide support for the training. The notable difference in specialist and non-specialist prosecutors in relation to identifying cases, feeling confident in prosecuting the cases, awareness of local agencies and advising other colleagues, may reflect the importance of training in relation to these issues. Together with the guidance, training clearly provided support for prosecutors in relation to identifying cases and charging, but further support was requested in relation to victim and witness care, understanding the cultural context and sensitivities, and advising police. It was useful to note the validation of external speakers to advise on these issues.

Although further information was requested, specialist prosecutors were generally confident in their links with local victim and witness support agencies. Inclusion of specialist agencies in Witness Care Unit Contact Directories was highlighted as a potential improvement.

It was suggested that there should be follow-up to the guidance and training, with regular links between specialist prosecutors and other prosecutors, and enhanced publicity and communication around so-called 'honour' crime and forced marriages in order to heighten awareness. In particular, focus group participants endorsed a more direct strategy, notably using domestic violence as an example of a successful publicity campaign. Specific ideas included disseminating relevant information such as a newsletter, to highlight the useful guidance available on the CPS intranet and case studies (from the pilot); ensuring contact details of specialist prosecutors are made available; and providing posters in local offices to provide a constant and visual reminder of forced marriage and/or so-called 'honour' crime policy.

7. Annexes

Annex A: Glossary

16+1 Ethnicity Classification: The 16+1 ethnicity classification is a standard classification used in the 2001 Census and adopted by the CPS. This classification includes 16 ethnicity categories and one 'Not Specified' category.

CMS: Case Management System. CMS is a national CPS electronic case management system and management information system. It enables better preparation and presentation of the prosecution case by helping CPS staff to manage case information from the time the CPS receives the case file to final disposal. It also supports CPS prosecutors' provision of charging decisions to the police.

CPS Direct: CPS Direct is the national 'out of hours' service that provides charging advice on behalf of the 42 Crown Prosecution Service Areas in England and Wales. CPS Direct staff provides the police with access to 24/7 charging decisions from the CPS. For further information see: www.cps.gov.uk/direct

Flagging: Flagging refers to the process of attaching an electronic 'flag' to cases on CPS electronic data systems. Only certain cases are flagged, that is, those cases that meet specific pre-defined criteria. Such flags facilitate monitoring and also assist in effective handling of certain types of cases.

Form MG3: Report to Crown Prosecutor for charging decision, decision log and action plan.

Form MG5: Case Summary.

Form MG11: Witness Statement.

MARACs: Multi-Agency Risk Assessment Conferences bring together agencies to share information and agree action plans to reduce the risk of domestic violence to victims and their children.

MIS: Management Information System. MIS is the application used to report upon case-related data entered into CMS. The MIS reports provide the CPS with real-time reports of the work being handled by each unit, allowing managers to obtain a clear picture of how their area or unit is performing.

Special measures: Special measures are set out in the Youth Justice and Criminal Evidence Act 1999. Special measures include, for example, video-recorded statements; intermediaries to assist with specific communication needs; and use of a live link or screens for giving evidence at trial. The post-pilot questionnaire asked respondents to indicate how confident they were in identifying appropriate measures.

URN: Unique Reference Number. Each case file is allocated a URN at the earliest opportunity, ideally at pre-charge advice stage where the URN is recorded on the MG3 (charging decision) form. The URN allows tracking and monitoring of the case.

WMS: Witness Management System. WMS is a national IT system designed to support Witness Care Units (WCUs). It provides Witness Care Officers (WCOs) with the tools they need to manage and support the needs of victims and witnesses.

Annex B: Additional Information on Definition

‘So-called honour based violence’⁶⁰ is a crime or incident, which has or may been committed to protect or defend the honour of the family and/or community’.

Further Explanation

‘So-called Honour Based Violence’ is a fundamental abuse of Human Rights.

There is no honour in the commission of murder, rape, kidnap, and the many other acts, behaviour and conduct which make up ‘violence in the name of so-called ‘honour’.

The simplicity of the above definition is not intended in any way to minimise the levels of violence, harm and hurt caused by the perpetration of such acts.

It is a collection of practices, which are used to control behaviour within families to protect perceived cultural and religious beliefs and/or honour. Such violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code.

Women are predominantly (but not exclusively) the victims of ‘so-called honour based violence’, which is used to assert male power in order to control female autonomy and sexuality.

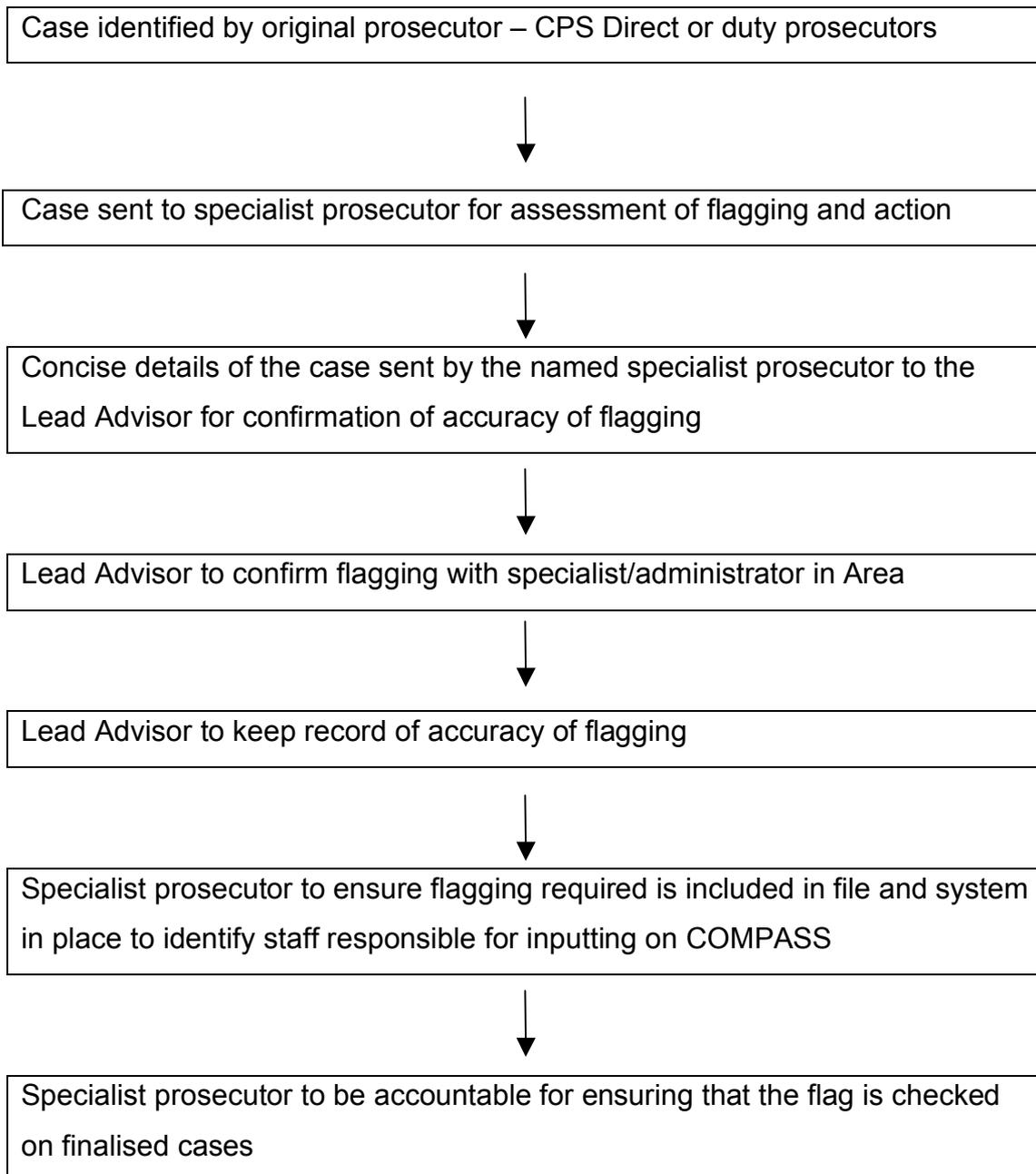
‘So-called Honour Based Violence’ can be distinguished from other forms of violence, as it is often committed with some degree of approval and/or collusion from family and / or community members.

Examples may include murder, un-explained death (suicide), fear of or actual forced marriage, controlling sexual activity, domestic violence (including psychological, physical, sexual, financial or emotional abuse), child abuse, rape, kidnapping, false imprisonment, threats to kill, assault, harassment, forced abortion. This list is not exhaustive.

‘So-called Honour Based Violence’ cuts across all cultures, nationalities, faith groups and communities. Such violence transcends national and international boundaries.

⁶⁰ This was the definition used by the Metropolitan Police at the time of pilot implementation.

Annex C: Flagging Procedure



Annex D: Case File Sampling Exercise: Methods

The aim of the case file sampling exercise was to assess the extent to which prosecutors in the pilot Areas accurately identified forced marriage or so-called 'honour' crime (or both) cases during the course of the pilot.

To address the aim, a review of relevant cases was required. To review *all* cases registered in the four pilot Areas during the nine-month pilot phase was unfeasible due to the high numbers involved. A sample of cases was therefore selected for review. The steps taken to select the sample, the issues considered and how the review was conducted, are outlined here.

Before selecting the sample, a sampling frame⁶¹ was created. In designing the sampling frame, specific criteria were applied to ensure as robust and as representative a sample as possible.

Offence-based: There are no specific offences of forced marriage or so-called 'honour' crime. Forced marriage and so-called 'honour' crime are umbrella terms to encompass offences already covered by existing legislation. Resource and time constraints meant it was not possible to include *all* such offences, so the sampling frame was restricted to only those offences considered most likely⁶² to be associated with such crimes. These offences were: actual bodily harm; common assault; false imprisonment and kidnap.

Area Specific and Time-bound: The sampling frame was also restricted in that only certain 'eligible' cases were included; namely those cases which were registered on CMS in the four pilot Areas (Lancashire; selected units in London; West Midlands; and West Yorkshire) during the nine-month pilot period. In MIS, it is only possible to report on offence-based information for finalised cases; not by the date of registration. Cases registered pre-pilot were therefore removed from the sampling frame at a later stage (see below). In addition, only those cases finalised in the final quarter of the pilot, that is 1 January to 31 March 2008, were included in the sample. Two reasons informed this approach: first, to increase number of cases in the sampling frame registered within the pilot phase and, second, to allow as much time as possible for the pilot processes to become embedded in the Areas.

The sampling frame was then created using MIS. This involved running a report on MIS in the offence-based universe according to the above criteria, that is, for the specific offences, selected Areas and relevant time period. After sanitising⁶³, the sampling frame comprised 3,999 URNs.

A total of 259 URNs were then selected systematically using a proportionate stratified sampling method. This approach ensured a sample that was representative of the pilot Areas.

⁶¹ A sampling frame is a list of the members of the population under investigation. It is used to select a sample.

⁶² This was based primarily on advice from the lead advisor involved in the pilot.

⁶³ This involved removing from the list any duplicate URNs and URNs registered pre-pilot. The latter was completed with reference to individual COMPASS numbers.

Once the sample had been identified, the next step was to collate relevant information on each one of the 259 URNs from CMS.

For each of the 259 URNs, the following documents, where available on CMS, were identified:

- Form MG3
- Form MG11
- File reviews conducted by a prosecutor (such as: initial reviews, full file reviews and ad hoc reviews).

Packs comprising hard copies of these documents, where available, were collated and attached to a data collection template and passed on to the lead advisor – one pack for each one of the 259 URNs. The lead advisor reviewed the information for each URN and completed the template indicating whether or not the case in question constituted, in his view, based on the information to hand, a forced marriage or so-called ‘honour’ crime (or both). Responses were then tallied to provide the results.

It is important to bear in mind that information contained in these case details rely upon recording on behalf of police and the prosecutors and also involve an element of interpretation on their part. This limitation should be kept in mind when interpreting the findings from this exercise.

Annex E: Supplementary Tables

Table 1

Reasons for Unsuccessful Outcomes by Defendant	No.
E7 - Essential legal element missing	2
E8 - Unreliable witness or witnesses	1
E9 - Key victim does not support case	1
E10 - Key witness does not support case	2
U25 - Victim refuses to give evidence or retracts	1
U26 - Other witness refuses to give evidence	1
O34 - Acquittal after trial	2
O35 - Other	1
TOTAL DEFENDANTS	11

Table 2

Defendant Ethnicity	No.
White	2
Mixed	0
Indian	8
Pakistani or Bangladeshi	15
Black or Black British	0
Other ethnic group (including Chinese and Other Asian)	3
Not specified/Not provided	7
TOTAL DEFENDANTS	35

Table 3

Defendant Age Band	No.
10-17	3
18-24	10
25-34	12
35-44	5
45-64	3
65+	0
Not Provided	2
TOTAL DEFENDANTS	35

Table 4

Offences	No.
Actual bodily harm	10
Threats to kill	6
Wounding with intent	6
Battery	5
Affray	3
Common Assault	3
False Imprisonment	3
Kidnap	3
Threat to property	2
Behaviour to cause distress	2
Other*	4
TOTAL OFFENCES	47

*includes Harassment (1); Failure to surrender (1); Murder (1); Solicit to Commit Murder (1)

8. References

Brandon, J. and Hafez, S. (2008) *Crimes of the Community: Honour-Based Violence in the UK*, Centre for Social Cohesion.

Crown Prosecution Service (2004) *The Code for Crown Prosecutors*. Available from: http://www.cps.gov.uk/victims_witnesses/code.html

Crown Prosecution Service (2007) *A Review of Specialist Domestic Violence Court Systems (SDVCs)*. Available from: http://www.cps.gov.uk/publications/equality/sdvc_review_index.html

Crown Prosecution Service (2008) *Violence against women: strategy and action plans*, Equality and Diversity Unit. Available from: http://www.cps.gov.uk/publications/equality/vaw/vaw_strategy.html

Foreign and Commonwealth Office/Home Office (2005) *Forced Marriage: A Wrong not a Right*. London.

HM Crown Prosecution Service Inspectorate (2008) *File Management and Organisation: An audit of CPS performance in the quality and effectiveness of file endorsements and the administration of cases*. Available from: <http://www.hmcpai.gov.uk/reports/thematic.shtml>

Home Office (2000) *A Choice by Right: The report of the working group on forced marriage*. Available from: <http://www.fco.gov.uk/en/fco-in-action/nationals/forced-marriage-unit/info-for-professionals>

McAlpine, C. Gill, A. & Hegarty, P. (2007) 'Why criminalise forced marriage? Islamophobia – and Assimilation-based justification', *The Psychology of Women Section Review*, Vol. 9, No.2, autumn 2007.

Office for National Statistics (2003) *Ethnic group statistics: A Guide for the collection and classification of ethnicity data*, London: HMSO. Available from: <http://www.statistics.gov.uk/StatBase/Product.asp?vlnk=11040&Pos=&ColRank=1&Rank=272>