

Criminal Justice System Responses to Rape are Failing: Suggestions for Radical Change from the VAWG Sector

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- London-based, second-tier women's organisation dedicated to addressing violence against Black and minoritised women and girls.
- Over 40 members across the UK - direct specialist support VAWG organisations led 'by and for' Black and minoritised women/girls (refuge accommodation, advocacy, counselling and advice, outreach).
- Aim to influence and improve local, national and international level policy and practice responses.
- Core areas include strategic advocacy, research, training and member development.

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Black and minoritised survivors & the CJS

- Black, minoritised women/girls are more likely to be *under-represented* or *invisibilised* within the CJS as a victim/survivor of sexual violence.
- Particular factors make it more common for some women/girls to disengage from the CJS/make an official report – e.g. being from a Black and minoritised community , disabled, LGBTQ +, older, younger (Kelly, 2001, Walker et al, 2019)
- Various intersecting barriers contribute to attrition e.g. poor police responses, gendered myths and assumptions, racism, stigma and silencing (interpersonal /societal), pressures to maintain silence by abusers (s); not reporting as a way of coping.

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Reclaiming voice (Imkaan & Dr Ravi Thiara, University of Warwick, 2020)

- Women shared accounts of rape and sexual assault, familial and institutional CSA, sexual exploitation and trafficking, image-based sexual abuse, and grooming, stalking and harassment
- Many described a wider context of coercive control from intimate partners and family members (FGM and forced marriage appeared in small numbers)
- A small proportion of the women we spoke to had their cases reach prosecution stage but shared important insights about their engagement with the CJS and agency responses.

Structural barriers

- Poor responses from agencies reinforced women's silence / invisibility/feeling of not being heard.
- Being asked to disclose abuse in ways that made them feel unsafe / pathologised e.g. being interviewed at home with a male officer; lack of referral to BME VAWG specialists
- Cultural explanations miss important indicators of rape and sexual violence in particular for South Asian young women
- Black Caribbean women - not being heard, and slow and racialised responses that cast them as the problem and culpable for the violence.
- Judges perceive women as using allegations of rape to strengthen their asylum cases + hostile environment.

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Structural barriers

- We cannot separate minoritised women's experiences of the CJS without linking it to a wider context of racialised violence and discrimination e.g. over-policing, excessive use of force, deaths in custody, surveillance (McPherson, 1999; Bowling and Philips, 2007; Lammy 2018)
- Racialised and gendered disparities are not produced by one off incidents or events but are enabled through institutional culture, policies and systems
- This impacts on how Black, minoritised women perceive routes to justice.

Women have told us that due to the current political climate, a rise in hate crime, daily micro-aggressions, reductions in service provision and a lack of community engagement support, there is an increased fear of reporting crime. (Imkaan member, 2020).

Survivor voices

Rape/ sexual violence intersected with poor agency responses, gendered assumptions, 'race'/racism, immigration status, age, and poverty create complex trauma and needs (Reclaiming Voice, 2020)

- CJS intervention not the first priority e.g. space for disclosure, housing, food and welfare needs, immigration/asylum.
- Access to specialist model - BME-led wrap-around support /intersectional advocacy , trauma -informed (not predicated on a CJS process but available early and at the point of need)
- Being heard, understood and not being seen at fault by communities and families
- Not be subject to racialised assumptions and stereotypes that cause harm and have a silencing impact

Survivor voices

“65% of our ‘service users’ have advised that their perpetrators being prosecuted is not enough alone for them to feel like they have got justice. Rather than addressing justice through a conventional lens, it needs to be understood and considered through the perspective of the survivor and the wider structures and systems that may be causing them harm, for example, policing immigration systems”. (Imkaan member survey, 2020)

Systemic changes

- Renewed calls for more transformative forms of justice globally arisen out of an ongoing failure to address racism and state violence
- Stronger measures to address police violence and brutality /ending hostile environment and two-tier system
- Addressing institutional culture/unconscious bias within system/ policies which aim to protect but reproduce harm - build a 'do no harm approach'
- De-investment in CJS & investment in non-CJS solutions e.g. 'by and for' specialist sexual violence support, intersectional advocacy, prevention and early intervention , education
- Meaningful inquiry and action into institutional discrimination / VAWG
- Increase understanding of who reports and who doesn't / why - independent and meaningful survivor engagement / scrutiny

thank you - contacts

For a copy of *Reclaiming voice* go to:

<https://www.imkaan.org.uk/resources>

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