

**A Joint Submission**  
**To**  
**Gillen Review on**  
**Serious Sexual Offence**

**September 2018**

## Introduction

This is a joint submission of the Northern Ireland Council for Racial Equality, the Black and Minority Ethnic Women's Network and the Migrant Centre NI in response to the Gillen Review on Serious Sexual Offence in Northern Ireland. We welcome this important independent and comprehensive review processes in order to identify the issues of under-reporting, poor conviction rates, attrition rates and other barriers face by the black and minority ethnic women (BME women).

The previous Northern Ireland Council for Ethnic Minorities (NICEM) had conducted two pieces of evidence base research on "The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland" and "The Experiences of Ethnic Minority Women in Northern Ireland" in June 2013 as part of the submission to the UN Committee on the Elimination of all forms of Discrimination Against Women in June 2013. The first report was conducted by Professor Monica McWilliams and Priyamvada Yarnell and the second report was conducted by the former Deputy Director of the Runnymede Trust, the race think-tank, in UK.

In our submission to the CEDAW under 3.2 Violence against BME women and girls and the need for specialist services highlights the following concerns:

"In addition to the issues highlighted in the research regarding domestic violence we are aware of broader issues of violence affecting BME women in NI including and interlinked to issues of trafficking, sexual violence, forced marriage and harmful cultural practices. Such issues are under researched in the NI context and many statutory agencies are unaware of their existence." (p.10)<sup>1</sup>

Professor McWilliam and Dr. Yarnell further highlighted the issue of domestic violence that links to the data collection on vulnerable groups:

"It is widely acknowledged that BME victims of domestic violence are particularly vulnerable and, as such require special protection to enable them to come forward to disclose details of their abusive partners in a safe environment. For that reason, data needs to be collected on BME victims engaging with, or providing evidence to, the Criminal Justice System (CJS) so that the various agencies know the extent to which they need to direct their resources towards those who are particularly vulnerable. Increasing

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<sup>1</sup> Submission to United Nations Committee on the Elimination of All Forms of Discrimination Against Women in response to the UK's seventh Periodic Report, NICEM June 2013

victim confidence in the CJS generally, and more specifically in the Public Prosecution Service for Northern Ireland (PPS), remains a challenge for service providers everywhere. This may be accentuated in the context of Northern Ireland, given the legacy of the conflict and the reluctance of some communities to seek help from 'outsiders'. For this reason systematic and consistent data collection for equality monitoring and for other purposes needs to be in place." (p.7)<sup>2</sup>

Regarding hate crime in Northern Ireland, we have a very robust monitoring system across CJS, but we do not have one on domestic, sexual or other violence against women. WE have no idea why the equality monitoring not apply to domestic and sexual violence in the CJS as well as related service providers. We would like the Gillen Review to look at this issue at the beginning in order to fulfil the UK Government obligation under the EU Victim Rights Directive<sup>3</sup>.

### **Poor conviction and attrition rates**

Establishing an accurate attrition rate is inherently difficult, as most crimes are likely unreported; however, of sexual offences that are reported, around 75% are not charged.<sup>4</sup> Of files passed to the Public Prosecution Service, a further 63% are not prosecuted.<sup>5</sup> This means that around 9% of sexual offences reported to the police in NI are actually prosecuted, with 6% of reported sexual offences finally ending in a conviction.<sup>6</sup>

Unfortunately, neither the PPSNI nor the PSNI publish information on the characteristics of those who have reported sexual offences; consequently, it is difficult to determine what the attrition rate is for crimes reported by BME individuals specifically. But it is not the case in the hate crime which has all the data set.

### **The under-reporting of serious sexual offences within BME communities**

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<sup>2</sup> McWilliams, M. and Yarnell, P., 'The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland' (2013), p.7

<sup>3</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 -establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

<sup>4</sup> PSNI, 'Outcomes of Crimes Recorded by the Police in Northern Ireland 2015/16 and 2016/17' (2018), p.3

<sup>5</sup> PPSNI, 'Statistical Bulletin: Cases Involving Sexual Offences 2016/17' (2017)

<sup>6</sup> ibid

According to census data, around 5.19% of the usually resident Northern Ireland (NI) population is of a BME background. This includes the 4.5% of the population born outside the British Isles and a further 0.69% of the population who were born within the British Isles and who identified themselves as having a minority ethnic background in the 2011 Census.<sup>7</sup>

It is difficult to scope the degree of and reasons behind under-reporting of serious sexual offences within BME communities in NI due to the lack of available data; data on the ethnicity of victims of sexual offences is not published in NI. However, data published in England and Wales has established that some BME groups in that jurisdiction are disproportionately likely to be victims of sexual offences.<sup>8</sup>

Some data is available on victims of crimes motivated by domestic abuse, 4% of which were sexual offences in 2016/17.<sup>9</sup> One in five victims of domestic abuse-motivated crimes in 2016/17 were of non-white British/Irish descent; a disproportionately high number, considering the size of the BME population in NI. The NI Crime Survey has demonstrated that domestic violence is a largely under-reported crime, so the real number of victims is likely much higher.<sup>10</sup>

While only a small proportion of domestic abuse crimes are sexual crimes, this data does illustrate an underreporting issue within a field where a disproportionate number of victims are of a BME background. Hate crime is another field where there is both a large proportion of BME victims and significant under-reporting of offences.<sup>11</sup> It is worth considering what the reasons behind underreporting in these areas are, as they may be cross-applicable to the reporting of serious sexual offences.

Research on BME women's experience of domestic violence has identified a number of reasons why they may not report physical and sexual violence, including:

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<sup>7</sup> See NI Census 2011: Country of Birth by Ethnic Group - Table DC2201NI

<sup>8</sup> Office for National Statistics, 'Sexual offences: appendix tables – Table 10: Prevalence of sexual assault in the last year among adults aged 16 to 69, by personal characteristics and sex, year ending March 2017' (2017). See: <https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/datasets/sexualoffencesappendixtables/yearendingmarch2017/sexualoffencesappendixtablesmarch2017.xls>

<sup>9</sup> PSNI, Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2016/17 (2018), p.6

<sup>10</sup> Campbell, P. and Rice, A., 'Experience of Domestic Violence: Findings from the 2011/12 to 2015/16 Northern Ireland Crime Surveys' (2017), p.6

<sup>11</sup> Northern Ireland Policing Board, 'Thematic Review of Policing Race Hate Crime' (2017), pp.18-19

- Dependence of some women on their partners for their immigration status/financial security. This can be exacerbated by some women's inability to access the social security system;
- Lack of knowledge amongst victims of their legal entitlements in the UK;
- Reluctance to involve Social Services due to fear of children being removed;
- Reluctance to seek help from the authorities due to lack of culturally sensitive services; and
- A legacy of poor police response in their home country and, on occasion, in NI.<sup>12</sup>

In the field of hate crime, reasons for deciding not to report an offence included feelings that the police would not take the offence seriously, that police could not do anything about the offence and that the victim is able to deal with the offence themselves or with the help of others.

Some victims may also fail to report hate crimes due to fear of coming to the attention of extremists and lack of confidence in the authorities due to previous negative experiences.

Overall, looking at the fields of domestic and hate crime, it is possible to conclude that:

- i. A small subset of BME individuals who are victims of domestic abuse-motivated sex crime may be reluctant to report crimes due to financial insecurity or their immigration status; and
- ii. Trust in and awareness of the police and local authorities may affect the likelihood of a victim reporting a sexual offence.

### **Additional barriers or hurdles faced by minority communities in terms of the investigation of complaints/the general process of dealing with serious sexual offences**

As noted above, financial dependence on an abusive partner can prove a particular barrier for BME women who experience domestic abuse-motivated crime, including sex crime.

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<sup>12</sup> McWilliams, M. and Yarnell, P., 'The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland' (2013), p.9

Research by NICEM on BME women's experiences of domestic abuse in NI noted that child benefits are usually issued in the father's name in BME families that are entitled to them. This is a consequence of the father often moving to the country first in order to find work, making it easier to prove his entitlement to the benefit. In effect, this can make the family financially dependent on the father, opening the door to abuse.

Women with no recourse to public funds are in an even more vulnerable position, as they are not entitled to housing benefit and Women's Aid does not receive public funds to provide shelter to these women. Again, this can render victims dependent on their abuser for shelter and therefore less likely to report the abuse.<sup>13</sup>

Spouses dependent on their abuser for their spousal visa may also be reluctant to report abuse. While an individual experiencing domestic violence can apply for a special right to remain under the Domestic Violence Rule, applications for such visas are in excess of £2000 for a single applicant, with the fee increasing by the same amount for each dependent of the applicant. Naturally, this is not a realistic expense for some and the fee is only waived in cases where the applicant is entirely destitute<sup>14</sup>.

Finally, as noted above, research on hate crime and domestic violence have both highlighted the reluctance of some BME individuals to approach the police due to a lack of trust, either as a consequence of experiences with authorities in their home country or, less frequently, in NI. It may be the case that mistrust of police authorities could also affect the likelihood of some victims to report sexual offences.

**For further inquiry about this submission, please contact Patrick Yu, Secretary of the NI Council for Racial Equality at 7 Rugby Road, Belfast BT7 1PS. Or email him at [patrick@nicre.org](mailto:patrick@nicre.org) Or contact him directly on his mobile at 07710 767235**

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<sup>13</sup> Ibid pp.18-22

<sup>14</sup> See: <https://ukimmigrationjusticewatch.com/2018/01/28/what-you-need-to-know-to-submit-a-successful-application-for-indefinite-leave-to-remain-as-a-victim-of-domestic-violence/>