

From: [Redacted]
Subject: Fwd: VAWG: Vulnerability and Credibility
Date: 23 August 2019 at 11:35
To: Kate Ellis [Redacted]



Kind regards

Harriet Wistrich
Director
Centre for Women's Justice

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From: Violence Against Women Strategy Manager <VAW.StrategyManager@cps.gsi.gov.uk>
Date: Fri, 10 Jan 2014 at 16:45
Subject: VAWG: Vulnerability and Credibility
To: Liz Kelly [Redacted]
Dustin <holly@...> [Redacted]
Cc: Violence [Redacted]

Dear all

Many thanks again for the really helpful meeting this morning to better understand vulnerable VAWG victims and the impact these vulnerabilities might later have on their credibility as witnesses of truth. Following our discussion, I thought it might be helpful to write a quick note. I think some of the key principles guiding this piece of work can be summarised as:

- Approach guidance/tool through a wider framework of Human Rights
- The model victim just does not exist – understand the impact of VAWG on a case by case basis and be ready to explain how it has affected the victim challenging myths and stereotypes
- Be up front and ready to explain the impact of vulnerabilities
- Victims may face multiple-vulnerabilities and/or may have experienced different forms of VAWG
- Far from undermining the victim's credibility, the presence of vulnerabilities may in fact point the other way and be seen as supporting allegations of abuse if dealt with appropriately.

We also discussed a number of considerations which I think support these guiding principles and which could apply to most, if not all, appropriate cases:

- Step back and look at the wider environment of abuse and any enabling elements which might further explain offending behaviour and victim's perception of abuse – don't just focus on one element of offending/abuse
- Consider the credibility of the overall allegation including that of the defendant
- Use evidence adduced from psychologists or other professionals to explain to juries how victims suffer psychologically because of the abuse and often resort to alcohol, drugs and mental health difficulties.
- Consider PTWI's (Pre Trial Witness Interviews) to see the victim and assess what the issues are likely to be in all cases
- Consider the use of special measures in all cases
- Recognise the court experience on the victim and help to ensure links are made with services providing specialist support for victims of VAWG including Refuge workers, outreach workers, IDVAs, ISVAs.

In general there was support for creating groupings of factors which might impact on someone's credibility including: mental health, learning difficulties, previous allegations which led to no further action being taken including where the victim withdrew their support or allegedly false allegations, the time taken to report abuse, cultural barriers, immigration status, occupation ie involvement in the sex industry, same sex relationships, 'bad character' including previous convictions. At this stage, people didn't feel it would be appropriate to approach the work by looking at different offence types or victim characteristics (age, ethnicity, sexual orientation etc.)

With thanks to Hardeep, the word document attached further outlines the discussion points from this morning.

We will be in touch shortly with an updated chart for your consideration. In the meantime, please send across any ideas on presentation, research findings etc., thanks,

Asha

**Violence Against Women and Girls Strategy Manager
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Briefing documents on violence and mental health

<http://www.londonmet.ac.uk/faculties/faculty-of-social-sciences-and-humanities/research/child-and-woman-abuse-studies-unit/projects/revamp-project/>

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Vulnerability
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VAWG – Vulnerability and Credibility Meeting – 10th January 2014

- Immigration offences – can adduce bad character.
- Immigration status may be used against the victim i.e. papers not being submitted by the husband or the husband abandoning the marriage so the victim has no immigration status.
- Bad character can pose a problem even without convictions.
- 10year survey showed people's attitudes i.e. rape in a marriage can still be seen as not being an offence.
- Group was happy that the information was not distinguished by offence type as that would be for prosecution purposes only and would not be meaningful for this purpose.
- Barrister's way of thinking can be stereotypical – they work for defence as well as prosecution so may not distinguish between the two i.e. looking at human rights of defendant and not human rights of victim.
- State of mental health can be further impacted by violence they have suffered
- Definition of credibility flawed.
- Important for Prosecutors to be upfront about the victim as often they seem to think that putting forward the fact that the victim suffers from mental health etc. damages that case however this 'gifts' the defence.
- "Role of prosecution is to inoculate victim from toxic evidence" quote from professor in USA?
- Can tie in with directive on victims from EU work.
- Prosecutors should address jury by humanising the situation e.g. 'things go wrong and you deal with and cope with things differently, in this instance it was drugs/alcohol/self-harm etc.
- Rape is about power and control rather than sex. So in rape within marriage cases it may be that the victim does have sex with the perpetrator following the rape.
- Ritual abuse – reality v fantasy. Lies being told to children i.e. being abused by someone dressed as Santa or the Pope.
- Need to think about how the environment was managed to enable the perpetrator to carry out the offence.
- Historic cases – gaps in memory/precision relation to dates/times? Would this pose a problem in prosecuting a case where the victim cannot recall exactly when it happened or may have been given with drugs and alcohol over a period of time?
- Study showed that a large number of survivors would not go through the criminal process again.
- Women in prostitution – huge problem, i.e. Ipswich murders were headlined as 'prostitutes murdered' rather than 'women murdered'.
- Need pictorial way to present issues to consider i.e. flow chart with a list of questions.
- Anthony Wills from Standing Together did a piece of work including a series of questions to follow.