

24/05/2022

# Consultation on the Domestic Abuse legal guidance: NSS response

Submitted by email to: [da.consultation@cps.gov.uk](mailto:da.consultation@cps.gov.uk)

1. This submission is made by the National Secular Society (NSS). The NSS is a not-for-profit non-governmental organisation founded in 1866, funded by its members and by donations. We advocate for separation of religion and state and promote secularism as the best means of creating a society in which people of all religions and none can live together fairly and cohesively. We seek a diverse society where all are free to practise their faith, change it, or to have no faith at all. We uphold the universality of individual human rights, which should never be overridden on the grounds of religion, tradition or culture.
2. Since most of the questions relate to issues outside the NSS remit, we have only answered questions 7 and 9.

**QUESTION 7 - Do you think the new content on DA myths and stereotypes at Annex C is accurate and comprehensive and do you think it will assist prosecutors in making decisions which are not clouded by myths and stereotypes?**

3. The National Secular Society strongly agrees that the religious and cultural background of the perpetrator and/or victim does not justify or excuse abuse.
4. However, we are not convinced that it is a myth that religion or beliefs are in any way responsible for abuse. There are many religious groups who believe that women are subordinate to husbands and/or other male relatives. In some cases, this extends to the belief that a man has the right to physically discipline his wife if she is disobedient. Some religious organisations also teach that divorce is wrong, which puts pressure on an abused partner to remain in the relationship.
5. When religious belief is a factor in domestic abuse, the perpetrator's expectations may have been formed by religious teachings and they may receive social support and affirmation for those beliefs. This makes such abuse different to the actions of an abuser who knows that their behaviour would not be condoned by others in their community. The same religious teachings may also make a victim more likely to tolerate abuse, as she may believe that her husband is acting within his rights or even that she deserves the abuse.
6. The law holds individuals responsible for their actions and it should not be possible for an abuser to escape liability by blaming their religion for their actions. However, when considering the wider social context of faith-based abuse, it is also essential that religious teachings and organisations are not absolved of responsibility.

## QUESTION 9 – Do you have any other feedback you wish to share around the how the guidance can be improved?

7. The NSS supports the approach taken in annex D when considering the racial and religious background of perpetrators and victims. It is important that prosecutors address the situation in front of them rather than stereotypes or issues that may not be relevant to the matter at hand. When considering religion, it is important to be aware that members of the same religious group will often hold very different views and interpret their religions differently. It is therefore important not to be diverted onto theological questions of what is or is not the “true” version of a given religion.
8. The NSS notes that the section in annex D on the role of communities and religious “courts” in pressuring victims to stay with abusive partners. We strongly support the inclusion of this information in the guidance as when religious groups attempt to set up parallel legal systems this can subvert the judicial process.
9. The issue of “get refusal” within Jewish communities where a divorcing husband can refuse to grant his wife freedom to remarry has recently been recognised as a form of domestic abuse. The NSS notes that this problem only exists because the Beth Din, the Jewish religious “court” refuses to grant divorcing wives the same rights as husbands. Similar problems occur within the Muslim Sharia councils where a husband can unilaterally divorce his wife, but a wife must have permission from her husband or a cleric to divorce. These “courts” reinforce patriarchal norms and prosecutors should be aware of the role they play in domestic abuse cases.

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24 May 2022

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