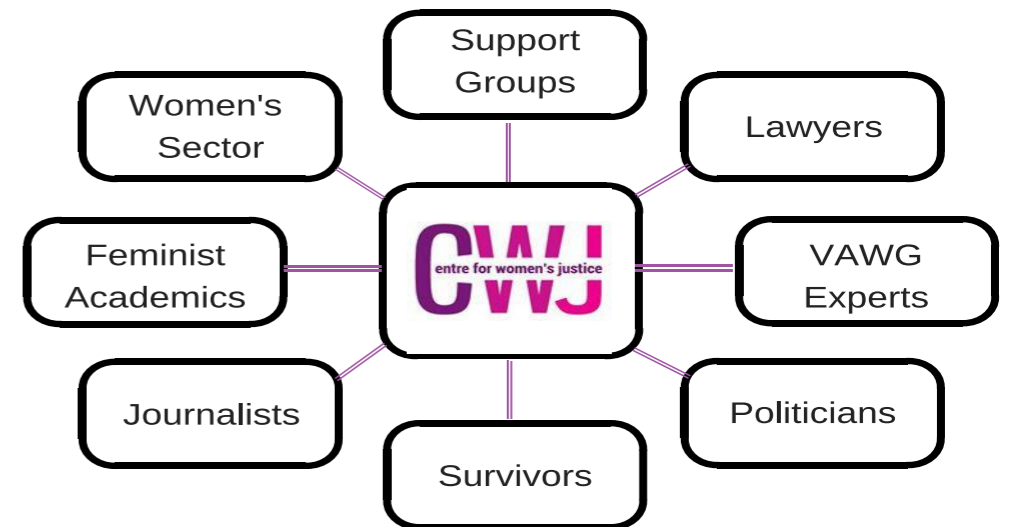


CWJ
entre for women's justice
WVJ



Centre for Women's Justice



Mission:

to hold the state to account on policing of violence against women and girls

Police super-complaint 2019:

Police failure to use protective measures in VAWG cases – Bail & RUI, NMOs, DVPOs and ROs

<https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/64abf2e2f024747dd0e22857/1688990435842/Super-complaint%2Breport.FINAL.pdf>



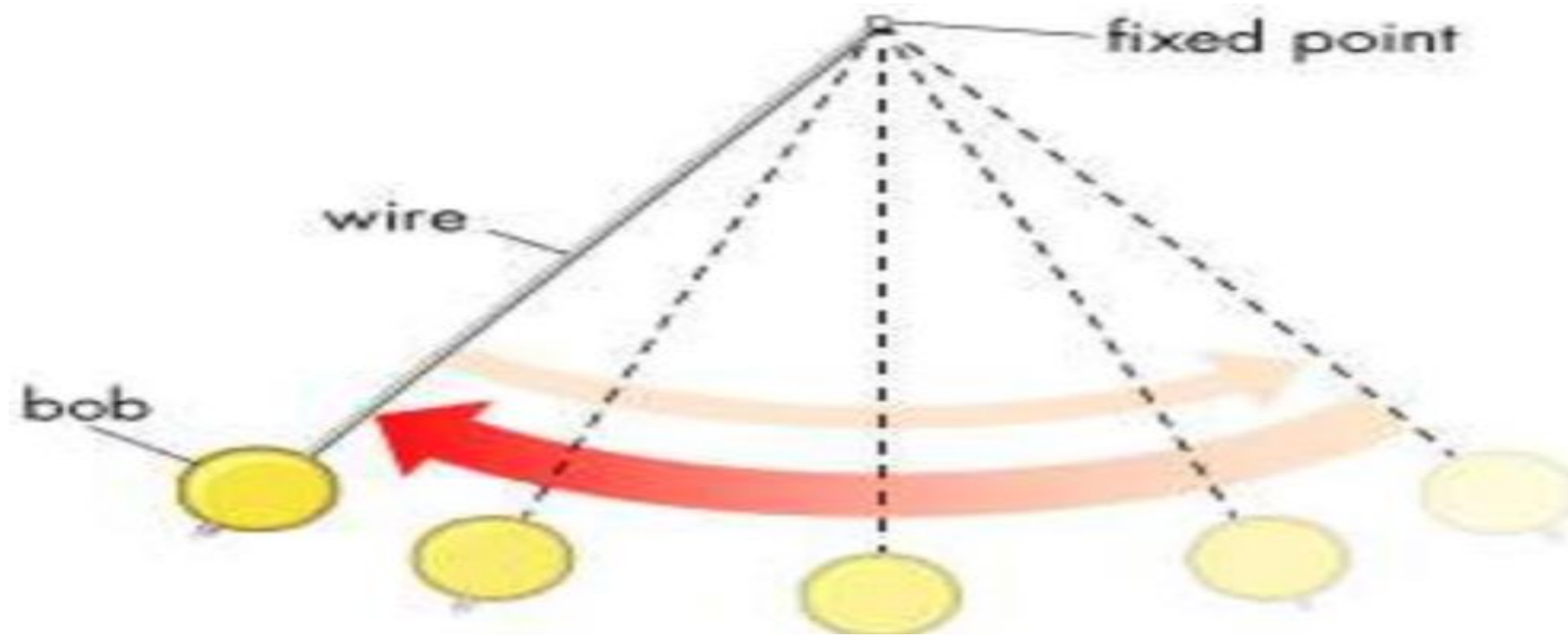
Human Rights Duties:

Articles 2 and 3 ECHR – *Osman v UK* (1998)

State's positive obligation to protect the right to life and freedom from inhuman and degrading treatment – where knew or ought to have known of real and immediate risk to named individual and fail to take reasonable measures

Article 8 ECHR: *R (Waxman) v CPS* (2012)

State's positive duty to protect psychological integrity and take action against a persistent stalker



Law on pre-charge bail 2017 – 2022:

- Example of poor quality law-making
- Resulted in investigations slowing down rather than speeding up



Consultation with victims

- 12 organisations responded that no consultation
Not the spirit or the letter of the law
 - Custody Sgt v investigators
 - Standard bail conditions



Extensions and bail lapsing

- Statutory Guidance: Seek victim's views at extension stage – reduce attrition
Parallel consultation with suspect and victim
Compliance is **not** a reason to lift bail
- Where operational reasons prevent extension must provide alternative protection measures (Art 8)
Use police-led civil protection orders



Breach of bail

- The toothless tiger?
- Charge with fresh offences of harassment / stalking
 - post-charge bail
 - Escalate using police-led civil protection orders
 - two strikes and you're out
- DVPOs – breach is a contempt of court
- SPOs, DAPOs, PHA orders – breach is an offence



**Holding the state to account for violence
against women and girls.**

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