



STOP CRIMINALISING SURVIVORS

Preventing the unjust criminalisation of victims/survivors of domestic abuse and other forms of violence against women and girls (VAWG)

"I am being punished by the system that was supposed to be there to help and protect me..."

Naomi, domestic abuse survivor

CHANGES NEEDED IN LAW AND PRACTICE

CWJ is asking parliamentarians to call on the government to address the gaps in law and practice that can lead to the unjust criminalisation of victims of domestic abuse and other forms of VAWG and exploitation.

Measures we are calling for include:

- Legislation to provide effective defences for those whose alleged offending results from their experience of domestic abuse;
- Ensuring the Victims' Code includes a requirement to protect victims of domestic abuse and other forms of VAWG and exploitation from unjust criminalisation, including by addressing intersectional discrimination and inequality faced by Black, Asian, minoritised and migrant women; and
- Decriminalising 'loitering or soliciting for the purposes of prostitution' and providing a mechanism to expunge past criminal records for this offence.

ABOUT CENTRE FOR WOMEN'S JUSTICE

Centre for Women's Justice (CWJ) is a lawyer-led charity focused on challenging failings and discrimination against women in the criminal justice system. We work closely with frontline women's sector organisations on using legal tools to challenge police and prosecution failings around violence against women and girls.

Five women who were criminalised as a result of their experience of domestic abuse tell their stories in our new series of short films.

To watch the films and find out more, go to: www.centreforwomensjustice.org.uk/stop-criminalising





WHY NOW IS THE TIME FOR REFORM

Of 173 women screened at HMP Drake Hall, 64% reported a history indicative of brain injury and for most this was caused by domestic violence. Fifty-seven per cent of women in prison and under community supervision report that they are victims of domestic abuse. The true figure is likely to be higher because of barriers to women disclosing abuse. [Research](#) by CWJ and others shows that, for many of these women, their alleged offending results directly from their experience of abuse. Yet gaps in law and practice mean this is often not properly taken into account. Intersectional discrimination and inequality experienced by Black, Asian, minoritised and migrant women can increase the risk of unjust criminalisation.

CWJ's proposals for a legal and policy framework to protect all victims of VAWG from unjust criminalisation, including new statutory defences, gained significant support during the passage of the Domestic Abuse Bill. Subsequent research has further strengthened the case for reform, including CWJ's recent [research reports](#) and new [research](#) published last year on the police response to victims of coercive control who are accused of offending.



HOW THESE PROPOSALS WOULD HELP VICTIMS

CWJ's [Double Standard report](#) sets out how women's offending is often directly linked to their own experience of domestic abuse, and how victims can be unfairly criminalised. This is also reflected in cases referred to CWJ's legal advice team, and in the work of Justice for Women and Harriet Wistrich over many years. It has been further underlined by our 2022 [No Safe Space](#) report findings, based on discussions with women with lived experience and frontline practitioners in the West Midlands. Recent [research](#) illustrates the injustices faced by victims of coercive control who are accused of offending.

CWJ's proposals would help to ensure appropriate protection for victims of VAWG who are accused of offending. They would offer legal protection in line with the public interest and stimulate a strategic focus on implementing reforms throughout the criminal justice process in order to achieve the following outcomes:

- **Identification of victims:** Suspects/defendants who are potential victims of domestic abuse and other forms of VAWG are identified as such at the earliest possible stage in proceedings.
- **Protection of victims:** Once identified, victim suspects/defendants are protected from abuse, effectively referred to support services, have their rights upheld as victims, and are not stigmatised.
- **CJS competency and accountability for considering the context of abuse in which offending may have occurred:** Criminal justice practitioners at every stage (police, CPS, judges, magistrates, juries, prisons and probation) have access to the necessary guidance, tools, processes and expertise to enable them to take proper account of the abuse suffered by victim suspects/defendants/offenders and its relationship to any alleged offending – including cultural competency in relation to Black, Asian, minoritised and migrant women - and are accountable for doing so.
- **Accessible procedural safeguards:** Effective procedural safeguards are accessible to enable victim suspects/defendants to give their best evidence about any context of domestic abuse in which the alleged offending took place.

This would also encourage disaggregated data collection and analysis to improve understanding of the criminalisation of victims of domestic abuse and other forms of VAWG, including intersectional discrimination experienced by Black, Asian, minoritised and migrant women, as highlighted by the [Tackling Double Disadvantage partnership](#).

For further information, go to:

www.centreforwomensjustice.org.uk/stop-criminalising info@centreforwomensjustice.org.uk





DOWNLOAD CWJ'S RESEARCH REPORTS:

CWJ's ['Women who kill' report](#) (Feb 2021) is the culmination of a four-year research study that explores the criminal justice response to women who kill abusive men. Through in-depth interviews with key criminal justice practitioners, and most crucially with women themselves, our research explores the extent to which the law itself, and the way it is applied, prevents women accessing justice.

Our [Double Standard report](#) (March 2022) sets out evidence of the unjust criminalisation of victims of VAWG in England and Wales for alleged offending resulting from their experience of abuse, and the reforms in law and practice that are needed to address this. It includes new research, legal analysis and case studies, and draws out the wider learning from our 'Women Who Kill' report. A chapter on the experiences of Black, Asian, minoritized and migrant women was contributed by [Hibiscus Initiatives](#).

Our [No Safe Space report](#) (July 2022) sets out the findings of qualitative research with women with lived experience and frontline practitioners, examining the approach taken by statutory and non-statutory agencies in the West Midlands towards victims of domestic abuse who are accused of offending and drawing out lessons for national policy and local practice throughout England and Wales.

Our [Making Self-Defence Accessible briefing](#) (July 2023) provides analysis of reforms that have been proposed or implemented in Canada, New Zealand and Australia to make self-defence more accessible to victims of domestic abuse who use force against their abuser, their impact and applicable lessons for England and Wales.