

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

THE LINKS BETWEEN DOMESTIC ABUSE AND WOMEN'S ALLEGED OFFENDING

Fifty-seven per cent of women in prison or under community supervision report that they are victims of domestic abuse.¹ The true figure is likely to be higher because of barriers to women disclosing abuse.²

The UK government advocates a whole system approach to women's offending, aimed at reducing women's entry into the criminal justice system, reducing their imprisonment, improving conditions for women in prison and improving resettlement outcomes post-release. In its [Female Offender Strategy](#), the government recognises the strong links between women's experience of domestic abuse and their alleged offending. Yet this has not yet translated into a strategic approach to ensure these links are taken into account in criminal proceedings against victims/survivors who are accused of offending.

[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 in decisions to arrest, prosecute, convict and sentence women. The failure to take proper account of experiences of abuse can also create barriers to sentence progression, sentence compliance and effective risk and needs assessment, increasing the risk of breach and recall, and reducing access to effective support. Intersectional discrimination and inequality experienced by [Black, Asian, minoritised and migrant women](#) can increase the risk of unjust criminalisation.

Find out more and watch our short films telling five survivors' stories:

www.centreforwomensjustice.org.uk/stop-criminalising

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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.



“Women from ‘ethnic minorities’ don’t speak up because they don’t think they can get help... They don’t have faith in the system.”

Probation practitioner

HOW VICTIMS OF DOMESTIC ABUSE AND OTHER FORMS OF VAWG ARE UNFAIRLY CRIMINALISED

Women are frequently accused of offences resulting directly from their experience of domestic abuse, such as:

- Use of force against an abusive partner or ex-partner
- Handling stolen goods under threat of violence by a partner
- Possession of a controlled substance belonging to an abusive partner
- Carrying a knife on behalf of an abusive partner
- Theft offences to pay for drugs and alcohol used by them and an abusive partner

“I have yet to see a woman involved with the criminal justice system who hasn’t been domestically abused.”

Women’s specialist service provider

KEY FACTS

- As well as being victims of VAWG and exploitation, the majority of women in contact with the criminal justice system are experiencing multiple disadvantage including mental health needs, harmful substance use and poverty.³
- Research in 2012 found that women are three times more likely to be arrested than their male partners at a domestic abuse incident involving counter-allegations, often where they have used force to protect themselves from further harm from their abuser.⁴
- 63% of girls and young women (16–24) serving sentences in the community have experienced rape or domestic abuse in an intimate partner relationship.⁵
- 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.⁶
- Around half of arrests of women for alleged violence result in no further action⁷, highlighting the need for the police to respond to incidents of alleged violence in a gender-informed way.
- Women are more likely than men to commit an offence to support someone else’s drug use (48% to 22%).⁸
- Some women are coerced into offending by abusive partners or face malicious allegations, as abusers use the criminal justice system as a way of extending control over their victim.⁹
- Women and girls from ‘minority ethnic’¹⁰ groups are overrepresented at every stage of the criminal justice system, with Black women twice as likely as white women to be arrested.¹¹
- A quarter of girls and nearly a fifth of young women prosecuted in 2021 were from ‘minority ethnic’ groups.¹²



REFORMS NEEDED

CWJ is calling for improvements in law, policy and practice to prevent the unjust criminalisation of victims of VAWG, including:

01 | **Effective defences:**

Legislation to make self-defence more accessible for victims of domestic abuse who use force against their abuser, and to provide a defence where victims of domestic abuse are coerced into offending.

02 | **Closer work with women's and girls' specialist services:**

Investment in closer joint work with women's specialist services to:

- a. provide a safe space for women and girls to disclose domestic abuse and other forms of VAWG and receive support at the earliest possible stage in proceedings; and
- b. support criminal justice professionals to take proper account of any context of domestic abuse and other forms of VAWG, and hold them to account for doing so.

03 | **Improved training, guidance and processes for criminal justice professionals:**

Criminal justice practitioners at every stage (police, prosecutors, criminal defence lawyers, judges, magistrates, prison and probation practitioners) need improved training, guidance and processes to ensure they can take proper account of domestic abuse or other forms of VAWG experienced by victim suspects/defendants and its relationship to their alleged offending – including cultural competency in relation to Black, Asian, minoritised and migrant women. This must include recognising when expert evidence is needed in court proceedings and ensuring effective use of procedural safeguards to protect victim suspects/defendants and enable them to give their best evidence.

“Modern slavery is more likely to be considered ... than the impact of domestic violence.”

Prosecutor

ENDNOTES

- 1 [Ministry of Justice \(2018\) Female Offender Strategy; Home Office \(2007\) The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System](#)
- 2 [Gelsthorpe, L., Sharpe, G., and Roberts, J. \(2007\) Provision for Women offenders in the community; Centre for Women's Justice \(2021\) Women who kill: how the state criminalises women we might otherwise be burying](#)
- 3 [Ministry of Justice \(2018\) Female Offender Strategy; Home Office \(2007\) The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System](#)
- 4 [Hester, M. \(2012\) Portrayal of Women as Intimate Partner Domestic Violence Perpetrators.](#) Professor Hester studied the following three sample groups: (1) All women recorded by the police as sole domestic violence perpetrator in a heterosexual relationship (N=32); (2) a random sample of sole male perpetrators; and (3) a random sample involving 32 cases where both partners were recorded at some time as perpetrator. These different sets of cases were then compared to assess differences and similarities in the rate of arrest where allegations were made. Analysis showed that an arrest was three times more likely to follow where the allegations were made against a woman, than where they were made against a man.
- 5 [Wong, K. et al. \(2017\) T2A Final Process Evaluation Report, Policy Evaluation Research Unit](#)
- 6 [The Disabilities Trust \(2019\) Making the link: Female offending and brain injury](#)
- 7 [Howard League for Penal Reform \(2020\) Arresting the entry of women into the criminal justice system: Briefing Two.](#) Five police forces responding to a Freedom of Information request by the Howard League for Penal Reform provided data on 317 arrests of women for alleged violent incidents. More than half of the arrests for alleged violence (163) resulted in no further action or release without charge.
- 8 [Light, M. et al \(2013\) Gender differences in substance misuse and mental health amongst prisoners](#)
- 9 [Centre for Women's Justice \(2022\) Double Standard: ending the unjust criminalisation of victims of violence against women and girls See also: Centre for Women's Justice \(2022\) No Safe Space: lessons for national policy and local practice from the West Midlands multi-agency response to women involved in offending or alleged offending who are victims of domestic abuse; Pitman, J \(2022\) Invisible victims: What are the barriers to police recognising female offenders as victims of coercive control \[Masters thesis: Portsmouth University\]](#)
- 10 [CWJ aims to use language that challenges and does not contribute to racist ideas, actions and policies. We use the terms 'Black, Asian and minoritised women' and we aim to be more specific where we can. Where we are referring to data collected by others using different terminology, we use that terminology in quotation marks in order to ensure accuracy.](#)
- 11 [Ministry of Justice \(2022\) Women and the criminal justice system 2021](#)
- 12 [Ibid](#)