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All-Party Parliamentary Group on  
Domestic Violence and Abuse

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## **APPG meeting and Parliamentary film screening: “Stop Criminalising Survivors”**

**Wednesday 15th May, 17:30 - 19:00**  
**Boothroyd Room, Portcullis House, London, SW1A 2LW**

### **Briefing for Parliamentarians**

#### **The links between domestic abuse and women’s alleged offending**

Women in contact with the justice system are often survivors of domestic abuse. What is perhaps less well understood is the ways in which women’s experience of abuse, including coercive control, can directly lead to their own criminalisation.

Women who are coerced and frightened into offending, who use force in self-defence, or who face malicious allegations by their perpetrators as part of a pattern of coercive control, are being punished rather than supported. Women in prison have the highest rates of self-harm ever recorded right now, access to mental and physical healthcare is inadequate and women often lose their children, home and jobs due to time spent in prison.

This meeting brings together experts in this work to call for change. Survivors of abuse need support, not punishment.

Fifty-seven per cent of women in prison or under community supervision report that they are victims of domestic abuse.<sup>1</sup> The true figure is likely to be higher because of barriers to women disclosing abuse.<sup>2</sup> 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.<sup>3</sup>

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

Women’s specialist service provider<sup>4</sup>

At this APPG meeting we will screen a new short film from Centre for Women’s Justice (CWJ) in which five women explain how they ended up facing prosecution in circumstances which resulted directly from their own experience of domestic abuse.

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

Lu, domestic abuse survivor

Research by CWJ and others shows that, for many of these women, their alleged offending results directly from their experience of abuse.<sup>5</sup> Yet gaps in law and practice mean this is

often not properly taken into account in decisions to arrest, prosecute, convict and sentence women. Intersectional discrimination and inequality experienced by Black, minoritised and migrant women can increase the risk of unjust criminalisation.<sup>6</sup>

*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<sup>7</sup>

Women are frequently accused of offences resulting directly from their experience of domestic abuse, such as:<sup>8</sup>

- 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
- A woman calls for police help during a violent incident with a boyfriend, but she is so agitated and traumatised that when the police arrive she hits out at them and is arrested.<sup>9</sup>

*"One of my Case Work Team has 23 women on her probation case load. Of those 23, at least 20 have experienced domestic abuse or are currently in an abusive relationship."*

Lily Blundell, Service Manager, Women in Prison

## **The impact of trauma**

It is impossible to disentangle women's experiences of domestic abuse from their experiences of structural inequalities and the violence, abuse and harassment they are subjected to in other areas of their lives, as well as the associated trauma. Gendering discourses play a significant role in women's experiences of domestic abuse. They set the scene for men's abusive and controlling behaviours in intimate relationships and construct barriers to female survivors being believed, as well as accessing support to leave abusive relationships.<sup>10</sup>

For example, the introduction of the offence 'Assault on Emergency Worker' in 2018 is sweeping a significant number of women with experiences of trauma and mental ill health into the justice system. 3,578 women were sentenced for assault on an emergency worker in 2022. The most common sentencing outcome was a community sentence (43%) followed by a suspended sentence (12%) and immediate custody (9%). The offence category of "violence against the person" for women has now sharply increased by 91% since 2017, driven by the high number of prosecutions of women for this offence which is significantly above the levels of other assault-related offences."

We are concerned that arrests of women for this offence are criminalising women during circumstances of heightened stress and trauma. An analysis by the Howard League for Penal Reform found that incidents of alleged assault on an emergency worker were often related to incidents of alleged domestic abuse.<sup>11</sup>

Greater emphasis is needed on identifying trauma and responding to people in distress or displaying challenging behaviour. Effective de-escalation techniques can reduce the intensity of a conflict or a potentially abusive situation through using non-threatening body language,

active listening, compassionate responses, and calm speech. De-escalation is especially important where someone might have mental ill health, where physical contact could be interpreted as hostile and threatening and receive a negative response. It is essential for police to have at the forefront of their minds that coercive interactions or restraint may trigger a trauma response in women who have experienced abuse, and discrimination. The way in which an individual responds to a trigger or trauma itself is often involuntary and can result in a temporary loss of the ability to process information, plan, and take appropriate action.

*“One of the women we work with was arrested whilst calling for help from the police. One evening she was having an argument with her partner and she called for the police as her partner was being abusive. She was angry, frightened and full of adrenaline and therefore was the loudest voice in the situation. The police decided to arrest her which she couldn’t believe. She was arrested for assaulting an emergency worker and later charged with resisting arrest. Now she is on probation.*

*This case study isn’t unusual. We are seeing on average eight women each quarter arrested when they needed help and charged with assaulting an emergency worker. They are traumatised and panicked and yet - again and again - the incident ends up leading to a woman being criminalised rather than receiving the quality support she needs.”*

Lily Blundell, Service Manager, Women in Prison

### **Changes needed in law and practice**

In the government’s Female Offender Strategy there is recognition of the strong links between women’s experience of domestic abuse and their alleged offending.<sup>12</sup> 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.

There are gaps in law and practice that lead to the unjust criminalisation of victims of domestic abuse and other forms of violence against women and girls (VAWG), and these need to be addressed. Organisations in the VAWG sector, including the Centre for Women’s Justice, Women in Prison and Women’s Aid, are calling for:

- 1) **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. These proposals are reflected in [New Clauses 49 and 50, and New Schedule 1](#), tabled by Jess Phillips MP for the Report Stage of the Criminal Justice Bill;
- 2) **Increased investment in women’s and girls’ specialist services and closer work by criminal justice agencies with those 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.
- 3) **Improved training, guidance and processes for criminal justice professionals:** Criminal justice practitioners at every stage of the criminal justice system (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, minoritised and migrant women.

As well as statutory defences, practice reforms are needed, including: national guidance for police; changes to the Code for Crown Prosecutors; guidance and training to improve judges' understanding of when expert evidence is needed in court proceedings; ensuring effective use of procedural safeguards to protect victim suspects/defendants and enable them to give their best evidence; ensuring written pre-sentence reports are used whenever custody is being considered for a woman defendant and that this includes consideration of any context of domestic abuse; and introducing full sentencing guidelines setting out how sentencers can take a gendered approach to sentencing, taking proper account of any context of domestic abuse.



#### **With special thanks to the 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. CWJ produced the short film which will be screened at this event. To watch this and other short films in the same series and download resources go to: [www.centreforwomensjustice.org.uk/stop-criminalising](http://www.centreforwomensjustice.org.uk/stop-criminalising) or contact: [info@centreforwomensjustice.org.uk](mailto:info@centreforwomensjustice.org.uk)



#### **About Women in Prison**

Women in Prison (WIP) is a national charity which provides independent, holistic, gender-specialist support to women facing multiple disadvantage, including women involved in (or at risk of being involved in) the criminal justice system.

We work in prisons, the community and 'through the gate', supporting women leaving prison. We run Women's Centres in Manchester and London and work in partnership with the Women's Centre in Surrey. Our combined services provide women with support and advocacy, relating to domestic and sexual abuse, mental health, harmful substance use, debt, education, training and employment.

Our campaigning is informed by our frontline support services for women, delivered at every stage of a woman's journey through the criminal justice system. The experience and knowledge of staff and women directly affected by the criminal justice system enable us to see first-hand the effects of policy in practice and strengthen our recommendations for change.

<https://womeninprison.org.uk> Contact Lucy Russell at [Lucy.russell@wipuk.org](mailto:Lucy.russell@wipuk.org)

## The APPG for Domestic Violence and Abuse

The APPG for Domestic Violence and Abuse was set up as a forum to work with parliamentarians on the issue of domestic abuse and to facilitate engagement between organisations, academics, commissioners and leaders in the violence against women (VAWG) space and key decision makers. It also provides an important platform for survivors of domestic abuse to discuss their experiences with parliamentarians to inform policy changes to better support survivors of domestic abuse. Apsana Begum MP is the Chair of the APPG, and Rt Hon Sir Robert Buckland MP is the Co-Chair. Women's Aid provide the Secretariat to the APPG. You can follow the APPG on X @APPGDVA and contact the Secretariat directly at [appg@womensaid.org.uk](mailto:appg@womensaid.org.uk)

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<sup>1</sup> [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](#)

<sup>2</sup> [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](#)

<sup>3</sup> [The Disabilities Trust \(2019\) Making the link: Female offending and brain injury](#)

<sup>4</sup> [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](#), p.21

<sup>5</sup> See for example: [Centre for Women's Justice \(2021\) Women who kill: How the state criminalises women we might otherwise be burying; Centre for Women's Justice \(2022\) Double Standard: ending the unjust criminalisation of victims of violence against women and girls; Pitman, J \(2022\) Invisible victims: What are the barriers to police recognising female offenders as victims of coercive control \[Masters thesis: Portsmouth University\]; Hester, M. \(2012\) Portrayal of Women as Intimate Partner Domestic Violence Perpetrators; Jo Roberts \(2019\) 'It was do or die': how women's offending can occur as a by-product of attempting to survive domestic abuse \*Journal of Gender-Based Violence\*, vol 3 no 3, pp. 283–302; Prison Reform Trust \(2017\) There's a reason we're in trouble: Domestic abuse as a driver to women's offending](#)

<sup>6</sup> [Centre for Women's Justice and Tackling Double Disadvantage Partnership \(2023\) Westminster Hall debate to be held on 5 July: That this House has considered the criminalisation of victims of violence against women from ethnic minority and migrant communities – Briefing for MPs](#)

<sup>7</sup> [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](#), p.31

<sup>8</sup> [Prison Reform Trust \(2017\) There's a reason we're in trouble: Domestic abuse as a driver to women's offending](#)

<sup>9</sup> This has happened to a client of Women in Prison in the last 12 months

<sup>10</sup> Women's Aid, Hester, M., Walker, S-J., and Williamson, E. (2021) Gendered experiences of justice and domestic abuse. Evidence for policy and practice. Bristol: Women's Aid <https://www.womensaid.org.uk/evidence-hub/research-and-publications/>

<sup>11</sup> APPG on women in the penal system (2020) Briefing 2: Arresting the entry of women into the criminal justice system

<sup>12</sup> [Ministry of Justice \(2018\) Female Offender Strategy](#)