

# Victims and Prisoners Bill

## House of Lords Second Reading Briefing

Joint briefing on behalf of Violence Against Women Girls (VAWG) organisations



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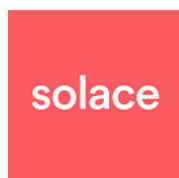


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## **Introduction**

The Victims and Prisoners Bill presents an important legislative vehicle to deliver much-needed improvements for victims and survivors of violence against women and girls (VAWG). We encourage peers to engage with this briefing which highlights the key priorities of VAWG organisations to ensure the Bill fulfils its potential. Where relevant, we signpost to organisations' individual briefings for further information.

## **Background: Violence against women and girls in the UK**

Every three days, a woman in the UK is killed,<sup>1</sup> whilst one in four women experience domestic abuse in their lifetimes<sup>2</sup> and the number of reported rapes is increasing.<sup>3</sup> Specialist VAWG organisations are grappling with increased demand for support from survivors in the context of a cost of living crisis<sup>4</sup> and with the lasting impact of the Covid-19 pandemic.<sup>5</sup> Meanwhile, we have witnessed an explosion of misogyny online, which creates new and ever-emerging opportunities for VAWG in the digital sphere.<sup>6</sup> It is clear that ongoing commitment and reforms are needed to tackle this problem. Earlier this year, the Government stated that only 35% of its Home Office Tackling VAWG strategy has been implemented to date.<sup>7</sup>

Whilst the Victims and Prisoners Bill contains some important measures, it has inspired little confidence in its ability to suitably improve the circumstances outlined above for victims and survivors of VAWG. On its introduction, VAWG organisations described the Bill as 'disappointing'<sup>8</sup>, not going 'far enough'<sup>9</sup> and requiring 'significant changes'<sup>10</sup>, with calls that 'it must go further'.<sup>11</sup> The Domestic Abuse Commissioner summarised that: "in its current form it's disappointingly far from the big picture promises we want to see."<sup>12</sup> The Government has introduced some relevant and welcome amendments at Report Stage, however, many of the

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<sup>1</sup> Femicide Census (2020) UK Femicides 2009-2018:

<https://www.femicidecensus.org/wp-content/uploads/2020/11/FemicideCensus-10-year-report.pdf>

<sup>2</sup> Refuge (undated) The facts: <https://refuge.org.uk/what-is-domestic-abuse/the-facts/>

<sup>3</sup> Office for National Statistics (2023) Sexual offences in England and Wales overview: year ending March 2022:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/sexualoffencesinenglandandwalesoverview/march2022>

<sup>4</sup> Various organisations (2022) Statement on behalf of VAWG organisations in England and Wales on the Cost of Living Crisis:

<https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2022/11/VAWG-Sector-Cost-of-Living-Statement-FINAL.pdf>

<sup>5</sup> End Violence Against Women Coalition (2020) Initial briefing on the COVID-19 pandemic and the duty to prevent violence against women and girls:

<https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2020/04/EVAW-Coalition-Briefingon-COVID19-Pandemic-and-Duty-to-Prevent-VAWG-April-2020-FINAL.pdf>

<sup>6</sup> National Police Chief's Council (2023) Violence against women and girls strategic risk assessment:

<https://www.npcc.police.uk/SysSiteAssets/media/downloads/our-work/vawg/violence-against-women-and-girls---strategic-threat-risk-assessment-2023.pdf>

<sup>7</sup> Estimated figure relayed by the Home Office Safeguarding Minister Rt Hon Sarah Dines MP at meeting with the VAWG sector, 25 April 2023

<sup>8</sup> Refuge (2023) Refuge responds to the first reading of victims and prisoners bill:

<https://refuge.org.uk/news/refuge-responds-to-the-first-reading-of-victims-and-prisoners-bill/#:~:text=The%20Victims%20and%20Prisoners%20Bill%20is%20a%20hugely%20important%20and,today%20for%20these%20vital%20services>

<sup>9</sup> Women's Aid Federation England (2023) Women's Aid responds to the Victims and Prisoners Bill:

<https://www.womensaid.org.uk/womens-aid-responds-to-the-victims-and-prisoners-bill/>

<sup>10</sup> End Violence Against Women Coalition (2023) Victims and Prisoners Bill wont deliver what victims need:

<https://www.endviolenceagainstwomen.org.uk/victims-and-prisoners-bill-wont-deliver-what-victims-need/>

<sup>11</sup> SafeLives (2023) SafeLives welcomes the Victims Bill, but calls on Government to not leave any survivor of abuse behind:

<https://safelives.org.uk/victims-and-prisoners-bill>

<sup>12</sup> Domestic Abuse Commissioner (2023) The domestic abuse commissioner responds to victims and prisoners bill:

<https://domesticabusecommissioner.uk/the-domestic-abuse-commissioner-responds-to-victims-and-prisoners-bill/>

key priorities of VAWG organisations are still not reflected in the Bill. Its expansion in scope to become a Victims and Prisoners Bill has also presented additional challenges and appears to be universally unwelcome.

This submission sets out the key recommendations of VAWG organisations for Part One and Part Three of the Bill on the following issues:

- Legislative protection for migrant survivors of VAWG
- Reform for survivors of rape and sexual abuse
- The provision of services for VAWG survivors: Duty to collaborate
- ISVA/IDVA definitions
- Criminalisation of women
- Victim's Code
- Parole

### **1. Legislative protection for migrant survivors of VAWG**

*“The noble Baronesses, Lady Wilcox, Lady Burt, Lady Lister, Lady Gale, Lady Crawley and Lady Meacher, the noble Lords, Lord Rosser and Lord Woolley, the right reverend Prelate the Bishop of Gloucester and my noble friend Lady Helic—practically the whole House—talked about the needs of migrant victims. We are clear, first and foremost, that all victims of domestic abuse must be treated as victims first.”* - Baroness Williams of Trafford, Second Reading of the Domestic Abuse Bill in the Lords<sup>13</sup>

Two years on from the Domestic Abuse Act 2021, the absence of legislative protection for migrant survivors remains one of the most formidable challenges to tackling VAWG and delivering specialist support in the UK. Whilst the House of Lords and the other house were previously reassured that the government would “put in place sustainable long-term provision” for migrant survivors<sup>14</sup>, this has not come to fruition. The Support for Migrant Victims scheme (SMV pilot), ostensibly introduced as a pilot scheme back in 2021 whilst the Home Office decided on a long-term solution, has now been extended until March 2025.<sup>15</sup> It remains the case that migrant women are at disproportionate risk of VAWG, and often find themselves trapped in escalating violence without recourse to support or safety.

This is the result of so-called ‘hostile environment’ policies including the No Recourse to Public Funds condition (NRPF - which bars survivors from accessing many forms of social security, and therefore statutory services for protection), data-sharing practices between statutory services and Immigration Enforcement, and discrimination in service delivery. Recent data obtained by the Domestic Abuse Commissioner’s Office showed that over a three year period, every single police force in England and Wales shared victims’ data with Immigration Enforcement when approached to report a crime.<sup>16</sup> According to Women’s Aid

<sup>13</sup> Debate on the Domestic Abuse Bill (2021), Volume 809: debated on Tuesday 5 January 2021:

<https://hansard.parliament.uk/lords/2021-01-05/debates/1384371F-73F4-40BC-A44A-B0358CF839B6/DomesticAbuseBill>

<sup>14</sup> Debate on the Domestic Abuse Bill (2021) Volume 809: debated on Tuesday 5 January 2021, Former Minister for Safeguarding Rt Hon Victoria Atkins MP, Col. 117

<https://hansard.parliament.uk/commons/2021-04-26/debates/05E7E125-ADAE-4293-A313-6694F2788EF4/DomesticAbuseBill>

<sup>15</sup> This fund provides for up to only 12 weeks of rent and subsistence costs for migrant victims with NRPF with varying visa statuses. The government’s evaluation of this fund noted its vital importance but has offered no long-term solution since.

<sup>16</sup> In 2022, a Freedom of Information (FOI) request revealed that between May 2020 and September 2022, the police shared the details of over 2,000 victims of crime with Immigration Enforcement after victims approached them to report a crime and access support. Some of these victims have been served with enforcement papers at risk of deportation. See Domestic Abuse

Federation England, in 2019/20, over 95% of all refuge places on the UK VAWG directory of services and refuge vacancies<sup>17</sup> could not provide a place of safety for survivors who had NRPF.<sup>18</sup>

Abusers are able to exploit these circumstances by threatening survivors and their children that if they report the abuse or seek help, they will not be supported and will instead face discrimination, detention, removal and/or separation from their children because of their immigration status. This fact is recognised in the Home Office's own statutory guidance on domestic abuse, as a form of coercive control.<sup>19</sup>

Legislative reform for migrant survivors must be understood firmly as a justice issue within scope of this Bill, given its stated aim of "improv[ing] victims' experiences and access to support and justice". This ambition cannot be fulfilled whilst a cohort of survivors are barred from the most basic forms of protection.

The Victims and Prisoners Bill provides a long-overdue opportunity to tackle these urgent issues by introducing a model of protection for migrant survivors of VAWG, specifically:

- 1) A firewall between statutory services and the Home Office
- 2) A model of protection so that survivors can escape abuse, through extension of eligibility to the Domestic Violence Rule and Destitution Domestic Violence Concession to all survivors of VAWG.

Please see [here](#) for a briefing from Latin American Women's Rights Service, Southall Black Sisters, Safety4 Sisters and Ubuntu.

## **2. Reform for survivors of rape and sexual abuse**

In 2021, the Government acknowledged that 'victims of rape are being failed' in England and Wales and initiated an *End to End Rape Review* action plan to right this wrong.<sup>20</sup> In June 2023, the Lord Chancellor and Justice Secretary Alex Chalk MP KC stated that the job is "not done." Our *What's Changed?* briefing highlights that far too many survivors continue to be failed when they report abuse, and victim attrition rates from the criminal justice system are staggeringly high (at 62%).<sup>21</sup>

Rape and other sexual offences are unique criminal offences in that 'victim credibility' is at the heart of the police investigation, such that victims and survivors often feel that they are

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Commissioner's Office (2023), Safety Before Status: How to ensure the Victims and Prisoners Bill meets the needs of all victims. Online: [https://domesticabusecommissioner.uk/wp-content/uploads/2023/11/FINAL-DOC\\_Firewall-Report\\_2023\\_V2.pdf](https://domesticabusecommissioner.uk/wp-content/uploads/2023/11/FINAL-DOC_Firewall-Report_2023_V2.pdf)

<sup>17</sup> Routes to Support is the UK violence against women and girls directory of services and refuge vacancies, run in partnership by Scottish Women's Aid, Welsh Women's Aid, Women's Aid Federation of England and Women's Aid Federation of Northern Ireland.

<sup>18</sup> Birchall, J., McCarthy, L., Samuel, M., Davidge, S., (2021), The Annual Audit 2021. Bristol: Women's Aid Federation England

<sup>19</sup> Home Office (2022) Domestic Abuse Act 2021 Statutory Guidance

[https://assets.publishing.service.gov.uk/media/62c6df068fa8f54e855dfe31/Domestic\\_Abuse\\_Act\\_2021\\_Statutory\\_Guidance.pdf](https://assets.publishing.service.gov.uk/media/62c6df068fa8f54e855dfe31/Domestic_Abuse_Act_2021_Statutory_Guidance.pdf)

<sup>20</sup> Lord Chancellor and Secretary of State for Justice (2022) The end-to-end rape review report on findings and actions,

correction slip

<https://assets.publishing.service.gov.uk/media/60ed551c8fa8f50c6ef84fbc/end-to-end-rape-review-report-with-correction-slip.pdf>

<sup>21</sup> Centre for Women's Justice, End Violence Against Women Coalition, Imkaan, Rape Crisis England and Wales (2023) What's Changed? Government's 'End-to-End' Rape Review - Two Years On:

<https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/06/RapeReviewReport-160623FINAL.pdf>

themselves under investigation. It is evident that rape survivors need somewhere to turn when they come up against an issue in the legal process where their interests are not protected.

One of the most entrenched problems that victims and survivors of rape are confronted with is that when they report to the police, they face an impossible position, forced to choose between seeking justice and seeking therapeutic support. This is because the private and personal material contained in counselling records is routinely requested by the police and Crown Prosecution Service, undermining confidentiality and jeopardising what should be a safe therapeutic space. The Home Office's own review of rape cases found that almost one third of requests for survivors' records were for victims and survivors' counselling or therapy notes (29%). Where a reason was given for the request, nearly a third (32%) focussed on establishing perceived victim reliability or credibility, rather than the facts of the incident.<sup>22</sup>

The Lord Chancellor and Justice Secretary Alex Chalk MP KC himself accepts the need to stop "unnecessary fishing exercises" of survivors' records and announced that the Victims and Prisoners Bill will introduce statutory guidance on requests to disclose survivors' therapy, during its Second Reading in the Commons.<sup>23</sup> However, Clause 22 only seeks to bring already existing data protection principles into legislation that applies specifically to such requests - and applies to all third party materials.<sup>24</sup> It makes none of the necessary changes to address widespread requests for survivors' counselling and therapy records specifically, which require a distinct approach.

We put forward a solution to better protect survivors' counselling and therapy records, based on a model that has successfully operated in New South Wales, Australia, for over 20 years. Sir Robert Buckland KC, in supporting this amendment in the Commons called it an "excellent safeguard".<sup>25</sup> This would be complemented by a national scheme of independent legal advice and representation for survivors of rape who engage with the criminal justice process.

The Victims and Prisoners Bill provides an opportune moment to make progress on this issue. In particular to introduce:

1. Better protection for survivors counselling and therapy records, with a higher legal threshold for their disclosure and the introduction of judicial scrutiny
2. independent legal advice and representation for survivors of rape and sexual abuse who report.

For more information, please see briefings on counselling records [here](#) and independent legal advice [here](#), on behalf of Rape Crisis England & Wales, Centre for Women's Justice, Rights of Women and End Violence Against Women Coalition.

<sup>22</sup> Ministry of Justice (2023) Rape Review progress update:

<https://assets.publishing.service.gov.uk/media/64a7d02e7a4c230013bba335/rape-review-progress-report-year-2.pdf>

<sup>23</sup> Ministry of Justice (2023) End to intrusive fishing expeditions of rape victims' therapy notes:

<https://www.gov.uk/government/news/end-to-intrusive-fishing-expeditions-of-rape-victims-therapy-notes>

<sup>24</sup> End Violence Against Women Coalition, Centre for Women's Justice, Rape Crisis England and Wales (2023) Joint statement on Ministry of Justice's claims about rape survivors' therapy notes:

<https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/05/EVAW-RCEW-CWJ-joint-statement-on-the-MOJ-third-party-materials-announcement-170523.pdf>

<sup>25</sup> House of Commons, Victims and Prisoners Bill Debate (2023): <https://hansard.parliament.uk/commons/2023-12-04/debates/5DA8E455-339D-497A-9F0D-8B566B3E8EA9/VictimsAndPrisonersBill>

### 3. The provision of services for VAWG survivors: Duty to collaborate

The vast majority of survivors seek support from some form of community-based service (the figure is 95% for those accessing specialist support provided by Refuge<sup>26</sup>). However, all too often, survivors cannot access the specialist support they need due to inconsistent provision across the country and gaps in funding for specialist support. Research by the Domestic Abuse Commissioner found that in 2022, less than half of survivors who wanted to access community-based services were able to<sup>27</sup>. Barriers to accessing ‘by and for’ community-based services are even greater for Black and minoritised, migrant, disabled and LGBT+ survivors. Large swathes of England and Wales do not have any specialist support at all for Deaf and disabled victims and survivors or LGBT+ victims and survivors.<sup>28</sup>

We support the aims of the Victims and Prisoners Bill’s ‘duty to collaborate’, described as a “stepping stone” towards addressing the current patchwork of provision in victim support services.<sup>29</sup> It seeks to bring together local authorities, Police and Crime Commissioners and Integrated Care Boards to create joint strategies on how they will commission services. During Report Stage of the Bill, the Government built on this provision by introducing clause 13. This requires the authorities preparing such strategies to: assess the needs of victims within a police area for relevant victim support services, to assess whether, and how, those needs are being met, and to have regard to those assessments.<sup>30</sup>

Whilst the change to clause 13 strengthens this part of the Bill, there is further to go to ensure this leads to adequate provision for victims and survivors of VAWG. In particular, new funding to enable duty holders to commission services to meet the needs they identify. We recommend the Bill’s duty to collaborate is further amended to provide:

- Accompanying funding for duty-holders<sup>31</sup>
- A national government duty to fund specialist ‘by and for’ services for minoritised survivors, disabled survivors and LGBT+ survivors.
- Specification for commissioners to commission “specialist women’s community-based domestic abuse and sexual violence support
- A requirement for services commissioned via the duty to be delivered on sustainable contract terms of at least three years, unless it would not be justifiable or proportionate to do so.
- Extension to include stalking support services within its scope.
- Guidance to ensure that the duty incorporates quality-assured perpetrator responses which have a priority outcome of increased safety and freedom for victims, as part of a coordinated community response to domestic abuse.

<sup>26</sup> Refuge data (2022/2023)

<sup>27</sup> Domestic Abuse Commissioner (2022) A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales  
[https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC\\_Mapping-AbuseSurvivors\\_Long-Policy-Report\\_Nov2022\\_FA.pdf](https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-AbuseSurvivors_Long-Policy-Report_Nov2022_FA.pdf)

<sup>28</sup> Domestic Abuse Commissioner (2022) A Patchwork of Provision, Policy Report  
[https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC\\_Mapping-Abuse-Survivors\\_Long-Policy-Report\\_Nov2022\\_FA.pdf](https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf)

<sup>29</sup> Domestic Abuse Commissioner (2023) Introduction Brief for the Victims and Prisoners Bill  
<https://domesticabusecommissioner.uk/wp-content/uploads/2023/11/The-Domestic-Abuse-Commissioners-introduction-brief-for-Victims-and-Prisoners-Bill.pdf>

<sup>30</sup> <https://bills.parliament.uk/bills/3443/stages/17863/amendments/10010251>

<sup>31</sup> We estimate that in 2022-23, a funding settlement of at least £238 million is needed for specialist women’s domestic abuse services in England. Economic analysis by Women’s Aid, carried out by ResPublica, found that the benefit-to-cost ratio of investing in specialist domestic abuse services is £9.14: £1.

For more detail on these recommendations, please find a briefing from Women's Aid [here](#), Suzy Lamplugh Trust [here](#) and Refuge [here](#).

#### **4. ISVA/IDVA definitions**

Clause 15 of the Bill would place the role of independent Sexual Violence Advisers (ISVAs) and Independent Domestic Violence Advisers (IDVAs) in legislation, giving them statutory footing for the first time. This will be done through a requirement on the Justice Secretary to issue guidance on their roles and requirements. We agree that increased awareness of the ISVA and IDVA roles amongst other services is necessary, and would like to see greater understanding of the roles, including awareness of the support and advocacy IDVAs and ISVAs can provide outside of the criminal justice system. There are some concerns however, that the current wording of Clause 15 of the Bill could have unintended consequences, by enshrining a hierarchical system with regards to the support available for victims of domestic abuse and sexual violence, which risks narrowing the types of support victims can access.

IDVAs and ISVAs are a vital framework for providing support to women and children experiencing domestic abuse and VAWG, as part of a wider system of advocacy for survivors. Many women and children also seek alternative forms of support from specialist domestic abuse services that fall outside of the formal IDVA title, including Independent Stalking Advocates, outreach support, floating support, formal counselling and support groups for example. These specialist forms of advocacy all play a vital role in supporting the recovery of women and children. We do not envision that the Bill's intention is to seek to narrow the landscape of help that is available for women experiencing domestic abuse and sexual violence. Therefore, we recommend:

- The production of a definition of specialist community-based services and accompanying guidance to this legislation, in partnership with national membership organisations and specialist services, in order to help ensure that all survivors can access appropriate, tailored support to aid their recovery.
- Updating section 12 of the Bill to include Independent Stalking Advocates (ISAs) as a key victim support service alongside IDVAs and ISVAs.

For more detail on these recommendations, please find a briefing from Women's Aid [here](#) and Suzy Lamplugh Trust briefing [here](#).

#### **5. Victim's Code**

Enshrining the Victim's Code in primary legislation (clause 2) presents an opportunity to improve survivors' experiences in the criminal justice system. We welcomed the government's clarification to the Bill during Report Stage in the Commons which clearly set out that the Code will apply to all victims regardless of whether they report their abuse to the police or not.

However, the Bill proposes enshrining just four broad overarching principles of the Victim's Code into primary legislation, rather than a comprehensive set of standards with legal purpose. We support the Justice Committee's assessment that "this is not strong enough to drive the necessary cultural change in the treatment of victims in the criminal justice

system.”<sup>32</sup>

Further, for the Victim’s Code to be effective, it must dispense an enforceable right. Without clear responsibility and accountability mechanisms to ensure compliance, we fear that the Victim’s Code will continue to fail to deliver for survivors.

We welcome that the Bill requires PCCs to ensure they consider the experiences of victims to contextualise and add to the Code compliance data. To ensure that the voices of all victims are meaningfully heard, any guidance accompanying this duty should explicitly state the need to engage and collaborate with specialist domestic abuse and VAWG services, including those led ‘by and for’ Black and minoritised women.

Women’s Aid’s Annual Survey 2022 highlighted that 27.3% of responding domestic abuse services reported having received no local authority funding.<sup>33</sup> Meanwhile, specialist ‘by and for’ services were overall less likely to be commissioned by their local authority, with 55% being noncommissioned.<sup>34</sup>

Evidence also shows that Black, minoritised, migrant, d/Deaf and disabled victims are being failed by statutory agencies who often neglect to uphold their right ‘to be able to understand and to be understood’ under the Victims’ Code. With many ‘by and for’ organisations raising concerns about how public bodies, including the police, often fail to comply with their obligations under the Equality Act to eliminate discrimination, harassment, and victimisation when interacting with survivors facing communication barrier or accessibility needs<sup>35</sup>.

As a result of this neglect, victims/survivors are forced to stay longer with those who abuse them, and are at risk of increased harm whilst being denied justice. By failing to address and respond to communication barriers, statutory bodies allow perpetrators to exploit these vulnerabilities to keep controlling victims/survivors while remaining unpunished. We therefore recommend:

- The Bill must ensure that the Code is fully accessible in line with the standard of accessibility set out in the Public Bodies Accessibility Regulations 2018 and BSL Act 2022.
- The police and other criminal justice agencies should ensure all resources are produced in accessible formats and available in other community languages.
- The Bill should include a legal duty to ensure victims’ rights to communication support, similar to those accused of a crime.
- The police and other criminal justice agencies should ensure all resources are produced in accessible formats and available in other community languages.
- The Secretary of State to meet with specialist ‘by and for’ services to discuss how to tackle communication barriers in the criminal justice system.
- A requirement for PCCs to engage with both commissioned and non-commissioned services specialist domestic abuse and sexual violence services, to ascertain the full

<sup>32</sup> House of Commons Justice Committee Justice Committee (2022) Pre-legislative scrutiny of the draft Victims Bill: <https://committees.parliament.uk/publications/28831/documents/174248/default/>

<sup>33</sup> Women’s Aid. (2023) The Domestic Abuse Report 2023: The Annual Audit, Bristol: Women’s Aid

<sup>34</sup> Ibid.

<sup>35</sup> Listen to us! Online: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/04/Listen-to-us.pdf>



breadth of victim experiences and needs and ensure that all victims voices are heard.

For more detail on these recommendations, please find a briefing from Women's Aid [here](#).

## **6. Criminalisation of Women**

CWJ's *Double Standard* report highlights how women and girls' alleged offending is frequently directly linked to their own experience as victims of domestic abuse and other forms of violence and exploitation. This can occur where victims use force against their abuser in self-defence, where they are coerced by their abuser into offending, or where they offend under duress of circumstance. Allegations against victims are sometimes deliberately used as a tactic by perpetrators to extend their control. In this way, the criminal justice system can be led to collude in the abuse. The government recognises this and aims to divert women and girls from the criminal justice system and from custody where appropriate. However, whereas legislative reforms have been introduced to provide effective defences for other groups of victims facing similar circumstances, including trafficking victims and householders facing an intruder, no such protections have been introduced for women and girls whose alleged offence takes place in the context of domestic abuse.

The Victims and Prisoners Bill provides a key opportunity 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.

## **7. Parole reforms**

The former Justice Secretary's decision to expand the scope of the Bill to become a Victims and Prisoners Bill was met with surprise and disappointment by many VAWG organisations. Following the appointment of Rt Hon Alex Chalk KC as the Justice Secretary and Lord Chancellor, a number of VAWG organisations wrote to the Minister to outline our serious concerns about the expansion of the Victims Bill to include Part Three. We made a formal request that the Bill's provisions on parole (Part Three) be withdrawn in their entirety;

“reflecting the broad consensus that the expansion in scope of the Bill is not in the interests of victims and in fact, risks undermining the purpose of the Bill overall.”<sup>36</sup>

We have shared concerns about Part Three proposals impact on the independence of parole process, and specifically oppose the disapplication in this Bill of Section 3 of the Human Rights Act (HRA). Section 3 was carefully constructed in a way which provides individuals facing human rights violations with a route to gaining effective relief, whilst also preserving the proper role of Parliament. Neither the Independent Human Rights Act Review (IHRAR), nor the respondents to the Government’s consultation on the Bill of Rights recommended its repeal. We are alarmed by the re-emergence of this attempt to withdraw Section 3 of the HRA, applied within this Bill to prisoners. Undermining the principle of universality in human rights protection is not in victims’ interests, and we would ask that this clause be strongly reconsidered.<sup>37</sup>

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<sup>36</sup> A private letter was addressed to the Lord Chancellor and Justice Secretary Alex Chalk dated 3 May 2023, signed by End Violence Against Women Coalition, Centre for Women’s Justice, SafeLives AVA (Against Violence and Abuse), Latin American Women’s Rights Service, Birmingham and Solihull Women’s Aid, Rights of Women, Rape Crisis England & Wales, Solace, Surviving Economic Abuse, Southall Black Sisters, Juno Women’s Aid, The Traveller Movement, Victim Support, Refuge Agenda Alliance, Women’s Aid Federation England, Safer Places

<sup>37</sup> See Women’s Rights are Human Rights: Statement on Human Rights Day (2023): <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2022/12/Womens-rights-are-human-rights-letter-on-humanrights-day-101222-1.pdf>