

Howard League for Penal Reform submission to the consultation on the Home Office Domestic Abuse Act draft statutory guidance

14 September 2021

Summary

1. The Howard League for Penal Reform welcomes the opportunity to respond to the consultation on the Home Office Domestic Abuse Act statutory guidance
2. There are strong links between women's experience of domestic abuse and their contact with the criminal justice system.
3. Women often become criminalised as a result of their experience of domestic abuse
4. Public bodies including the police should not be criminalising women when it is unnecessary or inappropriate
5. The labelling of women as 'female offenders', is harmful and can prevent women from seeking help or escaping an abusive relationship
6. Under the Equalities Act 2010, women should have separate services
7. Women should be able to access sex-specific services of support without being labelled, arrested or criminalised first
8. The link between domestic abuse and women's alleged offending can be weakened if statutory bodies work together to prevent the criminalisation of vulnerable women

1. About the Howard League for Penal Reform

1.1 Founded in 1866, the Howard League is the oldest penal reform charity in the world. The Howard League has some 13,000 members, including prisoners and their families, lawyers, criminal justice professionals and academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK government.

1.2 The Howard League works for less crime, safer communities and fewer people in prison. We achieve these objectives through conducting and commissioning research and investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. The Howard League's objectives and principles underlie and inform the charity's parliamentary work, research, legal and participation work as well as its projects.

1.3 The Howard League's legal team works directly with children and young adults in prison. The Howard League also provides administrative support to the All-Party Parliamentary Group on Women in the Penal System. We have drawn on our legal and policy work in responding to this consultation.

1.4 The Howard League would welcome the opportunity to provide further information about any of the points below.

2. Links between domestic abuse and the criminalisation of women

2.1 We welcome the recognition in the Domestic Abuse Act statutory guidance that there are strong links between women's experience of domestic abuse and their contact with the criminal justice system.

'175. There are strong links between women's experience of domestic abuse and coercive relationships, and their offending. Relationships are women's most prevalent 'criminogenic need'; almost 60% of female offenders have experienced domestic abuse. This means that women are often trapped in a vicious cycle of victimisation and criminal activity'.

2.2 Women often become criminalised as a result of their experience of domestic abuse. The All-Party Parliamentary Group on Women in the Penal System (2021)¹ found that women were being arrested for alleged violent offences when they had been victims of violence in the home.

2.3 Public bodies including the police should not be criminalising women when it is unnecessary or inappropriate. The link between domestic abuse and a woman's alleged offending should be recognised at the earliest opportunity to prevent women being drawn into the criminal justice system. There are other ways of dealing with women's behaviour without criminalising it.

2.4 The labelling of women, including those who have not been convicted of any offence, as 'female offenders', is harmful and can prevent women from seeking help or escaping an abusive relationship. Some local authorities and other public bodies have recognised the

¹ All-Party Parliamentary Group on Women in the Penal System (2021) Briefing Paper 3: *Arresting the entry of women into the criminal justice system*. London: Howard League for Penal Reform.

negative impact of labelling women and are amending their use of language. For example, the Lancashire Female Offender Board has been re-named the Female Justice Partnership.

2.5 Under the Equalities Act 2010 women should be provided with sex-specific services. Women who have been victims of abuse by men are highly vulnerable and there must be single sex services for them, under the terms of the Act.

2.6 Many of the women receiving support and advice from sex-specific services such as women's centres have been victims of domestic abuse. Many are referred to such services by public bodies only after coming into contact with the police or the courts. Women should be able to access services of support without being labelled, arrested or criminalised first.

2.7 The link between domestic abuse and women's alleged offending can be weakened if statutory bodies work together to prevent the criminalisation of vulnerable women. Pushing women into the criminal justice system as a result of their experience domestic violence will blight more lives.

The Howard League for Penal Reform
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