The Rt. Hon. Robert Buckland QC MP

Lord Chancellor and Secretary of State for Justice

Ministry of Justice

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**By email:** **secofstate@justice.gov.uk**

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Dear Secretary of State

**Domestic Abuse Bill: Legal protection for survivors of domestic abuse who offend under coercive control**

I congratulate you on the Domestic Abuse Bill which, although it still has shortcomings, should do much to raise awareness of domestic abuse and achieve better protection for survivors and their children.

The Bill and the future for many survivors would be greatly improved by inclusion of the amendments tabled by Baroness Helena Kennedy (139, 140 and 145), comprising new statutory defences for survivors who are driven to offend by abuse. These proposals would modernise the law to reflect current understandings of the overpowering impact of coercive control on people’s lives.

Soroptimist International Great Britain and Ireland has a longstanding commitment to helping to overcome violence against women and girls, as well as ensuring women in the criminal justice system receive just and humane treatment – and particularly that their imprisonment is avoided wherever possible.

These two priorities combine when it comes to women driven into offending by domestic abuse. Your Female Offender Strategy recognises the strong links between domestic abuse and women’s offending. However, having acknowledged these links, it is not clear how you intend them to be dealt with in criminal justice decision-making. There is no evidence that, absent any such defence, police or CPS are taking those links into account and diverting victim/offenders or assisting them into support services. Instead they are prosecuted for offences which many would say, were committed when their will has been overpowered by systematic coercion and control, leaving them criminally culpable when they did not act by choice. In recent parliamentary debates, government ministers have not acknowledged these obvious difficulties both in the availability of legal protection and in the inter-generational consequences of current practice on the ground.

I seek your assurance that you will give full consideration to the need for the proposed statutory defences to be put into the Domestic Abuse Bill to fill this justice gap. Please also confirm that you will ensure the statutory guidance to accompany the Bill, and the forthcoming VAWG and Domestic Abuse Strategies, are drafted so as to foster better understanding of the ways in which survivors can be unjustly criminalised, and to set a clear expectation on all relevant agencies to improve their own practice so that this may be avoided wherever possible.

Yours sincerely