

Her Story, Her Justice: Making criminal justice work for women and girl survivors of domestic abuse

Executive Summary

Advance, February 2024

The criminal justice system is failing to respond to domestic abuse. It is estimated that 2.1million people experienced domestic abuse in the year ending March 2023.ⁱ Despite legislative and policy progress made in recent years, the data tell a different story – **prosecutions in 2023 represented just 5% of reported domestic abuse-related crimes** (51,288 prosecutions; 889,918 reported crimes).ⁱⁱ **Five years ago, the proportion of prosecutions was nearly 15% of all crimes** (89,091 prosecutions; 599,549 reported crimes).ⁱⁱⁱ

Advance, a leading national women’s organisation with 25 years’ experience supporting women and girls, draws attention to the ways in which the criminal justice system is failing to respond to victims of domestic abuse. Sharing insights from the women we support and Advance’s evidence-based solution, the **Whole Justice Approach**, this new report explores the vital role played by Criminal Justice **Independent Domestic Abuse Advocates** (CJ IDVAs) who specialise in supporting victim/survivors through the criminal justice process, as well as the need for **Specialist Domestic Abuse Courts** (SDACs).

Reports of domestic abuse-related crimes have increased markedly but the system has not responded to address this. On the contrary, **the response has deteriorated drastically with reports of domestic abuse crimes increasing by 48% and prosecutions reducing by 42% in 5 years.**^{iv} Evidence shows this is due to a lack of strategic prioritisation, insufficient allocation of resources, and pressures

driven by capacity including loss of specialisms in justice agencies, all exacerbated by the Covid-19 pandemic and economic crises.

Working as part of the Coordinated Community Response, Advance's **Whole Justice Approach** aims to improve prosecutions and convictions of abuse by working jointly with the police, the Crown Prosecution Service, the courts, and the prison services, **supporting both professionals and victim/survivors as domestic abuse cases progress through the system.** This approach includes access to SDACs and support from CJ IDVAs from reporting to investigation, trial, and post-trial, offers evidence-based solutions to at least some of the problems with the criminal justice process.

The evidence is clear: this approach works. Analysis of Advance data shows that when the system works, outcomes for victim/survivors are markedly improved – we have seen a **51% increase in the proportion of arrests leading to charges** and a **16% decrease in the proportion of unsuccessful cases** based on “victim and witness evidential issues”. There has also been a **34% increase in the rate of convictions** of domestic abuse cases in the boroughs where Advance facilitates the Whole Justice Approach. Yet despite the positive impact of this approach and decades of evidence from frontline services, we continue to see a failure to make effective services available to women everywhere.

The incentives for reform are obvious, the first being to save lives. Domestic abuse is a human rights issue. It is rooted in social injustice and attitudes towards women, in sexism and misogyny, and further exacerbated by racism and other forms of discrimination including homophobia and ableism.

It disproportionately affects and further marginalises women and girls, affecting 1 in 4 of them through their lifetime. Two women are

killed every week, and women who are experiencing abuse are three times more likely to make a suicide attempt.^v

There is also an economic case for reform. Domestic abuse costs society **£77bn a year**. Women's Aid research suggests a funding shortfall of £427m per year.^{vi} We estimate the cost of embedding the Whole Justice Approach nationally would be in the region of **£16.4m per year**. A relatively modest investment in solutions could yield significant savings by reducing repeat domestic abuse incidents.

Three years on from the Domestic Abuse Act 2021, legislation continues to offer opportunities to make real change to the way the criminal justice system responds to victim/ survivors of domestic abuse. We call for reform of the criminal justice system at national and local level to ensure that victim/ survivors of abuse receive the specialised support and early intervention that they need.

We call on the UK Government and criminal justice agencies including the police, the Crown Prosecution Service, and the courts, to invest in the Whole Justice Approach, both financially and strategically, improving confidence in the system, increase the rate of convictions, and improve access for victim/survivors to life-saving community-based support services and protection.

Summary of recommendations

- **Victim/ survivors' rights and support**

Victims/ survivors of domestic abuse must be able to access specialist long-term, **community-based support**, which meets their needs, provided by appropriate services.

The rights of victims must be enshrined in law as the Victim's Code in the Victims and Prisoners Bill, including:

- A statutory duty to provide all victims/survivors affected by domestic abuse throughout England and Wales with access to specialist support, whenever and for as long as they need it, regardless of the 'level of risk' they face and beyond accommodation support.
- Access to specialist **Criminal Justice IDVAs** in all police stations or court settings, accessible to all victims/survivors affected by domestic abuse and delivered by services which are culturally competent and appropriate.
- **Re-establishing and accrediting a national network of Specialist Domestic Abuse Courts**, including establishing the rights of victims to access these courts, as well special measures in court, ensuring that they are adhering to the principles which identify them as specialist.

- **Building trust in the criminal justice system**

Police and other criminal justice agencies must develop specific responses for women affected by domestic abuse, recognising the bias, sexism and misogyny that exists within structural systems, and ensure there is clear leadership and structures to tackle those.

- Police must **immediately refer all victims/ survivors** who report their abuse to specialist support services, regardless of the action taken on their case and level of risk assessed by non-specialist police staff, backed up by a **statutory duty to**

offer access to specialist advocacy support for all victim/survivors within their community.

- Police must develop **specific and appropriate responses** for Black, migrant, and other minoritised women, who must have access to specialist ‘led by and for’ services which are culturally competent and appropriate, recognising the structural racism and other forms of bias existing within criminal justice systems.
- The criminal justice system must ensure that victims/ survivors are **protected** from perpetrators at all opportunities, including pre- and post-trial, during bail and parole, through the **effective implementation and monitoring of protection orders**.
- All criminal justice agencies must embed clear **communication protocols** to keep victims/ survivors and specialist DA advocates (including CJ IDVAs) updated about their individual case throughout the process, from investigation through to post-sentence.
- The MoJ must prioritise tackling **court backlogs** which currently extend victims/ survivors experience of trauma through lengthy and delayed proceedings.

- **Criminal justice processes and practices**

Criminal justice agencies must commit to new processes and practices which increase **transparency and accountability**.

- The police and CPS must prioritise the needs of victim/survivors throughout an investigation, and should **set and report on public targets** to increase the number of “evidence-led”/ “victimless” domestic abuse investigations and prosecutions.
- HMICFRS, the NPCC and College of Policing should establish an **Independent Scrutiny and Oversight Board** with an aim to monitor delivery and maintain standards from perspective of victims/ survivors. A statutory duty to respond to the

recommendations from this board should be implemented in relevant legislation.

- The Home Office and Ministry of Justice should publish a matrix of **performance of police and criminal justice authorities** which demonstrates how forces and other agencies are performing in their response to domestic abuse.
- **Sentencing** for domestic abuse must reflect the seriousness of the crime; the risk to victim/survivors must be considered fully when community sentences are given to perpetrators with a pattern of abuse.
- The police and courts must implement **appropriate sanctions for perpetrators who breach their bail, licence or caution conditions**.
- Women who are arrested for DA-related incidents when acting in self-defence should be **diverted by police and offered gender-specific support** by specialist services, rather than face criminalisation.
- The Government should introduce a **duty on CPS and police to collaborate** with each other and with specialist support services to increase positive or successful outcomes for victims/ survivors.
- Police and court personnel must be fully and **regularly trained** by specialist women's organisations with expertise in all forms of domestic abuse to improve decision-making and cultural attitudes towards victims/ survivors.
- The CPS should provide **training and guidance** to the police and prosecutors on evidence-led investigation and prosecution best practice.

ⁱ ONS (2023), [Domestic abuse in England and Wales overview: November 2023](#)

ⁱⁱ ONS (2023), [Domestic abuse and the criminal justice system, England and Wales: November 2023](#)

Data excludes Devon and Cornwall.

iii ONS (2018), [Domestic abuse in England and Wales: year ending March 2018](#).

iv ONS (2023), [Domestic abuse in England and Wales overview: November 2023](#)

v Agenda Alliance (2023), [Underexamined and underreported. Suicidality and intimate partner violence: connecting two major public health domains](#).

vi Women's Aid (2023), [Investing to save: the economic case for funding specialist domestic abuse support](#).