

## **Women's Aid response to the Domestic Homicide Review legislation consultation**

**1. Are you responding as an individual or on behalf of an organisation?**

- ☐ Individual
- ☒ Organisation

**2. If you are responding as an individual, please select the option which best describes your status.**

- ☐ Family member or friend bereaved by domestic homicide
- ☐ Family member or friend bereaved by another type of domestic abuse related death (not a homicide)
- ☐ Academic / researcher / student
- ☐ Other (please specify):

**3. If you are responding on behalf of an organisation, please select the option which best describes your affiliation.**

- ☐ Law enforcement agency (police, policing body, Crown Prosecution Service)
- ☐ Healthcare organisation
- ☐ Local Authority
- ☐ Community Safety Partnership
- ☐ Educational institution or student body
- ☒ Violence against women and girls charity / service provider
- ☐ Other (please specify):

Women's Aid is the national charity working to end domestic abuse against women and children. We are a federation of approximately 170 organisations which provide just under 300 local lifesaving services to women and children across the country. Over the past 49 years, Women's Aid has been at the forefront of shaping and coordinating responses to domestic abuse through practice, research and policy. We empower survivors by keeping their voices at the heart of our work and our support services help thousands of women and children every year.

Women's Aid welcomes the opportunity to feed into the Home Office's consultation on domestic homicide review legislation. We engaged closely with politicians, civil servants, the wider violence against women and girls (VAWG) sector and civil society on the Domestic Abuse Bill as it passed through Parliament and played a key role in shaping the statutory definition of domestic abuse included within the Act, which this consultation is proposing to adopt for Domestic Homicide Reviews. We have a specialist understanding of the dynamics of domestic abuse and coercive control, informed by decades of research and work with survivors. As such, our response will focus on homicides and suicides relating to domestic abuse, rather than adult family homicides or child homicides.

Although Women's Aid generally uses the term 'survivor' when referring to those who have experienced domestic abuse, for the purposes of this submission the term 'victim' is used.

### Definition of a Domestic Homicide Review

4. Are you in favour of updating DHR legislation so that a DHR is considered for all deaths that have or appear to have been the result of domestic abuse, as domestic abuse is defined in the DA Act 2021 (see below)?

☒ Yes

☐ No

☐ Don't know

Please comment:

### Benefits of adopting the statutory definition of domestic abuse

We strongly agree with the proposal to update the definition of domestic abuse in the Domestic Homicide Review (DHR) legislation to accord with the Domestic Abuse Act 2021. Firstly, this would have the benefit of drawing attention to the wide range of forms which abuse can take, including those which may be less well understood like economic abuse or coercive and controlling behaviour. Adopting this definition would align DHR legislation to domestic abuse related legislation and guidance, and provide greater consistency.

Secondly, the adoption of the statutory definition could foster greater recognition of the importance of children's experiences and voices in DHRs. The Domestic Abuse Act 2021 recognises children as victims of domestic abuse in their own right. Their experiences of abuse and of bereavement should be integral to the review process, where children wish to share these with the panel. In light of this, DHR guidance should set out best practice for engaging with and safeguarding children who participate in the DHR process.

Thirdly, the 'personally connected' aspect of the definition would helpfully exclude cases where the relationship between victim and perpetrator was based on tenancy arrangements, as such cases do not involve an intimate, romantic or familial relationship and DHRs would not improve understanding of preventing domestic abuse. However, the 'personally connected' condition could risk excluding some cases which are appropriate for DHRs and would further understanding of preventing domestic abuse, such as:

- Cases where live-in carers exploit and kill a vulnerable person.
- Cases where the nature of an intimate relationship between two people who live in the same household has been hidden from friends of family, for reasons of culture, religion or sexuality.
- Cases of 'corollary victims' – for example, where a perpetrator who is abusing their partner kills their partner's parent.

**Recommendation 1: In moving from the criteria of 'same household' to 'personally connected', the Home Office should consider how to ensure that this does not exclude relevant cases from the DHR process.** As the Domestic Abuse Commissioner suggests, this may involve stipulating in the statutory guidance that Community Safety Partnerships (CSPs) must justify their decision not to review a death where the victim and perpetrator lived in the same household and that this justification should include evidence that a relational connection to domestic abuse has been explored and not found.

### Limitations of the statutory definition of domestic abuse

We believe that there is a key omission in the statutory definition, namely the gendered nature of domestic abuse. Domestic abuse is a cause and a consequence of gender inequality; it is enabled by deeply entrenched social attitudes about the roles of women and

men, and its devastating impacts further entrench the unequal distribution of power, resources and opportunities.<sup>1</sup> The gendered nature of domestic abuse is recognised in the statutory guidance to the Domestic Abuse Act 2021<sup>2</sup> and there is a huge body of evidence which supports this; several key findings are summarised below.

**Many more women than men experience domestic abuse.** 71% of people subject to domestic abuse in the year ending March 2022 were female – 1.7 million women, versus 699,000 men.<sup>3</sup>

**Women tend to experience more severe abuse.** Of people who experience abuse, women are more likely to experience repeated assaults, to be seriously injured, to be sexually abused or raped, to experience higher levels of fear, and to experience post-separation violence, including stalking.<sup>4</sup>

**Many more women than men are killed in domestic homicides.** 72% of the victims of domestic homicide between April 2018 and March 2021 were female – 269 women, versus 104 men. This contrasts with non-domestic homicides, where only 12% of the victims over the same time period were women.<sup>5</sup>

**Women are often killed by men.** 77% of the female victims of domestic homicide between April 2018 and March 2021 were killed by a partner or ex-partner and 20% were killed by a male family member. In contrast, only 34% of the male victims of domestic homicide were killed by a partner or ex-partner; in the majority of cases (63%), the suspect was a male family member.<sup>6</sup>

**Women are often killed when they leave, or try to leave, a relationship.** 43% of the 888 women killed by (ex)partners between 2009 and 2018 were known to have separated, or had made attempts to separate, from the perpetrator. A history of abuse was known in 59% of these cases. Of women killed by (ex)partners, 38% were killed within the first month of separation.<sup>7</sup>

**Where women kill their male partner, they have often been the victims of previous abuse by him.** Research has shown that women who are coercively controlled in a relationship may kill their partner because the coercive control has led to such a degree of entrapment that they can see no other or lawful way out of their situation.<sup>8</sup> Stark calls this ‘perspecticide’.<sup>9</sup>

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<sup>1</sup> Women’s Aid. (2023) *Domestic Abuse is a Gendered Crime*. Bristol: Women’s Aid. Available [online](#).

<sup>2</sup> Home Office. (2022) *Domestic Abuse: Statutory Guidance*. London: Home Office. Available [online](#).

<sup>3</sup> ONS. (2022) *Domestic abuse victim characteristics, England and Wales: year ending March 2022*. London: ONS. Available [online](#).

<sup>4</sup> Walby, S. and Towers, J. (2017) Measuring violence to end violence: mainstreaming gender. *Journal of Gender-Based Violence*, 1(1), pp.11-31. Available [online](#).

Hester, M. (2013) Who Does What to Whom? Gender and Domestic Violence Perpetrators in English Police Records. *European Journal of Criminology*, 10, pp.623-637. Available [online](#).

Myhill, A. (2017) Measuring domestic violence: context is everything. *Journal of Gender-Based Violence*, 1(1), pp.33–44. Available [online](#).

<sup>5</sup> ONS. (2022) *Domestic abuse victim characteristics, England and Wales: year ending March 2022*. London: ONS. Available [online](#).

<sup>6</sup> ONS. (2022) *Domestic abuse victim characteristics, England and Wales: year ending March 2022*. London: ONS. Available [online](#).

<sup>7</sup> Femicide Census. (2018) *UK Femicides 2009-2018*. London: Femicide Census. Available [online](#).

<sup>8</sup> CWJ. (2021) *Women who kill: How the State Criminalises Women We Might Otherwise be Burying*. London: Centre for Women’s Justice. Available [online](#).

<sup>9</sup> Stark, E. (2007) *Coercive Control: How men entrap women in personal life*. Oxford: Oxford University Press.

In her recent review of domestic homicide sentencing, Clare Wade KC sums up these gendered dynamics concisely:

'Many murders of women by their male intimate partners or ex partners tend to be committed at the end of the relationship. [...] This leads to the change of thinking (which is identified by Professor Monckton-Smith): namely, a change from the need to exert control over a person to the decision to kill that person once it is appreciated that control cannot be maintained. [...] Jealousy is often perceived to be a factor but, in fact, this is but one aspect of the coercive control strategy which is based on male privilege afforded by patriarchy. As Stark says "[t]he ultimate expression of property rights is the right of disposal illustrated by the statement that frequently precedes femicide: "If I can't have you no one will."'<sup>10</sup>

As the Domestic Homicide Project emphasises, 'context matters – most homicides take place in a particular dynamic which differs depending on the victim-suspect relationship.'<sup>11</sup> Where the gendered context that underlies many domestic homicides is not understood, the findings from DHRs will be poor quality and will not support effective decision making about prevention, funding and interventions. To make DHRs more effective – and to meet its obligations as a signatory to the Istanbul Convention<sup>12</sup> – the Government should ensure that the panels conducting the reviews understand the gendered dynamics of domestic abuse and are equipped to challenge held stereotypes about victims.

**Recommendation 2: The Home Office should explicitly recognise the gendered nature of domestic abuse in the definition adopted in the DHR legislation.**

The statutory guidance for DHRs should also be updated; in its current form, it does not mention the role of gender. The guidance should include the following elements:

- Clarification of the differences between intimate partner abuse, so-called 'honour-based' abuse and adult family abuse, based on the learnings from the Domestic Homicide Project about the characteristics of each type of homicide.
- Illustrations of the gendered dynamics of domestic abuse – which include the forms, severity and patterns of abuse.
- Inclusion of models such as Professor Jane Monckton Smith's eight stage domestic homicide timeline<sup>13</sup> or the social entrapment framework commonly used in Australia and New Zealand<sup>14</sup> to build understanding and recognition of domestic abuse related homicides (see the boxes below for more information).

**Recommendation 3: The updated definition of domestic abuse must be accompanied by updated statutory guidance for DHRs to build understanding about the different types of abuse and their dynamics, as well as the patterns and trends of domestic homicides.**

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<sup>10</sup> Wade, K. (2023) *Domestic Homicide Sentencing Review*. London: Home Office. Available [online](#).

<sup>11</sup> Bates, L., Hoeger, K., Stoneman, M. and Whitaker, A. (2021) *Domestic Homicides and Suspected Victim Suicides During the Covid-19 Pandemic 2020-2021*. London: Home Office. Available [online](#).

<sup>12</sup> Council of Europe. (2014) *Council of Europe Convention on preventing and combating violence against women and domestic violence*. Strasbourg: Council of Europe. Available [online](#). Article 6.

<sup>13</sup> Monckton Smith, J. (2020) Intimate Partner Femicide: Using Foucauldian Analysis to Track an Eight Stage Progression to Homicide. *Violence Against Women*, 26(11), pp.1267–1285. Available [online](#).

<sup>14</sup> Tolmie, J., Smith, R., Short, J. and Wilson, D. (2018) *Social Entrapment: A Realistic Understanding of the Criminal Offending of Primary Victims of Intimate Partner Violence*. Wellington: New Zealand Family Violence Death Review Committee. Available [online](#).

### **Eight Stage Homicide Timeline**

Professor Jane Monckton Smith reviewed domestic abuse killings in the UK to identify common and consistent themes. She identified eight steps which were present in almost all of the murders. These can be used for early identification and to combat common myths about domestic abuse.

1. **Pre-relationship history** – A criminal record of allegations from former partners of control, domestic abuse or stalking. Victims are often aware of this but do not always believe reports.
2. **Early relationship** – Relationship is sped up with early declarations of love, possessiveness, early pregnancy or early cohabitation.
3. **Relationship** – Relationship is dominated by coercive control, usually with some high risk markers.
4. **Trigger/s** – An event occurs which threatens the perpetrator's control, such as disclosure of abuse, actual or potential separation, physical or mental illness, or financial problems.
5. **Escalation** – There is an increase in the frequency or severity of control tactics, like suicide threats, begging, violence, stalking, to reinstate control.
6. **Change in thinking** – Feelings of revenge, injustice or humiliation may drive a decision to solve issues, through either moving on, revenge or homicide.
7. **Planning** – May include buying weapons, seeking opportunities to get the victim alone, stalking and threats.
8. **Homicide** – May involve extreme violence, suicide, a suspicious death, missing person, or multiple victims, including children.

### **Social Entrapment Model**

This model provides a framework for understanding why women kill their abusers. Originally developed by Professor James Ptacek, it is employed by the Family Violence Death Review Commission in New Zealand. The model presents domestic abuse as a form of social entrapment which has three dimensions:

1. the social isolation, fear and coercion that the aggressor's coercive and controlling behaviour creates in the victim's life;
2. the indifference of powerful institutions to the victim's suffering; and
3. the exacerbation of coercive control by the structural inequities associated with gender, class, race and disability.

These factors, which constrain the victim of abuse's ability to escape, should guide the investigation into the circumstances in which the domestic homicide was committed.

A second omission from the statutory definition of domestic abuse is so-called ‘honour-based’ abuse, although this is recognised in the statutory guidance accompanying the Act. A report published by the Women and Equalities Committee in July 2023 found that this type of abuse – which includes female genital mutilation, forced marriage and honour killings – is poorly understood and that different agencies adopt different definitions, which limits consistent data collection and a coordinated response.<sup>15</sup> Honour-based abuse may be perpetrated by community members, as well as relatives, which means that it is not fully covered by the ‘personally connected’ provision of the Domestic Abuse Act 2021 definition.

**Recommendation 4: The Home Office should ensure that the DHR statutory guidance explains and illustrates so-called ‘honour-based’ abuse to ensure that so-called ‘honour-based’ homicides are referred for DHRs and are understood by the panel.**

Finally, it should be noted that changing the definition of domestic abuse in the DHR legislation will not be sufficient to change practice – as has already become evident in the implementation of the Domestic Abuse Act 2021. For example, whilst the Act recognised children as victims of domestic abuse in their own right, the family courts still often fail to see them as such in practice, which can lead to children’s experiences of harm being minimised and unsafe contact being ordered with the abuser-parent.<sup>16</sup> To ensure effective implementation in a DHR context, training by specialist domestic abuse organisations is necessary to build awareness of the dynamics of domestic abuse.

**Recommendation 5: The Home Office should ensure that the updated definition of domestic abuse is accompanied by specialist training for CSPs to build professionals’ confidence to recognise a wider range of forms of abuse in practice.**

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<sup>15</sup> Women and Equalities Select Committee. (2023) *So-called honour-based abuse*. London: House of Commons. Available [online](#).

<sup>16</sup> DAC. (2023) *The Family Court and domestic abuse: Achieving cultural change*. London: Home Office. Available [online](#).



## **Naming convention for Domestic Homicide Reviews**

**The name ‘Domestic Homicide Review’ can be misleading when the fatality in the review has not been ruled a homicide (e.g suicides and unexplained deaths).**

### **5. Are you in favour of renaming ‘Domestic Homicide Reviews’?**

☒ Yes

☐ No

☐ Don't know

Please briefly explain reasoning for your response:

Women's Aid agrees that another term is needed for DHRs commissioned in instances of suicides linked to domestic abuse. The link between domestic abuse and suicide is beginning to be more widely recognised; in 2022, a coroner's inquest into a suicide concluded – for the first time – that the underlying cause of death was domestic abuse.<sup>17</sup> However, as the Domestic Homicide Project has found, many victim suicides currently go unacknowledged, which may especially be the case with Black or minoritised.<sup>18</sup> There is a need to raise awareness and understanding of suicide as a distinct form of harm resulting from domestic abuse. An alternative name for reviews in cases of domestic abuse related suicide is one way to achieve this – although it will have to be accompanied wider changes (see below) in order to be successful.

The full extent of domestic abuse related suicides is unknown, but it makes up a considerable proportion of domestic homicides; between 2020 and 2022, the Domestic Homicide Project counted 113 victim suicides which was 24% of the total number of domestic homicides.<sup>19</sup> A large body of research has found strong associations between experience of domestic abuse and suicidality.<sup>20</sup> For example, analysis of the 2014 English Adult Psychiatric Morbidity Survey found that among people who had attempted suicide in the past year, 50% had ever experienced domestic abuse and 23% had experienced domestic in the past year. The same study found that those who had experienced domestic abuse were 2.8 times more likely to attempt suicide than those who had not.<sup>21</sup> Women's Aid's own research found that, in 2020-21, 46% of women in refuge services reported feeling depressed or having suicidal thoughts as a direct result of the domestic abuse they had experienced.<sup>22</sup>

Given the scale of the problem, there is an urgent need for better mental health support for victims of domestic abuse- as Women's Aid has set out in our *Are You Listening?* report.<sup>23</sup> The learnings from domestic abuse related suicide reviews have an important role to play in

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<sup>17</sup> Harris, L. (2022) *Jessica Laverack: Report to prevent future deaths*. Available [online](#). Keynejad, R., Paphitis, S., Davidge, S., Jacob, S. and Howard L. (2022) Domestic abuse is important risk factor for suicide. *BMJ*, 379. Available [online](#).

<sup>18</sup> Bates, L., Hoeger, K., Stoneman, M. and Whitaker, A. (2021) *Domestic Homicides and Suspected Victim Suicides During the Covid-19 Pandemic 2020-2021*. London: Home Office. Available [online](#).

<sup>19</sup> Bates, L., Hoeger, K., Stoneman, M. and Whitaker, A. (2021) *Domestic Homicides and Suspected Victim Suicides During the Covid-19 Pandemic 2020-2021*. London: Home Office. Available [online](#).

<sup>20</sup> Keynejad, R., Paphitis, S., Davidge, S., Jacob, S. and Howard L. (2022) Domestic abuse is important risk factor for suicide. *BMJ*, 379. Available [online](#).

<sup>21</sup> McManus, S., Walby, S., Barbosa, E., et al. (2022) Intimate partner violence, suicidality, and self-harm: A probability sample survey of the general population in England. *Lancet Psychiatry*, 9, pp.574-583. Available [online](#).

<sup>22</sup> Women's Aid. (2022) *Are You Listening? 7 Pillars for a survivor-led approach to mental health support*. Bristol: Women's Aid. Available [online](#).

<sup>23</sup> Women's Aid. (2022) *Are You Listening? 7 Pillars for a survivor-led approach to mental health support*. Bristol: Women's Aid. Available [online](#).

strengthening the current system and provision. To support DHR review panels to fulfil this role, the DHR guidance must contain information about the dynamics of domestic abuse related suicide, including the fact that the suicide may take place months or years after the relationship has ended. Professor Jane Monckton Smith's suicide timeline, which forms a parallel to the domestic homicide timeline model outlined above, would be a useful framework to include and sets out the stages which precede suicide ideation, complete entrapment and death.<sup>24</sup>

The guidance should also set out the additional pressures and barriers to support affecting Black and minoritised women – such as insecure immigration status or discrimination – which entrench their mental distress and isolation. A literature review by Women's Aid has found that, due to these structural and cultural factors, the suicide risk is greater for Black and minoritised women who have experienced abuse than for other female victims.<sup>25</sup>

**Recommendation 6: To ensure that key learnings can be identified, the statutory guidance should contain information to support recognition of the patterns which precede victim suicides, with a focus on the additional barriers and pressures affecting Black and minoritised women.**

Whilst suspected victim suicides with a history of domestic abuse are already eligible for DHRs under statutory guidance, the Domestic Homicide project has found that it is not uniformly the case that relevant suicides are being referred by police forces.<sup>26</sup> Introducing an alternative name for such cases may increase awareness of this possibility, but to effectively and consistently ensure referrals are made, the police must also be trained in recognising victim suicides. To support the work of the police and other agencies, there must be clear direction in the guidance about when a suicide may give rise to a review process and how to refer for each type of suicide.

**Recommendation 7: To ensure that domestic abuse related suicides are more consistently referred for review, the Home Office should ensure that the police and CSPs are trained in recognising victim suicides.**

**Recommendation 8: The Home Office should also set out the specific criteria and referral processes for victim suicides in the statutory guidance.**

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<sup>24</sup> See, for example: Monckton-Smith, J., Siddiqui, H., Haile, S. and Sandham, A. (2022) *Building a temporal sequence for developing prevention strategies, risk assessment, and perpetrator interventions in domestic abuse related suicide, honour killing, and intimate partner homicide*. Gloucester: University of Gloucestershire. Available [online](#).

<sup>25</sup> Thiara, R. and Harrison, C. 2021. *Reframing the links: Black and minoritised women, domestic violence and abuse, and mental health – A review of the literature*. Bristol: Women's Aid. Available [online](#).

<sup>26</sup> Bates, L., Hoeger, K., Stoneman, M. and Whitaker, A. (2021) *Domestic Homicides and Suspected Victim Suicides During the Covid-19 Pandemic 2020-2021*. London: Home Office. Available [online](#).



## 6. If ‘Domestic Homicide Reviews’ are renamed, should the Government:

- ☐ Introduce the term ‘Domestic Abuse Fatality Review’ for cases of domestic abuse related deaths that are not homicides, whilst retaining the terms ‘Domestic Homicide Review’ for domestic homicides.
- ☐ Re-name all ‘Domestic Homicide Reviews’ to ‘Domestic Abuse Fatality Reviews’
- ☒ Use another term (or terms) to better reflect the range of deaths which fall within the scope of a DHR (please specify):

Language matters and shapes how domestic abuse and its impacts are understood. Where it is clear that a domestic homicide has occurred, the review should be referred to as a Domestic Homicide Review. Any other term risks obscuring the reality of what has occurred and harms the victim and their family has suffered.

Where a suicide has occurred, Women’s Aid opposes the use of the term ‘Domestic Abuse Fatality Review’. The term does not foster understanding of seriousness of suicides caused by domestic abuse. The Cambridge Dictionary defines ‘fatality’ as ‘a death caused by an accident or by violence, or someone who has died in either of these ways’.<sup>27</sup> In the case of suicides following domestic abuse, these are the result of sustained and horrific violence and abuse – they are not accidents. Yet the term ‘fatality’ is ambiguous on this point. It also does not adequately acknowledge the perpetrator’s culpability; it is much weaker than ‘homicide’, which is categorically recognised as ‘(an act of) murder’.<sup>28</sup> For these reasons, the term ‘fatality’ has the potential to undermine the stated purpose for renaming DHRs; it is unlikely to reflect the perceptions of bereaved families, who will be all too aware of the brutality which led to their loved one’s suicide.

**Recommendation 9: The Home Office should retain the term ‘Domestic Homicide Review’ for homicides and develop an alternative term for suicides related to domestic abuse – such as ‘Domestic Abuse Suicide Review’ – which conveys the seriousness of the death and the culpability of the perpetrator.**

Women’s Aid supports Advocacy After Fatal Domestic Abuse’s (AAFDA) points about how the name of the suicide review could alert perpetrators to the scrutiny the case is receiving and prompt them to destroy evidence or interfere with witnesses. Unlike in cases of domestic homicide, perpetrators may not be in custody following a suicide preceded by domestic abuse. The Home Office should consider how to mitigate these risks.

Overall, Women’s Aid welcomes the Government’s proposals to amend the DHR legislation to strengthen the quality of reviews. We urge the Government to take this opportunity to provide greater clarity on the gendered nature of domestic homicides and domestic abuse related suicides, as well as to take concrete steps to improve the knowledge and practice of Community Safety Partnerships and DHR panels in this regard.

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<sup>27</sup> Cambridge Dictionary. (2023) Fatality. Cambridge: University of Cambridge Press. Available [online](#).

<sup>28</sup> Cambridge Dictionary. (2023) Homicide. Cambridge: University of Cambridge Press. Available [online](#).