

Sentencing and Parole Policy Division
Ministry of Justice
102 Petty France
London
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Sent via email to: murdersentencingconsultation@justice.gov.uk

11th March 2024

Dear Sentencing and Parole Policy Division,

Thank you for the opportunity to take part in this consultation on a topic of great importance in our criminal justice system, namely the way in which the most serious form of violence against women and girls is responded to.

I have the following points to raise in response to your consultation.

- I have heard the compelling arguments from experienced legal professionals, including Claire Wade KC, and experts such as the Domestic Abuse Commissioner as to why a minimum term, above the starting point of 15-years should not be introduced. I understand that schedule 21 and the minimum term starting point for taking a knife to the scene has had unintended consequences and led to disparities in sentencing. I recognise that replicating this for domestic abuse related murders could have further consequences.
- This minimum term starting point has nevertheless set a legal precedent that breeds injustice and gender disparity in murder sentencing that cannot be ignored. This inequality has profound impacts on the families bereaved by homicide, such as the mothers represented in the Killed Women Network. This injustice creates more suffering and brings these families into a re-traumatising parole board process at a much earlier point than other bereaved families.
- As proposed in the responses by the London Deputy Mayor for Police and Crime, Sophie Linden, and the National Stalking Consortium, if a minimum term is introduced, then I would advocate for a wider definition than simply controlling and coercive behaviour (CCB). This is because there are forms of abuse that are not always readily understood as CCB or neatly fit within this description. For example, post-separation stalking may not be identified as CCB, if there was no evidence of CCB whilst the relationship was ongoing.
- Honour-based abuse must also be carefully considered in domestic homicide sentencing reform. This crime is poorly accounted for in our criminal justice system, and there is an absence of official sentencing guidelines or strong case law that the Crown Prosecution Service can rely on to help judges understand honour-based abuse.
- Sexual violence within a relationship, or the sexual exploitation of a victim for example through prostitution, may also not be adequately understood as

“controlling and coercive behaviour” if evidence of other forms of controlling and coercive behaviour is not available.

- For the reason set out above, a wider definition that could more adequately encompass these forms of crimes may be preferable. This might be an expanded version of what has been proposed by the Alice Ruggles Trust, on behalf of the National Stalking Consortium, i.e: “murder preceded by a history of physical or mental abuse against the murder victim, such as controlling or coercive behaviour, sexual violence or exploitation, so-called ‘honour’ based abuse or stalking”.
- I would caution against any model that asked for an assessment of ‘severity’ of the abuse prior to the murder to ascertain appropriate sentencing. In my view the fact that the behaviour resulted in murder is evidence of its severity. I am not confident that the criminal justice process could adequately ascertain level of severity, particularly without the victim’s testimony.
- I would also be concerned about the introduction of any minimum term based on the murder weapon alone. As the Sentencing Review highlighted, the method of killing is a gendered issue. Domestic abuse victims who kill almost always use a weapon whilst strangulation and beating are methods more likely to be used by men in domestic abuse.
- Finally, the criminal justice system is currently poorly resourced to respond adequately to cases where women kill, as documented by the Sentencing Review and the [“Women Who Kill”](#) report from the Centre for Women’s Justice. Any reform must be mindful of these cases and any disproportionate impact it may have in these circumstances.

The current gender disparity in homicide sentencing is unjust and must be addressed by the Government.

I am grateful for this consultation and look forward to hearing your final conclusions.

Yours sincerely,



Claire Waxman OBE
Independent Victims’ Commissioner for London