domestic abuse commissioner

Response from the Domestic Abuse Commissioner: Law Commission Homicide Offences Consultation

30 September 2026

About the Domestic Abuse Commissioner

The Domestic Abuse Act 2021 established the office of the Domestic Abuse Commissioner (DAC), to provide public leadership on domestic abuse issues, play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales and promote best practice, including multi-agency working.

The role of the Commissioner is to encourage good practice in: preventing domestic abuse; identifying victims and survivors, and perpetrators of domestic abuse, as well as children affected by domestic abuse; and improving protection and provision of support to people affected by domestic abuse from agencies and government.

Consultation Response

In preparing this response the Commissioner held a roundtable of legal and subject experts and has engaged with key stakeholders working on the issue of domestic abuse related deaths. The Commissioner has also met with bereaved families and heard first hand their experiences of the criminal justice system and the challenges families have faced in bringing post humous charges. This response is informed by their expertise and views, and the Commissioner is grateful for their time and participation.

This response will primarily focus on the issue of domestic abuse related suicides (DAR-S) as outlined in questions 20 and 21 of the consultation. However, the Commissioner also has concerns about the proposed homicide offence framework and therefore will briefly comment on question one of the consultation in relation to the potential impact on defences.

The Commissioner's position

1. In relation to the homicide offence framework, the Commissioner recommends that the Law Commission carefully consider the potential

impact of introducing a tiered homicide framework on the investigation, prosecution, conviction and sentencing of domestic homicides.

2. In relation to cases where a victim of domestic abuse dies by suicide, the Commissioner recommends that further consideration be given to the wider improvements required across the criminal justice system (CJS). Any new offence should be developed and implemented within a framework that reflects a robust understanding of domestic abuse and coercive and controlling behaviour (CCB).

3. The Commissioner recommends that the Law Commission undertake further analysis of the effectiveness and practical application of any proposed new offence before it is introduced. This should include close monitoring of how Unlawful Act Manslaughter (UAM) continues to be investigated, charged and prosecuted in cases involving suicide and domestic abuse-related deaths. The Commissioner urges caution against the premature introduction of new offences without full consideration of the issues and risks identified in this response.

The Commissioner welcomes the Law Commission's exploration of new offences that may better reflect the culpability of perpetrators whose abuse contributes to a victim's suicide. However, a new offence alone will not address the barriers to successful prosecution. Wider improvements in the criminal justice response to domestic abuse, particularly CCB, are also required. Proving causation is likely to remain challenging without clear judicial directions and a stronger understanding across the justice system of the dynamics and impact of domestic abuse.

Question 1: The Homicide Structure

Domestic abuse must be properly understood across the criminal justice system and within multi-agency responses if we are to prevent domestic abuse-related deaths. Some victims are killed by their abusers; others take their own lives as a result of the abuse they have experienced, seeing no other way out; and, in rare cases, victims who have endured sustained abuse may ultimately kill their abusive partner[1]. Our primary focus must remain on ensuring that victims are protected and supported before this point.

Where systems have failed to protect a victim, the criminal justice system must ensure that the full context and impact of the domestic abuse is properly

[1] Office for National Statistics (ONS), released 5 February 2026, ONS website, article, Homicide in England and Wales: year ending March 2025 – 40% of female victims were killed by a partner or ex partner and 4% of male victims were killed by a partner or ex partner. (Partner or ex-partner includes boyfriend or girlfriend, common-law spouse or cohabiting partner, ex-spouse, ex-common-law spouse or ex-cohabiting partner, ex-boyfriend or ex-girlfriend, spouse (including civil partner), adulterous relationship).

understood and taken into account at every stage, from charging decisions through to trial and sentencing.

The Commissioner understands that the Law Commission's proposed two-tier structure seeks to ensure that the law of homicide operates fairly and proportionately, by reserving the mandatory life sentence for first-degree murder as the most serious category of offending. However, the Commissioner is mindful that when women kill their abuser, often an intimate partner, they may be disproportionately charged with murder rather than manslaughter, despite the circumstances of domestic abuse in which the killing occurs.

In any tiered approach, there is a risk that victims of domestic abuse who kill their partner will be charged under second-degree murder, which does not allow for defences as with first degree murder. Second-degree murder would encompass offending of sufficiently high culpability to warrant the label of murder, while allowing for greater sentencing discretion, with a maximum sentence of life imprisonment. This greater flexibility may, in theory, appear to bring some fairness and proportionality in homicide offences including where victims of domestic abuse kill their abusers when it comes to sentencing. However, the Commissioner remains concerned that a two-tier structure will not, in itself, address the barriers these women face in accessing partial defences to murder or adequately reflect the circumstances and culpability of their offending through a domestic abuse lens.

The issue remains that mistakes are made across the criminal justice system from charging to conviction and sentencing when the full context and understanding of any victim who kills is not considered. For the reasons set out in this response, the Commissioner, therefore, has reservations as to whether the proposed model would deliver fair and proportionate outcomes for victims of domestic abuse who kill their abusers.

Implementing a tiered homicide framework risks reinforcing existing gender and racial inequalities rather than addressing them. The Commissioner recommends that the Law Commission consider the detrimental impact of a tiered framework for homicide offences on the prosecution, conviction, and sentencing of domestic homicides.

The Commissioner notes the expertise of organisations, such as Project Resist and the Centre for Women's Justice (CWJ), on the details of the impact of these changes and would encourage the Law Commission to take heed of their submissions to the consultation.

Potential issues arising from a tiered approach

A tiered approach could create a hierarchy of offences which would disproportionately affect particular groups and would not adequately address the nuances of domestic abuse victimisation and offending. This is already a concern in the cases of victims who kill their abusive partner and is

predominantly gendered in nature, although this does intersect with inequalities for women from Black and Minoritised backgrounds.

Research by CWJ[2] refers to women being caught up in a prison system designed for men that fails to recognise their dual status as both victim and perpetrator. IMKAAN's 'Life or Death?' report[3] addresses this issue in relation to Black and Minoritised women, providing case study examples for Packiam Ramanathan and Farieissa Martin, both of whom were prosecuted for murder despite a history of domestic abuse and CCB perpetrated by their husbands. In the case of Packiam Ramanathan, the abuse was not considered at the point of charging, despite pleading guilty to Manslaughter. Packiam was prosecuted for murder and although acquitted by a jury, Packiam took her own life upon release from prison. For Farieissa Martin, it was not until re-trial that the evidence of strangulation was accepted by the Crown Prosecution Service (CPS) who offered to take a plea to manslaughter.

Factors to consider to ensure issues are addressed

For the law to be applied in a domestic abuse context, an understanding of the fundamental issues that disproportionally affect victims of abuse must be considered through an intersectional lens.

The key issues to be considered include:

1. **Stigma:** Murder carries a mandatory life sentence, reflecting the seriousness of the offence and attracting significant stigma. The consultation acknowledges the unique features of homicide law, including the availability of partial defences to murder, which provide a means of recognising differing levels of culpability given the rigidity of the mandatory life sentence. However, consequently, an assessment based solely on murder charges or convictions risks overlooking men whose homicide offending is ultimately categorised as manslaughter and may therefore understate the gender disparity.

2. **Disproportionality:** The gendered operation of homicide law raises concerns that a two-tier murder structure may disproportionately disadvantage women. Women already face difficulties accessing partial defences[4], while men may be charged with manslaughter or have murder reduced to manslaughter. If women who kill their abusers are more likely to face second-degree murder charges, where partial defences are unavailable, domestic abuse may only be considered in mitigation at sentencing. This could further restrict the availability of defences to women; an issue explored in detail in CWJ's *Women Who Kill* report.

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[2] Women who kill: how the state criminalises women we might otherwise be burying; How the state criminalises women we would otherwise be burying

[3] Life+or+Death+Report+-+Nov+2023.pdf

[4] CWJ_WomenWhoKill_Rpt_WEB-3+small.pdf

3. **Defences:** Academics and those working with women who kill their abusers emphasise that the defence of self-defence, and partial defences of diminished responsibility and loss of control, are rarely available for female defendants.
    a. Self-defence: Women who kill their abusers rarely succeed in relying on self-defence and face particular barriers in accessing the defence compared with men. CWJ found that only 6% of cases in its study resulted in an acquittal on this basis[5]. The traditional framework of self-defence is more readily applicable to immediate and confrontational violence, which reflects traditionally male experiences of public violence, but is less able to accommodate women's experiences of prolonged intimate partner and sexual violence. As Rachel McPherson's[6] research highlights, this can leave women who respond to an abusive partner with less effective access to self-defence than male defendants whose circumstances more readily fit the conventional legal framework.
    b. Diminished responsibility relies on psychiatric diagnosis. For women who kill their abusers they often do so having experienced years of CCB, the impact of which is not understood in relation to psychological harms as was demonstrated in the case of Sally Challen[7]. In discussing the partial defence of diminished responsibility, Siobhan Weare notes that 'Whilst not raised by the Court of Appeal in the Challen case, the ongoing challenges associated with using the existing partial defences to murder in cases of women who kill their abusers, highlight the need for a specific defence for abused persons who kill'.[8]
    c. Loss of control: As with self-defence, women who kill abusive partners face distinct barriers in accessing the loss of control defence compared with men who kill their partners. The introduction of the fear of serious violence trigger under s.55(3) of the Coroners and Justice Act 2009 was intended to better recognise circumstances in which victims kill violent and abusive partners in self-preservation.[9] However, concerns remain that the defence continues to be interpreted through concepts of reasonableness, shaped by traditionally male experiences of

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[5] Women who kill: how the state criminalises women we might otherwise be burying; How the state criminalises women we would otherwise be burying,
[6] https://www.routledge.com/Women-Who-Kill-Criminal-Law-and-Domestic-Abuse/McPherson/p/book/9781032052878
[7] Sally Challen — Justice for Women
[8] Weare, S. (2023). "Labelling her mad": Diminished responsibility and medicalised responses to women who kill their abusers. In R. M. McPherson (Ed.), *Women Who Kill, Criminal Law and Domestic Abuse* Routledge. https://www.routledge.com/Women-Who-Kill-Criminal-Law-and-Domestic-Abuse/McPherson/p/book/9781032052878
[9] **Women Who Kill Abusive Men: The Limitations of Loss of Control, Provocation and Self-Defence in England and Wales and Canada - Susan SM Edwards, Jennifer Koshan, 2023**

violence.[10] Consequently, despite legislative reform intended to address this inequality, loss of control may remain less accessible to women whose actions arise from sustained domestic abuse.

There are many case examples of women who have been prosecuted and convicted for murder despite histories of having experienced violence and abuse. Justice for Women[11], an organisation that supports and advocates on behalf of women, who have fought back against, or killed violent men, documents many examples of such cases outlining women's experiences of suffering post-traumatic stress disorder (PTSD) and being impacted by years of CCB. In an Oxford Law Society article[12] Joe Murray writes that 'Recognising the disproportionate effect of violence against women requires modernising the law as it applies to women who kill their abusers'. Whilst this article relates to defences specifically, it is important that any reform of the offences themselves pays attention to how the charging of offences would enable equal access to defences and partial defences.

Questions 20 & 21: The Commissioners view on the needs and justification for a bespoke offence and aggravating factor in sentencing

The Commissioner broadly supports the Law Commission's analysis of UAM and agrees that, in principle, the existing offence should be capable of applying to domestic abuse-related suicides.

It is too early to conclude that the existing law is ineffective. Before considering a new offence, greater understanding is needed of why UAM is rarely prosecuted in domestic abuse-related suicide cases, particularly how causation can be effectively established and evidenced in relation to DAR-S. Very few cases have reached trial, and awareness and understanding of domestic abuse as a causative factor in suicides are still developing. As a result, UAM, and particularly the question of causation, has not yet been sufficiently tested by the courts and juries.

The Commissioner welcomes the review and reasoning by the Law Commission in considering the efficacy of UAM for the prosecution of DAR-S. The analysis in Chapter 14 provides a helpful summary of the concerns with regards to how UAM is applied in a domestic abuse context, particularly the issue of causation. Awareness of the prevalence of DAR-S is only just coming to light through Real Time Suicide Surveillance (RTSS)[13],Vulnerability Knowledge and Public Practice Programme (VKPP)[14] research and other academic studies. There remains much

[10] Domestic Abuse Victim Turned Cold-Blooded Killer? Reforming Loss of Self-Control in the Domestic Homicide Context | Oxford Law Society
[11] Justice for Women
[12] Domestic Abuse Victim Turned Cold-Blooded Killer? Reforming Loss of Self-Control in the Domestic Homicide Context | Oxford Law Society, Feb 2025
[13] Near to real-time suspected suicide surveillance (nRTSSS) for England - GOV.UK
[14] Domestic Homicide Project - VKPP Work

more speculative deliberation when only a small number of charges for offences linked to domestic abuse and suicide have been brought to trial. Although there has been one conviction for UAM following a guilty plea, we cannot be certain that the offence and issue of causation has been fully tested in law and through trial by jury.

More needs to be understood as to why UAM is not resulting in prosecution or conviction and, most significantly, how causation is established and understood. There are some issues which, if addressed, may lead to a greater understanding of causation in the context of domestic abuse, and will be vital to any efforts in law to ensure perpetrators are held accountable where their behaviour results in the loss of life to suicide. These factors include:

- **The need for better investigation to inform charging decisions.** Any improvement in accountability must begin with investigation and charging. The Commissioner has heard from many bereaved families who have reported domestic abuse and CCB leading up to their loved one's death, presenting detailed evidence and statements but finding a refusal or reluctance to investigate charge posthumously. There is therefore no guarantee that any new offence would be pursued differently at the point of investigation. This poor practice must be addressed as a matter of urgency within policing. However, even where there is a charge, there continue to be flaws in investigative procedures. The Commissioner welcome the College of Policing guidance[15] which seeks to address this and would urge forces to consider whether they can be assured this is happening on the ground.

- **More robust prosecution.** Prosecution should also have an emphasis on victims' pre-existing vulnerabilities as knowingly exploited by abusers CCB**.** Within UAM cases tested through trial by jury, the pre-existing vulnerabilities and mental ill-health of victims has more often been a feature of the defence. There is some merit in standing firm with the current offence of UAM on the basis that this pre-existing vulnerability should be, and is, more relevant to establishing causation.

  We know that often perpetrators will target and exploit victims' pre-existing vulnerabilities. This was addressed by the judge following the death of Kiena Dawes, in his remarks when sentencing Ryan Wellings[16]. In his remarks, His Honour Judge Altham said *"…..the fact that she, in common with many people, also had a history of mental illness which, through no fault of hers, meant that she was vulnerable to abuse and exploitation by a controlling and coercive partner".* The judge addressed Ryan Wellings knowledge of Kiena's previous attempts at suicide and of her fragile mental health, noting how he repeatedly told her that she may

[15] Categories for unexpected death investigations
[16] Rex -v- Ryan Wellings Sentence remarks 16th January 2025

as well kill herself. The CWJ, in reaction to the decision, highlighted the use of Kiena's vulnerabilities by the defence and stated that *"Many victims of domestic abuse who take their own lives will have pre-existing vulnerabilities, which are deliberately exploited by their abuser to exert control and inflict harm. The justice system must hold perpetrators accountable for the full scope of their actions".* The practical application of UAM requires an understanding that many victims of domestic abuse will have pre-existing vulnerabilities, some of which may have been the result of historical abuse. What is more important for juries to know and understand is that abusers deliberately exploit this.

- **Use of expert evidence to provide specialist understanding of how domestic abuse manifests in victims' perceived choices and decision making**. The Commissioner, in responding to the Law Commission's call for evidence, recommended that expert evidence on domestic abuse and coercive control should not only be welcomed, but actively requested by judges. This expert evidence must include sector academics working across specialist domestic services, behaviour change programmes and by and for services, as well as academics. Considering the evidence through the lens of, and within, a domestic abuse context is critical, whether a bespoke offence is created or the existing offence of UAM remains the sole route to justice.

- **Stronger direction to juries**. There is clearly a challenge for juries when convicting for CCB or other domestic abuse related offences, such as assault, to be able to establish causation in relation to the victim's death within the parameters of causation. This is perhaps in relation to the 'break in the chain of causation' which suggests that, as with other homicide offences, the specific nature of domestic abuse is not applied, and the law does not fully embrace the experiences of victims of abuse or adequately address perpetrators culpability. It is then understandable that there are calls for new offences to focus on the actions of the perpetrator[17] and legislative reform that better reflects the reality of DAR-S and ensures perpetrators are held appropriately to account[18].

  The impact of this has been seen in the conviction of Lee Milne in Scotland for Culpable Homicide. Upon sentencing Lee Milne, Lady Drummond in her remarks laid out not only what domestic abuse is but the cumulative effect it has. In responding to the call for evidence, the Commissioner recommended that a requirement is placed on judges to assist the jury with agreed directions on domestic abuse and CCB in all domestic homicide cases, to explain the nature and wide-reaching effects on domestic abuse, and ensure the jury understand the relevance of this to the case. This should incorporate an understanding of the impact CCB can have where there are pre-existing vulnerabilities.

[17] Honour Based Suicides - Shaping Criminal Law Dr Maz Idriss
[18] Kienas law

- **Training across the criminal justice system.** Embedding an understanding of the impact of CCB is vital. There is no guarantee within a new offence that this would invoke a deeper understanding of domestic abuse without specific training within the criminal justice system as a whole.

  The application of CCB as an existing offence. There are some limitations in the way in which CCB is currently charged and prosecuted. There will be differing views as to what 'justice' looks like, and any new offence should reflect the seriousness of the behaviour and the loss of life which has resulted. There is a relationship between the societal view of offending behaviour and how CCB is positioned as a low-level offence with a low sentencing cap. Legislative changes in relation to domestic abuse have been piecemeal and have resulted in fragmentation. Where domestic abuse is present within victimisation or offending, this context must be adequately understood and considered. In Scotland, on conviction on indictment to the offence of domestic abuse, a person can be sentenced to up to 14 years imprisonment. This carries more weight in relation to seriousness and the relational connection between the societal view of the behaviour and the position of the offence in law.

Considerations for a new offence

The Commissioner recognises that a new offence could better reflect culpability in the context of domestic abuse and CCB. However, without further legal consideration, there is a risk that it would encounter the same difficulties around causation, particularly where a victim's suicide is viewed as breaking the chain of causation.

While UAM has only been tested to a limited extent before juries in domestic abuse-related suicide cases, the Commissioner is not confident that the current law can be applied effectively to hold perpetrators accountable where their offending contributes to a victim's death by suicide. The Commissioner therefore welcomes further consideration of a new offence, provided it addresses the barriers to establishing causation and does not create additional barriers to pursuing prosecution.

Issues with pursuing a new offence

- A new offence will not, by itself, resolve difficulties in establishing culpability. Criminal justice practitioners and juries need a proper understanding of CCB and how evidence should be interpreted in the context of domestic abuse.
- Any new offence must accommodate different forms of abuse, including Honour Based Abuse, where responsibility may involve multiple perpetrators rather than a single individual.

- The focus should be on the perpetrator's conduct and its contribution to the death, rather than placing undue emphasis on the victim's mental health or personal circumstances. The 'Say Her Name' campaign calls for a new statutory offence recognising when harassment, violence, or abuse drives someone to take their own life which is outlined in 'Honour Based Suicides - Shaping Criminal Law'19. Their proposals for a new offence centre on the defendant's conduct. This includes patterns of harassment, violence, and abuse. In considering the practical implications of any new offence, the Commissioner would encourage the Law Commission to consider the principles in this proposal, which suggests the key is to show that the perpetrator's behaviour directly contributed to the victim's decision to end their life. This avoids the complexities and subjective nature of psychiatric evaluations in cases where mental health assessments may be contested. This approach could provide a clearer framework for causation, focusing on whether the perpetrator's pattern of harassment, violence or abuse contributed to the victim taking their own life.

Benefits and opportunities of pursuing a new offence

The Commissioner recognises the concerns of those campaigning for a bespoke offence. Without an offence that adequately reflects the nature and impact of domestic abuse, there is a risk that perpetrators will not be held fully accountable where their behaviour contributes to a victim's death by suicide. This may also leave the risks they pose to others insufficiently recognised and addressed.

- **Greater understanding of the impact of domestic abuse**: A bespoke offence could assist juries and the wider criminal justice system in understanding the relationship between domestic abuse and suicide. However, legislation alone will not resolve the difficulties identified in relation to UAM, particularly around causation and the understanding of CCB. If a new offence can provide greater clarity about the relevance and impact of patterns of domestic abuse, it could strengthen accountability and ensure that the ongoing risk posed by perpetrators is properly recognised.
- **Sentencing and management of risk**: Consideration should be given to whether a new offence should attract an extended determinate sentence where the statutory criteria are met, reflecting both the seriousness of the offending and the risk posed to others. The Commissioner also welcomes consideration of domestic abuse, and a victim's subsequent death by suicide, as aggravating factors in sentencing. However, sentencing reform alone would not address the underlying question of culpability where causation can be established, particularly given the sentencing limitations of existing offences such as CCB. Any sentencing provision

[19] Dr Maz Idriss & Mr Jonathon McGahan, Manchester Law, the Halo Project

should not inadvertently discourage the appropriate use of UAM or any future bespoke offence where the evidential threshold is met.

- **Jury directions**: The Commissioner would also welcome consideration of specific guidance within the Crown Court Compendium to assist judges in directing juries on their consideration of domestic abuse and CCB, helping juries to understand patterns of abuse and their relevance to the offences charged as well as the evidence before them.

Conclusion

In summary, the Commissioner considers it essential that, in developing any new offence, the Law Commission recognises that the criminal justice system does more than hold individuals to account. It also signals the seriousness of offending and shapes societal understanding of harm. Any legislative response must, therefore, reflect both the gravity of the conduct and the profound impact of domestic abuse-related suicide on victims, families and society.

The Commissioner recognises the potential merits of a specific aggravated CCB offence or an alternative bespoke offence. However, she would require assurance that it would not be treated in practice as a lesser or more straightforward alternative to existing offences. Any new framework must be supported by sentencing provisions that are proportionate to the resulting harm and address the concerns identified throughout this response.

Given the significance and complexity of this issue, the Commissioner believes caution should be exercised before introducing new offences. Any proposal should be carefully assessed for unintended consequences and subject to rigorous scrutiny to ensure it delivers meaningful accountability and justice for victims.