

# Hon Amy Adams

Minister of Justice



12 May 2016

**Media Statement**

## **Law Commission report on improving criminal law for family violence victims**

Justice Minister Amy Adams today welcomed the Law Commission's comprehensive report on improving criminal law relating to family violence victims who commit homicide acting in self-defence.

"A terrible consequence of family violence is that some victims are driven to killing their abusers – as a result of often years of abuse," says Ms Adams.

Between 2009 and 2012, there were 126 family violence deaths and ten were identified by the Family Violence Death Review Committee as involving a killing by a victim of family violence of their abusive partner. All defendants were women.

"I asked the Law Commission to prioritise this report to address the long-standing and complex issues of self-defence in relation to family violence victims who commit homicide, highlighted particularly in the Family Violence Death Review Committee's Fourth Annual Report in 2014," says Ms Adams.

The Law Commission's key recommendation relates to the law of self-defence.

The law currently states that for a person to use self-defence a threat needs to be imminent. The Commission has proposed that in family violence cases, a person should be able to claim self-defence even when they are responding to a threat that is not imminent.

The recommendation is based on the Commission's view that the requirement for the threat to be imminent is not well suited to victims of family violence, as the threat in this context is likely to be based on a history of violence and ongoing, rather than a one off event.

"The Law Commission's proposals around self-defence would represent a significant departure from the law of self-defence as it currently stands and therefore needs careful thought and discussion, but we need to ensure the law

appropriately responds to victims of family violence.

“We will carefully consider the Commission’s recommendations as part of the significant work we are doing to address family violence,” says Ms Adams.

Other supporting recommendations in the report include:

- a change to the Evidence Act 2006 allowing a broader range of evidence about incidents of family violence to be provided to support a claim of self-defence
- continuing education of judges, crown prosecutors and defence lawyers to improve understanding of family violence within the criminal justice system
- Ministry of Justice to undertake further work to address the three strikes system as this may have unintended consequences for victims of family violence who kill their abusers. The report suggests that the Ministry consider how the law could be changed to allow appropriate sentencing in deserving cases.

**Media contact: Julian Light 021 243 8528 or Lauren Wallis 021 918 329**

**Notes to editor:**

This is the third report the Law Commission has prepared on family violence and sexual violence issues which fit into the broader package of reforms being considered by Minister Adams. The Commission has made several recommendations in the report which the Government will consider and respond to in that context.