Response to Scottish Sentencing Council Consultation: Sentencing Domestic Abuse Offences (May 2026)

Submitted by AWRC (Asian Women's Resource Centre), 6 August 2026

AWRC (Asian Women's Resource Centre) is a voluntary sector grassroots organisation, based in Harlesden, London which has been providing services for women who are, or have been experiencing domestic abuse, for 45 years. We work across London and have rich expertise in and knowledge of supporting Black, Minoritised and Ethnic victim-survivors as well as women with No Recourse to Public Funds.

Recognition of Honour-Based Abuse and the Experiences of Black, Minoritised, Migrant and Ethnic victim-survivors

AWRC welcomes the Scottish Sentencing Council's consultation on sentencing domestic abuse offences and the opportunity to contribute to strengthening recognition and responses to domestic abuse within the criminal justice system.

We welcome the recognition of domestic abuse as a serious offence involving patterns of power, control and harm. However, we are concerned that the consultation does not appear to make specific reference to honour-based abuse (HBA), despite it being a distinct and serious form of abuse that affects individuals across Scotland. Given that the Scotland Government has committed to addressing honour-based abuse in consultation with specialist organisations (Equally Safe: Delivery Plan, 2024), we believe that this endeavour should be made in the sentencing guidelines as well.

Honour-based abuse must be explicitly recognised within sentencing guidance to ensure that the particular nature, risks and harms associated with these offences are properly understood and reflected in sentencing decisions.

Honour-Based Abuse as a Form of Domestic Abuse

'Honour' Based Abuse (HBA) is abuse which is committed because there is a misguided notion about honour and dishonourable behaviour in a family and/or community and is in response to individuals trying to break away from constraining 'norms' of behaviour that their family or community are imposing. 'Honour' based abuse has been identified to stem from traditional notions of patriarchy and gender roles and may involve multiple perpetrators. (Please see our

website to learn more about our approach: CO ACTION HUB FACTSHEET 'HONOUR' BASED ABUSE)

It can involve multiple forms of abuse, including:

- physical violence;
- emotional and psychological abuse;
- coercive control;
- threats and intimidation;
- forced marriage;
- sexual abuse;
- financial control;
- isolation from support networks;
- threats of abandonment or rejection; and
- in the most serious cases, attempts to cause serious harm or death.

Unlike some forms of domestic abuse involving an individual perpetrator, honour-based abuse can involve multiple perpetrators, including family members or wider networks. This can create additional levels of fear, surveillance and control for survivors. The current draft guidelines limit the definition of domestic abuse to that committed against a current or ex-partner (page 2). Given that honour-based abuse can be perpetrated family members, extended family relations, and community members, many cases would be excluded in the current framework.

The absence of explicit recognition of honour-based abuse within sentencing guidance risks overlooking these unique characteristics and may lead to inconsistency in how the seriousness of these offences is assessed.

Impact on Racialised and Migrant Survivors

Many survivors of honour-based abuse from racialised and migrant communities experience additional barriers when seeking protection, support and justice.

These barriers can include:

- fear of retaliation against themselves or family members;
- pressure from family or community networks;
- concerns about confidentiality and information sharing;

- language barriers;
- insecure immigration status;
- dependence on family members for housing, finances or immigration support;
- lack of awareness of available support;
- institutional racism;
- fear of and distrust in authorities due to previous experiences or concerns about immigration consequences.

For migrant survivors, including those with no recourse to public funds (NRPF), the ability to leave an abusive situation and access safety can be significantly restricted. The absence of secure immigration status or access to financial support can increase vulnerability and create additional opportunities for perpetrators to exert control. In an environment with increasing anti-immigrant and racist public hostility, it can be said that Black, minoritised, migrant and ethnic women facing honour-based abuse fall within the category of a particularly vulnerable victim and violence of such nature should be recognised with the seriousness it deserves.

Sentencing guidance should acknowledge these additional vulnerabilities and recognise that perpetrators may deliberately exploit immigration status, cultural expectations, family relationships or community pressures as mechanisms of control and violence.

Honour-Based Abuse as an Aggravating Factor

We recommend that the Scottish Sentencing Council explicitly identifies honour-based abuse as an aggravating factor when sentencing domestic abuse offences.

Courts should be encouraged to consider:

- whether the offence was motivated by a desire to control, punish or enforce perceived family or community expectations;
- whether there was involvement or support from multiple perpetrators;
- whether the victim experienced isolation, surveillance or threats from wider family/community networks;
- whether cultural, religious or social expectations were misused as a justification for abuse;
- whether immigration status, language barriers or dependency were exploited;
- the increased barriers the victim may have faced in reporting the abuse or seeking support.

Recognising these factors would ensure that sentencing reflects the full seriousness and impact of honour-based abuse.

Avoiding Cultural, Racial and Ethnic Stereotyping

It is important that honour-based abuse is recognised as a form of abuse based on power, control and inequality, rather than being viewed as an issue associated with any particular culture, religion or community. We stress that honour-based abuse is rooted in patriarchal norms and practices, rather than a byproduct of certain cultural or religious practices.

Abuse carried out in the name of "honour" is a violation of an individual's human rights and personal autonomy. Effective sentencing guidance should challenge harmful justifications for abuse while ensuring that communities are not stereotyped or collectively blamed, especially in the current socio-political environment where anti-immigrant hostility is

Need for Specialist Understanding

We recommend that sentencing guidance is supported by appropriate training and awareness for professionals involved in the criminal legal system. Such training should be developed in consultation with and led by specialist by and for organisations. Such organisations have decades of rich experience and learnings in how to meaningfully support victim-survivors from Black, minoritised and ethnic communities, have a level of trust and credibility within communities, and are more sensitive and aware of cultural intricacies.

A lack of understanding of honour-based abuse can result in:

- under-recognition of risk leading to honour-based abuse being systemically considered low risk;
- inappropriate assumptions about family dynamics (often influenced by underlying racist attitudes and beliefs);
- failure to identify multiple perpetrators;
- misunderstanding of barriers to disclosure;
- insufficient consideration of the level of control exercised over survivors (more focus is on physical and more visible forms of abuse).

Specialist knowledge is essential to ensure that cases involving honour-based abuse are assessed appropriately and that every victim-survivor receives life-saving essential support.

Conclusion and Recommendations

AWRC recommends that the Scottish Sentencing Council:

1. Explicitly references honour-based abuse within sentencing guidance for domestic abuse offences.
2. Recognises honour-based abuse as a potential aggravating factor reflecting the additional levels of control, intimidation and vulnerability involved.
3. Acknowledges the particular barriers faced by racialised and migrant survivors, including those affected by insecure immigration status and NRPF.
4. Ensures sentencing guidance reflects the reality that honour-based abuse may involve multiple perpetrators and wider systems of control.
5. Supports appropriate training and awareness among criminal legal professionals to improve recognition and response.
6. Includes specialist by and for VAWG organisations in planning, implementation and impact assessment of such guidelines.

Including honour-based abuse within sentencing guidance would strengthen Scotland's response to domestic abuse and ensure that all survivors, regardless of background or circumstances, receive recognition of the harm they have experienced and appropriate protection through the justice system.