



LIFE live it well

'My partner attacked me but I ended up in a police cell'

Women can be arrested and even end up in court thanks to an abuser's secret weapon - counter allegation, when perpetrators shift the blame on to their victims, says **Sophie Morris**



COMMENT
Director of criminal justice at Advance, Dali Kaur

When Michelle* called the police to her home following a violent physical attack from her own husband, they arrived to find her with a black eye, fat lip, bruises across her face and arms, and fingerprints on her windpipe where he'd throttled her.

But it was Michelle who ended up in a cell that night, even though the police had visited her property many times before.

Michelle had suffered years of domestic abuse, which began when she was pregnant. After she'd made the call to police, Michelle elbowed her ex in self-defence, and he ended up with a bloody nose. Three police cars attended the scene, but when her former husband told police that she had started the fight and he was the one acting in self-defence, she was arrested and ended up losing her job as a result.

Michelle's ex had used the insidious tactic of counter allegation against her, a ploy that shifts the blame on to the victim. The false allegations deflect attention from the perpetrator and his own behaviour, and diminish the woman's credibility. This trick is used frequently because it works so well - women are three times more likely to be arrested than men when the tables are turned.

"We see a wide variety of counter allegations," says Dali Kaur, the director of criminal justice and young women and girls' services at Advance, a charity working at the intersection of domestic abuse and criminal justice.

PROVOKED

Around 50% of recent referrals to Advance's Diversion project stem from a woman being arrested as a result of counter allegation.

"They range from cases where they're accused of theft, GBH, stalking and harassment, to where the children are involved," Kaur continues. "We have had an ex-partner who called the police saying that his wife had broken into his flat and a burglary had taken place, when she had gone back to pick up her belongings because she was going to leave him that day.

"We have also had a case where the abuser has cut himself with a knife and then rang 999 and said it was the partner. Often, when a victim is provoked into retaliating, the perpetrator will have their phone ready to record it for the police."

Kaur explains why police believe men over women in these situations, even if they've visited the home before. "He gains so much power over years of abuse that he can manipulate the situation and turn it around," she says.

"The woman has often become so weak, disempowered and disengaged, that she gives up."

At other times, police may witness a distraught woman screaming and lashing out compared to a calm and collected man.

Kaur reveals that, contrary to widespread opinion, counter allegation isn't only used against partners. She has seen the same process across families, and used by parents against children, where different generations might struggle with opposing cultural beliefs, through sibling relationships, or where a child makes a counter allegation against their

mother, because the controlling parent has intimidated them into making a false statement.

Although counter allegations rarely lead to a conviction of the wrongly accused, the trauma of being dragged through the criminal justice system leaves lasting damage. Women often stand to lose much more from an arrest or criminal record than a man.

The fallout can be so traumatic that when a woman loses her home or access to her children she might never call the police again.

The Labour government has promised to halve violence against women and girls in a decade and reform the women's justice system.

It's a worthy idea, but the issue is complex.

"There are gaps in the law," says Katy Swaine Williams, the criminalisation project lead for Centre for Women's Justice.

"Where women are directly compelled to commit an offence by their abuser, or where they end up offending as a duress

of circumstance, for example, shoplifting if their income is restricted, there's no defence in law at the moment for those cases.

"Migrant women may have the additional vulnerability about immigration control. Perpetrators use that as another way of inhibiting the victims from reporting abuse and undermining their credibility."

LEGISLATION

Centre for Women's Justice and other women's organisations have been campaigning for these kinds of changes to the law for years, and in the Domestic Abuse Act 2021, they were passed in the Lords but not the Commons.

"While we understand the new government has no immediate plans to legislate, I am confident it will down the line, but it's something we need to keep pressing for," says Williams.

■ For more information, visit advancecharity.org.uk
■ Names have been changed



'MY DAUGHTER KNOCKED ME UNCONSCIOUS'

Jessica, now in her 50s, was beaten by two of her children, even ending up in hospital. But she was arrested and charged when her daughter accused her of being the abuser.

"I got married at 31 and had a big family but we'd never had a visit from social services until two of my older children became teenagers. My daughter, now in her late teens, would go for me and the violence got worse and worse. Once she lashed out, and my head hit the wall and I hit the floor. My son, who's in his early 20s, videoed it and they laughed about it and watched it over and over, but my husband, who colluded with the children, did nothing.

"Another time, she knocked me unconscious when I was reading stories on the bed with my younger son, who later said he thought I was dead.

"My son and daughter's behaviour

became worse. But every time they knew they'd done something, they would report me, leading to my arrest for common assault.

"The police bashed through my bedroom door.

They grabbed me, put a handcuff on one hand, and dragged me out. I was in custody for over 24 hours, crying the whole way through.

"I learnt a coping mechanism of putting things over my head so I couldn't see the world. The police said that I was asleep the whole time.

"Initially I was bailed, and then I wasn't on bail but was under investigation. After nearly a year, I was charged, but just before the crown court hearing, it was cancelled. All my children have been affected by it and I carry that with me. I don't have anything to do with my other son and daughter.

"Right now, I'm at the point where I have low moments and I'll cry but I'm living with a friend and have a good support network. I've regained strength and know who I am."



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