



Caroline Noakes MP
Chair of the Women and Equalities Select Committee

Sent by email to: womeqcom@parliament.uk

28 February 2023

Dear Caroline,

Following the evidence I gave on 11 January, I have been asked to clarify whether there is a recognised defence of “honour” to any criminal offences within the Crown Prosecution Service’s definition of so-called honour based abuse; if not, whether ‘honour’ could be pleaded as part of an existing defence.

There is no defence in law that enables a defendant to claim they committed a criminal offence based upon the result of their religion or so-called honour, either as a recognised defence or an existing defence.

In the context of sentencing, the defence may *attempt* to introduce this as mitigation, but it has been unequivocally rejected by judges when that attempt has been made. Similarly, in the course of their trial, a defendant may seek to pursue such an argument, but it is something we can expect to be unequivocally rejected.

“Loss of control” is a partial defence to murder. The effect of the partial defence is not that the defendant is acquitted, but that they fall to be convicted of manslaughter rather than murder. A defendant might seek to argue that loss of control occurred because of a sense of “dishonour”.

The defence is contained in section 54 of the Coroners and Justice Act 2009. It requires three elements to be present:

1. the defendant’s acts and omissions in doing or being a party to the killing resulted from their loss of self-control
2. the loss of self-control had a “qualifying trigger”, and
3. a person of the defendant’s sex and age, with a normal degree of tolerance and self-restraint and in the circumstances of the defendant, might have reacted in the same or in a similar way to the defendant.



A qualifying trigger is one of three things, defined in section 55:

1. the loss of self-control was attributable to the defendant's fear of serious violence from the victim, whether violence against the defendant or another person
2. the defendant's loss of self-control was attributable to a thing or things done or said (or both) which (a) constituted circumstances of an extremely grave character and (b) caused the defendant to have a justifiable sense of being seriously wronged
3. a combination of the previous two.

It would be difficult for a defendant persuade a judge or jury that "dishonour" constitutes circumstances of an extremely grave character nor cause a justifiable sense of being seriously wronged. Or a person with a normal degree of tolerance and self-restraint, might react by deliberately killing another person, for reasons of honour. This would defy all sense of tolerance and self-restraint.

According to Section 54(3): the jury must disregard circumstances where their only relevance is that they bear on the capacity for tolerance and self-restraint. In this context, the defendant's religion or belief should not be taken into account to assess the levels of tolerance and self-restraint expected.

It is the judge's role to reject inappropriate attempts to introduce honour as a defence.

I hope this additional evidence is of assistance. Please feel free to contact me if you have any further questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jaswant Narwal', written in a cursive style.

Miss Jaswant K Narwal
Chief Crown Prosecutor
CPS Thames & Chiltern