RIGHT TO EQUALITY

BREAKING BIAS, BUILDING JUSTICE

Scratching the Surface: Victim-Blaming and Bias in Family Court Judgments

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Co-Directors' Foreword

By Dr Charlotte Proudman,
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I have spent my legal career standing up for women and children who are too often failed by the very courts that are supposed to protect them. Our findings in this report - analysing 91 family court judgments documenting persistent gender bias, the misuse of rape myths, and systemic injustices - are not abstract statistics. They are lives. They represent real trauma mishandled under the guise of neutrality in the family courts.

As a barrister representing survivors of rape, domestic abuse and coercive control day in and out, I've witnessed judges trivialise violence, disbelieve trauma, and perpetuate power dynamics rooted in misogyny. That is why, when I publicly criticised a family court decision for minimising abuse, calling out what I saw as echoes of the "boys' club" mentality, I was prosecuted by my own regulator. I fought for my freedom to speak out, and the tribunal eventually struck out the charges. Advocates must question the system, even when the system targets them.

That vindication was not just for me; it was for every woman and child silenced or ignored. Since then, I have channelled that same energy into systemic reform. Alongside the Good Law Project, I supported a group of ten women in the initial stages of a claim against the Judicial Complaints Information Office (JCIO) following allegations of bullying, misogyny, and institutional bias by employment tribunal judge Philip Lancaster. Their courage fuels our fight for accountability, transparency, and real change.

Recently, it came to light that His Honour Judge Daniel Sawyer, a criminal court judge, had used an anonymous account on Twitter (now known as X) to harass and bully me. His attacks were relentless. The JCIO initially stated that they would investigate him, but then unilaterally changed its decision and dropped the complaint, leaving little confidence in the system that should hold judges to account rather than allowing them to evade accountability.

This report is another vital step in that fight. Its analysis shows how deeply ingrained harmful gender narratives remain in family law, and why urgent training, transparency, and accountability are needed. This is the work I describe in my book, He Said, She Said: Truth, Trauma and the Struggle for Justice in Family Court, where I lay bare the personal stories that too often go unheard and call for a legal system that truly listens.

Last year, we joined Women's Aid, Rights of Women, Safe Lives, IDAS, and others in issuing a statement of intent to the Judicial College and the Ministry of Justice, urging them to prioritise meaningful, specialist training on domestic and sexual abuse for the family court judiciary. This report urges investment in judicial education to ensure survivors face no further harm from bias in the courtroom.

I hope the evidence and reflections in these pages will galvanise change. We cannot settle for a family court that is anything less than equitable.

Dr Charlotte Proudman

Co-Directors' Foreword

By Dr Adrienne Barnett, Director of Right to Equality

I worked for over 25 years as a family law barrister and as a legal academic for nearly three decades. My specialist area of research for nearly 30 years has been domestic abuse and family court proceedings, including proceedings under the 1980 Hague Abduction Convention. Throughout this time, my research, and that of other scholars, has consistently shown how family court judges and professionals devalue, marginalise, misunderstand and trivialise domestic and sexual abuse because of the strong drive to promote ongoing relationships between children and non-resident fathers, including perpetrators of domestic and sexual abuse.

This has led to a 'cycle of failure', whereby attempts by policy makers to improve the family court response to domestic and sexual abuse repeatedly fail to achieve meaningful cultural change. This failure is rooted in deep-seated misogynistic attitudes, perceptions and mindsets, that devalue mothers and motherhood and valorise fathers and fatherhood. Condemnatory pronouncements by judges about mothers abounded in the mid-2000s, at a time of visible protest action by fathers' rights groups, and a focus on the issue of contact by policy-makers. In Re J (A Minor) (Contact) [2004], Balcombe LJ said, obiter: "The danger of allowing the implacable hostility of the residential parent (usually the mother) to frustrate the court's decision is too obvious to require repetition on my part." Ward LJ was reported in the national press speaking about "child contact cases where the 'drip, drip, drip of venom' from vengeful mothers can leave good fathers helpless to see their children." These messages radiating from the higher courts about mothers are "a powerful interpretive lens in shaping how family law professionals respond to mothers and fathers involved in custody disputes, as well as media representations of these disputes". (Vivienne Elizabeth and others, 2010).

My own research study conducted in 2010/2011 identified a punitive approach to mothers by barristers, one of whom said, in relation to courts enforcing contact by imprisonment of mothers: "Because it's sick and tired of mothers running implacable hostility cases and the message had to be sent to mothers that it's for the court to decide, and not for the mother to decide, about contact." But this problem is by no means historical. The Harm Panel report attested to the way in which mothers' credibility is impugned by suspicion, disbelief and the deployment of sexist, classist and racist stereotypes. Many will recall the case of JD v ME (2020), in which the Honourable Ms Justice Russell DBE strongly reproached His Honour Judge Tolson QC for his archaic and flawed views on rape and consent.

For too long, however, the hostile, victim-blaming and biased remarks and responses of family court judges were shielded from public gaze by the privacy and secrecy of family court proceedings. The Transparency Pilot marked a significant breakthrough in opening up to public scrutiny the inner workings of the family courts. But it has not been without its problems. Sir James Munby, in his written evidence to the President's Transparency review in 2021 said that the difficulty journalists can have in attending and reporting on family court proceedings illustrates "just how serious an obstacle section 12 is to publishing the truth about what is going on in the family courts and to achieving proper accountability". He went on to point out that "there are cases … where the only person being protected by section 12 is the judge – not the family, not the children, nor other lay participants – a person who, in the public interest, ought to be held to account."

As important as media reporting on family court proceedings is, it cannot provide a broad and generalisable picture of the range and scale of institutional bias. That is why this report is so important. It shows that it is possible, with the aid of an innovative AI tool and experienced researchers, to shine a much wider, systematic light on the judicial bias and victim-blaming that too many mothers have been well aware of for decades. The research I have referred to has shown that mothers no longer have a legitimate language in which they can frame their concerns for their children in family court proceedings. While this report is "scratching the surface", I hope that it leads to further research and a much deeper cultural shift, which will go some way towards restoring a valid and legitimate voice for mothers in the family courts.

Dr Adrienne Barnett

Table of Contents

Executive Summary

This report, *Scratching the Surface: Victim-Blaming and Bias in Family Court Judgments*, shares findings of an analysis of 91 published family law judgments in England and Wales to determine the prevalence and nature of victim-blaming language in these courts. It identifies concerning evidence of victim-blaming language and attitudes—often directed towards mothers.

Family courts in England and Wales play a critical role in safeguarding children and victim-survivors of domestic abuse. Yet longstanding concerns from survivors of abuse, reinforced by emerging research, has shown that these courts can be environments where gender bias, harmful stereotypes, rape myths, and victim-blaming cause retraumatisation and negative outcomes for children and victim-survivors. Private children law proceedings are mostly kept out of public view, meaning that the true scale of gender bias has been difficult to assess. Despite recent reforms, transparency remains limited: only a small proportion of judgments are published, meaning we must rely on appeals to reveal concerning attitudes in first-instance decisions, transcripts are inaccessible and family court users are legally prohibited from sharing information about their case. This report can only begin to "scratch the surface" of the bias and victim-blaming reported by victim-survivors who have used the family courts. However, the findings should act as a catalyst for further research and policy focus on bias and victim-blaming in our family court system.

Methods: Right to Equality manually annotated and analysed published judgments for victim-blaming using a refined taxonomy: Minimising, Mutualising, Undermining the Victim, Gaslighting, Excusing the Perpetrator, Role Reversal, and Distraction. We also used fourteen sub-themes: Trivialisation, Normalisation, Distancing, Shared Responsibility, False Equivalency, Behavioural Blame, Discrediting, Character Assassination, Pathologising, Stereotyping, Deflection, Rationalising Actions, Role Reversal and Distraction. This taxonomy was tested in a pilot phase, the results of which are incorporated into the main report. An AI model (ViDA), developed by herEthicalAI, was trained in parallel with the annotations, to explore its potential for scaling such analysis.

Findings of Main Analysis: Across the 91 judgments, 66 contained victim-blaming language, which often appeared through multiple overlapping categories, most commonly discrediting, behavioural blame, and trivialisation. In total, 530 instances of victim-blaming were made by court professionals (74% of all instances), primarily judges.

Key Findings

- 72.5% (66) of all judgments contained at least one instance of judicial victim-blaming.
- In our main analysis, bias was primarily subtle (62.5% of examples were coded as subtle) and embedded within judicial reasoning.
- Discrediting victim-survivors was the most common form of victim-blaming (233 instances), followed by behavioural blame (173) and trivialisation (99).
- Victim-blaming often overlapped with gender bias: mothers' behaviour was scrutinised intensely while the fathers' conduct was contextualised or minimised.

Executive Summary

Although the analysis used a limited and selective sample of published cases, the data suggests that harmful attitudes could influence decision-making, including reliance on rape myths, stereotyping, or overt scepticism toward mothers. The findings show that victim-blaming and gender bias can be found in family courts, even in published judgments that may already have been carefully worded. Given that only a small fraction of family law cases are publicly available, the report concludes that the current analysis likely underestimates the scale of the problem. Continued issues with transparency, inadequate judicial training, and limited accountability mean bias may be influencing unsafe outcomes for children and victim-survivors in family court.

Summary of Recommendations:

1. The family judiciary should publish a random selection of twenty percent of their judgments each month, with specific targets for judgments in which domestic and sexual abuse is raised.

2. The Family Justice Board (FJB) should include targets for the publication of judgments as a measurement of progress. Data should be published annually, and disaggregated by Local Family Justice Board area.

3. The FJB should collect data on the issuing of transparency orders at the Local Family Justice Board level, in order to understand regional discrepancies in the impact of transparency improvements.

4. The Government should prioritise family courts in the piloting of artificial intelligence (AI) to support transcription and the publication of judgments.

5. Further research should be conducted to explore the potential of AI tools to identify bias and victim-blaming in family courts.

6. Further research should be conducted on family courts and the use of myths and misconceptions which relate to sexual violence, including child sexual abuse, and how these may impact decision-making.

7. The Judicial College should ensure annual and mandatory training on domestic and sexual abuse includes modules on gender bias and victim-blaming, and that this training meets the principles and standards set by specialists in the field.

8. The Judicial Complaints Investigations Office (JCIO) must undergo significant reform, including abandoning the three-month time limit, removing judicial involvement from investigations, and taking a zero tolerance approach to bullying, sexism and misogyny.

9. Recusal applications for judges should be heard by a different judge, not the judge accused of bias.

10. Section 12(1)(a) of the Administration of Justice Act 1960 must be repealed.

Without urgent reform and increased transparency, harmful myths and gender bias risk continuing to shape decisions that affect safety and confidence in our family justice system.

Introduction

The family courts play a pivotal role in determining contact arrangements for children where parents are separated, and especially in the context of abuse allegations. A report published at the end of 2025 by the Domestic Abuse Commissioner's Office found that domestic abuse was present in 87% of the case files they reviewed, leading them to argue that domestic abuse is the 'everyday business' of the family court (Burton & Hunter, 2025).

Despite domestic abuse being an everyday occurrence in child arrangements proceedings, survivors of domestic abuse in England and Wales repeatedly raise concerns that these proceedings subject them to harmful stereotypes, victim-blaming, and gender bias (Alsalem, 2023; Domestic Abuse Commissioner, 2023a; Hunter, Burton & Trinder, 2020;). In interviews with those who had been involved in family court proceedings, mothers who were survivors of abuse reported they experienced the behaviour of some court professionals as degrading and harmful, comparing it directly to the actions of their abusers (Dalgarno et al., 2024). They described the court process as repeating the dynamics of abuse they had already lived through, leaving them unsafe and re-traumatised.

It remains difficult to establish the true extent of bias in private family law proceedings, because what happens in family courts is largely hidden from public scrutiny. In 2021, Sir Andrew McFarlane, the President of the Family Division, asked judges to publish 10% of their judgments per year (McFarlane, 2021), after publication rates had fallen 'dramatically' in the five years prior to 2020 (Courts and Tribunals Judiciary, 2024). Although there is no official data, it is believed the number of published judgments is far below this target (The Transparency Project, 2023), although an increase in the number of judgments published from 2023 has been observed (Barnett, 2024).

Published judgments cannot therefore fully reflect the routine experiences reported by survivors and in independent research. Survivors who want access to transcripts of full hearings must apply for them, which can be prohibitively expensive (HM Courts & Tribunals Service, 2025). Judges themselves must approve or deny requests for transcripts (Judicial Conduct Investigations Office, 2025) and even if they are obtained, there can be lengthy delays in obtaining the transcripts, and they cannot be shared publicly. Finally, there are restrictions on parents in child arrangement cases from sharing information about their case, including as a result of section 12(1)(a) of the Administration of Justice Act 1960, which makes the publication of information relating to proceedings under the Children Act 1989 a contempt of court (Munby, 2024). This context raises questions regarding transparency and accountability in family proceedings (Tickle, 2023).

We gain some insight when a case is appealed. These cases are heard by higher courts—usually the High Court or Court of Appeal—where transparency is vital. These judgments are published more readily than those of the lower courts because of the principle of open justice, where, for justice to be done, it must be seen to be done. These decisions set legal precedent or clarify how the law should be interpreted and applied. Publicly available appeal judgments often contain extracts from the original hearings, exposing the attitudes and reasoning of judges and magistrates that may reflect gender bias. Our findings are largely taken from such appeals, where much of the victim-blaming language found in the appeal courts is derived from quotes contained within judgments from lower courts. Given the barriers faced by survivors in appealing family court findings and decisions, coupled with the limited publication of lower court judgments, we are concerned that victim-blaming, gender bias and stereotyping are far more widespread than we can currently identify.

Given these challenges, our report could only ever ‘scratch the surface’ of the gender bias and victim-blaming that occurs in child arrangements proceedings. Our analysis looked to code for different forms of victim-blaming language from 91 publicly available judgments, which contained domestic abuse, rape or other forms of gender-based abuse allegations. Even within this limited sample, we found evidence of harmful stereotypes influencing decisions which could directly impact the safety of victim-survivors and children.

The patterns we uncovered in these judgments raise questions about whether survivors of domestic abuse, and women survivors in particular, can rely on the family courts to impartially assess their testimony and evidence of abuse. They highlight the urgent need for improved accountability and transparency measures to ensure that gender bias can be easily identified, understood, and challenged within the family justice system.

The report begins with a summary of the relevant literature on domestic and sexual abuse, family courts and other related studies. It then outlines the annotation methodology before presenting key findings on instances of victim-blaming language in a selection of private family law judgments. The report concludes by offering recommendations to improve our understanding of bias in the family justice system, particularly through strengthened transparency and accountability measures that enable bias to be identified and addressed.

Family Courts, Domestic Abuse and Systemic Failures

Despite their duty to safeguard children, systemic failings in family courts have been identified as hindering safe outcomes (Hunter, Burton and Trinder, 2020). A key concern is gender bias, which leads to unequal treatment based on stereotypes about parental roles (Ridgeway & Correll, 2004) and which blames women for male abuse while shielding perpetrators (Choudhry, 2019; Taylor, 2020). The UN Special Rapporteur on Violence Against Women and Girls identified that internationally there is "deeply entrenched gender bias" in family courts, including in the UK (Alsalem, 2023). She found this is evident in the routine dismissal of abuse allegations—coercive control, physical violence, and sexual violence—which disproportionately affect women (ibid).

Private family law proceedings are highly likely to involve domestic abuse, with estimates that these allegations are present in anything from 62% to 87% of cases (Barnett, 2020; Cafcass & Women's Aid, 2017; Burton & Hunter, 2025). SafeLives and the Domestic Abuse Commissioner have both found that private family law proceedings re-traumatise survivors and perpetuate victim-blaming and abuse myths (SafeLives & Domestic Abuse Commissioner, 2021). Gender bias, such as 'mother-blaming' (Deblasio, 2021), remains a major obstacle to justice, preventing fair and impartial treatment in private family law cases. Evidence from the Ministry of Justice's Harm Panel shows systemic misogyny, victim-blaming, and reliance on abuse myths remain deeply embedded in child arrangement proceedings (Hunter, Burton and Trinder, 2020). The government responded to the Harm Panel's findings with an implementation plan (Ministry of Justice, 2020a), committing to judicial training on domestic abuse and addressing cultural biases. Reforms included special measures for survivors, such as separate entrances and protective screens, and strengthened judicial powers to issue barring orders against abusers using court proceedings as a control tactic (Ministry of Justice, 2020b).

The Domestic Abuse Act 2021 introduced a large proportion of these protections and, importantly, recognised children exposed to domestic abuse as victims in their own right, whilst also expanding the legal definition of domestic abuse to include coercive control and post-separation abuse. The Act also barred perpetrators from directly cross-examining victims, aiming to reduce court-induced trauma. In 2022, the Government introduced two pilot 'pathfinder' sites to test a new, more investigative and victim-centred approach to domestic abuse in North Wales and Dorset, and a national rollout of these courts, renamed "Child-Focused Courts" has been announced by the Government and welcomed by the judiciary (Barlow et al, 2025; Courts and Tribunals Judiciary, 2026). Birchall & Choudhury (2022) reported that two years after the Harm Panel's findings, survivors still experienced trauma-inducing proceedings and that a 'culture of disbelief' remains prevalent. (Domestic Abuse Commissioner, 2023a; 2023b). In 2025, the Domestic Abuse Commissioner's Office produced a final report from their family court reporting mechanism, which highlighted that, although some good practice was observed, the concerns raised by the Harm Panel Report in 2020 were still present in the case files analysed and court hearings observed (Burton & Hunter, 2025). These issues included a systematic minimisation of abuse, re-traumatisation of victims and unsafe contact arrangements (*ibid*).

The Government has recently announced they would be expanding the Pathfinder Pilot, although the qualitative results from those who have used the service still raise concerns about the approach of the judiciary to domestic abuse (Barlow et al, 2026). This has led some specialist domestic and sexual abuse organisations, including Right to Equality, to call for a renewed focus on reformed judicial training (Right to Equality, 2025) because, without the required attitudinal change, legislative and policy reforms will have limited impact.

Gender Bias in Family Courts

Domestic abuse is inherently linked to gender inequality and restrictive societal norms. In private family law proceedings these gendered dynamics are often obscured and unrecognised, with euphemistic language like 'tempestuous relationships' obscuring abuse (Women's Aid, 2016).

Reports highlight pervasive gendered myths and stereotypes, shaping how survivors—particularly mothers—are treated in court (Birchall & Choudhry, 2018; Elvin, 2010). Mothers frequently feel held to stricter behavioural standards than their ex-partners, while abusive fathers receive leniency (Hunter, Burton and Trinder, 2020). Mothers and professionals have also reported that family courts use sexist and classist stereotypes in decision-making (ibid). Women who raise concerns about abuse in child contact arrangements cases are often accused of being vindictive, with courts dismissing domestic abuse as 'in the past' or 'historical' and urging survivors to 'move on' (Birchall & Choudhry, 2018; Burton & Hunter, 2025). Judges and magistrates have echoed belittling language from abusers, with one judge telling a tearful mother, "I can see why Mr […] finds you such a difficult woman" (Birchall & Choudhry, 2018, p.31). Birchall & Choudhry also documented outdated, gendered language, such as comparing a survivor's financial settlement to a 'dowry' (p.31).

In February 2024, the Riverlight campaign, "In the Judge's Words", exposed further dehumanising judicial attitudes, drawing on survivors' reported experiences, revealing judges minimising abuse, questioning credibility, and shifting blame. Examples include dismissing domestic abuse as "not that bad," framing it as mutual responsibility, or accusing survivors of provoking their abusers. Women were criticised for fleeing to refuges, breastfeeding, or exhibiting trauma symptoms—reinforcing a culture of victim-blaming in family courts (Riverlight, 2024). Such judicial behaviour risks violating victim-survivors' fundamental right to a fair trial under Article 6 of the European Convention on Human Rights, as incorporated into UK law through the Human Rights Act 1998, which applies fair trial protections to all civil proceedings, including family law cases (Equality and Human Rights Commission, 2021; Ilieva, 2025). The violation of this basic right underscores the urgent need for reform in the family justice system. As there is limited empirical evidence capturing survivors' experiences in a way that illuminates how these judicial attitudes and stereotypes play out in practice, any potential conclusions are at risk of being dismissed as anecdotal or unsubstantiated. As a result of the limitations in accessing verbatim data in family proceedings, we sought to "scratch the surface" of its prevalence in published family court judgments.

The Hague Abduction Convention

A significant number of Hague Convention cases appeared in our analysis, possibly because these must be heard by a High Court Judge and High Court cases are more likely to be published in the official law reports than are the judgments of the lower courts. We identified persistent myths and gender bias affecting mothers in these cases, alongside non-Hague cases.

The 1980 Hague Convention on the Civil Aspects of International Child Abduction was originally designed to prevent wrongful removal of children across borders, historically by fathers without custody (Hale, 2017). However, it is now known that at least 75% of parents who take their children are primary carer mothers, many of whom are victims/survivors of domestic abuse (Barnett, Kaye & Weiner, 2023; Lowe & Stephens, 2023). The Convention treats any cross-border removal or retention without the consent of the other parent (if they have parental responsibility for the child) as abduction, frequently requiring children's return even when domestic abuse is present (Weiner, 2021). Despite high rates of abuse in abduction cases (estimated in some research as up to 70%) (Trimmings et al., 2023), and the Domestic Abuse Act 2021's recognition that children experiencing domestic abuse are victims in their own right, the courts tend to prioritise return (Barnett, Kaye & Weiner, 2023; Weiner, 2021). There are very limited exceptions to prompt return. The exception primarily relied on by victim-survivors is the Article 13(1)(b) 'grave risk' defence, but it is narrowly applied and extremely difficult for mothers to successfully argue that returning the child would expose them to a grave risk or intolerable situation (Freeman & Taylor, 2020).

The courts in England and Wales generally consider so-called 'protective measures' will ameliorate any risk and often accept undertakings as 'protective measures', which are wholly ineffective and often not recognised in other states (Barnett, Kaye & Weiner, 2023; Trimmings & Momoh, 2021).

Consequently, the Convention can compound gender inequities, punishing mothers for seeking safety and placing children at risk of psychological or physical harm (Masterton et al., 2022). Additionally, removal of a child from England and Wales without the consent of other holders of parental responsibility is a criminal offence under the Child Abduction Act 1984. Concerningly, the UK Government has now criminalised retentions, which are qualitatively different from removals, via the Crime and Policing Act 2026, based partly on a flawed equality impact assessment (Hague Mothers, 2025). Urgent reforms are needed to properly account for abuse and gendered experiences in Hague cases, as highlighted by this report's findings.

Judicial Accountability

Judges hold uniquely powerful roles: they interpret and apply the law, and in doing so, they shape people's lives and the social meaning of justice. That authority demands rigorous impartiality and robust mechanisms of accountability. The Judicial Conduct Investigations Office (JCIO) reports receiving thousands of complaints each year, yet only a fraction result in disciplinary action. The 2024-25 annual report recorded 3,279 complaints made, of which only 89 resulted in some form of sanction, i.e. formal advice, warning, reprimand or removal (Judicial Conduct Investigations Office, 2025). The JCIO has been criticised for 'serious matters not leading to sanctions or not impeding promotion' and for being procedurally opaque (Fouzder, 2022). However, there is no information available on the types of complaints and whether they relate to bias or victim-blaming of abuse victims (Castro, 2024).

Concerns about judicial conduct and accountability have been raised across court jurisdictions. For example, an employment tribunal judge, Judge Lancaster, was recently the subject of a group complaint, undertaken by the Good Law Project, alleging repeated bullying, misogyny and discriminatory behaviour since 2018 (Good Law Project, 2025). The JCIO chose not to examine most of the allegations (ibid) but have recently announced that they would "reconsider these complaints" after three of the complainants took legal action (Buchanan, 2026). A Criminal Court judge, Judge Daniel Sawyer, was initially accepted for investigation by the JCIO after he used an anonymous account on the platform X (formerly twitter) to post comments which undermined the professionalism, education and experience of Dr Charlotte Proudman and which encouraged members of the public to send offensive messages. After initially accepting the complaint, the JCIO subsequently decided it would not accept the complaint due to time limits and that the conduct would not meet the threshold for disciplinary action, even though it had not conducted a full investigation (Rozenberg, 2026).

The concept of 'judicial immunity' protects judicial independence by preventing vexatious suits. In practice, it could also be argued that it constrains civil and/or administrative redress for litigants harmed by judicial misconduct. The result of these intertwined issues is that survivors and vulnerable litigants who have been demeaned, mischaracterised, or placed at risk have weak pathways to accountability or redress, beyond procedural complaints that rarely lead to meaningful corrective action (Women's Aid, 2022). Separate from immunity, oversight often falls to the judges themselves in cases where they should consider recusal (though other judges may also be involved in the decision-making) (Forsyth, 2011; Gullick, 2025). For example, a family court judge, Sir Jonathan Cohen, was formally recused from pressing a court matter involving a complainant who alleged rape, domestic abuse, and controlling behaviour. This was in part because of his membership of the Garrick club, a historically all-male private members' club that excluded women until recently (Gentleman, 2024). It is unknown how many applications are made each year for family court judges to recuse themselves, and how many are granted. Where immunity is too broad, and there is little accountability enforced, harmful behaviour, patterns, or beliefs may evade meaningful redress until they manifest in extreme cases or visible associations like membership of a gender discriminatory club.

It remains taboo to publicly discuss judicial bias, which perhaps explains the limited policy attention and research the topic has received. In April 2022, the Barrister Dr Charlotte Proudman critiqued a High Court judge, Sir Jonathan Cohen, for minimising domestic abuse in a judgment in which he described a relationship as “tempestuous” and violence as “reckless”, when there had been allegations of abuse and coercive and controlling behaviour. She stated that the judgment had echoes of a“boys club attitude” (Gentleman, 2024). The Bar Standards Board brought misconduct charges against her for these comments, claiming that they were “seriously offensive” to the judge and suggested the comments were likely to bring the judiciary into dispute. Upon hearing the case in December 2024, the Bar Tribunals and Adjudication Service panel struck out all five charges against her, citing her right to freedom of expression under Article 10. The Chair of this tribunal also dismissed the claim that Dr Proudman’s comments would “gravely damage” the reputation of the judiciary, saying “the judiciary of England and Wales is far more robust than that” (Rozenburg, 2025).

Our hope is that this report, and further research into victim-blaming and bias in private family law proceedings, will be welcomed as public scrutiny which ultimately improves judicial practice, the experience of family court users and outcomes for children.

Intersectionality

The concept of intersectionality describes the ways in which multiple identities and social factors, such as race, class, health and other protected characteristics, interact to shape distinct experiences of discrimination (Crenshaw, 1989). While our study faced limitations, such as the information on these identities usually being unclear in the published judgments, it is well established that individuals with multiple marginalised or discriminated-against identities are likely to encounter compounded biases (Lens, 2019; Few-Demo & Allen, 2020; Thiara & Gill, 2012). These intersecting oppressions can influence how rape myths and victim-blaming are applied, credibility assessed, and the overall outcomes in cases where abuse and sexual violence are present (Daly, 2022). Further research should systematically collect information on identities from an intersectional framework in order to understand and address a fuller scope of inequalities within family court decision-making. To enable this research, substantial changes to family court data collection would be required.

Methodology

Right to Equality collaborated with herEthical AI on this report. herEthical AI have developed ViDA (Victim-Blaming Detection and Analysis), an artificial intelligence (AI) model that identifies victim-blaming language. The collaboration was beneficial because it enabled Right to Equality to explore the opportunities AI could bring to identify victim-blaming in family court judgments, whilst simultaneously training the ViDA model to detect victim-blaming language through manual human annotations of publicly available family court judgments. This process allowed detailed correction of the model when human-identified victim-blaming had been missed or mistakenly identified by the model.

To annotate the judgments and appeals, herEthical AI's taxonomy of victim-blaming language was utilised as a framework (Spence et al., 2026). This taxonomy was refined through input from Right to Equality, criminal justice academics, specialist violence against women and victim organisations, and a retired police inspector. The taxonomy classified victim-blaming language into seven main themes: Minimising, Mutualising, Undermining the Victim, Gaslighting, Excusing the Perpetrator, Role Reversal, and Distraction. Fourteen sub-themes were identified: Trivialisation, Normalisation, Distancing, Shared Responsibility, False Equivalency, Behavioural Blame, Discrediting, Character Assassination, Pathologising, Stereotyping, Deflection, Rationalising Actions, Role Reversal and Distraction (See Appendix A for full victim-blaming taxonomy.) Additionally, an 'Other' category captured other instances of gender bias to identify emerging themes.

Each instance of victim-blaming was also coded for valence using a three-level framework (subtle, moderate, or obvious) to assess its severity, based on how clearly blame was placed on the victim-survivor and the likely effect of the language used. **Obvious victim-blaming** was coded when statements clearly and directly attributed responsibility for harm, abuse, or negative court outcomes to the victim-survivor. **Moderate victim-blaming** was coded when blame was present but less explicit, or implied. **Subtle victim-blaming** was coded when language or framing was indirect or ambiguous but could still shift perceptions of the victim-survivor’s credibility or responsibility, even without explicit blame.

A corpus of family court judgments and appeals was collected in two phases. We collected 22 publicly available family court judgments (England and Wales)—six (27%) were known to contain victim-blaming language and were selected by Right to Equality, and five (23%) were selected as being borderline likely to contain victim-blaming language, by virtue of the fact that they were appeals, and victim-survivors had been represented by Dr Charlotte Proudman, thus their cases had been publicised.

The remaining cases (11, 50%) were randomly sampled from cases containing the key phrase ‘domestic abuse’ in the text, which were obtained from an open-access platform (now known as National Archives: Find Case Law) for ease of extracting PDF-based documents, and to avoid overlapping duplicate cases that are on other platforms, such as BAILI (1). We used the search terms “domestic abuse” and “domestic violence”. Because five of the cases were not appropriate for use (e.g., four were public law cases and one involved a work tribunal), they were removed from our dataset. This resulted in a final corpus made up of 17 cases. These 17 cases were broken down into chunks of text (or tokens) via Label Studio, an open-source labelling platform by HumanSignal. A team of three, comprising Lucy Hayton, Dr Hazel Sayer and Catrin Thomas from Right to Equality, independently manually annotated the same chunks of text using the victim-blaming taxonomy (Spence et al., 2026), along with highlighting any other instances of gender bias. This process was overseen by Dr Tamara Polajnar and Namrata Tanwani of herEthical AI.

To assess the reliability of the annotations, inter-annotator agreement was calculated using Fleiss’ Kappa. Following the initial annotation phase, weekly consensus meetings were held to resolve discrepancies in decisions. During these meetings, annotators discussed areas of disagreement and refined annotation guidelines as needed, with an independent adjudicator present to oversee final decision-making.

An analysis of the 17 judgments revealed 240 instances of at least one category of victim-blaming language perpetrated by court professionals. Among these, 133 instances (55.4%) were labelled as obvious victim-blaming language. Additionally, there were 58 instances (24.2%) of moderate victim-blaming language and 49 instances (20.4%) of subtle victim-blaming language.

In most instances, there were several categories of victim-blaming overlapping simultaneously; for instance, a single extract could contain discrediting, behavioural blame, and gaslighting. The analysis identified victim-blaming through discrediting (94 instances), followed by trivialisation (57 instances) behavioural blame (55 instances), stereotyping (44 instances) shared responsibility (21 instances) gaslighting (21 instances), rationalising actions (18 instances), pathologising (15 instances), character assassination (13 instances), distraction (10 instances), deflection (9 instances), other (8 instances) distancing (8 instances), false equivalency (7 instances), normalisation (6 instances) and role reversal (4 instances). See section below ‘Outcomes from the Pilot Phase’ for examples of victim-blaming identified in this phase.

(1) The National Archives took over from the British and Irish Legal Information Institute (BAILII) as the official service for the publication of court judgments in April 2022. See: **https://www.gov.uk/government/news/court-judgments-made-accessible-to-all-at-the-national-archives**

Our main analysis aimed to capture instances of victim-blaming and other gender biases across a larger corpus, providing evidence of more systemic issues. Drawing on the National Archives, we conducted an additional search for publicly available family court judgments, this time, broadening search terms to include “domestic abuse” “domestic violence” “rape” and “sexual assault”, from 2020 to 2025. This returned a total number of 367 cases. Of these, 27 cases were excluded because they were already well-known to the researchers and 4 were excluded because they were in phase 1 of this study. This exclusion allowed for a more comprehensive examination of lesser-known cases, facilitating a broader and more nuanced understanding of the dataset. The resulting corpus comprised 337 judgments.

These judgments were processed by the in-progress victim-blaming detection software, which highlighted potential victim-blaming in these judgments. The report authors read through the judgments in their entirety and in the order in which they appeared on Label Studio. They annotated as many judgments as they could in the time they had available, leading to 91 judgments being analysed. Once again, these cases were broken down into ‘chunks’ (tokens) using Label Studio, and the annotation process was again overseen by Dr Tamara Polajnar and Namrata Tanwani of herEthical AI. Further to Phase 1, we introduced a ‘paraphrased’ label to capture situations where a judge re-states or summarises remarks made by a previous judge, typically seen in appeals. As part of a secondary analysis, the research team also highlighted victim-blaming language by others who were not court professionals. This could be the appellant, respondent, friends and family or other professionals, such as the police or social workers.

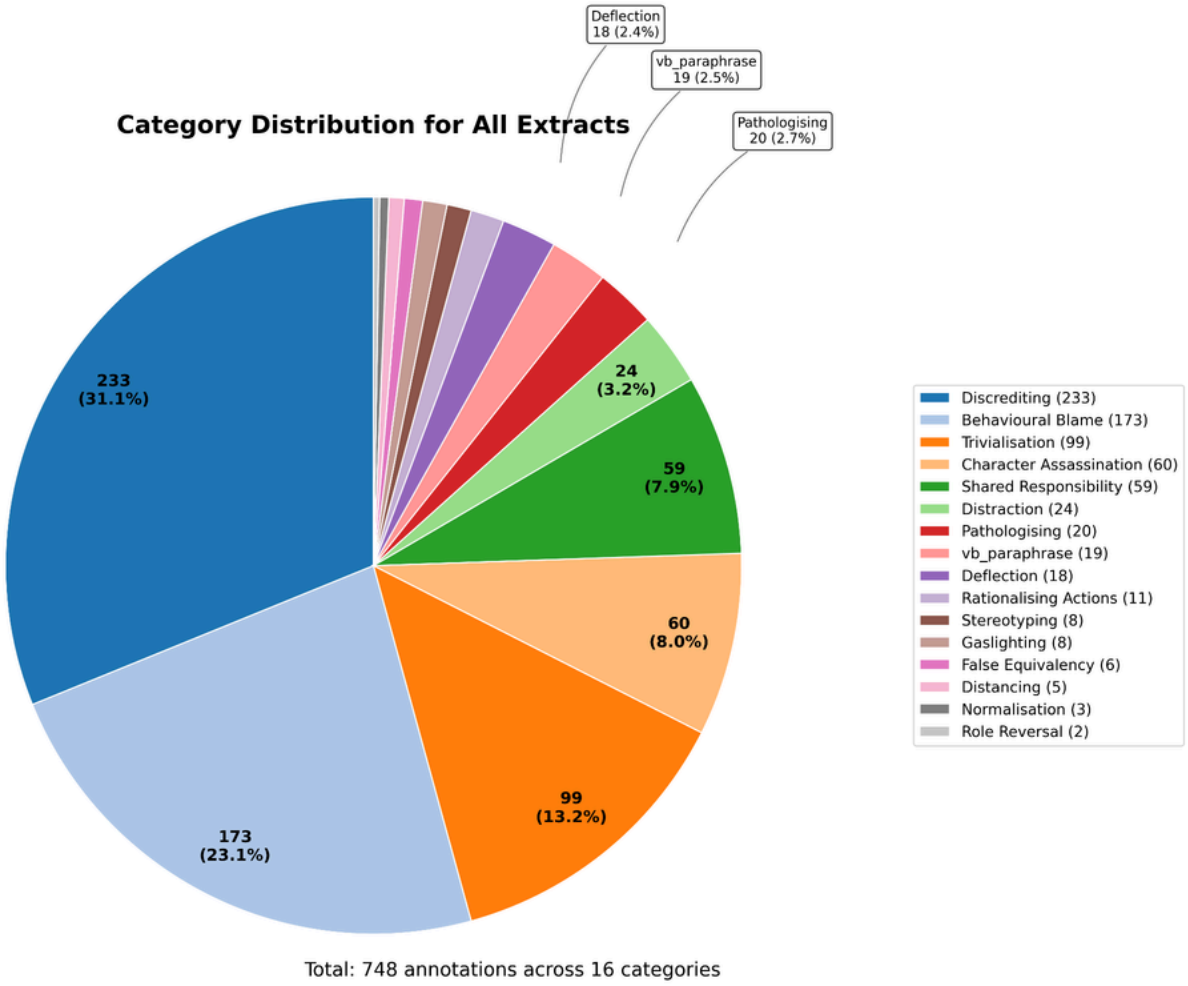
Phase 2 of the annotations revealed a total of 715 instances of at least one category of victim-blaming language. Because we had a larger dataset and the cases were less familiar, in phase 2, we conducted an additional step of ensuring that any victim-blaming that was present but not perpetrated by a court professional was labelled separately.

Of the total instances of victim-blaming, 530 instances (74.1%) of victim-blaming language were attributed to professionals in court, primarily judges. There were also 185 instances (25.9%) of victim-blaming language by others—including an ex-partner, or other non-judicial, third parties such as police, healthcare workers or social workers. Focusing solely on victim-blaming language by court professionals, 32 instances (6%) were labelled obvious victim-blaming, 167 (31.5%) instances were labelled moderate victim-blaming and 331 (62.5%) instances were labelled subtle victim-blaming.

Once again, in most instances, there were several categories of victim-blaming simultaneously. The most prevalent category of victim-blaming language was ‘discrediting’, selected 233 times, followed by ‘behavioural blame’, selected 173 times. For a full breakdown of the prevalence of the different categories of victim-blaming selected, see Figure 1 below.

Figure 1.

Distribution of categories of victim-blaming language by court professionals in a sample of 91 family law judgments.



Outcomes from the Pilot Phase

In our pilot phase, we annotated 17 judgments to test the victim-blaming taxonomy. This included judgments we were aware, or which we suspected, would contain victim-blaming. As can be seen from the outcomes reported above, the phase one stage comprised a larger percentage of obvious victim-blaming examples. This was expected because some were chosen because they contained the obvious victim-blaming that could be used to test the taxonomy and develop the AI model. These judgments do not form part of our final analysis, but they do exemplify some of the most extreme recent examples of victim-blaming that can be found in judgments, and they offer an insight into why Right to Equality believed it necessary to undertake this project. We provide three examples of these cases below. All of these are Court of Appeal judgments.

1. *JH v MF* [2020] EWHC 86 (Fam)

This 2020 case was heard by Ms Justice Russell in the High Court on appeal from Judge Tolson. At appeal, Justice Russell robustly critiqued Judge Tolson's use of rape myths in the original judgment. This included Judge Tolson's assertion that because the victim-survivor didn't physically resist or was 'pinned down', then it could not be rape. Judge Tolson said in the original judgment:

> **[36]** ***"My concern about this occasion centres on the idea that the mother did nothing physically to stop the father… because the mother was not in any sense pinned down on this occasion, but could easily, physically, have made life harder for the father. She did not do so. I do not find that the father was in any way on this occasion so physically forcing her as to cause her not to be able to take preventative measures, nor, in fact, is that case alleged"***

This disregards power dynamics, coercion, psychological trauma, and survival responses, such as freezing, which can make resistance impossible or unsafe, even without the presence of physical violence and which have long since been established as rape myths, and can be seen in guidelines for the Crown Prosecution Service (Crown Prosecution Service, 2021).

The appeal judge rightly rebutted his assertion by saying:

[42] ***"any decision of consent must include a coherent account (to borrow the judge's own phrase) and consideration of the extent to which the complainant or victim was free to choose and to consent, or to paraphrase the relevant criminal statute (s74 Sexual Offences Act (SOA) 2003), that person has had the freedom and capacity to make that choice."***

There were many other examples of rape myths and bias which the appeal judge identified in this judgment, including characterising explicit and threatening messages as 'sexting,'

> **[31]** ***"If you don't shut up I will stick my cock up your ass"*** **were** ***"consistent with 'sexting.'"***

1. *JH v MF* [2020] EWHC 86 (Fam)

The judge continued to diminish and trivialise the incident by terming the allegation of rape 'sexual intercourse' and describing it in terms of personal preference, for example:

> **[56]** ***"[t]he difficulty here is that on any view, as I have said the mother's case is poised, it might be said exquisitely poised, on a point between non-consensual and consensual sexual intercourse which was not, at the time towards the mother's taste or inclination."***

The judge also discredited her experience by suggesting that it was her past trauma, rather than the father's actions, which had led her to make the rape allegations:

> **[43]** ***"My findings on this occasion, as to both these occasions, is that the sex between the parties carried the consent of both. This was not rape. It may have been that at a point during both occasions of intercourse the mother became both upset and averse to the idea of the intercourse continuing. But if she did so, I emphasise this was something which was usual for her, the product of events in her past and her psychological state in not being able to take physical pleasure from sex. It was not a consequence of any action on the part of the father."***

The appeal judge expresses her concern about the conclusions that the judge has reached and even seems to suggest that this is the result of bias or preferential treatment to the perpetrator.

[44] ***"nor did he give any or adequate reasons for preferring the evidence of the Respondent, other than the bald comment in paragraph 13 that he had found him to be "the more convincing witness, giving his evidence in a straight-forward, forthright manner…""***

She provides a damning assessment of the judge's outdated views, stating:

[45] ***"The logical conclusion of this judge's approach is that it is both lawful and acceptable for a man to have sex with his partner regardless of their enjoyment or willingness to participate."***

2. *A v B* (Appeal: Domestic Abuse) [2023] EWHC 1499 (12 June 2023)

In this case, on appeal from the Central Family Court, the victim-blaming and bias of the judge were also related to sexual violence allegations. Here, the original judge, Recorder Roscoe, denied the probability that someone might be submitting to forced sex in a relationship and that an 'educated' woman would not speak to anyone beyond her Imam and aunty. He said:

> **[42]** ***"The inherent probability of the mother silently submitting to forced sex, often multiple times a day, for several years seems to me to be low."***
>
> **[17]** ***"Again, the inherent probability that the mother, as an educated English teacher, would have immediately felt totally unable to speak to anybody apart from the Imam or auntie, once she had been married if she was raped on a frequent basis, seems to me to be low…"***

This was an application to appeal, which was dismissed in relation to a number of grounds. In response to the concerns raised about rape myths, the appeal judge stated that the original judge had carefully considered the evidence and reminded themselves of rape myths, and they were therefore entitled to still reach this conclusion based on the evidence:

> **[49]** ***"The Judge was made aware of and included in his judgment, the risks of making assumptions or findings based on rape myths (applicable to all forms of sexual abuse). He was very mindful of the cultural and religious context within which the Appellant found herself. Some judges might have avoided this reasoning on this point, but the Judge was entitled to find, on the evidence before him, that had the allegations of sexual abuse been true, the Appellant would have known that the abuse was abuse and was not "normal", and that she would have spoken to someone else about it."***

3. *Re H-N and Others (children)* (domestic abuse: finding of fact hearings) [2021] EWCA 448 (30 March 2021)

This is a court of appeal judgment that concerned four cases on appeal, where domestic abuse had been alleged. The case is now considered 'landmark' and established an important precedent that the presence of domestic abuse must be determined by consideration of the patterns of behaviour which may amount to coercive control, rather than through consideration of isolated incidents. The appeal judges were critical of the various problematic approaches to domestic abuse taken in the four cases by the original judges, which collectively highlighted many of the systematic issues presented in the Harm Panel Report: a failure to appreciate the wider context of abuse and focus instead on incidents; a failure to understand forms of non-violent abuse as potentially amounting to domestic abuse; unreasonably identifying abuse as 'mutual' or 'high conflict', and finally, as discussed below, making unfair and prejudicial assumptions about mothers (Hunter, Burton and Trinder, 2020).

One of the cases considered by the judges was on appeal from Judge Tolson. The judgment demonstrates how Judge Tolson reached the conclusion that alleged domestic abuse had not occurred. The appeal judges quote from and describe the judgment as follows:

[194] *"The judge suggested allegations of abuse are "increasingly common" and shaped by a "system which encourages allegations."*

[220] *"The judge accused the mother of tailoring evidence, frequently dissembling, and staging distress for effect."*

[202] *"The judge concluded in relation to this incident that 'it would be typical of the mother, as is the father's submission, to take a trivial incident and blow it out of all proportion'".*

[222] *"The judge dismissed her account as "overdramatic and inconsistent" and implied a "convincing" rape allegation would have been included in the Schedule."*

The appeal judges gave permission to appeal, finding that the approach of the judge was "seriously flawed". In their view the judge:

[200] *"had preconceived views about the case and in particular about the mother."*

These quotations are evidence of how stereotypes of survivors as manipulative or deceitful can be invoked in judgments.

Main Findings

Of the 91 family court judgments that contained abuse allegations, which were randomly selected for analysis, 66 contained victim-blaming and 74.1% of these instances were victim-blaming by court professionals. Focusing solely on victim-blaming language by court professionals (primarily judges), 32 (6%) were instances of 'obvious' victim-blaming, 167 (31.5%) instances were labelled moderate victim-blaming and 331 (62.5%) instances were labelled subtle victim-blaming. The most prevalent category of victim-blaming language was 'discrediting', selected 233 times, followed by 'behavioural blame', selected 173 times and 'trivialisation', selected 99 times. Some extracts were labelled with multiple categories. For a full breakdown of the prevalence of the different categories of victim-blaming selected, see Figure 1 above.

The analysis of language and discourse used in judgments does not necessarily imply any critique of the decisions and orders made in the cases. It is also important to note that a significant number of the judgments were appeals, and therefore what is quoted may be from the original judgment and not the judge overseeing the case referenced. We also stress that the concerns we raise relate to subtle and systemic victim-blaming and bias, rather than individual judges or professionals.

Below, we provide examples of victim-blaming broken down by victim-blaming category.

Discrediting

The accounts of victim-survivors, whether about abuse or other issues relevant to child arrangements, were frequently discredited. Indeed, this was the most prevalent form of victim-blaming identified. This was often expressed through a subtle undermining or dismissal of victims' accounts, portraying them as inconsistent or untruthful. This form of victim-blaming fosters scepticism towards the claims of victim-survivors, reinforcing a culture of disbelief (Domestic Abuse Commissioner, 2023a).

Victim-survivors' testimony or words of traumatic incidents may be scrutinised so closely that small differences distract from the overall concerns and risks. For example:

> ***A (A Child), Re (Relocation)*** **[2020] EWHC 2878 (Fam) (30 October 2020) [52]** ***"According to the police disclosure, the mother told the police at the time that the father had "held a knife to her throat". The account she gave to the court was of the father approaching her with the knife pointed at her throat rather than holding it to her throat."*** **(Moderate)**

The language used to dismiss a victim-survivor's account may also hold other suggestions, for example, that she is deceitful and manipulative:

> ***ADK v ASI [2022] EWHC 2610 (Fam) (17 October 2022)) [61] "I know I must not simply slavishly follow what the mother says"***

We found examples of victim-survivors being discredited because of when or how they had disclosed, with courts assuming that there would be evidence of disclosure in previous records, even when it relates to another jurisdiction. For example:

> ***ZM v NM*** **[2020] EWHC 2413 (Fam) (21 February 2020) [46]** ***"The Mother feels very strongly that she has been the subject of domestic abuse and controlling behaviour from the Father but there is very little evidence to support this in the papers relating to the Croatian court"*** **(Moderate)**

There are examples where judges are unwilling to accept that women may face additional barriers to having domestic or sexual abuse accepted in other jurisdictions:

> ***ADK v ASI [2022] EWHC 2610 (Fam) (17 October 2022) [20] "She does not give any examples of where she says (a) the Father breached any such order and (b) the Latvian state then failed to render her assistance – either at police or court level. Despite this lack of empirical evidence and her failure to advance her own case before those courts (which I shall return to) she maintains that domestic violence and abuse is not taken seriously by the courts and authorities in Latvia."*** **(Moderate)**

Even when raised gently, subtle wording which highlights that the victim-survivor did not report to the police can appear to undermine her account:

> ***H v N (Inherent Jurisdiction Refusal of Return Order)*** **[2020] EWHC 1863 (Fam) (16 July 2020) [7]*"The mother likewise accepts that she did not report the alleged domestic abuse to the Police in this jurisdiction when it occurred in England.'* (Subtle)**

The suggestion that domestic abuse is considered to have occurred only if it has been reported to, or recorded by, officials fails to account for the many barriers to disclosure faced by victim-survivors. These barriers affect reporting to the police, official agencies, or even domestic abuse services in many jurisdictions, including the UK. Such barriers are often exacerbated for migrant victim-survivors and those from minoritised communities (Cole et al., 2025; McIlwaine et al., 2019; Vicente-Garcia et al., 2026).

We also found that mothers were more frequently seen as not credible witnesses in comparison to fathers, for example, in this case that was before Sir Andrew McFarlane, President of the Family Division:

> ***Re C ('parental Alienation'; Instruction of Expert)*** **[2023] EWHC 345 (21 February 2023) *[10] "The judge concluded that the mothers evidence was neither reliable nor credible, in contrast to that of the father, and the judge made a number of significant adverse findings about the mothers behaviour in the context of potential alienation."* (Obvious, paraphrased)**

Behavioural Blame

Behavioural blame shifts responsibility for abuse onto victim-survivors by focusing on their actions rather than those of the perpetrator. It can excuse the accepted actions of the perpetrator through referencing the victim's actions. This is most likely to be done by the perpetrator themselves, but judges may paraphrase the perpetrator uncritically, for example:

> ***DN v UD (Sch 1 Children Act: Capital Provision)*** **[2020] EWHC 627 (Fam) (29 January 2020) [116] *"His degree of frustration with her led him to breach a court order"* (Moderate)**

In family court settings, behavioural blame can also manifest in expectations that mothers protect children from abuse and hold them responsible for failing to do so (Jackson & Mannix, 2004; Wild, 2023). Judges may imply that victim-survivors failed to prioritise the safety of their child(ren), and are therefore responsible, for example in this case before Mr David Lock:

> ***AB v CD*** **[2023] EWHC 1670 (23 June 2023) [46] *"Given she holds these fears about the safety of her daughter, I regard it as inexplicable as to why, on her case, she has decided to prioritise her career interests above EFs safety by refusing to return to Portugal or put forward any arrangements in Portugal which will promote EFs safety."* (Obvious)**

Mothers can be blamed for preventing or frustrating a relationship with the father, for example:

> ***Re. C (Parental alienation: permanent removal to Germany)* [2023] EWHC 1955 (Fam) (27 July 2023) [18] *"she is suffering significant emotional harm attributable to the mother through being denied a relationship with her father"* (Moderate, paraphrase)**

In a similar context, the word "severed" was used in more than one case, as a descriptor of mothers' intentions when they stop contact :

> ***ADK v ASI* [2022] EWHC 2610 (Fam) (17 October 2022) [88] *"she was herself responsible for severing the children from their father"***

Mothers can also be scrutinised for the precise ways in which they facilitate contact:

> ***X v Y [2025] EWFC 62 (B) Case No: ZW22P00513 (10 March 2025)* [72] *"When I asked M what she had done or said to promote the contact in a positive way to A, the examples she gave were of consoling A and of preparing her for contact by showing her where the phone was and which room contact would be in, as well as putting some toys in that room. She gave the impression of always having approached video calls as just being something to get through and be endured."* (Subtle)**

The close scrutiny of how enthusiastically contact is facilitated by the resident parent, even when there are allegations of abuse, is linked to the pro-contact culture and presumption of parental involvement. This culture, and the legal presumption of parental involvement, make contact with both parents a priority for courts in terms of children's welfare, in a way which can obscure risks of harm or ongoing abuse (Barnett et al, 2024).

Trivialisation

Trivialisation minimises the seriousness of abuse, often implying that victims are exaggerating their experiences. Trivialising is a form of minimisation that was evident in the Harm Panel report (Hunter, Burton and Trinder, 2020) and more recently in the Domestic Abuse Commissioner report *'Everyday Business'* (Burton & Hunter, 2025). These researchers found evidence of continued minimisation and victim-blaming in family courts, and this was often associated with a reluctance to accept abuse as relevant to the issue of contact (ibid) and being framed as 'conflict'. The *'Everyday Business'* report (2025) also found that non-physical abuse was regularly downplayed. We found trivialisation was also evident in the way that actual or risk of harm to children and victims was represented.

For example, in *L (Children) (Domestic Abuse: Stranding/Abandonment) (Continuing Risk of Emotional Harm)* [2020] EWHC 3782 (Fam) (07 December 2020), although the judge did not deny abuse had occurred, and only granted the father indirect contact, the major risk, in his view, was of 'emotional harm' to the children because of the father's view of the mother. He said that the *"risks of the repetition of violence and conflict between the Mother and Father" were "easier to manage"* [50]. The father's abuse of the mother had included slapping and beating her with a wire when one of the children was a baby, and abandoning her and the children in a different country. The father at the time of the judgment still held the children's passports. The judge said:

> **[78]** ***'I agree that close professional supervision of contact, when combined with court orders and the continuation of the port alert, can be adequate protection from the risk of exposure to conflict between the parents and from a risk of abduction"*** **(Subtle)**

The mother in the case was praised for *"not demonstrating any unreasonable hostility to the father"* [82], suggesting that, even for domestic abuse victims, the courts are looking for parents to demonstrate they have a pro-contact attitude. The case did end with a protective outcome for the mother and children, with only indirect contact ordered, however if the father undertook a domestic abuse perpetrator programme and proved he *"recognised the harms his past behaviour has caused"* [95] then he would be able to apply for direct contact. The case highlights how even with a positive outcome, the impact and risks of domestic abuse may be trivialised, especially if they haven't recently occurred, and leave open the possibility of continued contact with a domestic abuser if they can show remorse and a non-hostile attitude to the other parent.

We also found an example of a mother's fears of returning to a country in which the father had threatened to murder her being trivialised, when the judge Mr Richard Todd KC suggested that if the father had really wanted to, he would have travelled to England to carry out the threat:

> ***ADK v ASI*** **[2022] EWHC 2610 (Fam) (17 October 2022) [26]** ***" I note that most would-be murderers are unlikely to be constrained by the limited distances between England and Latvia; if he really wanted to murder her, then it would not be difficult for him to travel to the south coast of England to carry out such a threat – so, if she is at such risk then whilst it is greater in Latvia, it is not eliminated by staying in England."*** **(Obvious)**

This comment serves to trivialise the risk to the victim in Latvia and potentially contributes to her ongoing fear and trauma. Re-traumatisation is known to be a common outcome for victims of abuse proceeding through the family court (Dalgarno et al, 2024; Domestic Abuse Commissioner, 2023; Burton and Hunter, 2025).

In this case before Recorder Laura Moys, sexual abuse become trivialised as "bedroom behaviour" and assumed to be irrelevant to child proceedings:

> ***X (father) v Y (mother)* [2025] EWFC 62 (B) (10 March 2025)**
> **[24] *"There are suggestions of emotionally manipulative behaviour—for example, F is said to have sulked when told M objected to digital penetration in December 2015—and of a lack of empathy and respect for M's wishes, in continuing sexual intercourse when M found it painful and asked him to stop…I have cautioned myself against giving undue weight to [the father's] behaviour in the bedroom or his veracity in relation to that."* (Obvious)**

Trivialisation can also be seen in how the risks associated with domestic abuse are accepted for the benefit of child contact, regardless of the impact they may have on the child and victim. For example, in this quote, the judge says that a mother may have to accept the risk of being followed home by her abusive ex after contact visits:

> ***L (Children) (Domestic Abuse: Stranding/Abandonment) (Continuing Risk of Emotional Harm)* [2020] EWHC 3782 (Fam) (07 December 2020)**
> **[79] *"If careful practical arrangements are made, the ability of the father to follow the mother home after contact visits can be reduced to a degree that makes that risk manageable"* (Subtle)**

In this case, direct contact wasn't ordered, but only because of what the judge perceived to be the father's 'hostility' to the mother, which he believed would have a negative emotional impact on the children.

Distancing

Distancing occurs when past abuse is framed as irrelevant to the present, shifting responsibility onto victims for lingering trauma. This approach disregards the ongoing impact of coercion and violence (Birchall & Choudhry, 2018). It is a form of victim-blaming because it implicitly suggests that a victim who continues to experience fear, hypervigilance, or parenting challenges linked to past abuse is somehow at fault for "failing to move on." The Harm Panel report (Hunter, Burton and Trinder, 2020), and the recent report for the Domestic Abuse Commissioner (Burton and Hunter, 2025) found that judges, lawyers and Cafcass officers in England and Wales tend to characterise abuse as 'historic'. For example in the judgment before Recorder Laura Moys:

> ***X (father) v Y (mother)* [2025] EWFC 62 (B) (10 March 2025) [24] "*in my judgment, they relate to a particular area of the couples relationship and are limited to a particular phase of that relationship which as such is unlikely to help me fairly assess the dynamics of that relationship as a whole."* (Obvious)**

In the following extract, the judge, Mrs Justice Theis, paraphrases the barrister Ms Kirby (instructed by the applicant, the father), who suggests that the child's fears that her mother cannot protect her from her father, who posed a danger to her, were deemed neither rational nor recent, as she had not had contact with her father for 16 months. It is also implied that the child's mother is responsible for the child's resistance to having contact with the father:

> ***C v M & Anor* [2023] EWHC 1182 (Fam) (18 May 2023) [60] *"Mr (sic) Kirby emphasises the circumstances that point to the mother being behind Xs actions, she submits X is a girl with a brief, her position in the circumstances where she had not seen her father for 16 months means her position that her mother cannot protect her and her father is a danger were neither rational nor recent."* (Obvious, paraphrase)**

Such a narrative fails to recognise ongoing patterns of coercive and controlling behaviour, as it focuses on 'incidents' of violence, and misunderstands the cumulative, long-term effects of abuse, which produce enduring patterns of fear and psychological trauma (Stark, 2007).

Shared Responsibility

Assigning shared responsibility falsely equates victim-survivor and perpetrator actions, mischaracterising abuse as mutual conflict. This disregards the power imbalances at the heart of abuse. This is suggested in descriptive words such as "volatile", "hostility" and "bitterness" seen in the following extracts:

> ***F v M* [2022] EWHC 2564 (Fam) (06 September 2022) [14] *"The judge found that both parents have strong and passionate personalities. Theirs was a volatile relationship, in which they would both shout. It also involved some physicality."* (Moderate, paraphrase)**

> ***DN v UD (Sch 1 Children Act: Capital Provision)* [2020] EWHC 627 (Fam) (29 January 2020) [173] *"Given the litigation and the hostility between the mother and the father"* (Subtle)**

> ***Moutreuil v Andreewitch & Anor* [2020] EWHC 2068 (Fam) (29 July 2020) [23] *"The written statements in these proceedings, and the oral evidence, were replete with examples of escalating hostility, anger, and bitterness between the parties from 2017 through to their separation in 2019, and beyond; the children were caught up in the dispute."* (Subtle)**

> ***X v Y* [2025] EWFC 62 (B) Case No: ZW22P00513 (10 March 2025) [24] *"I conclude on the balance of probabilities that there was no emotionally or psychologically controlling behaviour by F but rather a distressing and vitriolic end to the parties marriage"* (Moderate)**

A suggestion of shared responsibility may emerge when judges endeavour to present a case neutrally, however describing allegations of abuse as an "altercation" can inadvertently undermine those allegations. For example:

> ***A v J & Ors* [2023] EWHC 1993 (Fam) (31 July 2023) [5] *"In March 2023 there was an incident in the fathers home whereby there was (putting it neutrally) an altercation between the father and his second wife which led to her fleeing the home and making a complaint to the police."* (Subtle)**

The pro-contact approach of family courts can also mean that the parents are primarily judged around how they are perceived to be facilitating the relationship with the other parent. For example:

> ***C v D* [2023] EWHC 1251 (Fam) (26 April 2023) [74] *"It is a cardinal principle across many jurisdictions that it is in the best interest of children to spend quality time with both parents. If the parents are not careful, if they do not quickly start working together to ensure that Y is able to have a fulfilling relationship with each of them, devoid of the persistent drumbeat of rampant litigation and unremitting and caustic parental conflict, then in the long experience of this court both parents risk losing their relationship with their daughter as she enters adulthood."* (Subtle)**

> ***X v Y* [2025] EWFC 62 (B) Case No: ZW22P00513 (10 March 2025) [20] *"As I have set out earlier in this judgment, this is due to a combination of Ms anxiety and negativity around the contact and Fs exposure of A and M to his frustration when contact has not gone as planned."* (Moderate)**

A victim-survivor's concern regarding contact with an abusive ex-partner, can quickly become the main and most pressing issue of concern when it is presumed parental involvement improves the welfare of a child, and risks regarding domestic or sexual abuse are not well understood or considered (Birchall & Choudhry, 2022).

False Equivalency

Like shared responsibility, false equivalency is another form of mutualising and occurs when victim-survivors' actions are framed as comparable to those of the perpetrator. This was a label that was frequently accompanied by the 'shared responsibility' label. In one case, the children were very frightened of the father, and the judge found that he had hit the children and behaved in a controlling manner towards them, although a fact-finding was not held on the mother's domestic abuse and coercive control allegations. Despite these findings, the judge suggested the mother was also to be criticised for leaving Qatar with the children without the father's consent:

> ***MB v KB & Ors* [2023] EWHC 3177 (Fam) (13 December 2023)[30] *"The mothers behaviour is not beyond criticism either. It is clear that she undertook the move to the UK (and indeed the earlier trip in April 2023) without the fathers consent."* (Moderate)**

Character Assassination

Character assassination undermines the credibility of victim-survivors by strategically framing them as having unreliable characters, for instance by depicting them as unreasonable, manipulative, deceitful and/or vindictive.

> ***VB v TR*** **[2020] EWHC 877 (Fam) (07 April 2020) [36]** ***"I have my concerns at the selfish and high-handed conduct which the mother has engaged in. I agree with counsel for the fathers submission that she has acted deceitfully and arrogantly; these are not good standards of parenting."*** **(Moderate)**

> ***ADK v ASI*** **[2022] EWHC 2610 (Fam) (17 October 2022) [61]** ***"her case in respect of the Latvian courts and police (i.e. that they are in the thrall of the father) is at best hyperbole and at worst pure fiction"*** ***(*****Moderate)**

We found examples of victim-survivors, who had alleged domestic abuse, being characterised as having a predisposition to view the father malignantly; her perspective is rarely considered a reasonable response to alleged abuse. In effect, the court chooses to interpret ambiguity through a lens of suspicion toward the mother, rather than toward the respondent (the alleged abuser):

> ***X (father) v Y (mother)*** **[2025] EWFC 62 (B) (10 March 2025) [17] "*****He (Recorder Daley, the previous judge) did not find any of (the father's) allegations against the mother proven, but he did find (the mother) to be someone who generally saw the father in a poor light and was apt to ascribe malign or nefarious meaning to the fathers actions."*** **(Obvious, paraphrase)**

The judge goes on to say:

> **[42]** ***"and that she has a …desire always to think and paint the worst picture possible of (the father)"*** **(Obvious, paraphrase)**

Furthermore, another case extract from Mr Justice Williams illustrates how doubt is cast on the victim-survivor's character by questioning her motives for seeking financial support from the father:

> **DN v UD (Sch 1 Children Act: Capital Provision) [2020] EWHC 627 (Fam) (29 January 2020) [67]** ***"I accept of course that one must guard against any use of an application such as this as gold digging on the part of the mother. This is a pejorative phrase which it is easy for advocates to use. The point can only be that one has to guard against unreasonable claims made on the child's behalf but with the disguised element of providing for the mothers benefit rather than for the child."*** **(Obvious)**

At first glance, the judge appears to caution against unfairly labelling the mother a “gold digger.” Yet the very invocation of this gendered phrase functions to implant the idea in the minds of all participants—legal representatives, social observers, and even the mother herself—that the possibility of ulterior financial motivation is in play. The disclaimer can become self-defeating: it alerts the court to the potential of the mother’s motives being disingenuous.

Similarly, in this extract, character assassination is done by seemingly praising the mother but suggesting that her positive actions had an alternative motive or were an outlier for positive parenting:

> ***FJ v LT*** **[2023] EWHC 1783 (Fam) (13 July 2023) [76]** ***"this was a conspicuously child centred decision"*** **(Subtle)**

Pathologising

Pathologising (to imply there is something psychologically abnormal with an individual) occurs when court professionals reframe a victim-survivor’s reasonable, trauma-driven behaviours and responses as evidence of mental instability, impairment or neurosis. This shifts attention away from the alleged perpetrator of abuse and creates a legal rationale for restricting the victim-survivor’s authority and/or contact with their children. Some previous studies have demonstrated that mothers report high rates of being pathologised by court professionals (Dalgarno et al., 2024), which some victim-survivors liken to mirroring the abuse of the perpetrators. The terminology used to describe mental health difficulties can, in itself, be derogatory, for example:

> ***SKJ v SLJ*** **[2023] EWHC 246 (Fam) (08 February 2023) [50]** ***“There is a well-documented history of serious mental health deficits in the Mother.”*** **(Subtle)**

Pathologisation may also be enacted by court-appointed experts and may be accompanied by character assassination. For example, in the same case, a consultant psychologist stated:

> **[38]** ***“The vulnerabilities are there but it is unclear whether these are impacted by the behaviours on his part that she described or whether these do not occur and her distress and malfunction is wholly or mainly self-induced”*** **(Moderate)**

In another case, a psychologist, psychotherapist and independent social worker concluded:

> **LB v LB [2020] EWHC 3840 (Fam) (27 November 2020) [27]** ***“The child’s belief is a product of the mothers anxieties regarding the father”*** **(Moderate)**

In another case, XM v XF [2021] EWHC 1279 (Fam) (13 May 2021), even though the mother's abuse allegations are not considered as part of findings, it is accepted that the father behaved "badly" and "*threatened to expose what he believed to be her infidelity to the local authorities in Duba*i" which is a criminal offence in the UAE [5]. He also made her sleep in a hotel each night during lockdown after the children went to bed and return to the house before they woke up [5]. Despite this, the mother's concerns about the father are framed as "anxieties" rather than as expressions of genuine concern arising from her allegations of abuse. This framing suggests that it is her anxiety—rather than his past behaviour—that is positioned as the primary barrier to progressing shared care arrangements:

> ***XM v XF* [2021] EWHC 1279 (Fam) (13 May 2021) [30] *"The mother remains anxious about the father's intentions in relation to the circumstances surrounding the breakdown of their marriage. She has installed a security system in her home. Her anxiety continues to inform the dynamic of the parental relationship which they are trying to rebuild."* (Subtle)**

Stereotyping

Victim-blaming may also rely on stereotypes about gender, culture, and behaviour. Instead of treating testimony and behaviour as context-specific and the impact of trauma, a victim-survivor's actions can be interpreted by authorities through preconceived ideas about how a "real" victim should behave (Hunter, Burton and Trinder, 2020). This can reduce credibility, reinforce myths about abuse, and redirect attention away from the alleged perpetrator.

In the following case, a judge suggests that a mother's post-traumatic stress disorder diagnosis, and account of adverse childhood experiences in Eritrea resulting from war, may be false because she has returned multiple times to the country in adulthood. It is a stereotype to assume that victims of conflict and adversity would not return to the country where this was experienced, especially where they still have close ties and connections:

> **K & S (Article 13(b)) [*2023] EWHC 1883 (Fam) (21 July 2023)* [30] "*Dr. Papatraian was plainly influenced by the account which the mother had given of her childhood experiences in Eritrea and her flight from that country. Dr. Papatraian did not know that this history was contentious; nor can I say whether Dr. Papatraian knew that the mother had returned to Eritrea at least eight times since leaving in 1994, which – it seems to me – may have been relevant to her finding of PTSD.*" (Subtle)**

We also found examples in our main analysis of gender stereotyping with multiple examples of women described as 'emotional'. In the following example, the father's calmness is contrasted with the mother's "emotional" evidence. This implicitly frames a calm presentation as being more reliable and credible, and risks reinforcing a stereotype that victims - particularly women alleging abuse - are emotional, unstable, or overly sensitive, whereas alleged perpetrators present as rational and composed:

> ***Re. C (Parental alienation: permanent removal to Germany) [2023] EWHC 1955 (Fam) (27 July 2023)*** **[7]** ***"Both parties gave oral evidence. F was rather calmer, and M a little more emotional. That was more a reflection of their personalities than the nature or quality of their evidence."*** **(Moderate)**

In a different case, the mother was described as emotional when the issue of the father's ex-wife was raised, which infers stereotypes not only of women as 'emotional' but also as vengeful and jealous:

> ***K v E [2023] EWHC 2890 (Fam) (16 October 2023)*** **[14]** ***"There were also ongoing arguments between them about F's involvement with his ex wife which was required because of their shared care of his older daughter. M found it difficult to manage her emotions around this issue and F says that M was jealous and could be unreasonable when he had to communicate with his ex-wife"*** **(Subtle)**

In another case, where the mother told the court she had experienced significant physical, psychological and sexual violence from the perpetrator, who had also threatened to kill her, the judge uses language which stereotypes the mother as "emotional":

> ***ADK v ASI [2022] EWHC 2610 (Fam) (17 October 2022)*** **[63]** ***"The mother is emotionally fragile."*** **(Subtle)**

Gaslighting

Gaslighting occurs when someone's reality is denied or distorted in a way that undermines their confidence in their own perceptions. For example, in the following extract, a mother's mistrust of a father and alleged abuser is reframed as a product of simply disliking him, rather than as a consequence of abuse. Gaslighting occurs here through the subtle discrediting of the mother's perspective. By attributing her stance to an emotional overreaction, the court invalidates the possibility that the mother is safeguarding her child, and implies instead that the mother's intentions are vindictive:

> ***X (father) v Y (mother) [2025] EWFC 62 (B) (10 March 2025)*** **[43]** ***"In my judgment Ms intense mistrust and dislike of F has only intensified over the inordinately long time these proceedings have continued, such that she now genuinely believes it would be better for A if As relationship with - and link to - her father were completely severed."*** **(Moderate)**

Further, abusive behaviour may be reframed as the 'feeling' of the victim, rather than having actually taken place:

> ***M v L A (Article 13(b): Mental Ill-health)*** **[2023] EWHC 2082 (Fam) (08 August 2023) [31]** ***"I reject the mothers solicitors contention (13 October) that the father was putting pressure on her, but I accept that that may be how the mother felt."*** **(Moderate)**

Deflection

Victim-blaming through deflection operates in family court reasoning when the focus is shifted away from the actions and choices of the alleged perpetrator. In the following example, the judge interprets a father's confrontational and inappropriate language not as a product of his abuse, but instead, deflects to the mother's "unfair litigation strategy":

> ***X (father) v Y (mother)*** **[2025] EWFC 62 (B) (10 March 2025) [69]** ***'I accept F's evidence that when he has used confrontational and inappropriate language this was often in a (misguided) effort to defend himself against what he perceived to be an aggressive and unfair litigation strategy from M.'*** **(Moderate)**

In another case where the father sought (and was granted) access to his ex-partner's asylum file documentation and medical records, the judge said:

> ***Re G (Inherent Jurisdiction Return: Disclosure of Asylum Documents)*** **[2022] EWHC 2134 (Fam) (11 August 2022) [45]** ***"For the avoidance of doubt, I was wholly satisfied that, in seeking disclosure of material from the asylum file, the father was not engaged in what Mr Gupta QC described as a fishing exercise."*** **(Moderate)**

Role Reversal

Role reversal occurs when the perpetrator of abuse is recast as the victim, whilst a victim-survivor parent who is protective of children is reframed as the aggressor. This may be achieved through counter allegations of abuse or claims of 'parental alienation', which allow victim-survivors to be re-framed as the abuser as per this judgment from Mr Justice Keehan :

> ***A vs B (Children: 'parental Alienation')*** **[2023] EWHC 1864 (Fam) (27 July 2023) [54]** ***"since the final hearing in November 2020, the mother has embarked upon a sustained, conscious and deliberate campaign to continue to alienate the children from the father, to destabilise the final orders made in this matter, to undermine the therapeutic work of Ms Woodall, in continuing breach of His Lordships orders. That this conduct on the part of the mother has caused the children significant emotional harm, has consumed significant Court and police resources, and has led to wholly unnecessary further costs being incurred by the father."*** **(Obvious)**

In the following case, a previous judge had found that the father had been sexually abusive towards the mother and yet the new judge reiterates the previous judge's blame of the mother for including the other allegations which the judge did not find, namely of coercive and controlling behaviour:

> ***X v Y* [2025] EWFC 62 (B) Case No: ZW22P00513 (10 March 2025) [153] *"I have borne in mind that F denied the very serious allegations of sexual abuse that were proven, but the length of the fact-finding hearing (and the proceedings more widely) were not significantly extended by the inclusion of those allegations (conversely, as Recorder Daley observed, excessive time was taken up with Ms allegations of financial control and coercive behaviour , which the Judge rejected; at §6.1 the Judge criticised the way in which M had raised her allegations of coercive control and financial abuse; at §6.5 the Judge commented on the …significant amount of time and evidence spent by M on matters that were simply the product of an acrimonious divorce).'* (Moderate)**

Normalisation

Normalisation frames abuse as an expected aspect of relationships, reducing perpetrators' accountability. Abusive or coercive behaviour may be equated with typical marital or relationship disputes (McCormack, 2025; Rivera et al., 2022; Johnston, 2017; Katz et al., 2020). This was less frequently found in our analysis (only four instances) and was usually accompanied by other minimising labels, such as trivialisation and distancing. As with other examples, normalisation can occur when judges try to use neutral descriptors, which then serve to minimise the allegations. For example:

> ***M v F* [2020] EWHC 576 (Fam) (13 March 2020) [2] *"'Their relationship has, to put things neutrally, been unhappy for a number of years"* (Moderate)**

In the above case, the mother had alleged she experienced *"a decade of aggression, verbal abuse, criticism, gaslighting and then an episode of physical abuse"* [17], not that she was in an 'unhappy' relationship.

Distraction

Distraction strategies dilute allegations of abusive behaviour by focusing on positive actions or qualities. This could be emphasising positive qualities that the judge has observed themselves, or which other professionals report. This can include qualities such as the father being loving, loyal, and wealthy, language seldom seen when describing mothers:

> ***NT v LT (Return to Russia) [2020] EWHC 1903 (16th July 2020) [74] "The father is a loving father who will not abandon his son…Moreover, he has a large home, businesses, an extended family, and multiple social and business contacts in Russia"*** **(Subtle)**

In the case of FJ v LT [2023] EWHC 1783 (Fam) (13 July 2023), the mother alleged that the father was *"frequently intoxicated, verbally and emotionally abusive, and controlling of her"* [12] and the judge accepted that *"His messages show that he was insecure about the relationship whilst they were living apart, suspicious of other men, and jealous of her new friends"* [71]. Yet the judge says that the victim has "experienced" the relationship as abusive (implying that it wasn't in actual fact abusive) and praises the father multiple times, even making positive assumptions about his motivations:

> **[73]** ***"I do not accept that the choice she communicated to him on 7 November was the product of telephoned blackmail, threats or pressure. I find that the father would rather have had no romantic relationship with the mother, than one in which she was a half-hearted, unwilling participant. In more than one message he stated his desire for love, trust and honesty."*** **(Moderate)**

> **[78]** ***"He had a strong command of the details of events, being an organised person who is good at planning."*** **(Subtle)**

In the following example, the judge acknowledged domestic abuse and refused direct contact; however, when the father made allegations of alienation, the judge still praised the manner in which the father gave evidence:

> ***L (Children) (Domestic Abuse: Stranding/Abandonment) (Continuing Risk of Emotional Harm)* [2020] EWHC 3782 (Fam) (07 December 2020)**
> **[24]** ***"Although his focus remained on the inaccuracy of the findings and his allegation that the mother had alienated the children, he gave his evidence clearly and forcefully but he politely pressed his points and clearly communicated his desire to have direct contact with his children."*** **(Moderate)**

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Conclusion

For this report, our main analysis focused on 91 private family court judgments published between 2020 and 2025 in England and Wales. All of these judgments contained allegations of domestic or sexual abuse or assault. In these judgments, we found 530 instances of victim-blaming language by court professionals (74.1%) and 185 (25.9%) instances of victim-blaming languages by others, including other external professionals and parties to the case. The most frequently used form of victim-blaming was discrediting (31.1%), followed by behavioural blame (23.1%) and trivialisation (13.2%). Overall, 66 (72.5%) of judgments we analysed included some form of victim-blaming.

Our report shares examples of victim-survivors being discredited, being blamed for their abuse or their experiences being trivialised, normalised or considered a "shared responsibility". We highlight examples of judges undermining women's character, pathologising or gaslighting them and using stereotypes about abuse, as well as deflecting blame from the perpetrator. Other examples of victim-blaming came from social workers, health workers, experts and the perpetrators of abuse. It is important to note that victim-blaming, even when performed by someone known and trusted by the victim-survivor, can contribute to increased levels of distress and self-blame (Pranjali, 2025; Wilson et al, 2022). The fact that family courts can be places where victim-survivors experience victim-blaming from non-court actors still helps to inform our understanding of the victim-survivor experience in family courts, and demonstrates how they can be sites of continued post-separation abuse.

Our taxonomy was focused on victim-blaming; however, as it was mothers who were overwhelmingly subjected to these tropes, findings could also be considered examples of gender-bias. We found evidence of mothers' behaviour being closely scrutinised and strongly criticised, whilst fathers' shortcomings were minimised and contextualised. We also found women's mental health was repeatedly referenced by courts, often negatively, whilst men's mental health was not. It was also far more likely for women to be described as "emotional" by judges, a common gender stereotype (Brescoll, 2016; Shields, 2002).

In our pilot phase of work, we analysed a collection of family court judgments which included known examples of rape myths and stereotypes. We have included examples from this phase of work in order to highlight some of the most extreme examples of victim-blaming and bias. Although the judgments used in the main phase of analysis involved less frequent and obvious examples of rape myths and stereotypes, they were still present. We therefore recommend a comprehensive analysis of how myths and stereotypes relating to sexual violence appear in family court judgments in England and Wales.

Although the examples of victim-blaming and bias we found were concerning, we are aware that we are only "scratching the surface" of the bias that may exist within family courts. Our main analysis was limited to 91 judgments, and only a fraction of cases heard each year in our family justice system result in a published judgment. It is also important to emphasise that a judgment is written from the judge's perspective. A judgment does not contain the court proceedings verbatim, where examples of bias and victim-blaming, as experienced by the victim-survivor, may be more easily found. We conclude that far more research is needed on bias and victim-blaming to better understand its manifestation and address the continued reports from mothers that abuse is being regularly minimised in family courts (Burton & Hunter, 2025). To enable this research, family courts in England and Wales must publish more judgments and, ideally, find a way to make full transcripts of cases available to researchers. This analysis will enable further understanding and more detailed recommendations for attitudinal change and training.

There are other barriers to effectively researching the prevalence of bias and victim-blaming in family courts. Judgments are often long, and analysing recordings or transcripts of cases is intensive. This makes such research unappealing in a demanding and competitive research environment. To address this, we conclude that artificial intelligence offers opportunities for large-scale research on bias in family courts. Our project utilised a newly designed artificial intelligence model created by herEthical AI. This is the only model currently tuned specifically for victim-blaming detection and validated against manually annotated data. The model was built entirely by the herEthical AI team, utilising categories that reflect the current victim-blaming language research.

As the model was still in design and testing during our work, all judgments were manually analysed, and victim-blaming identified by AI was confirmed, rejected or corrected. Overall, researchers found more victim-blaming than the model. The accuracy level for the specialist ViDA software was 65% overall (F1-score) as judged against triply-annotated consensus dataset, a subset of all the annotated data.

When the software flagged text as victim-blaming, it was correct 85% of the time (precision), but it only detected about half (52%) of all victim-blaming instances present in the documents (recall). Of the 42 instances of victim-blaming the model missed, 4 (9.5%) of these were labelled as obvious forms of victim-blaming, 23 (54.8%) were labelled as moderate and 15 (35.7%) as subtle. This demonstrates that the model was able to correctly identify most instances of obvious victim-blaming.

Due to limits on researcher time, we were only able to analyse 91 out of 249 judgments selected as containing domestic or sexual abuse allegations. We found that 72% of these judgments contained victim-blaming. Although not confirmed by the researchers, the AI model found that in the 249 judgments total, 73% had identified instances of victim-blaming. The evaluations using the annotations produced during this publication are still being used to validate the latest version of model. Early statistics indicate that over 95% of documents found by annotators to have victim-blaming also had annotations by the model. This demonstrates that it can be a useful tool to identify the possibility of victim-blaming, to cut time for researchers. Our experience in researching this report leads us to believe that large language models, particularly when developed to identify the subtleties of victim-blaming, could support researchers to more quickly conduct large-scale research on the existence of bias in our family justice system and have potential for learning and development work across the justice system.

This report is preliminary and limited in scope. Nevertheless, the examples of victim-blaming it shares should be of concern to anyone within the family justice system, and within the Government, committed to safeguarding children and reducing violence against women. We end our report with recommendations which we believe will enable more research into bias in our family justice system, whilst simultaneously beginning to reduce and address the bias that we know can exist in proceedings, even if we do not yet fully understand its pervasiveness.

Recommendations

1. The family judiciary should publish a random selection of twenty percent of their judgments each month, with specific targets for judgments in which domestic and sexual abuse is raised.

In 2024, the President of the Family Division invited judges to publish between five and ten judgments each year, depending on their level of seniority (McFarlane, 2024). There has been no subsequent report on the extent to which this guidance is adhered to. In its recent Violence Against Women and Girls (VAWG) Strategy, the UK Government committed to "work with the judiciary to support the anonymisation and publication of more family court judgments" (Home Office, 2025). We welcome this commitment; however, we believe further measures are needed to ensure appropriate representation of domestic and sexual abuse in the judgments that are published. The guidance from the President of the Family Division states that judges can "exercise their discretion to consider as potentially publishable such cases as are representative of the judge's individual caseload." (McFarlane, 2024, p6). This invitation is vague and unmeasurable.

We recommend that judges should publish a minimum of 20% of their judgments each month; however, these must be selected at random (eg, every 5th judgment). They would also be invited to publish any chosen judgments they considered necessary, which were not randomly selected. We also recommend that 50% of judgments in which domestic abuse is raised (including any cases in the randomised selection) are also published, alongside all judgments relating to child sexual abuse, subject to safeguarding and anonymisation considerations. We believe publishing all child sexual abuse cases is necessary, given recent concerns raised in relation to the family justice response to familial child sexual abuse disclosures (Dalgarno et al, 2024; Hayton et al, 2025; The Child Safeguarding Practice Review Panel, 2024).

2. The Family Justice Board (FJB) should include targets for the publication of judgments as a measurement of progress.

The Government has committed to publishing measures to track the progress of improving the family justice response to domestic abuse via the Family Justice Board (Home Office, 2025). This commitment comes after the National Audit Committee found that there is "weak accountability for overall performance" of family justice within government, along with a lack of overall government strategy or agreed understanding of "what good looks like" for family courts from the child's perspective (National Audit Office, 2025).

Incorporating the publication of judgments as a measure of success for the family justice system would support transparency, provide greater levels of scrutiny and consequentially drive improvements in the response to domestic abuse. We recommend publication data should be made available annually and published according to the Local Family Justice Boards (LFJB) area. Utilising LFJBs in the collection and publication of this data will strengthen accountability at the local level and enable the FJB and local areas to identify where publication rates are low and where training or support for judges may be required to support publication targets.

3. The Family Justice Board (FJB) to collect data on the issuing of transparency orders at a local level in order to understand regional discrepancies in the impact of transparency improvements.

From the 27th January 2025, the Family Procedure Rules were amended so that legal bloggers and journalists can now attend and report on hearings in any family court in England and Wales (McFarlane, 2024), subject to suitable anonymisation and the issuing of a transparency order. It is expected that transparency orders will be issued in a case, unless compelling arguments are made (ibid). No formal data yet exists on how many transparency orders have been issued, and so we do not know where in England and Wales they have been issued or the types of cases in which transparency orders are being requested. Furthermore, whilst the open reporting provisions are a positive and monumental step forward, the incentives and pressures faced by journalists make reporting on family court unappealing, meaning they are rarely seen in the national media (Tickle, 2024). Just because courts can make transparency orders does not mean that they are.

We recommend the FJB begins to collect data on the issuing of transparency orders and scrutinise it at the LFJB level. Whilst this data will not necessarily identify courts where there are higher levels of bias, it will identify those courts which are subject to less (or no) scrutiny from the press. These courts may require additional support to understand the open reporting provisions or be supported to improve the implementation of other accountability and transparency measures, such as the publication of judgments. This data may also encourage more interest from the press at the local level, or encourage existing journalists reporting on family courts to focus on under-reported areas.

4. The Government to prioritise family courts in the piloting of artificial intelligence (AI) to support transcription and the publication of judgments.

The Ministry of Justice has committed to using AI to “transform the public’s experience, making their interactions with the justice system simpler, faster, and more tailored to their needs” (Ministry of Justice, 2025).

Given the Government's commitment to bring the re-traumatisation of victims of VAWG in the family justice system to an end (Home Office, 2025), we recommend that family courts are prioritised in trialling the use of AI for preparing and anonymising family court judgments. This could support judges to increase publication rates, without the additional administrative burden, which may be said to have contributed to low publication rates to date. Prioritising family courts for the introduction of such tools is justifiable, given the continued limits on transparency in family justice. Data protection safeguards and survivor consultation would be required.

5. Further research is needed to explore the potential of AI tools to identify bias and victim-blaming in family courts.

Whilst our research did not rely on AI to identify victim-blaming, it did find appropriately trained AI tools could quickly and accurately identify victim-blaming in family court judgments. Given that judges may be careful to mask or exclude bias and victim-blaming in their published judgments, AI tools could also be useful in the analysis of transcripts, which would otherwise be time-consuming and expensive for researchers. Approved research of this kind could provide clearer insights into the manifestation of stereotypes and victim-blaming in the courtroom, as experienced and regularly self-reported by mothers (Burton & Hunter, 2025; Riverlight, 2024).

6. Further research is needed on family court and the use of myths and misconceptions that relate to sexual violence, and how these may impact on decision-making.

To date, there has been limited research on the manifestation of rape myths and stereotypes in family courts. In criminal courts, however, there has been sustained attention on this topic, with the Law Commission recently recommending ways to address the myths and misconceptions held by jurors that may lead to bias in decision-making (Law Commission, 2025a). We recommend the commissioning of research to understand the impact of myths and misconceptions about sexual violence on judicial decision-making in family courts, including on cases which involve child sexual abuse.

7. The Judicial College to ensure training on domestic and sexual abuse includes modules on gender bias and victim-blaming, and that it meets the principles and standards set by specialists.

Five years ago, in the Harm Panel Report, victim-survivor mothers of domestic abuse raised serious concerns that judges dismiss and minimise their and their children's experiences of abuse (Hunter, Burton & Trinder, 2020). Since the Harm Panel Report was published, there have been some major reforms to family law and procedures, including the Domestic Abuse Act 2021 and the pilot of pathfinder courts. Nevertheless, mothers continue to report they experience a minimisation of domestic abuse by judges even in these reformed proceedings (Barlow et al, 2026; Burton & Hunter, 2025). The evidence of victim-blaming found in our analysis of judgments supports calls for enhanced and regular training for family court judges, which should include a module on gender-bias and victim-blaming. This is particularly important given we now know that domestic abuse is the "everyday business" of the family courts (*ibid*).

The Judicial College states it wishes to "make best use of external expertise" to design and deliver training (Judicial College, 2021). However, a statement issued by Women's Aid, SafeLives, Refuge, Right to Equality and other leading organisations working on domestic abuse and family justice makes clear that none of these major organisations have been consulted in the design and delivery of judicial family training to date (Women's Aid Federation of England, 2025). The judiciary must have access to the most up-to-date, specialist training available, and this training should be of the highest standard. We encourage all efforts by the judicial college to develop and sustain expert training that meets the principles and standards set out by specialist organisations.

8. The Judicial Complaints Information Office (JCIO) is not fit for purpose and must be reformed to strengthen organisational transparency, accessibility and independent quality assurance.

The lack of transparency, accountability and action at the JCIO means it has lost the confidence of victims and survivors of abuse in family court. The JCIO should undergo significant reforms, including: ensuring the process for reviewing complaints about judges, and their investigations are transparent; the current three-month time limit for making complaints should be abandoned, putting it on par with the Bar Standards Board and the Solicitors Regulation Authority, which does not have a time limit for complaints; judges should have no role in investigating other judges, the panel of investigators must be from outside of the legal profession to ensure independence. In addition, the JCIO should take a zero tolerance approach to judicial bullying, sexism and misogyny, especially when there is an identified pattern of behaviour.

9. Applications for judges to recuse themselves based on bias should be heard by a different judge, not the judge accused of bias.

Although there are no statistics on recusal applications, anecdotal evidence indicates that successful applications are rare. The current system, where a judge decides whether or not to recuse themselves due to perceived bias, erodes confidence in the fairness of the judicial system and should be overturned.

10. Repeal Section 12(1)(a) of the Administration of Justice Act 1960.

Section 12(1)(a) of the Administration of Justice Act 1960 makes publication of information relating to proceedings brought under the Children Act 1989 a contempt of court. This sixty five year old piece of legislation prevents parents from discussing their case indefinitely and is counter to the principles of open justice. It has the effect of disproportionately silencing victim-survivors of abuse who are more likely to be involved in Children Act proceedings. There have been multiple calls for reform, and the Law Commission also recently recommended its repeal (Law Commission, 2025; Munby, 2024). The Government should repeal section 12(1)(a) at pace.

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Appendix A: Taxonomy of victim-blaming language (Spence et al., 2026)

Main Theme	Definition	Sub-Theme	Definition	Example
Minimising	Severity of the victimisation is downplayed	Trivialisation	Downplaying the severity of the victimisation making the harm seem less serious, significant, or impactful, sometimes by normalising through making it seem expected or acceptable	“Such minor incidents seem…”
		Normalisation	Treating harm as typical, inevitable, expected or an acceptable part of life	“It is normal for one partner to handle all the finances.”
		Distancing	Suggesting the victimisation is no longer relevant or significant because it happened in the past or the perpetrator has changed in some way	“Since these events occurred, the perpetrator has not repeated the behaviour.”
Mutualising	Responsibility for the victimisation is assigned to both parties	Shared Responsibility	Both parties are held equally responsible for the harm, regardless of power dynamics or levels of culpability	“Both parties engaged in aggressive behaviour.”
		False Equivalency	Drawing false parallels between the actions or behaviours of the victim and the perpetrator	“Failure to heed his warnings could have provoked him”
Undermining the Victim	The victimisation is dismissed because of or attributed to the victim	Behavioural Blame	Victim is blamed because of their actions, behaviours, or choices leading up to their victimisation, assuming victims should have acted differently to prevent or stop the harm	“She should have fought back”
		Discrediting	Undermining the credibility or reliability of someone’s claims and experiences by implying if they don't conform to stereotypical or expected behaviours of victimhood, their claims are untrue or exaggerated	“She did not mention anything to her GP at the time”
		Character Assassination	Attacking the victim's general character, past actions, motives, or personal traits to tarnish their credibility	“She has withdrawn her statements in the past”
		Pathologising	Victim's behaviours or traits are labelled as abnormal or indicative of mental illness, implying their victimisation is due to some inherent flaw or is less credible	“She was acting hysterical”
		Stereotyping	Construction of accounts that blame the victim through the reinforcement of stereotypes about groups the victim belongs to, it focuses on general characteristics associated with the victim’s identity rather than the victim themselves	“She is from a troubled background and so struggles with relationships”

Appendix A: Taxonomy of victim-blaming language (Spence et al., 2026)

Main Theme	Definition	Sub-Theme	Definition	Example
Gaslighting	Invalidating the victim's perception of reality, making them doubt their own experiences or memories of the harm they have suffered			“You may have seen it this way, but by all accounts, that wasn’t how it happened”
Excusing the Perpetrator	Justifying the victimisation or excusing the perpetrator	Deflection	Shifting the narrative away from the perpetrator's actions and onto other factors specific to the perpetrator that are perceived as contributing to the harm	“The defendant’s mental health struggles must be considered”
		Rationalising Actions	Rationalising or excusing the perpetrator's actions by attributing them to the perpetrator's external circumstances. This may involve framing them as understandable or justifiable, given the context	“The defendant's upbringing in a volatile household undoubtedly influenced his behaviour”
Categories added after expert review				
Role Reversal	Portraying the victim as abusive towards the perpetrator.			“Her volatile outbursts and aggression towards him made him tread on eggshells”
Distraction	Focusing on unrelated positive traits to divert attention from or undermine the abuse			“She has admitted he is a good parent”

ACKNOWLEDGEMENTS

We wish to acknowledge the contributions of the people who worked on this project.

Those responsible for **concept and coordination:**

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THANK YOU

FOR YOUR CONTINUED SUPPORT.

Photo credits Alex Merz

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Published 9 June 2026 by Right to Equality Limited