

Northumbria Centre for Evidence and Criminal Justice Studies



WELCOME TO THE NEW ACADEMIC YEAR 2018-2019

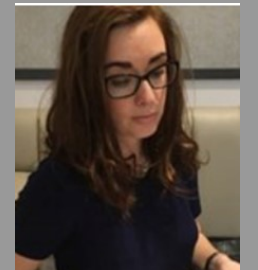
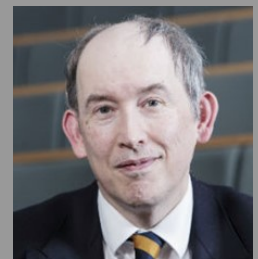
Volume 3

Issue 1

ABOUT US:

Our Team Are:

[NCECJS](#) encourages the exchange of ideas and facilitates collaboration regionally, nationally and internationally. It brings together Northumbria academics and postgraduate students from a range of disciplines with colleagues from other academic institutions, members of the judiciary, legal practitioners and other major stakeholders in the criminal, civil and family justice system such as senior police officers and leading expert witnesses. Its reputation is based on an extensive range of academic publications as well as major programmes of externally funded research and significant public engagement activities.



October 2018

Dates for your diary



Mo Tue We Th Fri Sat Su

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



Visiting Professor Susan Edwards—Guest Lecture

10th October 2018



The emotion of fear has occupied a marginalised place within the emotional currency of both offences and defences to crime.

Anger, by contrast, has held a privileged position and under certain prescribed circumstances has been accepted as an excuse for killing another under certain prescribed circumstances.

Men, historically have been given permission in culture and in law to express, often without restraint. Feelings of anger, and cultural constructions of gender have required women to control such emotion. When women kill, albeit infrequently, they do so not because of anger but because of fear. Fear, however, has not been recognised as sufficiently compelling to warrant the status accorded to anger as an excuse for killing. It is now well recognised that manslaughter loss of self-control in being founded on what men are given permission to do i.e. become angry privileges male conduct. In 2009 the law reformulated loss of self-control manslaughter by restricting the angry defence removing the permission for anger following sexual infidelity, whilst also recognising the impact of the emotion of fear on self-defensive conduct. In addressing these two anomalies within the law the legislators retained the requirement of loss of self-control - the heartbeat of the concession to mens rea. Loss of self-control however derives from an understanding of anger supported by specific verbalisations and outward gestures. We are yet to build a lexicon and a set of behavioural responses with which fear can be better understood. Fear loss of self-control then sits awkwardly within this framework since fear may manifest in inertia, despair, crumbling, hopelessness, where killing becomes a desperate last act of survival, where the 'victim defendant' pleads with the aggressor, begs and implores. Consequently, women relying on fear may have difficulties in persuading jurors that they have lost control in the normative legal sense. Introducing the emotion of fear into the framework of defences is part of what is needed but the project is incomplete and women in fear may find themselves outside the ambit of a manslaughter defence.

There are other matters that the law needs to consider outside women's defensive action. In this regard the law continues the legacy of minimising male violence which privileges physical force such that threats, intimidation, control are insufficiently understood. The habituated use of attempted strangulation by men to coerce, intimidate, frighten and control requires urgent legislative action. persuading that her response is not a considered desire for revenge nor intended.

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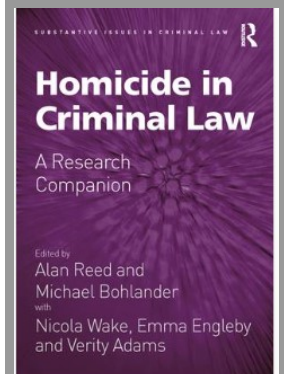
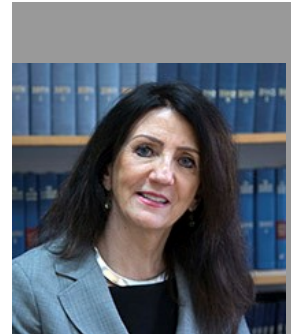


Susan Edwards—Synopsis Continued

Always threatening, frightening, immobilising and sometimes lethal, every day and legal understanding continues to underestimate the seriousness of this form of assault. At the same time the frightened weaker woman who resorts to the use of a weapon to save her life has difficulty in persuading that her response is not a considered desire for revenge nor intended. Addressing non-fatal strangulation is the next project which requires a concerted effort in changing public perception, policing, prosecution and reform of legislation.

LAUNCHED SEPTEMBER—SUBSTANTIVE ISSUES IN CRIMINAL Law

Substantive Issues in Criminal Law presents a series of volumes that systematically address areas of the criminal law that are in need of reform or which belong to the core areas of law where doctrinal abstraction or greater analysis is required. One part of each book is dedicated to an in-depth look at the situation in the UK, with individual chapters analysing points of current interest. A second feature of each volume is a major comparative section of other domestic jurisdictions. These international contributions are written to a uniform research grid provided by the editors in order to ensure a maximum degree of ease of comparison. The key purpose of the series is to produce a major library of reference works to which all actors in the wider criminal justice and policy community in the UK and elsewhere will have recourse for academic, judicial and policy purposes Edited: Alan Reed, Michael Bohlander with Nicola Wake, Emma Engleby and Verity Adams



WHAT HAPPENED OVER THE SUMMER 2018



20 JULY 2018—Nicola Wake presented at TC Beirne School of Law, The University of Queensland

Victims who kill: Improving section 45 of the Modern Slavery Act 2015 (E and W)

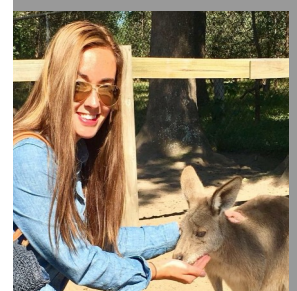
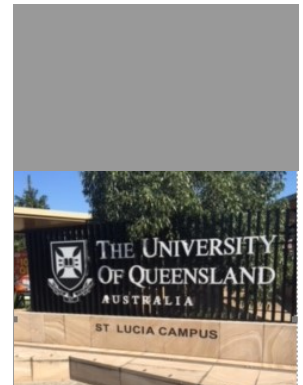
In *Hidden in Plain Sight*, the Joint Standing Committee on Foreign Affairs, Defence and Trade recommended that the Australian government introduce defence(s) for modern day slavery victims compelled to commit offences due to exploitation similar to, but improving upon, section 45 of the UK Modern Slavery Act 2015 (recommendation 6.101). The Modern Slavery Act 2015 s.45 provides a defence for individuals compelled to commit a criminal offence because of slavery and/or exploitation. Many offences, including murder, are excluded from the ambit of this defence. In cases where s.45 does not apply, reliance is placed on duress and necessity, prosecutorial discretion, and the power to stay a prosecution. These approaches are heavily circumscribed in murder cases where duress and necessity are inapplicable, the serious nature of the offence tends towards prosecution and the power to stay is invoked in exceptional circumstances. The introduction of s.45 and the approaches to be adopted where the defence does not apply provides an opportunity to consider afresh whether a (partial) defence to murder based upon compulsion ought to be available. A review of domestic law suggests that failure to provide a (partial) defence is based on policy and possibly confusion regarding the excusatory nature of duress. This paper advances a bespoke partial defence for slavery/human trafficking victims who kill based upon compulsion, which would sit cogently alongside the Modern Slavery Act 2015 s.45.

Northumbria Announcement about Associate Professor Nicola Wake

Kayes Fletcher Walker Scholarship Award 2018

achieving the highly-acclaimed title of Kayes, Fletcher Walker in conjunction with Auckland University of Technology (AUT)

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The honour is bestowed to only one individual annually. It was given to Dr. Nicola Wake, Associate Professor in Law and Deputy Director for the Centre of Evidence and Criminal Justice Studies at Northumbria, following her work in relation to the UK Government's introduction of criminal law defences, including more recently, for those compelled to commit offences due to slavery or exploitation.

Dr. Wake, who has been fully supported in her work by Professor Warren Brookbanks from the Centre of Non-Adversarial Justice at AUT as well as Kayes, Fletcher and Walker, will now travel to Auckland University in New Zealand over the forthcoming weeks to deliver a public lecture.

Entitled 'Trafficking victims compelled to commit offences: increasing the protection available in England, Wales and New Zealand', she will explore how to better protect victims.

She commented, "It is an immense honour to be awarded the title and is indicative of the strong and close working partnership between myself, Northumbria University and Auckland University of Technology Law Schools. Delivering the lecture is a fantastic opportunity for people to engage and participate in a thought-provoking area of law that is, unfortunately, very topical and relevant worldwide.

"It's an incredibly important issue that staff and law students at Northumbria have been researching for some time and the visit provides a great opportunity for us to explore real and often sensitive issues on a collaborative basis."

Dr. Wake is widely published in criminal law with special interest in mental condition defences. She holds several editorial positions and is a research mentor to academic colleagues whilst supervising PhD students.

Northumbria Law School is the largest law school in North East of England with a national and international reputation for excellence in legal education. Its courses have been ranked in the top 300 in the world, for the first time, in the QS World University Rankings 2018.



WHAT HAPPENED OVER THE SUMMER 2018



Auckland University of Technology (AUT)

The legal protections from criminal prosecution for human trafficking victims is the topic of an upcoming public lecture by Northumbria University's associate professor Dr Nicola Wake at the AUT Law School.

Entitled 'Trafficking victims compelled to commit offences: increasing the protection available in England, Wales and New Zealand', Dr Wake will explore how to better protect victims at the talk on 23 July 2018.

She says delivering the lecture is a fantastic opportunity for people to engage and participate in a thought-provoking area of law that is, unfortunately, very topical and relevant worldwide.

"It's an incredibly important issue that staff and law students at Northumbria have been researching for some time and the visit provides a great opportunity for us to explore real and often sensitive issues on a collaborative basis."

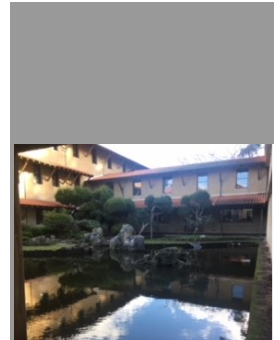
Dr Wake is widely published in criminal law with special interest in mental condition defences. She holds several editorial positions and is a research mentor to academic colleagues while supervising PhD students.

The Northumbria University associate professor is visiting AUT Law School and the Centre for Non-Adversarial Justice with assistance from the Kayes Fletcher Walker scholarship, which aims to support an annual visit by an internationally recognised academic working in the areas of criminal law and criminal justice. Kayes Fletcher Walker, a law firm based in South Auckland, is the Office of the Manukau Crown Solicitor.

"It is an immense honour to be awarded the title and is indicative of the strong and close working partnership between myself, Northumbria University and Auckland University of Technology Law Schools," says Dr Wake.

Centre co-director Professor Warren Brookbanks says the AUT Law School is privileged to be hosting the visit by Dr Wake, who is recognised as an outstanding legal academic in the UK.

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CENTRE FOR EVIDENCE & CRIMINAL JUSTICE STUDIES— MISSION STATEMENT

To undertake research of value and interest to a wide range of academic and practitioner communities within the legal systems of the UK, and other EU and common law countries.

You can find Centre for Evidence and Criminal Justice Studies at

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