



Flook House, Belvedere Road, Taunton, TA1 1BT
admin@mankind.org.uk : www.mankind.org.uk 01823 334244
Registered Charity No. 1089547 – Company Registration No. 3869893
Honorary Patrons – Lord Cotter, Ian McNicholl, John Penrose MP, Erin Pizzey and Sara Westle

The ManKind Initiative Response: Consultation on proposals to strengthen the law on domestic abuse

(1) Executive summary

- 1.1 The charity supports the recommendation that there is a specific offence of domestic abuse that sets out that coercive and controlling behaviour in an intimate relationship as a criminal offence.
- 1.2 We believe this offence will support male victims of domestic abuse by ensuring that there is a better recognition by statutory agencies and by society of both the existence and extent of this form of abuse on male victims (and their children).
- 1.3 The introduction of this offence with help to ensure that the 'believability threshold' for male victims is at the same level as it is for female victims. This is especially important as male victims are more likely to suffer from non-violent forms of partner abuse than violent forms. Yet we believe that statutory agencies all too readily focus just on any signs of physical domestic abuse symptoms when men come forward. They do not sufficiently take into account either any accompanying non-physical symptoms or if a man is suffering from just non-physical symptoms. This makes it harder for men to be believed.
- 1.4 We also believe that the law would help ensure that the threat and use of false allegations and the threat of denying parental contact is fully recognised as a controlling and coercive behaviour. This also includes recognising the continual and purposeful breach of parental contact orders as a form of domestic abuse.
- 1.5 Any criteria and guidance to police, statutory agencies, the justice system and also domestic abuse sector practitioners in the change of law has to be

unequivocal in setting out that it applies to both female and male victims, and, that all training and practitioner guidance is explicitly clear on this.

(2) About the Mankind Initiative

- 2.1 The ManKind Initiative, is a UK-wide charity based in Taunton, Somerset.
- 2.2 The charity's vision is all for male victims of domestic abuse to feel able to seek help and to escape from the situation they are in. In addition, for statutory and voluntary agencies to respond adequately to male victims of domestic abuse, and, that domestic abuse is regarded as a gender neutral crime.
- 2.3 The charity carries out this activity out by:
- (i) providing direct help and support for male victims of domestic abuse and domestic violence, primarily through running a national helpline which receives 1,500 calls per year. This provides information, signposting and information support for male victims.
 - (ii) providing information to voluntary and statutory services, and also runs a national conference and directory of services.
 - (iii) campaigning to ensure there is political and societal recognition of male victims, and be seen as equally supported as are female victims. It recently produced a viral video that has received 7.5 million views worldwide, highlighting the issue.
- 2.4 The charity firmly believes that domestic abuse should not be defined as a gendered crime – it is a crime against individuals of all genders. The gender of the victim, while important it, is secondary to the fact that legally, constitutionally and morally - domestic abuse has to be primarily viewed and treated as a crime against an individual. There should be a multi-gendered approach to providing domestic abuse solutions which is needs led and equality based. Services should be available to all victims whatever their gender or identification .This of

course could be services for women and services for men or one service for all victims.

(3) Statistics: Non-physical domestic and partner abuse

3.1 We welcome the recognition in the consultation that the Crime Survey for England and Wales (CSEW) suggests that 30% of women and 16.3% of men will experience domestic abuse during their lifetimes¹.

3.2 In our experience from running national helpline for nearly ten years, non-physical controlling and coercive domestic abuse is a more common form of domestic/partner abuse than physical violence. This is why giving full recognition to this behaviour is vital in ensuring men (and their children) receive the full support and recognition they deserve and need.

3.3 This view is supported by the fact that within the same government statistics outlined in the consultation¹, further information² shows that:

- 1.7% of men surveyed had been a victim of non-physical abuse from their partner, while 1.3% had been a victim of any force and 1% of severe force.
- The figures for female victims were 2.5%, 2.0% and 1.3% respectively.
- 56% of men who were victims of partner abuse³ had suffered from non-physical abuse while 43% had been a victim of force with 34% suffering from severe force.
- The figures for female victims were 51%, 41% and 28% respectively
- The same report⁴ also shows that only 22% of male and 38% of female victims told someone in an official position they were a domestic abuse victim, with only 10% and 27% respectively telling the police.

1 Office for National Statistics (2013). Focus on violent crime and sexual offences 2012/13 – Chapter 4: Intimate Personal Violence and Partner Abuse. Retrieved from: http://www.ons.gov.uk/ons/dcp171776_352362.pdf

2. *ibid*: Appendix table 4.04: Prevalence of intimate violence in the last year among men and women, by category, 2004/05 to 2012/13 CSEW

- 3 ibid: Appendix table 4.11: Type of abuse suffered by last year partner abuse victims, by sex and type of abuse 2012/13 CSEW
- 4 ibid: Appendix table 4.22: Who victim had told personally about the partner abuse experienced in the last 12 months, by sex, 2012/13 CSEW
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(4) Q1: Does the current law adequately provide sufficient protection to victims of domestic abuse?

- 4.1 We believe that the current law does not provide adequate protection to victims of domestic abuse who are victims of controlling and coercive behaviour. In the context of the work that the charity undertakes it does not offer sufficient protection to male victims, as well as recognising it does not either for female victims.
- 4.2 We recommend that there is a specific offence of domestic abuse that sets out that coercive and controlling behaviour in an intimate relationship is criminal.
- 4.3 The reason we believe that the law does not provide adequate protection is because of the continuing lack of recognition by statutory authorities and society of the non-physical aspects of domestic abuse against male victims.
- 4.4 We recognise and accept that this lack of recognition applies to victims of all genders. However because of the deeper lack of recognition and support for male victims within statutory authorities and society, we feel the lack of recognition of psychological, coercive and controlling behaviour is a particularly acute problem facing male victims.
- 4.5 Putting aside physical violence which can be ‘seen’, when non-physical aspects of domestic abuse are assessed by statutory authorities, our view and experience from the 1,500 calls we receive to our helpline every year is that male victims have to attain a higher ‘believability threshold’ than female victims with regard to ‘non-physical’ domestic abuse.
- 4.6 While both the stalking and harassment legislation should be enough in theory in terms of available laws, because of their lack of practical recognition and practical application with regard to non-physical controlling domestic abuse we believe the law must be strengthened.

- 4.7 Introducing this law will therefore help to ensure that the ‘believability threshold’ for men is the same as it is for female victims.
- 4.8 There are three areas where the current law does not provide adequate support to male victims which we believe that by making controlling and coercive behaviour a criminal offence will help to remedy.
- 4.9 These three (answered fully in the next answer) non-physical controlling and coercive aspects of domestic abuse are disproportionately experienced by male victims and that currently the law does not adequately support or recognise these aspects sufficiently. These are:
- The use and threatened use of false allegations
 - The threatened use of denying parental contact with children
 - The actual use of withholding parental contact despite contact orders being issued and agreed in the Family Law Courts
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(5) Q2: In what ways could the law be strengthened?

- 5.1 As set out in the previous question, the law needs to be strengthened to include controlling and coercive behaviour as proposed by the Home Office.
- 5.2 This will ensure remedies to the three areas that affect male victims disproportionately to female victims, albeit we fully recognise that some female victims will also be affected. These areas are based on the experiences of the male victims who have contacted the charity via the helpline.
- 5.3 The use and threatened use of false allegations as controlling behaviour**
- 5.3.1 A specific type of controlling behaviour that male victims experience helpline is that their female partner has been able to control them and prevent them from leaving because she has threatened them (and in some cases brought this to bear) with the fact that:
- if the man leaves the relationship (and with any children), the female perpetrator will contact one or a combination of the police, local authority, friends, family and work colleagues to state that the male partner is actually the perpetrator and she is the victim.

- if the man leaves the relationship and there are children within the relationship, the female perpetrator will contact one or a combination of the police, local authority, friends, family and work colleagues to state that the male partner is actually being physically and/or sexually abusive towards the children.

5.3.2 As the focus of public policy, national and local awareness campaigns, and, the training of professionals has been very female-victim focussed for a number of decades (albeit matters are improving), this is a threat that a male victim will believe to be a real threat. The female perpetrator will also use this as a real and live 'asset' in her controlling behaviour.

Case Study (anonymous due to confidentiality)

Two years ago, a keen sportsman, called the helpline to say that his former female partner who he had lived with had threatened that if he left the relationship she would tell local sports clubs to ensure "he was not left alone with any children" who were also at the sports club. When he did eventually leave, she did indeed contact a range of sports clubs despite the allegation being without foundation

5.4 The threatened use of denying parental contact as controlling behaviour

5.4.1 Another specific type of controlling behaviour that some male victims experience is that their female partner has been able to control them and prevent them from leaving because she has threatened them with the fact that if he left the relationship he would be prevented from having any future contact with his children again.

5.4.2 In effect, the children are being used by the female perpetrator as 'assets' in her controlling and coercive behaviour of her partner.

5.4.3 The reputation of the family court system, and the public profile/experience of many fathers who against their and the family law court's wishes have not been able to maintain contact with their children post-separation, this is a threat that a male victim will believe to be a real and credible threat. This acts as further fuel to the controlling behaviour of the perpetrator.

5.5 The actual use of withholding parental contact as a controlling behaviour when in breach of contact orders

5.5.1 The charity believes that where a family court has issued a contact order that provides for a parent (normally a father) to have prescribed contact periods with his children and that there is a clear pattern where the contact order is deliberately broken and repeatedly so, this should be classed and recognised as a 'controlling and coercive behaviour'. It should therefore be deemed as domestic abuse. This is because it 'regulates the everyday behaviour of the victim' and also 'punishes the victim'. As the Home Office domestic abuse definition includes partners who have been in an intimate relationship, we believe this will apply.

5.5.2 The effect of repeatedly breaching contact orders is that it forms a pattern of control and coercion by the perpetrator (the person with custody of the children) and the victim (non-custodial parent). At one level, this includes the continual and purposeful disruption of the life of the non-custodial parent. This ranges from the continual last minute cancellation of agreed appointments (agreed by the Family Law court) for child contact, to the constant need and cost of going back to the Family Law court to enforce already agreed contact orders. This controlling and coercive behaviour will also have a negative effect on the children and the relationship they have with the non-custodial parent.

5.5.3 We therefore recommend that the purposeful regular and continual breach of contact orders without sufficient reason is a clearly defined class of controlling and coercive behaviour within the remit of the proposed changes to domestic abuse law. This would have the effect of the turning this pattern and type of domestic abuse into a criminal act.

Case Study (anonymous due to confidentiality)

A man who had been suffering from physical and emotional abuse left his partner because she was consistently having affairs with other men. He initially had residence of the two young children because of concerns raised to social services about her behaviour towards the children which they accepted. Social services arranged for parenting courses for her and despite his parenting skills not being in question at that time, it was arranged that residence would be returned to the mother. She then started denying contact, the social worker would no longer return his calls and she alleged, with no evidence and without making any statement to the police, that he had been abusing the children. So she declared she was not going to

comply with the residence agreements. At last contact with the helpline two years ago, the father had spent over £15,000 in legal costs trying to overturn these decisions and to have contact with his children on the basis of what had been agreed previously.

(6) Q3: How would any changes you suggest be implemented?

6.1 The changes we have suggested should be implemented through a number of approaches:

- Ensuring there was clear and concise criteria and guidance on what is a coercive and controlling behaviour
- This criteria and guidance to police, statutory agencies, the justice system and also domestic abuse sector practitioners has to be unequivocal in setting out that it applies to both female and male victims, and, that all training and practitioner guidance is explicitly clear on this.
- All publicity on any new law changes and subsequent guidance has to make it clear that it applies to both female and male victims and where case studies are used, these should include examples of how it has affected a male victim. This will ensure male victims are part of the public story on these changes.
- The threat and use of false allegations and the threat of denying parental contact is fully recognised as a controlling and coercive behaviour
- Continual and purposeful breach of parental contact orders is recognised as domestic abuse

(7) Q4: Does the current law sufficiently capture the Government's non-statutory definition of domestic abuse?

7.1 The current law does not sufficiently capture the non-statutory definition due to the lack of application and enforcement of stalking and harassment legislation in intimate relationships.