

**Written Evidence submitted by Dr Elizabeth A. Bates CPsychol CSci AFBPsS
SFHEA**

Senior Lecturer in Psychology at the University of Cumbria

Executive Summary: Home Office/Ministry of Justice

Draft Domestic Abuse Bill

- 1) I am a Senior Lecturer in Psychology at the University of Cumbria. I have been actively researching in the area of domestic abuse for the last 11 years, my doctoral work focused on exploring the prevalence of men's and women's domestic abuse and focusing on how it related to personality and psychopathology. Since then, I have specialised in working with male victims of female-perpetrated domestic abuse, and have several papers and conference presentations available to read¹. I am also a trustee of the ManKind Initiative, albeit this submission is solely based on my academic research and study is not a submission on their behalf.
- 2) In my most recent work I have explored men's experience of domestic abuse, their post-separation ongoing abuse, as well as the barriers they face in help-seeking. This has provided evidence of the serious physical, verbal, psychological and emotional abuse that men can experience in relationships. Whilst the literature suggests fewer men overall are injured compared to women, many individual men are injured as severely as women – including losing their life. Overall as a gender, they still experience significant physical and mental health outcomes, and these are often exacerbated by not being able to access the same resources and support that are available to women.
- 3) My submission to the Committee in response to the draft Domestic Abuse Bill will reference the findings of my research and comment on how public policy has an impact on male victims of domestic abuse – this is work that has already been cited in the consultation document itself. I will argue that whilst it is positive that the domestic abuse definition is gender inclusive, there is a need to ensure domestic abuse policy and practice in the UK is inclusive to all genders and sexualities, ensuring there is then equitable support, based on risk and need, available for women, men and people within LGBTQ+ populations. Domestic abuse affects relationships regardless of gender or sexuality, I strongly believe the evidence supports that it is not a gendered crime.

¹ Please find a list of my available work [here](#)

Definitions and Strategies abuse

- 4) I am fully in support of the gender-neutral definition of domestic abuse used in the draft Domestic Abuse bill. I was pleased to see that the definition is purposefully not limited to women and girls, and includes both single incidents and patterns of behaviour. I am also fully supportive of the gender-neutral title of the bill. This is so important in ensuring the proposed Bill works for all victim groups including women, men, those in same-sex relationships, and those who identify as transgender or in a non-binary way. Equality of protection and provision is essential to ensuring domestic abuse is reduced for all those it impacts.

This definition now captures a lot of the complexity of the nature of abuse within relationships, and I support the broader term of economic abuse being considered. However, there is a need to recognise that in some relationships, people can be both perpetrators and victims. According to evidence within the academic literature base, almost half of domestically abusive incidents involve bidirectional (or mutual) abuse, this pattern points to a need to include this behaviour when considering interventions and prevention strategies.

I was pleased to see the acknowledgement that domestic abuse is a complex issue (see p5 of document), it is something that can occur in relationships regardless of gender, sexuality, culture, socioeconomic status, as well as an array of other factors. The complexity of behaviour is captured within the definition but the nature of it is not when framed under the Violence Against Women and Girls (VAWG) strategy.

- 5) The use of a gender-neutral definition is an important step in highlighting that women, men and people within the LGBTQ+ community can be victims and perpetrators of domestic abuse. However, there are significant issues with keeping all domestic abuse within the VAWG Strategy. Defining domestic abuse as a gendered crime means: "gender-based violence against women shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately" (European Institute for Gender Equality, 2018). Not only does this disregard the 713,000 men who were recorded as victims of domestic abuse in the 2017 ONS report, but it suggests gender is the reason that women are victims. Whilst gender is an important factor, their gender is not the reason women are victims within relationships, in fact the nature of intimate relationship means a high level of dependency which increase the risk of conflict, and so increases the risk of abuse. Women (and men, as well as others who do not identify in this way) become victims because they are partners/spouses not because they are women.
- 6) I feel strongly that domestic abuse must not be defined in its nature as a gendered crime. The decision to frame it in this way within the consultation document: "...domestic abuse is disproportionately gendered and have framed our consultation to recognise this" fails to acknowledge a wealth of evidence that not only contradicts this, but also marginalises men, women in same-sex relationships, and other groups on the gender and sexuality spectrums, such as people who identify as non-binary or queer.
- 7) A further issue in framing domestic abuse in this way is in presenting the causes of domestic abuse as being around gender inequality and male privilege. Whilst

there is some domestic abuse that is linked to men's attitudes towards women, gender roles, and gender equality, the majority of men's and women's violence is much more complex than this. The evidence based suggest that the overlap in risk factors and predictors of men's and women's violence is significant, and indeed motives that drive domestic abuse are similar to those of other types of violence (Felson & Lane, 2010). Research by Felson and Messner (1998) found that men and women who murder their partners were equally likely to have violent criminal records as men and women who kill in other circumstances. Furthermore, Medeiros and Straus (2006) found for severe acts of domestic abuse there were nine out of 12 risk factors that were the same for men and women including jealousy, communication problems and sexual abuse history. More recently the impact of adverse childhood experiences and early childhood trauma has been found to have significant explanatory power on later adult domestic abuse perpetration.

- 8) This gendered approach serves to minimise the experiences of both men and people in same-sex relationships, as well as those who identify as transgender or in a non-binary way. These groups continue to be marginalised within mainstream policy and services which has a detrimental impact on their recovery from abuse. It creates a narrative that means some women are able to use the system as part of their abuse. Research in both the US (e.g., see the work of Denise Hines) and the UK (including my own published papers) demonstrate that women have been seen to manipulate legal and administrative systems (e.g., police, family courts) through making false allegations, withholding parental contact, and parental alienation. Prof Hines said *"...in addition, male victims have unique experiences in that their female abusers are able to use a system that is designed to aide female victims of domestic violence. Thus, some female perpetrators of IPV [Intimate Partner Violence] manipulate their husbands because they know that the system is designed without the abused male's experiences in mind, and that more often than not people will not believe or take seriously these men's victimisation."* This specific type of abuse was also found within my research, one participant said *"she once injured her hand... she punched me in the face too hard...and then the doctor offered for her to press charges against me, and she made sure that I knew about that when we got in the car. She said that the doctor has gave her his card, and that anytime that she wants all she has to do is call this doctor and the doctor will help her press charges against me for assault...and she used that as a threat all the time, she said 'all I have to do is call the doctor'."*
- 9) This is also critical when we consider the impact of domestic abuse on children (P16). There has been research more recently that challenges the construction of children as "passive" witnesses and suggests instead their experiences of growing up in an abusive home can have adverse outcomes in later life. So rather than witness the abuse, they are often actively victims and part of the violent family dynamic. The language used around domestic abuse is important to ensure all victim groups feel they fall within that definition and policy. Gender neutral definitions that are embedded within a gendered policy and strategy, often means men, and women in same-sex relationships do not feel they "fit" in service provision.
- 10) I fully support the VAWG strategy, and the work this has done to help women escape from many kinds of abuse. However, I feel there should be a parallel strategy for ending abuse against men and boys, rather than having male victims

fit within the current VAWG strategy. This would allow a strategy that was focused on addressing the needs and gender specific issues of the 700K+ which represents over a third of all victims of domestic abuse.

- 11) On P53 of the draft bill document, there is a reference to the decision not to expand the coercive control law (Section 76 of the Serious Crime Act 2015). I wish to contest this for a number of reasons. Firstly, the definition of domestic abuse and penalties that are considered include ex-partners and this is covered by physical violence by an ex-partner.
- 12) Secondly, the guidance on these laws suggest "where there is an ongoing relationship then the offence of controlling or coercive behaviour should be considered". After the intimate element of the relationship has ended, there is often still an ongoing relationship (e.g., through divorce) that requires contact, this is especially true for parents when there is a need to be in touch to negotiate contact arrangements and their children's welfare. It is this ongoing relationship that is often manipulated by an ex-partner. For example, through false allegations, one man in my most recent study had experienced this on multiple occasions: *"Post separation, I have been visited 3 times by the Police due to false allegations from my ex-wife. In all 3 occasions, the police have assumed that the stories mentioned by my ex-wife have been true which they weren't...I was surprised how each time I was assumed to be guilty simply because I am a man and the complainant was a woman"*
- 13) Thirdly, whilst there is a suggestion that the stalking and harassment legislation covers the use of this type of behaviour by an ex-partner, it does not actually capture some of the behaviour. For example, the use of false allegations (e.g., of rape, domestic abuse, child abuse), withholding of child contact, and manipulation of the parental relationship, also known as parental alienation. All these tactics are methods that have been seen to be used as a tool of control and manipulation by both men and women after the end of a relationship. These behaviours are not captured under the current stalking and harassment legislation and so there is a need to widen the remit of the current Coercive Control law. Parental alienation involves one parent turning their child against the other (usually non-resident) parent through a wide array of tactics including "brainwashing" the child, use of false allegations to prevent contact with the child, and manipulating the family court system. The impact on the relationship with the parent is significant; one man in my research said: *"I haven't seen her [daughter] for three years"*, whilst another said, *"shortly after that we actually separated then things changed really dramatically and if they had been bad over the last few months then it became horrible really and then the children were in the middle of it...I haven't seen my eldest child and the middle one I've not seen him now for 8 months"*.

Training and challenging attitudes

- 14) I fully support the need for training that recognises group specific differences (p10), especially around health services and the police to help recognise domestic abuse. My work with male victims has revealed that they experience significant barriers in asking for help and support, and to reporting their abusive experiences. Whilst women also experience barriers, there are thought to be some that are unique to men; for example, personal barriers (e.g., related to the male gender role and need to be self-reliant), social barriers (e.g., feeling they

would not be believed), and structural barriers (e.g., not being aware of where they can get help and support). Training that helps services recognise these issues will inevitably help these men and ensure service response is always appropriate. For some of the male victims I've worked with in my research, one of the barriers they have to help-seeking has been the response of services, for example: *"I reported her to the Police on one occasion and was asked what I had done to deserve the beating, I told them I had done nothing at all, to which they told me that was unlikely and it was probably something I had done or said"*.

- 15) I would like to recommend this training encompass ways to encourage practitioners to ask men more directly when they have concerns about possible domestic abuse. These are questions that are already asked within women's services. My work with men who have experienced domestic abuse revealed that in many cases they only disclosed their experiences once someone had asked this question directly. For many men, the barriers they face in disclosing are significant and so the importance of asking directly when there are suspicions of abuse could be the difference between these men disclosing their experience or not. The responses men receive in this moment will dictate their decision to pursue reporting or formal help-seeking.
- 16) I fully support the statement regarding challenging the social attitudes that allow domestic abuse to occur (p14 of the Government's consultation response). There is a need to tackle any attitudes that endorse any sort of domestic abuse. There is a wealth of research that demonstrates that violence against women is condemned and judged far more harshly than any other gender or sexuality perpetrator/victim combinations. I would recommend ensuring that within these education programmes in schools are gender inclusive; that is, they work with all children to ensure they recognise all family violence is unacceptable. By focusing overwhelmingly on violence against women and girls, it runs the risk of minimising women's violence or men's victimisation, and abuse that occurs within LGBTQ+ groups.
- 17) Whilst I endorse and support tackling harmful attitudes towards women and girls, and those around domestic abuse, I think it is damaging to conflate to two. Suggestions that these harmful attitudes and gender inequality are the cause of domestic abuse are not supported by rigorous, scientific evidence, and indeed are not related to men's experiences or those of people within the LGBTQ+ community. Perpetuating that these attitudes are the cause of domestic abuse is harmful in itself to women and girls because they mask the issue and prevent men's rehabilitation being addressed with interventions that are trauma based, and matched to risk and need.

Support, provision, and refuges

- 18) I strongly support the recommendations (P21+) for providing more support and refuge space. However, there is a need to ensure this provision is available for men escaping both opposite- and same-sex relationships. There are only currently 27 organisations that offer refuge for male victims. Of the 105 spaces this equates to, only 31 are available for men only. For many men who seek refuge, this would often mean travelling significant distances, as in some parts of the country (e.g. London), there is no provision at all. There is a perception that men do not need refuge, and would not take it if offered, in my experience this is not the case; but for some men even if the space is available it would possibly

mean moving too far away from both their children and their current employment.

- 19) I full support the assertion that "Domestic abuse affects a wide and disparate group and a 'one size fits all' approach is not appropriate to support all victims" but I would recommend that men are added into the list of those with more specialist needs. Men's experiences overlap with women's in terms of physical and emotional/psychological abuse, but there are gender specific experiences that need to be recognised. The lack of widespread awareness and understanding of men's experiences leaves them vulnerable to not being treated fairly within service provision.
- 20) For some of the men in my research, their attempts to seek help from victims' services were met with disbelief, and a reluctance to take them seriously. For example one man within my research said *"I was transferred to a bigger hospital after my first week of stabbing recovery. Straight back into the ICU. A young doctor asked me as they wheeled me in "So tell me, did you deserve it or is she just a crazy bitch?"* Men also face similar barriers to help-seeking that we see within the research working with women, including being victims of control, fear for their children, and being fearful of the consequences. People who are trained to try and see signs of abuse (e.g. doctors, social workers) need to be aware that it can happen to anyone and that there are many similarities in women's and men's experiences, as well as some gender specific differences.

Working with perpetrators and offenders

- 21) I do not support the suggestion of using polygraph testing as a license condition following a domestic abuse offender's release from custody. The use of polygraphs is widely criticised, including by professional bodies such as the American Psychological Association. The dubious nature of its reliability renders this technique an extremely risky one to use, and not one that is used more widely within the Criminal Justice System for this reason.
- 22) Similar to point 13 above, training for people working with children needs to be inclusive. Research demonstrates that there is a significant impact on children regardless of the gender of the perpetrator and victim. Interventions that are embedded within evidence based practice are likely to reduce domestic abuse, and therefore reduce the later life outcomes associated for children who are witness to it (e.g. children who grow up in violent homes have an increased risk of later alcohol and substance abuse problems, as well as abuse in later adult relationships).
- 23) Similarly, I strongly support the more widespread use of the Domestic Abuse Disclosure Scheme. Ensuring more people are aware of how it can be used and accessed is important, but as with many points above it is critical this is done in an inclusive way so that awareness is raised for all victim groups. I would recommend moving away from using the other name of the scheme - "Clare's Law", because it means many men (within opposite- and same-sex relationships) are unlikely to think it applies to them. Within policy and awareness raising, there is a need to explicitly make it clear that services are available for men, women and the LGBTQ+ community.

24) I have concerns about any proposed domestic abuse register for two reasons. Firstly, the prevalence of bidirectional abuse would complicate the efficacy of such a register. Secondly, the prevalence within men's accounts of their abuse and post-separation experience around false allegations would risk this becoming an issue that could further victimise male victims of domestic abuse who disproportionately experience legal and administrative aggression due to gendered stereotypes that exist in service provision. For example, one man in my most recent study said he has experienced: *"False allegations, harassment, threats of further false allegations including allegations of sexual assault...I have subsequently learned that I was not the only individual she had done this to...filing for restraining orders and filing false accusations against exes"*

25) Whilst I do endorse the restriction of the use of cross-examination of victims by perpetrators of domestic abuse within court systems, I wish to raise a caution. For many of those within the family court system who are unable to afford legal representation, and so represent themselves they are then restricted from questions to their ex-partner. This on the whole would be a protective action for those who have been abused but it creates a significant issue around false allegations. For many men in my own research who experience false allegations, this would prevent them being able to defend themselves appropriately within this system. I believe there needs to be safeguards put in place that would mitigate this blanket restriction to ensure there is equal justice and "Equality of Arms".

Dr Elizabeth A. Bates CPsychol CSci AFBPsS SFHEA

26th April, 2019