

The ManKind Initiative

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Registered Charity No. 1089547 – Company Registration No. 3869893
Honorary Patrons – Lord Cotter, John Penrose MP, Ann Goodchild, Paul Chivers and Sara Westle

Submission to the Joint Committee on the Draft Domestic Abuse Bill

(A) Executive Summary

Areas of Support

1. We fully support the retention of the name of the Domestic Abuse Bill/Act and the proposed Domestic Abuse Commissioner. We are opposed to any changes to the names of both as that will have a negative impact on male victims of domestic abuse and their children. There should also be no changes in the preamble of the Bill that is not fully inclusive of all victims of domestic abuse. This will ensure that female and male victims are equally recognised.
2. We fully support the Government in ensuring that the definition of domestic abuse and the related statutory guidance is fully gender inclusive/neutral (it clearly applies to both women and men). Thereby ensuring there is full alignment with both the reality of domestic abuse in the UK and a 21st century modern, inclusive and diverse country. This will reflect human rights-based and non-ideological view of domestic abuse.
3. We support the Government's intention of taking a more proactive and focussed stance on domestic abuse and a number of the measures within the proposed Bill. These measures include:
 - placing the definition of domestic abuse on a statutory footing
 - the proposed inclusion of Economic Abuse in the new legal definition of domestic abuse
 - the creation of a Domestic Abuse Commissioner
 - the need to ensure there is "Equality of Arms" in family courts where domestic abuse accusations are a feature
 - the commitment and funding to support male victims of domestic abuse
4. We believe that current local and national commissioning for domestic abuse services is gender inclusive – ensuring there is support for both female and

male victims within their community. Any move away from an inclusive approach (where an overarching local service is commissioned to support both female and male victims – albeit they can support them in different ways) will be a retrograde step for male victims.

Areas for Change

5. We believe that domestic abuse is not a gendered crime which is the Government position. It is a crime that affects both women and men including those in same –sex relationships are and that they can be both victims and perpetrators of domestic abuse. This is clearly and consistently seen in the Office for National Statistics reports. We have a concern on how the belief that domestic abuse is a gendered crime will be translated into actual statutory or policy guidance.
6. We believe that Parental Alienation should also be included in the proposed statutory definition of domestic abuse as it is clearly a form of coercive and controlling behaviour.
7. We also believe that deliberate, wilful and continual breaches of Child Arrangement Orders should also be classed as coercive and controlling behaviour. This can often also lead to economic abuse.
8. We believe that the current legislation on coercive and controlling behaviour for England and Wales should be aligned with the new legislation in Scotland (Domestic Abuse (Scotland) Act 2018) on coercive and controlling behaviour.
9. While we support the Government's recent announcement (March 2019) on better supporting male victims of domestic abuse we continue to be disappointed that the Government continues to place all victims of domestic abuse under their Ending Violence Against Women and Girls Strategy which includes male victims. We support, as does the Victims Commissioner, Baroness Newlove, the need for a parallel intimate violence strategy for men and boys.
10. If the UK is to ensure that it has a modern, inclusive and equality based approach to domestic abuse based on the individual need and risk, we would want to ensure that:
 - the appointed **domestic abuse commissioner** has an inclusive, multi-dimensional and equality based view of domestic abuse.

- guidance on **Relationships and Sex Education in secondary schools is inclusive** ensuring equal recognition and focus is given to male and LGBTQ+ victims as well as heterosexual female victims.
 - **the national narrative, culture and conversation** on domestic abuse is more inclusive to encompass male and LGBTQ+ victims, including more awareness campaigns.
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(B) Background

About the ManKind Initiative

11. The ManKind Initiative is the first British charity to support male victims of domestic abuse and we are the main charity in the UK solely dedicated to male victims. Since 2001, we have been at the forefront of providing services, support and campaigning for male victims ensuring that they (and their children) receive the support and recognition they need. Statistics on male victims of domestic abuse can be found in Annex A.
 12. Our aim is to ensure all male victims of domestic abuse are supported to enable them to escape from the situation they are in. We are gender inclusive in our approach so whilst we are a service provider for men, we want all female victims (and their children) to escape too so do not want services or funding switched from female to male victims. We do not believe domestic abuse support and recognition for victims should be based on a “competition” between the genders.
 13. Our core services include a national helpline which receives 1,800 calls per year (25% of calls are from family members, friends and work colleagues – often women), a popular website, a training programme and a national conference. We are delivering Home Office funded training for police forces and HM Treasury funded support to the Armed Forces.
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(C) Areas of Support

14. As set out in the Executive Summary we fully support the retention of the name of the Domestic Abuse Bill/Act and the proposed Domestic Abuse Commissioner. We are opposed to any changes to the names of both as that will have a negative impact on male victims of domestic abuse and their children. There should also be no changes in the preamble of the Bill that are not fully inclusive of all victims of domestic abuse.

15. We fully support the Government in ensuring that the statutory definition of domestic abuse is fully gender inclusive/neutral. Thereby ensuring there is full alignment with both the reality of domestic abuse in the UK and a 21st century modern, inclusive and diverse country. This will reflect human rights-based and non-ideological view of domestic abuse.
16. We support the 'gender-neutral/inclusive' nature of the definition which will ensure that the legislation, its application and guidance remains in line with the "British Constitution" and the democratic/legal framework of this country with regard to a crime that can and does affect all genders.
17. This will ensure the individual and their need/risk remain is the primary factor in the field of domestic abuse and in the support for domestic abuse victims. To place a specific gender in the name, definition and preamble will create a victim hierarchy not based on the individual and their specific level of need or risk (including that of any children they have) but on their gender. This is not in keeping with equality-based, diverse or inclusive policy making or law.
18. If one gender only was placed in the name, definition and preamble of a Bill/Act, it would lead to:
 - The continuing minimisation and disrespect of the lived experience of male victims of these crimes, contributing to their vulnerability;
 - Reporting rates for male victims of these crimes continuing to be far too low, which then has an impact on service provision and funding. It is our judgment that the any non-inclusive definition of domestic abuse will act as a disincentive and barrier to reporting;
 - Male victims of these crimes continuing to be more invisible than they should be to society at large;
 - The hampering of the creation of nuanced and gender responsive statutory services for male victims and understanding at a national, regional and local level, and,
 - The continuation of under provision of resources and funding through national, regional and local bodies for male victims.
19. To include in any statutory definition anything other than a gender-inclusive/neutral definition could lead to the risk of breaches of the Equalities Act 2010, Human Rights Act 1998 and also leave the statutory sector open to breaches in the Care Act 2014 and Housing Act 1996 in how they apply any non-gender inclusive definition.

20. The Government has made great strides in the need to recognise male victims of domestic abuse and the specific barriers they face, including their lack of recognition. This included its Male Victims statement issued in March 2019. To then introduce one particular gender into the name, preamble and definition of this Bill would completely negate those statements and the great inclusive strides that have been made.

Economic Abuse

21. We agree with the expansion of the definition to include economic abuse in the legislation. Economic abuse is part of the ‘dangerous cocktail’ of domestic abuse crimes that affect victims and is one that has fallen in-between different parts of legislation so it is welcome that it is included and has not been overlooked.
22. It is important to ensure that all statutory guidance, training and communications are gender inclusive as economic abuse affects male victims as well as female victims. One in seven men (and one in five women) have experienced financial abuse from a partner or ex-partner (Co-op/Refuge Money Matters report published in 2015)¹ – forming 40% of all victims. Failure to take an inclusive approach will mean that economic abuse will wrongly be seen as a crime only affecting heterosexual women – not all women and men.

(D) Areas for Change

Domestic abuse is not a gendered crime

23. Whilst we agree with the Statutory Guidance in principle and the need for an inclusive approach, we have concerns that the eventual guidance will not be inclusive. Thereby this will not ensure equal recognition and support for domestic abuse victims (especially heterosexual males and LGBTQ+ victims), based on individual need and risk. This concern is borne from an overarching Government policy architecture and framework narrative of this statement which features in its response to its consultation:

“The government has always recognised domestic abuse as a gendered crime”

¹ Money Matters: Written for The Co-operative Bank and Refuge by Nicola Sharp-Jeffs. <https://www.refuge.org.uk/files/Money-Matters.pdf>

24. We believe that domestic abuse is not a gendered crime. That is an ideological position and not one based on equality, inclusivity or diversity. Both women and men including those in same-sex relationships are and can be both victims and perpetrators of domestic abuse. This is clearly and consistently seen in the Office for National Statistics reports. No other crime in the UK is viewed as a gendered crime and in fact the recent Stalking Protection Act 2019 was not defined as a gendered (civil) crime even though the gender ratios are the same as they are for domestic abuse.
25. The effects of classing domestic abuse as a gendered crime are set out in paragraph 18 above.

Parental Alienation

26. We strongly believe that parental alienation should also be included in the statutory definition of domestic abuse.
27. This is not covered by the legislation on controlling and coercive Behaviour (Section 76 of the Serious Crime Act 2015) as this is based on intimate partners who live together (which is in itself non-aligned with the Government's domestic abuse definition which covers current and ex-partners).
28. The Government (page 53 of its Consultation response) stated:
- “We have also looked at the feasibility of extending the offence [controlling and coercive behaviour] so that it covers abuse perpetrated by an ex-partner who no longer lives with the victim. We have concluded that this behaviour is already captured under existing stalking and harassment legislation.”*
29. However, existing stalking and harassment legislation does not cover Parental Alienation so this issue is not resolved. It means that this clear example of controlling behaviour will continue to not be recognised as a prosecutable crime even though conceptually it complies with the wording and meaning of the statutory definition.
30. Parental Alienation is growing substantially in recognition throughout the justice and legal sector with Children and Family Court Advisory and Support Service (Cafcass) reporting that it is a feature of approximately 11%-15% of divorces involving children². In addition, Cafcass reports that parental alienation plays a part in approximately 80% of the most difficult divorce cases seen by the court.

² The Guardian 17 November 2017 (<https://www.theguardian.com/society/2017/nov/17/parental-alienation-divorce-custody-crackdown-cafcass>)

31. Parental Alienation has an impact on the alienated parent (ex-partner) that is clearly aimed at causing psychological, emotional and financial abuse against them. It is also clearly controlling and coercive behaviour and would fit under the government definition of domestic abuse setting aside the 'living together' clause in Section 76 of the Serious Crime Act 2015.
32. In conclusion, Parental Alienation would fit squarely with the government's proposed statutory definition of domestic abuse and should be included as such.

Alignment with Scotland on Coercive and Controlling behaviour

33. We believe that the current legislation on coercive and controlling behaviour for England and Wales should be aligned with the new legislation in Scotland Domestic Abuse (Scotland) Act 2018) on coercive and controlling behaviour. The former is only defined as a crime under the Serious Crime Act 2015 when the two partners (or ex-partners) are living in the same property. The Scottish law (introduced in April 2019) is broader and covers partners (or ex-partners) who are either living in the same property or are not.
34. It strikes us as odd that the UK Government states that existing (see paragraph 33 above) coercive and controlling behaviour legislation covers (ex) partners who no longer live together by an attempted segue to other laws, when the Scottish Government decided to make it far clearer. We believe the law for England and Wales should be aligned with that in Scotland so there is no doubt.

Breaches of Child Arrangement Orders

35. This would also support prosecution for parental alienation but also make it easier to define the deliberate, wilful and continual breaches of Child Arrangement Orders as a criminal act under domestic abuse legislation. This is an act of coercive and controlling behaviour by controlling and withholding child contact even under the orders are defined by the Family Courts. This also often acts as a form of economic abuse as the non-resident parent has to keep going back to court to ensure orders are enforced and therefore are likely to bear additional legal costs.

The introduction of an "Ending Intimate Violence Against Men and Boys" Strategy

36. We were very pleased that the Government issued a Male Victims statement in March 2019 which recognised its commitment to

supporting male victims of domestic abuse and a range of other related crimes such as sexual abuse/violence and forced marriage.

37. However, whilst we agree with the principle of the Ending Violence Against Women and Girls Strategy, we cannot agree with that it also continues to encompass male victims of VAWG crimes – including domestic abuse, sexual abuse/violence, stalking, forced marriage and honour-based crime. It is an illogical policy contortion to define and classify male victims of these crimes as victims of VAWG crimes.
38. The charity has set out its position, alongside a number of other charities (in the sexual violence/abuse field) directly with officials and ministers that it is time now for the government to take an inclusive, equality and needs-based approach which means creating a parallel “Ending Intimate Violence Against Men and Boys Strategy”. This position was also supported by the Victims Commissioner, Baroness Newlove, in her submission to the Government Consultation on the Bill.
39. The introduction of a parallel strategy and separate classification and categorisation would provide a pathway towards resolving many of these issues which have such a negative impact on the wellbeing of vulnerable men and boys in our society. This includes a lack of service provision, societal recognition and an improved response from statutory authorities.
40. An example of how this policy contortion works in practice is the fact that those men who came forward in 2016 and 2017 to say they were victims of sexual assault as young footballers are classified and codified by the Government as victims of VAWG crimes. Whenever this is stated in public including through training professionals in the statutory sector (police, local authority and health) – it is met with incredulity.

Commissioning Policy

41. We believe that current local and national commissioning for domestic abuse services is gender inclusive – ensuring there is support for both female and male victims within their community. Any move away from an inclusive approach (where an overarching local service is commissioned to support both female and male victims – albeit they can support them in different ways) will be a retrograde step for male victims meaning a diminution of access and support from professionally led (Independent Domestic Violence Adviser – led) services.
42. Any change in commissioning strategy which places the sole or overwhelming focus on female victims will lead to an increased vulnerability for male victims

and their children. We expect and support commissioners to take an equitable and proportionate response in the overall resourcing for female and male victims within their communities - ensuring all victims receive support based on their individual risk and need.

Ensuring a gender-inclusive narrative and training for statutory services and in Relationships and Sex Education

43. The Government can continue to do more to change the societal narrative, culture and conversation on domestic abuse – to make clear that it is a crime that happens to everyone - including men and LGBTQ+ victims.
44. We remain concerned about the responses from too many professionals in the health sector, social services and housing who do not recognise or respond to male victims of domestic abuse as well as they always should.
45. It is also vital that guidance on relationships and Sex Education in secondary schools is inclusive ensuring equal recognition and focus is given to male and LGBTQ+ victims as well as heterosexual female victims. This in keeping with an inclusive, modern and diverse country.

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24th April 2019
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Appendix A: Core Statistics on Male Victims of Domestic Abuse

- 4.2% of men and 7.9% of women stated that they have experienced domestic abuse in 2017/18, equivalent to an estimated 695,000 male victims and 1.316 million female victims. In 17/18, 2.4% of men (equivalent to 404,000) and 5.6% of women (equivalent to 936,000) experienced partner abuse (non-sexual). For every three victims of partner/domestic abuse, two will be female and one will be male³.
- Nearly half of male victims fail to tell anyone they are a victim of domestic (only 51% tell anyone). They are nearly three times less likely to tell anyone than a female victim (49% as opposed to 19%). This has worsened since 2015/16 where the figures were 61% for men (88% women)⁴.
- There are 270 organisations providing services to male victims in March 2019. In 2012, the figure was 70. The vast majority of these services are provided by organisations providing services for women and men . 30 organisations offer refuge

³ ONS domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2018 (<https://bit.ly/2FY8UYc> - Table 1)

⁴ ONS domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2018 (<https://bit.ly/2FY8UYc>) – Table 24

or safe house provision for male victims in the UK - a total of 150 spaces.34 spaces are dedicated to male victims only (the rest being for victims of either gender.⁵

- According to police forces who provided information, in 2017, 114 men (2.6% of total) and 4,274 women used the Domestic Abuse Disclosure Scheme ("Clare's Law")⁶.
- In a report by IBB Solicitors in 2019, 34% of men stated they had experienced being in a coercive /controlling relationship⁷.

Further statistics can be found on the ManKind Initiative website:

<https://www.mankind.org.uk/statistics/>

⁵ ONS BCS Focus on Violent Crime and Sexual Offences 2016/17 <http://bit.ly/2G9nGPY>

⁶ FOI requests: <https://www.mankind.org.uk/wp-content/uploads/2018/10/SUMMARY-FOI-RESPONSE-CLARES-LAW-AT-30-APRIL-2018-MANKIND-WEBSITE-VERSION-AT-9-OCTOBER-2018.xlsx>

⁷ MAKING LEGISLATION WORK MORE EFFECTIVELY FOR VICTIMS by IBB Solicitors:
<https://www.ibblaw.co.uk/insights/publications/controlling-or-coercive-behaviour-making-legislation-work-more-effectively?view=microsite>