

The ManKind Initiative

Flook House, Belvedere Road, Taunton, TA1 1BT

Registered Charity No. 1089547 – Company Registration No. 3869893

Honorary Patrons – Lord Cotter, John Penrose MP, Ann Goodchild, Paul Chivers, Sara Westle and Erin Pizzey

Submission to the Joint Committee on Human Rights: Domestic Abuse Bill

(A) Executive Summary

Areas of support

1. 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 gender-neutral statutory definition of domestic abuse
 - 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
2. The key for the above to be successful however, that the statutory guidance and application of the above are gender-inclusive – treating all female and male victims as equals, in line with the values of a modern, inclusive and equality-based country.
3. We were particularly pleased that the Government has withstood a large amount of pressure including from the Home Affairs Select Committee, not to rename the Bill "Ending Violence Against Women and Girls, and Domestic Abuse Bill". To do so would have marginalised male victims of domestic abuse who make up one in three of the domestic abuse victim population.

Areas of concern

4. We were disappointed that the Government continues to place domestic abuse in the policy context of it being a "gendered crime". This is clearly not the case given the Office for National Statistics they themselves quote (in

effect, one in three victims of domestic abuse are male), it also marginalises LGBTQ+ victims and male heterosexual victims.

5. We were 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 strategy for men and boys.
6. We were also disappointed that legislative changes were not made to ensure parental alienation, a clear form of controlling behaviour, would lead to prosecutions under the statutory definition

Gender inclusion

7. 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:
 - Ensuring the appointed **domestic abuse commissioner** has an inclusive, multi-dimensional and equality based view of domestic abuse.
 - Ensuring 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.
 - Ensuring the **national narrative, culture and conversation** on domestic abuse is more inclusive to encompass male and LGBTQ+ victims, including more awareness campaigns.
 - Ensuring any **new measures, training and guidance in the family courts** on domestic abuse is inclusive and there is consistency in judgements.
 - **Ensuring health professionals, social services officers and housing officers** hold an inclusive view of domestic abuse and better support and recognise male and LGBTQ+ victims .
 - Ensuring the **College of Policing's new risk assessment testing** is gender inclusive and fully recognises male and LGBTQ+ victims
-

(B) Background

About the ManKind Initiative

8. The ManKind Initiative is the first British charity to support male victims of domestic abuse. 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.
9. 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.
10. 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. The charity has three Independent Domestic Violence Advisers and is a member of a number of national committees and stakeholder groups. The Chair received an OBE in the New Year’s Honours 2019 for services to male victims of domestic abuse.

Statistics

11. 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 1.3 million female victims. In addition, 2.4% of men (equivalent to 450,000) and 5.6 of women (equivalent to 862,000) experienced partner abuse (non sexual). **For every three victims of partner or domestic abuse, two will be female and one will be male.** ¹
12. Male victims (50%) are nearly three times as likely as women (19%) not to tell anyone about the partner abuse they are suffering from. Only 15% of male victims will tell the police (18% women), only 26% will tell a person in an official position (33% women) and only 11% (21% women) will tell a health professional².
13. In 2016, 13 men died at the hands of their partner or ex-partner compared to 82 women³.
14. There are 200 organisations providing services to male victims in March 2018. In 2012, the figure was 70. The vast majority of these services are provided by organisations providing services for women and men.⁴

¹ ONS BCS Focus on Violent Crime and Sexual Offences 2017/18 <https://bit.ly/2qYxYZF>

² ONS BCS Focus on Violent Crime and Sexual Offences 2017/18 <https://bit.ly/2qYxYZF>

³ ONS BCS Focus on Violent Crime and Sexual Offences 2016/17 <http://bit.ly/2G9nGPv>

⁴ Oak Book Directory - The ManKind Initiative

(C) Areas of Agreement

15. We support the 'gender-neutral' definition will ensure that the legislation, its application and guidance remains in line with the "British Constitution" and the democratic/legal framework of this country. This will ensure the individual and their need/risk remain the primary factor in domestic abuse and support for domestic abuse victims.
16. To have included in any definition anything other than a gender-neutral definition would lead to a breach 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 neutral definition.

Economic Abuse

17. 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
18. 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 of ex-partner (Co-op/Refuge Money Matters report published in 2015)⁵ – 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 where change is needed

Defining domestic abuse as a gendered crime

19. Whilst we agree with the Statutory Guidance in principle, we have concerns that the eventual guidance will not be inclusive thereby will not ensure equal recognition and support for domestic abuse victims (especially heterosexual males and LGBTQ+ victims), based on individual need and risk.

⁵ Money Matters: Written for The Co-operative Bank and Refuge by Nicola Sharp-Jeffs. <https://www.refuge.org.uk/files/Money-Matters.pdf>

20. This concern is borne from an overarching Government policy architecture and framework narrative of this statement **“The government has always recognised domestic abuse as a gendered crime”(page 46) .”**
21. This is in addition to the Government placing all male victims of domestic abuse (including heterosexual males, those in same-sex relationships and individuals self identifying as male) under the Ending Violence Against Women and Girls strategy. At a national policy level, this architecture is broadly used to define and portray domestic abuse as a crime against (heterosexual) women – and not a crime against the individual (which would of course be in line with the statutory definition).
22. This overtly marginalises heterosexual and LGBTQ+ male victims in the policy architecture which then feeds through to the statutory guidance, funding and application of the law in practice.
23. At the current time, 75% of people who commit suicide, 85% of rough sleepers and 95% of people killed at the workplace are male. The Government, rightly, does not class suicide, rough sleeping or workplace safety as gendered issues. So why does the Government take such an inconsistent approach to public policy in this specific area by stating and positioning domestic abuse as a gendered crime when the broad ratio is two female victims to every one male victim?. Why does the Government think domestic abuse has to be defined as gendered on that basis.
24. This framework acts against modern professional practice (individual need and risk), the proposed (and welcome) gender-neutral domestic abuse definition and also creates a hierarchy of victims based on their protected characteristics not need/risk. This is not an inclusive approach to the crime. This approach leads to differences in statutory responses to victims, funding/services and societal recognition. In effect, it frames domestic abuse as a “heterosexual women’s issue” not a “person issue” or a “crime against a victim

Parental Alienation

25. We strongly believe that Parental Alienation should also be included in the statutory definition
26. 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).
27. 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.”

28. 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.
29. 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 children⁶. In addition, Cafcass reports that parental alienation plays a part in approximately 80% of the most difficult divorce cases seen by the court.
30. Broadly Parental Alienation refers to a situation in which a resident parent (usually but not exclusively) turns their child against the non-resident parent, intentionally or unintentionally, resulting in the child’s supposed desire to reject all contact with that parent. More succinctly, Cafcass Chief Executive Anthony Douglas, stated that it was the “practice of ‘brainwashing’ children against a former parent”.
31. The focus from a Cafcass perspective is on the impact on the child, however, 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. The psychological, emotional and financial abuse caused by Parental Alienation involves:
 - The deliberate nature and behaviour of manipulating a child against an ex-partner causing psychological and emotional harm;
 - The deliberate nature and behaviour of manipulating a child against an ex-partner is coercive and controlling behaviour;
 - The psychological and emotional harm against an ex-partner by the wilful, deliberate and continual breach of Child Arrangement Orders;

⁶ The Guardian 17 November 2017 (<https://www.theguardian.com/society/2017/nov/17/parental-alienation-divorce-custody-crackdown-cafcass>)

- The financial abuse by the wilful and continual breach of Child Arrangement Orders means the non-resident partner having to constantly seek further legal redress ultimately with financial burden of doing so.
33. In conclusion, Parental Alienation would fit squarely with the government's proposed statutory definition of domestic abuse and should be included as such.

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

34. We agree with the principle of the Ending Violence Against Women and Girls Strategy and Framework. But not when it also encompasses 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.
35. 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.
36. The reason for the need of a parallel strategy is:
- It is factually incorrect to class men and boys who are victims of these crimes as victims of crimes against women and girls;
 - The approach minimises and disrespects the lived experience of men and boys who suffer these crimes, contributing to their vulnerability;
 - Reporting rates for male victims of these crimes continues to be far too low, which then has an impact on service provision and funding. It is our judgment that current policies act as a disincentive and barrier to reporting;
 - Male victims of these crimes continue to be more invisible than they should be to society at large and current government policies contributing to this;

- The approach hampers the creation of nuanced and gender responsive statutory services and understanding at a national, regional and local level, and,
 - There continues to be under provision of resources and funding at through national, regional and local bodies.
37. 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.
38. 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.

Ensuring magistrates and family courts are inclusive and consistent

39. Since the reduction in legal aid for child residency disputes in the family courts except where there is a claim of domestic abuse, the law of unintended consequences has seen the number of accusations of domestic abuse in these cases rise exponentially. There is no evidence of an increase in the actual amount of domestic abuse in these types of relationships.
40. Where there is the continual, deliberate and wilful breach of child arrangement orders these should be treated in the same way in the family courts rather than be ignored when they are clearly contempt of court. The failure by the family courts to treat these breaches as contempt exacerbates Parental Alienation and also the psychological, emotional and financial abuse on the parent who is being alienated or is the victim.
41. We certainly support those convicted of domestic abuse and sexual offences (including rape) from not being allowed to directly cross examine their victim, in the same way that is applied in a criminal court.
42. It is vital that the narrative and court is aligned with the legislative guidance (page 31-32 of the Explanatory Notes for the Draft Domestic Abuse Bill) so it is clear about what constitutes a perpetrator or an

accused perpetrator. Some of the media reporting however, has conflated those with actual convictions (including cautions and restraining orders) with those who had been accused, but not convicted nor were under investigation.

43. We are pleased that the Family Courts will ensure that Due Process will be maintained through the Equality of Arms and Section 6 of the Human Rights Act is maintained.
 44. From the helpline that we run, we hear from men who have said they have been falsely accused of domestic abuse including in a family court setting and also a father's charity (Families Need Fathers) carried out research that indicated that this was an issue.
 45. We cannot prove via our anonymous helpline the veracity of all of these claims, beyond the fact that is not an unusual type of telephone call and therefore we are confident that a number will be truthful and this is supported by research too.
 46. In fact, false allegations are themselves a form of domestic abuse as they are designed to psychologically and emotionally control an (ex) partner, and, through the family courts, have the potential to financially control an (ex) partner (especially in terms of facing the prospect of large legal fees).
-

Ensuring a gender-inclusive narrative and training for statutory services

47. The Government has 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.
48. This would also support better responses from statutory agencies so they recognise they have the same statutory responsibilities and obligations to those victims as they do for heterosexual female victims. 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.

Mark Brooks OBE
The ManKind Initiative
14th February 2019
Chairman@mankind.org.uk