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

Domestic Abuse Bill 2020 Full Briefing: A 21st Century and inclusive approach to supporting ALL victims – including male and LGBTQ+ victims of domestic abuse

(1) Introduction

About the ManKind Initiative

- 1.1 The ManKind Initiative Charity (formed in 2001) was the first charity in Great Britain to support male victims of domestic abuse. Our aim is to ensure all male victims, and their children, are supported to enable them to escape from their situation. We take an inclusive view of domestic abuse. The Charity thus strives to ensure that all victims including males, females and LGBTQ+ and their children receive the support they need.
- 1.2. Our core services include a national helpline, a popular website, a training programme and consultancy as well as an annual national conference. We provide specialist training to police forces and other statutory and non-statutory agencies throughout England and Wales. and are currently delivering a project to the Armed Forces to enable them to enhance their response to domestic abuse. The charity has worked in partnership with both the CPS¹ and the Home Office² on their respective statements regarding male victims of VAWG crimes.

Summary

- 1.3 The charity is supportive of the Domestic Abuse Bill but we feel there are significant areas that can be improved to better support all victims – including male and LGBTQ+ victims alongside female victims and their children.
- 1.4 This briefing sets out the areas we support, areas for change and related issues that can affect male victims and their children.
- 1.5 **The areas of support include:**
 1. We support Statutory Definition of Domestic Abuse being gender neutral to ensure equality of the law for all victims/perpetrators of domestic abuse in line with the British Constitution

¹ CPS Public statement on male victims for crimes covered by the CPS VAWG Strategy

<https://www.cps.gov.uk/publication/cps-public-statement-male-victims-crimes-covered-cps-vawg-strategy>

² Position statement on male victims of crimes considered in the cross-Government strategy on ending Violence Against Women and Girls (VAWG)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/783996/Male_Victims_Position_Paper_Web_Accessible.pdf

2. We agree that Economic Abuse should be included in the statutory definition of domestic abuse.

1.6 The areas for change include

3. We believe the Government should be defining domestic abuse as a crime against an individual and no longer define it as a “gendered crime” which is an ideological position that marginalises male and LGBTQ+ victims.
4. We believe that Parental Alienation should be included in the statutory definition as type of domestic abuse.
5. There should be alignment with Scotland on their definition of Coercive and Controlling behaviour thereby changing the ‘household test’.
6. There should be the proper enforcement of regular, wilful and deliberate breaches of Child Arrangement Orders and Non-Molestation Orders as this is a domestic abuse crime.
7. There should be statutory improvements in the accountability and transparency of the Domestic Abuse Commissioner.
8. There must be an inclusive and equal approach in the Statutory Guidance not one that skews the guidance to “classes” of victims based on any of the protected characteristics, including gender. .

1.7 Additional policy areas that the Government and Parliament should consider as part of a "whole system" review:

9. The introduction of an “Ending Intimate Violence Against Men and Boys” Strategy in parallel to the successful and welcome Ending Violence Against Women and Girls”.
10. Introducing a National Statement of Expectations on domestic abuse for men and boys alongside the current National Statement of Expectations which focusses on women and girls.
11. Ensure there is a gender-inclusive narrative in Relationships and Sex Education.
12. Create a national network of refuges and safe houses for males and LGBTQ+ victims. There are currently only 169 refuge/safe house places for men across the UK run by 35 organisations (36 of places are solely for men) – there are none in London.
13. Increase the level of appropriate and inclusive service provision for male victims of domestic abuse based on risk and need.
14. Creating proactive national/local awareness campaigns targeted at male and LGBTQ+ victims.
15. Improve and provide appropriate training to the police, local councils, the health sector and justice system to raise awareness on how to better support male victims of domestic abuse

16. Improve support for female and LGBTQ+ perpetrators of domestic abuse.
 17. Review and reform the legal definition of rape to include male and LGBTQ+ victims who are raped by women.
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(2) Statistics

- 2.1. 10 Core Statistics on Male Victims of Domestic Abuse can be found in Appendix 1
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(3) Proposals that are supported

- 3.1 The ManKind Initiative charity supports the Domestic Abuse Bill in principle and in particular these areas below, two of which are explained in more detail (see para 5 and 11):
 - The gender neutral statutory definition
 - 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

Policy 1: Statutory Definition of Domestic Abuse – Gender Neutral

- 3.2. 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.
- 3.3. 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.
- 3.4. This will recognise the individual’s risk and need remain 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 or 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.
- 3.5. If one gender only was placed in the name, definition or preamble of a Bill/Act, it would lead to:

- The continuing minimisation and disrespect of the lived experience of male and LGBTQ+ victims of these crimes, contributing to their vulnerability;
 - Reporting rates for male and LGBTQ+ 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 and LGBTQ+ 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 and LGBTQ+ 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 and LGBTQ+ victims.
- 3.6 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.
- 3.7 The Government has made great strides in the need to recognise male and LGBTQ+ 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.

Policy 2: Inclusion of Economic Abuse in the statutory definition

- 3.8. 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.
- 3.9 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)³ – 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.

4. Areas for Change: Domestic Abuse Bill

³ Money Matters: Written for The Co-operative Bank and Refuge by Nicola Sharp-Jeffs. <https://www.refuge.org.uk/files/Money-Matters.pdf>

Policy 3: Defining domestic abuse as a crime against an individual and not a gendered crime

- 4.1. 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 risk and need. 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” and ““We know that crimes such as domestic abuse.... are both a cause and consequence of wider gender inequality.”

- 4.2. We believe, even more so because the evidence clearly shows, 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. The effect of recognising Domestic Abuse as a gendered crime is that it encourages different priorities for victims based on their gender rather than the severity or impact of the crime against them. It is a position that is based on a political world view, rather than one based on a crime against an individual – the basis of the British Constitution since 1215.
- 4.3 Our view is that domestic abuse is a crime against an individual and should be defined as such. We welcome and support gender inclusive and gender responsive approaches to supporting victims that recognise their gender and any unique needs in terms of support.
- 4.4 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.
- 4.5. The effects of classing domestic abuse as a gendered crime are set out in paragraph 3.5 above.

Policy 4: Classing Parental Alienation as a type of domestic abuse

- 4.6. We strongly believe that parental alienation should also be included in the list of types of abuse in the statutory definition of domestic abuse.
- 4.7 Parental alienation is defined as:
- “Parental alienation” means any behaviour where a child’s resistance or hostility towards one parent is not justified and is the result of psychological manipulation by the other parent*
- 4.8 Parental alienation is increasingly being recognised by the Family Courts and by The Children and Family Court Advisory and Support Service (Cafcass). It is their definition that is used in paragraph 4.7 above and is featured in their

new Cafcass Child Impact Assessment Framework (CIAF).⁴ It is also recognised by family support practitioners across the world including through the European Association of Parental Alienation Practitioners in which the UK plays a key role. Cafcass report that it is a feature of approximately 11%-15% of divorces involving children. In addition, Cafcass reports that parental alienation plays a part in approximately 80% of the most difficult divorce cases seen by the court.

- 4.9. Parental alienation is clearly an abusive behaviour between those who have been intimate partners in line with those currently listed in the current Government Definition (including the proposed addition of Economic Abuse) but there is no criminal offence against it and therefore no sanction.

Policy 5: Alignment with Scotland on Coercive and Controlling behaviour to change the “household test

- 4.10 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) regardless of whether they reside in the same property or not.

- 4.11 The previous Government tried to argue that:

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.”

- 4.12 It strikes us as odd that the UK Government states that existing (see paragraph 4.11) coercive and controlling behaviour legalisation 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.

- 4.13 This would ensure that a number of domestic abuse crimes including economic abuse (which often takes place after a relationship has ended) are clearly prosecutable. There are a number of organisations such as SafeLives and Surviving Economic Abuse who also support this position

Policy 6: Enforcement of regular, wilful and deliberate breaches of Child Arrangement Orders

- 4.14. There should be better recognition and enforcement of the deliberate, wilful and continual breaches of Child Arrangement Orders is a criminal act under domestic abuse legislation. This is an act of coercive and controlling behaviour by controlling and withholding child contact even when the orders

⁴ <https://www.cafcass.gov.uk/grown-ups/parents-and-carers/divorce-and-separation/parental-alienation/>

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. A change in the definition as set out in 4.10 will make this easier for prosecutions to take place.

Policy 7: Domestic Abuse Commissioner – improvements in accountability and transparency

- 4.15 We believe that the role of the domestic abuse commissioner is absolutely vital. The establishment of this office will allow focus and insight to be placed on this issue and ensure on-going progress is made. However, we feel that their needs tighter controls on accountability, transparency, consultation and that the views of the whole domestic abuse sector (and victims) are taken into account.
- 4.16 On this basis we believe there must be:
- An open process in the recruitment of advisory board members in in keeping with the recruitment process for the Victims' Commissioner's Advisory Group.
 - Ensurance that a multi-dimensional and inclusive approach is taken by the commissioner and the voices of all victims and professionals are heard. To ensure this is the case, it is proposed that the legislation is clear that organisations representing male victims and LGBTQ+ and non binary people are not marginalised. It is therefore vital they are represented on the advisory board. It is vital that the commissioners' advisory board is not a "closed shop".
 - Transparency and accountability on how the commissioner's strategy and plans are created. There needs to be an element of public consultation else there is a risk that the full expertise of the domestic abuse sector is not included

Policy 8: Ensuring an inclusive and equal approach in the Statutory Guidance

- 4.17 In the previous iteration of the Domestic Abuse Bill, it was proposed that the following statement was hard coded into the Act with regard to statutory guidance.

"Any guidance issued under this section must, so far as relevant, take account of the fact that the majority of victims of domestic abuse in England and Wales are female"

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- 4.18 It is accepted in terms of the numbers of victims per gender there are more female victims and of course, it would be expected that the Office for National Statistics figures would be included in any guidance. However, to hardcode this into primary legislation would in practical terms mean the guidance would place an undue narrative and detail that did not take into account male or LGBTQ+ victims. This would place them as a lower priority and give them lower recognition.

⁵ Part 5, Clause 79(3): Amendment - Power of Secretary of State to issue guidance about domestic abuse

- 4.19 This is especially the case as the phrase ‘so far as relevant’ is too loose and too open to an misinterpretation so that it can be used as an excuse to relegate or deprioritise male and LGBTQ+ victims. This will have the same effect and impact on these victims as the Government’s view that domestic abuse is a gendered crime (see 3.5 above).
- 4.20 We believe therefore that there is no need for this clause to be included as it is a backdoor way of trying to place the gender of a victim as a higher priority than the actual individual – the severity of the crime against them, and, their risk and need (and that of their children).
- 4.21 It is clear that any professionals would apply the guidance in an inclusive way that took into account the gender of a victim, but to include this clause, reinforces gender stereotypes that men are not victims.
- 4.22 The only way that this could be acceptable is that if a clause in the legislation included:

This has to be achieved without excluding the recognition of men, boys, transgender and non-binary people who are victims of domestic abuse.

(5) Additional Policy Measures

- 5.1 There are a range of additional policy measures that fall outside of the Domestic Abuse Bill, however, they should be introduced as part of a “whole system” review of domestic abuse and one that supports male victims. These are set out below:

Policy 9: The introduction of an “Ending Intimate Violence Against Men and Boys” Strategy

- 5.2. 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.
- 5.3. 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. The charity, alongside Survivors Manchester, were the first to publicly call for this.
- 5.4. 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 former Victims Commissioner, Baroness Newlove, in her submission to the Government Consultation on the Bill. It is also a position adopted by the Men and Boys Coalition, a national charity supporting the wellbeing of men and boys.

- 5.5. 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.
- 5.6. 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.

Policy 10: Introducing a National Statement of Expectations for men and boys

- 5.7 In 2016, the Government issued a policy document aimed at local areas in England entitled: “Violence against women and girls: national statement of expectations”. These listed actions local areas should take to ensure victims of violence against women and girls get the support they need.
- 5.8 This of course is a welcome document. However, it is not inclusive of men and boys with regard to the intimate violence crimes that are covered by the National Expectations. It is vital that there is a parallel set of National Expectations covering men and boys who are victims of these crimes.

Policy 11: Ensuring a gender-inclusive narrative and training for statutory services and in Relationships and Sex Education

- 5.9. 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.
- 5.10 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 should.
- 5.11 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 is in keeping with an inclusive, modern and diverse country.

Policy 12: Creating a national network of refuges and safe houses for male victims (and their children)

- 5.12 It remains a problem and a matter of concern that there are limited refuges and safe houses available for male victims of domestic abuse and their children. Currently, there are 35 Organisations with 169 Spaces with only 36 of those places are dedicated for men. Many parts of the UK have no or limited places at all – for instance London has no places.

- 5.13 We believe that there must be a national network of refuges and safe houses across the UK to ensure male victims (and their children) have safe spaces to which they can escape.
- 5.14 The Government has said in the past month that in new statutory guidance will “strongly encourage councils to prioritise domestic abuse survivors who are ready to move on from refuges when allocating social housing, to free up valuable refuge spaces for others who may need them”. This will also apply to male victims.

Policy 13: Increase appropriate and inclusive service provision for male victims of domestic abuse

- 5.15 Service provision for male victims remains patchy and under-resourced, albeit there have been improvements in the volume of services with 200 now available across the UK. However, due to commissioning strategies especially at a local government level, often these are ‘bolt-ons’ to existing services for female victims and are in effect providing like for like services. Whilst it is vital that when domestic abuse services are commissioned, they are inclusive it is imperative that commissioners consider that the services for male victims should be targeted at them rather than form part of a generic service.

Policy 14: Creating proactive national and local awareness campaigns targeted at male and LGBTQ+ victims

- 5.16 The charity believe the Government and other statutory agencies can play a key role in changing gender stereotypes with regard to domestic abuse so society and professional recognise male and LGBTQ+ victims – and also ensure they come forward.
- 5.17 It is important therefore that the Government should create two national awareness campaigns aimed at 1. males and 2. LGBTQ+ victims and that statutory agencies and regional elected mayors do the same.
- 5.18 Alongside this, it is vital that all places such as GP surgeries, police stations and the courts have literature that focusses on male and LGBTQ+ victims.

Policy 15: Improving training to better support male victims of domestic abuse

- 5.19 One key area of concern is the lack of specialist training that organisations and front-line staff have with regard to recognising and supporting male victims. This is of particular concern in the health service (especially GP’s and A&E). We believe that all key front-line staff that may come into contact with a male victim receive specific training on how to support male victims.

Policy 16: Improving support for female perpetrators of domestic abuse

- 5.20 There rightly has been investment to support male perpetrators and how to change their behaviour. This support is lacking for female perpetrators and there is now a need for investment in this field. For example, CAF/CASS domestic violence services are only for male perpetrators, and not for females.

Policy 17: Review and reform the legal definition of rape to include male victims who are raped by women.

- 5.21 In British law, the treatment of male victims of rape is different depending on the gender of the perpetrator with a harsher law being applied to male perpetrators than female perpetrators. We believe there should be equality in law so that section 1 of the Sexual Offences Act 2003, is to now include cases where women force men to engage in non-consensual intercourse (these cases are currently criminalised under section 4 of the Sexual Offences Act 2003, a less serious offence).

For further information, please contact Mark Brooks OBE, Chair on 07834 452357 or chairman@mankind.org.uk

1 March 2020

10 Core Statistics on Male Victims of Domestic Abuse:

The Office for National Statistics report

- In 2018/19, 786,000 men (3.8% men) and 1.6 million women (7.5% women) and were victims of domestic abuse in 2018/19 equating to a ratio of two female victims to every one male victim.⁶
- In 2018/19, one in four women and one in seven men will be a victim of domestic abuse in their lifetime.
- 576,000 men (2.5% men) and 1.2 million (4.8 women) were victims of partner abuse in 2018/19 equating to a ratio of two female victims to every one male victims⁶.
- In 2017/18, 11% of male victims (7.2% women) have considered taking their life due to partner abuse.⁷
- In 2017/18, nearly half of male victims fail to tell anyone they are a victim of domestic abuse (only 51% tell anyone). They are nearly three times less likely to tell anyone than a female victim (49% of men tell no one as opposed to 19% women). This has worsened since 2015/16 where the figures were 61% for men (88% women).⁸
- Of those that suffered from partner abuse once or more in 17/18, 45.7% of male victims had suffered from force (28% of women), 2.9% of male victims had suffered from sexual assault (6.2% women) and 18.1% suffered from stalking (23.4% women)⁷.
- In 2018/19 - 16 men (80 women) were killed at the hands of their current or ex-partner.⁹

ManKind Initiative report

- Currently, there are 35 Organisations with 169 Spaces with only 36 of those places are dedicated for men. Many parts of the UK have no or limited places at all – for instance London has no places.
- In 2017, 159,000 men reported to English and Welsh police forces stating they were a victim of domestic abuse (73,000 in 2012) as did 480,000 women (311,000 in 2012). 23% of all victims who report to the police are male.
- 53% of the men who call the ManKind Initiative helpline have never spoken to anyone before about the abuse they are suffering and 70% would not have called if the helpline was not anonymous.

⁶ Domestic abuse prevalence and trends, England and Wales: year ending March 2019: Report - <https://bit.ly/38f7GWh> and Data - <https://bit.ly/3ajXVrm>

⁷ Partner abuse in detail, England and Wales: year ending March 2018: Report - <https://bit.ly/38epe4X> and Data - <https://bit.ly/38faSRL>

⁸ ONS domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2018 <https://bit.ly/2FY8UYc>

⁹ Homicide in England and Wales: <https://bit.ly/2VM3aw3>