

## Written evidence submitted by the ManKind Initiative (DAB04)

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### Domestic Abuse Bill (Public Bill Committee): Amendments

#### About the ManKind Initiative

1. The ManKind Initiative (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 and rebuild their lives. We take a modern 21<sup>st</sup> century inclusive and equality-based view of domestic abuse. The charity thus strives to ensure that all victims, including males, females, LGBTQ+, and their children, receive the support they need.
2. Our core services include a national helpline, a popular website, a training programme, and consultancy support as well as an annual national conference. We provide specialist training to statutory and non-statutory agencies throughout England and Wales and have created a national information service for agencies. We also worked in partnership with both the CPS<sup>1</sup> and the Home Office<sup>2</sup> on their respective statements regarding male victims of VAWG crimes.
3. Core statistics regarding male victims of domestic abuse can be found in Appendix A.

#### Executive Summary

4. We believe that the Domestic Abuse Bill should be amended in sections (eight amendments):
  - (i) **Amendment 1 (page 2):** The removal of clause 66(3) is required because its inclusion will undermine the intention of the Domestic Abuse Act to **equally apply to all individual victims**, the practical effect of this clause will mean the Act **will not be equally applied to all individual victims**. The direct and indirect impact will be to tier and prioritise victims by gender not by the needs and risk of an individual and their children. It therefore further marginalises male and LGBTQ+ victims and therefore risks places them and their children at higher risk.

The Minister has stated in writing to the charity that the guidance will recognise that men and those identifying as LGBTQ+ can also be victims of

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<sup>1</sup> 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>

<sup>2</sup> 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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/783996/Male_Victims_Position_Paper_Web_Accessible.pdf)

domestic abuse – which we welcome. However there remains a real concern that this clause will mean in practice that the narrative, focus and research/statistics will be very heavily steered/directed away from giving equal recognition and understanding to these victims. It in effect will marginalise them further and mean that the law will not be applied equally in practice by those using the Guidance. It would therefore go against UK jurisprudence, best practice and a system that views all victims equally.

There is in fact no need for such as a clause to be in the Act, because it would be expected in the introduction of the guidance that approved Office for National Statistics would be used, thereby recognising that the majority of victims are female.

Lastly, the clause could leave the Government and more so, the public authorities who use it, open to legal challenge if it is proven by an individual (male or LGBTQ+ victim) to have caused or play a role in creating extra barrier to support or a lack of recognition.

- (ii) **Amendment 2 and 3 (page 5):** Parental Alienation<sup>3</sup> should be included in the statutory definition as a type of domestic abuse
- (iii) **Amendment 4 (page 6):** There should be alignment with Scotland on its definition of coercive and controlling behaviour thereby changing the 'household test'.
- (iv) **Amendment 5, 6, 7 and 8 (page 7):** There should be statutory improvements in the accountability and transparency of the Domestic Abuse Commissioner.

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## **Amendments**

### **5. Amendment 1: Guidance**

*Clause 66 (3), Page 49, Line 43, Remove*

*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.*

- 6 The reason for removing this clause is because of the practical effect, and, direct and indirect impact the application of the guidance will have on male and LGBTQ+ victims. Therefore this will have a negative effect on the Domestic Abuse Act in its entirety.

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<sup>3</sup> "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

7. The Domestic Abuse Bill, in line with the British Constitution, and underpinning Acts such as the Human Rights Act (1988) and Equality Act (2010), is intended **to apply to all individuals equally**.
8. However, this clause will mean the law **will not, in practice, be applied to all victims equally**. This clause will allow the guidance to tier and prioritise victims by gender not by the needs and risk of individual victims and their children. We believe that this clause will mean in practice that the narrative, focus and research/statistics will be very heavily steered/directed away from giving equal recognition, support and understanding to these individual victims. It will therefore further marginalise male and LGBTQ+ victims and therefore place them and their children at higher risk.
9. No other law places the priority of one section of society with a certain Protected Characteristic (whether gender, ethnicity or disability) over another. Laws such as the Stalking Protection Act (2019) or any form of Criminal Law, including laws pertaining to Hate Crime, do not do so.
10. There is in fact no need for such as a clause to be in the Act to recognise that the majority of victims are female and to take that into account. This is because it would be expected in the introduction of the guidance that approved Office for National Statistics would be used, thereby recognising that the majority of victims are female. Only official Office for National Statistics should be included and then only when there is a direct comparison with male victims. There should always be equivalence.
11. There is no definition as to what “so far is relevant” actually means in practice and therefore it gives too much latitude for government officials to interpret that without Parliamentary scrutiny or formal public consultation.
12. If an individual male or LGBTQ+ victim feels that they have not had the support or been recognised in the way that a female victim rightly would, they could point to the Guidance as a reason, which could then lead to claims of a breach in the Equality Act 2010. The clause therefore could leave the Government and more so, the public authorities who use it, open to legal challenge if it is proven by an individual (male or LGBTQ+ victim) to have caused or play a role in creating extra barrier to support or a lack of recognition.
13. The guidance must and should rightly promote full recognition, understanding and support of female victims. However this clause will allow for there not to be an equivalent level of understating, recognition and support for male and LGBTQ+ victims because it sets up a hierarchy based on gender not individual need. The law applies to all equally but this clause will mean the law will not be applied equally by the users of the guidance. Examples of how this could work in practice are:
  - only concepts, models and belief systems applying to female victims are featured, even more so if these are at the beginning as they will frame the whole guidance.

- Insufficient detail and research on male and LGBTQ+ victims including the causes of the domestic abuse they face, the experiences they have and the barriers they have.
  - only statistics featuring female victims and no equivalent statistics for male or LGBTQ+ victims, even more so when they are available.
  - uses academic research that is challengeable and does not feature any academic research on male victims of domestic abuse from the UK's leading experts.
  - fails to recognise male and LGBTQ+ victims as a marginalised or underrepresented groups.
  - incorrectly conflates the impact of domestic abuse on a whole gender (because they are more female victims than male victims) with the impact on individual women and men, when both are equally.
14. This application of this clause will risk creating practical/administrative, direct and indirect discrimination against individual male and LGBTQ+ victims by those who will use the statutory guidance. This is because the narrative, focus and research/statistics will be very heavily steered/directed away from them to the extent that the application of the guidance will not give them equal recognition, support and understanding with individual female victims.
15. One of the key barriers to male and LGBTQ+ victims is the lack of recognition, understanding and appropriate response by statutory agencies. This is based on societal, cognitive and political stereotypes about the gender of victims of domestic abuse where agencies rightly recognise female victims but do not recognise male or LGBTQ+ victims in the same way. The guidance will embed and hardcode these stereotypes into professional practice, thereby placing male and LGBTQ+ victims at higher risk.
16. The Equality Test for the application of this guidance and the impact it will have can be found in the following scenarios below. All three scenarios should mean all victims receive the same level of support. However, the application of the guidance will give a priority for scenario 1. This is because the risk is that those using the guidance are likely to be steered towards in that direction, when there should be no difference in the level of support and understanding for anyone in these scenarios:
- Scenario 1: Female victim (x) with two sons is assessed as high risk and require emergency housing and police support in the application for a Domestic Violence Protection Order
  - Scenario 2: Male victim (y) with two daughters is assessed as high risk and requires emergency housing and police support in the application for a Domestic Violence Protection Order
  - Scenario 3: Female victim (z) in a same-sex relationship with a son and daughter is assessed as high risk and requires emergency housing and police support in the application for a Domestic Violence Protection Order.

17. The guidance must apply to individual women and men equally if the Domestic Abuse Act is to apply to men and women. However, the effect of this clause and the subsequent guidance means it will not. It should therefore be removed.
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**18. Amendment 2 and 3: Definition of Domestic Abuse**

*Clause 1 (3), page 1, line 15, insert (f)*

*Parental Alienation*

*Clause 1 (5), page 2, line 5, insert new clause: (5)*

*“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.*

*Move current clauses (5), (6) and (7) to become (6), (7) and (8)*

19. To explain the above, 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 the amendment above and is featured in their new Cafcass Child Impact Assessment Framework (CIAF).<sup>4</sup> 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 reports 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.
20. We strongly believe that parental alienation should also be included in the statutory definition of domestic abuse. It is clearly an abusive behaviour in line with those listed, but there is no criminal offence against it and therefore no sanction.
21. Even parental alienation was to be classed as a coercive or controlling behaviour, due to the way this that legislation (Section 76 of the Serious Crime Act 2015) is defined in law; in reality it is very unlikely to be. This is because coercive or controlling behaviour is defined in relation to intimate partners (or ex partners) who still live in the same household – and the majority of parental alienation takes place post-separation. It is unlikely therefore that in that situation, the separated partners would be still living in the same household. This is why it must be included...

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

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## 22. Amendment 4: Definition of “personally connected”

*Clause 2, page 2, line 30, insert (3):*

*In the Serious Crime Act 2015, Clause 76 (2) (b) remove the words:*

*“live together and —“*

*In the Serious Crime Act 2015, Clause 76 (2) (b) (i) remove the word:*

*“they”*

*In the Serious Crime Act 2015, Clause 76 (2) (b) (ii) remove the word:*

*“they”*

23. The reason for this amendment is because **Clause 1 states that** controlling or coercive behaviour will be part of the new statutory definition and that **Clause 2** relates to relationships that have a personal connection including those who are or have been in intimate relationships.
24. However, the Serious Crime Act 2015, Clause 76 (2) (b) (i) (ii) defines personal connection as only being applicable if the current/former intimate partners and family members still live in the household. In effect, it adds a “household test”.
25. This means that in reality controlling and coercive behaviour cannot be applied to former intimate partners (post separation) because it is unlikely they will be living in the same household. Intrinsicly this is a good thing. However, the behaviours that form controlling and coercive behaviour are a common feature when relationships end. This is especially the case for economic abuse and psychological control.
26. In effect, the Serious Crime Act 2015, Clause 76 (2) (b) (i) (ii) nullifies and prohibits the full applicability of the controlling and coercive behaviours clauses in this Act.
27. It is important to note the legal framing of coercive and controlling behaviour under new legislation in Scotland (Domestic Abuse (Scotland) Act 2018). The Scottish law (introduced in April 2019) is broader and better aligned with reality as it covers partners (or ex-partners) who are either living in the same property or are not. In effect, it does not have a “household test”.
28. Without a change in Domestic Abuse Bill therefore, the United Kingdom will have two different definitions and laws regarding controlling and coercive behaviour. In England and Wales there is a “household test” and in Scotland, there is not.

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## 29. Amendments 4, 5, 6 and 7: Advisory Board

*Clause 11(1), page 6, line 38, after “Board””, insert*

*“through an open recruitment*

*Clauses 11 (4) (a), page 7, line 7, after the first “of” insert*

*“each of (a) male and (b) female*

*Clause 11, page 7, line 9, after “with”, insert*

*each of (a) male and (b) female*

*Clause 12, page 8, line 12, insert*

*charities and other voluntary organisations that work with victims of domestic abuse.*

30. 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 voices need to heard. Therefore we believe that there needs to be tighter controls on accountability, transparency, and consultation, and that the views of the whole domestic abuse sector (and victims) should be taken into account. We are therefore putting forward three amendments.
31. The first amendment is to ensure that there is an open process in the recruitment of advisory board members, in keeping with the recruitment process for the Victims' Commissioner's Advisory Group.
32. The second and third amendments are to ensure 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 as well as female victims are included. It is therefore vital they are represented on the advisory board. It is vital that the commissioners' advisory board is not a closed shop.
33. The final amendment ensures there is transparency and accountability on how the commissioner's strategy and plans are created. There needs to be an element of public consultation or else there becomes a risk that the full expertise of the domestic abuse sector is not included.

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## Appendix A: Core Statistics on Male Victims of Domestic Abuse

### 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) were victims of domestic abuse in 2018/19 equating to a ratio of two female victims to every one male victim.<sup>5</sup>
- 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 victim<sup>3</sup>.
- In 2017/18, 11% of male victims (7.2% women) have considered taking their life due to partner abuse.<sup>6</sup>
- In 2017/18, nearly half of male victims failed 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).<sup>7</sup>
- 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)<sup>4</sup>.
- In 2018/19 - 16 men (80 women) were killed at the hands of their current or ex-partner.<sup>8</sup>

#### *ManKind Initiative report*

- In terms of refuges/safe houses, currently, there are 37 organisations with 204 spaces with only 40 of those places dedicated for men. Many parts of the UK have limited or no places at all – for instance London, East Anglia and Kent/Sussex/Surry have no spaces.
- 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.

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<sup>5</sup> Domestic abuse prevalence and trends, England and Wales: year ending March 2019: Report - <https://bit.ly/38f7GWh> and Data - <https://bit.ly/3ajXVrm>

<sup>6</sup> Partner abuse in detail, England and Wales: year ending March 2018: Report - <https://bit.ly/38epe4X> and Data - <https://bit.ly/38faSRL>

<sup>7</sup> ONS domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2018 <https://bit.ly/2FY8UYc->

<sup>8</sup> Homicide in England and Wales: <https://bit.ly/2VM3aw3>