

Written evidence submitted by Grazia Magazine (DAB16)

Written evidence submitted in support of the rough sex defence amendment to the Domestic Abuse Bill

This submission is on behalf of Grazia magazine in support of Harriet Harman MP and Mark Garnier and Laura Farris MP's amendment to ban the so-called 'rough sex' defence (as below).

“No defence for consent

- (1) If, in the course of any behaviour which constitutes domestic abuse within the meaning of this Act, a person (“A”) wounds or assaults another person (“B”) causing actual bodily harm, more serious injury or death, it is not a defence to a prosecution that B consented to the infliction of injury.
- (2) Subsection (1) applies whether or not the actual bodily harm, more serious injury or death occurred in the course of a sadomasochistic encounter.”

Member’s explanatory statement
This new clause would prevent consent from being used as a defence to a prosecution in cases of domestic abuse which result in serious injury or death.

We are aware and grateful that – after [Prime Minister Boris Johnson’s confirmed to Grazia his support for the amendment](#) during the election campaign – the government has agreed to review the issue and report back before the bill passes through parliament.

Since [December last year](#) Grazia has formally campaigned with We Can’t Consent To This to back this amendment, in order to ban the so-called rough sex defence.

At the time, Parliament was prorogued, so we opened a change.org [petition](#) in support of the amendment in conjunction with WCCTT. That petition has had – at the time of writing – almost 35,000 signatures. We ask that, on considering the bill, you take their views and support for the amendment into account.

Grazia has extensively covered the issue of the so-called ‘rough sex’ or ‘Fifty Shades’ defence in our magazine and [online](#) and has received only support from our readers. It really is an issue that has mobilised them and they have made clear, in joining our campaign, they hope to see a law change as part of this bill.

Please see, for instance, a letter from one reader, after [we published an interview with the friends of Grace Millane](#) – the British backpacker whose New Zealand murderer attempted to employ a ‘rough sex’ defence.

*After reading "**No one can consent to their murder, our friend Grace certainly did not**" I went straight to your petition and signed it. It is the very least I can do.*

Poor Grace Millane was the 59th British woman to be killed since 2010 by a man using "rough sex" as a defence in court. By trying to shift the blame the focus of media coverage from the defendant to the victim, feeding into wider patterns of victim-blaming, these killers are crueller than cruel. The victims families have to listen to discussion on their loved ones sexual history when it's not relevant to the proceedings and can prejudice the jury against the victim.

English Courts need to follow New Zealand's lead - such a defence will not succeed there and it shouldn't succeed here. I admire Chloe and her friends for their fight to get justice for Grace and for others.

Further, as a team, having worked closely with WCCTT and MPs, we have become fully familiarised with the issues surrounding the amendment. We feel very strongly that a change in the law is needed to protect women, their memories and their families - and to ensure women who are murdered, get the justice they deserve.

27 May 2020