

UK GOVERNMENT DOMESTIC VIOLENCE BILL a great opportunity?



The UK Government has announced in the Queen's Speechⁱ that they will bring forward legislation

- to establish a Domestic Violence and Abuse Commissioner
- to define domestic abuse and create a consolidated new domestic abuse civil prevention and protection order
- to ensure that if abusive behaviour involves a child, then the court can hand down a sentence that reflects the devastating life-long impact that abuse has on the child

WHAT DO WE WANT?

- 1. The Bill to be called the Domestic Abuse Bill**
- 2. Recognition of the gendered nature of domestic abuse with SEPARATE strategies for women, men and other groups grounded in the experience of survivors**
- 3. Recognition that unlawful child contact denial, the making of false and malicious allegations AND the abuse of children through Parental Alienation are all forms of Domestic Abuse and should be specific criminal offences**

Our charity welcomes this initiative. However, we are concerned that the lessons from disastrous ideologically led Welsh Government legislation are not repeated.

WHAT'S IN A NAME?

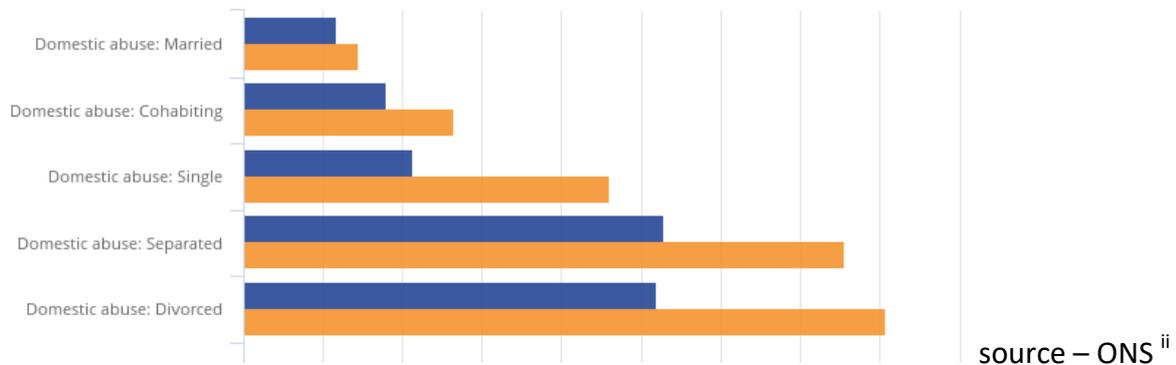
The Explanatory Memorandum to the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 states

The Welsh Government recognises.... women are disproportionately impacted by all forms of intimate violence.

This is the central core of that legislation. It establishes that one group – Women – have the focus of protection and that drives the thinking and delivery of support. That logic might also suggest that men be specifically protected with accidents at work or suicide prevention.

Recent ONS data from the Crime Survey of England and Wales shows that men account for MORE than 1 in 3 victims of abuse. The closeness in the numerical proportions is even more pronounced when you exclude 'Single' people. Of those adults who were victims of 'intimate violence' 2.9% were married men and 3.6% married women. Amongst 'separated' couples 13.2% of men and 18.9% of women were victims.

Figure 4.10: Percentage of adults aged 16 to 59 who were victims of intimate violence in the last year, by marital status and sex, year ending March 2016, Crime Survey for England and Wales



That correlation in the ratios has changed dramatically over the past 10 years. The British Crime Survey (that preceded the Crime Survey of England & Wales) said that in 2007/8 just 15% of victims of domestic abuse were male. ⁱⁱⁱ

DOMESTIC VIOLENCE IS A GENDERED PHENOMENON

It is important that the gendered nature of domestic violence and abuse is recognised. Welsh Women’s Aid wrote to the Welsh Assembly about Male victims of abuse in 2010 saying

‘We are also aware that several of our local Women’s Aid groups have been coming under pressure from local commissioners and strategic partnerships to open their doors to men, or to provide mixed service services....as such gender-neutral approaches are not helpful (and indeed can sometimes be dangerous) for either male or female victims.’

That is why any UK based legislation needs to recognise the separate and distinct needs of male, female and other specific groups of survivors and must be grounded in the experience and needs of such groups. We are completely opposed to existing well -funded and resourced services for women being handed the ‘male victim’ agenda and budget simply to ensure that a ‘box is ticked’.

Any work to understand the needs of survivors of domestic violence and abuse **MUST** also recognise the diversity of experience and identity. The Welsh Government commissioned Welsh Women’s Aid to produce a report to inform the development of the National Strategy. It brought together 66 survivors of abuse in focus groups & interviews.

65 were female, ONE was male. Welsh Women’s Aid stated on p20 that

‘Survivors wanted to see a greater understanding by public services of the gendered nature of abuse and how it impacts on women and men differently, how violence against

women is reinforced by state systems and services, and by wider inequality between men and women in society.’^{iv}

Unfortunately no work has been commissioned to understand the needs or experience of male victims of abuse by Welsh Government. This may account for their complete absence amongst identified groups needing special attention in the National Strategy published in 2016.^v Services are being commissioned and developed that blur the lines claiming to recognise that men can also be victims BUT marginalising and diminishing their experience and ignoring their voices. As an indicator of this whilst men (unlike women) are NOT a group that may require specialised approaches to service provision one group that is recognised is ‘Female survivors who commit offences’.

CHILD CONTACT, FALSE ALLEGATIONS AND PARENTAL ALIENATION

A Domestic Abuse Bill provides a perfect opportunity to ensure that all forms of abuse are properly recognised in law. The Cross Governmental definition of domestic violence and abuse has been widened to incorporate coercive and controlling behaviour but the clear focus in the legislation^{vi} is on such activity in relationships where the partners are living together. Most abuse takes place when couples have divorced or separated (see fig 4.10 above). Many men and women also experience coercive and controlling behaviour from ex-partners using children as pawns to continue their abuse – and to abuse the children themselves. Children have a right to maintain direct contact and a meaningful relationship with both parents following divorce or separation (UNCRC Article 9) UNLESS it is not in their best interests.

Many parents who have experience of the Family Courts will know the prevalence of false allegations although there appears to be no real academic studies looking at this issue recently in the UK. The fact they do exist is of course illustrated by the case of AS v TH (False allegations of abuse [2016] EWHC 532 (Fam))^{vii} We suggest that the Courts are currently encouraging the making of false allegations by failing – except in extreme cases – to punish the criminal behaviour of perverting the course of justice.

Legislation on domestic violence also provides the opportunity to criminalise the form of abuse known as Parental Alienation. Primarily a form of emotional abuse of children Parental Alienation can also have a devastating effect on the emotional wellbeing of parents and grandparents who see the children that they care about being manipulated by ex-partners to cause them and the children serious harm. Sir Anthony Douglas CEO of Cafcass stated in February 2017 in the Telegraph newspaper that ***“It’s undoubtedly a form of neglect or child abuse in terms of the impact it can have....I think the way you treat your children after a relationship has broken up is just as powerful a public health issue as smoking or drinking.”***^{viii}

ⁱ <https://www.gov.uk/government/publications/queens-speech-2017-what-it-means-for-you/queens-speech-2017-what-it-means-for-you> Section 3.3

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<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/compendium/focusonviolentcrimeandsexualoffences/yearendingmarch2016/domesticabusesexualassaultandstalking#characteristics-associated-with-being-a-victim-of-intimate-violence>

ⁱⁱⁱ <http://www.saferbridgend.org.uk/advice/Domestic-Abuse/Male-Victims>

^{iv} <http://www.rhianbowendavies.com/wp-content/uploads/2016/09/Are-you-listening-and-am-i-being-heard-FINAL-July-2016.pdf>

^v <http://gov.wales/docs/dsjlg/publications/commsafety/161104-national-strategy-en.pdf>

^{vi} S76 Serious Crime Act 2015

^{vii} <http://www.familylawweek.co.uk/site.aspx?i=ed161341>

^{viii} <http://www.telegraph.co.uk/news/2017/02/12/divorced-parents-pit-children-against-former-partners-guilty/>