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Honorary Patrons – Lord Cotter, Ian McNicholl, John Penrose MP, Erin Pizzey and Sara Westle

Consultation on the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill: Request for further information

(1) Definitions

(i) Can you expand on your concerns about the definitions used in the Bill?

Our concern is that the definitions used in the Bill will drive strategy which in turn will drive service provision. Our belief is that individual need should drive strategy which in turn should drive provision.

As the Minister has indicated, the government is looking to reinstate 'Violence against Women' as a key definition and driver for the Bill. Our argument and one made at the committee hearing is that this will have a damaging effect on male victims of domestic abuse, sexual violence and forced marriage in Wales.

This is because by defining these crimes as gendered on the basis that they affect females in Wales more than males leads to the overwhelming, primary and disproportionate focus to be on female victims because of gender rather than both female and male victims based on need. This has been the public policy and service provision history of domestic abuse, forced marriage and sexual violence over the past 40 years.

The result will be that strategies that the statutory agencies in Wales have to construct and implement, the training of front-line professionals and also other related issues will be overwhelmingly female-centric rather than victim-centric. Thereby relegating male victims, and their daughter and sons if relevant, to being second class victims.

There is also the issue of consistency. As outlined at the committee 90% of people who are homeless are male, yet rightly the Welsh Government would not consider prefixing any legislation, regulations or guidance with the term 'Male' so why would it consider this for domestic abuse, forced marriage and sexual violence?

(ii) Is there potential for confusion over the definitions used between different devolved and non-devolved agencies?

There is ample room for confusion which is why current gender neutral definitions are more appropriate and also that there is one definition for each crime.

At one level, this just makes life simpler and less complex for both practitioners in devolved and non-devolved agencies whose focus should be on service delivery and support not on what definition to use and what is best to use.

For example, police forces across the UK were criticised recently by Her Majesty's Inspectorate of Constabulary¹ for their support to domestic abuse victims. The basis of the report is the gender-neutral Home Office definition of domestic abuse². If another definition is used in Wales, then the four police forces in Wales will be dealing with two different definitions – one from the Home Office and one devolved agencies would be using when they work with them. That is both confusing and inefficient, and does not support good simple straightforward government.

In addition, the law of unintended consequences means that that if devolved and non-devolved agencies are using different definitions there is the risk that situations may arise where an individual or a service provider does not get the support they need. For example, if an individual needs support from both a devolved and non-devolved agency, due to the different definitions it may mean that they cannot get the full package of support they need.

1 <http://www.justiceinspectors.gov.uk/hmic/our-work/domestic-violence-and-abuse/>

2 <https://www.gov.uk/domestic-violence-and-abuse>

(iii) Is 'gender-based violence' an appropriate definition to use in the Bill?

Our view is that the use of 'gender-based violence' risks male victims of forced marriage from being excluded in the public policy creation and the subsequent service provision. We recognise the difficulty with calling a Bill 'Forced Marriage, Domestic Abuse and Sexual Violence' is how FGM is included.

Our main priority is to maintain that domestic abuse and sexual violence is not recognised as either 'gender-based violence' and 'violence against women'. We had suggested in our earlier submission that the Bill be renamed as 'Domestic Abuse, Gender-based Violence and Sexual Violence Bill'

(2) Financial implications

(i) Is there a danger that the requirements of the Bill could divert resources away from frontline services?

We do not believe the requirements could divert resources away from frontline services for male victims, we believe they will enhance them. Albeit we do not support resources being diverted away from female victims and given to male victims.

(ii) Are you concerned that the Bill may lead to an increase in demand for services without increased funding to deliver them, and is there a need to commission services in a different way to ensure value for money?

We are concerned that there may be an increased in demand for services for male victims without increased funding but as this demand has to be met not only due to the powers in this Bill but also due to the Equality Act (2010) it will mean that the commissioning landscape will change to ensure male victims are included. This is something we support.

(iii) Further information on whether there is a link between the physical punishment of children and domestic abuse in general, in the context of education and how children and young people are prepared for citizenship.

I have looked for academic evidence for this and have not found the evidence of a clear link. Anecdotally we feel that someone committing domestic abuse will have been more likely to have grown up in a traumatic household where domestic abuse is normalised. This could include domestic abuse between parents, physical punishment on the children but also emotional and psychological abuse leading to retraumatisation in later life.

In terms of preparing for citizenship, Home Office statistics³ covering England and Wales state that younger people are more likely to be a victim of domestic and partner abuse than those in older age groups. In 2012/13, 7.5% of men aged 16-19 were victims of domestic abuse and 3.6% were victims of partner abuse. The figures were 11.3% and 6.3% for women respectively. It is vital that as part of preparing for citizenship that domestic and partner abuse is both seen and information is given that it is domestic abuse is unacceptable whether the teenage victim is a girl or a boy.

3 ONS BCS Focus on Violent Crime and Sexual Offences 2012/13 <http://tinyurl.com/nb4xga>; Table 4.09 on Appendix Table: <http://tinyurl.com/ggxb7xg>