

Men and Boys Coalition  
c/o 11 Havelock Road  
Belvedere  
Kent, DA17 5EX

Date: 17 July 2019

Dear Mr Fogg

Thank you for your letter dated 20 June 2019, in which you express concern that we have advocated for a gendered definition of domestic abuse in the Domestic Abuse Bill.

We do not oppose the UK Government's proposal for a gender neutral definition of domestic abuse, and fully support its position that men and boys can be and are victims of domestic abuse<sup>1</sup>. We also support your own view that all individual victims of domestic abuse should be recognised as having equal status in law. We believe that victims should be provided with a level of support based on individual need and advocate that all individual victims should have equal recognition.

### *Domestic Abuse Bill*

We consider that to ensure the Bill achieves its purpose of providing 'a once-in-a-generation opportunity to transform the response to this terrible crime', it needs to recognise that while both men and women can be victims of domestic violence, they are disproportionately women and girls.

We **have proposed** that this disproportionate impact be recognised within a general duty on the Home Secretary, which would be distinct from the definition of domestic abuse itself. This duty would ensure that 'adequate resources' are provided for the services for *all* survivors to access the support they need. It would not mean that male survivors should not or would not receive equal protection from abuse.

We have also recommended that, 'to prevent and address domestic abuse faced by men and boys, the UK Government should identify any national

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<sup>1</sup> [HM Government, Position statement on male victims of SV](#), p.1 and HM Government, Transforming the Response to Domestic Abuse, Consultation Response and Draft Bill, p.46.

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priorities for relevant departments and agencies and take action to implement them.’

The UK Government has recently published a [Position Statement](#) on Male Victims of Crimes, considered in the cross-government strategy on ending violence against women and girls. We welcome the Government’s acknowledgement that harmful gender and societal norms can act as barriers for men to engage with services for survivors, and its efforts to promote relationship education in schools. We also recognise that LGBT survivors of domestic abuse, including men, face particular barriers in accessing support.

However, to ensure that preventative measures and support for survivors are targeted and effective, it is vital to acknowledge domestic abuse as part of the continuum of violence against women and girls. Indeed, *not* doing so could have serious implications on, for example, commissioning services at local level. The [UN Special Rapporteur on violence against women](#) reported that there has been an increase in the commissioning of gender-neutral services, which disregard the specific needs of women and girls. Gender-neutral services also do not reflect the specific needs of men and boys.

### *Public Sector Equality Duty (PSED)*

Discrimination can occur if two people in different situations are treated in the same way. Failure to recognise the gendered aspects of domestic violence in the commissioning and delivery of services, and formulation of strategy and policy, may lead to discrimination.<sup>2</sup>

Accordingly, the Equality Act 2010 does not preclude a reference to the gendered impact of abuse within the Bill. The PSED requires public bodies and others carrying out public functions to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations.<sup>3</sup> This can include providing additional or bespoke services for a particular disadvantaged group,<sup>4</sup> such as, for example, specialist refuges for BME women or reasonable adjustments to refuges to allow disabled access.

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<sup>2</sup> Failing to treat differently persons with particular protected characteristics whose situations are significantly different may amount to discrimination under Art 14 in conjunction with Articles 2, 3 or 8 ECHR, or indirect discrimination under s.19 Equality Act 2010. See eg. ECtHR, *Thlimmenos v. Greece* [GC], No. 34369/97, 6 April 2000, para. 44.

<sup>3</sup> See s.149 [Equality Act 2010](#).

<sup>4</sup> See s.158 Equality Act 2010, and EHRC [Statutory Code of Practice for Services, public functions and associations](#), Chapter 10.

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Recognition of domestic abuse as a gendered crime is also key to fulfilling the UK's international legal obligations under the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), the implementation of which is one of the Government's key aims in bringing forward this Bill. The [Council of Europe](#) makes clear that this does not exclude recognition of men and boys as victims of domestic violence, , 'nevertheless, it should not be overlooked that the majority of victims of domestic violence are women and that domestic violence against them is part of a wider pattern of discrimination and inequality.'

It is our view that recognition of the disproportionate impact of domestic abuse on women and girls will not constitute discrimination, and does not mean that male victims of domestic abuse are viewed as not having equal status to all others. A gender-sensitive approach, taking into account survivors' differing needs, benefits both men and women, as your letter recognises.

We hope this clarifies our position, and look forward to continuing to partner with your coalition.

Yours sincerely

**Rebecca Hilsenrath**



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