

Refuge briefing: Domestic Abuse Bill 2019, Second Reading, Gendered Definition of Domestic Abuse

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About Refuge

Refuge is the largest specialist provider of gender-based violence services in the country supporting over 6,500 women and children on any given day. Refuge opened the world's first refuge in 1971 in Chiswick, and 47 years later, provides: a national network of 46 refuges, community outreach programmes, child support services, and acts as independent advocates for those experiencing domestic, sexual, and gender-based violence. We also run specialist services for survivors of modern slavery, 'honour'-based violence, and female genital mutilation. In partnership with Women's Aid, Refuge provides the National Domestic Violence Helpline which receives hundreds of calls a day.

Legally Defining Domestic Abuse

The Domestic Abuse Bill proposes to define domestic abuse in law for the first time. The Government agrees that the new statutory definition of domestic abuse will be the primary driver of awareness amongst the general public and professionals tasked with identifying and responding to the crime¹. It is crucial the definition of domestic abuse reflects its dynamics and prevalence. Gender inequality is a cause and consequence of domestic abuse (particularly intimate partner violence), with women making up the overwhelming majority of victims and men the overwhelming majority of perpetrators. We strongly believe that clearly stating the gendered nature of domestic abuse in the definition itself, on the face of the Bill, is essential if we are to avoid limiting the effectiveness of our responses to domestic abuse and letting survivors down. Refuge, along with the Joint Committee on the Draft Domestic Abuse Bill, therefore recommends the following.

The statutory definition of domestic abuse, whilst applying to both men and women, should be explicitly gendered, recognising that women are disproportionately victims of domestic abuse. We strongly encourage MPs to urge the Government to include a gendered definition of domestic abuse on the face of the Bill, during second reading.

Statistics on the Gendered Nature of Domestic Abuse

Statistics consistently demonstrate that the vast majority of victims of domestic abuse are women, and the vast majority of perpetrators are men. One in four women will be victims of domestic abuse in their lifetime² and two women a week are killed by current or former partners³ - a statistic which has remained consistent for decades. Women make up 73% of all domestic homicides, with four in five of these being killed by a current or former partner.⁴ Similarly, the majority of perpetrators of domestic homicides are men – in 2017/18, 87.5% of domestic homicide victims were killed by men.⁵ Furthermore, In 2017/18, 93% of defendants in domestic abuse cases were men,⁶ and in 2017, 468

¹ Stephen Hammond, 25th April 2019, Hansard, col. 870

² ONS (2018), 'Domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2018'.
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusefindingsfromthecrimesurveyforenglandandwales/yearendingmarch2018#the-long-term-trends-in-domestic-abuse> November 2018.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ CPS (2018), 'Violence against women and girls report, 2017-18). September 2018
<https://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2018.pdf>

defendants were prosecuted for coercive and controlling behaviour, of which 454 were men and only nine were women.⁷

Limitations of Official Statistics

Official figures clearly demonstrate that women are disproportionately victims of abuse and men are disproportionately perpetrators. However, we also know that official figures present an artificial picture of gender disparity in domestic abuse, particularly regarding repeat victimisation. The headline statistics on the number of violent crimes published as part of the Crime Survey of England and Wales (CSEW) is currently capped for each victim. This has served to obscure the extent that domestic abuse is gendered as women are more likely than men to experience sustained and repeated abuse - over 80% of 'high frequency victims' (who have experienced more than 10 domestic abuse crimes) are women.⁸ Official figures demonstrate that if the cap were to be removed entirely, the number of incidents experienced by women compared to men would jump significantly.⁹ Moreover, coercive and controlling behaviour is not captured by the CSEW, which again disproportionately impacts women.¹⁰

Impact of a Gendered Definition

As the Government has noted, the definition of domestic abuse will drive awareness and influence understanding of the crime amongst the general public and professionals.¹¹ Without a proper understanding embedded in the thinking of decision-makers, policies will not be adequately developed and scrutinised through the lens of domestic abuse as a form of violence against women and girls (VAWG). Correctly defining and conceptualising the problem determines the response to it.

As it stands, Refuge sees the lack of understanding about the particular impact domestic abuse on women influencing decisions made by local commissioners regarding specialist service funding. For example, it is becoming increasingly common for local authority contracts to require dangerous service models, such as mixed-gender refuges and services which are required to work with both survivors and perpetrators together. These dangerous models would put survivors at risk and Refuge believes that they are driven by a fundamental misunderstanding of the dynamics of domestic violence, particularly its disproportionate impact on women.

Conclusion

Refuge welcomes the draft Domestic Abuse Bill and defining domestic abuse in law for the first time. How a problem is defined and understood directly determines the response to it. It is crucial, therefore, that the definition of domestic abuse reflects the dynamics and prevalence of the crime itself. Domestic abuse is a gendered crime; it happens disproportionately to women because they are women and it is a cause and consequence of the wider gender inequality in society. Only by explicitly recognising this in the statutory definition, will the Government achieve its objective of transforming our response to domestic abuse.

⁷ Ministry of Justice (2018), 'Statistics on women and the criminal justice system 2017'.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759770/women-criminal-justice-system-2017.pdf November 2018.

⁸ Walby and Towers (2018), 'Untangling the concept of coercive control: theorizing domestic violent crime'. *Criminology and Criminal justice*, 18(1), 7-28.

⁹ ONS (2019), 'Improving victimisation estimates derived from the Crime Survey for England and Wales'.

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/improvingvictimisationestimatesderivedfromthecrimesurveyforenglandandwales/2019-01-24#adults-impact-on-crime-survey-for-england-and-wales-data> January 2019.

¹⁰ Myhill (2015), 'Measuring coercive control: what can we learn from national population surveys?'. *Violence against women*, 21(3), 355-375.

¹¹ Stephen Hammond, 25th April 2019, Hansard, col. 870