

Commentary on the Domestic Abuse Bill – Mike Buchanan, Justice for Men & Boys <http://j4mb.org.uk> – 25 September, 2019

Note: I have not provided commentary on sections of the Bill relating only to Wales or Scotland or Northern Ireland.

Where only a part of the cited “text of bill” is commented on, I’ve highlighted the relevant text in yellow. I’ve included some other text for context.

Page	Section	Text of Bill	Commentary
1		<p>1 Definition of “domestic abuse”</p> <p>(1) This section defines “domestic abuse” for the purposes of this Part.</p> <p>(2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—</p> <p>(a) A and B are each aged 16 or over and are personally connected to each other, and</p> <p>(b) the behaviour is abusive.</p> <p>(3) Behaviour is “abusive” if it consists of any of the following—</p> <p>(a) physical or sexual abuse;</p> <p>(b) violent or threatening behaviour;</p> <p>(c) controlling or coercive behaviour;</p> <p>(d) economic abuse (see subsection (4));</p> <p>(e) psychological, emotional or other abuse;</p>	<p>(3)(e) “Psychological, emotional or other abuse” is open to vexatious interpretation. In practice it all too often means the woman <i>feels</i> abused – or is willing to assert such for personal gain – and it is just accepted that she is. There is no allowance for the fact that what a woman feels is abuse may not be rooted in fact, nor judged as abuse by reasonable people.</p>
2		<p>(4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—</p> <p>(a) acquire, use or maintain money or other property, or</p> <p>(b) obtain goods or services.</p> <p>(e) psychological, emotional or other abuse;</p>	<p>It is implied here that B will act in a financially responsible manner, which will in many cases not be the case. What is A to do when B acts in a financially irresponsible manner, perhaps to a degree as to bring A and B to the point of bankruptcy, losing their home etc.? If A is the sole earner, or prime earner, why should B have the ability to spend money as (s)he sees fit?</p>
3	3	<p>Appointment of Commissioner</p>	<p>We have commented on our website about the appointment of Nicole Jacobs, chief executive of Standing Together, as Domestic Abuse Commissioner.¹ Her organisation is recognized as a “women’s organization”,</p>

¹ <https://j4mb.org.uk/2019/09/19/boris-johnson-hires-nicole-jacobs-of-standing-together-as-domestic-abuse-commissioner/>

		(1) The Secretary of State must appoint a person as the Domestic Abuse Commissioner (“the Commissioner”).	and the organization has on its website a quotation from Ellen Pence, one of the originators of the long-discredited Duluth Model, who later rejected it. ² The Domestic Abuse Commissioner is self-evidently a feminist, and therefore biased with a strong concern for female victims of domestic abuse, and a lack of concern for male victims.
4	6	<p>General functions of Commissioner</p> <p>(1) The Commissioner must encourage good practice in—</p> <p>(a) the prevention of domestic abuse;</p> <p>(b) the prevention, detection, investigation and prosecution of offences involving domestic abuse;</p> <p>(c) the identification of—</p> <p>(i) people who carry out domestic abuse;</p> <p>(ii) victims of domestic abuse;</p> <p>(iii) children affected by domestic abuse;</p> <p>(d) the provision of protection and support to people affected by domestic abuse.</p>	<p>(c) (i), (ii) The Commissioner “must encourage good practice in... the identification of people who carry out domestic abuse... and victims of domestic abuse.” Given that parliament and state departments (notably the Home Office) are almost solely concerned with men as perpetrators, and women and children as victims – hence the naming of the “Violence Against Women and Children” strategy – a duty is implied on the Commissioner to disseminate the available evidence on domestic abuse, which concludes that it is not a gendered crime.</p> <p>(d) The Commissioner should advocate for the protection and support of people affected by domestic abuse <i>regardless of their sex</i>.</p>
4	6	<p>General functions of Commissioner</p> <p>(2) The things that the Commissioner may do in pursuance of the general duty under subsection (1) include—</p> <p>(a) assessing, monitoring, and publishing information about, the provision of services to people affected by domestic abuse;</p> <p>(b) making recommendations to any public authority about the exercise of its functions;</p> <p>(c) undertaking or supporting (financially or otherwise) the carrying out of research;</p> <p>(d) providing information, education or training;</p> <p>(e) taking other steps to increase public awareness of domestic abuse;</p>	<p>(2) “The things that the Commissioner may do... include” is weak and deeply unsatisfactory. These things are absolutely fundamental, and should be a strong obligation on the Commissioner. For decades, successive governments have taken advice only from feminist women’s organizations, including Women’s Aid and Refuge, who perpetuate the long-discredited Duluth Model. Those governments have been absolutely blind to the mountain of evidence on domestic violence, published over decades, which shows, among much else:</p> <ul style="list-style-type: none"> - In heterosexual couples, women are at least as violent as men; - In the minority of heterosexual couples where violence is one-way, the perpetrator is twice as likely to be the woman as the man; - The highest rates of violence are found in lesbian couples.

² William Collins, *The Empathy Gap: Male Disadvantages and the Mechanisms of Their Neglect*, pp.272-5.

		(f) consulting public authorities, voluntary organisations and other persons; (g) co-operating with, or working jointly with, public authorities, voluntary organisations and other persons, whether in England and Wales or outside the United Kingdom.	
5	7	Reports (1) The Commissioner may report to the Secretary of State on any matter relating to domestic abuse. (2) The Commissioner must publish every report made under this section. (6) The Commissioner must arrange for a copy of any report published under this section to be laid before Parliament.	Section 13 of the Bill (p.8), covers the issue of an annual report, but it's unclear whether it will be made publicly available.
6	10	Framework document (1) The Secretary of State must issue a document (a "framework document") that deals with matters relating to the Commissioner.	The document should be made publicly available for scrutiny.
7	11	Advisory Board (1) The Commissioner must establish an Advisory Board ("the Board") for the purposes of providing advice to the Commissioner about the exercise of the Commissioner's functions. (2) The Board is to consist of not fewer than six and not more than ten members appointed by the Commissioner. (3) Each member of the Board is to hold and vacate office in accordance with the terms and conditions of the member's appointment. (4) The members of the Board must include—	(1) The Advisory Board will inevitably consist of feminists, who will be interested only in female victims, and male perpetrators. We see feminist corruption in the appointment of a disproportionate number of women i(and feminists) in many areas e.g. as EHRC Commissioners, and as Philip Davies MP has noted, all but one member of the recently-appointed Family Justice Review Panel are female, and the panel include feminist academics. The one man, a judge, is a feminist. ³ (2) At least half of the members should be individuals with knowledge about male victims and/or female perpetrators.

³ <https://j4mb.org.uk/2019/07/17/philip-davies-mp-asks-why-there-are-no-representatives-of-fathers-or-men-on-the-family-justice-review-panel/>

		<p>(a) at least one person appearing to the Commissioner to represent the interests of victims of domestic abuse;</p> <p>(b) at least one person appearing to the Commissioner to represent the interests of charities and other voluntary organisations that work with victims of domestic abuse in England;</p> <p>(c) at least one person appearing to the Commissioner to represent the interests of providers of health care services in England;</p> <p>(d) at least one person appearing to the Commissioner to represent the interests of providers of social care services in England;</p> <p>(e) at least one person appearing to the Commissioner to represent the interests of persons with functions relating to policing or criminal justice;</p> <p>(f) at least one person appearing to the Commissioner to have academic expertise in relation to domestic abuse.</p>	<p>(4)(a) There should be at least one person to represent the interests of female victims, and one for male victims.</p> <p>(4)(b) The vast majority of such organizations work only with female victims of domestic abuse, so another person is required, representing the interests of organizations that work solely or primarily with <i>male</i> victims of domestic abuse in England.</p> <p>(4)(f) The overwhelming majority of people with “academic expertise in relation to domestic abuse” are feminists, who continue to deny the non-gendered nature of domestic abuse, despite the overwhelming evidence. There are, however, many researchers (e.g. Dr Nicola Graham-Kevan at the University of Central Lancashire) who are not ideologically-driven, and only such researchers should be in contention for this position.</p>
7	12	Strategic plans	It’s unclear whether the strategic plans will be made publicly available, but they should be.
8	13	Annual reports	It’s unclear whether the annual reports will be made publicly available, but they should be. The reports should include gendered statistics on domestic abuse, and the support available for victims from the state and the voluntary sector.
12	19	Power to give a domestic abuse protection notice	<p>It’s clear from countless individual reports that the default position of the police is, when faced with a domestic violence situation, to believe the woman, and disbelieve the man. The man is considered guilty and faces the impossible challenge of proving himself innocent. This is so although:</p> <ul style="list-style-type: none"> - In heterosexual couples, women are at least as violent as men; - In the minority of heterosexual couples where violence is one-way, the perpetrator is twice as likely to be the woman as the man.

			<p>Many police forces have been trained by organizations such as Women’s Aid, who promulgate the long-discredited Duluth Model, which posits that only women can be victims of domestic violence, and only men can be perpetrators.</p> <p>The Bill is an open invitation to women to make false allegations of domestic abuse, knowing the police will err on the side of believing them, and disbelieving their partners.</p>
34	53	<p>Special measures directions in cases involving domestic abuse (1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (giving of evidence or information for purposes of criminal proceedings: special measures directions in case of vulnerable and intimidated witnesses) is amended as follows.</p>	<p>I’ve covered this issue (cross-examination of parties in the case) later in my commentary, on Part 4(B) of the Bill, p.46.</p>
35	54	<p>Polygraph conditions for offenders released on licence</p>	<p>Given all that is known about the unreliability of polygraph testing, this section should be omitted. The American Psychological Association states "Most psychologists agree that there is little evidence that polygraph tests can accurately detect lies." ⁴</p>
36	56	<p>Grant of secure tenancies in cases of domestic abuse (2) After section 81 insert— “81ZA Grant of secure tenancies in cases of domestic abuse (1) This section applies where a local housing authority grants a secure tenancy of a dwelling-house in England before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 (grant of new secure tenancies in England) comes fully into force.</p>	<p>(2)(2)(b)(i),(ii) <i>How</i> will the authority be so satisfied? It’s clear no conviction of the alleged abuser will be required. In practise, the word of the accuser will suffice, at least if the accuser is female.</p> <p>This section of the Bill will further incentivise women to make false accusations of domestic abuse, for personal gain. One of the reasons that 90% of street homeless people are men is the lack of social housing available for men in general, and male victims of domestic violence in particular. When men approach their local authorities seeking social housing because they’re victims of domestic violence, they’re told that if they leave their homes,</p>

⁴ <https://www.apa.org/research/action/polygraph>

		<p>(2) The local housing authority must grant a secure tenancy that is not a flexible tenancy if—</p> <p>(a) the tenancy is offered to a person who is or was a tenant of some other dwelling-house under a qualifying tenancy (whether as the sole tenant or as a joint tenant), and</p> <p>(b) the authority is satisfied that—</p> <p>(i) the person or a member of the person’s household is or has been a victim of domestic abuse carried out by another person, and</p> <p>(ii) the new tenancy is granted for reasons connected with that abuse.</p>	<p>they’ll be considered to be intentionally homeless, and will not be eligible for support with respect to being homeless.</p>
46	Part 4(B)	<p>Family proceedings: prohibition of cross-examination in person</p> <p>31R Prohibition of cross-examination in person: victims of offences</p> <p>(1) In family proceedings, no party to the proceedings who has been convicted of or given a caution for, or is charged with, a specified offence may cross-examine in person a witness who is the victim, or alleged victim, of that offence.</p> <p>(2) In family proceedings, no party to the proceedings who is the victim, or alleged victim, of a specified offence may cross-examine in person a witness who has been convicted of or given a caution for, or is charged with, that offence.</p>	<p>Many alleged perpetrators (almost invariably men) will be unable to afford legal representation, while their accusers (almost invariably women) will be entitled to legal representation through Legal Aid by virtue of having made the allegations of domestic abuse.</p> <p>The men will have no option but to represent themselves, raising the likelihood of a miscarriage of justice. If the accuser is entitled to Legal Aid, so too should be the accused.</p> <p>The accuser, likewise, should be able to cross-examine the accused.</p> <p>(Note: The Bill introduces the possibility of provision of legal representation for the accused with respect to cross-examination of witnesses – and only that element of the proceedings – and I cover it with respect to Section 31V of the Bill, p.50.)</p>

48	Part 4(B)	<p>31T Direction for prohibition of cross-examination in person: other cases</p> <p>(1) In family proceedings, the court may give a direction prohibiting a party to the proceedings from cross-examining (or continuing to cross-examine) a witness in person if—</p> <p>(a) neither section 31R nor section 31S operates to prevent the party from cross-examining the witness, and</p> <p>(b) it appears to the court that—</p> <p>(i) the quality condition or the significant distress condition is met, and (ii) it would not be contrary to the interests of justice to give the direction.</p>	<p>(1)(b)(i) We can be sure that the person exhibiting the “significant distress” will be a person (probably a female friend of the alleged victim), who might be pretending to be “significantly distressed” to avoid cross-examination. Courts are in no position to make judgements on the mental states of people under such circumstances.</p>
50	Part 4(B)	<p>31V Alternatives to cross-examination in person</p> <p>(5) The court must consider whether it is necessary in the interests of justice for the witness to be cross-examined by a qualified legal representative appointed by the court to represent the interests of the party.</p> <p>(6) If the court decides that it is, the court must appoint a qualified legal representative (chosen by the court) to cross-examine the witness in the interests of the party.</p> <p>(7) A qualified legal representative appointed by the court under subsection (6) is not responsible to the party.</p>	<p>It should arguably be for the accused, not the court, to decide “the interests of justice” with respect to legal representation.</p>
54	79	<p>PART 5</p> <p>Supplementary and final provisions</p> <p>Power of Secretary of State to issue guidance about domestic abuse, etc.</p>	<p>(3) It is far from well-established that “the majority of victims of domestic abuse in England and Wales are female.” It’s known that men under-report</p>

	<p>(1) The Secretary of State may issue guidance about—</p> <p>(a) the effect of any provision made by or under Part 1 or 3, section 76 or Part 1 of Schedule 2;</p> <p>(b) other matters relating to domestic abuse in England and Wales.</p> <p>(2) The Secretary of State must, in particular, issue guidance under this section about—</p> <p>(a) the effect of sections 1 and 2, including guidance as to particular kinds of behaviour that amount to domestic abuse;</p> <p>(b) the effect of domestic abuse on children.</p> <p>(3) Any guidance issued under this section must, so far as relevant, take account of the fact that the majority of victims of domestic abuse in England and Wales are female.</p>	<p>being victims at far higher levels than women, so the majority of victims could be men.</p> <p>But even if it <i>were</i> an established fact that “the majority of victims of domestic abuse in England and Wales are female”, why should guidance take account of it? This is outrageously anti-male, treating men as second-class citizens (which is endemic in the criminal justice system).</p> <p>Looking through a different lens, should guidance take account of the fact that the majority of victims are <i>white</i>?</p>
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