

# The Mankind Imitative submission of 19 June 2022

## PE1909/J: Remove the "gender-based crime" domestic abuse narrative and make it gender neutral and equal

Thank you for inviting us to submit our views.

I can confirm that the charity does not support the notion that domestic abuse is a gender-based crime because this is an ideologically based position that leads to:

- The unequal and lack of equitable application of law and professional practice to male and LGBT+ victims of domestic abuse
- Provides additional barriers to male and LGBT+ victims who continue to be marginalised and second-class victims of these crimes
- Continues to ensure a lack of public services and also recognition in wider society of the existence of male and LGBT+ victims.

Our view (in keeping with creating a modern, inclusive and equitable world), is that a fully gender-inclusive approach should be taken with respect to domestic abuse – that supports and recognises each individual victim separately; is based on their individual risks and needs; recognises, where appropriate, barriers and support needs based on their gender.

It is vital that their Protected Characteristics are taken into account, such as sex/gender, when providing support but this can never override the need to view each individual victim distinctly.

Such an approach would ensure no one individual's needs should be seen as being a higher priority, worthy of higher attention or discussion than anyone else's – especially where the level of risk and need is the same.

The problem with a gender-based crime narrative is that in effect, it creates a hierarchal approach to victims of domestic abuse based on their sex/gender which is not how the law in Scotland (or anywhere in the UK) works.

This is the problem with classing domestic abuse as a gender-based crime as ultimately it means that while the law and professional practice has to be applied to all equally, it is not in our experience, always applied equally. Heterosexual female victims are seen as the priority when all types of victims should have equal priority.

This is enhanced by the fact that in Scotland male victims of domestic abuse are classed as being victims of crimes classed as Violence Against Women and Girls...when clearly they are not women and girls. This still marginalises those men further.

The last general point is that there is inconsistency at the heart of policy making as neither rough sleeping or suicide are classed as being “gendered” housing or mental health problems – even though the large majority of victims are male. However, a different approach is taken when it comes to domestic abuse. There has never been an explanation for the reason for this different approach and policy inconsistency.

### **1) Make domestic abuse policies, guidance, agendas and practices gender neutral**

The key issue is they are meant to be “gender-neutral” in that they should describe and apply to all victims (female and male) equally but there can be a problem in their application and also in any language that minimises male victims if this is set within a “gender-based” narrative.

Being gender neutral can however, lead to no-one being adequately supported, so whilst we accept the need for everything to apply equally, some guidance and practices should take into account the different needs and barriers that women and men – where relevant and where it does not undermine the principle of equal application. It is important that a gender-informed and gender-responsive approach is taken and overlays the overarching gender-neutral application of policy and practice.

### **2) Introduce equal domestic abuse provision and funding for everyone in Scotland - regardless of any protected characteristic**

Every victim of domestic abuse must be able to access the support they need and be treated equally to any other victim with the same risk and

need. This is a fundamental human right and is aligned to equalities legislation.

The simple test is:

If a woman who is a victim of domestic abuse in Aberdeen, Ayr or Arbroath has full access to domestic abuse support and advocacy from an organisation in her community which is funded by the “state” (which we hope she does, of course) **but** a man from Aberdeen, Ayr or Arbroath who is also a victim with the same level of risk and need has no (or less equivalent) access funded by the “state”, then he is being discriminated against because of his sex/gender.

That is the test that the Scottish Government, public bodies and local authorities have to pass.

### **3) Ensure all domestic abuse Joint Protocol guidance, policies and practice for Police Scotland and Crown Office and Prosecutor Fiscal Service are gender neutral.**

This is self-evident – however, the issue is are they applied equally, is the language balanced and neutral so does not favour (or lead to favouring) one sex/gender over another to create a hierarchy (often caused by minimising male victims)

A hierarchy creates two tiers of victims with male and LGBT+ victims at the bottom and they are not being recognised and supported as heterosexual female victims rightly are. These bodies listed above – have to acknowledge that upfront as being fundamental to their operation and practice.

There is no place for ideology in the delivery or recognition of support to victims of domestic abuse, as there should not be for any victims of any crime. Classing domestic abuse as being fundamentally a gender-based crime is an ideological view and one we do not share for the reasons above.