

SAFETY AND JUSTICE

The Government's Proposals on Domestic Violence

Home Office Cm 5847 June 2003

Submission by Dewar Research

August 2003

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The Consultation document *Safety and Justice* issued by the Home Office in June 2003 sought responses from organisations and individuals with an interest in the social problem of domestic violence.

This Response to the invitation has been prepared by Dr Malcolm J George FRSA and David J Yarwood MICE on behalf of Dewar Research. Dewar Research is a private initiative formed in 1996 to collate information available in the public domain in order to encourage more informed debate of social issues. Malcolm George has published widely in academic journals on the issue of domestic violence and related aspects and David Yarwood has also published on this issue on behalf of Dewar Research.

Dewar Research would request that this Response be published in full by the Home Office as part of a summary of responses to this Consultation exercise.

The Response is in two main sections, the first providing a historical context applying to the issue of domestic violence, in particular to male victims, and the second, a more specific response to the Consultation document.

Dewar Research would be pleased to clarify any of the points made and provide supportive information, such as our personally published works, if required.

Malcolm J George

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Section 1 **Male Victims: A History of Prejudice**

Since the founding of a refuge for battered women in the early 70's by Erin Pizzey, domestic violence has been the subject of both public and political concern. In the following thirty or so years, a wealth of studies, reports and articles on the subject have been published and inquiries by Parliament have been made, with resulting changes of public policy towards violence between intimate partners.

In one respect, the analysis made in *Safety and Justice* differs to the vast majority of these previously published sources, which have focused almost exclusively on women as victims of domestic violence. It recognises that there is indeed an incidence of men suffering domestic violence. Men can be victims of domestic violence from either female partners in heterosexual relationships or male partners in homosexual relationships.

This submission seeks to address the issue of male victims of domestic violence in heterosexual relationships. It thus addresses an aspect of domestic violence which has been termed the 'Great Taboo' (George, 1994) and which has been ignored, denied or trivialised in almost every publication on the subject, including the vast majority of reports published by government or publicly funded bodies. Evidence can be advanced which demonstrates that there has been a deliberate suppression of the subject of male victimisation in heterosexual relationships in the contemporary consideration of domestic violence, and that this accords with historical evidence of prejudicial social attitudes and customs towards such victimised males (George, 2002).

Historical records dating back as far as Elizabethan times and beyond show evidence of cases of violence by wives against husbands (Bates, 1981; George, 2002; 2003). A wood carving in Holy Trinity, William Shakespeare's own parish church in Stratford-upon-Avon depicting a scene of husband battering is one of a considerable number of other historical pieces of evidence that attest to the phenomenon. Historical records also show, however, that informal lay social customs existed in this country, and throughout Europe, whereby domestically victimised males (and sometimes their violent wives as well) were subjected to an elaborate form of public ridicule, humiliation and punishment. Taking the form of an unauthorised public procession, the man or couple were, at the very least, ridiculed and shamed by their community for their perceived transgression against gender role norms. These 'Skimmington' processions of so called 'battered husbands' occurred widely at least up until Victorian times and there are documented instances up until the time of the First World War in some parts. (For detailed discussion of Skimmington processions and their implications see both George, 2002 and George, 2003).

Although a process of lay culture, not far removed from mob rule, evidence shows the survival of the Skimmington for so long relied upon the approval and tolerance of Government and the legal profession. For instance, in his house at Montacute in Somerset, Sir Edward Phelips, who was a lawyer and MP and became Master of the Rolls and Speaker to the House of Commons in the reign of James I, had a plaster façade in the Great Hall of his house depicting a domestic scene of a wife hitting her husband and a subsequent 'Skimmington' procession of the husband. Clearly, having this façade prominently in his house, shows approval of the lay custom of the Skimmington humiliation of the victimised husband by a man at the centre of both government and the legal profession at that time. A noticeably more disapproving attitude only seems to have occurred once ideas inherent to the Skimmington began to be used as a mechanism of political satire of politicians and elite men. However, although these public humiliations of domestically victimised men eventually ceased, it is clear that the prejudicial attitudes which underlay the Skimmington have persisted at all levels of society and can be shown to be of central relevance to the consideration of domestic violence today.

An essential feature to the operation of the Skimmington as a social custom of approbation for domestically victimised males in former times was that their victimisation was overseen or became public knowledge. Inherently in the Skimmington, a message was sent to all men not to divulge the reality of their domestic lives. By ensuring that few men would complain and most would seek to hide their victimisation to avoid having the Skimmington visited upon them, two important consequences ensued. Firstly, the social myth that men were the dominant marital partner was created. Secondly, the myth that men were only rarely the victims of violence by female partners was given currency. That these social assumptions are indeed myths and false is shown by modern research which shows that the majority of heterosexual relationships are equitable and that as many men, as women, are assaulted by their opposite sex partners (Coleman and Straus, 1989; Archer, 2000).

Out of this historical background developed a culture of denial and trivialisation of male victimisation (eg. picture postcard humour). This found important locus once domestic violence became a subject of public debate in this country and in America in the 1970s. As a result, the subject became focused exclusively upon female victims within a paradigm that violence male-to-female in relationships was a product of supposed 'male dominance' in such relationships. This was but the continuance of the ethos underlying the Skimmington (i.e. men should not be victims) expressed alternatively to reinforce the stereotypes of male and female.

Compounding this, specious and erroneous assumptions, eg. the so-called 'Rule of Thumb', were widely promulgated in support (for discussion, see Kelly, 1994; Hoff-Sommers, 1995; George 2003), whereby it was suggested that male dominance was so complete that historically men had a legal right to chastise their wives with a stick no thicker than their thumb. By inference, this also reinforced a notion that men could not be victims of violence by wives. Detailed scrutiny of the historical record shows the fallacy of this claim for the existence of such a 'law' (Kelly, 1994). No such written law can be found, even though across the centuries there are some voices who had supposed erroneously in former times such a law had existed. To the contrary, Kelly (1994) produced copious historical evidence to demonstrate that wife beating had been prohibited and wife beaters despised. For instance, amongst the numerous examples he cites, there is the case of *Manby vs Scott* in 1659 in which the Court affirmed that a man could not beat his wife and that a wife could 'seek the peace' against her husband (ie. obtain an injunction in modern terms). He also noted that in 1609 William Heale had written 'In the whole body of law Canon or Civil, I have not yet found set down..... or otherwise passed..... that it is lawful for a husband to beat his wife'. Subsequently, Hoff-Sommers (1995) exposed the recent promulgation of the 'Rule of Thumb' as mendacious propaganda on the part of those seeking to portray women as the sole victims of domestic violence for political means.

A further consequence emanating from the historical prejudice against male victims of intimate violence, as opposed to female victims, in the contemporary consideration of domestic violence, has been the manner in which academic research which produced evidence of female perpetrated domestic assaults on males has been disparaged and denigrated. A considerable number of academic studies have, since the mid to late seventies, adopted a method of investigating family violence which depends on utilising a standard scale asking about conflict - The Conflict Tactics Scale (CTS). This scale was originally produced by Professor Murray Straus in America (Straus, 1979) and has been used extensively since.

Over one hundred studies now exist in which the CTS has been used and found that assaults between intimates occur female-to-male as well as male-to-female. Recent meta-analysis of such studies (see Archer, 2000) has revealed that both the prevalence and incidence of female perpetrated assault on male partners is greater than the reverse, although twice as many females suffer injury. The greater size and strength of males results in injury when females are assaulted by males.

However, such studies have faced a barrage of purulent criticism and denigration, with some researchers, who have produced evidence of female perpetrated violence in relationships, being subjected to threats and abuse (for details see Straus, 1993; George 1994; George 1998). This trenchant opposition is, of course, utterly predictable from the perspective of the Skimmington: male victimisation (and female perpetration) was made public in these studies and shown to be a common, rather than a very rare, reality in men's domestic lives. So the denial and ridicule heaped upon these studies is in keeping with the continuation of the same prejudicial attitudes upon which the Skimmington was based.

The strength of the prejudice and the very explanation as to why, over the last thirty years of public concern about domestic violence, there has been an almost exclusive focus of attention on women as the appropriate and sole victims of domestic violence, can be seen by the study of attitudes towards victims of domestic violence (eg. see Cook and Harris, 1994; Feather, 1996). Male victims of assaults from an intimate partner are rated much less favourably than a female victim, irrespective of whether assault is by a male or female intimate partner. Whilst this comparison between male and female victims is in itself important, a crucial comparison is the difference in attitudes expressed towards the male heterosexual or homosexual victim. The male heterosexual victim is rated much less favourably than the male homosexual victim (Cook and Harris, 1994). This comparison between the heterosexual and homosexual male is utterly revealing. The historical prejudice against homosexual males, homophobia, has been extremely severe and strong, yet the heterosexual male victim of domestic violence is rated much less favourably than the homosexual male victim. To be the recipient of a prejudice far stronger than homophobia speaks volumes. It explains the almost total exclusion of consideration of heterosexual male victims of domestic violence (eg. see Smith, 1989) and the intense hostility and disdain that is expressed when such male victimisation has been raised (for an example of such expressed prejudice, see Davis, Radford and Richardson, 1998).

The proposals put forward in *Safety and Justice*, despite the mention of male victims, are in reality driven from a perspective that women are the only and appropriate victims of domestic violence borne out of the operation of the extreme prejudice against male victims described above. In large measure, the remedies proposed are solely meant to have meaning within this context of women being the sole victims of domestic violence. The extreme prejudice against the male heterosexual victim is not addressed and the proposals made are not based upon any research or insight into the particular situation of the male victim.

Research, using case analysis methods, into the situation of male victims has been undertaken throughout the English speaking world including by a number of researchers within the UK (see George, 2003). Although the volume of such research is small in comparison to the amount which looks at the situation of female victims, important and consistent findings about such male victimisation are evident from this growing body of evidence. Additionally, a survey of 100 cases of male victims in the UK of female perpetrated intimate violence was undertaken by social researchers working in conjunction with the *Dispatches* TV programme series on male victims of female perpetrated domestic violence in 1998 (see footnote 1). The survey instrument used was based upon one supplied by one of the present authors (George) and the results of the study were reviewed by Professor Kevin Browne, an advisor on domestic violence to the Home Office. Also, the present authors have since conducted a survey of a further 100 male victims, based closely upon the survey instrument used for the *Dispatches* programme, the results of which will be published in due course. Home Office Research Study 191, a survey of domestic violence carried out in conjunction with the 1996 British Crime Survey, also produced data relevant to a consideration of the victimisation of males within intimate relationships.

Although not vast, the body of evidence available from such sources is sufficient to be able to draw a number of inferences about intimate violence female-to-male. For instance:

- There is much in common between intimate violence whether it is female-to-male or male-to-female. The motives of perpetrators, be they male or female, are often ones of a need to control or to punish the victim.
- Female perpetrators are most often smaller than their male victims, but often overcome lack of physical size or strength by attacking males using a variety of objects as offensive weapons or by using means of assault which do not depend upon strength for effect. Thus, men can be attacked when asleep or otherwise unsuspecting. Hence, contrary to popular misconception, such female assaults can often be premeditated and with a callous intent to harm or disregard for the victim's wellbeing.
- Male victims report experiencing a wide range of types of physical assault from female partners. The injuries sustained are mostly minor such as bruising, but serious injuries such as severe cuts, stabbings, burns and scalds and even broken bones are also reported in the worst cases. A minority also report experience of violent sexual assaults. Many male victims report that they are strongly of the belief that it is wrong for a man to hit a woman and so refrain from retaliation despite provocation.
- Often male victims also report high levels of emotional/psychological abuse from female perpetrators of intimate physical violence. Threats are often a part of this female perpetrated emotional/psychological abuse. Importantly, this includes threats to make false allegations against the male victim and, where the couple have children, to harm the relationship between the man and his children. Not infrequently, such threats and the abduction or alienation of children are indeed carried out by the mother.
- Male victims are reluctant to report assaults or to seek help for a variety of reasons including a strong perception that agencies, such as the police, who they might approach will be unhelpful or prejudicial towards male victims. They also complain that the female perpetrators are able to manipulate and deceive such agencies and professional networks with ease as part of their strategy of abuse of the male victim.
- Male victims of female perpetrated intimate violence experience prejudicial attitudes where there is involvement of any of the agencies that provide a service to domestic violence victims. Police forces and the operation of family law courts, especially in relation to matters about children, are particularly identified in this context, although no institution or agency is seen as completely equitable and unprejudiced. Most usually, male victims are offered no real help, protection or service from such agencies, and they frequently find that they suffer highly discriminatory responses and actions both by the police and in the family courts.

The unacceptable and prejudicial nature of action or inaction by police forces in relation to male victims has been validated in other research, where it has been noted that is evident even when male victims are more severely injured than female victims (Buzawa and Austin, 1993).

Research into statistics on domestic violence incidents provided by police forces to one of the present authors (Yarwood, 1997) shows an anomaly which seems to give further credence to the reports of prejudice against male victims. Aggression in both sexes is known to be at its greatest in young adults, from extensive academic study (Eagly and Steffen, 1989; Harris, 1996). A similar picture is also seen in criminal justice statistics where most violent crime is committed by such young individuals. Similarly for intimate violence, police figures obtained from a number of police forces show that the greatest numbers of incidents attributed to male perpetrators are for individuals in this same age range. All forces show that the greatest proportion of incidents are recorded as

male-on-female, with rather variable figures for female-on-male incidents being recorded as between different police forces. Figures as diverse as from virtually zero incidents involving a male victim to levels approaching 50% male victims for seriously injurious incidents, are reported between different forces. In these figures, however, a low level of incidents were often recorded for women in exactly the age ranges where aggression is known to be greatest, with higher levels at earlier and higher ages. This is the exact opposite of what should be the case. Hence, in addition to the previous discussion of negative prejudices working against male victims, it is likely that a positive discrimination works in favour of female perpetrators. This may reflect the fact that such women are perhaps more likely to have young dependent children.

A bias across the criminal justice system to the advantage of young mothers has been found in American data (Bickle and Petersen, 1991). In the UK, the Home Office has consistently reported that female offenders are treated more leniently within the criminal justice system than male offenders, for most types of offences including violent offences (see Hedderman and Hough, 1994; Hedderman and Dowds, 1997). A leniency in relation to violent assaults, especially when committed by married women, is also evident in court records dating back centuries (see George, 2002). Evidence such as this seems to give independent credence to the complaints of bias and prejudice reported by male victims of domestic violence. It suggests a deliberate under or lack of recording of domestic incidents by police officers when they are found to be female-on-male.

Evidence that female perpetrated violence is difficult to identify and prone to bias comes from two examples in the medical profession. When a study was undertaken to assess the ability of psychiatrists trained to assess patient dangerousness (Lidz, Mulvey and Gardner, 1993), it was found that these medical professionals assessed males as dangerous (ie. likely to commit a future violent assault) at 'better-than-chance' levels. However, when it came to the assessment of dangerousness in females, the assessments made were poorer than could have been achieved by 'chance' alone. In other words, females with a propensity to commit violent acts are well able to confound even highly educated and trained professionals to conceal their violence prone characters.

Further, it is well known that levels of intimate assault are high where individuals suffer psychiatric conditions (Bland and Orne, 1981) whereby, amongst men who abuse their female partners, a high incidence of personality disorders is found. The diagnosis of these disorders is prone to bias along gender lines and particularly for those disorders associated with a propensity to violence (Ford and Widiger, 1989). For instance, females are less likely to be diagnosed as having antisocial personality disorder, even when they exhibit high levels of antisocial behaviour. These two examples illustrate that even psychiatrists, who are highly educated and trained observers of human behaviour and who supposedly use objective criteria to appraise and diagnose, are prone to error and bias when dealing with female violence.

It has been suggested (George, 2003) that the confusion and bias of even educated professionals results from the incorporation of the age old prejudices, associated with the stereotypes of male and female, into contemporary thinking and scientific analysis. With the prevalence of male violence in the public sphere, it has been argued there is a conceptualisation of violence as male and a 'masculine obsession' within its scientific study (White and Kowalski, 1994; Oglivie, 1996). This has allowed the myth of the non-aggressiveness of females to predominate in contradiction to the reported prevalence of female assaults in heterosexual dyads, even when reported by females, in studies using the Conflict Tactics Scale. This situation seems to arise from the power of the stereotypes of masculinity and femininity, where the feminine role model is prohibitive of aggression. Hence, female aggression may be more readily expressed in private inside the home where it is likely to be unobserved and free of public censure (Archer and Ray, 1989). Further, the importance of home and intimate relationships to female self-conception result in a female power base and authority which can lead to assaults on intimate males (Ben-David, 1993). So the finding of a higher prevalence and incidence of female-on-male assault, than male-on-female, revealed by

many CTS studies seems to be entirely robust, explicable and in accord with historical evidence.

Nevertheless, such female assaults are often denied or trivialised on the grounds of women's lesser size and strength or on the basis of women always acting in self-defence, grounds which can also be explained and refuted. In fact, in general across all situations, assaults by females are made preferentially (2:1) on men, rather than on other females (George, 1999). That women will preferentially assault even a strange male, who will most often be of greater size and strength, argues against women being unable or unwilling to assault male intimates. Further in CTS studies, women themselves have refuted the notion they assault their intimate males in self-defence in the majority of cases (Carrado et al, 1996) and identify a wide range of reasons for their assaults other than any self defensive need (Carrado et al, 1996; Fiebert and Gonzales, 1997). The reasons cited by women for their assaults on a male intimates interestingly include the reason that they know a man is unlikely to retaliate against them (Fiebert and Gonzales, 1997)

Further, female assaults on male intimates, where they are acknowledged, are often excused as being 'expressive' and flowing in an unpremeditated emotive manner from a situation, as opposed to male assaults which are seen as 'instrumental' and made with a controlling motivation. Such beliefs seem to emanate from uncritical adherence to the gender stereotypes. This can and has been shown by a simple experiment (R.Powell, personal communication, see footnote 2). If individuals are given a scenario which describes unilateral female-to-male violence, they will unfailingly ascribe an expressive causation for the assault. This is so even though the scenario given is actually the exact replica of one, except for the fact that the sex of the perpetrator and victim have been reversed. In its original form, with a male perpetrator and a female victim, the violent act is assessed as resulting from an instrumental causation. Hence, judgement is made solely to conform to a gender stereotypy which favours the female and disparages the male. Following from these analyses, the fact that male victims report experiencing a whole range of difficulties, and both negative bias against them as well as positive biases favouring female perpetrators of intimate violence across the whole range of agencies dealing with domestic violence, is entirely predictable. It is in entirely in keeping with the historical evidence. It can be justifiably charged that the Skimmington prejudice of former times is now being practised by the agencies and professional networks dealing with domestic violence to the detriment of victim males.

In a recent piece of research conducted in Australia (Sarantakos, 2003), a number of cases in which males had claimed victimisation by their wives were reviewed some years retrospective to the breakdown of the relationship. All these cases had been selected for study upon the basis that, even though the males had claimed to be the victim, at the time the agencies and authorities had accepted the claim of the wife to have assaulted her husband out of a need for self-defence against her husband. The study is unique in that having interviewed both husbands and wives about the relationship, the study then also questioned a mature child of the relationship and the wife's mother. That the wives had assaulted husbands was not denied even by wives and the assaults they made were typical of those described elsewhere (eg. see above). In nearly 90% of cases, the claims of the wife to have acted in self-defence were refuted by both the children interviewed and the wife's own mother. When confronted by these facts, the overwhelming majority of wives admitted having lied about their need for self-defence.

The findings of this study confirm yet again the problems and prejudice facing male victims. The manner in which prejudice and discrimination operates means that in many cases not only is the man's victimisation ignored, but fertile ground is given to a violent woman to make the unfounded allegations she has already often threatened to make as part of victimising her partner, and have these accepted. The situation then becomes one in which the agencies and authorities collude in the process of abuse of the male victim, allowing the abuse and violence directed against him to become more severe and distressing. The attempts by abusive women to manipulate due process to their advantage to victimise male partners can be seen in many of the case histories reported in the

studies previously cited. In the case of the *Dispatches* survey summarised by a leading Home Office expert (Professor Kevin Browne), evidence was deduced that women who were abusing their male partners called out the police to the home far more frequently than women who genuinely were being victimised by male partners. Further, it was also found that these men were more likely to be arrested by attending police officers, and then more likely to be charged and end up in court, than in cases of genuine wife or female partner abuse.

These findings are consistent with the numerous reports of similar bias and abuse of male victims in the other case studies reported. They are also consistent with the findings of the Home Office's own research Study 191 on domestic violence, which found that male victims were also strongly critical of the police.

The other area where male victims report experiencing serious problems is in relation to their children. Male victim fathers report that their children are often witnesses to the assaults made on them. Some report that their children are also victims of physical and emotional abuse by the mother and their concerns for their children's safety and welfare is often given as a reason why they stay in the relationship despite suffering abuse themselves. Some victim fathers report that the mother also threatens and emotionally abuses the children against them as fathers. This brainwashing and programming of children (see Clawar and Rivlin, 1991) intensifies when the relationship between the the parents breaks down and the couple split up. In the survey referred to above, over three-quarters of male victim fathers lost contact with their children against their wishes after relationship breakdown. This loss of contact is almost exclusively because the violent and abusive female will deliberately prevent and deny contact between children and their father as a means of a continuing emotional and psychological abuse of him.

Male victims also complain that the mechanisms of family law are utterly insensitive to them and collude with their female abusers allowing such abuse of children to be perpetuated and even intensified. Male victims are not encouraged to submit evidence of their victimisation to courts, for instance to seek injunctions or in proceedings concerning children. Often when male victims apply for non molestation injunctions, they are refused even when the protection of children is also sought. Further, very few male victims are granted residence of their children, even though many would like to have their children live with them as protection from abuse by the mother.

In 1992, the Home Affairs Select Committee published a report into an investigation it carried out into domestic violence. Cited in the introduction to this report, the occurrence of male victims is noted and in support there is reference to an academic paper by Bates (Bates, 1981) in the law journal *Family Law* entitled 'A Plea for the Battered Husband'. Bates, himself a lawyer, states in his paper that cases of female to male domestic violence are easy to find from even a superficial search of case law. Cases going back as far as the eighteenth century are cited, but in the more contemporary and modern cases, the extremes of sexist prejudice and bias against the male victim in law are revealed (eg. see case of *Wilan vs Wilan*, Bates, 1981).

The available data across a number of sources confirms the charge made in a previous submission to Parliament by one of the present authors (George, 1995) that the United Kingdom is guilty of an institutional abuse of human rights in the manner in which it knowingly discriminates against men who are the victims of relationship violence and ignores and trivialises their plight. It is contended here that this violation of human rights can be argued to amount to torture, inhuman and degrading treatment as defined by Article 3 of the European Convention of Human Rights and Fundamental Freedoms, 1950 as well as violation of other articles of that Convention.

NOTES

1. Broadcast as 'Male Victims of Violence' at 9 p.m. on 7/1/1999 in the *Dispatches* series of documentary programmes on Channel 4.
2. Mr Roland Powell, Parliamentary Officer to the British Association of Social Workers. Personal communication to MJGeorge, 1997.

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Section 2 **Comments relating to Consultation proposals**

The diverse research resources referred to above provide evidence of an established history of bias and prejudice against male victims of female perpetrated domestic violence extending into current policy and practice on domestic violence. It can be aptly demonstrated that the extent and depth of this bias and prejudice extends even into *Safety and Justice*, despite the brief references made to male victimisation.

It is revealing that the Consultation document quotes from Home Office Research Study 191 only the prevalence found for life-time victimisation (1 in 4 for females and 1 in 6 for males, giving a proportion of 40% of male victims), rather than that of the immediate past-year experience, for which Study 191 found an equal proportion of female and male victims (4.2% for each sex). The fact that the Study found such numerical equality of reported victimisation of males and females in couple relationships in the shorter, and more relevant period, thus appears to have been deliberately omitted by the Consultation document. Further, all other statistics or sources quoted in the document relate to or focus on women as victims and men as assailants. No attempt is made to quote any other single reference in which discussion of male victims is presented. This results in a distorted and erroneous picture that domestic violence is "predominantly violence by men against women".

There is thus no balance in the 'picture' of the issue presented by the Home Office in the document. A justifiable accusation can be made therefore against *Safety and Justice*, and the proposals in it, that male victims and their particular needs and plight receive almost no attention, and the brief mention of their existence is simply token.

Nothing is proposed in *Safety and Justice* which is seriously intended to help male victims despite the gender neutral language used. The historical prejudice, based upon ignorance and stereotypical notions of men and women, can be seen clearly within the document. The assurances given that the Government is determined to "protect and support all victims of domestic violence" and that the proposals made shall "apply to all victims of domestic violence", thus have little credibility.

Examples of the way in which *Safety and Justice* excludes any serious consideration of male victims of female perpetrated domestic violence can be found throughout the document. No measures are proposed to encourage more reporting by male victims, nor to guarantee their fairer treatment by the police and social agencies and the courts, if they do report. No measures are proposed to deal more firmly with violent female partners or to provide treatment programmes for them. No measures are proposed to protect male victim fathers and their children from unjustifiable separation when it is the mother who is the violent partner. No measures are proposed to provide some refuge provision for male victims of violence and abuse by female partners, despite the stark fact that none exist at all in England and Wales at present. The 'thrust' of the document suggests that the substantial additional financial provision to be allocated for refuges is not really intended to provide even one refuge place for a male victim and his children.

Initiatives proposed in the Consultation document to strengthen both criminal and civil justice responses in domestic violence cases are only likely to worsen the bias and prejudice which male victims currently experience from the police and the legal system. No measures are proposed to ensure that tougher 'pro-arrest' policies and wider arrest police powers in future will be used to protect male victims more fairly than at present (over 20% of male victims report that they were arrested themselves rather than the violent female partner). The initiatives will thus not increase the willingness of men to report their victimisation and more than likely will be used to punish victimised men if they do report.

As previously detailed, research data, including from Study 191, shows most male victims to be completely dissatisfied with the current responses and attitudes of the police and legal system.

A further neglect is demonstrated by the section in the Consultation document relating to contact with children, in which the focus is on the need for safety of the parent caring for the children rather than that of the non-residential parent. Since exceedingly few male victims have their children living with them after parental separation, this emphasis is clearly not going to help or protect the great majority of male victim fathers who suffer continued violence or abuse after separation. It is also despite the fact that many male victims report that their children also suffered violence from their female partner, and they fear that the children become the sole victims of the mother's violence after they leave or are ousted from the family home by the courts.

Contact centres as such offer little protection to male victim fathers from violent or abusive mothers. At best, they are part of a system which can be used to further abuse victim fathers and their children. At worst, they are part of an abusive system which perpetrates child abuse on children who have already seen their father victimised.

The Consultation document contains no proposals to address the fact that a substantial proportion of male victim fathers report they have little or no contact with their children post-separation, despite court orders. Although advocating stronger measures to deal with the breach of other forms of court orders, the comparable issue of breach of court contact orders without good reason, now widespread, is ignored by the document, despite it being arguably also a form of both parental and child abuse, which greatly increases the prospect of post-separation parental conflict.

The seemingly gender neutral language used in the Consultation document actually hides, quite deceitfully, the underlying gender bias of the practice and application of policy really intended whereby female to male intimate violence is not only to be largely ignored, but tacit encouragement is given to the violent female to further abuse her male partner within the sanction of public policy. In effect, the publicly displayed prejudice against the male victim of the Skimmington of old is now being translated into contemporary practice within the opacity of the authorities, agencies and professions dealing with domestic violence.

Postscript

A Summary of responses to this Consultation exercise was published by the Home Office on the 2 December 2003⁽¹⁾, coinciding with publication of the Domestic Violence, Crime and Victims Bill.

The Consultation exercise attracted 407 responses. A list of 384 respondents, mainly organisations, is given in the Summary.

The responses appear not to have changed any of the main proposals contained in the Home Office Consultation Paper, which have now been taken forward in the Domestic Violence, Crime and Victims Bill.

The main legislative measures proposed are:

- Make common assault an arrestable offence.
- Criminalise the breaches of non-molestation orders made under the Family Law Act 1996 which will allow the police always to arrest for breach; and rationalise the availability of the orders, to harmonise the position of same-sex couples and extend protection to couples who have never cohabited or never been married.
- Extend the availability of restraining orders under the Protection of Harassment Act 1997 to cover all offences.
- Set out how and when reviews for domestic violence homicides should take place.
- Extend restraining orders where a person is not convicted of a criminal charge but the court considers that it is necessary to make the order to protect the victim.

(1) Summary of responses to "SAFETY AND JUSTICE: THE GOVERNMENT'S PROPOSALS ON DOMESTIC VIOLENCE". Home Office, December 2003

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