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Honorary Patrons – Lord Cotter, Ian McNicholl, John Penrose MP, Sara Westle and Erin Pizzey

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The Rt. Hon. Oliver Heald QC MP  
Minister of State at the Ministry of Justice  
House of Commons  
London  
SW1A 0AA

12 January 2017

Dear Minister of State

**Re: Family Courts and Domestic Abuse Victim Review**

I am writing as chair of a national domestic abuse charity which supports male victims of domestic abuse to welcome the urgent review that you are leading on with respect to preventing domestic abuse perpetrators from questioning their victims in the family courts. We support the work that charities such as Women's Aid has played in raising this issue.

In this respect however, we would be grateful if the review would include a number of pressing issues.

- (1) **Male victim inclusion:** the charity is requesting that the review also fully takes into account the fact that any new measures would apply to male victims of domestic abuse in these circumstances, and, that it is presented as such. While that may be self-evident in terms of the law being gender-blind, it is important that the presentation and narrative for any new measures also recognises that they apply to male victims as well as female victims.

There is always a risk in domestic abuse matters, especially those that are politically charged, that they are presented in a way that suggests only women are victims of domestic abuse, including those within the family courts. It is important that the presentation of the outcome of the review includes female and male victims, and, male and female perpetrators. This will also serve as a reminder to the family courts when they apply the review's findings that men are victims too.

We have been particularly pleased with the Government's change of direction since the new Prime Minister took office regarding the recognition and inclusion of male victims in

the public story on domestic abuse. We hope that this continues with any announcements and measures that the Government introduces in this area.

- (2) **Delineation between perpetrators and the accused.** We also believe it is important that any new measures are clear in delineating the status of those who are allowed to cross-examine witnesses.

We certainly support those convicted of domestic abuse and sexual offences (including rape) from not being allowed to directly cross examine their victim, in the same way that is applied in a criminal court.

Some of the media reporting and Parliamentary debate however, conflated those with actual convictions (including cautions and restraining orders) with those who had been accused, but not convicted.

We ask that any measures proposed in the review are clear defining this delineation, and, that Due Process, Equality of Arms and Section 6 of the Human Rights Act is maintained.

Our concern in a family court setting, is how to ensure women and men who have been falsely accused of domestic abuse (that is, there is no conviction, or, nor even outstanding proceedings) are not denied Due Process and Equality of Arms, which is potentially an unintended consequence of the review's findings. From the helpline that we run, we hear from men who have said they have been falsely accused of domestic abuse including in a family court setting and also a father's charity (Families Need Fathers) carried out research that indicated that this was an issue. We cannot prove via our anonymous helpline the veracity of all of these claims, beyond the fact that is not an unusual type of telephone call and therefore we are confident that a number will be truthful.

In fact, false allegations are themselves a form of domestic abuse as they are designed to psychologically and emotionally control an (ex) partner, and, through the family courts, have the potential to financially control an (ex) partner (especially in terms of facing the prospect of large legal fees).

Lastly Lucy Reed, a well-respected family law barrister, has raised similar points in a blog that I would highly recommend circulating amongst those conducting the review: <http://www.pinktape.co.uk/cases/parliament-on-d-v-turns-out-its-not-so-easy-to-ask-the-right-questions/>

To reiterate we are supportive of the review and the views that it is unacceptable that those convicted of domestic abuse and other heinous crimes should be allowed to cross-examine their ex-partner/victim in a family court. We hope therefore your review can address the additional points that we have made.

Thank you for your time and consideration, and, if you require any further information, please do not hesitate to call me,

Yours sincerely

*Mark Brooks*

Mark Brooks  
Chair of Trustees