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CPS CONSULTATION FOR PROSECUTING CASES OF DOMESTIC VIOLENCE

RESPONSE FROM THE MANKIND INITIATIVE

<p>Respondent - Mark Brooks, Chairman, The ManKind Initiative Organisation – The ManKind Initiative Address - Flook House, Belvedere Road, Taunton, TA1 1BT : www.mankind.org.uk E-mail – admin@mankind.org.uk</p>

A: About the Charity

The ManKind Initiative is a national charity providing help and support for male victims of domestic abuse and domestic violence.

Based in Taunton, Somerset, the charity undertakes a number of activities:-

- (i) Our helpline is manned by trained people who give information and support on all aspects of domestic abuse including reporting incidents, police procedures, housing and benefits and injunctions.
- (ii) We refer people to refuges, local authorities and other support services, where appropriate.
- (iii) We undertake lectures, workshops and provide information to raise awareness of the social problems caused by domestic abuse. We work in partnership with all agencies to develop solutions for all victims.
- (iv) We campaign for more recognition, services and support for male victims of domestic abuse and domestic violence.

B : Executive Summary of Response

- (1) The CPS fails to adequately recognise male victims and in practice, does not treat male victims as equally as female victims. It is likely to be in breach of the Gender Equality Duty.
- (2) The CPS must have a separate and distinct domestic violence strategy and can no longer include its domestic violence strategy in its overall Violence Against Women Strategy. To continue to do so is gender discrimination.
- (3) Due to (1) and (2) above, the charity has limited confidence that male victims receive the same treatment as female victims. We are particularly concerned, due to the lack of recognition of male victims, about the content of the training for CPS staff and the SDVCs and IDVAs.
- (4) The CPS must carry out a full review of all of its training and procedures to ensure that male victims are recognised and treated equally.
- (5) As part of the CPS' proactive and successful strategy on prosecuting domestic violence perpetrators, the CPS must proactively question the police on why there is a 'justice gap' for male victims and take steps, in partnership with the police, to close it.

C : Consultation Response

The response to the CPS Consultation is in two sections.

Section 1 provides an overview of the CPS' policy and practice towards male victims.

Section 2 answers the questions on the consultation.

SECTION 1 : OVERVIEW

(A) The Lack of Recognition of Male Victims by the CPS

As the prosecuting authority for England and Wales, it is implicit that the CPS will treat all cases referred to it by the police equally, irrespective of race or gender.

Stemming from this, it would be expected that its policies, information and strategies would in practice treat all victims equally.

The absence of any regard in the consultation document for sex equality and the equal treatment of male victims of domestic violence in the prosecution process, is likely to put the CPS in conflict both with the new Gender Equality Duty and with Human Rights law (see Annex 1).

Such likely bias must reflect on the integrity of the CPS. As a key agency in the administration of criminal justice, the CPS must be seen by the public to be rigorously impartial, and certainly should not adopt what might be viewed as gender bias in carrying out its duties.

One of the many institutional barriers that male victims face is not just the lack of services and help offered by the vast majority of local authorities and the police, it is the lack of recognition by statutory authorities. This includes the CPS.

There are a number of reasons for this view:-

(i) The use of incorrect facts

The consultation document (Para 2.1) states:-

“Men and women can both be victims. However, the evidence shows that the overwhelming majority of victims are women and abusers men. Taking action against domestic violence is therefore included as part of the CPS Violence against Women Strategy.”

This is factually inaccurate.

The overwhelming majority of victims are not women.

The British Crime Survey clearly shows that 43% of victims are men and 57% women. The figures below show that in the 2006/07 survey, 4.3% of men and 5.6% of women had been victims during that year.

Prevalence of partner abuse (non-sexual) among adults aged 16 to 59

Percentages	Since the age of 16				2006/07 BCS			
	Men	Women	All	%male	Men	Women	All	% male
				<i>% victims</i>	<i>once or more</i>			
Partner abuse (non-sexual)	18.0	28.0	23.1	39.1	4.3	5.6	5.0	43.4
Non-physical abuse (emotional (financial)	11.3	19.0	15.2	37.3	2.8	3.5	3.1	44.4
Threats or force	11.2	21.1	16.3	34.7	2.2	3.4	2.8	39.3
Threats	1.3	10.5	6.0	11.0	0.2	1.7	0.9	10.5
Force	10.9	19.2	15.1	36.2	2.2	2.7	2.4	44.9
- Minor	4.5	14.6	9.6	23.6	0.9	1.9	1.4	32.1
- Severe	9.3	14.0	11.7	39.9	1.7	1.8	1.7	48.6
<i>From Unweighted base</i>	<i>11,184</i>	<i>12,909</i>	<i>24,093</i>		<i>11,087</i>	<i>12,751</i>	<i>23,838</i>	

Source: Homicides, Firearm Offences and Intimate Violence 2006/07 (Supplementary Volume 2 to Crime in England and Wales 2006/07) Povey et al. Home Office Statistical Bulletin 03/08, 31 January 2008. Table 3.01

The table above shows nearly as many men as women were victims of severe force in a relationship. The figures show 1.7% men : 1.8% women.

Table 1.05 from the same British Crime Survey shows, 27 men were murdered by a partner/ex-partner in 2006/07 as opposed to 83 women – a ratio of 1 man : 3 women.

In addition, the figures the Government often quotes '1 in 4 women and 1 in 6 men will be a victim of domestic abuse in their lifetime' shows that the ratio is 40% men : 60% women.

This shows clearly that the statement “an overwhelming majority of female victims and abusers men” is a false statement. It is not overwhelming.

(ii) CPS Domestic Violence Site

It is of concern to the charity, that the CPS' Domestic Violence Victims and Witnesses page (http://www.cps.gov.uk/victims_witnesses/domestic_violence.html) makes no reference at all to male victims. The CPS has taken a conscious and discriminatory decision not to do so.

A commonly used statement, including on Government sites, is that '1 in 4 women and 1 in 6 men will be a victim of domestic abuse in their lifetime'. These figures stem from Home Office research (Walby, S. and Allen, J. (2004) *Domestic Violence, sexual assault and stalking : Findings from the British Crime Survey. Home Office Research Study No. 276. London : Home Office*).

Why has the CPS chosen not to use the figure of 1 in 6 men on this webpage?

It can be only a conscious decision as the 1 in 6 figure is from the same research as the figure explaining that 1 in 4 women are victims.

In addition, the figure stating that 'Two women are killed every week by a current or former partner' is not only out of date (the current figure is 83 not 104) but is also cut from the same research that shows that 27 men (one man per fortnight) is killed by a partner/expartner ([Homicides, Firearm Offences and Intimate Violence 2006/07 \(Supplementary Volume 2 to Crime in England and Wales 2006/07\) Povey et al. Home Office Statistical Bulletin 03/08, 31 January 2008 – Table 1.05](#)).

Again, why has this figure been excluded from the web-page?

Furthermore, 15% of forced marriage victims are men, so why are they ignored as well? (<http://news.bbc.co.uk/1/hi/uk/7223743.stm>).

Male victims are not recognised by the CPS as they are deliberately excluded from the CPS web-site page on domestic violence.

(iii) Leaflets/Posters

In March 2006, the CPS launched a campaign entitled 'It's Criminal'. The campaign included a series of posters displayed in community centres, housing offices, police stations, courts, doctors' surgeries and hospitals across England and Wales. These posters, which remain in place, only include women and their children.

Again, bearing in mind the previously stated facts (see i), this is gender discriminatory as male victims are excluded from the domestic violence posters.

If the CPS is to treat all victims of domestic violence equally then posters aimed at male victims should have been produced or distributed in the same manner as those for female victims. Alternatively, a poster featuring both female **and** male victims should have been produced.

How can male victims of domestic abuse and domestic violence feel confident that the CPS is even handed and supports all victims, irrespective of gender, when the only information campaigns that the CPS produces are for women and children?

This is further evidence of the CPS' gender discrimination in the field of domestic abuse and domestic violence.

(B) Stand-Alone Domestic Violence Strategy

The CPS' Domestic Violence policy/strategy is not gender-neutral if it falls under the remit of the CPS' Violence Against Women Strategy.

This is excluding men who make up 43% of the victims of domestic abuse or violence.

By doing so, the CPS is not treating all domestic abuse or domestic violence victims equally.

The CPS is not being gender neutral and therefore is in breach of the Gender Equality Duty and other relevant Acts as outlined in Annex 1.

The CPS should have a separate stand-alone strategy and policy on domestic abuse and domestic violence, which is gender neutral in policy and in practice. Its policies and strategies on this subject should no longer form part of its Violence Against Women Strategy as this cannot be deemed as gender equality.

(C) Training and Prosecution

(i) Training

The fact that the CPS does not, in practice, treat domestic abuse or violence as a gender neutral crime, raises key concerns on the type of training that the CPS staff receive on domestic abuse and domestic violence perpetrated by female partners on men. This will also flow through to how male victims are viewed by SDVCs and by IDVAs.

Whilst this issue about need and the lack of training was partially recognised in Component 7 (Equality and Diversity) of the CPS' Specialist Domestic Violence Courts Review 2007/08, no progress seems to have been made.

It is of serious concern that only **one** of the SDVCs in the above review "provided work with male victims". This proves that CPS staff working in the field of domestic violence are not providing support for male victims.

The CPS must carry out a full review of all of its training and procedures to make sure that male victims are recognised and treated equally.

(ii) Prosecutions

Section 1A(i) of this response highlighted that according to the British Crime Survey, 43% of victims are male.

However, in the CPS' Domestic Violence Monitoring Snapshot (December 2005), the gender split for perpetrators was 95% male: 5% female and that in terms of victims the figures were 90% female : 10% male.

This highlights a clear 'justice gap', as there is a wide differential between the percentage of victims per gender in the British Crime Survey and those coming before the CPS.

Obviously, the CPS can only deal with offenders referred to them by the police but there needs to be an explanation of why this gap exists. There is concern within the charity about the lack of recognition by the police of male victims and this is being taken up with the police separately.

As part of the CPS' proactive and successful strategy on prosecuting domestic violence perpetrators, the CPS must proactively question the police on why this 'justice gap' exists and take steps, in partnership, with the police to close it.

SECTION 2 : CPS POLICY ON PROSECUTING CASES OF DOMESTIC VIOLENCE: CONSULTATION RESPONSE SHEET

1. Does the introduction explain the purpose of the document clearly and give a good indication of the importance the CPS places on tackling domestic violence? If not, please suggest how we could make this clearer.

Section 2 (What is Domestic Violence?) of the consultation is not factually correct and is misleading. Male victims make up 43% of all victims and therefore it is not true to state the 'overwhelming majority of victims are women and abusers men'. The background to this answer is highlighted in Section 1A (i) of this response.

In addition, Section 4C (Women Against Violence Strategy), shows that the CPS does not treat male victims equally. The CPS must have a separate strategy on domestic violence if it is to treat both male and female victims equally. Its domestic violence strategy cannot continue to be included in its Violence Against Women Strategy if the CPS is gender neutral, as it claims.

It means that the CPS does not believe that male victims are as important as female victims. This is a clear institutional barrier.

2. Is the role of the CPS and the explanation of the tests under the Code for Crown Prosecutors clear? If not, please suggest ways in which we could make these two sections clearer.

No comment to make

3. Is any further explanation required of the things we consider in deciding to continue a prosecution against the victim's wishes; whether it is in the public interest to prosecute; or whether to accept pleas? If so, which parts need to be explained further?

No comment to make

4. Does the section on support and safety of victims make clear how important these issues are to the CPS? Do they provide all of the relevant information in a way that is easy to understand? If not, how should it be changed?

No comment to make

5. Do we give a clear indication of how we will deal with children as victims and witnesses? If not, please state ways in which we could do so.

No comment to make

6. Is the section on keeping victims informed clear? If not, how could we make it clearer?

No comment to make

7. Do the sections on bail and sentencing contain the right level of detail? If no, please explain your answer.

No comment to make

8. Do the sections on community engagement and complaints provide useful information for those supporting victims? If not, how could we make them more useful?

No comment to make

9. Is the document inclusive of people from all communities? If not, please explain how we could improve it.

This document is not inclusive of all communities as the male community is mentioned in one line of the whole consultation.

It was disappointing that our charity was not contacted directly by the CPS about this review.

The charity found out through the media, else the voice of male victims would continue to go unheard.

The CPS could have improved the consultation by actively searching out organisations who could contribute to the review.

10. Is there any part of the policy statement that you strongly disagree with? If so, please identify which paragraph and provide a brief explanation as to why you disagree.

There are a number of policy statements that the charity strongly disagrees with.

These are outlined in detail in Section 1 of this response.

ANNEX 1 : Legal References

Legal References

(3) *Equality Act 2006*

The 'general duty' under this includes:

To eliminate unlawful discrimination and harassment
To promote equality of opportunity between men and women.

The 'general duty' requires authorities to actively correct policies which fail to give due regard to gender equality.

A 'Gender Equality Duty' is provided for under the Act, which is concerned with 'specific duties'. To comply with this, an authority must consider the following:

- that their policies are not discriminating against either women or men.
- whether or not a policy unintentionally disadvantages people of one sex or the other.
- that a consistent message should be given that gender equality is integral to the core business of the authority.

(1) *Human Rights Act 1998*

Article 5 Right to liberty and security

"Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in accordance with procedure prescribed by law."

Article 6. Right to a fair trial

"...everyone is entitled to a fair and public hearing within a reasonable time ..."

Article 14. Prohibition of discrimination

"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex ..."

(2) *International Covenant on Civil and Political Rights*

Article 26

"All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. ... the law[shall] guarantee to all persons equal and effective protection against discrimination on any ground such as ... sex..."

ENDS