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Honorary Patrons – Lord Cotter, Liz Lynne MEP, Ian McNicholl, John Penrose MP and Erin Pizzey

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Rt. Hon Kenneth Clarke QC MP,  
Lord Chancellor and Secretary of State for Justice,  
Ministry of Justice,  
102 Petty France,  
London,  
SW1H 9AJ.

*CC Lady Justice Hallett DBE, Chairman of the Judicial Studies Board*

1 November 2010

Dear Rt. Hon Kenneth Clarke QC MP

**Ref: Equal Treatment Bench Book**

As chairman of The ManKind Initiative, a charity that supports male victims of domestic abuse, I am greatly concerned by the detail and tone of the *Equal Treatment Bench Book*<sup>1</sup> especially sections 6.1.7 and 6.1.8 relating to domestic violence, because it fails to treat all victims equally.

As this book acts as the basis for judges in securing the equal treatment for people before the law, we believe this aim will not be possible if sections 6.1.7 and 6.1.8 are followed. The Mankind Initiative strongly urges that sections 6.1.7 and 6.1.8 are reviewed and amended to use gender neutral language and to promote equality before the law regardless of gender.

The specific areas of concern are set out below:

**Definitions of domestic abuse**

We agree with the official definition of domestic violence and believe that guidance in the Bench Book should focus on domestic violence as a crime against the individual rather than against a group or gender. However, we would also like to emphasise that domestic violence occurs in all types of relationship and that placing emphasis on male perpetrators and female victims at the expense of victims in other circumstances is not acceptable and contradictory as it breaches the view that all victims are to be treated as equals.

The ManKind Initiative contests the statement that domestic violence “consists mainly of violence by men against women” because this ignores the fact that one in three victims are male and also ignores the victims of domestic violence within lesbian relationships. For

victims and offenders to be equal before the law we believe that the emphasis should be on individual cases and seriousness of the crime committed.

The ManKind Initiative believes that every victim of domestic violence should count. We believe that the guidance issued in the Bench Book contributes further to opinions that domestic violence against men hardly exists, or is less serious than against women. We believe that victims should be treated in accordance with the seriousness of the crime committed against them and not their gender, and that guidance such as this may mean that male victims are not treated equally.

### **One-sided statistics**

It is concerning that the Bench Book chooses statistics from the End Violence Against Women pressure group when another government department, the Home Office, provides official statistics on domestic abuse on an annual basis. It seems bizarre for the Ministry of Justice to ignore Home Office statistics and use those provided by a pressure group.

The statistics quoted in 6.1.7 only mention male victims on one occasion when the Home Office research mentions both male and female victims. It means that reciprocal statistics have not been made available to judges and therefore a true picture is not being presented.

For example:

- (1) The first bullet point states that one in three women will be a victim in their lifetime but no reciprocal figure is used for men, even though the statistic is freely available. The reciprocal figure is one in six men (incidentally, the figure that the Home Office uses is one in four women).
- (2) The statistic stating that 89% of victims of sustained domestic violence are women is incorrect. Instead, 77% of victims of sustained domestic violence are women and 23% are men<sup>2</sup>. We consider that the Bench Book has a duty to use the most accurate statistics available in order to properly reflect reality. Instead, in choosing these statistics, the Bench Book creates an incorrect conclusion<sup>3</sup>.
- (3) The Home Office's British Crime Survey (BCS) indicates that in 2008/09, 62% of domestic violence victims are women and 38% were men<sup>4</sup>. While the Bench Book mentions the underreporting of domestic violence, it does not take into account that this is especially true for male victims<sup>5</sup>. Twice as many men as women will not tell someone they are a victim than a woman.
- (4) The seventh bullet point highlights that two women a week are murdered by a partner or ex-partner but the reciprocal figure (one man per fortnight) has not been included. The figures for 2008/09 were 101 women and 31 men.
- (5) The Bench Book overall ignores the fact that one in three domestic violence victims are male and instead focuses on female victims.

### **Understanding victims – both male and female**

The Bench Book ignores the plight of male victims of domestic violence. The Bench Book identifies several factors in why women do not leave abusive partners whilst ignoring the fact

that many of these reasons also apply to men. The Bench Book highlights reasons why domestic violence can be particularly difficult for women whilst ignoring that there are both similar and different reasons why domestic violence can be particularly difficult for men. The fact is that domestic violence is difficult for any person who finds they are a victim and the Bench Book should reflect this. The ManKind Initiative reasserts that victims should be treated as individuals, with cases judged by their seriousness and victims not addressed in terms of their gender.

The failings of the Bench Book to address domestic violence in an equal way are not isolated. The Bench Book contributes to prevalent (but improving) opinions that men are not victims of domestic violence, or domestic violence against men is less serious. As a consequence of the attitudes towards or ignorance of male victims of domestic violence, male victims of domestic violence are disadvantaged in the services allocated to them. 400 organisations with 7,500 refuge bed spaces are available for female victims of domestic violence while there are only around 80 bed spaces available to men<sup>6</sup>.

The Bench Book refers to the Sentencing Guidelines Council's domestic violence guidelines. These guidelines offer a good example of using gender and orientation neutral language in regards to domestic violence victims. The ManKind Initiative believes that the Bench Book should emulate this example and focus on individuals and individual circumstances rather than gender groups. We believe that this reflects true equality and that focussing on one gender group to the exclusion of another is not promoting equality but discrimination.

### **Amending the policy**

Based on the concerns outlined in this letter The ManKind Initiative believes that sections 6.1.7 and 6.1.7 of the *Equal Treatment Bench Book* need to be reviewed and amended as a matter of urgency. Failure to do so means that the Bench Book is danger of not complying with the Equalities Act and specific domestic violence legislation as well as failing to ensure equality before the law for all victims.

Thank you for your time and consideration and I look forward to receiving a favourable reply in due course.

Yours sincerely

### **Mark Brooks**

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The ManKind Initiative

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<sup>1</sup> The Equal Treatment Bench Book (2010) – Section 6 <http://www.judiciary.gov.uk/publications-and-reports/jsb-publications/equal-treatment-bench-book>

<sup>2</sup> British Crime Survey (2008/09) – Statistical Volume 2 (England and Wales) – see Chapter 3 <http://www.homeoffice.gov.uk/rds/pdfs10/hosb0110.pdf> (Table 3.11 page 78)

<sup>3</sup> For example: “Insofar as possible, gender neutral language should be used to describe domestic violence without losing sight of the fact that the reality is that some of the most physically violent incidents are committed by men on female partners or ex-partners.” – 6.1.8 The Equal Treatment Bench Book (2010) – Section 6 <http://www.judiciary.gov.uk/publications-and-reports/jsb-publications/equal-treatment-bench-book>

<sup>4</sup> British Crime Survey (2008/09) – Statistical Volume 2 (England and Wales) – see Chapter 3 <http://www.homeoffice.gov.uk/rds/pdfs10/hosb0110.pdf> (Table 3.01 page 70)

<sup>5</sup> Only 59% of male victims had told someone they were suffering from partner abuse in 2008/09 whilst 81% of women had. 47% of men had told friends, family or neighbours compared to 66% of women. Only 10% of men had told the police compared to 20% of women  
From - British Crime Survey (2008/09) – Statistical Volume 2 (England and Wales) – see Chapter 3 <http://www.homeoffice.gov.uk/rds/pdfs10/hosb0110.pdf> (Table 3.18 page 81)

<sup>6</sup> Women’s spaces: Women’s Aid/Refuge. Men’s spaces: The ManKind Initiative