

Men's Health Summit

Wellington 6th April 2017

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Shared Parenting Speech

**2nd Men's Summit on Male Wellbeing and Gender Equality
Wellington 6th April 2017**

I've had an opportunity to reflect on the issues and goals of the movement and have some suggestions for the way forward.

But first the issues.

Shared parenting. When I first got involved I knew from experience that the warfare had to be taken out of family law and the only way to do that was to remove the threat of a parent losing their children through custody and access □ shared parenting seemed the logical way forward.

We did our research and drafted a bill, which I submitted it into the Parliamentary Private Members' ballot where, like Lotto, you take your chances.

The Shared Parenting Bill was drawn and I strongly lobbied all other Parliamentary parties, the media, community groups □ everyone I could think of - for support. Our objective with the Bill was to get it to a Select Committee so the injustice that existed in the current system could be exposed to public scrutiny.

On Wednesday the 10th of May 2000, we presented our case in Parliament.

This is what we said:

The Shared Parenting Bill is based on the notion that when parents separate or divorce, the children deserve, and, in fact, have the right, to continue their developmental years with two parents.

These parents should be equal in their responsibility for the upbringing of their children, unless there is a compelling reason why one parent is not fit.

In such cases, where children are genuinely at risk, this bill provides for all the protections and safeguards of our present sole-custody law.

Everything we know about children teaches us that it is in their best interest to maximise the involvement of both parents in their lives.

Children want, love, and need two parents. Society needs children to be fully parented.

By any measure, children with both parents usually do better in life than those who have been denied a relationship with one parent or both parents.

Society picks up the pieces far less often in cases where children and young people have enjoyed the fullest relationship with both their mother and their father.

Of course, that's not to say that single parents don't try to do their best - but just as two of anything is more than one - two actively involved parents can provide more physical, emotional, and psychological support than one parent can.

The present custodial system takes those two parents, who in most cases want to do all that they can for their child, and pits them against each other.

One becomes the winner, gaining custody of the child, while the other becomes the loser, a mere visitor in the child's life.

The biggest loser, though, is the child, for it is the child who walks into a courtroom with two parents and walks out with one.

Who can seriously believe that that is the best we can do as a society?

With the tragic consequences of inadequate parenting evident all around us, we can no longer afford a legal system that discards one of the two most important people in a child's life - his or her parents.

As a result of this winner-takes-all system, a quarter of all children whose parents separate or divorce lose all meaningful contact with their non-custodial parent.

A further 40 percent see that parent for only a few hours every month.

More children currently lose a parent through separation or divorce in New Zealand every 6 weeks than the number of children who lost a parent through the entire period of the Second World War.

New Zealand is already one of the industrialised world's leaders in sole parent families. We also lead in the rate of youth suicide.

As parliamentarians, we cannot ignore the fact that within the current system New Zealand children are not doing well.

We cannot ignore the consequences of a system that awards custody to one parent as a matter of course, denying children their fundamental birthright - to have the ongoing support of both their parents.

We cannot ignore the fact that currently we have the most under-fathered generation in the history of the Western World.

If present trends continue, by the year 2010 half the European and three-quarters of the Maori infants under 12 months old will live in families where there are no fathers.

As a consequence of this lack, such children will be vulnerable and at risk of poor outcomes in life, from the day of their birth.

The Rt Hon. Sir Michael Hardie Boys, Governor-General of New Zealand, recently stated:

"Fatherless families are more likely to give rise... to the risks of being abused, of being emotionally, even physically scarred, of dropping out of school, of becoming pregnant, of living on the streets, of being hooked on alcohol or drugs, of being caught up in gangs, in crime, of being unemployable, of having no ambition, no vision, no hope, at risk of handing down hopelessness to the next generation, at risk of suicide."

The late Laurie O'Reilly, the former Commissioner for Children, shared the Governor-General's passion for children to retain contact with their fathers as protectors, supervisors, good role models for their sons - and male relationship models for their daughters.

He believed that our current focus on sole custody alienates fathers after separation or divorce.

He wanted to see New Zealand looking towards the type of shared-parenting laws that we see increasingly overseas - laws that keep children in full emotional, physical, and spiritual contact with their fathers as well as their mothers.

Even members of the judiciary share concerns that their attempts to solve problems in Family Courts over the last 30 years have created widespread problems in Youth Courts and the criminal justice system.

They want Parliament to re-examine what is in the best interests of children.

They are concerned that their historical judgment that stability for a child is represented by one parent and one home may now be out of date.

In countries where stability means frequent and ongoing contact with both parents, children are doing better. Shared-parenting plans ensure arrangements are tailor-made to suit the individual child.

American family law experts who visited New Zealand last month explained that when the negative consequences of granting sole custody were recognised in the United States in the 1960s, shared parenting became the fastest-growing family law change ever to sweep through that country.

Shared parenting now forms the basis of law in 48 states, refuting this Government's claim to the contrary. Shared parenting is the law in France, Sweden, and Holland.

Both Canada and Australia are looking at shared parenting, and in Britain a single-issue political party, the Equal Parenting Party, has been established.

All countries that are finally facing up to the tragic consequences of widespread family breakdown are moving towards shared parenting.

The Ministry of Justice has said that this Shared Parenting Bill is consistent with our New Zealand Bill of Rights Act.

The Commissioner for Children would like to see it go to a select committee, as would Women's Refuge, Parentline, Grey Power, rural groups, women's groups, men's groups, members of the legal profession and the judiciary, the Salvation Army, churches, charities, psychologists, counsellors, mediators, academics, and literally thousands of New Zealand families.

Since this bill has been drawn in the ballot for members' bills, my office has been inundated with tragic stories from people whose lives have been shattered by our present custodial laws. Many have been ruined spiritually as well as financially.

A mother said: 'I hope that your proposal becomes law and prevents anyone else, mother or father, or their children, from living the nightmare that I am trapped in.'

A father said: 'I am one of those parents who has not seen his daughters for 20 years. One walks into the Family Court and that is it.'

A grandmother said: 'As a mother I've stood by for 2 years and watched my son try to deal with the loss of his four lovely children. For the first year he was unable to work, so great was his grief.'

A grandfather said: 'As grandparents **we've been denied the privilege of being part of our grandchildren's lives. Their uncles, aunts, and cousins have all missed out, as well.'**

A child said: The worst injustice is to us children. We have a right to have both our parents fully involved in our lives, and we have a right to all our other relatives, as well.'

A university lecturer said: 'My 5-year-old son has been alienated from me by the system for 3 years. To say I am emotionally scarred by the experience is an understatement. I still need suicide prevention counselling. I struggle with bouts of deep depression, and I fear close relationships with women and children.'

A psychologist said: 'Families are placed under intolerable stress by the system. People are driven to murder and suicide. The brutalising of families should not be tolerated in this country.'

Last week I was called by a mother whose son had recently committed suicide.

She said that he was a loving father who cared deeply about his three children, yet during the 5 years of his separation he had been able to see them only four times. She said the hurt was overwhelming and it would not go away.

The family attributes 95 percent of the reasons for his death to the ongoing battles for custody and access.

That mother requested that I share her family's tragedy here tonight. She said that if her story helped persuade my parliamentary colleagues of how desperately and urgently this issue needs to be addressed by Parliament, then her son's death would not have been in vain.

Family law as it currently stands has been responsible for significantly damaging the social fabric of New Zealand.

The drawing of this bill and the enormous interest it has generated, have created an expectation that Parliament will tonight begin a process of healing.

The damage I am speaking about is not principally economic, social, or political; it is human. It is to do with what the current system has done to our children.

It is precisely because this is an issue that is above party politics that I recommend the bill go to the Social Services Committee.

Sadly the Shared Parenting Bill was defeated by 49 votes to 71. In the end, only ACT, National and United supported it - even though other parties had indicated they were sympathetic.

So we tried again.

Since Parliament's standing orders prevent the same bill being submitted into the Members' ballot more than once during a Parliamentary term, we had to try a different tack.

We realised that most people had no idea about the injustices in family law, since the responsible government body – the Family Court – operated under a veil of secrecy.

A psychologist who worked in the Family Court for 10 years before finally having to quit had described it like this: "It is an impenetrable closed system that needs urgent review. It brutalises families and individuals in ways that we are not prepared to tolerate from the prison service, the police, the military, or the IRD. It drives people to murder and suicide. If people could hear of the pressure that families are placed under through the Family Court there would be a huge outcry."

We rationalised that opening up the Family Court would bring awareness of the injustices and force the reform of family law.

We drafted our Bill, put it into the ballot and it was drawn. We lobbied widely – the media came on board, as did many in the justice system, and, of course the public.

Sadly, that Bill met the same fate as the Shared Parenting Bill – it was defeated although the score improved to 53 in favour and 69 opposed, with ACT, National, United – and New Zealand First voting for it.

Undaunted, we tried again, this time adding shared parenting as an amendment to the Guardianship Act. Even though that Bill wasn't drawn from the ballot, our lobbying helped to force the Government to update the law.

In late 2001, the Government published a review of family law looking at reform options. They included shared parenting and the need for a more open family court.

This set the scene for a law change – replacing the Guardianship Act with the Care of Children Act.

The introduction of the Care of Children Bill gave us yet another opportunity to try to introduce shared parenting.

I sat on the Justice and Electoral Select Committee during discussions on the Bill and we came within a hair's breadth of introducing Rebuttable Shared Parenting as the default outcome of custody hearings.

We proposed that shared parenting should be the starting point of day-to-day care determinations and parenting orders – all based on the principle that just as two parents are equal in their parenting responsibilities and rights before a relationship breaks down, so too they should be regarded as equal afterwards – unless it could be proved that one of the parents was unfit.

Unfortunately ideology got in the way – the Minister Lianne Dalziel resigned from Cabinet and joined the Committee, pulling the plug on our proposal on the basis that the feminist movement was not prepared to give up their hard won gains.

She was clearly concerned that shared parenting would undermine the ease with which separating women could gain sole custody and the Domestic Purposes Benefit - enabling them to bring up children without having to rely on men.

From that point on, the Select Committee closed ranks and our law change was off the agenda.

Undaunted, we carried on, presenting our amendments to introduce shared parenting and open up the family court through Supplementary Order Papers during the Committee Stages of the Bill.

As was to be expected, they too were defeated, but nonetheless, our advocacy had forced reform. We got the ball rolling on the urgent need for a change in direction for family law.

On the day the Care of Children Act came into force in 2004, the Minister for Courts *Rick Barker* explained that one of the key objectives of the new law was to keep both parents engaged with their children and to encourage them to make their own shared care arrangements - without needing to go to court at all.

He also said the Family Court had become more open with media permitted to attend and report on cases, but not identify individuals.

And in fact, I was talking to a lady not too long ago who explained that when she recently separated, shared care was the expectation □ and that's what occurred. She knew others going through the Family Court system and they said the same thing was happening there.

So while the present law no doubt still falls well short of our original objectives, in many ways, real progress was made □ thanks to many of you who are here today.

So why was it so difficult to introduce law change in this area?

First of all, the politics of the government got in the way.

Helen Clark's Labour Government had tightly embraced identity politics - feminism in particular. As Lianne Dalziel implied, any law change that was perceived to be undermining the feminist cause, was to be rejected.

Secondly, I was an ACT MP and we were in opposition - it is very rare for a Government or its support parties to back an opposition Member's bill.

Without a doubt, if I had been a Government MP - or an MP in a support party - the Bill would have been referred to a Select Committee.

The reality was that most Government MPs, especially electorate MPs, were well aware there was a problem with family law and they accepted the need for change □ but on their terms, not ours!

So the lesson from this is that when you are looking for champions for your cause, try to find ones who are part of the Government!

From a public policy perspective, the feminist movement has done extraordinary damage. Their aim to destroy the patriarchal married family continues to impact heavily on society □ and society pays the price in a multitude of ways.

The fact that a single parent benefit is still in place, which pays women to raise children on their own - without the involvement of fathers - remains a scandal.

The single biggest factor in child abuse, youth crime and social dysfunction is sole parenthood.

Worse, the impact is intergenerational □ there *are* no quick fixes when children's lives are damaged.

And that's why, when the National Government introduced their fundamental reform of the welfare system a few years ago, we criticised them for not going far enough.

By not merging the Domestic Purposes Benefit with Jobseeker Support - as the Welfare Working Group, that formulated the reforms, had recommended - they have put vulnerable children in harm's way.

The reality is that it's only when women no longer see sole parenting as a viable lifestyle choice that real change will occur.

Without a doubt, the safest environment in which to raise children is a family where the mum and dad are married.

Any government that really cares about the wellbeing of children should be passing laws that strengthen marriage and the family, rather than undermining them.

And the priority should be to replace the stand alone sole parent benefit with support based on work - as occurs in most other countries.

Not only that, but the former Children's Commissioner Laurie O'Reilly and the former Governor General Sir Michael Hardie Boys were right when they said that the role of fathers in families needs to be promoted and enhanced.

They worried that strategies to prevent family violence could undermine the positive role of fathers, and they felt that much more needed to be done to support fatherhood.

They believed that 'fathering' is among the most important issues of our time □ that children need fathers, and that the special relationship between father and son or father and daughter, cannot be filled by mothers, no matter how hard they try.

And that is so true □ the way women do things is different to men. It's just nature.

A simple experience brought that home to me a few years ago when our young granddaughter was climbing a tree outside our kitchen window. "Be careful, I called out" - at the same time as my husband was saying, "See how high you can go"!

And that's what brings balance for children □ the over-riding care and concern of mothers and grandmothers, and the encouragement for competition and adventure of fathers and grandfathers.

So what next, for shared parenting?

So where to next with shared parenting?

Two quick examples might provide some ideas for the way forward.

Firstly, I recall a number of years ago hearing a talk by a woman who had helped to put feminism on the map. Incidentally, she now regrets it because she says it's gone too far and become a dangerous force in society.

But at the time she started one of the organisations that became a powerful leader of the movement - from a windowless basement room with one chair, one desk, one telephone and a fax.

In other words, while she didn't have many resources, her passion and drive for the cause along with a talent for writing and speaking □ enabled her to respond to every opportunity with the 'gender equality' message, helping to bring it into the mainstream.

And secondly, the gay movement won their battle for marriage by promoting the need for 'marriage equality'. That measure touched a chord that overshadowed all other *concerns*.

So, perhaps it's time for a makeover, with the push for shared parenting becoming a drive for 'parenting equality'.

My advice is to use this year's election campaign as an opportunity to spread awareness of 'parenting equality' by approaching candidates and presenting a well-crafted message to gain their support. Raise the issue at election meetings, encouraging women to speak out in support as well, and then after the election, approach the MPs and find some who are prepared to champion the cause.

None of this is easy. We all know that, but it's far better for the heart and soul to be actively involved with others in pushing for positive change - to make New Zealand a better place for families - than to feel disillusioned, powerless and alone.

And with regard to the personal difficulties that people face over access to their children when a relationship breaks down □ after years of battling for change and trying to help people fighting the system - in the end, the best advice I could give, was for them to put their personal animosity towards their 'ex' to one side and think only about the children.

Because, in reality, it was only when they made peace with the mother or the father of their child that a reasonable outcome became possible. Until then, their battle was always destined to be uphill.

So, the best of luck in bringing about further change in the future □ and as my mother used to say to me ... quite often as it turned out ... "If at first you don't succeed, try, try, and try again"!

Dr Muriel Newman

New Zealand Centre for Political Research

www.nzcpr.com

Father and Child Trust

Christchurch 1994,
Auckland since 2005

Mission - Information
and support for dads
+ helping agencies to
engage with dads



Happier Dads and Families

Father and Child Trust

- ❑ Expecting Dads - antenatal info and Why Dads?
- ❑ New/Young Dads - Magazines, parenting courses
- ❑ Trauma/PND Dads - understanding and support
- ❑ Solo/Separated Dads - advocacy and resolution
- ❑ All Dads - surprise dads, dads of special kids ...

**Phone, Drop in and peer group support in
Auckland, Wellington and Christchurch**

- ❑ Magazines, GreatFathers DVDs, Why Dads?
- ❑ Research - Teen fathers, solo dads, 'Westie' dads...
- ❑ Partnerships - with mothering or parenting groups
- ❑ Agencies - CYFS referrals, engaging with dads training!

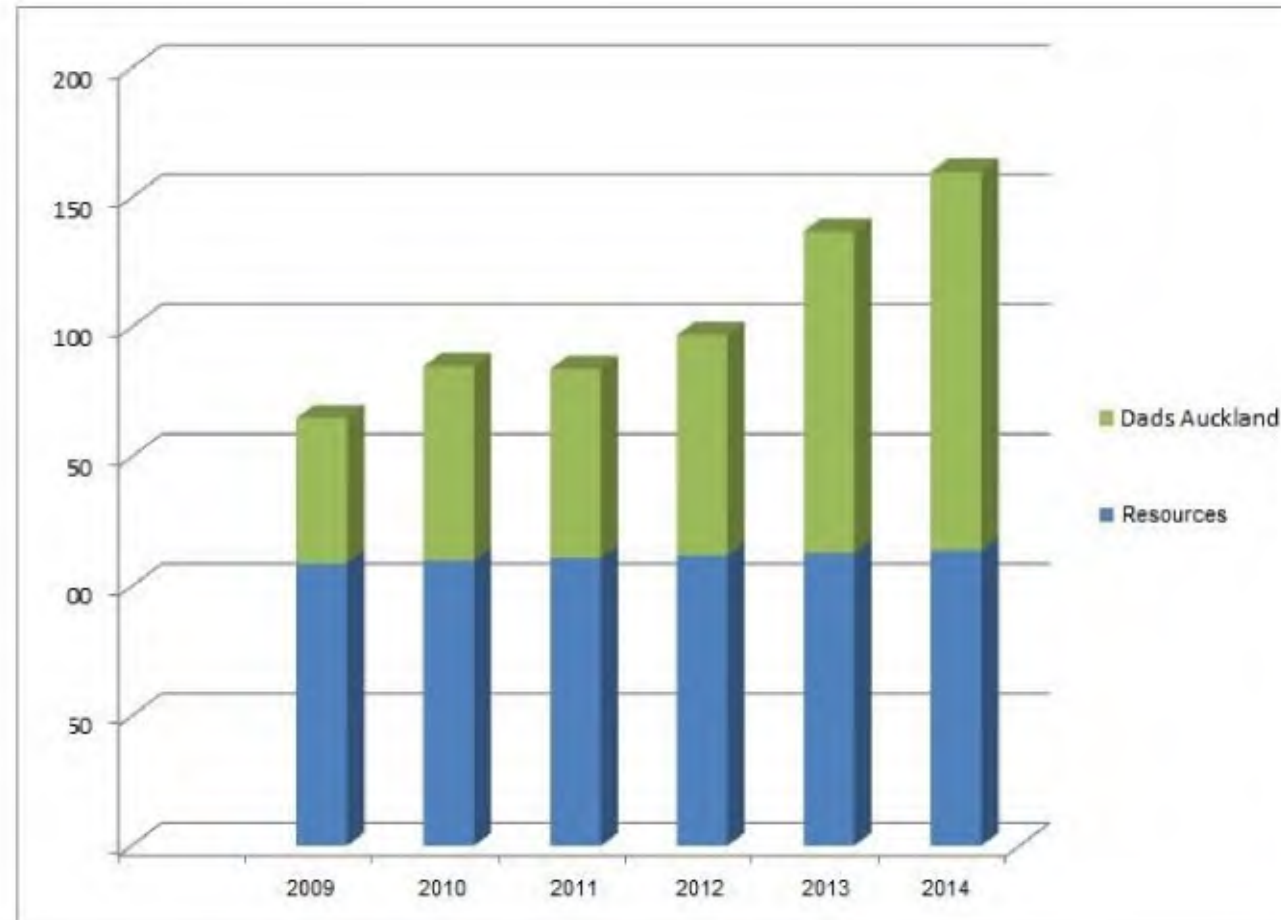


Auckland support...

► 2009-2014
- 421 Dads

One on One Support

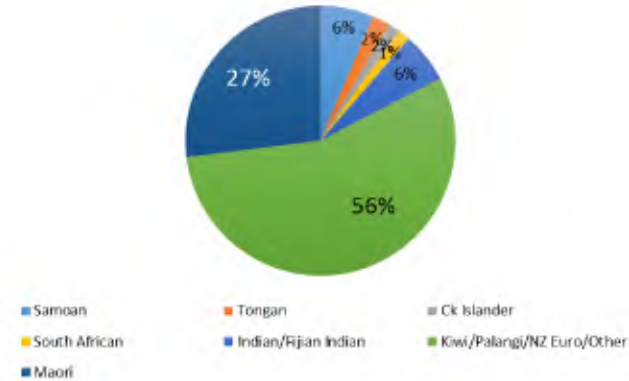
Support Group
Average-10/week
< June 2014



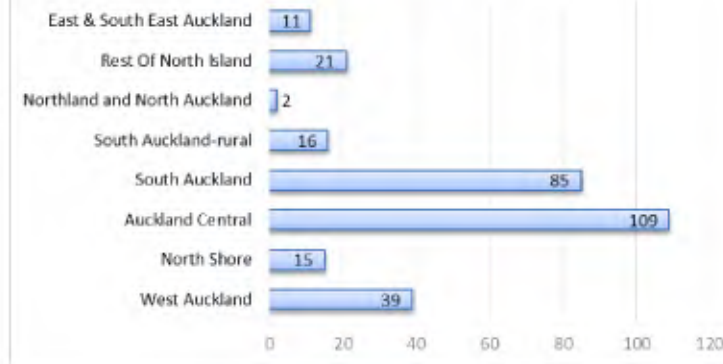
Auckland support...

- ▶ 2009-2014 - 421 Dads
- ▶ 23% CYFs related
- ▶ Est. 30-% PND/MMH
- ▶ 34 Teen Dads
- ▶ 6 Teen Solo Dads
- ▶ 46 Solo Dads
- ▶ See also Dependant on Dad...

Percentages Of Cultural Identities Within F&C Client Base



Father&Child Client Distribution



PMH ?

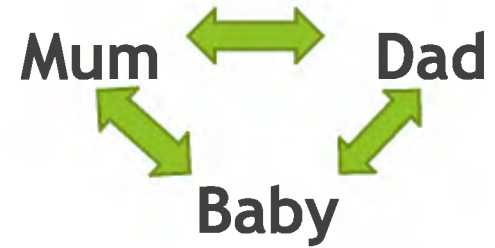
...Conception, miscarriage, termination or early or late pregnancy anxiety, third trimester issues, caesarean recovery, baby blues, post partum depression disorder, part isolation, possibly traumatic, transitional, life and relationship stress adjustment...



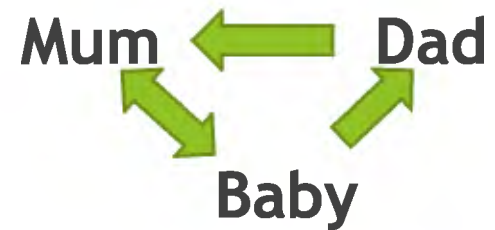
Changes in the relationship...



- ▶ How SHE sees it...



- ▶ ...how HE sees it...

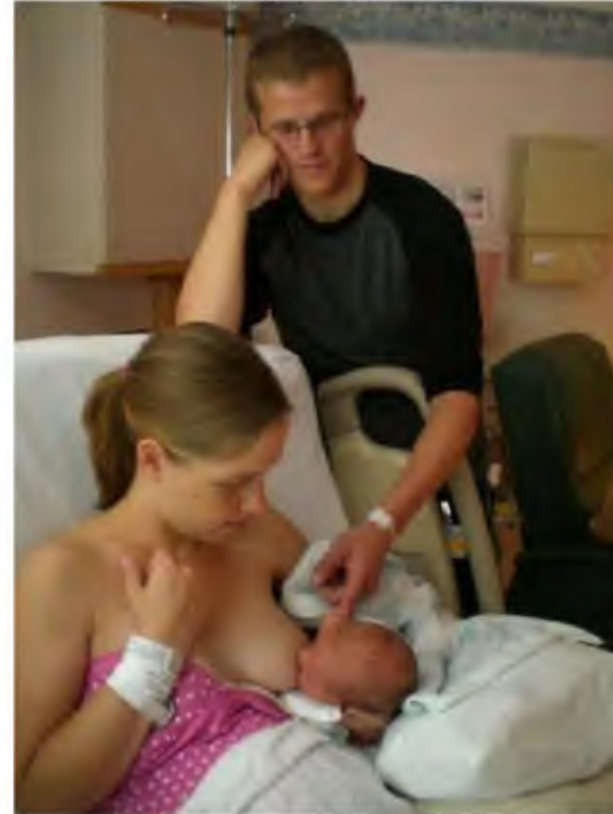


Father PND...

- ▶ Men's lack of awareness of 'relationship' changes
 - Increasing factor in relationship break-ups.

Misunderstandings may be based on:

- ▶ Their ideas of themselves as a parent and their role
- ▶ Expectations of their partner and in that role
- ▶ Increased support and/or health needs
- ▶ Possibly after holding the fort/being the rock, he collapses and feels it has all been too much..



Implications of doing nothing...

- ▶ **Dads don't appreciate or understand breastfeeding**
- ▶ Unable to resolve a myriad of problems, as if a failure.
- ▶ Trapped in relationship unsure about, even if a keen dad.

- ▶ Separations 30% within first year of first baby
- ▶ Pre-existing or ante natal pregnancy anxiety is neither detected nor supported or understood by CYFs, lawyers or the courts
- ▶ Get to family court, contact may be allowed, probably supervised, bonding inhibited
- ▶ Mothers say they wish we had met their husband before baby...



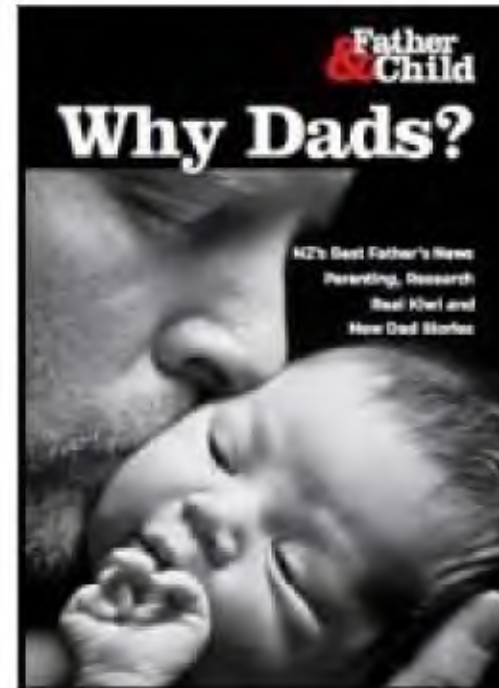
Implications of doing nothing...

- ▶ Dads suffer depression, separation anxiety and anger.
- ▶ Dads unable to find or obtain safe support or help
- ▶ Dads unstable or emotionally not ready for court
- ▶ Need for individual and group support
- ▶ Need for quick contact arrangement
- ▶ Need for children to know dad cares
- ▶ Need for false allegations to be resolved
- ▶ Need for expertise and experience in lawyers
- ▶ Need for understanding and balance from courts/judges



Why Dads?

- Men and pregnancy
 - Relationship Changes
 - Fathers and learning
 - Long term benefits
 - Absence of Dads
-
- Free for mums, dads, all who work with families...



Fathers' Mauri Ora Circle. Auckland dads support group



Onehunga Community Centre - Wednesdays 7-9pm

Long term outcomes....



- ▶ Mothers not 'the problem'
- ▶ More stable families
- ▶ Happier Children
- ▶ Workplace productivity
- ▶ Less MH support needed



Our Vision:

New Zealand communities where fathers and mothers are supported equally and have access to the resources and help they need to work together for the welfare of their children.

The Dunedin Farce

I'd like to begin with a rape case that has recently been in the news. Last week in Dunedin a trial was abandoned part-way through when the complainant admitted she had made it all up. This was a revelation that provided understandable relief for the accused and had various participants running around in a panic of damage control.

The complainant was about seventeen and had made the first of these allegations when she was around 13, then made more against the same suspect two years later. She offered no explanation for the lies beyond claiming that she was having family problems at the time.

Now, I do not for a moment suggest that the complainant should have been a candidate for prosecution, either for perverting the course of justice or anything less serious, such as wasting police time, because she was too young at the time of the allegations. We must also commend her for her courage in finally admitting she had lied. However, if she had been older the book should have been thrown at her.

What I find interesting is the reaction of the judge and an anti-rape activist. The judge, in effect, waved an admonishing finger at anyone tempted to draw any wider conclusions about this single abandoned case. In other words, we must never adopt the heresy of suspecting that false complaints are common. The judge said that this abandonment shows that "the system works." This is surely an odd comment. Are we expected to conclude from this abandoned case that there are no equivalent cases when a false accuser does *not* withdraw the complaint part-way through the trial?

It is true that the innocent man was acquitted, but this was because of an admission by the complainant; the system was happy to pursue the accused right through to incarceration. Also, the judge was talking about the court system. How about the law enforcement system? There was a time when police would have seen through false rape accusations early in their investigations, so it would never have come to this point. Now they barely investigate; they just build a case.

Anna Hoek-Simms, of Rape Crisis Dunedin, came out with the standard trinity of comments in response to this case. The first element is that false rape complaints comprise only two percent of all accusations. This or a similar figure is always trotted out, but it has no basis in fact. The second is that the tragedy of these rare false accusations is that they damage the credibility of genuine rape complainants, who of course are the overwhelming majority. It may be true that their credibility is damaged, but this can only be conjecture. What we know for sure is that a false accusation can destroy the life of an innocent suspect. The third element of the trinity is that it does not serve public interest to prosecute a false accuser: not just in this case, but ever. Any woman who makes a false complaint is vulnerable, by definition. We can be forgiven for concluding that a man who breaks the law is seen to need punishment, but a woman who breaks the law is seen to need only help.

***Dry Ice*: General Issues**

My book has two threads, perhaps not always blended very expertly: my personal chronicle, which records details in diary form of the accusation against me; and general issues, in which I look at similar cases and examine such aspects as principles of law and psychology, attitudes of the media, changing definitions of rape and use of statistics. I'd like to start with the general, then briefly mention my case.

It is clear that in all developed countries the presumption of innocence has in effect been lost in sexual cases. This change goes hand-in-hand with a new assumption that we must believe the "victim" - who should more accurately be called the complainant. Where once we had corroboration, we now have women's intuition. As Louise Nicholas (who now works with the police) has said, "Women don't lie about these things." Anyone (but most likely a man) can be hit with a false accusation and really has to prove he didn't do it. This can be easy if the alleged event happened last night, but much harder if it was decades ago. Are we supposed to keep receipts from our youth, to prove where we were on a given night? Apparently so.

What makes this scarier is that the legal definition of rape has widened in recent years. Consent needs to have been actively offered, and there is no longer anything preventing a malicious woman from destroying a man just because the sex was bad. It is no longer considered acceptable to suggest that there are degrees of rape; rape is just rape. So if a man has sex with a woman with whom he has been in a relationship on an occasion when she wasn't all that keen, we are apparently to consider this is just as bad as raping an eight-year-old at knifepoint.

Another recent change is the development of what are termed rape myths. Inconsistent details in an accuser's story may once have suggested that story may have been concocted or at least doubtful, but such a conclusion is now labelled as a "rape myth", and inconsistencies are to be considered an effect of trauma. If an accuser is seen hugging her alleged accuser with tender affection the day after she alleges he raped her, this is only because of the subtle power that dominant men exert over their vulnerable victims. If the accuser takes years to bring a rape complaint, that must be seen as a classic sign of victimhood: she obviously feels guilty, despite the fact that the violation was not her fault, and this guilt has frozen her into inaction.

All of these effects may happen, I concede. However, what I object to is the automatic assumption that they are true in every case. The glibness of this assumption in effect means that every accusation must be treated as necessarily true, because any contrary evidence can simply be dismissed as a rape myth. In effect, this means the accusation has become the evidence. This is contrary to the due process that underlies natural justice.

Many false complainants, including the one who accused me, are in a sense victims. Not victims of sexual abuse or rape, but of suggestion by incompetent counsellors who have convinced them that their problems in life stem from this cause and "memories" are retrieved under "therapy". This is backed by a system which gives credence to the pop psychology behind such an assumption and offers rewards financial rewards to the counsellors and to their clients.

Dry Ice: My Case

On February 1 2015 I was accused of an unspecified sexual crime. All I knew at this early stage was the name of the complainant and that the alleged event was historical, having "occurred" more than twenty years ago, when the complainant was about thirteen. I knew who she was, because she was the daughter of a friend of mine, but I had never met her. I agreed to make a statement to police on February 10, and did so accompanied by a lawyer.

In the interview it was revealed that the crime was rape, and that I was one of an apparent series of men whom her father had recruited to have sex with this daughter. I stayed as calm as I could and denied everything. I pointed out that I was in the South Island at the time (the alleged rape occurred in the North Island) and all the police needed to do was check the facts, notably my work records.

Two things became clear during the following so-called investigation. First, the police do not investigate at all; what they do is attempt to build a prosecution case. This may appear to be an exaggeration, but it is literally correct. They have not the slightest interest in the facts. Secondly, the accuser (or, as the police insist on calling her, the "victim") is given all the trump cards. The police operate according to the "rape myths" philosophy, perhaps to compensate for accusations that in the past rape accusations were not treated seriously enough. They now have a handbook for handling sexual complainants and are bound to treat them all according to a set of procedures. Accusers are given updates about how the investigation is proceeding; they get free counselling if they desire it; if the case comes to court they get a paid "support person" to accompany them. And so it goes on. The suspect (or, as the police insist on labelling him, the "perpetrator") gets nothing. His treatment is so callous and inhuman that even now, two years later, I remain amazed that this can happen in a developed country in the twenty-first century. It is positively medieval.

Police incompetence and callousness were beyond belief. After my statement, the "investigating" detective told me that it was "a very complex case" and it might take two months for them to decide whether to prosecute. It took seven till I was cleared. This is despite the fact that they had just two people apart from me to interview, and one of those, the complainant's father and alleged sex recruiter, officially knew nothing

about any of this until he was interviewed more than six months after I was.

Seven months after I was cleared I received my police file under the Freedom of Information Act. Only then did I learn that the detective in charge did absolutely nothing for the first three months after my interview. Even then, all she did was send an internal e-mail to a colleague to request my work records – not from the time when the alleged rape happened, but for a period which ended the previous year.

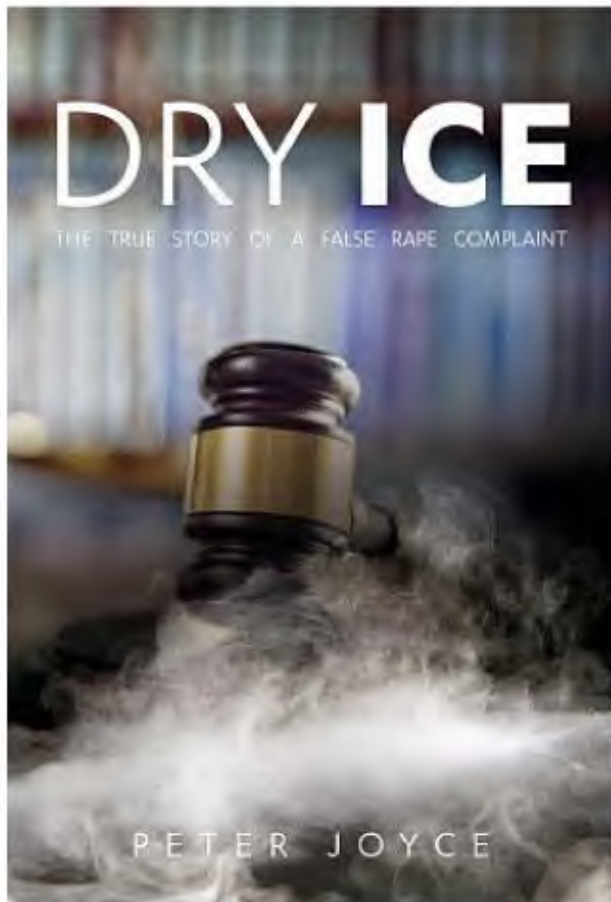
When I was cleared it was with a very terse phone call, not the personal visit which the manual prescribes the complainant must receive. When I asked if the complainant was going to be charged, the detective became hostile, snapping that I knew nothing about the law and that I had no right to make such a request. Yet making a false written accusation is a crime. Granted, the police may decide that the complainant is mentally ill and prosecution would not serve public interest. Yet this may be true of any law-breaker. If you are a victim of a crime – any crime – you are surely entitled to be treated with respect when you ask about chances that the person who has caused you unspeakable and prolonged suffering will be taken to court.

It still rankles that the police never have given me anything in writing that clears me of this awful allegation. The case has only been “filed”, presumably in case the complainant turns up at the police station again with new complaints.

The experience was by far the most stressful of my life. It is over now, but I maintain my interest in such cases, because I know I was one of the lucky ones, and anything I do now is to draw attention to innocent people who are in jail. I know there are many, but I have no way to put a figure on it.

Dry Ice by Peter Joyce

by Peter Joyce, published by Peter Joyce, printed by The Copy Press



THE TRUE STORY OF A FALSE RAPE COMPLAINT

Peter Joyce's settled life was disrupted when a woman he had never met accused him of historic rape. With a unique brand of angry humour, his diary plots the stages of his despair and traces his attempts to find justice in the face of the current insistence that we must "believe the victim".

Dry Ice is a compelling memoir, but much more. The accusation made the writer a reluctant expert on similar cases from all over the world. He throws light on everything that limits public knowledge of false sexual allegations, from dangerous counselling to flawed statistics, and he exposes police investigation methods as blinkered, inefficient and insensitive.

Kindle Edition [\\$11.49](#) Amazon

False Rape Allegations

Figuring the Figures

Numbers matter. That famous cynical quotation about “lies, damned lies and statistics” has its uses, especially when disputants find it ever easier to track down somewhere online “facts” they can tailor to their prejudices. David Spiegelhalter, president of the Royal Statistical Society, has warned of “exaggerations or misleading claims” that can be based on dubious findings from a proliferation of second-rate research. However, at its worst the “damned lies” line can be used to discredit an opponent's winning argument or retreat into naive relativity.

Facts can be frustratingly difficult – even impossible – to determine. For example, some rape accusations are untrue, and campaigners from men's rights activists to feminist groups glibly offer a percentage. The number is out there, yet we do not know it; more unsettling than that, we *cannot* know it, and we should not trust advocates who claim otherwise. American journalist Megan McArdle has rightly called the dispute about false rape accusations “the war of bad statistics”.

Girls star Lena Dunham tweeted last August “Things women do lie about: what they ate for lunch. Things women don't lie about: rape.” Of course, even Dunham knows that some women do. The question is, how many? Although we cannot know what the figure is, we can know what it is not. To illustrate this, it is more useful to begin not with the number of false allegations but with the number of genuine rapes. In 2014 (the latest year for which I can get a figure) 2,581 men were convicted of rape in the jurisdiction area – presumably England and Wales. According to Rape Crisis, fewer than six percent of reported rapes end in a conviction. This is a knowable figure which would be easy to disprove, so there is every reason to assume it is true. Freelance columnist Julie Bindel suggested in a Guardian article in December that “94% of women who report it are lying” – a quote she mischievously attributes by implication to unknown sceptics. Yet this is a straw man apparently designed to make those sceptics' arguments appear simplistic, because I am not aware that anyone has made such a claim. The truth is much more complex. Some of the remaining 94% are indeed wrongful accusations, but each case is different. Some are genuine victims who cannot identify their rapists. Others decide to abandon the legal process, for a host of reasons. Of course, many are true victims whose violators escape through lack of evidence. Everyone but the most extreme misogynists acknowledges this.

Given the difficulty of bringing some cases to court, we would be naive to assume that rapes in the UK in 2014 totalled only 2,581. Clearly, rape is more frequent than this, because many valid rape accusations do not lead to conviction or even prosecution. In fact, some are not even reported, the reasons for which are beyond the scope of this article. The number of rapes thus comprises two figures: the number of convictions (A) plus an unknown number of others (B). In fact, B is unknowable, because we cannot be certain any claim of rape is true unless it turns into a case that goes to trial. Even the A figure is not set in stone; in this era of “believe the victim”, some among the 2,581 convicted defendants will be innocent, but that is another story, so let us infer that the number of rapes was at least 2,581.

The main obstacle to successful prosecutions in genuine rape cases which are pursued is the private nature of the crime. Tragically, this means that many genuine rape victims do not attain justice, usually not because they were ignored or disbelieved, as often happened in the past, but because there is insufficient evidence to convict.

The crucial point is that exactly the same principle of uncertainty applies to false rape accusations: the true number comprises an A figure and a B figure. Many studies demonstrate this. For example, German criminologists Wiebke Steffen and Eric Elsner examined all 1754 rape complaints made in Bavaria in 2000. Police judged a third of these accusations as probably not true. No prosecution of an alleged rapist was pursued in half of the total. Of the 1754 complainants, 7.4% were investigated for making a false complaint, and of that 7.4%, every single one admitted she had lied. Police prosecuted three-quarters of the false

complainants; the other quarter were let off because of mental instability.

Most interesting is that 7.4% of the 1754 total admitted they had been untruthful. This means that the absolute minimum of false rape complaints in this study (the known or A figure) is 7.4%. The true percentage of false rape complaints could never be determined, but it must have comprised two numbers: the known 7.4% plus an unknown additional number: those whose allegations were false but this could not be determined (the B figure).

Just as some rapists in the UK evade justice, so do some false accusers, because in neither situation does the Crown Prosecution Service pursue a case unless it sees at least a reasonable chance of conviction. Both rapes and false accusations of rape therefore occur more often than convictions reveal. An unknown number of wrongful allegations are made by accusers who are mentally ill or have distorted or reconstructed memories. Others are made by balanced but malicious accusers. Each false accuser is different, and not all should be prosecuted. What do we even label a false report? A genuine victim may wrongly identify her attacker, and a complainant may really have been violated but loses credibility by telling an incidental lie. Some hastily cry rape to cover a sexual indiscretion, but withdraw the accusation before a suspect sees any cell bars or suffers damage to career, relationships, bank balance or reputation.

However, perpetrators of malicious and sustained false accusations should be prosecuted. Sometimes they are, but the CPS is reluctant to make false accusers accountable in all but a minority of the most egregious cases. Its guidelines instruct prosecutors to bring such cases to court not – as in rape cases – if it is feasible that a jury will believe beyond reasonable doubt that the defendant is guilty, but only if conviction is virtually certain. Also, while prosecution for rape is understandably always seen to serve public interest, prosecution for a false accusation is not. This allows the fake-vulnerable to ride on the coat-tails of genuinely vulnerable wrongful accusers and escape consequences. The CPS cultivates the illusion of balance by insisting it will pursue false claims “rigorously”, but in fact it has no enthusiasm for such prosecutions unless the accusation is repeated, especially malicious and provably false – for example, by the unlikely counter-testimony of legions of reliable witnesses or indisputable CCTV footage. Oddly, the CPS even remarks in its charging guidelines that prosecutions for false accusations will be “extremely rare”. Why does it pretend to know? The effect of such a policy on the A-to-B ratio is obvious.

Even these prosecution criteria have been too severe for some police districts in the UK. The head of the (now disbanded) sexual crimes unit of Greater Manchester Police once confirmed that it was GMP policy never to prosecute false complainants because “those making false reports have some sort of vulnerability.” Using the CPS method of basing the frequency of false reports on the number of convictions would therefore consistently yield a false accusation figure of zero for Greater Manchester. Perhaps other police districts in effect follow a similar charging policy but are not forthright enough to admit it.

Julie Bindel's article referred to the recent Liam Allan case, in which the prosecution failed to disclose evidence that absolved the defendant. She implored us to concentrate on unpunished rape and not to be distracted by such false accusations, which she labelled at one point “a handful” and at another point “tiny”. Yet if she knows only the A number, she is not entitled to play down the elusive A+B. As for the CPS, it is astounding that it is so biased in interpreting its own statistics. When it offers low conviction rates as evidence that false accusations are rare, it is hard to know whether its misreading is wilful or just negligent. The former seems more likely, since it is under political pressure to bring more sexual crimes to court. This implies an interest in minimising the number of false accusations.

Numbers, then, do matter, but they have their limits. Even if research about justice comes down to data, justice itself is individual; it must transcend social trends and policy pendulums. Is a victim of a false accusation supposed to take comfort from an assurance that he is “just” one of the inevitable false positives in an enlightened commitment to bring more rapists to trial? Is he expected to regard Blackstone's formulation that “it is better that ten guilty persons escape than that one innocent suffer” a quaint relic of a time when the patriarchy was even more pervasive than now?

The question of how to handle false complainants therefore remains, whether they are forty percent or just a tenth of one percent. Let us assume that Jemma Beale is the only false accuser in the UK. She is the woman who made fifteen rape complaints, gained £15,000 in compensation and had an innocent man put in jail for two years. Another of her victims, in fear of arrest, fled the UK. The effects of her accusations were so far-reaching that she was tried, convicted and sentenced to ten years' jail. The prosecution called Beale's life a "construct of bogus victimhood" which had cost the Crown 6,400 hours of investigation and £250,000. Would Manchester's former head of sexual crimes insist that even she is a "vulnerable woman" whose prosecution was not in the public interest? Her victims – not to mention taxpayers – can surely be forgiven for disagreeing.

False allegations of all types are stressful, but they are not created equal. The opprobrium attached to the mere suspicion of being a sexual predator is inherently more damaging than any other wrongful complaint, and current policies make it even more harrowing than it once was. Someone falsely accused of assault, burglary or fraud can be reasonably confident that facts will vindicate him. Recent changes to charging procedures for sexual accusations mean that an indeterminate number of false but convincing "he said/she said" complaints will come to court and result in a conviction. This is especially true of historical allegations, because it can be impossible to disprove an accusation from decades ago. The only suspects who would not be petrified by a false sexual accusation against them are those who have misguided faith in the police and the justice system and are too naïve to understand what may happen to them.

I have a special interest in this issue. After a woman whom I had never met accused me and others of systematic and repeated historical rape, police interviewed her eight times for a total of over seventeen hours. Her interviewers had done specialist training which follows the "believe the victim" dogma and they had therefore most likely learnt to attribute her wild discrepancies to decades of trauma. After more than seven months of terror, during which the police had no interest in facts of time and place, I was told I would not be charged. I was just lucky; the coin-toss went my way. As I record in my book *Dry Ice: The True Story of a False Rape Complaint*, when I asked the detective handling my investigation whether my complainant would be charged, she just snapped that I knew nothing about the law and stopped the conversation. Reporting what other crime produces such a curt official snub?

I know two other victims personally. My friend Darren (not his real name) was charged, even though there was no evidence, after a spiteful stepdaughter accused him of molesting her. Thankfully, he was swiftly acquitted, but the whole sordid process took a terrible toll. This is not a purely Western phenomenon; my friend Steve was charged when he was living in Singapore, after a deranged co-worker accused him of groping her on the dance floor. Police "investigation" ignored the testimonies of colleagues who attended the function and witnessed nothing untoward. Threatened with further action that could have meant jail, he agreed to a plea bargain. Legal fees cost him the equivalent of £8,000 – a sum other victims might consider small change. His real name is...Steve. Like me, he refuses to hide away.


Numbers are comforting if the story they tell has a simple plot. It can be reassuring – even uplifting – to cite just the A figure and remain convinced that false accusations are uncommon. It shelves any unsettling doubts, quarantines a whole dimension of the issue of sexual accusations and focuses on the only crisis that matters – attrition in real rape cases. Numbers of falsely accused may be smaller, but they are greater than those who ignore the B figure assume. I would like to ask a question to anyone who doubts this; perhaps another Guardian columnist, Zoe Williams, who described false accusations as "vanishingly rare". Ms Williams, do you expect Darren, Steve and me to believe we are the only ones?

What percentage of IPV victims are men?

- ▶ Estimates range from 30 – 50 % in crime based and population based surveys

Examples:

- ▶ German Health Interview and Examination Survey for Adults (2008-11)
- ▶ 2010/11 Scottish Crime and Justice Survey
- ▶ ONS Crime Survey for England and Wales 2012/13
- ▶ National Family Violence survey 1975/85
- ▶ 2010 National Intimate Partner Violence and Sexual Violence Survey



“Intimate partner violence occurs in all countries, irrespective of social, economic, religious or cultural group. Although women can be violent in relationships with men, and violence is also sometimes found in same-sex partnerships, the overwhelming burden of partner violence is borne by women at the hands of men.” (p. 89)

KRUG, ET AL. (2002). *WORLD REPORT ON VIOLENCE AND HEALTH*. GENEVA. WORLD HEALTH ORGANISATION.

What is happening in AUS/NZ?

2014 NZCASS: 6943 participants: 2012 Personal safety Survey

	AUS		NZ	
	Men %	Women %	Men %	Women %
All forms of violence by a partner (last 12 months)	1.4	2.7	4.4	5.7
Physical assault (last 12 months)	1.4	2.6	2.5	3.4
Sexual offence (last 12 months)	0.1	0.5	0.5	1.6
Coercive and controlling behaviour (current partner)			17	14.4

Men's Experiences of Victimisation from a Female Intimate Partner: An International Perspective

LOUISE DIXON, PHD

VICTORIA UNIVERSITY OF WELLINGTON

Te Whare Wananga o te Upoko o te Ika a Maui



What do we know?

Hines' and Douglas' US based research

► **Study 1:**

Jan 2008 – 09. Survey of 302 English speaking US heterosexual men who had been physically assaulted by their female partner/s in the past year and had sought help. Age 18-59. telephone or online survey.

► **Study 2:**

Jan 2012-April 2013. Survey of 611 English speaking US heterosexual men who had ever been physically assaulted by a female partner and had sought help. Age 18 – 59. Online survey.

*The following information about these studies is taken from Hines & Douglas, 210a,b; 2013a, b; Hines & Douglas, (2016) - unless otherwise referenced

Physical and psychological abuse

Form of Aggression	Study 1 (%)	Study 2 (%)
Physical – minor	98.7	98.8
- severe	90.4	85.1
- very severe	54	50.4
Injury - minor	77.5	72.3
- severe	35.1	40.9
Severe psychological	96	94.9
Controlling behaviours	93.4	93.3

Sexual abuse

Sexual Aggression	Study 1 (%)	Study 2 (%)
Partner insisted on sex when they did not want to	41.4	43.4
Threatened or forced to have sex (severe)		28
Any sexual assault		48.6

Sexual abuse contd.

Study 2

- ▶ Those men experiencing severe sexual aggression (compared to minor only or none) significantly more likely to experience:
 - ▶ More frequent injury, severe injury
 - ▶ Very severe physical aggression

(Hines & Douglas, 2016)

Legal-administrative aggression

- ▶ “LA aggression is when one partner manipulates the legal and other administrative systems to the detriment of his/her partner” (Hines, Douglas & Berger, p1 2015)

“you know I haven’t said hello to the lady let alone been anywhere near her for more than 8 years why am I being served with an VRO ... You have to like sacrifice so much effort to prove yourself innocent it is ridiculous and a lot of men just aren’t they can’t cope with it (V10)”
(Tibbrook et al., p20)

- ▶ 90.5% in study 2 experienced this (Hines & Douglas, 2015)

Is female violence in self defence?

Study 1

- ▶ Who used physical aggression first in the last argument?
 - ▶ 4% male helpseekers
- ▶ What did the male partner do as a result?
 - ▶ Get away – 85.4%
 - ▶ Yell/curse – 62.8%
 - ▶ Call friend/family – 45.3%
 - ▶ Cry – 37%
 - ▶ Call police – 28.3%
 - ▶ Hit back – 21.1%

Question

- ▶ What factors may prevent men coming forwards and seeking help for their victimisation?

Seeking help

Barriers	Facilitators
Denial	Feeling supported
Fear of not being believed	Publically available information
Shame	Attempts to understand abuse
Perceived gender bias	
Lack of appropriate services	
Protect perpetrator	
Emotional turmoil and ambivalence	

Helpseeking experiences matter

- ▶ Douglas & Hines (2011) showed cumulative positive and negative relationships between helpseeking experiences and mental health issues
- ▶ For each additional positive helpseeking experience, men were about 40% less likely to abuse alcohol in the previous year
- ▶ For each additional negative helpseeking experience, men were 37% times more likely to meet the clinical cut-off for PTSD

Highlighting Invisible Men (HIM)



Denise
US



Alexandra
CA



Elizabeth
AUS



Emily
US



Louise
UK

Study objectives

To examine men's **experiences of abuse** and/or violence by their female intimate partner in Western international samples

To explore their **helpseeking experiences** and services available to them across the different Western international countries

(UK, US, CA, AUS)

Procedure

- Used online audio and visual modalities to facilitate FG's

The screenshot displays a GoToMeeting Viewer window. On the left, a vertical strip shows five video feeds of participants: Sasha, Elizabeth Cell, Emily Douglas, Denise, and Louise. The main area shows a document titled 'General agenda for online meeting' with the following content:

General agenda for online meeting
Wednesday 9th October 3:30pm (NYC time)/Thursday 10th Oct, 6:30am AEST

1. *Breathing exercises to ground us all in the recruitment so far!*
Debrief on recruitment process and logistics so far
2. *Review of the FG "Run sheet & logistical considerations"*
 - top and tail of the FG meeting, as per attachment
 - Finalise logistical matters
 - I'll send out [GoToMeeting](#) (GTM) links when all participants allocated.
3. *Keeping participants on focus to elicit information required*
 - Within each of the open ended questions, perhaps have 1 specific question to ask each member in turn, to start off eliciting responses desired
 - Respectful interrupting processes if some go too long
4. *Australian Focus Groups – suggested dates to be tweaked/confirmed*
 - Monday 18th Nov 2013 @ 7pm - Tuesday 19th Nov @ 11am
 - Monday 25th Nov 2013 @ 7pm - Tuesday 26th Nov @ 11am
 - Sunday 1st Dec 2013 @ 4pm - Monday 2nd Dec @ 8am
 - *Please note after USA clocks have changed according to my world clock converter!*
 - *Note: Time suggested for the consultation is if they are not able to make it, we will*

The bottom of the window shows a Windows taskbar with various icons and the system clock at 4:31 PM on 10/10/2013.

Interview prompts

- ▶ Please describe some of your most memorable experiences of abuse from your partner.
- ▶ When these things first happened, how did you feel about them?
 - ▶ How do you feel about it now?
- ▶ How did you deal with these experiences?
 - ▶ Did you confide in friends and family and professionals?
- ▶ Is there anything that could be put in place to have helped you seek help sooner?

Participants

Variable	Country (total n = 41)			
	UK (n=10)	US (n = 11)	AUS (n = 11)	CA (n=9)
Average age (yrs) = 48.7	49	51.6	45.8	48.3
Ethnicity (%)	90 White British	100 white US	46 White Aus	67 white CA
Employed (%) = 90	80	82	100	100

Themes – Experiences of abuse

Superordinate Themes	Sub themes
Power play	Control: “She ended up controlling every aspect of my life”
	Effects of control: “It’s not the actions; it’s actually the psychological impact of that”
	Professional gender bias in facilitating abuse: “I am a girl, I can do it and get away with it”
Direct Abuse	Physical Attacks: “She clobbered the hell out of me”
Recognising domestic abuse: A slow process of realisation	The boiling frog

Power Play: Control

(UK 2)Forty: ..she caught me smoking and she didn't do the normal thing, which was to yell and scream for five or six hours, because she wanted me to go shopping. So, in order to get the whole process done quickly and get out shopping she got me to lick dog food off the kitchen floor

(AUS 1) Scott: Um, my partner was very controlling, there was no, uh ,not physical abuse. Um, she ended up controlling every aspect of rmy life, more or less, my relationship with friends and family. Umh, and to the point where she was driving me to work in, the morning, and and then come picking me up from work so she could see what I was doing, ...she stopped me using Facebook, uh, she checked my phone, phone calls and text messages everyday. Um, I wasn't allowed to go out of the house if she didn't come, um,, it was all about she was so jealous of me interacting with other women.

Power play: Effects of control

- ▶ (UK2) Daniel: *It's not the actions; it's actually the psychological impact of that, the loss of control, the loss of liberty as a person... you're actually not seen as a person by these people. I think you're just a body that they can act upon.....*
- ▶ (US1) Nicholas: my ex would then refer to me very frequently in front of my daughter as a mother fucker, a fucking worthless bastard and a whole plethora of things.....that was much more traumatic for me uh having been subjected to that sort of abuse in front of my daughter than being punched in the face.....Yeah, the kids the kids are really the Achilles heel.

Power Play: Professional gender bias in facilitating abuse

(CA1): Michael: *the thing that was really tough about it is that that incident set a precedence for her, where she realized that she could get away with and she can continuing to do it, so she used to say: "what are you going to do about it? I am a girl, I can do it and get away with it and if you tell anybody that I am doing this to you, I will just say you raped me, and I don't need evidence" and so then I had to spend years and years and years with her, doing this whenever she wanted to*

(US) Nicholas: *She caught on really quickly that the cops were her ally. That even if I called them she could use them and uh that they were there to serve her interests not mine.*

Direct Abuse: Physical attacks

(CA1) Michael: *She knocked me unconscious with a wine bottle and I was left unconscious on the ground and she was trying to light matches on my bed....*

(CA1) Dave: *...and the potatoes boiled over so she threw the pot of boiled potatoes at me*

(US1) Nicholas: *she always used her fists, not an open hand or anything, she clobbered the hell out of me with her fists. But, yeah, that hurt. She also kicked me pretty damn hard in inappropriate places*

(UK2) Daniel: *She gave me a black eye...I had this great big black shiner*

Recognising DA: “The boiling frog”

(UK) Joel: *I think at a very individual level the analogy with the boiling frog where you put the frog in the boiling water and turn it up slowly. That's what it's like initially. It's not immediately punching straightaway; it's just slapping or gentle pushing. But it escalates over time. So, you don't really notice that you're heading down an abusive relationship*

(US) Steve: *When I, as my own therapy, sat down and worked through it all and read study after study after study and talked to dozens of people about what had gone on. But during the time that I was going through the abuse, it didn't process to me as abuse until it was done.*

Themes – helpseeking

Superordinate Themes	Sub themes
To seek or not to seek: Barriers	Fearing Ridicule
	“There's no help out there”
	Lack of Professional awareness and Gendered accountability
To seek or not to seek: Facilitators	Individual professionals and men's groups

Fearing ridicule

(CA) Dave: *"I work with a bunch of men, it is all men, so we can't tell, we can't tell. You know what I mean? If I tell other men that I am letting my wife hit me then I'm a wussy."*

(AU) Peter: *I didn't tell anyone. I was too embarrassed. It was too shameful.*

“There’s no help out there”

(UK) forty: *“The only affordable facility there is for a man in an abusive relationship is a bit of rope.... There is no help out there; there is no help out there. There’s nowhere to go.”*

(US) Tom: *“I finally called a couple of domestic violence centers, after making hundreds of referrals to those places, and nobody has anything to do with men”*

(CA) Michael: *“....there is no services, zero, you know...that doubled the, I felt like kind of like double victimised by that, I have to admit.”*

(AUS) George: *“I was looking everywhere to find help....”*

Lack of professional awareness and gendered accountability

(CA) Michael: *"I called the women's assault helpline, at that time, and I got a pretty unfriendly reception...they said that they didn't know how to help me. And I asked if there was anybody that I could talk to there about it and they said, 'no, no, you have to figure things out on your own.' And they wouldn't help me at all and I couldn't understand why I got that reaction and I was really hurt by that."*

(CA) Michael: *She was trying to break the restraining order and the police just told me, "Oh man up, or who are you? You are so pathetic that you cannot protect yourself against a girl."*

(US) Tom: *"..any time I went to the police myself with domestic violence issues, the police in Michigan you always arrested the man. So I simply took it..."*

Positive impact of individual professionals and men's groups

(CA) Michael: *The police were great... I remember one young officer said to me, "Don't give up, don't give up, don't give up, I was a kid like your sons, don't give up." And I think that really helped me, made me see that it wasn't just me that was hurting, it was the boys. He said, "My father let my mother beat him for years, don't give up."*

(AU) Scott: *And I went to a men's group that was just more about telling your story with other similar guys, and I think that was the most useful thing I did.*

(CA) Dave: *And I was attending men's group once a week ... That was when I woke up. It was like a light bulb turned on, the way they describe it.*

Implications for practice and policy?

DISCUSSION

Discussion of Findings

- ▶ Men's experiences of abuse are not greatly different to women's
- ▶ What appears to be different?
 - ▶ Professional bias in facilitating abuse
 - ▶ DV agencies and police
 - ▶ Not helpful
 - ▶ Consistent with prior research
 - ▶ Trained in a patriarchal perspective?

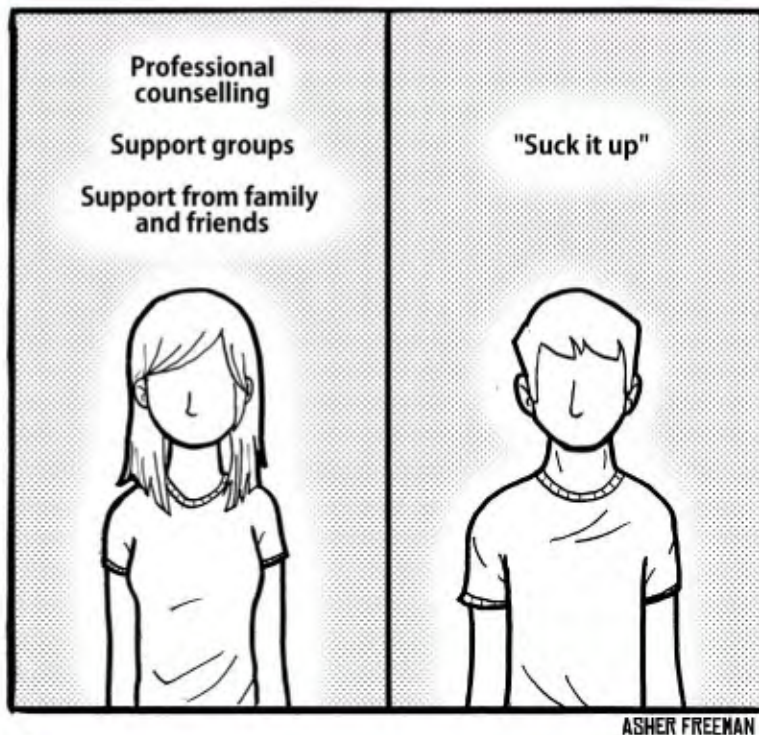
Discussion of Findings *contd.*

- ▶ A serious lack of services for men
- ▶ Lack of awareness of male victimisation:
 - ▶ From male victims
 - ▶ From some professionals
- ▶ How do we change this?

Service provision

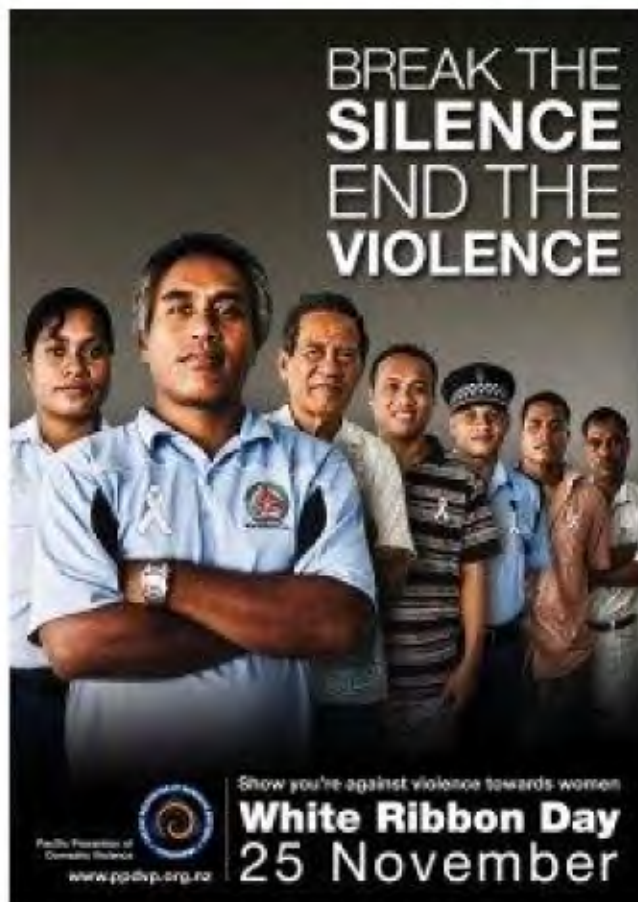
An Example: UK Services for men

- ▶ “18 organisations offer refuge or safe house provision for male victims in the UK - a total of c70 spaces, of which 24 are dedicated to male DV victims only (the rest being for victims of either gender). For female victims, there are nearly 400 specialist domestic violence organisations providing refuge accommodation for women in the UK with c4,000 spaces for over 7,000 women and children.”



(Brooks, 2016, p. 2-3)

Media messages?





Take home point

**Violence and abuse
by anyone in the
family is not OK!**



With thanks to.....

Abused Men in Scotland
A Voice for Men
Mankind
Temper

and of course.....

the men who shared their stories
and research co-investigators Denise Hines, Emily
Douglas, Alexandra Lysova and Elizabeth Celi

Questions?

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Te Whare Wananga o te Upoko o te Ika a Maui



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Feminism and Rape Awareness

- Introduction
- The 1960s and 1970s were a period of revolutionary change in popular and political culture throughout the Western World.
- It began when the Black civil rights movement reached American university campuses in 1960
- And was boosted by the Vietnam War, to which America began sending combatant troops in 1964.
- These two issues
 - – black civil rights and the Vietnam War –
- soon spread throughout the West, and morphed to more generalised campaigns for human rights, political accountability and world peace.
- Sub-movements then began to form, many of them based on campaigns for recognition of specific human rights
 - – Workers' rights, student rights, Gay/lesbian rights, prisoners' rights and women's rights.
- It's the issue of women's rights and the impact of women's campaigns on rape awareness internationally, and specifically in New Zealand, that this talk is about.

In the US, the civil rights movement which gained momentum in the 1960s, kicked off a general wave of concern about human rights and equality.



The US began sending combatant troops to Vietnam early in 1964 and was soon joined by other nations, including New Zealand (in June 1964).



The Birth of the Women's Movement's 2nd Wave

- The Women's movement originally emerged in the late 19th Century as part of a campaign for women's suffrage and political equality,
- But what became known as feminism's '2nd Wave', with its wide and more generalised compass, was a phenomenon of the 1960s.
- The women's movement's 2nd Wave was set off in the early 1960s by women demonstrating against racial discrimination and War, and materialised in 1963 after the publication of Betty Friedan's *The Feminine Mystique* which focused on women's status in a society dominated by men.
- In 1966 Friedan formed a group called NOW [], which dedicated itself to the preservation of women's rights.
- It was from about this time that organised feminism in the US began.

Mass protests against NZ involvement in the Vietnam War commenced in 1968. More general issues such as political accountability, human rights and world peace soon became important.



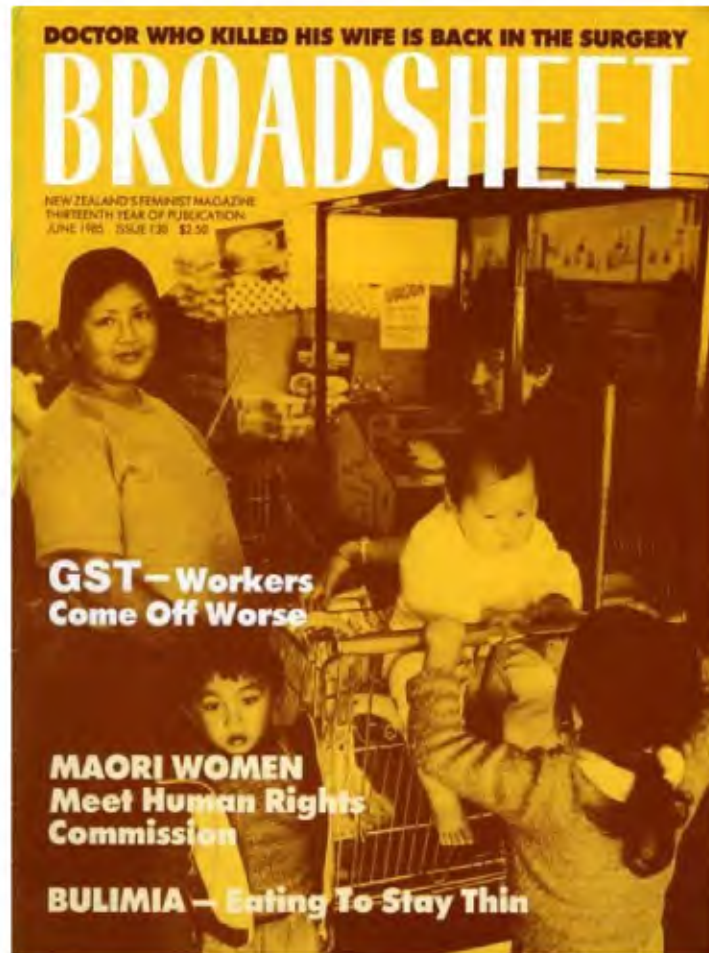
The women's movement started off in the late 19th Century as a quest for women's suffrage. This was known as the women's movement's '1st Wave'. New Zealand led the world in female emancipation, granting women the vote in 1893.



Betty Friedan (1921-2006) authored the best-selling book *The Feminine Mystique* in 1963 and was one of the early leaders of the feminist movement's '2nd Wave'. In 1966 Friedan formed and became the first president of the National Organisation of Women (NOW).



The feminist magazine *Broadsheet* commenced publication in Auckland in 1972 and was the principal voice of women's politics until it ceased production in 1997.



One of the early campaigns of the Women's Liberation Front, which formed in NZ in 1970, involved 'liberating' bars that refused to serve women. This picture shows women demanding to be served at Wellington's New City Hotel in 1970.



Another issue which the early women's movement pursued was abortion law reform.



Feminism in New Zealand

- Women in NZ, indeed throughout the West, watched these events keenly.
- Organisations such as the Society for Research on Women and the National Advisory Committee on the Employment of Women were formed in 1966 and 1967 to look at issues to do with equality, particularly in employment.
- The 1st organised women's lobby was the Women's Movement for Freedom, which commenced at Auckland University in 1970 followed by the Women's Liberation Front, which formed in Wellington that same year.
- By 1971, 6 Women's Liberation groups existed and they expanded rapidly from that point.
- That year the first National Women's Liberation Conference was held and in 1972 the feminist magazine Broadsheet started production in Auckland.
- The 1st actions of NZ feminists involved 'liberating' bars refusing to serve women, followed by equal pay, the need for more childcare centres, opposition to beauty contests and abortion law reform.
- These were followed by lesbian rights, domestic violence, and rape, which emerged as a feminist issue in 1973.
- As time went on, rape and sexual abuse of women and children became matters of increasing importance in NZ feminist politics.

Rape first became identified as a feminist issue in New Zealand in 1973. This cartoon, showing a woman being victimised by the law as well as by an assailant, appeared in 1976.



Attitudes Toward Rape before the 1970s

- Before the 1970s, attitudes toward rape had remained static for decades and there was a general feeling in NZ, expressed in several government publications in the 1960s, that violence was not a great problem in NZ and rape was insignificant.
- This belief was supported by statistics, with an average of only 13 rapes being reported each year in the 1st half of the 1950s.
- The figure grew to over 100 per year in the 1960s, but that was still only a small fraction of the 93,000 non-traffic offences reported each year.
- Only about 40% of rape complaints were prosecuted.
- Interviewed about rape in 1976, Detective Inspector Pat Donovan of the Auckland CIB reported,
- “I don’t want to give the impression that there’s an epidemic where rape’s concerned. It’s still an isolated crime”.

‘Rape Myths’

- Like many other countries, NZ subscribed to a number of so-called ‘Rape Myths’ which held, among other things:
 - that women sometimes enjoy rape,
 - that it’s impossible to have sex with a woman who doesn’t want it,
 - that women invite rape through their precocity, and
 - that women often make up stories about being raped to attract attention or to get people into trouble.
- EG In its discussion of rape, the Department of Justice’s 1968 publication, Crime in NZ declared:
 - “No doubt the woman is somewhat to blame by permitting everything except intercourse when a man has become so excited as to be unable to control himself”.
- Thus, the fact that a woman had to some extent ‘provoked’ the rape by teasing a man could be taken into account at sentencing.

Police Attitudes in NZ

“I don’t want to give the impression that there’s an epidemic where rape’s concerned. It’s still an isolated crime”.

Detective Inspector Pat Donovan, Auckland CIB, 1976.

It was also commonly accepted that women often say “no” to sexual intercourse when they don’t really mean it,
and they often claim that consensual sex was rape after the event.

In his Textbook of Criminal Law (1978), which was used as a prescribed text in Auckland Law School when I was there in 1980,

“No doubt the woman is somewhat to blame by permitting everything except intercourse when a man has become so excited as to be unable to control himself.”

Crime in New Zealand

NZ Department of Justice, 1968; 1974

Glanville Williams (1911-1997) was Professor of Criminal Law at Cambridge University and was one of England's most revered legal scholars.



“Many complaints of rape are false because the woman in fact consented.”

“That women enjoy fantasies of being raped is well authenticated, and they may welcome a masterful advance while putting up token resistance.

*A little she strove and much repented,
And whispering ‘I will ne’er consent’, consented.”*

Williams concludes that if a woman fails to use all means available to repel an attack, including shouting for help, a conviction may be unsafe.

Cambridge Professor Glanville Williams
Textbook of Criminal Law, 1978.

“Lets face it, there’s a lot of precocious little ‘teasers’ around these days, who suddenly cry ‘rape’ because of long overdue guilt feelings ... They are the number one menace ... very often we’re not dealing with ‘nice’ girls anyway ... and who can blame a guy for taking what is readily offered?”

Un-named female journalist, Auckland, 1974.

These views might seem outrageous now, but they reflected popular thinking at the time.

It was generally agreed that the chance of an allegation being false was high, and the rules of evidence required a rape victim to report a complaint as soon as possible after the event.

Failure to do so seriously weakened her credibility.

Rape Allegation Court Procedure

- It was also established that, in the absence of corroborating evidence, a jury had to be warned about the dangers of convicting solely on a complainant's word.
- In dealing with rape complainants, police doctors were sometimes described as sceptical and unsympathetic and the process of vaginal examination to find evidence of bruising or seminal emission was intrusive, embarrassing and harrowing.
- Because a history of promiscuity would weaken a woman's claims, in court victims were often subjected to intrusive and accusatory questioning by defence counsel about their sex lives.
- Typically a woman would have to go through this ordeal twice: at depositions and at trial.
- The argument that women provoke rape by flirting was widely accepted judges and the general public, and even by women.

The Growth of 'Rape Consciousness'

- Feminist activism about rape in NZ started in 1973 with the Wellington Women's Workshop forming WAR
- – Women Against Rape.
- The next year, Broadsheet, having just banned men from its collective, published the 1st of several inflammatory articles about rape
- (written by editor and co-founder Sandra Coney).

NZ Political Activism

- In 1975 the 2nd United Women's convention (co-organised by future Labour MP Margaret Shields) had rape as one of its major themes
- And also in 1975, a procession of articles on rape appeared in Broadsheet, written by Collective member Julie Thompson.
- Sounding much like Susan Brownmiller, whose best-seller *Against Our Will* had just been published,
- Thompson argued that sexual aggression is normal in males and that since most men are normal, rape for them is also normal.
- Thus, she wrote "Every man is a potential rapist".
- The slogan 'All men are rapists!' soon became a familiar mantra of radical feminism.

Sandra Coney QSO (1944-) was one of the co-founders of *Broadsheet* and served for many years as its editor. In 1973 she wrote the first of several inflammatory articles about the problem of rape.



- It is from about this point that public attitudes towards rape began a radical shift.
- The feminist movement had started off as a Leftist movement but in 1976 the NZWW, aimed at the middle class housewife, joined the campaign with a series of articles on rape led by journalist Cherry Raymond, who was now the NZ President of the National Organisation of Women.
- Between 1977 and 1981 a number of shonky questionnaires about rape, child sexual abuse and domestic violence, written with the assistance Broadsheet member and radical lesbian feminist Miriam Saphira were distributed through the NZWW,
- leading to sensational suggestions that one in four girls is sexually abused before she reaches the age of 16
- and that the principal perpetrators are white, married, middle class males with good jobs.
- Although the research was deeply flawed and the results unreliable, they received huge publicity, not only in NZWW and Broadsheet, but also on TV, Radio and the newspapers.

The second United Women's Convention, held in Wellington in 1975, was attended by 2,200 people and had rape as one of its principal themes. In all there were four such conventions, held between 1973 and 1979.



- Fear of insensitive police treatment and humiliation in court added to the stress of rape and deterred many victims from laying complaints.
- In fact it was later claimed that in the 1960s only 1 rape in 4 or 5 was reported and only about 25% of trial cases resulted in conviction.
- The penalty for rape was also low compared to today.
- EG In 1969, there were 20 convicted rapists, sentenced to an average term of about 4yrs, with penalties ranging from 2yrs to 7yrs.
- Today, the minimum starting point for rape is 6yrs.

In 1975 American journalist Susan Brownmiller (1935-) wrote the immensely influential book *Against Our Will*, which argued that rape is a political act by which men keep women in submission.



Marilyn French (1929-2009) was a prolific and influential writer on women's issues. Her first book, *The Women's Room* (1977), sold 20 million copies and was translated into 20 different languages.

**“ALL MEN ARE RAPISTS AND THAT’S ALL THEY
ARE. THEY RAPE US WITH THEIR EYES, THEIR
LAWS, AND THEIR CODES.”**

MARILYN FRENCH

© Lifehack Quotes

Cherry Raymond (far right) (1926-2006) was president of the NZ National Organisation of Women and editor of the conservative *New Zealand Woman's Weekly*, which in 1976 began publishing articles about moderate feminist issues, aimed at the middle class housewife.



Miriam Jackson, who changed her name to Saphira in 1981, was a radical lesbian feminist and a member of the *Broadsheet* collective, who organised a series of questionnaires about sexual violence through the *NZ Woman's Weekly* between 1977 and 1981.



- Rape and sexual abuse even became the central theme of the 1988 Telethon campaign and used the one-in-four figure derived from Saphira's publications.
- Because of this, by the early 1980s, a lot of people believed that there was a hidden epidemic of rape and child sex abuse within the NZ community.
- The public began to call for measures to encourage women to speak out about sexual abuse and for the courts to take sterner measures to combat it.

24-hour fund-raising Telethons began in 1975. In 1988, the International Year of the Child, Telethon chose child sexual abuse as its leading theme.



- The Changes Begin
- By now the 1st changes had already begun.
- In 1977 a young lawyer and novice MP Jim McLay (National) introduced a private member's bill which stopped the intrusive questioning of complainants about their sexual histories, in rape trials.
- The initiative was strongly supported by Parliament and in an unusual move, McLay was congratulated by both sides of the House.
- 3 years later, Jim McLay, who by now was Minister of Justice, Attorney General and Spokesman on Women's Affairs, brought another private member's bill that made it illegal for a man to rape his wife if they were living apart.
- [marital exemption: d.nisi 1961; 1980; 1985]

Jim McLay (LLB) (1945-) was a bright, young novice MP (National) when in 1977 he brought a private member's bill which outlawed intrusive questioning of victims about their sexual histories in rape trials. In 1980 he reduced the power of the marital exemption in rape cases.



- That year, another young National party lawyer, MP Paul East, introduced another change, which generally prohibited the publication of a complainant's name in a rape trial.
- Both of the 1980 amendments extended women's rights in the sexual abuse area and can be seen, in large measure, to have been brought about by the feminist campaigns.
- From the early 1980s women started coming forward in increasing numbers with rape complaints, with the number of complaints increasing by 90% between 1979 and 1985.
- In 1983 the 1st comprehensive study on rape in NZ was completed by Victoria University in conjunction with a number of national women's groups.
- The findings of this Rape Study, confirming many of the issues that women had been raising over the previous 10 years, met with a swift and sympathetic response from the government.

In 1980 Paul East (LLB) (1946-) (National) introduced a law which generally prohibited the publication of a victim's name in a rape trial.



- By December 1983 a Rape Law Reform Bill was before Parliament and it was debated in an atmosphere of rising concern about the problem of rape.
- That same year as this happened, a 14 year-old Napier schoolgirl called Kirsa Jensen went missing while riding her horse after school.
- Her body and her presumed rapist-killer were never found.

In 1983 Napier schoolgirl Kirsia Jensen (14) went missing while riding her horse after school. This was one of the first of a number of presumed or proven rape-murders of young girls which became common from the 1980s.



- In the early 1980s a serial rapist known as the 'Parnell Panther' was believed to have raped up to 20 women in Auckland and the North Island, and was sentenced to 12 years' imprisonment in 1983.
- At the same time as this, Joseph Thompson became active in Sth Auckland and raped about 50 women and girls between 1983 and 1994.
- And soon after that Malcolm Rewa entered the scene and raped at least 24 Auckland women between 1987 and 1996, including the rape and probable murder of Susan Burdett in 1992.

Mark Stephens, also known as the 'Parnell Panther' was a serial rapist who stalked women in the Auckland region in the 1980s. He may have had as many as 20 victims and also attacked and beat TV producer Robin Scholes in her home in 1984. He was sentenced to 12 years imprisonment.



Joseph Thompson raped at least 50 women and girls in South Auckland between 1983 and 1994. In 1995 he received preventive detention with a 25 year minimum – the longest term ever given to a sex offender.

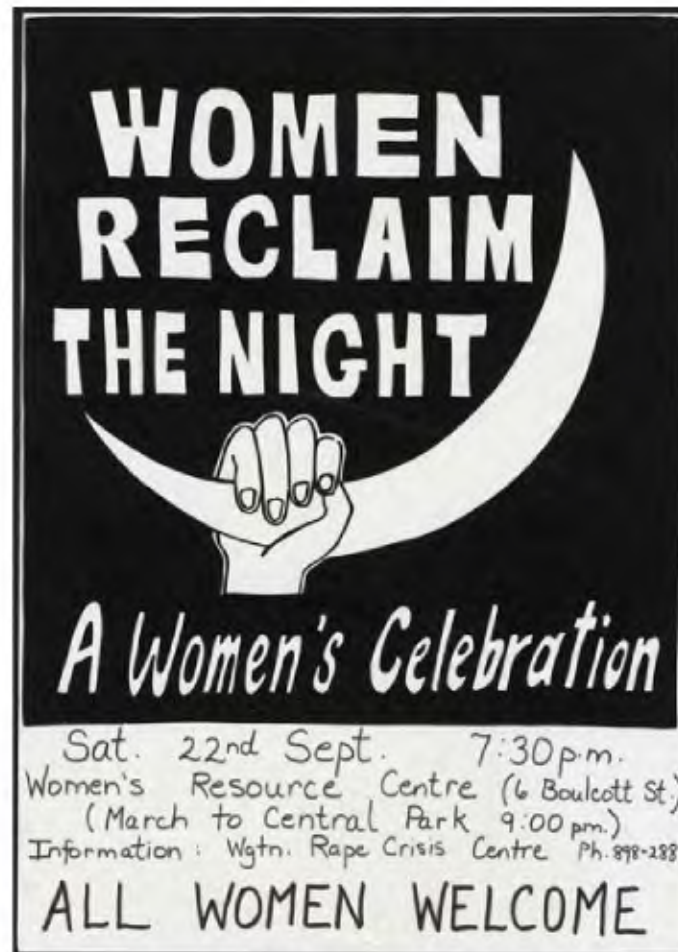


Malcolm Rewa raped at least 24 women in Auckland between 1987 and 1996, including the rape and probable murder of Susan Burdett in 1992. In 1998 he was sentenced to preventive detention with a 22-year minimum.



- From 1983 rape-consciousness-raising Reclaim the Night marches, which had started in 1979, became a regular feature of city life and that year a major rape and sexual violence conference was hosted by the YWCA.
- In Auckland, a female judo black belt called Sue Lytollis had been teaching women's self-defence classes since 1979, which became increasingly popular as the 1980s progressed.
- By 1984 she had 18 instructors employed in teaching self- defence classes based on 'feminist concepts', around Auckland city.

The 'Reclaim the Night' campaign commenced in 1979 and led to a series of urban street marches which became common from 1983.



Women's self-defence classes became popular in the 1980s. In Auckland, judo black belt Sue Lytollis began teaching self-defence classes in 1979. By 1984 she had 18 instructors employed teaching self-defence based on 'feminist concepts'.



“[Rape] has become a ‘trigger word’, it sets the emotions raging. And with good reason. Today in Auckland, recent rapes have turned women from 10 to 90 into a fine crescendo of fear. Rape is the new battlefield, and to fight it all women, conservative, feminist, radical, lesbian, Maori and Polynesian, are massing.

Rapes for the first three months of this year are up 20 percent and it’s got to the point where women are scared to go to sleep when their men are out of town”.

Un-named Auckland journalist, 1984.

In 1984 Mervyn Thompson (1936-1992), an Auckland University drama lecturer and a nationally-renowned playwright, was abducted from his home, beaten, and left tied to a tree by Auckland radifems. The claim that Thompson was a rapist was never confirmed, nor were any victims identified.



Nonetheless, on the basis of it, two theatre companies cancelled plans to stage Thompson's most recent play, Coaltown Blues.

It was in this atmosphere that the 1983 Rape Law Reform Bill was mooted. When it was finally passed in 1985, the most significant changes were that:

- The crimes of rape and indecent assault became subsumed under the general title of 'sexual violation', punishable by 14 years' imprisonment.
- The marital exemption was done away with completely.

It is now illegal to rape your wife under any circumstances.

- The onus of proof where consent is concerned was reversed: [defendants must prove, on reasonable grounds, that they believed the complainant was consenting].
- The mandatory Corroboration warning was abolished.
- Judges became permitted to tell a jury that there may be good reasons for a delay in reporting a sexual violation.
- Complainants can no longer be required to give evidence at a preliminary hearing.

The 1985 changes amounted to a complete overhaul in the way rape trials are conducted in NZ,

And fell squarely within feminist demands to facilitate the prosecution of offenders and reduce stress on victims.

Impact of the Law Changes

The overall objective of the rape campaigns and associated law changes was to reduce the incidence of rape by:

- Increasing rape awareness
 - Increasing the likelihood of a rape being reported
 - Increasing the penalties for rape.
-
- There has certainly been a huge expansion in rape awareness in recent years and many gangs report that gang rape on club premises
 - A weekly occurrence in the 1970s and 1980s – is now prohibited.

- Penalties for rape have increased.

We have seen that in 1969 the average penalty for rape was 4 years.

It was the same in 1980, but by 1995 the average was over 7 years and by 2000 it was 8 years.

Several sentences of PD with minimums of at least 20 years have been given.

Currently about 20% of all inmates – 500 in all – are doing time for sexual violation.

- Complaints of rape have increased.

Complaints grew 17-fold between 1950 and 1970, and have grown another 450% since then.

Convictions have also increased, from about 12 a year in the 1960s to over 100 a year since 2000.

Many of these rapes are historic

– EG 58% of all convictions received in 1997 related to offences that had occurred at least 2 years before.

In 1993 David Dougherty was convicted of raping an 11 year-old girl and sentenced to 7 years, 9 months in prison. In 1996 he was acquitted on DNA evidence and was later awarded \$868,728 in compensation. In 2003 serial rapist Nicholas Reekie was convicted of the rape and sentenced to preventive detention with a 20-year minimum.



But this was just the beginning and since 1985 further amendments have occurred.

- There have been quite a few changes but the most important are:
 - 1989 – victims became permitted to give evidence via CCTV.
 - 1989 - Judges became prohibited from giving any general direction to a jury that children's evidence may be inherently unreliable.
 - 1993 - the maximum penalty for sexual violation was raised from 14 to 20 years.
 - 1993/2003 - PD became available to all offenders aged at least 21/18 on a first offence.

- These are all a result of the work of the feminist movement and the law changes that have resulted.
- But the victories have been limited.
- In spite of the successes, there has been no parallel reduction in complaints of rape, which have risen inexorably. In fact the 2014 figure of 775 reported rapes was the highest on record.
- And there have been no measurable changes in reporting of rapes, or of conviction rates, either.
- It is claimed that many rape victims still do not lay complaints, police often decline to prosecute, and many prosecutions fail.
- This is because the Police still vet rape complaints rigorously before prosecuting,
- And the courts still require a high level of proof before convicting.
- And this caution is justified by the large number of cases where complaints prove to be false.
- As we saw, for example, with David Dougherty, (1993, 7y,9m).

- Often there are calls for a drop in the standard of proof where sexual violation is concerned, but my view is that to do so would violate one of the most sacred principles of democratic justice:
 - the right to be presumed innocent until proven guilty beyond a reasonable doubt.
-
- Conclusion
 - In the early 1970 the feminist movement commenced a long and passionate campaign to raise public consciousness about rape and to change laws which were oppressive and unfair to complainants.
 - To a large extent, NZ Parliaments responded positively to this campaign and nearly all of the demands that early feminists made were eventually passed into law.
 - As a result, many violent sex offenders now languish in NZ prisons and public awareness about the rights of women in sexual encounters is high.

Waikato University law student Nick Wills (22) was the victim of a false and malicious rape accusation in 1995. Although his accuser finally admitted she had made the whole story up, she was only sentenced to Community Service, and was given name suppression.



- But problem of rape itself has not been resolved and sexual violation still exists as a significant problem in certain sectors of our community.
- The problem of rape, as is the case with many crimes, is not easily solved and cannot be remedied simply by changing the law.
- Its solution, therefore, still lies below the edge of the horizon.