

Women murdering their own children, women sexually abusing men and children

[A contribution to a blog piece posted 19.9.14 by Mike Buchanan, *Justice for men & boys (and the women who love them)*, on <http://j4mb.org.uk>]

Our thanks to the fine people in the core team who are working long hours – and weekends – on the election manifesto, as well as the supporters who are contributing in terms of both background research and manifesto content. One of the latter is S, who's drawn from a piece on the Science v Feminism website:

<http://www.sciencevsfeminism.com/resources/child-abuse-14-years-data-dhhs-1999-2012/>

It contains some remarkable statistics from the US on child abuse and neglect, and child fatalities (we'll be seeking equivalent UK data shortly). The statistics cover the murders of 7,853 children by a parent (or by a parent and a non-parent other) over 1999 – 2012. The justice system overwhelmingly regards mothers as the most appropriate parents to take care of children. So the obvious question is, what proportion of these children's murders can we attributed to (a) mothers acting alone, or with another, and (b) fathers acting alone, or with another? The answers:

Mother acting alone:	4,046 (51.5%)
Mother acting with another:	1,438 (18.3%)
Mother acting alone or with another:	5,484 (69.8%)
Father acting alone:	2,156 (27.5%)
Father acting with another:	213 (2.7%)
Father acting alone or with another	2,369 (30.2%)

A child is slightly more than *twice* as likely to be murdered by his/her mother (acting alone or with another) than his/her father (acting alone or with another).

We turn to sexual abuse of men and children by women. Anyone who believes that there isn't a *huge* societal problem around women being sexual offenders should check this site out:

<http://www.femalesexoffenders.org/resources>

It's not only men and children who are damaged by female sex offenders. Women are victims of female perpetrators too, both directly and indirectly. In 1984 – 30 years ago – two American researchers (Petrovich and Templar) found that of 83 incarcerated (male) rapists, 49 (59%) had been sexually assaulted when they were children, by one or more women:

<http://www.amsciepub.com/doi/abs/10.2466/pr0.1984.54.3.810?journalCode=pr0&>

There are few areas where the justice system's failures are so shocking and inexcusable, given what's long been known by researchers, as its decades-old failure to bring female sex offenders to account. Feminists are largely to blame. The Sexual Offences Act (2003) has all over it the fingerprints of the radical feminists who were so influential in the Labour government of the time. They're even more influential in the party today, as we can see from the public utterances of vile women such as Yvette Cooper. But it's the Crown Prosecution Service (CPS) which decides whether or not to prosecute

individual cases, so we've today been looking at the CPS guidance to prosecutors with respect to sexual offences:

http://www.cps.gov.uk/legal/p_to_r/rape_and_sexual_offences/soa_2003_and_soa_1956/#a08

The following extract from the document is the CPS guidance on prosecuting suspected perpetrators of sexual offences, when the victims are adults. We'll return to women's sexual offences against children at a later date. We've added a few comments, and highlighted them in yellow.

Non-Consensual Offences

Sections 1-4 deal with offences where the defendant (A) engages in sexual activity with the complainant, without the complainant's (B's) consent.

Rape (section 1)

The elements of rape are:

- (A) intentionally penetrates the vagina, anus or mouth of another person (B) with his penis; **The victim may be female or male, but the perpetrator can only be male**
- (B) does not consent to the penetration, and
- (A) does not reasonably believe that (B) consents

Penetration of the mouth is included. **It says this in the first of the bullet points above (A) – why repeat it?**

Rape is still a crime of basic intent, and drunkenness is no defence.

Penalty

Rape is indictable only and carries a maximum penalty of life imprisonment.

By contrast, women found guilty of making false rape allegations can expect to receive non-custodial sentences, while the men they've falsely accuse may have had their lives ruined, and will receive no compensation.

Evidential considerations

Rape cases can be difficult to prove because the evidence is frequently limited to the victim's word against the defendants, with the major issue being whether or not the victim consented. Prosecutors should work with police investigators to build strong cases. **Shouldn't prosecutors be working with police investigators to build cases based upon the evidence, which is a different matter to building 'strong cases'? The anti-male bias of the CPS couldn't be clearer.** Prosecutors should only make full charging decisions in rape cases having reviewed a pre-charge report in accordance with the Directors Guidance. The only exception should be where bail is being withheld when the threshold test may apply.

Charging practice

Prosecutors should specify in the indictment whether the vagina, anus or mouth was penetrated. Where penetration of more than one orifice occurs, separate counts of rape should be preferred. The Court of Appeal in *R v K* [2008] EWCA Crim 1923 held that where it is unclear whether penetration was of the vagina or of the anus, it is permissible to allege penetration of 'the vagina or the anus'. The jury will be entitled to convict if they are sure that there was non-consensual penetration of one or the other by the defendant with his penis. **How could a jury possibly be 'sure' that a vagina or anus had been penetrated, without being sure which was?**

Code for Crown Prosecutors - considerations

A prosecution will usually take place unless there are public interest factors tending against prosecution which outweigh those tending in favour. Rape is so serious that a prosecution is almost certainly required in the public interest.

We know from a CPS report on which we commented <http://j4mb.wordpress.com/2014/09/05/why-does-the-cps-prosecute-only-29-of-the-women-who-the-police-believe-have-made-false-rape-allegations/> that in the six-month period in 2012 that was reviewed, the CPS prosecuted only 29% of the cases of suspected false allegations brought to it by the police for a charging decision. It would appear that while there's a strong public interest in prosecuting suspected rapists, there's a lesser public interest in prosecuting women suspected of having made false rape allegations. The CPS position is clearly that while rape is a serious crime, a false rape allegation isn't.

Assault by penetration (section 2)

The elements of assault by penetration are:

- A person (A) intentionally penetrates the vagina or anus of another person (B) with a part of their body or anything else:
 - The penetration is sexual
 - (B) does not consent to the penetration, and
 - (A) does not reasonably believe that (B) consents.

The meaning of sexual, consent, reasonable belief and the evidential and conclusive presumptions all apply to this offence.

Key points

- There has to be penetration of the vagina or anus but not the mouth.
- Penetration is of any part of (A's) body (e.g. finger, tongue, toe) or by anything else (e.g. bottle).
- Offence can be committed by either gender
- This offence should be charged where there is insufficient evidence to charge rape, for example, if the victim is unsure if penetration was by a penis or something else.

Penalty

The offence is indictable only with maximum penalty of life imprisonment.

Code for Crown Prosecutors - considerations

This offence is in essence similar to rape and a prosecution is almost certainly required in the public interest.

Sexual Assault (section 3)

The elements of the offence of sexual assault are:

- A person (A) intentionally touches another person (B)
- the touching is sexual
- (B) does not consent to the touching, and
- (A) does not reasonably believe that (B) consents.

Key points

- The meaning of sexual, consent (See [Rape and Sexual Offences: Chapter 3](#)), reasonable belief and evidential and conclusive presumptions apply to this offence.
- Touching is widely defined and includes with any part of the body, or with anything else, and can be through clothing. In *R v H (Karl Anthony)* [2005] 2 Cr. App. R. 9, the Court of Appeal held that the touching of an individual's clothing was sufficient to amount to 'touching' for the purposes of section 3. Where touching was not automatically by its nature sexual, it was possible to ascertain whether the touching had been sexual by determining whether by its nature it might have been sexual and if so whether in the circumstances the purpose had in fact been sexual.
- Touching includes touching amounting to penetration e.g. kissing. Where there is sufficient evidence, penile penetration of the vagina, anus or mouth should be charged as rape and penetration of the vagina or anus with any part of a person's body or other object should be charged as assault by penetration.
- Either gender can commit the offence.

Penalty

The offence is either way with the statutory maximum penalty in the Magistrates' court or 10 years imprisonment in the Crown Court.

Where the offender is under 18, the offence comes within section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (Schedule 6 of the 2003 Act).

Charging practice

- If touching does not occur, then consider an attempt. Does this mean prosecutors should consider pressing charges even when 'touching does not occur'? It's difficult to interpret this differently, but touching is the very essence of this form of 'sexual assault'.
- Various activities previously covered by the offence of 'indecent assault' now fall within the definitions of offences under the 2003 Act (e.g. assault by penetration, child sex offences and vulnerable adults subjected to a sexual assault). This means that the offence of sexual assault (section 3) will largely now be used in relation to lesser forms of sexual assault than previously.
- The exact nature of the sexual activity involved will be a key factor in assessing the seriousness of the offence e.g. on the upper end of the scale, using one's naked genital organs to stroke, rub, press or touch the naked genital organs of another to at the lower end of the scale of patting someone on the bottom through clothing. There may be the presence of aggravating features that make the offence significantly more serious, such as, abuse of position, use of drugs or other substances, use of violence/coercion, use of a weapon in the offence, repeated offending etc. Men and women could be charged with such 'crimes' as 'patting someone on the bottom through clothing' whilst drunk. The courts could be *filled* with women charged with such 'crimes', but does anyone seriously think the CPS would ever prosecute such a case against a woman?

Causing sexual activity without consent (section 4)

The elements of this offence are:

- A person (A) intentionally causes (B) to engage in activity
- the activity is sexual
- (B) does not consent to engaging in the activity
- (A) does not reasonably believe that (B) consents.

This offence covers situations where, for example:

- a victim is forced to carry out a sexual act involving their own person, such as masturbation,
- to engage in sexual activity with a third party, who may be willing or not, or
- to engage in sexual activity with the offender e.g. woman forces a man to penetrate her.

Note the final words there – 'woman forces a man to penetrate her'. Are male victims about to get appropriate attention?

Key points

- The meaning of sexual consent (see [Rape and Sexual Offences: Chapter 3](#)) reasonable belief and the evidential and conclusive presumptions apply to this offence.
- The offence can be committed by words alone e.g. defendant makes his victim carry out a sexual act, such as masturbation, that only involves the victim.
- The mode of trial and sentence varies depending on whether there is or is not penetration.

- One of the purposes of this offence, in addition to the wider range of sexual activity, is to create a female equivalent of the offence of rape, which carries the same level of punishment for what amounts to the same type of offending behaviour.

The final bullet point is particularly important. So, 'the same level of punishment...'? Let's see, shall we?

Penalty

The offence carries life imprisonment if penetration is involved, i.e. of B's mouth with a penis, penetration of a person's anus or vagina with a part of B's body or by B with anything else, or penetration of a person's mouth with B's penis.

This focus on penetration has been written to exclude the situation when a woman 'forces a man to penetrate her'. The possibility of life imprisonment *doesn't* apply to women.

Otherwise it is an either way offence carrying a maximum of 10 years imprisonment.

The maximum penalty for a male offender is life imprisonment, while the maximum penalty for a female offender is 10 years. So much for the aforementioned element of CPS guidance for prosecutors:

- One of the purposes of this offence, in addition to the wider range of sexual activity, is to create a female equivalent of the offence of rape, which carries *the same level of punishment for what amounts to the same type of offending behaviour* (our emphasis).

In determining the seriousness of the offence, the two main factors will be the nature of the sexual activity and the level of the offender's culpability. In addition there may be aggravating factors present, e.g. force, coercion, use of a weapon, etc.

Charging practice

This section creates two separate offences because the maximum sentence differs depending on proving penetrative or non-penetrative activity *R v Courtie* [1984] AC 463. In drafting charges and indictments, prosecutors should specify whether the sexual activity is penetrative or non-penetrative.

Throughout the legislation and CPS guidance the focus is on 'penetration' – for feminists, an evil act, always tantamount to rape – so as to demonize men, and absolve women of responsibility.