



The background to our public challenge of Vera Baird QC



Vera Baird QC

Police and Crime Commissioner for Northumbria

Vera Baird is currently the Police and Crime Commissioner for Northumbria. She is a QC. She was the MP for Redcar for 9 years. She is a former Parliamentary Under-Secretary of State in the Ministry of Justice. She served as Solicitor General for England and Wales. She has honorary or visiting staff status at London Southbank University, Teesside University and St Hilda's College, Oxford. She has been vice-chairwoman of the Fawcett Society, and founded the government-funded Gender and Criminal Justice Forum at the Fawcett Society.

In early 2014, Vera Baird's Police and Crime Commission ran a series of ads in trains on the Newcastle Metro, and in buses in the city. One of the ads featured the following claim:

Over 85,000 women are raped in the UK every year

The second ad featured this claim:

Last year 1.2 million women suffered domestic violence

These claims are misleading, and cannot be substantiated. This is the considered opinion of the Advertising Standards Authority (ASA). We have copies of documents supplied by Vera Baird's office following our request under the Freedom of Information (FOI) Act for documents pertaining to a complaint made to the ASA about these statistics. The ASA upheld the complainant's claim that these statistics were likely to mislead the public, and could not be substantiated. The PCC agreed to withdraw the ads and thereby avoided the matter being escalated to the ASA Council for a formal adjudication, the results of which would have been made public by posting on the ASA website.

I will have some observations to make regarding the statistics shortly. But first – why should anyone be particularly bothered whether the statistics are accurate or not? Some people might argue that violence against women is a serious matter and we shouldn't worry too much about the details. Don't women and girls deserve protection the same as everyone else?

Indeed they do. Women and girls deserve protection *the same as everyone else*. Unfortunately, ads like this reinforce the notion that women and girls deserve protection *to the exclusion of everyone else*. These ads are set within a context, namely a long history of initiatives by public bodies to 'end violence against women and girls', all of which very pointedly omit any such concern for men and boys.^{1,2,3,4} This is utterly inexcusable, whatever the relative scale of victimisation. But it is particularly egregious given that, as regards all violence, males are the majority of victims by a large margin.^{5,6}

But there is another, more far reaching, reason why so many people – men, in particular – become angry in response to such ads. It is because they are part of the mechanism by which the 'men bad, women good' myth is perpetuated. They are part of the propaganda, along with similar messages being hammered into us constantly from newspapers and the media. People should wake up and understand that there is a direct line of causation from propaganda like this to the fact that one in three children in the UK, 3.8 million in total, live without their fathers.⁷ *That* is the salient issue here. And that is why people are outraged by ads like these.

¹ Crown Prosecution Service (CPS), 'Cases Involving Allegedly False Rape and Domestic Violence Allegations', March 2013, by Alison Levitt QC and the Crown Prosecution Service Equality and Diversity Unit.

² CPS Equality & Diversity Unit's Annual Report 2010/11 and Business Plan 2011/12

³ Equal Opportunities Commission, 'The gender equality duty and schools: Guidance for public authorities in England', March 2007.

⁴ 'Call to End Violence against Women and Girls',

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97905/vawg-paper.pdf

⁵ Office for National Statistics, 2012/13 'Focus on: Violent Crime and Sexual offences', 2014

<http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-328149>

⁶ World Health Organisation's tables of DALY data, 2008.

⁷ <http://www.fathers-4-justice.org/about-f4j/fact-sheet/>

Let's just examine that causal link a little before we proceed. In a parliamentary debate on 2 March 2006, Tim Loughton asked the following question of Vera Baird in the context of his postulating a judicial presumption of equal shared parenting:

Why is this issue so different from the rest of the law, in which there is a presumption of innocence until one is proven guilty? Why can there not be an assumption that a parent is a good parent until they are proven not to be, given all the checks and balances in the courts, which this Bill will reinforce? Why would such a presumption undermine the welfare of the child?

As Parliamentary Under-Secretary of State in the Ministry of Justice, Vera Baird replied:

In a situation in which it is not the child but the parents who are battling, the parents are obviously expressing what one might conjure up as the right of the child to have contact with dad, but it is dad who is fighting for that right so it is his right. Once one makes that presumption, the welfare of the child cannot be paramount, so the presumption must be ousted in some other way. In that case, one must bring to the surface the danger to the child in order to rebut the presumption, which self-evidently means that the presumption of paramountcy is not coming first. I would never agree to that proposal, which is not only technically nonsense, but wrong. It could be extremely dangerous, too, because it would oblige courts to give too many rights to bad parents, which is not what any of us want.

(Hansard, 2nd March 2006, column 467).

In plain English, Baird was saying that the courts should not presume, in the absence of evidence to the contrary, that a man is a good father. The default presumption must be that he is dangerous, so the mother becomes the preferred parent. This is one example of how exaggerated claims of men's violence serve the wider feminist aims, in this case the severance of men from their children? Nick Langford continued:⁸

By resorting to the unproven pretence that shared parenting presents a danger to the child, and that a child's interests are not served by continuing a relationship with both parents, Baird merely demonstrates she is protecting the matriarchal hegemony. The argument 'from harm' relies on the prejudice that fathers represent a disproportionate risk to their children.

Exercises such as presenting the public with inflated statistics about men's violence continually reinvigorate this prejudice. By constantly stoking the fires of the 'men bad, women good' myth, the feminist lobby spuriously acquires the moral capital to progress their agenda, including the smashing of two-parent (heterosexual) families. Later in the same debate Baird said this:

Child contact is a child-protection issue, and there are dangers. This Government, more than any previous Government, have recognised domestic violence as a serious issue that has been hidden for many years, that is very hard to get the measure of and that is seriously under-reported. That point applies to male domestic violence, too, which the Hon. Member for East Worthing and Shoreham and I have discussed before. I talk about domestic violence against women because the vast majority of domestic violence involves women, but there is domestic violence by brother on brother, father on brother, brother on father, gay partner on gay partner and women on men. In every situation it is a hidden problem that needs teasing out, because, as it is wrapped up in a relationship, it is not easy to speak freely about it. In this connection, though, it mostly concerns women.

The Hon. Member for East Worthing and Shoreham.....talked about the need to be rigorous and punitive about false allegations in court. Everybody agrees with that, but he cited only false allegations of domestic violence. That is a slightly partisan view. Of course, in heated situations where there is a child to play for, more unscrupulous parents make all sorts of allegations against

⁸ Nick Langford, 'An Exercise in Absolute Futility: Whatever happened to family justice?' (2014).

one another, but there is not a high incidence of false allegations about domestic violence, although there is a great deal of it.

I will resist the temptation to comment on the frequency of false allegations of domestic violence (DV) – or to deconstruct the mind-set behind the phrase ‘there is a child to play for’ – since I have already digressed long enough. But note that only fathers seem to figure as a potential threat to the child, not mothers. This is curious given that child abuse is perpetrated by mothers at least comparably frequently as by fathers,⁹ and far more frequently if US data is representative.¹⁰ Note Baird’s claim that, ‘the vast majority of domestic violence involves women’ (i.e. as victims). This is untrue, and this false claim is apposite in the context of the PCC domestic violence ads. The most egregious factor on those ads is not the number of female victims claimed, but that *only* female victims are mentioned.

The extent of partner abuse of men by women was detailed in a 154-page report submitted by J4MB to a recent Home Office consultation on extending the law on domestic abuse.¹¹

In the UK, two in five victims of partner abuse (PA) are men. A common response to this fact is to claim that violence committed by women is relatively trivial, or only a one-off event, or occurs only in self defence after years of abuse by male partners. All these claims are untrue in the majority of cases. The truth is that the psychology and behaviour patterns of abusive people are largely independent of gender.

The spectrum of the severity of violence committed by women against their male partners is similar to that in the reverse direction, up to and including death. In the UK, averaged over the last 11 years, rather more than one in five people who died as a result of partner violence (or ex-partner violence) were men. If suicides due to PA were included the figure may be closer to parity, but no reliable data on this matter exists for the UK – though limited data from the USA indicates that male deaths due to partner violence may exceed female deaths, if PA-related suicide is taken into account.¹²

In the most severe category of partner violence short of death, the incidence against male victims has been converging in recent years to equality with that against female victims (about 1% of the population in both cases).

The plight of male victims of PA is in some ways different to the plight of female victims. Whilst all domestic violence is under-reported, men under-report to a far greater degree than women. This is partly due to men’s psychology, men being deeply reluctant to admit being abused by a woman (and, indeed, reluctant to seek help generally). However, there are other additional reasons. Abused men expect that they will find little sympathy or support, even if they seek it. They are generally right – because they will face a society which steadfastly refuses to recognise the existence of abused men. Fathers are particularly reluctant to leave their homes, because they know they may well never see their children again. Men may also end up homeless, as Local Authorities would deem them ‘intentionally homeless’, and refuge places for male victims are close to non-existent.

⁹ Lorraine Radford et al, NCPCC, ‘Child abuse and neglect in the UK today’ (2009).

¹⁰ ‘Child Maltreatment: 2011’, National Child Abuse and Neglect Data System (NCANDS), U.S. Department of Health and Human Services.

¹¹ <https://j4mb.files.wordpress.com/2014/10/141026-submission-to-home-office-improved-layout.pdf>

¹² Richard Davis, ‘Domestic violence-related deaths’, *Journal of Aggression, Conflict and Peace Research*, Vol. 2 Iss: 2, pp.44 - 52 (2010).

The Northumbria PCC's advert is part of the process which keeps male victimisation hidden. It's simple. You just don't mention it. It really is remarkable. It doesn't matter how many hundreds of research papers and crime surveys are carried out, involving many hundreds of thousands of individuals, the weight of evidence counts for nothing if the public does not get to hear about it. And the public do not read the research literature or the annual crime surveys. They read newspapers, listen to the radio, watch TV, see adverts in public places. Control these channels and you control the public mind, and hence the vote, and hence everything. Truth doesn't figure.

This is the context of the Northumbria ad. This is the reason why it is a serious matter, not just quibbling about numbers. But the number is also misleading, as the ASA found. This was the claim in the ad: 'Last year 1.2 million women suffered domestic violence'. The ASA opined that the public would be likely to interpret this figure as the number of prosecutions for DV (or rather, I would suggest, the number of convictions). Of course it is not. That would be preposterous given that the number of men guilty of *all* offences in 2012 was less than this, 929,720,¹³ the vast majority of which (around 91%) were not deemed serious enough for a prison sentence.

This spectre of 1.2 million women being beaten black and blue needs to be put alongside the actual number of men prosecuted for partner violence in 2012/13, which was 66,014, of which 49,289 were convicted. There is a large mismatch somewhere, and it's easily identified. The 1.2 million figure was derived from a survey, not recorded crime data. Nor does it relate to domestic *violence*, as the ad claimed, but to a far more inclusive category, referred to as domestic *abuse*.

The figure derives from what was, when the ads were run, the most recent Crime Survey for England and Wales (CSEW) published in February 2013.¹⁴ It relates to 2011/12 rather than 'last year', i.e. 2013, as claimed in the ad. The report includes this statement in its Key Points:

Some 7% of women and 5% of men were estimated to have experienced domestic abuse in the last year, equivalent to an estimated 1.2 million female and 800,000 male victims.

The most striking fact, of course, is the comparably high number of male victims of domestic abuse (DA). This immediately exposes the flagrant bias of the advert, which might more accurately have been worded:

In 2011/12, an estimated 2 million people suffered domestic abuse

But this form of words would not suit the purposes of the propagandist. It has no value because it does not advertise the victimisation of *women*. Moreover, it raises the dangerous possibility that the public might begin to question whether some of these 'people' might be men. Hence the form of words used:

Last year 1.2 million women suffered domestic violence

This is carefully tailored to produce the desired impression on the public – a false impression. But the falsity of the impression is deepened, as the ASA noted, by the conflation of 'domestic

¹³ Criminal Justice Statistics, Quarterly Update to March 2012, Ministry of Justice Statistics Bulletin.

¹⁴ http://www.ons.gov.uk/ons/dcp171778_298904.pdf

violence' with 'domestic abuse'. It is worth looking at precisely what questions the survey respondents were asked to answer in the context of partner abuse:

Since you were 16, has any partner ever done any of the following things to you?

1. Prevented you from having your fair share of the household money
2. Stopped you from seeing friends and relatives
3. Repeatedly belittled you to the extent that you felt worthless
4. Frightened you, by threatening to hurt you or someone close to you
5. Pushed you, held you down or slapped you
6. Kicked, bit, or hit you with a fist or something else, or threw something at you
7. Choked or tried to strangle you
8. Threatened you with a weapon, for example a stick or a knife
9. Threatened to kill you
10. Used a weapon against you, for example a stick or a knife
11. Used some other kind of force against you

An affirmative answer to one or more of these questions was recorded by 7% of women and 5% of men. The figures of 1.2 million women and 800,000 men are then obtained by scaling this result up to the whole population of England and Wales in the relevant age range (16-59). Note that the questions do not all relate to physical violence, or behaviours that most ordinary people would regard as violence (albeit reprehensible). The distinction between domestic (strictly, partner) violence and domestic (partner) abuse was explicitly recognised in the CSEW report as follows:

Due to the sensitivity of questions on intimate violence and the level of underestimation, a separate self-completion module is included in the CSEW which asks 16 to 59 year old respondents about their experience of intimate violence. It is important to note that this module of the CSEW asks questions on the wider topic of domestic abuse rather than domestic violence, with **only 5% of respondents who reported being victims of domestic abuse in the last 12 months in the self completion also saying that had been victims of domestic violence** [my emphasis] in the face-to-face interviews.

This fact was not lost on the ASA and formed part of the considerations which led to their conclusion that the ad's wording was misleading and could not be substantiated. The ASA were not persuaded by the PCC's attempts to claim that DA could be identified with DV. (In passing I note that 5% of 1.2 million aligns much better with the number of prosecutions of men for partner violence).

In summary, whilst the survey implies an estimated 1.2 million women were subject to partner abuse, a comparably high figure of 800,000 applies to male victims of partner abuse. On the other hand, if one were to concentrate on serious physical assaults these figures would be much smaller – and the most recent CSEW survey implies a roughly equal frequency of victimisation of men and women in the most severe category of physical violence, namely ~1% in both cases. (The latter is from the 2012/13 CSEW data and derived by factoring the 'partner abuse (non-sexual)' victimisation rates of Table 4.2 by the percentages in Table 4.6).¹⁵

That Vera Baird's PCC failed to give a balanced account of partner abuse in their ads is hardly surprising when Baird's own focus of concern is taken into account. On the current home page of her personal website¹⁶ the specific interests she chooses to list are these (my emphases):

¹⁵ <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2012-13/rpt--about-this-release.html>

¹⁶ <http://verabaird.biz/>

- Tackling **Violence Against Women and Girls**
- Working with the Shadow Home Secretary, Yvette Cooper MP, Shadow Minister for **Preventing Violence Against Women and Girls**, Seema Malhotra MP and Diana Holland, Assistant General Secretary for Unite in helping shape Labour's **Women's Safety** Commission to develop proposals for legislation to tackle **violence against women and girls** which will be prioritised by the next Labour Government

Similarly, on the home page of the PPC website (on 22.12.14) there were just three rolling headline stories ('latest news'), which were (my emphases):¹⁷

- Commissioner Baird joins campaign to end **sexual violence** in Burma
- Requirement to commission a **domestic abuse perpetrators intervention programme** for the City of Sunderland
- Police commissioners seek inquiry into Judge's 'Leniency' over **domestic abuse**

Baird's views were made clear in her address to the 'Feminism in London' conference, September 2011, for example by these remarks on her personal website:¹⁸

- It was essentially the Refuge Movement that first counted the figures and demonstrated that DV was not something that was done by a few cruel and unusual men.
- That violence in the home was as to more than 90%, by men on women

The latter statement is just a staggering denial of reality. Not only does it flatly contradict the CSEW report that Baird's PCC was happy to deploy as a source of female victimisation (and indeed it contradicts every CSEW report for many years past) but the worldwide weight of evidence that partner abuse is not a gendered issue is crushingly voluminous. In fact, sources outside the UK tend to indicate *greater* levels of female-on-male abuse than the reverse when the abuse is unidirectional, see for example Professor Fiebert's review¹⁹ or the definitively comprehensive PASK report.²⁰ The full Abstract of Fiebert's report:

This annotated bibliography describes 343 scholarly investigations (270 empirical studies and 73 reviews) demonstrating that women are as physically aggressive as men (or more) in their relationships with their spouses or opposite-sex partners. The aggregate sample size in the reviewed studies exceeds 440,850 people.

The first of the two cited comments from her speech to the Feminism in London conference betrays the traditional feminist mind-set at work here: 'DV is not something done by a few unusual men'. In other words, many men – possibly most men – are guilty. All men oppress all women by the use or threat of violence – the long-discredited 'male control theory' of domestic violence. That's the message, and it's a cornerstone of the feminist theory of 'patriarchy'. That's the sexist heart of feminism, right there.

We turn now to the other ad, which claimed:

Over 85,000 women are raped in the UK every year

¹⁷ <https://www.northumbria-pcc.gov.uk/>

¹⁸ <http://verabaird.biz/2011/09/05/feminism-in-london-conference/>

¹⁹ <http://j4mb.wordpress.com/domestic-violence-women-are-as-physically-aggressive-as-or-more-aggressive-than-men-in-their-relationships-with-intimate-partners/>

²⁰ <http://www.prweb.com/releases/2013/5/prweb10741752.htm>

This was *also* judged by the ASA to be misleading, and could not be substantiated. The reasoning behind the ASA's ruling was as follows. The source of the 85,000 figure was 'An Overview of Sexual Offending in England and Wales (January 2013)'.²¹ The report contains the conclusion, 'It is estimated that 0.5 per cent of females report being a victim of the most serious offences of rape or sexual assault by penetration in the previous 12 months, equivalent to around 85,000 victims on average per year'. However, on closer reading of the report, specifically Table 2.2, the figure of 85,000 applies only when attempts are included. Moreover, the figure is a central estimate only if 'assault by penetration' is included together with rape. These observations formed the basis of the ASA's upholding of the complaint, and judging the ad to be misleading. The central estimate of the number of rapes from Table 2.2 of the report was 52,000.

It is worth looking at the actual questions which the survey asked:

Since the age of 16, has ANYONE ever done any of the following things to you, when you made it clear that you did not agree or when you were not capable of consent? This may have been a partner, a family member, someone you knew casually, or a stranger.

- (i) Penetrated your [vagina or anus/anus] with a penis, even if only slightly
- (ii) Penetrated your [vagina or anus/anus] with an object (including fingers) even if only slightly.
- (iii) Penetrated your mouth with a penis even if only slightly
- (iv) ATTEMPTED to penetrate your [vagina or anus/anus] with a penis, but did not succeed
- (v) ATTEMPTED to penetrate your [vagina or anus/anus] with an object (including fingers) but did not succeed
- (vi) ATTEMPTED to penetrate your mouth with a penis but did not succeed

In English law, rape is defined as non-consensual penetration of vagina, anus or mouth with a penis. Hence I presume an affirmative answer to either question 1 or 3 would count as rape in the CSEW, whereas question 2 relates to the category 'assault by penetration', which differs only in that the object in question is not a penis.

Imagine this scenario. A 16-year-old girl and a 16-year-old boy are kissing. His hand creeps up her thigh. She slaps it away. Was that attempted 'assault by penetration'? And if he succeeded in reaching his goal, however briefly, however gently and perhaps only as the slightest touch, was that actual 'assault by penetration' – noting the qualifier 'even if only slightly'? Who knows? The answer lies in the mind of the respondent. This scenario is surely within the range of normal behaviour, rather than criminality. I am not trying to suggest that all the incidents reported under the 'assault by penetration' category will be of this kind. Without doubt some will indeed be serious sexual assaults. I am merely pointing out that it is problematical to assume that they all are. The same ambiguity arises with 'attempt to penetrate with a penis'. Consequently I applaud the ASA's ruling.

However, there are other problems with the survey based estimates of the frequency of rape. The first problem relates to the small statistics. The 2013 report referred to above actually combines the results from years 2009/10, 2010/11 and 2011/12 in order to 'provide a large enough sample to enable more reliable findings to be presented'. The total number of women respondents, aggregated over three years, was 24,203 (Table 2.2). 0.3% of female respondents reported rape (Table 2.1), i.e. 73 women, or just 24 women per year. It is worth noting that the estimate of 52,000 women raped annually derives from this small figure by extrapolation to the population as a whole in the corresponding age range.

²¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214970/sexual-offending-overview-jan-2013.pdf

This very small number of women reporting rape in the CSEW surveys (24 per year) compares with the criminal justice system data from the same report (Figure 1.1), namely that 15,670 rapes were recorded by the police and 2,910 rape cases came to court of which 1,070 resulted in convictions (average of three years). There are many reasons for the attrition between the number of initial rape reports and the number coming to court. Some are declared ‘no crimes’ by the police, an issue of perennial controversy with feminists. Others are not prosecuted because the perpetrator is never apprehended or the complainant withdraws her accusation. Others are dropped because it is judged that they would be unlikely to result in conviction.

It has become standard practice to base the estimate of the total number of rapes on the CSEW. But it is reasonable to question whether it is really more reliable to base the estimate on the survey reports of just (on average) 24 women per year rather than on the massively greater number of actual rape reports to the police, typically 15,670 annually.

Moreover, the survey rape reports of these 24 women are subject to no scrutiny and can be made with complete impunity. In contrast, the 15,670 rapes reported to the police are subject to proper justice procedures – the result of which is that only 2,910 come to court and only 1,070 result in convictions. The feminist perspective is that all 15,670 are genuine rapes and most of the rapists just get away with it. Without doubt this will be true in some cases. But if this were true in the majority of cases then it would be a serious indictment of the police and criminal justice process. There must be significant doubt, therefore, that a mere 24 survey reports of rape form a robust basis for the estimate of the national prevalence of rape. (Most of the CSEW estimates in other areas will be more reliable, simply because of the larger statistics).

There is a further reason for concern over the survey based estimate. The main CSEW is conducted by face-to-face interviews. However, there is also a separate ‘intimate personal violence’ questionnaire, covering domestic abuse and sexual issues, which is carried out confidentially, by supplying respondents with a laptop into which they enter answers directly. This self-completion survey is the source of all the data discussed above. But it is known that the self-completion survey reports far more instances of victimisation. For example, Walby and Allen state:²²

Comparing the main face-to-face BCS measure of domestic violence and the 2001 BCS self-completion module, the self-completion module of the 2001 BCS produces substantially higher estimates than does the main face-to-face BCS....the self-completion finds a prevalence of approximately five times that of the face-to-face BCS.

The tacit assumption in the BCS / CSEW reports is that the larger figure is the correct one. It is not clear to me that any compelling case has been presented that the larger figure from the self-completion survey is more reliable than the smaller figure from the face-to-face survey. The argument which has been made is that the relative privacy of the self-completion survey will lead to greater openness – and that this can be identified with greater honesty.

Walby and Allen opine that, ‘The method of self-completion by computer provides a level of confidentiality that facilitates disclosure of sensitive events that may not be reported during the earlier face-to-face part of the BCS questionnaire.’ But another possibility is that privacy might make exaggeration or confabulation more tempting since the respondent will know nobody will

²² Sylvia Walby and Jonathan Allen, ‘Domestic violence, sexual assault and stalking: Findings from the British Crime Survey’, Home Office Research Study 276, March 2004

challenge him/her. Alternatively, the respondent may simply misinterpret the question and, in the self-completion survey, have no one to hand to clarify its meaning.

Just as with partner abuse, the most pernicious aspect of the portrayal of sexual abuse is that male victimisation is air-brushed away. Sexual victimisation of men is barely recognised as a possibility at all in our society. Rape is defined in English law as a crime committed using a penis. No element of force is required, the crime of rape hinges upon consent. But only the consent of the party being penetrated is required. The same is true of 'assault by penetration'. So, in the case of heterosexual rape, the issue of the consent of the man does not arise. This reflects the almost universal, though false, prejudice that males are always willing to engage in sex and hence that seeking their consent is otiose.

Most instances of gender bias in criminal justice do not arise because the letter of the law itself is biased, but rather that its implementation is biased. Thus, the fact that there are twenty times more men in prison than women is not due to inherent bias in the law (in most cases) but originates from judges' bias in sentencing. But sexual assault is an exception. In this case the law itself is biased, reflecting a particularly deep-seated bias in society as a whole on this issue.

The truth is that men commonly experience non-volitional sex. *The Lancet* reported the results of a survey of 15,162 people in the UK between 2010 and 2012.²³ 4.7% of men reported that someone had attempted to have sex with them against their will, and 1.4% of men reported that someone had actually had sex with them against their will. Whilst substantially smaller than the corresponding figures for women, the absolute numbers are large. Data from the USA indicates greater levels of male victimisation. For example the Centre for Disease Control, from a 2010 survey,²⁴ reported 6.0% of men being subject to sexual coercion and 4.8% of men being 'made to penetrate' – the male equivalent of being raped. A number of research publications have been summarised here,²⁵ all indicating substantial levels of men being subject to non-volitional sex. But this goes unrecognised as a crime – and, indeed, unrecognised amongst the general public as being an issue at all. This is the ingrained gender bias which the rape laws merely reinforce.

But it gets worse. The rape laws are not merely biased but practically insane. Rape hinges upon consent, but the issue of consent has become so problematical as to make the law virtually random. The Crown Prosecution Service's guidance on the interpretation of the Sexual Offences Act 2003 includes this:²⁶

The Act imposes an evidential burden on the defendant to adduce sufficient evidence...that the complainant consented....The question whether the defendant adduces sufficient evidence...is a matter for the judge.

So, men are supposed to obtain *evidence* that the woman has consented prior to penetrative sex. Failure to do so means that the sex is in fact rape. It is only necessary for the woman to regard it

²³ Wendy Macdowall et al, 'Lifetime prevalence, associated factors, and circumstances of non-volitional sex in women and men in Britain: findings from the third National Survey of Sexual Attitudes and Lifestyles (Natsal-3)', *The Lancet*, November 26, 2013

²⁴ Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R, 'National Intimate Partner and Sexual Violence Survey (NISVS) 2010 Summary Report', National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 2011, http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf

²⁵ Philip Cook and Tammy Hodo, *When Women Sexually Abuse Men: The hidden side of rape, stalking, harassment and sexual assault*, Praeger, Oxford (2013)

²⁶ http://www.cps.gov.uk/legal/p_to_r/rape_and_sexual_offences/consent/#a02

as such. Gentleman, have you ever obtained *evidence* of consent? A signed contract, for example, or a video of the event including verbal (and enthusiastic) agreement by the woman? No? Then you are a rapist, my friend, and not only once, but many times. Incredible though it seems, this is truly how the law stands. It gives all women a loaded gun with which they can destroy a man who has sex with them should they so wish.

It is not only in the UK that this madness prevails. California's new 'affirmative consent' law requires 'affirmative consent' at each step of a sexual encounter on campuses. The co-author of the bill in the state assembly, Bonnie Lowenthal, was asked how an innocent person is supposed to prove consent. She replied, 'Your guess is as good as mine'.²⁷

And if this does not convince you how crazy the law is, consider another example of how consent operates in judicial practice. A woman who is inebriated is deemed incapable of consent. In such a case the court will have no interest in whether the woman appeared at the time to be, not only consenting, but enthusiastic – perhaps even the instigator of the encounter. This is irrelevant. To have sex with an inebriated woman is rape according to the law. Ask Ched Evans, a well-known footballer. Both he and his co-defendant claimed the woman in question had been consenting and enthusiastic, and, according to them, no more drunk than they were themselves. Her testimony at the trial reportedly consisted of repeating "I don't remember" to every question. Consequently, the men's testimony wasn't challenged – by anyone. It made no difference. Ched Evans was still found guilty of rape.

If two drunk people have sex, the man is a rapist and the woman is a victim. This is how the law stands. This is what feminism looks like. It is not concerned with gender equality.

So, it seems the Northumbrian Police and Crime Commission massively *under*-estimated the incidence of rape after all. According to how the law now stands, the number of rapes annually in the UK must be in the order of billions. Yes, billions. Does that bring the law into disrepute, do you think?

What does it say about Vera Baird, once a prominent member of the government that enacted the current absurd law on rape, that she now appears determined to see it implemented in full in Northumbria?

²⁷ <http://www.sgvtribune.com/government-and-politics/20140608/students-question-affirmative-consent-bill-designed-to-combat-sexual-assaults>