



## The Justice Gender Gap

Speech for International Conference on Men's Issues – 08.07.16

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[Opening]

I am here today to talk about the justice gender gap. Just recently there was an article in the Daily Express discussing the story developing in the Archers over the character Helen Titchener. The headline was “We wanted to represent gender injustice – the Archers editor defends Helen’s imprisonment”. Now I am not someone who has followed the Archers but I do know that if they think they are doing a service representing gender injustice they have got it all wrong.

The very clear gender injustice is one that actually favours women over men as I will go on to demonstrate today.

I want to be very clear that I don’t believe that there is actually an issue between men and women. I think the problem is being stirred up by those who could be described as militant feminists and the politically correct males who pander to this nonsense.

It seems to me that this has led to an “equality but only when it suits agenda” that applies to women. The drive for women to have so-called equality on all the things that suit the politically correct agenda but not on the things that don’t is of increasing concern. For example, we hear plenty about increasing the numbers of women on company boards and female representation in Parliament. However, there is a deafening silence when it comes to increasing the number of men who have custody of their children or who have careers as midwives. In fact generally there seems to be a deafening silence on all the benefits women have compared to men.

In this day and age, the feminist zealots really do want women to have their cake and eat it.

They fight for their version of equality on all the things that suit women but are very quick to point out the fact that women need special protections and treatment on other things. One simple example to illustrate this exact point is the issue of prison uniforms.



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Men in prison on the basic regime have to wear a prison uniform. Women in prison do not. How, I have asked on several occasions, can this be fair? Where's the equality in that? I will come on to the treatment of men and women in our justice system in detail but this issue is about as clear as it can get. We have a completely different policy simply based on the sex of the prisoner. So what is the explanation? Well, I am told that it is because women are different and they may have self-esteem issues which prevent the policy of prison uniform applying equally.

Men and women are different. It is a fact. Yet this is not allowed to be a reason to prevent equality in the fields where men are "differently better" on the whole – e.g. when it comes to jobs that require great strength. Oh no – that would be sexist. A woman must have equality and do whatever she wants. Except not when it comes to wearing a prison uniform. Obviously!

When you think about it, in so many ways, considering men and women separately – as if they live in complete isolation to each other – is actually ridiculous. Neither group is isolated. Both sexes have mothers and fathers, sisters and brothers, uncles and aunts, grandmothers and grandfathers, sons and daughters, husbands and wives, boyfriends and girlfriends etc so for every woman there are related male parties and therefore a vested interest in men's issues. It is an unavoidable fact.

So the justice gender gap should be of concern to all right thinking people – men and women alike.

I was always being told that women were being discriminated against when it came to our justice system yet all the anecdotal evidence suggested that this was wrong. I set out to find out the truth and have now amassed so much evidence to show that it is men who are being discriminated against that it is unbelievable that anyone could still be claiming otherwise.

Just about 5% of the prison population at any one time in recent history has been female – the other 95% male. As of last Friday the figures show that there were 3,856 women in prison and 81,272 men. Yet so much time, effort, concentration and brow beating has taken place over this tiny minority of women. There are countless groups and organisations calling for this number to be reduced, there are far too many politicians – male as well as female – willing to trot out politically



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correct nonsense on the subject repeating facts that don't bear scrutiny. And there are far too many calls for something to be done about a problem that by anyone's standard it is hard to see exists based on the actual evidence.

Let us just imagine for one moment that the male prison population represented just 5% of the total and that women made up the remaining 95% - would there be an outcry on behalf of these men at the expense of women? Of course not. There is absolutely no chance on earth that this would happen. So why all this concern over the female 5% of the prison population?

Well - this seems to be because of the many myths being peddled on the subject - of the same misleading nature as some of the things in Vicky Pryce's book. You may recall Vicky Pryce who was sent to prison after trying to use marital coercion (only available to women) as a defence in court who then wrote a book called "Prisonomics" about her time in women's prisons. Her contribution to the debate on gender injustice has been lauded by some but it is full of cherry picked facts and is missing a large number of highly relevant details. The only link to economics is that it appears to be economical with the facts to suit a particular agenda.

Today I want to share some of the general myths on the subject that I exposed in a debate I called in Parliament a few years ago along with a variety of new facts and figures that have come to light since.

### Myth 1

***I kept hearing and still hear that women are very likely to be sent to prison and more likely than men to be given a custodial sentence.***

This is quite simply untrue.

Everyone I have spoken to who is involved with the justice system confirms anecdotally that this is not the case. However, let's not take their word for it and look at the facts.



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I asked the House of Commons Library to provide the evidence that more women were being sent to prison than men. Not only did they not provide this information, they confirmed that the opposite is in fact true.

The Library said - and I quote [House of Commons Library Note [21 December](#) 2010]:

*“The published statistics show that a higher proportion of men are given a sentence of immediate custody than women, irrespective of age of offender (juveniles, young adults or adult) and type of court.*

*For each offence group, a higher proportion of males are sentenced to custody than females.....*

And I have the figures for West Yorkshire too just to prove that it is happening everywhere.

For example, for robberies – which you could be forgiven for thinking are surely the same whether committed by a man or a woman – the imprisonment rate in West Yorkshire in 2012 was 70% for men and only 50% for women. Then, of those actually sent to prison, the average sentence for men was 39.2 months and yet just 28.43 months for women!

The Home Office also undertook statistical research some years ago to try to ascertain the best comparison for similar sentencing situations. This research looked at 13,000 cases and concluded that:

*‘Women shoplifters were less likely than comparable males to receive a prison sentence ... women first offenders were significantly less likely than equivalent men to receive a prison sentence for a drug offence’.*



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The Ministry of Justice confirmed that probation staff were more than twice as likely to recommend custody for male offenders due to be sentenced in crown court cases than for female offenders. 24% of males and just 11% of females.

And even repeat offenders are more likely to fare better if they are women. 39% of men compared to 29% of women are sent to prison for committing more than 15 offences.

All this shows that it is wrong to say that women are more likely to be sent to prison than men. The reality is that men are actually more likely than women to be sent to prison.

In addition to the undeniable evidence that women are less likely to be sent to prison than men is the fact that, as I have mentioned in relation to West Yorkshire, their average sentence length is less than those of men too across the board.

Again, I refer to the Ministry of Justice's own published figures for all offences:

*"In 2011, women given an immediate custodial sentence for indictable offences received shorter average sentence lengths than men (11.6 months compared to 17.7 months for males)."*

That is not a minor difference. This figure shows that the average male prison sentence is over 50% more than the average female prison sentence. That is something that those who allege to be so keen on equality should certainly be thinking about.

Yet, not only are women less likely to be sent to prison and likely to be sentenced to a lesser term than their male counterparts, but they are also more likely to serve less of the sentence they are given.

The [Ministry of Justice](#) itself says in its offender manager statistics (as at 23 July 2012):



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*“Those discharged from determinate sentences in the quarter ending December 2011 had served 53 per cent of their sentence in custody (including time on remand). On average, males served a greater proportion of their sentence in custody – 53 per cent compared to 48 per cent for females in the quarter ending December 2011. This gender difference is consistent over time, and partly reflects the higher proportion of females who are released on Home Detention Curfew...”*

[Other published Ministry of Justice figures](#) confirm this. In fact there is quite a disparity. In the last few years that the figures have been published, women have had 50% more chance than men to be released from prison early on Home Detention Curfew.

Some of the prison stories from Vicky Pryce's book also throw up some other interesting facts. She says that many women with children were released on something called "Childcare Resettlement Licence" which allows them to go home and spend weekends with their children prior to their official release from prison.

Given everything I have said about the likelihood (or not!) of going to prison, then the length of the sentence given as well as the likelihood of "early" early release, you might be forgiven for assuming that they would at least serve what is left of their prison sentence - in prison!

But no. I can do no better than quote Vicky Pryce who was herself shocked saying in her book *"the result was that at times over the weekend the prison was less than half full. In fact, what did amaze me was the sheer number of people who were away most of the time."*

### Myth 2

***Most women are in prison for petty or non-violent offences and are serving short sentences.***

Many campaigners say that far too many women are in prison and that they should not be there – they should be serving their sentences in the community instead.



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If we take a snapshot of the sentenced female prison population at a moment in time [June 2014] let's just look at the actual detail of all these poor women serving prison sentences who should, apparently, be freed from the oppressive prison system. Which of these do those who advocate reducing the female prison population actually want to let out?

The 260 serving sentences for murder? Or the 103 in prison for manslaughter or attempted homicide? Or the 354 convicted of wounding, the 131 for serious assaults or other violence against the person or the 54 for cruelty to children?

Or the 92 for rape, gross indecency with children or other sexual offences?

How about the 297 in for violent robbery or the 215 for burglary?

Or the 294 drug dealers or importers?

We could maybe let out the 53 arsonists or the 29 serving time for kidnapping and blackmail.

Or the 163 in prison for serious frauds and forgeries.

If we don't want to let all them out, we appear to be running out of options.

Or we could, as many would no doubt like, let out the 525 in prison for theft and handling stolen goods. But if we did that – to be fair – we would have to let out the equivalent of over 4,000 men who are in prison for theft or handling too and that would be ridiculous.

Whilst the number of women sentenced to short sentences in any one year is one figure, this is often confused with the female prison population at any one time. I want to de-couple these two things as they are not the same and need to be understood clearly.



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Looking again at the figures - as an example, just under 16% of women are in prison for sentences of less than 6 months. This is very clearly a minority. If some do not class that as a short sentence then a further 6% are in prison for up to 1 year. So, 22% of female prisoners are in custody for up to 12 months which covers all cases heard in Magistrates' Courts and some cases from Crown Courts.

All the rest of women offenders are serving sentences of over 1 year which means their offences were so serious that they would have had to have been dealt with at a Crown Court. This puts these women – 78% of the total female prison population – not as those serving short sentences for “not so serious” offences but serving much longer sentences for the most serious of all crimes.

Just for completeness, the figure of 78% of the female prison population comprises 34% serving sentences of 1-4 years, 28% serving sentences of 4 years to life and 11% serving indeterminate sentences. A further 5% of offenders are in prison as, after being previously released, they have either re-offended or breached their licence conditions!

It might also be interesting to note that more women are punished for disciplinary offences whilst in prison per 100 of the prison population than men - 130 adjudications per 100 prisoners compared to 106 for men - and particularly interesting is perhaps that in some years there have been more female than male prisoners per 100 responsible for violent incidents whilst in prison!

### Myth 3

***Women are often remanded in custody and then do not then get sentenced to custody.***

I have heard the misuse of many statistics over the issue of remand and female offenders.

The Ministry of Justice's own figures show that women are more likely to get bail than men.



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*In 2009, 80% of females were bailed compared with 62% of males and 20% were remanded in custody compared with 38% of males.*

These figures also back up yet again that more men than women are sentenced to custody as it goes on to say:

*Of those remanded in custody, 66% of females were then sentenced to immediate custody in comparison with 75% of males.*

### Myth 4

**I've also read and heard all kinds of things about how prison separates mothers from their children and how this unfairly punishes them.** It is said that 17,000 children are separated from their mothers and that 60% of women in custody have children under the age of 18.

Leaving aside the issue of the Childcare Resettlement Licence releases I mentioned earlier, first of all, it is not the system that separates any mother from their children - it is that individual's actions in breaking the law that have led them to be in prison.

But what about all these women who are allegedly being so unfairly dragged away from their poor children by overly-harsh magistrates and judges. This is another big myth. A senior civil servant at the Ministry of Justice very helpfully confirmed that two-thirds of the mothers sent to prison who have children were not even looking after them at the time. She apparently said of the women being sent to prison:

*"Two-thirds of them didn't have their kids living with them when they went into prison."*

So why on earth is there all this huge outcry about separating mothers from their children when most of the mothers in prison were not being mothers to their children anyway?



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When it comes to the minority who do actually look after their children, it would also not be right to assume that they were all fantastic mothers. Many will be persistent offenders with chaotic lifestyles. Some will end up dragging their children into their criminal lifestyles and some will scar their children for life along the way. Others will have committed very serious offences.

Sarah Salmon from Action for Prisoners' Families said:

*"For some families the mother going into prison is a relief because she has been causing merry hell".*

Something that also has caused me great concern is the fact that women involved in offences involving cruelty to children or the neglect of them have been able to avoid prison in some cases using the fact that they have primary caring responsibilities as an excuse! How on earth can this be right? More women than men benefit from this "get out of jail free card" and yet more women are convicted of offences against children – in fact 40% more in the latest year.

Yet, you guessed it, they are less likely to be sent to prison for the same offence. I wouldn't have thought you needed to be Einstein to work out that if the offence involved the children being abused or mistreated that should be even more of a reason to be separated from those children and not an excuse to stay with them to avoid prison! The custody rate for child cruelty or neglect is, in fact, 33% for men and just 15% for women.

The Sentencing Guidelines Council are currently drawing up a new guideline on this and I raised this bizarre state of affairs with the Chairman Lord Justice Treacy back in March. It seemed to me to be such an obvious point and, to be fair, he did agree that it was "very valid". I sincerely hope this is one thing we can at least see the back of in the future.

Back to the point about mothers in prison generally, if we are so concerned about the children of women offenders what about the estimated 180,000 children who are separated from their fathers because they are in prison? In this age of equality, what about this much higher figure? Should we



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not be more or at least equally outraged about this and, if not, I am sure we would all like to know why not?

### Myth 5

***Women are treated more harshly in the justice system than men generally.***

It is quite clear that women are less likely to be sent to prison than men. So we need to look at other court disposals to see if they are then treated more harshly than men in other areas. If they are not being sent to prison as frequently as men then they are presumably being sentenced at the next level down to a community order.

Actually they are not. According to Ministry of Justice figures, yet again, men are more likely to receive a community order than women. 10% of women sentenced are given a community order compared to 16% of men. The Ministry of Justice goes on to confirm that "These patterns were broadly consistent in each of the last five years."

So women are less likely to go to prison and less likely to be given a community order. But that is not all. Of those who are given a community order, the ones given to men are likely to be much harsher.

The Ministry of Justice says:

*"The average length of all community sentences for men was longer than for women."*

And

*"For women receiving a community order, the largest proportion had one requirement (46%), whereas the largest proportion of men had two requirements (41%)."*



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Given the more severe sentences for men at the higher end of the sentencing spectrum, it is unsurprising, therefore, that women were more likely to receive the low levels of punishment at courts. It is a fact that a higher proportion of female defendants receive fines than males.

All this shows that throughout the courts' sentencing regime, men are, on average, treated more severely than women.

Other ways that I want to touch on that men lose out include in the family courts, being the victims of violence and when it comes to the treatment of male and female paedophiles.

### Family Courts

It is quite clear that the courts are more likely to place children with the mother over the father. This is certainly a massive area where men face very different treatment to women. I really do think people underestimate the effect on fathers of having to battle to see their children and facing the inevitable likelihood that they will come off worse because of their sex.

I am certainly not saying that all cases are like this. Reasonable mothers would surely allow the father as much access to his children as possible if she had custody and they were not a threat to them. However, life is not always as simple as that. Many women use their children as a stick to beat the father with – either because they are bitter about the failed relationship, for financial reasons or because they have moved on and it is easier for them if their new partner takes on the role of “father” to their children.

### Victims of Violence

In Parliament we always seem to be hearing about strategies for combatting violence against women and girls. In fact, there have been specific debates in Parliament on just this very subject. You could be forgiven for thinking that there is a special problem in relation to violence against



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women and girls which does not apply to men and boys. Some might think that there must be far more women and girls who are the victims of violence than men and boys as a result.

However, the reality does not match the concerns people seem to have. It is a fact that, in this country, men are much more likely to be victims of violent crime than women. The Ministry of Justice's most recent Biennial statistics on the representation of females and males in the Criminal Justice System [released in November 2014] confirm that 1.4% of women interviewed in the Crime Survey for England and Wales reported being victims of a violent crime compared to 2.3% of men.

And it is not just when considering violence generally where men do worse than women. Women accounted for only around 30% of all recorded homicide victims between 2006/07 and 2012/13 whilst men were victims in the remaining 70% of cases.

The picture emerging here is that men and boys are by far the more likely victims of violence and murders than women and girls and yet there is little or no mention of them in the debates we have had and the strategies that have been drawn up in relation to females.

So, I asked the following question of the Secretary of State for Education in Parliament:

*"....what her policy is on educating children about violence against men and boys.*

I also asked:

*"....what her policy is on educating boys about domestic violence against men and boys."*

The reply from the Minister [Nick Gibb] was:

*"Education has an important role to play in encouraging young people to build healthy relationships, and to identify those relationships which are unhealthy. Pupils may be taught*



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*about violence against men and boys in personal, social, health and economic education.....”*

I will leave that out there.

Without veering into the realms of the whole domestic violence debate, as that is almost a whole separate issue [as we have been hearing about already today], one thing that is worth noting when it comes to sentencing is that despite all the evidence that shows women as the perpetrators of domestic violence - in far more cases than some would like us to think - the community requirement that is imposed by courts on those who commit an offence in a domestic setting is only imposed on men and does not deal with female offenders. As usual, this shows that the whole issue of equality only works one way.

One additional interesting fact I have discovered is that 3,750 male sentenced prisoners were victims of domestic violence compared to 1,323 female prisoners [as at 31.03.13]!

### **Male and Female Paedophiles**

Then there has been the rise of publicity surrounding female paedophiles. There have been a few high profile cases recently where the sentences given to the women were much more lenient than those that would have been given if they were men. I have personally appealed against some of them for being unduly lenient and they have actually been overturned and resulted in the female offender being given an immediate custodial sentence. It is clear that many sentences are lenient but, as some of you may know, if they are considered unduly lenient they can be overturned. I would urge you all to consider this as an idea for action as anyone can write to the Attorney General to say that a sentence is unduly lenient. Unfortunately, only the most serious of offences are covered by the scheme and there are some anomalies in the system even then. You also have to make sure the request to review the sentence is received within 28 days. This scheme may well be extended in the future – that is certainly the plan of the current Government – and it is one way in which you can play a key role in ensuring we have real equality.



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I believe that all these facts and figures show there are certainly questions to be answered in relation to the treatment of men and women in the justice system. It seems that there is clear discrimination against men and certainly not the other way around! So, if outcomes are all important then what do people say about this? What is going to be done to deal with this bias?

Well, the Parliamentary Under Secretary of State for Women, Equalities and Family Justice has made an announcement. She has said that she wants to see less women in prison. Not less people, not less men – you heard me right – less women. In fact, in the Conservative manifesto it said:

*“We will improve the treatment of women offenders, exploring how new technology may enable more women with young children to serve their sentence in the community.”*

Now, I am not someone who is going to be supporting prisoners but where on earth is the equality in that? How does this fit with the Equality Act? It is just like the example I gave of female prisoners not having to wear a uniform. Somehow the fact that hardly any women are in prison is a problem because it just is! It just is – because they are women! If there is to be true equality - which apparently is what people want - then this cannot be allowed to continue.

I even wrote to the Equality and Human Rights Commission to see if they could be tempted into saying that the Government's policy intentions were clearly discriminatory – as they obviously are – but alas no joy there so far.

If women – even those who are mothers – commit crimes serious enough to warrant prison sentences then they should go to prison. We need to stop pussy footing around when it comes to female offenders.



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I only wish there were more examples of cases like this one where a judge in my local Crown Court recently said to a female offender....

*"I have every sympathy for your children, but the biggest burden they labour under is that their mother is a drunken thug"*

....before rightly sending her to prison!

As I hope I have shown, the reality of the treatment of women in our justice system is very different to the picture some would like to paint. As long as these misconceptions are perpetuated I will do my best to expose them for myths they really are!!