

August 17, 2005

RE: Stop Violence Against Women Campaign

William F. Schulz, Executive Director
Amnesty International USA
5 Penn Plaza - 14th floor
New York, NY 10001

Dear Dr. Schulz:

We are writing regarding Amnesty International USA's Stop Violence Against Women (SVAW) campaign. As this letter demonstrates, Amnesty's SVAW campaign is based on a false premise, promotes false stereotypes of men, and advocates passage of legislation that has been repeatedly shown to violate the human rights of men.

Findings of Domestic Violence Research

Aggression between intimate partners, often referred to as "domestic violence," is a widespread human rights concern. One of the most consistent findings from scientifically-valid domestic violence (DV) research is that almost identical percentages of men and women engage in partner aggression. This finding comes from dozens of studies conducted both in the United States and elsewhere:

1. The Family Research Laboratory at the University of New Hampshire has conducted several community surveys of partner aggression. These surveys have repeatedly found that men and women are equally likely to engage in partner aggression, and that women initiate the incident as often as men. Their research can be seen at the following website:
<http://pubpages.unh.edu/~mas2/IPV-Empirical.htm>

2. Dr. John Archer published a meta-analysis of all published research on DV. He concluded, "Women were slightly more likely than men to use one or more act of physical aggression and to use such acts more frequently." Archer also found that men were the victims in 38% of all injuries arising from DV. [John Archer et al: Sex differences in aggression between heterosexual partners: A meta-analytic review. *Psychological Bulletin*, Vol. 126, No. 5, 2000]

3. A report issued last month by Statistics Canada concluded, "An estimated 7% of women and 6% of men in a current or previous spousal relationship encountered spousal violence during the five years up to and including 2004." The report also found that men represented almost one-third of persons injured by domestic violence [Statistics Canada: *Family Violence in Canada: A Statistical Profile* - <http://www.statcan.ca/english/freepub/85-224-XIE/85-224-XIE2005000.pdf>].

4. These findings also apply in non-Western countries. An international survey of violence

between dating partners in 16 countries concluded: “Perhaps the most important similarity is the high rate of assault perpetrated by both male and female students in all the countries.” [Murray Straus: Prevalence of violence against dating partners by male and female university students worldwide. *Violence Against Women*, Vol. 10, No. 7, 2001 - <http://pubpages.unh.edu/~mas2/ID16.pdf>]

5. A summary of the domestic violence research can be found on-line at: www.csulb.edu/~mfiebert/assault.htm

In conclusion, women are just as likely as men to commit domestic violence, and men represent about one-third of all persons injured as a result of DV.

Domestic Violence Research is Sometimes Distorted

Despite these findings, some groups have attempted to distort the research for apparently ideological reasons. These are the most common strategies used to bias the findings of DV research:

1. *Interview only women.* This commonly-used strategy obviously yields the finding that only women suffer from partner aggression.

2. *Confuse the meaning of key concepts.* Abuse, assault, and violence refer to different concepts. But some researchers conflate these terms. As the National Research Council recently warned, “Rigorous inquiry into violence against women is precluded when scholars fail to distinguish among what constitutes an act of violence, abuse, or battering.” [National Research Council: *Advancing the Federal Research Agenda on Violence Against Women*, 2005 - <http://books.nap.edu/catalog/10849.html>]

3. *Bias the wording of the questionnaire.* Knowing that women are generally more concerned for their physical safety than men, some DV researchers insert wording that emphasizes the issues of safety and victimization, which women are more likely to respond affirmatively to. This strategy creates what are known as “demand characteristics” that bias and invalidate the survey findings.

Thus, only studies that interview both men and women and use objectively-worded surveys can be considered valid.

Domestic Violence Laws Violate the Human Rights of Men

In recent years, laws have been passed in the United States and elsewhere designed to counter domestic violence. Many of these laws state or imply a male offender, e.g., the “Violence Against Women Act.” This implicit bias causes a number of serious violations of due process when the woman is the perpetrator and the man is the victim:

1. *Excessive use of restraining orders.* It is widely known that restraining orders against men,

usually issued without following due process protections, typically require the man to vacate his house and are later used to deprive a father of child custody rights:

- Elaine Epstein, former president of the Massachusetts Women's Bar Association, notes, "Everyone knows that restraining orders and orders to vacate are granted to virtually all who apply." [Epstein E: Speaking the Unspeakable, Massachusetts Bar Association newsletter, 1993]
- A 1995 government study found that less than half of all restraining orders issued in Massachusetts involved even an *allegation* of violence [Young C: When the Law is One-Sided in Domestic Disputes, *Boston Globe*, May 23, 2001 - http://www.fatherhoodcoalition.org/cpf/inthenews/2001/Cathy_Young_Globe_0523htm.htm]
- Thomas Kasper notes in the June 2005 issue of the *Illinois Bar Journal* that restraining orders can "become part of the gamesmanship of divorce." [<http://www.isba.org/Member/jun05lj/tocp.html>]
- Washington state attorney Lisa Scott recently wrote, "Originated to immediately protect victims of severe abuse, protection orders have become 'weapons of mass destruction' in family courts. Whenever a woman claims to be a victim, she is automatically believed. No proof of abuse is required." [Scott L: Scream Queens Fuel Nightmarish VAWA System, July 5, 2005 -- http://www.thepriceofliberty.org/05/07/05/guest_scott.htm]

2. *Greater difficulty in obtaining a restraining order.* A recent analysis of all ex-parte hearings in one jurisdiction in Massachusetts found that 34% of requests from men were deferred or turned down, compared to only 10% of requests from women – [Charalambous M. *Journal of Family Violence*, June 2005 - <http://www.mensnewsdaily.com/archive/c-e/charalambous/2005/charalambous072505.htm>]

3. *False arrests of male victims.* Many law enforcement agencies have instituted "must-arrest" policies that require the arrest of one of the parties involved in a family dispute. In the absence of any visible injuries, these officers are forced to rely on criteria such as which of the persons is the "dominant party." The vagueness and subjectivity of this standard means that it is almost always the man who is arrested. As a result, "there are a growing number of complaints that attempts by men to obtain policy protection may result in the man being arrested." [Murray A. Straus: The Controversy over Domestic Violence by Women: A Methodological, Theoretical, and Sociology of Science Analysis. -- <http://www.menweb.org/straus21.htm>]

4. *Gender bias in the prosecution of cases.* In one case, a state agency openly admitted, "The prosecutors we fund are prohibited from prosecuting female cases." [Communication from the Iowa Attorney General's Crime Victim Assistance Division, January 19, 2005. <http://www.vawa4all.org/news/PROSECUTOR%20OFFICE%20SPECIFICALLY%20PROHIBITED.htm>]

5. *Gender-based discrimination in providing services.* The Department of Justice's Violence Against Women Office, which administers the Violence Against Women Act, prohibits VAWA funds for programs that focus on male victims. [<http://www.menshealthnetwork.org/library/VAWArejectDel1002.pdf>] As a result, male victims

of DV have been refused service by domestic violence shelters. [Blumhorst R. Make the Violence Against Women Act Gender-Inclusive. www.ifeminists.net/introduction/editorials/2004/1229blumhorst.html].

In sum, domestic violence programs have been documented to violate men's human rights in five ways: excessive issuance of restraining orders against men, greater difficulty for men to obtain restraining orders, false arrests of male victims, gender bias in prosecution of cases, and sex-based discrimination in provision of services.

How VAWA Violates the Human Rights of Men

The 1948 UN Universal Declaration of Human Rights is the most widely-recognized standard of human rights. Article 2 of the Declaration specifically notes, "Everyone is entitled to the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, [or] sex." Article 16, Section (3), is also pertinent: "The family is the natural and fundamental unit of society and is entitled to protection by society and the State."

Six of the Declaration's articles or sections reveal how domestic violence laws, particularly the Violence Against Women Act, violate the human rights of men:

1. Article 7: "All are equal before the law and are entitled without any discrimination to equal protection of the law."
2. Article 9: "No one shall be subjected to arbitrary arrest, detention, or exile."
3. Article 11, Section (1): "Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law"
4. Article 12: "No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks on his honor and reputation."
5. Article 16, Section (1): "Men and women of full age...have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution."
6. Article 17, Section (2): "No one shall be arbitrarily deprived of his property."

Thus, domestic violence laws violate many of men's fundamental human rights, especially those related to equal protection under the law, due process, and protection from arbitrary interference by the state.

Requested Actions

This letter has provided extensive documentation that women are equally likely to engage in domestic violence, that some DV research has been distorted to meet ideological ends, that laws

such as the Violence Against Women Act violate constitutional protections of equal treatment under the law, and that these infractions represent serious violations of international human rights law.

On July 21 Amnesty International USA issued a press release which called for “rapid, widespread support of [the] Violence Against Women Act.” This statement not only ignores the legitimate needs of abused men, it actively promotes the violation of men’s basic human rights.

Therefore, we are requesting that AIUSA promptly take the following actions:

1. Change the title of the Stop Violence Against Women campaign to Stop Violence Against Partners (or similar male-inclusive wording).
2. Promote passage of the Violence Against Women Act only if the title and provisions are changed to be male-inclusive, and appropriate guarantees are made to assure that services are provided to under-served male populations by organizations that are sensitive to the unique needs of male populations.
3. Initiate monitoring of state-level law enforcement programs to assure men are not falsely-accused and deprived of their civil rights.

Because a final vote on VAWA will be taken in September, we are requesting a substantive response to this letter later no later than Wednesday, August 24.

Sincerely,

Michael J. Geanoulis

Michael J. Geanoulis
Director, International Relations