

# **The Cheltenham Group**

PO Box 205, Cheltenham, Glos, GL51 0YL  
Tel: 01242 691 110, Fax: 01242 691 120  
Director : *Barry Worrall BSc MSc MBCS CEng*

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**Submission to the United Nations  
High Commissioner for Human Rights  
regarding a “consistent pattern of violations”  
under the “1503” procedure**

**Violations of Articles 23 & 7  
of the International Covenant  
on Civil and Political Rights (ICCPR)  
by the United Kingdom (UK)**

**The Cheltenham Group, 28 April 1999**

## Contact information

**to :** Centre for Human Rights  
United Nations Office at Geneva  
OHCHR-UNOG  
1211 Geneva 10  
SWITZERLAND

fax: (41 22) 917 90 11

**from :** The Cheltenham Group  
PO Box 205  
Cheltenham  
Glos  
GL51 0YL  
UNITED KINGDOM

tel: (+44) (0)1242 691 110

fax: (+44) (0)1242 691 120

Director : *Barry Worrall BSc MSc MBCS Ceng*

**FOR CORRESPONDENCE :** Barry Worrall, Director  
The Cheltenham Group  
9 Archibald Street  
Gosforth  
Newcastle upon Tyne  
NE3 1EB  
UNITED KINGDOM

tel: (+44) (0)191 285 3296

email: [bpw@c-g.org.uk](mailto:bpw@c-g.org.uk)

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## Summary

In the UK, matrimonial and family law, and the social benefits for marriage, have been the subject of many rapid changes since 1948. Various minority interest groups have had a significant influence on this situation, most of them against the normal family and particularly men's rights within the family.

The Cheltenham Group has studied the current situation, and has conducted a survey of men's experience of the process and consequences of divorce, and published the results.

The Group has also made a comparison of the benefits of the married state with that of cohabitation, and of the benefits for men and women. This comparison shows that :

- for a married man continuing to live with a partner, marriage is not a distinguishable state, as there are no benefits over cohabitation;
- for a married woman continuing to live with a partner there are benefits over cohabitation, but only obtained on the death of the man;
- for a married man whose marriage ends in divorce, there is usually more serious damage to his life than if he had cohabited. For those married fathers with children, the damage is very serious. Marriage for men therefore usually constitutes a more damaging state than cohabitation, whether children are involved or not, but is especially damaging for the man with children;
- for a married woman whose marriage ends in divorce, there are considerable benefits compared with cohabitation, and these benefits are obtained due to damage to a man's life.

Approximately 50% of marriages end in divorce in the UK in the 1990s, and the man contemplating marriage must base his decisions on this fact.

Those who drafted the ICCPR including Article 23(2), granting that the 'right of men and women to marry shall be recognized' must have done so on the understanding that the step 'to marry' would :

- result in the individual being in a distinguishable state from cohabitation;
- and that it would provide the individual with certain rights and protections not available in cohabitation.

Depending on the outcome therefore, marriage is for men either not a distinguishable state from cohabitation, or is seriously damaging to his life; for women, either not a distinguishable state from cohabitation, or provides significant benefits. Further, the process and consequence of divorce is usually seriously degrading for men.

This situation is not compatible with the provisions of Articles 23(2), 23(4) and 7 of ICCPR.

The UK is violating Article 23(2) in about 360,000 cases each year, and Articles 23(4) and 7 in about 100,000 cases each year.

Domestic remedies are usually not available for men in the UK, either acting as individuals in their cases, or as a group in making submissions to the relevant authorities.

This submission is made in order to obtain radical change to UK laws, to ensure measures are

introduced to prevent repetition of this situation, and to obtain compensation for those men affected.



# Introduction

## A submission under the “1503” procedure

This is a submission to the United Nations High Commissioner for Human Rights, and addresses violations of Articles 23 and 7 of the International Covenant on Civil and Political Rights (ICCPR) by the United Kingdom (UK). It describes, using recently published material from The Cheltenham Group and elsewhere, a “consistent pattern of violations”, and so is appropriate for submission under the “1503” procedure.

## ICCPR Articles addressed

The report addresses the Article 23 provisions about the right to marry and to found a family. It especially addresses what such rights mean in the UK in the 1990s, and specifically from a man’s perspective. A central topic, among a number of relevant topics, is identified as the definition of marriage.

It is our belief that those who drafted Article 23, and those who on 16 December 1966 subsequently adopted and opened for signature the ICCPR, inclusive of Article 23, did so on the understanding that marriage would be a distinguishable state from being unmarried. Further, that within each state signatory, there should be legal, social or financial provisions in support of marriage and the family. Further, that the individual who openly and publicly committed himself to marriage, and who has done no substantive wrong in matrimonial and family matters, in other words is unimpeachable, would have his investment in children, home, assets and future earnings, protected by legal and social provisions. This implies that marriage would give rights and protection, and would not be more damaging than cohabitation, and that this principle should apply particularly when a family had been founded, and especially with respect to rights over the children.

We present evidence that for very many unimpeachable men, marriage in the UK is now more damaging than cohabitation. We also describe the history of changes to UK laws, both by Parliament, and by the Judiciary without Parliamentary or public approval, and supported by serious professional malpractices by those involved in the interpretation of matrimonial law, primarily by solicitors, barristers, and court welfare officers. The combination of these corruptions to Parliament’s principles as stated in the written law, has caused for many unimpeachable men great damage to their lives. It follows that for these men the legal basis for marriage in the UK has been redefined to such an extent that marriage is meaningless within the terms of Article 23(2).

There is a state in the UK called ‘marriage’, but it is not compatible with that assumed by those who drafted and signed Article 23. The primary issue is that the UK has violated Article 23(2) as men are not now able ‘to marry’ in terms which are compatible with Article 23(2).

There are other principles which we wish the High Commissioner to address, two of which we mention here.

The first is that those who marry should understand their rights and responsibilities in marriage, including the responsibilities enforced on them in the event of dissolution of a marriage.

The second is that the rights and responsibilities which are understood, and which the individual accepts at the time of marriage should not be changed during that marriage.

We compare the consequences for men and women of cohabiting and entering marriage, for those with and without children.

We therefore show in this report and in the supporting evidence, that not only has marriage for men been destroyed in the UK as a legal, social or financial institution, but that the state of being married is, in the average case, actually more damaging to an unimpeachable man's life than cohabitation.

We present statistical evidence of the scale of this in the UK, in terms of numbers of cases per year, and in terms of the effects on individuals.

We conclude that the UK has violated Articles 23(2) and 23(4), and that the scope of this violation is very great, both in terms of the effect on individual men, and in terms of the numbers of cases affected each year.

We provide evidence of very serious damage done to the fabric of the lives of unimpeachable men involved in divorce. We show that these men affected have usually done no substantive wrong, without any criminal or matrimonial offences, and so each has faced deep seated injustice. We also provide evidence of corruption and degrading treatment of men in the divorce process. We further provide evidence of the scale of these effects, with about 100,000 men affected each year. We conclude that Article 7 is being violated with respect to the 'degrading treatment' which these men receive.

We further conclude that there has been no more serious human rights issue within the UK since the United Nations international human rights instruments were introduced over 30 years ago, and ask the High Commissioner for Human Rights to investigate the separate aspects of this situation which we identify in section 5.

## **Brevity of this submission and the References**

The report has been written with as much brevity as possible, while identifying the key issues we believe are relevant to bring these matters to the attention of the UN High Commissioner for Human Rights. We provide much of our evidence in supporting publications, and a copy of all the essential publications is supplied with this report, and a few of which are given as references only. The 'References' section highlights, **in bold**, those provided with this report.

It is essential that the High Commissioner for Human Rights is familiar with the information we submit in the References. Of particular relevance we mention :

- *The Emperor's New Clothes : Divorce Process and Consequence* [1] : pages 3-40 on how this situation came about; pages 41-52 on the consequences of divorce for men; pages 55-257 for a number of first-hand case studies; pages 259-320 for statistics;
- *The NAPO 'Anti-sexism' Policy & Lack of Available Remedies* [3], together with [4, 5, 6] on the lack of control by authorities in the UK;
- *Divorce Law Practice : The Invisible Engine of a Matrilineal Society* [7] and *The Fight for the Family : the adults behind children's rights* [9] on the background situation about minority groups in the UK who have influenced matrimonial and family law.

# 1. The facts

## Major changes to matrimonial law

date	event	effect
1868	Most recent judicial definition of marriage in the UK.	Marriage is defined as “a voluntary union for life of one man and one woman to the exclusion of all others” (per Lord Penzance in <i>Hyde v. Hyde</i> (1868) Law Reports 1 Probate and Divorce 130, 133).
1948	Case of <i>Allen</i> in Court of Appeal.	<p>Mr Allen’s wife had deserted him and committed adultery, but was nevertheless given custody of the children.</p> <p>Matrimonial offence no longer relevant to determining custody of children. The principles of Parliament with respect to relevance of behaviour in determination of children’s issues have now been overturned.</p> <p>This is the beginning of the introduction of the ‘no-fault’ principle into matrimonial law.</p>
1973 and soon after	Matrimonial Causes Act.	<p>Changes are made to the grounds for divorce :</p> <ul style="list-style-type: none"> <li>• introduction of ‘separation’</li> <li>• ‘cruelty’ replaced by ‘unreasonable behaviour’.</li> </ul> <p>Subsequent case law determined that ‘unreasonable behaviour’, originally intended to be based on objective grounds by a court, is redefined as based on subjective grounds, to mean anything that someone making the allegations thought was ‘unreasonable’.</p> <p>Most divorces are subsequently based on trivial and fabricated ‘unreasonable behaviour’ grounds.</p>
• 1973	Case of <i>Wachtel</i> in Court of Appeal.	<p>This case established that the allocation of family assets would no longer be based on the behaviour of parties i.e. the ‘no-fault’ principle also introduced into asset allocation.</p> <p>Subsequently solicitors put pressure on those receiving a divorce petition not to defend, on the grounds that it will only cost them more money and serve no purpose in defending their interests.</p> <p>The principles of Parliament with respect to relevance of behaviour in allocation of assets have now been overturned.</p>

1976	'Special procedure' introduced to speed up uncontested divorces.	<p>This is the completion of divorce based on the 'no-fault' principle. From this point most divorces were uncontested and matrimonial offences largely removed from proceedings determining children and assets.</p> <p>Women now almost automatically obtain custody of children no matter what their behaviour, and also profit financially from divorce. From this time until the present, about 75% of divorces instituted by women.</p> <p>Public largely unaware of these changes. Those entering marriage unaware of the principles applied in dissolution. Those already married have had the principles they would expect to be applied at dissolution overturned, but most married people unaware of this, as little if any publicity has been given to these fundamental changes.</p> <p>Rate of divorce commences to rise, until by the 1990s it is 4 times that in 1973.</p> <p>Many men face shock and trauma at the degrading treatment they receive at dissolution of their marriage. Men's and father's groups now established as a response to this situation.</p>
1984	Matrimonial and Family Proceedings Act.	<p>This stated that a court was expected to examine behaviour of parties when allocating assets, i.e. a 'fault-based' process.</p> <p>This principle continues to be ignored by the courts.</p>
1989	Children Act.	<p>Previous practice of courts built into statute, with 'welfare checklist' about children's welfare. This ignored by court welfare officers, who continue to provide biased reports to the courts, and ignore objectively defined aspects of welfare.</p> <p>'Custody and access' renamed 'residence and contact'.</p>
1991	Child Support Act.	<p>Child maintenance responsibilities based solely on being natural parent. Matrimonial status entirely irrelevant.</p> <p>Offensive term 'absent parent', usually corrupted to 'absent father', used within written law, when most fathers after separation and divorce are deliberately excluded by the mother assisted by the courts.</p> <p>Some fathers forced by courts also to pay maintenance for children not their own, when they had married the mother.</p> <p>There are no mechanisms available within the Act to ensure that money paid for child maintenance is actually spent on the children.</p>

1994	Marriage Act.	Allows a marriage ceremony to take place in locations other than Register Office and Church. Trivialises the act of marriage.
1996	Family Law Act.	Principle of 'no-fault' divorce, already introduced by stealth, built into statute.
1996	NAPO 'Anti-sexism' Policy published.	Introduction of formal written policy, reflecting previous practice, of the professional body of court welfare officers, who produce reports for the court in family law children's cases on residence and contact, to support only the rights of women, and ignore those of fathers and children.  This policy subverts the principles established in the 'welfare checklist' of the Children Act 1989.

## The rate of change in matrimonial law

date	event	effect
1967 - 1996	Total of 36 laws passed which affect matrimonial and family rights.  [1, pages 33-34]	Any individual considering marriage cannot now determine his rights and responsibilities, as they are not contained in any concise and readily assimilated form.  The principles applied to a marriage have changed fundamentally over a few years. The most fundamental principles have been changed by case law without Parliamentary debate, and without debate by the public, and without the public even being informed.  Those individuals who are able to determine their rights and responsibilities cannot assume that what they have found will apply for the likely duration of their marriage.

## Changes to social benefits in support of marriage

date	event	effect
up to 2000	Social benefits and provisions changed to remove all of the benefits of the married state for men, while leaving some benefits for women on the death of their husband.	<p>Social provisions gave greater support for lone parents, most of whom are women, than for a married person [8].</p> <p>In 1999 the removal of the married person's tax allowance is announced to be effective from April 2000. This action is the removal of the last remaining financial support for an ongoing marriage. Widow's benefits continue, but not widower's, although the UK Government has recently announced, after an application to the European Court of Human Rights, to introduce widower's benefits equal to widow's.</p> <p>From year 2000 social benefits for an ongoing marriage will support only those with children, without distinguishing the married state.</p>

## Collection of the evidence for this submission

date	event	effect
1974	Establishment of one of the first father's groups 'Families Need Fathers' (FNF).	<p>Men begin to exchange anecdotal evidence about the degrading treatment they receive in matrimonial law.</p> <p>Subsequently several men's groups established in the UK.</p>
1994	'Cheltenham Group' (CG) established.	<p>Increase in information about history of matrimonial law.</p> <p>Decision taken to collect evidence on treatment of men in matrimonial law, and to publish in report form.</p>
1995	CG survey members of FNF.	<p>Out of a total membership of FNF of approximately 1500, responses to survey received from 346 cases.</p> <p>CG analyse findings by :</p> <ul style="list-style-type: none"> <li>• production of statistics covering the process and consequences of divorce;</li> <li>• categorising case studies to demonstrate cause and effects of legal actions.</li> </ul>
• 1996	Publication of 1st Edition of <i>The Emperor's New Clothes</i> .	<p>Publication of results of the 1995 survey in <i>The Emperor's New Clothes : Divorce Process and Consequence</i> [1].</p> <p>Information about the process and consequence of divorce is now available which had never been analysed by the UK Government.</p>

1997-1998	CG make formal submission to all UK authorities responsible for court welfare service, about the policy <i>Equal Rights / Anti-sexism</i> [4], of the National Association of Probation Officers (NAPO).	No authority takes responsibility for the <i>NAPO Anti-sexism Policy</i> which subverts the written law.  Subsequent publication of the report <i>The NAPO 'Anti-sexism' Policy &amp; Lack of Available Remedies</i> [3], which exemplifies the lack of control by responsible authority of matrimonial law issues.
1998	Publication of 2 <sup>nd</sup> Edition of <i>The Emperor's New Clothes</i> .	Informal presentation of the same material in <i>Marriage and Fatherhood : Important Information for Young Men</i> , 2 <sup>nd</sup> Edition [2].
1999	This submission made to UN High Commissioner for Human Rights.	

## Information collected on separation and divorce

The Cheltenham Group has therefore studied the effects of separation and divorce on men and women in the UK. As well as being in receipt of a large amount of anecdotal evidence, the Group conducted a survey during 1995 of men following separation and divorce. Information from a sample of 346 individual cases were collected and are described in *The Emperor's New Clothes : Divorce Process & Consequence* [1].

Much of the information has never been collected by the UK Government. In particular :

information presented	references
<ul style="list-style-type: none"> <li>• statistics about :               <ul style="list-style-type: none"> <li>• the effects on individuals;</li> <li>• the scale of this in cases per year in the UK;</li> <li>• estimates of the probabilities of specific outcomes of the process of marriage and founding a family, with regard to children, homes, assets and future income;</li> </ul> </li> </ul>	[1, pages 317-319]
<ul style="list-style-type: none"> <li>• individual case studies written in the men's own words, categorised to illustrate the major aspects of the process and consequence of</li> </ul>	[1, pages 57-61 (categorisation)] [1, pages 65-257 (case studies)]

divorce, and with real names removed for privacy purposes.	
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## Statistics on family life in the UK

It is useful to describe the social effects of the changes to the law and social provisions presented above.

With regard to marriage and founding a family, the statistics from the UK Government show :

- divorce cases per year : 6,092 in 1938, 162,579 in 1993 (*Judicial Statistics Annual Report 1993*);
- proportion of divorces granted by gender : to women 112,000 (71%), and men 45,000 (29%), in 1994 (*Population Trends No. 84*, Summer 1996);
- proportion of children brought up in lone-parent households : 7% in 1972, and 21% in 1994-95 (*Social Trends 26*, 1996);
- proportion of all households of lone-parents : women 19%, men 2% in 1993 (*Key Data - UK Social and Economic Statistics*, 1995-96 Edition);
- births outside marriage : 4% up to 1961, 38% in 1997 (*Key Data - UK Social and Economic Statistics*, 1995-96 Edition);
- proportion of single person households i.e. choosing to live alone : 14% in 1961, 27% in 1994-95 (*Key Data - UK Social and Economic Statistics*, 1995-96 Edition).

These figures show clearly that many people in the UK are choosing not to marry, and that founding a family is increasingly done outside of the usual legal and social framework.

## The rights and responsibilities of marriage and founding a family - information provided to the public

In the UK, no definition of the rights and responsibilities in marriage and parenthood is given to those intending this. Neither is there any information given about the process and consequence of separation and divorce. The most significant rights and responsibilities in marriage and founding a family are only discovered, in most cases, at the time of separation. Until that time they are not a factor in determining the organisation of the day to day lives of the individuals.

While a couple remain together they may organise their lives very much as they wish. Earning an income for the family and daily care of the children are organised between the couple. Decisions on investing family assets, their home etc, are all left up to the couple. However, at separation and divorce, the laws on matrimonial and family matters then take effect. The legal system then determines the outcomes of the issues about children, home, assets and maintenance from future earnings.

## Introduction of laws on matrimonial and family issues

During 1967 to 1996 the UK Government has passed 36 laws on matrimonial and family issues [1, pages 33-34]. Few if any of these have been introduced by ordinary members of the public making demands through their Member of Parliament (MP). The consequences are almost unknown to the general public whose lives these laws affect. Some are misleadingly named e.g. the Marriage Act 1995 deals only with the issue of ceremonies and allows non-traditional places to be used i.e. outside of churches and register offices, thus reducing the seriousness of the occasion.

Meanwhile, most bodies which the Government have asked to advise about new laws, including the Law Commission, are heavily influenced by minority interest groups including radical feminists, and their supporters, including the children's rights and homosexual lobby groups. This situation is well described in *Divorce Law Practice : The Invisible Engine of a Matrilineal Society* [7] and *The Fight for the Family* [9].

One outstanding example is taken from the *Gay Liberation Front Manifesto* of 1979 [quoted in 9] :

*"We, along with the women's movement, must fight for something more than reform. We must aim at the abolition of the family so that the sexist, male supremacist system can no longer be nurtured there. The oppression of gay people starts in the most basic unit of society, the family, consisting of the man in charge, a slave as his wife, and their children on whom they force themselves as the ideal models ... The end of the sexist culture and of the family will benefit all women and gay people."*

Another outstanding example of one such individual with a specific agenda is Brenda Hoggett. Previously an academic in law at Manchester University, later a member of the Law Commission, an unaccountable and unelected body which proposes and develops new laws, and more recently appointed a senior judge in the Court of Appeal dealing with family cases and titled Mrs Justice Hale. In an influential paper published in 1980 [10] she wrote :

*"Family law no longer makes any attempt to buttress the stability of marriage or any other union. It has adopted principles for the protection of children and dependent spouses which could be made equally to the unmarried. In such circumstances, the piecemeal erosion of the distinction between marriage and non-married cohabitation may be expected to continue. Logically we have already reached a point at which, rather than discussing which remedies should now be extended to the unmarried, we should be considering whether the legal institution of marriage continues to serve any useful purpose."*



## 2. Evidence and argument

### Legal and social support for marriage in the UK

The development of the legal and social framework, which governs marriage, appears to have greatly reduced the support for marriage, as defined by the UK judiciary in 1868, and in particular men's rights within marriage.

### A comparison of cohabitation and marriage

We now demonstrate how far these developments have progressed by comparing marriage with cohabitation, and the effects of this for men and women.

To do this, we consider a man and woman living together, and compare the legal and social provisions for cohabitation with those for marriage. We present only those legal and social provisions which are different for cohabitation and marriage, and where differences of treatment between men and women exist.

The rates of marriage and divorce in the UK in 1993 were : marriage 5.9 per 1,000 of population, divorce 3.1 per 1,000 of population. This gives a ratio of 52.5% as many divorces as marriages. The expectation of those marrying must now be that about 50% of marriages will end in divorce.

Because of this 50% divorce rate, we present the comparison for those couples remaining together and those separating, which involves the process of divorce for those couples who had married.

Because the situation for those with and without children is also significantly different, we present information for those with and without children separately.

Because men and women are not treated equally, we also compare the effects on men and women.

The comparisons are made in table form for the outcomes of a man and a woman living as a couple.

<b>outcome</b>	<b>approximate %age of couples</b>
living together, without children	10%
living together, with children	40%
on separation/divorce, without children	10%
on separation/divorce, with children	40%

Each table includes a summary, and comparisons of :

- cohabitation with marriage
- treatment of women with that of men.

<b>while living together, without children</b> applies to approximately 10% of couples		
	<b>cohabitation</b>	<b>marriage</b>
living arrangements	<ul style="list-style-type: none"> <li>share the domestic responsibilities as they wish</li> </ul>	<ul style="list-style-type: none"> <li>as for cohabitation</li> </ul>
<ul style="list-style-type: none"> <li>assistance from UK Government : <b>marriage</b></li> </ul>	<ul style="list-style-type: none"> <li>no assistance from Government</li> </ul>	<ul style="list-style-type: none"> <li>receive a married person's tax allowance, for most couples £1,900pa at 15%, value £285.00 pa or £142.50 pa per person, which is about 0.5% of an average salary; this allowance will be removed in April 2000 [11]</li> <li>widow's benefits available for those women aged 45+, on death of man, of £1,000 lump sum and a widow's pension of £3,364.40 pa; Government have proposed widower's benefits but no date established yet for this [12]</li> </ul>
<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>no assistance from Government</li> </ul>	<ul style="list-style-type: none"> <li>widow's bereavement tax allowance is available for women but not for men, and only on the death of the husband, equivalent to the married person's allowance; this allowances is to be removed in April 2000</li> </ul>
<ul style="list-style-type: none"> <li><b>Summary</b></li> </ul>	<p>Currently very slight financial benefit in on-going marriage, equivalent to 0.5% of an average salary, which will soon be removed.</p> <p>Significant difference in treatment of men and women, with woman aged 45+, assisted on death of man by widow's benefits of £1,000 lump sum and £3,364.40 pa thereafter, this proposed to be equalised for men at some unknown date in future.</p>	
<b>Cohabitation cf. marriage</b>	<p>Marriage carries some benefits :</p> <ul style="list-style-type: none"> <li>widow's benefits, only available on death of man.</li> </ul>	
<ul style="list-style-type: none"> <li><b>Women cf. men</b></li> </ul>	<p>Marriage is only of benefit to women and not men, although the Government have proposed to make widower's benefits available to men no date has been set. For the benefit to be obtained, the man must die first.</p>	

<b>Conclusions</b>	<p>For those couples continuing to live together, without children :</p> <p>Marriage is of benefit for women, but only after the man dies, and the man must die for the benefit to be obtained.</p> <p>Marriage is not distinguishable from cohabitation or of benefit to men.</p>

<b>while living together, with children</b> applies to approximately 40% of couples		
	<b>cohabitation</b>	<b>marriage</b>
living arrangements	<ul style="list-style-type: none"> <li>share the domestic responsibilities as they wish</li> </ul>	<ul style="list-style-type: none"> <li>as for cohabitation</li> </ul>
<ul style="list-style-type: none"> <li>assistance from UK Government : <b>marriage</b></li> </ul>	<ul style="list-style-type: none"> <li>no assistance from Government</li> </ul>	<ul style="list-style-type: none"> <li>receive a married person's tax allowance, for most couples £1,830pa at 15%, value £285.00 or £142.50 per person, which is about 0.5% of an average salary; this allowance will be removed in April 2000 [11]</li> <li>widow's benefits available for those women aged 45+, on death of man, of £1,000 lump sum and a widow's pension of £3,364.40 pa; Government have proposed widower's benefits but no date established yet for this [12]</li> <li>widowed mother's allowance available on death of man, of £3,364.40 pa [12]</li> </ul>
<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>no assistance from Government</li> </ul>	<ul style="list-style-type: none"> <li>widow's bereavement tax allowance is available for women but not for men, and only on the death of the husband, equivalent to the married person's allowance; this allowances is to be removed in April 2000</li> </ul>
<ul style="list-style-type: none"> <li>assistance from UK Government : <b>children</b></li> </ul>	<ul style="list-style-type: none"> <li>woman receives child benefit, currently £574.60 pa for first child, £468.00 pa for each other child; total of £1,042.60 pa for a typical family unit</li> <li>family credit for those with limited income and resources</li> </ul>	<ul style="list-style-type: none"> <li>as for cohabitation</li> </ul>
<ul style="list-style-type: none"> <li><b>Summary : marriage</b></li> </ul>	<p>Currently very slight financial benefit in on-going marriage, equivalent to 0.5% of an average salary, which will soon be removed.</p> <p>Significant difference in treatment of men and women, with woman aged 45+, assisted on death of man by widow's benefits of £1,000 lump sum and £3,364.40 pa thereafter, this proposed to be equalised for men at some unknown date in future.</p>	

<b>Summary : children</b>	<p>Woman assisted by child benefit of typically £1,042.60 pa, and she knows this will continue on separation. While they remain together, the man also benefits as the family finances are assisted.</p> <p>Significant difference in treatment of men and women, with woman aged 45+, assisted on death of man by widow's benefits of £1,000 lump sum and £3,364.40 pa thereafter, this proposed to be equalised for men at some unknown date in future.</p>
<b>Cohabitation cf. marriage</b>	<p>Marriage carries some benefits, but only for the woman :</p> <ul style="list-style-type: none"> <li>• widow's benefits, only available on death of man</li> <li>• widowed mother's allowances, only available on death of the man.</li> </ul>
<b>• Women cf. men</b>	<p>Marriage is only of benefit to women and not men, although the Government have proposed to make widower's benefits available to men no date has been set. For the benefit to be obtained, the man must die first.</p> <p>Women have the assurance that they are likely to continue to receive child benefit in the event of separation.</p>
<b>Conclusions</b>	<p>For those couples continuing to live together, with children :</p> <p>Marriage is of benefit for women, but only after the man dies, and the man must die for the benefit to be obtained.</p> <p>Marriage is not distinguishable from cohabitation or of benefit to men.</p>

<b>after separation, without children</b> applies to approximately 10% of couples		
	<b>cohabitation</b>	<b>marriage</b>
<b>outcome of legal issues :</b>	(see below)	(see below)
divorce	<ul style="list-style-type: none"> <li>• does not involve the process and cost of divorce</li> </ul>	<ul style="list-style-type: none"> <li>• involves the process and cost of divorce</li> <li>• abuse and degrading treatment is usually suffered by men, even when they are entirely innocent of any matrimonial offence; in order to understand this situation, we supply a copy of <i>The Emperor's New Clothes</i> [1]</li> </ul>
<ul style="list-style-type: none"> <li>• home</li> </ul>	<ul style="list-style-type: none"> <li>• either may remain in the home, each partner retaining their investment</li> </ul>	<ul style="list-style-type: none"> <li>• either may remain in home (survey [1] shows that about 25% women remain in home, 25% men remain in home, and 50% of cases home is sold)</li> <li>• see 'assets' below for value analysis</li> </ul>
<ul style="list-style-type: none"> <li>• assets</li> </ul>	<ul style="list-style-type: none"> <li>• divided according to contributions made</li> </ul>	<ul style="list-style-type: none"> <li>• divided more or less equally</li> <li>• the most successful earner, usually the man, loses most</li> </ul>
<ul style="list-style-type: none"> <li>• ex-spouse maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• no requirement to maintain</li> </ul>	<ul style="list-style-type: none"> <li>• requirement to maintain ex-spouse if that ex-spouse is without income</li> <li>• survey data shows that 14% of husbands are required to pay ex-spouse maintenance, and average value is £5,400 pa [1, page 282]</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Summary</b></li> </ul>	<p>The significant differences between cohabitation and marriage are :</p> <ul style="list-style-type: none"> <li>• married men usually receive more abuse and degrading treatment during a legal divorce process than cohabiting men</li> <li>• married men usually lose assets at divorce, while married women gain</li> <li>• a married man whose wife had no income, at the time of divorce and after, will be forced to pay ex-spouse maintenance with an average value of £5,400 pa.</li> </ul>	

<ul style="list-style-type: none"> <li>• <b>Cohabitation cf. marriage</b></li> </ul>	<p>Marriage carries very significant benefits at divorce for the woman :</p> <ul style="list-style-type: none"> <li>• usually a gain in assets</li> <li>• possibility of ex-spouse maintenance with an average value of £5,400 pa.</li> </ul> <p>Marriage carries very significant damages at divorce for the man :</p> <ul style="list-style-type: none"> <li>• usually a loss in assets</li> <li>• possibility of being forced to pay ex-spouse maintenance with an average value of £5,400 pa.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Women cf. men</b></li> </ul>	<p>Women are likely to gain by being married at the time of separation, while men are likely to lose.</p>
<p><b>Conclusions</b></p>	<p>For those couples who separate, without children :</p> <p>Marriage is of significant benefit for women. Marriage is significantly damaging to men.</p>

<b>after separation, with children</b> applies to approximately 40% of couples		
	<b>cohabitation</b>	<b>marriage</b>
<b>outcome of legal issues :</b>	(see below)	(see below)
divorce	<ul style="list-style-type: none"> <li>• as for marriage, but does not involve the process and cost of divorce</li> </ul>	<ul style="list-style-type: none"> <li>• involves the process and cost of divorce</li> <li>• abuse and degrading treatment are often suffered by men, even when they are entirely innocent of any matrimonial offence; in order to understand this situation, we supply a copy of <i>The Emperor's New Clothes</i> [1]</li> <li>• this abuse and degrading treatment during the legal processes is more severe in those cases with children involved</li> </ul>
<ul style="list-style-type: none"> <li>• children</li> </ul>	<ul style="list-style-type: none"> <li>• man must first obtain 'parental responsibility' by agreement of the woman, or by court order against the woman's wishes, then usually obtains a 'contact' order</li> <li>• most men obtain both of these</li> </ul>	<ul style="list-style-type: none"> <li>• man has automatic right to 'parental responsibility' due to marriage, usually obtains a 'contact' order, as cohabiting man does, therefore in comparing the practical result, no rights are conferred by marriage</li> </ul>
<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• of those men who contest residence in court, about 10% obtain this</li> <li>• there is a high level of obstruction to contact which the man is unable to resolve by legal process [1, pages 275-279]</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• as for cohabitation</li> </ul>
<ul style="list-style-type: none"> <li>• home</li> </ul>	<ul style="list-style-type: none"> <li>• either may remain in the home, each partner retaining their investment</li> </ul>	<ul style="list-style-type: none"> <li>• either may remain in home; the survey [1] shows that about 25% women remain in home, 25% men remain in home, and 50% of cases home is sold</li> <li>• see 'assets' below for value analysis</li> </ul>

<ul style="list-style-type: none"> <li>• assets</li> </ul>	<ul style="list-style-type: none"> <li>• divided according to contributions made</li> </ul>	<ul style="list-style-type: none"> <li>• the partner who obtains residence of the children usually obtains most of available assets</li> <li>• survey results [1, pages 285-286] show that on average men bring 5 times as much asset value into the marriage, while women take away 5 times as much asset value</li> <li>• women gain an average of about £20,000, while men lose an average of about £20,000 [1, pages 280-281]</li> </ul>
<ul style="list-style-type: none"> <li>• child maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• child maintenance determined on basis of being natural parent, and marital status irrelevant</li> <li>• determined by Child Support Act 1991, enforced by Child Support Agency (CSA)</li> <li>• rate of maintenance under the CSA may be up to 30% of salary, and is usually twice that previously made under court orders</li> <li>• rate typically £2,400-£4,800 pa for two children, which is more than social security rates available to support children, and so in effect is a benefit for the woman [1, page 282, gives figures primarily for court orders not CSA]</li> <li>• no accounting is available, so that a man has no assurance that money intended for children is actually spent on the children</li> <li>• as most women obtain residence, they gain from child maintenance, average of about £32,000 over 10 years [1, page 318]</li> <li>• as a result of child maintenance, a woman who remarries has this additional unearned income over her previously married situation, and over a 'normal' married woman</li> </ul>	<ul style="list-style-type: none"> <li>• as for cohabitation</li> </ul>
<ul style="list-style-type: none"> <li>• ex-spouse maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• no requirement to maintain</li> </ul>	<ul style="list-style-type: none"> <li>• requirement to maintain ex-spouse if that ex-spouse is without income</li> <li>• survey data shows that 14% of husbands are required to pay ex-spouse maintenance, and average</li> </ul>

		value is £5,400 pa [1, page 282]
<ul style="list-style-type: none"> <li>• assistance from UK Government : <b>children</b></li> </ul>	<ul style="list-style-type: none"> <li>• woman continues to receive child benefit, currently £574.60 pa for first child, £468.00 pa for each other child; total of £1,042.60 pa for a typical family unit [12]</li> <li>• family credit for those with limited income and resources [12]</li> </ul>	<ul style="list-style-type: none"> <li>• as for cohabitation</li> </ul>
<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• separated couples with children, whether previously married or not, currently obtain two tax allowances (maintenance payments allowance and an additional personal allowance), each equivalent to the married person's allowance; these allowances are to be removed in April 2000</li> </ul>	<ul style="list-style-type: none"> <li>• as for cohabitation</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Summary</b></li> </ul>	<p>The significant differences between cohabitation and marriage are :</p> <ul style="list-style-type: none"> <li>• married men usually receive much abuse and degrading treatment during a legal divorce process, this is less applicable to cohabiting men</li> <li>• married men lose assets at divorce with an average value of about £20,000, while married women gain with an average value of about £20,000</li> <li>• women who remarry usually have additional unearned income over her previously married situation, and over a 'normal' married woman</li> <li>• a married man whose wife had no income, at the time of divorce and after, will be forced to pay ex-spouse maintenance with an average value of £5,400 pa</li> <li>• the woman will usually continue to receive child benefit of typically £1,042.60 pa while the man will usually receive no share of this, and will pay extra taxes to cover this benefit.</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Cohabitation cf. marriage</b></li> </ul>	<p>Marriage carries very significant benefits at divorce for the woman :</p> <ul style="list-style-type: none"> <li>• a gain in assets with an average value of about £20,000</li> <li>• possibility of ex-spouse maintenance with an average value of £5,400 pa.</li> </ul> <p>Marriage carries very significant damages at divorce for the man :</p> <ul style="list-style-type: none"> <li>• much abuse and degrading treatment, especially over children</li> <li>• a loss in assets with an average value of about £20,000</li> <li>• possibility of being forced to pay ex-spouse maintenance with an average value of £5,400 pa.</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Women cf. men</b></li> </ul>	<p>Women are likely to gain by being married at the time of separation, while men are likely to lose significantly.</p>	
<ul style="list-style-type: none"> <li>• <b>Conclusions</b></li> </ul>	<p>For those couples who separate, with children :</p>	

	Marriage is of very significant benefit for women. Marriage is very significantly damaging to men.
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## Comparison of the benefits/damages of marriage for women and men

Only those aspects of the situation which are different for cohabitation and marriage are described. We have also assumed the situation after April 2000, when tax allowances will be equalised between married and cohabiting couples.

<b>while living together, without children</b> applies to approximately 10% of couples		
<b>aspect</b>	<b>for women</b>	<b>for men</b>
Widow's benefits	Marriage is of benefit to women, due to the existence of widow's benefits for those women aged 45+, value £1,000 lump sum and £3,364.40 pa thereafter. For the benefit to be obtained, the man must die first.	Marriage is not of benefit to men, although the Government have proposed to make widower's benefits available to men no date has been set.

<b>while living together, with children</b> applies to approximately 40% of couples		
<b>aspect</b>	<b>for women</b>	<b>for men</b>
Widow's benefits	Marriage is of benefit to women, due to the existence of widow's benefits for those women aged 45+, value £1,000 lump sum and £3,364.40 pa thereafter. For the benefit to be obtained, the man must die first.	Marriage is not of benefit to men, although the Government have proposed to make widower's benefits available to men no date has been set.
Child benefit	Women have the assurance that they are likely to continue to receive child benefit in the event of separation.	Men do not have this assurance.

<b>after separation, without children</b> applies to approximately 10% of couples		
<b>aspect</b>	<b>for women</b>	<b>for men</b>
Assets	Marriage usually ensures a greater share of assets at divorce than that contributed.	Marriage usually ensures a lesser share of assets at divorce than that contributed.
Ex-spouse maintenance	Married women have the possibility of ex-spouse maintenance with an average value of £5,400 pa.	Married men have the possibility of being forced to pay ex-spouse maintenance with an average value of £5,400 pa.

<b>after separation, with children</b> applies to approximately 40% of couples		
<b>aspect</b>	<b>for women</b>	<b>for men</b>
Process of separation	Women are usually treated with considerable privileges, and have the assurance that they will be 'protected', whether they were married or not.	Married men usually suffer much abuse and degrading treatment, especially over children.
Assets	Marriage usually ensures a gain in assets with an average value of about £20,000.	Marriage usually ensures a loss in assets with an average value of about £20,000.
Ex-spouse maintenance	Married women have the possibility of ex-spouse maintenance with an average value of £5,400 pa.	Married men have the possibility of being forced to pay ex-spouse maintenance with an average value of £5,400 pa.

## Summary of comparison of benefits/damages for women and men

Only differences for women and men are shown.

situation/outcome	for women	for men
<p>While the couple are living together, without or with children</p> <ul style="list-style-type: none"> <li>• applies to about 50% of couples</li> </ul>	<p>Marriage is of benefit to women, due to the existence of widow's benefits for those women aged 45+, value £1,000 lump sum and £3,364.40 pa thereafter. For the benefit to be obtained, the man must die first.</p>	<p>Marriage is not of benefit to men.</p>
<p>After separation, without children</p> <ul style="list-style-type: none"> <li>• applies to about 10% of couples</li> </ul>	<p>Marriage usually ensures a greater share of assets at divorce.</p> <p>Married women have the possibility of ex-spouse maintenance with an average value of £5,400 pa.</p>	<p>Marriage usually ensures a greater loss of assets at divorce.</p> <p>Married men have the possibility of being forced to pay ex-spouse maintenance with an average value of £5,400 pa.</p>
<p>After separation, with children</p> <ul style="list-style-type: none"> <li>• applies to about 40% of couples</li> </ul>	<p>Women are usually treated with considerable privileges, and have the assurance that they will be 'protected', whether they were married or not.</p> <p>Marriage usually ensures a gain in assets with an average value of about £20,000.</p> <p>Married women have the possibility of ex-spouse maintenance with an average value of £5,400 pa.</p>	<p>Married men usually suffer much abuse and degrading treatment, especially over children.</p> <p>Marriage usually ensures a loss in assets with an average value of about £20,000.</p> <p>Married men have the possibility of being forced to pay ex-spouse maintenance with an average value of £5,400 pa.</p>

## Overview

Of the three outcomes of marriage identified above, none provide any benefit to a man, and two of the outcomes usually cause serious damage to his life.

All three outcomes provide benefits to women.

## **Public kept in ignorance**

Most members of the public are not aware of the information we present in this submission.

While the UK Government may be allowed to change the laws regulating the rights and responsibilities in marriage, we do not believe the Government or judges should :

- change matrimonial law to such an extent that marriage is indistinguishable from cohabitation;
- change the laws to such an extent that marriage is most likely to be damaging to men;
- allow the law to damage the lives of unimpeachable men who are not guilty of any matrimonial offence;
- change the law in fundamental issues during a marriage, such that the individual in the marriage finds that what was accepted at marriage is no longer applicable;
- apply or allow any of these changes without the public's approval and permission, or that of those individuals in ongoing marriages.

Two principles are relevant here, that those who marry should :

- know and understand the rights and responsibilities conferred by the married state;
- be assured that the rights and responsibilities accepted at marriage shall not be altered by Government or authorities, particularly without public approval, during the marriage.

## **'No-fault' divorce**

The history we present of the changes, both by Government, and by judges in case law, represents the introduction of 'no-fault' divorce. This is the determination of the outcomes of divorce without consideration of the behaviour of the parties.

Few if any of the changes we describe have been introduced by public demand. The changes have been introduced with case law decisions of the senior judges, without the public being consulted or even informed. That is, a 'stealth' process has effectively been used in the introduction of 'no-fault' divorce.

We describe the realities of 'no-fault' divorce in *The Emperor's New Clothes* [1]. We note that this situation allows a woman to use trivial and fabricated reasons to dissolve a marriage, and yet retain most of the benefits of the marriage, and also to gain from the marriage and divorce process, and to thereby obtain a higher standard of living than a normal family. We further describe the legal helplessness of men in this situation.

The public therefore are generally unaware that 'no-fault' divorce has been introduced, and still less of the realities we present for men. This explains the shock and stress suffered by men at divorce.

A man contemplating marriage now must consider these facts before committing himself.



### **3. Conclusions and Articles violated**

#### **Conclusions on the comparison of cohabitation with marriage**

For a married man who continues to live with a partner, marriage is not a distinguishable state, as there are no benefits over cohabitation.

For a married woman who continues to live with a partner there are benefits, but only on the death of the man.

For a married man whose marriage ends in divorce, there is invariably more serious damage to his life than if he had cohabited. For those married fathers with children, the damage is very serious. Marriage for men therefore constitutes a more damaging state than cohabitation, whether children are involved or not, but is especially damaging for the man with children.

For a married woman whose marriage ends in divorce, there are considerable benefits compared with cohabitation, and these benefits are obtained due to damage to a man's life.

Approximately 50% of marriages end in divorce in the UK in the 1990s, and the man contemplating marriage must base his decisions on this fact and the likelihood of damage to his life.

We provide our estimates of the statistical probabilities of various damaging outcomes of marriage for men [1, pages 313-320] and a copy of a paper *Derivation of Statistical Probabilities in The Emperor's New Clothes Annex 3 - pages 313-320* [14] which gives the derivations of the probabilities.

#### **Marriage in the UK incompatible with the provisions of Article 23(2)**

Those who drafted the ICCPR including Article 23(2), granting that the 'right of men and women to marry shall be recognized' did so on the understanding that the step 'to marry' would incorporate two principles :

- result in the individual being in a distinguishable state from being unmarried;
- and that it would provide the individual with certain rights and protections not available in unmarried cohabitation.

In particular, the second principle should apply, and an unimpeachable person should be protected by matrimonial law from the behaviour of the other spouse.

If either of these principles is not met in the UK, then there is no rationale for adoption of Article 23(2) of ICCPR.

## **Violations of Article 23(2) of ICCPR**

The laws governing the right to marry in the UK have been changed over the last 50 years, so that 'marriage' is, for the individual man, either not a distinguishable state from cohabitation, or is likely to be damaging for that man. 'Marriage' as it is known in the UK is therefore not compatible with the provisions of Article 23(2).

Men who marry in the UK are not entering into any state which is compatible with that understood by those who drafted Article 23(2). There are about 360,000 marriages per year.

Article 23(2), with the meaning of marriage defined in that Article, has been violated in the UK, and is being violated in 360,000 cases each year.

## **Violations of Article 23(4) of ICCPR**

For men in an on-going marriage, there is no equality of treatment with that of women. This applies to all currently married men in the UK.

There are about 14,000,000 currently married men in the UK with an on-going violation of Article 23(4).

For those men involved in divorce proceedings, we provide an overview of the massive inequality in this submission. Of particular relevance is that women are allowed to commit perjury and contempt of court [1, pages 7-9, and the case studies referenced there] and are often effectively rewarded for such behaviour.

There are about 180,000 divorces each year in the UK, and our information is that there are about 100,000 cases in which men are treated in a manner which is not only unequal to the woman, but is in fact seriously degrading for the man.

Article 23(4) is further being violated, and to a very serious extent, in about 100,000 cases per year in the UK.

## **Violations of Article 7 of ICCPR**

The process and consequence of divorce, especially for those men of unimpeachable character, is degrading.

During the process, verbal abuse of men by lawyers and judges is reported regularly. Court welfare reports regularly cause outrage in the men whose case is damaged by an inaccurate report. Judges are ignoring evidence and the written law.

The consequences for men are very severe. Many men are perceived by their family, friends, colleagues, doctors, etc as having a degraded quality life, but which could have been avoided had the courts operated correctly. Many have the humiliation of being required to pay all the costs of child contact, of paying monies into another family which is as a consequence better off than an

ordinary family, of not knowing if that money is being spent for the benefit of their children, and seeing their children being raised often by another man. Many men suffer fear and apprehension concerning the actions against them. These actions are being taken by an ex-wife assisted by the authorities and a court, particularly concerning :

- being denied contact with children altogether, for which there is usually no remedy;
- demanding more and unreasonable levels of maintenance, while the man is trying to re-establish his life.

Many men suffer health problems under the stress, problems with employment, and murder and suicide are regularly reported [1, pages 293-295].

As illustration of this situation, we provide a copy of an extract from a newsletter of the National Association for Child Support Action (NACSA) which gives three reports of cases of suicide, and lists a total of 48 names of suicide cases known to be caused by matrimonial and family law [13].

Meanwhile many ex-wives of divorced men have their lives enhanced, with an increase in income from unearned sources, so it cannot be said that the degrading treatment of men is unavoidable or necessary to ensure that the children's welfare is protected.

The treatment of men in these situations is clearly degrading, and this constitutes violations of Article 7 of ICCPR, in terms of degrading treatment, in about 100,000 cases per year in the UK.



## **4. Domestic remedies and Purpose of this petition**

### **Domestic remedies**

#### **Remedies for those in an on-going marriage**

There are no laws which men may use to provide benefits in an on-going marriage.

#### **Remedies for unimpeachable men subjected to divorce against their wishes**

Those unimpeachable men who have attempted to obtain a remedy about their own cases by going to the Court of Appeal usually obtain no remedy.

Most men give up without even an appeal, because of overwhelming difficulties, lack of support from solicitors and barristers, and because of the prohibitive costs.

If domestic remedies were readily available to most men, then we would not experience the effects, the case histories, and the statistics collected and reported in *The Emperor's New Clothes* [1].

Those men who have attempted to present information about the general situation have received deliberate obstructions. The best example of this is the submissions made to all the relevant authorities to the policies of court welfare officers [3, 6]. A copy of the Cheltenham Group report [3] on this issue is provided with this submission.

### **Purpose of this petition**

The purpose of this petition is to obtain a remedy to the violations of Articles 23(2), 23(4) and 7 in terms of :

- the introduction of radical changes to the laws governing marriage in the UK;
- that measures should be put in place to ensure that repetition of the present situation may not be re-established;
- that financial compensation be given to those men whose rights under Articles 23(2), Article 23(4), and particularly Article 7 have been violated.



## 5. Requests of the High Commissioner for Human Rights

We request that the High Commissioner for Human Rights investigate each of the following issues, and consider for each whether a separate human rights violation exists. We identify the ICCPR Articles which are compromised in each separate issue.

1. There is nothing which distinguishes marriage from cohabitation for those men who continue to live, in a couple, with their wife : whether this is compatible with Article 23(2).
2. There is, on average, greater damage done by separation/divorce to unimpeachable, in the matrimonial sense, married men compared with cohabiting men : whether this is compatible with Article 23(2).
3. Many men who are unimpeachable in the matrimonial sense, and who have not committed, and have not proven guilty of, any matrimonial offence, are being divorced against their wishes using trivial and fabricated divorce petitions, and subsequently have their lives seriously damaged : whether this is compatible with Article 23(2).
4. For the 50% of married men who continue to live with their wives, there is nothing which distinguishes marriage from cohabitation; for the 50% of married men who will divorce there is serious damage to their lives; therefore, for the group of men who commit themselves to marriage, taking an average outcome, or considering the collective outcome, marriage overall is damaging : whether this is compatible with Article 23(2).
5. The statistical probability of a marriage ending in divorce is about 0.5 or 50% of cases, and may be higher for particular groups or ages or dates for marriage : whether this is compatible with Article 23(2).
6. Most of those who intend marriage in the UK do not know or understand their rights and responsibilities in marriage : whether this is compatible with Article 23(2).
7. Those who are currently married may find that the rights and responsibilities they accepted at marriage may be changed during the marriage without giving their permission or even being consulted : whether this is compatible with Article 23(2).
8. A 'no-fault' divorce system, in which the consequences of divorce are not based on the behaviour of the parties, and which we describe in this submission and in *The Emperor's New Clothes* [1], operates in the UK : whether this is compatible with Article 23(2) and with Article 23(4).
9. Many women are allowed by the UK courts to commit perjury in divorce, child and financial cases; they are also allowed to be in contempt of court, particularly over child contact arrangements; as they are arbitrarily given priority over children and assets they are effectively rewarded for this : whether this is compatible with Article 23(2) and with Article 23(4).
10. A significant number of men are cut off completely from their children, without any contact at all, while nothing is proven against these men, so that this is done on the sole reason that the mother does not want them to have any contact; and judges refuse to apply any sanctions against the mother : whether this is compatible with Article 23(2) and with Article 23(4).

11. When a woman remarries after divorce, she continues to receive child maintenance; the income of her new family as a result usually exceeds that of her previous family, and that of a woman living in a normal (non-divorced) family; divorce therefore improves her life with unearned income typically for the following 10-15 years that child maintenance is paid : whether this is compatible with Article 23(2) and with Article 23(4).
12. It is clear that the court welfare service provides biased reports in many cases, and is operated without appropriate controls applied [3, 4, 5, 6], while this is a central component of matrimonial law : whether this is compatible with Article 23(2) and with Article 23(4).
13. Taking average outcomes for divorce, there are benefits of marriage, realised at the time of divorce, for women, while there is damage done to men : whether this is compatible with Article 23(4).
14. Many men involved in divorce are being subjected to degrading treatment both during and as a consequence of divorce proceedings, which we describe in section 3 under 'Violations of Article 7' and in our references : whether this is compatible with Article 7.

## References

1. *The Emperor's New Clothes : Divorce Process and Consequence*, 2<sup>nd</sup> Edition, The Cheltenham Group, February 1998, ISBN 1 900080 03 6.
2. *Marriage and Fatherhood : Important Information for Young Men*, 2<sup>nd</sup> Edition, The Cheltenham Group, 1998, ISBN 1 900080 05 2.
3. *The NAPO 'Anti-sexism' Policy & Lack of Available Remedies*, The Cheltenham Group, 11 June 1998.
4. *Equal Rights / Anti-sexism*, National Association of Probation Officers (NAPO), 4 Chivalry Road, London, SW11 1HT, September 1996. [Facsimile supplied].
5. Letter, from Gaenor Kyffin of NAPO Administration, 4 Chivalry Road, London SW11 1HT, 23 April 1997.
6. Letter, from the Office of the Parliamentary Ombudsman to Mr Gary Streeter MP, 23 July 1998.
7. *Divorce Law Practice : The Invisible Engine of a Matrilineal Society*, Dr John Campion, The Cheltenham Group, 31 January 1998.
8. *Farewell to the Family ?*, Patricia Morgan, Institute of Economic Affairs, January 1995, ISBN 0 255 363 56 7.
9. *The Fight for the Family : the adults behind children's rights*, Lynette Burrows, Family Education Trust, ISBN 0 906229 14 6.
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A copy of those items **in bold** are supplied with this submission.

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**For further information you may contact :**

The Cheltenham Group  
PO Box 205, Cheltenham, Glos, GL51 0YL

Director : Barry Worrall BSc MSc MBCS CEng  
tel: (+44) (0)191 285 3296 email: [bpw@c-g.org.uk](mailto:bpw@c-g.org.uk)