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NEWS RELEASE

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CONVICING RAPISTS AND PROTECTING VICTIMS – GOVERNMENT ANNOUNCE NEW MEASURES

The Government has today announced important reforms which will pave the way for a 'better deal' for rape victims.

The Solicitor General, Vera Baird today announced the response to the Government's consultation paper (launched in spring 06) – the results of which will play an important part in improving the outcome for victims in rape cases. A number of significant measures will have an impact on how rape cases are heard in court, these include:

- Allowing adult victims of rape to give video-recorded evidence at trials
- To consider further how general expert material could be presented in a controlled and consistent way with a view to dispelling myths around rape victims' behaviour
- Defining the law on a complainant's capacity to give consent where drink or drugs are involved – to assist judges and juries
- Ensuring that all relevant evidence of complaints made by victims in rape cases should be admissible as evidence in a trial, irrespective of time passed since the alleged conduct

Solicitor General, Vera Baird QC MP said:

"Rape is an appalling crime that devastates the lives of victims and their families, and instills fear in communities. It is an undeniable truth however that rape is a difficult offence to prosecute. Whilst we have already strengthened the law on rape the results of this consultation will I hope go some way further to improve the way in which a rape victim's case is heard, and the outcome of rape trials in general.

"Our aims are clear. We are determined that all parts of the criminal justice system work together to ensure that the cases that come before the courts are as strong as possible - and are prosecuted as strongly as possible. We want more help for witnesses so they can give their best evidence in the way that is best for them and we want the general public, especially those who may be called to serve on juries, to know more about the realities of rape.

“Justice must not be defeated by myths and stereotypes. Awareness-raising is a serious responsibility for all of us who influence public opinion – politicians from all parties, the media, experts, and of course the victims themselves. Government will play its part by facilitating the production of myth-busting material and ensuring that it is fair and factual. Where changes to the law are needed, we will make them.”

Home Office Minister Vernon Coaker said:

"The measures announced today are the latest in a series of steps the Government has taken towards tackling this deplorable crime. By investing more money than ever before in victim support, rolling out nationwide specialist officers and rape prosecutors and allowing the courts to set tougher sentences the message is clear: we are committed to ensuring that victims are supported and that offenders are subject to the full force of the law.

"The consultation has been an extremely valuable process and we have looked carefully at each contribution. Everyone who submitted their views deserves our thanks."

Justice Minister Maria Eagle said:

"To secure confidence, the CJS must earn confidence of the rape victim as well as the victim of the burglary or the mugging. To narrow the 'justice gap' we must tackle the gap between the number of rapes and the number of convictions.

"All the parts of the system need to work together to ensure rape victims get the support they need and get justice to ensure that perpetrators know they can't get away with it.

"The new CJS Strategic Plan makes clear that improving the criminal justice response to serious sexual offences should be a priority and that local criminal justice boards should work together - strengthening partnerships between chief constables and chief crown prosecutors and courts, prison and probation."

Attorney General, Baroness Scotland said: "As well as being one of the most devastating crimes that continues to affect our communities, rape remains one of the most difficult crimes when it comes to the courtroom.

"I am personally committed to the measures announced today. We have to tackle rape and those who commit this horrific crime with a strengthening in the law. Equally we have to ensure that victims of this horrific time have enough confidence in the Criminal Justice System to not only come forward, but to be willing to take the case to court."

Michelle Bernasconi from the Victims Advisory Panel (VAP) said:

"The VAP welcomes the government's response to improving the trial process for rape victims. We (the VAP) have been working with a number of CJS agencies and voluntary organisations to improve understanding of the impact of rape on individual victims."

What impact will the reforms have?

- Video evidence - Enabling the jury to see and hear a rape victim being interviewed at the time of complaint by means of a video-recorded statement used as evidence-in-chief, will usually provide more compelling and coherent evidence than that given in court several months later. This would of course be subject to the victim agreeing to give evidence in this manner.
- 'Expert evidence' – We know from the Amnesty 2005 Poll that myths around rape are prevalent and entrenched. It is desirable for juries to have information concerning the psychological reactions of rape victims. We will look for a fair way to present such information to juries other than through evidence presented by the prosecution or defence.
- Capacity in rape cases – The consultation examined a person's capacity to give consent to sexual intercourse when they are intoxicated (either by drink or drugs), and whether the current law on capacity is clear enough. The judgement in the case of *Bree* made this clear. It stated that a person may lack the capacity to consent when they are intoxicated, even if they are still conscious.
- Hearsay; first complaint evidence – The Government will legislate to make victims' complaints to other people that they have been raped admissible as evidence in criminal trials in *all circumstances*. (At present, evidence of what somebody told somebody else is not normally admissible as evidence).

The Government's Rape Consultation is just part of the wider strategy to put rape victims' needs first and bring rapists to justice –

- We have introduced Specialist Officers and specialist Rape Prosecutors across England and Wales and are introducing specialist training for police, prosecutors and barristers acting in rape cases.
- We have put in place new arrangements for the performance management of police forces and the CPS on rape. The new Criminal Justice Public Service Agreement and indicators for CJ agencies will make clear that rape should be a national and local priority.
- All forces are receiving operational support to develop and deliver action plans to improve rape investigation strategies and implement recommendations from *Without Consent [2007 rape inspection]*.
- Withdrawal is a major cause of attrition in rape cases so we need to ensure victims are supported through the criminal justice process. This year we are spending around £3m (bringing total to £10m over 4 years and up from around £400k in 2001—02) to supplement local funding, on:
 - extending the network of Sexual Assault Referral Centres (where victims receive medical care and counselling and can assist the police investigation through a forensic examination). There were 5 in 2001, currently 19 and will be at least 36 by the end of the financial year 2008-09;

- piloting Independent Sexual Violence Advisors in 38 areas to provide advocacy and support for victims;
 - providing funding through the Victims Fund for voluntary organisations supporting victims of sexual violence.
- The Sexual Offences Act 2003 provides a coherent and comprehensive set of offences appropriate for the modern day, and strengthened the law by creating a definition of consent and removing the defence that a person could avoid conviction for rape if he had an honest but mistaken belief in consent.
 - The Domestic Violence, Crime and Victims Act 2004 provides for a statutory Victims' Code of Practice, placing obligations on the police to keep victims informed of case progress;
 - The Youth Justice and Criminal Evidence Act 1999 introduced specific provisions for vulnerable and intimidated witnesses, including video links and screens.

Notes to editors:

1. The response to the consultation paper - Convicting Rapists and Protecting Victims: Justice for Victims of Rape, produced by the Office for Criminal Justice Reform, was published today and is available at www.cjsonline.gov.uk.
2. There were almost 100 responses to the consultation, from a wide range of organisations and individuals. For further information about the consultation contact:
Charlotte Phillips, Attorney General's Office 020 7271 2465 or 07970 122748 Kerry Taylor, Home Office press office on 020 7035 3831
3. The Victims Advisory Panel is a statutory advisory Non-Departmental Public Body which was established in March 2003 to enable victims of crime to have their say both in the reform of the criminal justice system and in developments in services for victims of crime. The terms of reference for the Panel are to advise the Home Secretary, Lord Chancellor and Secretary of State for Justice and the Attorney General (or their representatives), and through them other Cabinet Ministers, of the views of victims of crime with particular reference to their interaction with the criminal justice system and its agencies. The current VAP has been in place since July 2006 and its 3 year tenure expires in July 2009. The VAP receives advice and support from officials with Victim & Witness responsibility from the Ministry of Justice, the OCJR and the Crown Prosecution Service. Twice yearly Full Panel meetings take place and are attended by Ministers and officials from CJS Government Departments.

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