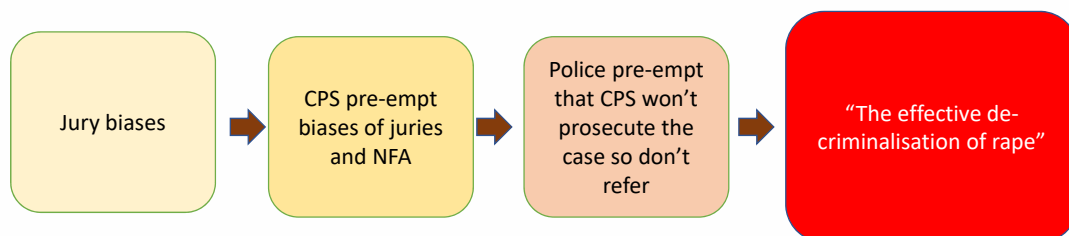


Criminal Justice System Responses to Rape are Failing: Suggestions for Radical Change from the VAWG Sector

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The root of the issue

Myths and stereotypes are pre-empted in the system, and therefore perpetuated by the system - the negative feedback loop



"Rape myths and stereotypes are embedded in the process, and the police and CPS reinforce it in their decision making. Even when we receive a Letter from the CPS, they're littered with rape myths ...and talking about their behavior, like 'someone saw you and you didn't seem upset' - it's just outrageous." – ISVA, North West England

Victim-blaming



"you were in a relationship with the suspect. The jury would be aware that you had enjoyed an adventurous sex life with the suspect before this incident."

"you did not make an official complaint until a week later"

"I was bound to consider also that you have previously made allegations of rape and sexual assault that were not pursued"

"[you] appear not to have protested or left the flat immediately after the incident"

"there are difficulties with the evidence including that you did not lock your door to prevent the suspect from entering the room and carrying out the rapes"

"this...would be used to raise doubt in the mind of the jury"

– CPS NFA letters to survivors, used in EVAW's JR

Impact of CJS failings



For survivors:

- Traumatizing in and of itself
- Disillusioning
- Lengthy and protracted

"I called the police myself. They never called me. I had to explain myself to three different police officers, over four different phone calls. The third police officer called me by the name of another victim. So careless." - survivor

"Our experience of the justice system is that it was a very long process in which there were long periods of time where it seemed that nothing was happening and no information was being fed back to us." - survivor

Burnout of specialist workers:

"[I've] Been working as an ISVA for 4 years, and not a single case has gone to court... because either my client was drinking, or in a relationship with the person. And if there's any enhanced vulnerability, that's it". – ISVA, North East England

"it concerns me and my integrity as an ISVA, that I am sitting in the sessions... trying to be this buffer in a really fraught system and having to explain why the police aren't doing their job properly, why the CPS are taking so long only to come back with an NFA decision..." – ISVA, North West England

“Radical” asks?

- To have timely processes that do not leave a survivor in limbo for an extended period, and therefore in a protracted state of trauma
- For survivors to be informed about their entitlement to an ISVA, and to be able to access free, confidential, therapy pre-trial, and afterwards
- To have specialist services resourced in line with prevalence of sexual assault (including rape)
- To have clear reasons given for NFA decisions, with explanatory meetings offered and then honoured by agencies

“when I asked, who was it who made this decision, and where is the paperwork to substantiate it? They [the CPS] told me the lady who made the decision is dead and they lost the paperwork. That was the end of it.” - survivor

“Radical” asks cont.

- To have clear and transparent data available on appeals processes
- For survivors to be treated with respect and dignity
- To have a Government backed public education campaign on consent, as they did with smoking and drink-driving

“if you want more people to talk about their abuse and come forward and go to court, then you have to at least support them. And even if they don’t do that or cant do that [access the CJS], there has to be support for them to live in dignity.” - survivor

Covid-19 – exacerbating established challenges



Issues:

- Crown Courts experiencing an increasing backlog of cases, currently functioning at a third of capacity
- Trials being postponed and relisted up to a year later

Resulting in:

- Further suspension of “normal life” for survivors in the process
- Longer time in services

Time and scope for more radical asks?



- As the CJS is traumatizing and protracted, survivors will need access to the therapies that suit them best. The content of therapy and counselling sessions should not subject to disclosure
- Section 28 pre-recorded cross-examination – available to all and any victim-survivor of rape and sexual abuse
- Consideration of piloting judge-only trials ????
 - short-term pilot in specific regions
 - different models for consideration



Thank you

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