

U.K.: collapse in rate of rape prosecutions

EVAW launches legal action against CPS for failure to prosecute rape

Friday 14 June 2019, by [End Violence Against Women](#) (Date first published: 10 June 2019).

Rape prosecution rate has collapsed - only 1 in 25 reported cases getting to court. CrowdJustice fundraising appeal opened to fund challenge.

The End Violence Against Women (EVAW), represented by the Centre for Women's Justice (CWJ), began legal action against the Crown Prosecution Service (CPS) today (10 June), claiming that the CPS has covertly changed its policy and practice in relation to decision-making on rape cases, leading to a dramatic fall in the number of rape cases being charged.

We argue that this change in practice, and the resulting collapse in cases going to court, discriminates against women and girls, and is a major failure to protect their human rights. It is appalling that such a change should be implemented at a time when more women than ever are coming forward and reporting this serious crime.

EVAW Coalition Co-Director Sarah Green said:

"We have strong evidence to show that CPS leaders have quietly changed their approach to decision-making in rape cases, switching from building cases based on their 'merits' back to second-guessing jury prejudices. This is extremely serious and is having a detrimental impact on women's access to justice."

The CPS and Ministry of Justice's own figures show that while **rapes reported to the police have nearly tripled (up by 173%) between 2014 and 2018**, the number of **cases charged and sent to court is actually down by 44%**.

For women who report rape to the police this means they had a 1 in 5 chance of it ending up in court in 2014, but now, when more women than ever are reporting rape, they have a less than 4% chance of ever having their case heard in court [[1](#)].

The End Violence Against Women Coalition's lawyers at CWJ today sent a 'Letter Before Action' to the CPS, and the EVAW Coalition has opened a [CrowdJustice](#) fundraising appeal to support the legal challenge.

The EVAW Coalition has been driven to action after many years of monitoring rape and justice system statistics and outcomes, and after hearing from its member organisations and many individual women about appalling decision-making by the CPS in rape cases. EVAW's lawyers have collated a dossier of 21 cases where decisions have been made not to charge despite compelling evidence, and in some cases where men were known to be violent and some suspected of being serial offenders.

Rebecca* was raped at knifepoint and held prisoner for two days by her boyfriend, a man who was known by the police to be violent. Despite lots of evidence of violence against Rebecca, the CPS

prosecutor dropped the case saying Whatsapp messages she had sent to placate her attacker could be misinterpreted by the jury.

Gina* was raped repeatedly by her husband but the case was dropped because the CPS prosecutor felt the jury may not understand the dynamics of a coercive and controlling relationship. Rape in a domestic violence context is a large proportion of rapes reported to police and referred on to CPS.

EVAW Coalition Co-Director Sarah Green continued:

"We are witnessing a collapse in justice after rape at a time when increasing numbers of women are speaking out and reporting these crimes. Instead of building on more than a decade's painstaking work to bring cases with strong evidence to trial, the CPS is taking us backwards, resulting in a terrible outcome.

"We're hearing from women who've been raped, and from our member organisations who support survivors of rape, and they are telling us about cases being dropped for reasons that are hard to understand.

"Our society has agreed that really serious allegations with strong evidence should be tested in court - that's the basis of our criminal justice system. So it can't be right that our independent prosecution service has covertly made a significant change which we believe is resulting in anonymous decision-makers discarding cases that should be heard in court. That they have done this without consultation, and without regard for the likely impact on women and girls, is appalling.

"The failure to prosecute and deter rape makes us all less safe. This is why we feel compelled to bring this case and why we are asking the public to help us fund it. We want the CPS to immediately reinstate the 'merits' approach for decision-making in rape cases, and we want all cases which may have been unfairly dropped reviewed."

Harriet Wistrich, Director of the Centre for Women's Justice who is bringing this case for EVAW, said:

"In the case we brought against the Metropolitan Police arising from their failure to adequately investigate the serial rapist John Worboys, the Supreme Court held that this failure amounted to human rights violation. We are arguing that the CPS' systemic failure to prosecute rape is a comparable human rights failure and has a discriminatory impact on women who are the large majority of rape victims. The failures by the CPS to consult on changes to policy and to disregard its own guidance developed to tackle the under-prosecution of rape are, we argue, unlawful."

Jolyon Maugham QC, Director of the Good Law Project Director which is supporting the case, said:

"The failure of the criminal justice system effectively to deter rapists is a genuine scandal. With every year that passes tens of thousands more lives are destroyed. The data shows that, far from redoubling our efforts, we have seen an 80% decline in the proportion of rapes reported to police that reach the court room. This is intolerable."

Katie Russell, national spokesperson for Rape Crisis England & Wales said:

"Despite significant increases in the number of victims and survivors of rape and all forms of sexual violence and abuse reporting to the police in recent years, the vast majority of those who've been subjected to these traumatic experiences still choose not to pursue criminal justice. Through our frontline work at Rape Crisis, we know the reasons for this under-reporting are many and varied, but

survivors tell us they include fear of being re-traumatised through what can be a very long and difficult process, with little prospect of seeing their perpetrator brought to justice at the end of it.

“The criminal justice system is failing victims and survivors of sexual violence and abuse in multiple ways, and these failures must be urgently investigated and addressed. These serious crimes have wide-ranging, lifelong impacts and those who’ve been through them deserve specialist support and justice.”

Claire Waxman, Independent Victims’ Commissioner for London said:

“The plummet in charges is of great concern and why I have been leading an extensive review of rape cases in London as we must identify what is driving this decline. If the CPS have changed their policy without consultation and it is impacting victims’ access to justice, then this must be remedied immediately. Failure to do so will hinder victims’ recovery and place the public at risk by allowing potentially serious offenders to go unpunished.”

Vera Baird QC who will shortly take up the role of Victims Commissioner said:

“The CPS had begun to improve, seeing challenges to rape convictions instead of obstacles, working to devalue prejudice to produce both better results and improved victim care. It is shocking that they have gone into reverse. Whilst complaints of rape have tripled prosecutions have slumped.

“Something has brought this change. There is no essential difference between rapes then and rapes now. This case is essential to get to the reason for this forensic somersault. Rape complainant’s are not to be used as tools in some sort of numbers hierarchy. There are people who society has already let down and are currently being let down twice”

In September last year a series of investigations by The Guardian newspaper quoted multiple anonymous workers in the criminal justice system saying they had serious concerns about CPS leaders [encouraging prosecutors to drop](#) what they termed ‘weak’ cases. The investigations also identified huge disparities in the outcome of rape cases, with [young adult men](#) being much more likely to be acquitted of rape than older defendants.

The challenge is being funded by a CrowdJustice appeal
www.crowdjustice.com/case/justice-after-rape

*** Names have been changed to protect the anonymity of rape survivors.**

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P.S.

End Violence Against Women

<https://www.endviolenceagainstwomen.org.uk/evaw-launches-legal-action-against-cps-for-failure-to-prosecute-rape/>

Footnotes

[1] The number of rapes reported to the police was 20,083 in 2013/14 and increased to 56,698 in RYTD Sept 2018 (173% increase). Source: Police Recorded Crime/MOJ. The number of rape flagged cases which proceeded to prosecution was 3,621 in 2013/14 and fell to 2024 in RYTD September 2018. Source: CPS.

<https://www.theguardian.com/society/2019/mar/06/prosecution-rate-in-england-and-wales-falls-to-five-year-low>