

Rt Hon Robert Buckland MP
Secretary of State for Justice
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By email via PrivateOffice.LC.Buckland@justice.gov.uk

30 November 2020

Dear Rt Hon Robert Buckland MP

New report by women's organisations on rape and the justice system

We are writing to you as leading women's rights organisations enclosing our report: *The Decriminalisation of Rape: Why the justice system is failing rape survivors and what needs to change.*

As Chair of the Criminal Justice Board, overseeing the "end to end" review of the criminal justice system's response to rape and sexual offences, we trust that you will find this report of deep interest and will want to ensure it informs the forthcoming first phase of the Rape Review, in which we are also engaged stakeholders.

Our report, which is due to be discussed by MPs at a Parliamentary launch event on 30 November, covers the current state of rape investigations and prosecutions in England and Wales, and finds that the criminal justice system, from police and prosecution service to the courts, is riddled with 'rape myths', is disempowering of and even harmful to victims, and sadly includes many leaders who lack professional curiosity as to why the outcomes are so bad and what might be done to change them. Rape survivors quoted in the report describe difficult and distressing experiences engaging with the criminal justice system, with Black and minoritised survivors facing multiple barriers to accessing justice, due to institutional racism.

You will be aware of enormous concern about the woefully low charging rate for rape which has led to the CPS facing multiple litigation threats. The decision making and leadership within the CPS requires the highest level of scrutiny and ambitious reform, but we are also expecting the Rape Review to provide comprehensive answers and solutions to the current crisis throughout the criminal justice system's treatment of rape.

Our recommendations to the Rape Review

Our report makes a range of detailed recommendations for reform across the justice system, but also makes key asks on leadership and accountability - including that the Government create a clear Ministerial lead with responsibility in this area, who can hold system leaders to account and drive long-term culture shifts across the police, CPS and courts. We also hope and expect that the next phase(s) of the Rape Review will continue to go into depth analysing barriers to justice and developing far-reaching recommendations for change. And as such we think it is crucial to

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the long-term success of this work that new independent research is commissioned into the characteristics of those who do and do not report rape to the police; and into what rape and sexual abuse victims/survivors actually want from the justice system and more broadly to support their recovery. Our other recommendations for change include:

- Workforce changes throughout the police and CPS, with rape investigation and case-building made a clear and rewarded career specialism, with much stronger leadership and management, and specialist clinical supervision to try to prevent burn-out;
- An in-depth review of some of the current statutory agency governance arrangements in this area; for example, while chief constables and police should be held to account by PCCs and their local communities, it is not clear how CPS leaders are held to account for good decision-making and performance on justice in relation to rape;
- Sustainable funding for specialist wraparound survivor support and advocacy services that centre the needs of rape survivors, including Rape Crisis Centres and specialist led 'by and for' services for minoritised women and girls, not a 'one size fits all' approach;
- An updated ban on the use of 'sexual history evidence' in rape trials which is fit for the digital age; and expansion of the testing of legal advocates for victims in rape trials, which has shown promising results so far;
- A Special Commission on Juries to examine how the use of juries does and does not service justice for trying the offence of rape; and examination of whether a more inquisitorial approach might be more suitable in rape trials (as has been suggested for some family court proceedings);
- Beyond the justice system, we need more curiosity and then more policy research and development on what actually works as interventions to prevent rape, including public attitudes campaigns, work with perpetrators, and work on key settings where rape is common.

We note your kind offer to meet with our organisations in the Autumn in your letter dated 14 September 2020. We would appreciate arranging this meeting with you now, to discuss the Rape Review and the recommendations of the enclosed report. We look forward to hearing from you and invite your officials to contact andrea.simon@evaw.org.uk to arrange this meeting on our behalf.

Yours sincerely,

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