

FURTHER COLLAPSE IN NUMBER OF RAPE CASES CHARGED BY CPS DESPITE HUGE RISE IN REPORTS

Women's groups warn rape being decriminalised and move to issue legal proceedings against CPS

The latest figures in the CPS' annual report on prosecuting crimes of violence against women published today, 12 September shows CPS decisions to prosecute rape are the lowest on record, and have fallen by 51% over 5 years.

The End Violence Against Women (EVAW) Coalition has warned that rape is being effectively decriminalised and is calling for the highest level of scrutiny from Government as the number of rapes charged by the Crown Prosecution Service (CPS) last year further dropped by nearly a third despite reporting rates once again increasing. They have now instructed their lawyers at Centre for Women's Justice to issue legal proceedings against the Director of Public Prosecutions.

The EVAW Coalition said that the shocking figure of a 37.7% drop in the number of rape cases charged by the CPS last year (down from 2,822 in 2017/18 to 1,758 in 2018/19), contained in the [CPS' annual report \(1\)](#) on prosecuting crimes of violence against women published today, comes when the number of rapes reported to the police is increasing exponentially every year, reaching just under 54,000 in 2017/18 (2).

This is the second year in a row the charge rate has dropped dramatically, last year's report already showed a 23% drop in charges for rape.

In 2017/18 the conviction rate is 63.4%, charges 1758 & convictions 1925.

In 2015 / 2016 the conviction rate was lower (57.9%) BUT the number of prosecutions was higher (3,910 charges) and convictions (2,689) so in fact more rapists off the street.

The CPS blame falling police referrals but since 2014 CPS decisions to prosecute have fallen at almost double the rate that police referrals to CPS have -51% compared to -27%.

The CPS say there has been an increase in volume and proportion of cases where police haven't responded (i.e admin finalised case spike) but even if you exclude the admin finalised cases from the equation (to leave what the CPS now calls 'legal decisions') the charge rate has fallen by 18% since 2014 - from 66% to 48%.

EVAW, represented by the Centre for Women's Justice (CWJ), sent a detailed letter threatening legal action against the Director of Public Prosecutions (DPP) in June of this year, 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. The CPS denied liability, but CWJ have now amassed compelling evidence to support their claim and will be issuing a judicial review in the High Court and serving it on the CPS early next week.

Andrea Simon, EVAW Coalition Head of Public Affairs said:

“We need to remember that behind these figures lie real lives, these numbers represent real women subjected to rape, a crime which does enormous harm, who are then further victimised by a system that does not take them seriously.”

“These shocking and unjustifiable failings speak to a clear and concerted shift in how the CPS have decided to prosecute rape and this is why we have instructed our lawyers at CWJ to now issue judicial review proceedings.”

“Leadership across the CPS needs to answer for these figures which we say can only represent what is becoming the effective decriminalisation of rape. 919 convictions in a year where almost 60,000 rapes were reported is quite frankly horrifying.”

“The failure to prosecute rape sends a clear message not only about disregarding justice for survivors, but also signals to rapists that they are safe to continue offending, knowing the likelihood they will be held to account is miniscule. Is this the type of society we want to live in? Is this deemed acceptable by our leaders?”

“Making excuses about digital disclosure, when we know that scrutiny of a complainants digital (and non-digital) life are being conducted routinely and out of all proportion in a fashion which we say scrutinises complainant credibility in a wholly exceptional way, is frankly shameful.”

“This crisis in the justice system treatment of rape must receive urgent attention at the highest level of Government.”

“In response to the dismal drop in charges last year, the Government announced an end to end review into the prosecution of rape in March 2019, but this review, now more than ever needs to ensure it is independent, robust and makes meaningful changes to fix this broken system.”

Harriet Wistrich, Director of Centre for Women’s Justice said,

“The CPS have repeatedly denied that they have changed their approach to the prosecution of rape. They have variously blamed the fall in the number of cases prosecuted on the delays caused by disclosure demand post the Liam Allen case, and on the police for the failure to progress and refer cases. However, we have gathered evidence from a variety of significant sources which taken together provide a compelling picture that the primary cause of this collapse in prosecutions emanates from a deliberate change in the approach taken by the CPS dating back to late 2016.”

“The Crown Prosecution Service have sought to deter EAW by suggesting that this important charity could become liable to pay significant legal costs if they are unable to prove their case. EAW are therefore renewing their request for donations from the public to their crowd justice campaign [[link](#)]”

EAW say that the change in policy and practice at the CPS is having a real impact on women trying to get justice after being raped, including in cases like Rebecca’s (not her real name) who in July 2017 reported she had been raped at knifepoint and held prisoner for two days by someone she had recently started a relationship with, 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.

Commenting today Rebecca said:

“Rape is the only crime where the victims become the accused – the whole investigation was about me, my medical records, my previous behaviour, my character.

I was told by the police that I had a really strong case – my rapist was known to them, and unknown to me he had a history of violence against previous partners, plus I had evidence of the attack. But a judgement was made about my physical reaction to being raped not being the right one, and the CPS dropped my case. I was denied my day in court and this man was able to walk free and not answer for what he did to me - and if he could do that to me, he could do the same to someone else.

I was lucky to be able to access counselling through work to help me deal with the trauma of my attack, but I know that most rape survivors who seek support can't get it or find themselves on long waiting lists because of a lack of funding. I can't stress how vital it is that this support for victims is properly funded, it's life saving.”

Further background and concerns

In late 2017 and early 2018 there was huge media and political attention to problems with the disclosure of digital evidence to the defence, which the CPS responded to in January by announcing a [review](#) of all live rape cases, despite it being clearly recognised that disclosure problems exist across crime types. The decision to exceptionalise rape and run this review, and the final report, are likely to have added to the narrative which is concerned that rape allegations are more likely to be false than other reports of crime, which [research](#) shows not to be the case. In fact, rape is very under reported. The EVAW Coalition and others concerned with women's access to justice gave [evidence](#) to the Justice Select Committee setting out our concerns on the impact approaches to disclosure has on rape victims.

An Investigation by the Guardian last year [revealed](#) the extremely intrusive requests for permission to access all electronic devices and personal records, including health, social services and school records, are routinely made by some police forces to those who report rape before they begin an investigation. Women's organisations are very [concerned](#) that the knowledge of this level of intrusion and scrutiny is profoundly anxiety-inducing for many rape survivors who are contemplating reporting, and may be a significant inhibitor.

In March this year the Government announced a review of the criminal justice response to rape (2). Also in March survivor Fern Champion launched her campaign about the lack of funding and therefore access to support and counselling for rape survivors(3).

In June EVAW announced a Judicial Review of the CPS for failure to prosecute rape(4).

Home Office statistics in July showed only 1 in 65 cases are being charged (5).

In August the new Rape Monitoring Group Statistics showed a conviction rate of less than 2%(6).

ENDS

Notes

1. [See CPS Annual Report 2019: Graph 18: Pre-charge decision outcomes by volume 2014-15 to 2018-19](#)
2. In 2012/13, the police recorded 16,374 rape offences, and in 2017/18 this figure leapt to 53,970, of which only 3,190 were charged. (Rape Monitoring Group).
3. Rape Review [announced](#)
4. JR of [CPS](#)
5. Fern Champion [launches campaign](#)
6. Guardian investigation shows [1 in 65 rapes charged](#)
7. ([Rape Monitoring Group](#)).