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Women's organisations threaten to sue CPS for 'dropping too many rape cases'

Failure by prosecutors to bring sexual offence cases branded a 'human rights failure' by activists

Ryan Hooper | Sunday 9 June 2019 23:00 |

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Rape Crisis England says criminal justice system is failing victims and survivors (Getty)

Women's organisations are threatening to take the **Crown Prosecution Service** (CPS) to court over claims sexual offences cases are being "dropped" without good reason.

A UK-wide coalition of activist groups, represented by the Centre for Women's Justice (CWJ), said the CPS has covertly changed its policy and practice in relation to decision-making on rape cases, leading to a major fall in the number of such cases resulting in a criminal charge.

Government figures show there was a 23 per cent drop in the number of rape cases taken on by the CPS in the 12 months to 2017-18, despite a 16 per cent increase in police-recorded rape over the same period.

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The End Violence Against Women coalition (EVAW) said this change in practice, and the lack of cases going to court, discriminates against women and girls, and is a major failure in protecting their **human rights**.

They say they have a dossier of more than 20 recent cases which were dropped by prosecutors for reasons they felt were spurious or unjustified. This includes one victim who was raped at knifepoint and held prisoner for two days by her boyfriend, a man who was known by police to be violent.

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Despite lots of evidence of violence against the woman, the CPS prosecutor dropped the case, saying **WhatsApp** messages she had sent to placate her attacker could be misinterpreted by the jury, campaigners said.

They are due to submit a "letter before action" to the CPS on Monday, urging them to review and change the way they handle serious sexual offence cases.

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.

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"This is extremely serious and is having a detrimental impact on women's access to justice."

She told the *Press Association*:
"We have begun legal action and we could, of course, end up in court."

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"A letter before action is a proper first step that we felt we have had to resort to. We want the CPS to stop weeding out what they perceive to be 'weak' cases.

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"Prosecutors should be judging cases on their merits – not on whether or not they think a jury will be prejudiced against the victim.

"We're trying to show the CPS that it has a duty to victims. We are in constant dialogue with the CPS who, for more than a decade, have been a very progressive part of the criminal justice system.

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“In the justice system there are well-known myths about rape, but prosecutors are supposed to deal with them – not just say ‘we can’t expect a jury to disregard it’.

“We’re not just a shouty group saying, ‘Let’s have a go at the state’. But the refusal to listen and to implement what we say is a massive change for the way these cases are brought to court – we say, for the worse – is the reason why we have taken these measures.

“If necessary, we will end up in court opposite the CPS and will have to let judges decide whether we have a case or not.”

Once CPS lawyers receive the letter, they will then be given time to respond to the allegations or bid for an extension to the deadline.

If the CPS does not agree to change its policy, the matter could end up being decided by a judicial review in the courts.

Campaigners have set up a crowdfunding website to help raise money to support their case, available at <http://www.crowdjustice.com>.

A CPS spokesperson said: “Sexual offences are some of the most complex cases we prosecute and we train our prosecutors to understand victim vulnerabilities and the impact of rape, as well as consent, myths and stereotypes.

“Decisions to prosecute are based on whether our legal tests are met – no other reason – and we always seek to prosecute where there is sufficient evidence to do so.

“Victims have the right to ask for a review of their case by another prosecutor, independent of the original decision-maker, and this is another way we can make sure we are fair and transparent in what we do.”

Harriet Wistrich, CWJ director who is bringing the case for ERAW, said: “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.”

Katie Russell, national spokeswoman for **Rape Crisis** England and 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.”

Press Association

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