

Daisy's story: Born from Rape

Daisy*, who was born in Birmingham in 1975, was placed in foster care when she was just a few days old, and subsequently put up for adoption. She was transracially adopted, a black child placed with a white family in a predominantly white community. Growing up, she had no knowledge of or contact with her birth parents. It was only when she turned 18 that she made the appalling discovery she had been born as a result of a rape.

It was, she discovered, *explicitly* documented on her adoption file that:

- Her birth mother had been aged 13 when Daisy was conceived – in other words, significantly below the age of consent;
- Her birth mother had disclosed the name of the perpetrator – an adult man aged 28, named Carvel Bennett, who was a friend of her parents; and
- Her birth mother had alleged categorically that sexual intercourse had taken place against her will.

Despite all this information being well-documented, Daisy learned that no criminal action had been taken by West Midlands Police at the time against the alleged perpetrator Carvel Bennett, after he had denied paternity. Nor had any action been taken against him in the years that had passed since that time.

Daisy felt outraged that her birth mother had been so let down by the authorities that were supposed to protect her, and decided to reach out to her as an adult – however painful that might be. She established contact, and her birth mother agreed to meet with her. During their conversations, Daisy's birth mother opened up to her, insofar as she felt able, about the circumstances of Daisy's birth, but it became apparent that she did not feel able – having been neglected and disbelieved as a child – to pursue a (fresh) complaint of rape to the police.

'Not a victim'

Some years on, in 2012, as Daisy watched the Jimmy Savile scandal unfolding on the national stage, she found herself profoundly troubled once again by a sense of injustice. Armed with her adoption file, and the name of her birth mother's alleged rapist, Daisy set about gathering further evidence that she *herself* could take to the police, in the hope that this would enable something to be done.

In 2014, she presented herself to West Midlands Police to file a crime report and present them with the various historic records she had obtained about her birth – making the case that in the circumstances, she herself was living, breathing "proof" of a sexual offence committed against a child of 13, given that her DNA would now be capable of proving paternity. She was, in a sense, a *'walking crime scene'*.

Daisy had many different motivations for making a report to the police. She was horrified, of course, by the injustice that her mother had suffered as a child. What is more, she was profoundly concerned that the man who had committed this appalling crime might still pose a significant risk to children, having never faced any consequences whatsoever for his actions, or been added to the Sex Offenders' Register. Her own investigations had in fact already established that Carvel Bennett was indeed still alive and living in the Birmingham area.

In addition to all this, Daisy herself could not help feeling that she *herself* had been caused severe harm by this man, as a direct result of being born in rape. She had lost the opportunity to be raised by her birth mother and father; she had been adopted into a family and a community in which she had felt (as a child) like an outsider; and she had been profoundly affected by the devastating discovery that her very existence was the result of a crime.

Having been so profoundly affected by her birth father's crime, Daisy felt that she herself must surely have a right to seek justice for what he had done.

To her shock and utter disbelief, Daisy was however informed by West Midlands Police that, since she was not recognised under the Victims' Code as a 'victim' of the alleged rape herself, her allegation could not even be recorded as a crime, or investigated, even in the face of all her evidence. After some persistence from Daisy, her birth mother was subsequently 'questioned' by the police, and Daisy was later given to understand that during questioning her birth mother had confirmed, in broad terms, the details of Daisy's conception. Yet, since her birth mother had indicated to the police that she was reluctant to go through the trauma of giving evidence at trial, it was the police's firm position that their involvement ought to end there.

Daisy felt that this was manifestly wrong. She believed that the police and the Crown Prosecution Service ought surely at the very least to *consider* whether a so-called 'victimless' or 'evidence-based' prosecution was possible: in other words, whether there was sufficient evidence in the circumstances of this particular case which could result in a conviction, even in the absence of witness evidence directly from Daisy's mother. The police, however, clearly disagreed.

To make matters worse, Daisy was informed that – again, because she was not legally recognised as a 'victim' of the offence herself – she was not entitled to any further information about her reasons or the reasoning for the police's decision; nor to a 'Victim's Right to Review' of the decision not to take no further action. Nor was she offered any kind of victim support.

In desperation, Daisy even filed a complaint against the officers who had reached this decision – thinking that this was her only other option – but received a response indicating that her complaint had been considered 'vexatious' and would not be considered further.

Justice at last

In the years that followed, Daisy refused to give up. Using the pseudonym 'Vicky Smith', she spoke publicly about her experience, and tried to raise awareness in the press. In 2019, after the BBC's Victoria Derbyshire Programme decided to air a feature about Daisy's case and campaign for justice, her birth mother was re-approached by West Midlands Police, and changed her mind about supporting a prosecution. As a result of this brave decision, and of paternity tests carried out on Daisy's DNA, Carvel Bennett was finally investigated and charged – in 2020 – with his 45-year-old crime.

Although Daisy was overwhelmingly relieved when she heard that her birth mother had decided to support this prosecution, she continued to feel painfully excluded and blindsided by the criminal justice system. Since she was not recognised as a secondary 'victim' of the crime, she herself had no established rights whatsoever to be kept informed of the progress of the investigation and prosecution. This was distressing for Daisy, who had limited contact

with her birth mother, given the nature of their relationship, and so was often left unaware how the case was progressing.

In August 2021, 74-year-old Carvel Bennett was finally convicted by a unanimous jury in Birmingham Crown Court of raping Daisy's birth mother. He was sentenced to 11 years' imprisonment for his crime, and told that he must remain on the Sex Offenders' Register for the rest of his life.

Before sentencing Mr Bennett, His Honour Judge Martin Hurst agreed to hear Victim Personal Statements from both Daisy's birth mother *and* Daisy herself, who was permitted to read her own statement in court. Addressing her birth father directly, Daisy said: "*Carvel Bennett you have caused total carnage. Your act of violence decimated any potential relationship between my birth mother and me, because you chose to rape a child.*" Speaking of her transracial adoption as a baby into a white family, and the pain of feeling like an outsider in a predominantly white community, Daisy later said: "*To know I'm, for some, the embodiment of one of the worst things to happen, to be pregnant by your perpetrator – to find out what happened to my mother – was horrific*", adding "*I am more than evidence, more than a witness, more than a product of rape. I am not your shame.*"

In his Sentencing Remarks, the Judge observed: "*This conviction relating to what you did in 1975 has had profound effects, not on your life from what I can, but on the life of your victim...and her daughter Daisy Stone.*"

Noting that one "equally troubling" consequence of Mr Bennett's offence was the impact that it had had on the life of his isolated and transracially adopted daughter Daisy, the Judge added: "*[Daisy] has campaigned since then for justice. She is unquestionably just as much a victim in this as her mother.*"

After sentence was handed down, Prosecution Counsel took the highly unusual step of asking the Judge to issue a '*formal commendation*' to Daisy, on record, noting that "*this prosecution would not have taken place*" were it not for the admirable "*grit*" and "*dogged determination*" that Daisy had shown in her personal fight for justice.

Agreeing with Mr Glenser's remarks, Judge Hurst added: "*Daisy Stone has pursued justice in this case for herself and for her mother, as you say doggedly and with determination. She has met many closed doors...The pursuit of justice must be commended and I do commend Daisy for taking those steps*".

Calls for 'Daisy's Law'

This outcome in the Crown Court, however important, does not however represent an end to Daisy's campaign for justice.

She remains concerned, to this day, that – had her birth mother *not* taken the extraordinary and courageous step of giving a fresh statement to the police – the police and Crown Prosecution Service would never have taken any action against the perpetrator, even with DNA evidence from Daisy demonstrating beyond doubt that he had impregnated a 13-year-old girl.

Daisy fully understands that a rape prosecution – without direct evidence from the primary victim of the rape – would always be rare. On the facts of her own case however, it seems

clear that there was a compelling basis for the authorities at least to consider, in the public interest, whether there might be a realistic prospect of conviction even without her birth mother's evidence at trial.

Daisy feels, too, that it would have had a transformative impact on her life over the past 7 years, had the police recognised her as a secondary 'victim' who had been profoundly affected by the crime, and offered her the information and support to which a victim of crime would normally be entitled. To be told that she was *not* a victim of an incident which has so defined her life since childhood was extremely distressing, and she was left feeling that the police were minimising the considerable direct harm she had undoubtedly suffered.

With support from Centre for Women's Justice, Daisy is now campaigning for men and women conceived as a result of rape to be formally recognised as victims of crime in the Victims' Bill, and that they are entitled to adequate care and support. She believes too that this legal recognition will enable more complaints of rape resulting in pregnancy to be pursued and properly investigated; even, in some cases, even where the primary victim of the rape is not (or not initially) available or willing to give evidence at trial.

Reports about Daisy's case:

<https://www.centreforwomensjustice.org.uk/new-blog-1/forgotten-victims>

<https://www.birminghammail.co.uk/news/midlands-news/he-smiled-knew-who-was-21244320>

<https://news.sky.com/story/carvel-bennett-rapist-jailed-after-victims-daughter-wins-justice-decades-later-12371859>

<https://www.theguardian.com/uk-news/2021/aug/03/rapist-jailed-fight-justice-daughter-born-following-attack-carvel-bennett>

<https://www.mirror.co.uk/news/uk-news/breaking-rapist-brought-justice-daughter-24676384>

<https://www.bbc.co.uk/news/uk-58073015>

<https://www.bbc.co.uk/news/uk-england-birmingham-58269677>

<https://www.dailymail.co.uk/news/article-9855191/Daughter-helps-convict-elderly-father-46-years-raped-mother-13.html>

**Daisy has elected not to make her surname widely known, to avoid any indirect risk that her birth mother, a victim of rape, could be identified.*