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*The Survivors Trust – 2<sup>nd</sup> National  
Conference*

*Sexual Violence and Abuse in Context  
(Warwick University)*

Tuesday 11 December 2007

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I am delighted to be able to address you today at this hugely worthwhile conference. I apologise for the absence of my colleague Vernon Coaker. He is a champion for the kind of work you do and is disappointed that he is not able to attend.

As some of you will be aware, I have worked for many years, from way before my entry into Parliament in 2001, in pursuing justice especially within our criminal justice system for survivors of rape and other serious sexual offences. On Thursday I am answering questions at the House of Commons - these are question sessions to hold Ministers, from all Departments, to account on a rota basis, so each is reached each month. I am pleased that this month an MP has asked me a question about “Violence Against Women” and that I will answer it on its own terms – that government is beginning to understand the importance of seeing that violence as a whole and not in compartments. I am very pleased that my current role in Government allows me to continue to pursue this kind of justice.

I have been Solicitor General since July of this year. In this role I, together with the Attorney General, act as chief legal advisor to the Government; superintend the prosecuting authorities; and have responsibility, shared with Ministers in the Home Office and Ministry of Justice, for the criminal justice system. And there I have the Ministerial lead to improve the prosecution of rape and other serious sexual offences.

So I welcome the aims of this conference – looking at how best to bring together the specialist voluntary sector and statutory sector services should always be a priority; but challenging society’s myths about the nature of serious sexual violence and its impact on victims is especially timely, as I will share with you in due course.

Today I will outline at least some of the work that we as a Government are doing to tackle rape and other sexual violence - firstly, our efforts to increase access to health and support services; and, secondly, the outcome of our 2006 consultation paper - *Convicting Rapists and Protecting Victims – Justice*

*for Victims of Rape*, which is about improving the investigation and prosecution of serious sexual offences.

### **Health and support services**

We must help those affected by sexual violence to deal with the consequences of their ordeal. The health related cost of sexual violence and abuse is substantial (estimated at over £73,000 per adult rape).

Failure to provide good immediate medical care and support may increase the likelihood of serious long term mental and physical health consequences. So it is vital that we increase access to health and support services and why I am pleased that we have been able to invest around £10m in services to support victims of sexual violence and abuse over the last 4 years. I look forward to continuing these initiatives in the future.

The specialist sexual violence voluntary sector plays a crucial role in the provision of therapeutic services and support for victims, as well as training and advice for other agencies. The Home Office has supported the sector through the Victims Fund over the past 4 years and some really valuable initiatives have been delivered through this investment. I do, however, recognise that there is more to do, and I will return to that shortly.

I am also proud of the work that we have done to support the development of Sexual Assault Referral Centres. These centres represent an important multi-agency approach, bringing together health and police services, normally with the voluntary sector, to deliver a holistic approach to meeting the support and health needs of victims, and the evidential needs of the police in the aftermath of an assault.

There are now 19 SARCs with a further 17 under development. The evidence shows that these centres work and we want to see access to a SARC for all victims of recent serious sexual assault.

The Home Office is also funding and evaluating 38 Independent Sexual Violence Advisers based in voluntary organisations and Sexual Assault Referral Centres. These trained professionals carry out risk assessments for victims of sexual violence and abuse, help them to access the services they need and ensure that clients who go through the criminal justice process are supported from start to finish.

This work helps our objectives relating to access to health and support services but also our objectives on criminal justice. We must support victims more effectively if we are to give them the confidence to pursue a criminal prosecution.

We recognise that sustainability for voluntary sector organisations working with victims of sexual violence continues to be an issue. We have our stakeholder advisory group to look at how we can increase stability and capacity in these services and hope to receive final recommendations from the sub-group shortly. We are already implementing some of their early recommendations.

We have funded the Survivors Trust and Rape Crisis in England and Wales, to strengthen support for the sector and to advocate on their behalf in relation to national developments on sexual violence and abuse.

We are working with a consortium of sexual violence and abuse organisations to develop national service standards aimed at maintaining and demonstrating the professionalism of the sector to potential commissioners of their services. The Department of Health is leading on the development of guidance for Primary Care Trusts and Local Authorities on that commissioning.

We have also proposed an indicator for Local Strategic Partnerships on access to support services for victims, to try and ensure that where appropriate, this issue is prioritised through the Local Area Agreement process. The indicator itself will support national Public Service Agreements on crime and criminal justice which emphasise both the importance of

reducing serious sexual offences, and also reducing the harm they cause to victims.

All of these initiatives are aimed at delivering the first objective of the Cross-Government Action Plan on Sexual Violence and Abuse: increasing access to health and support services for victims of these terrible crimes. It is vital that the statutory health services, voluntary sector and SARCs work closely together, both in the provision of services and at a strategic level, in order to ensure that victims receive the best possible care.

### **Consultation paper**

I now turn to the outcome of our rape consultation paper which I announced last week.

Ministers have said on many occasions that we regard the conviction rates in rape cases as unacceptably low. Increasing conviction rates is vital, not only in terms of delivering justice for victims, but also in terms of sending a deterrent message to potential offenders; preventing rapists committing further offences; and securing the confidence of victims and the wider public in the criminal justice system.

Last year we issued a consultation paper seeking views in relation to four issues aimed at improving the conviction rate through strengthening the existing legal framework; helping to reduce the barriers to effective prosecution and improving further the care for victims and witnesses.

The four issues related to the consent element in the offence of rape; evidence or information from experts concerning the psychological reactions of rape victims; the use of pre-recorded video evidence from adult rape victims; and the law relating to the admissibility of evidence of the victim's complaint.

## **Expert evidence/information**

Firstly, we consulted on whether evidence regarding the psychological impact of sexual offending upon victims should be presented in court, by experts, and whether there were alternative ways of presenting juries with the information. This information would relate to victims in general, not the behaviour of a specific individual.

No doubt you will all recall the 2005 Amnesty International poll which identified a blame culture against the victims of rape. The fact that these attitudes persist leads inevitably to the conclusion that they are a substantial contributing factor to the low conviction rates in rape cases.

We consider that it is desirable for juries to receive information concerning the psychological reactions of rape victims in order to dispel myths as to how victims behave after incidents of rape. However, rather than the prosecution presenting evidence, which would involve some drawbacks, we will continue to explore alternative ways to present fair and factual myth-busting material in a controlled and consistent way.

We are currently considering whether such general expert material might be presented to courts through an information document or as part of a direction from the trial judge. Later this week I am chairing a group of experts – academics, a consultant psychiatrist, a Doctor from a SARC and two senior judges - that will consider what information juries should receive and what this tells us about how we might best provide the information to them.

## **Hearsay – first complaint evidence**

Under the current law, a statement which a victim of a sexual offence makes to someone else can only be heard by a jury if it is made as soon as could reasonably be expected after the offence. It is well known that victims in rape or other sexual violence cases may delay making their complaint for a variety of reasons.

We believe that juries should be allowed to hear and take account of as much relevant evidence as possible. Therefore, we have decided to legislate to make these automatically admissible as evidence and whenever they were made.

### **Special Measures**

We are determined to ensure that complainants in rape case are afforded the fullest protections to help them achieve their best evidence and to allow prosecutors to present the evidence available in the most effective way. Video recorded evidence is likely to provide a more accurate and compelling account to the court.

Although we extended the video recorded evidence special measures to adult complainant in sex offence cases in September, we now propose to vary the legal test so that such video recordings are automatically admissible and to allow prosecutors a broader discretion to ask supplementary questions of the witness. This will enable a victim to expand on her account given in the video and be sufficiently acclimatised to the court room environment before the defence have their opportunity to test her evidence.

### **Consent/capacity**

Finally, where a person is intoxicated to the extent that they do not have the capacity to consent to sex, and this is exploited in order to have sex, this is rape. We asked whether the law in this area needs changing or clarifying.

We now consider that further legislation in this area is not necessary, given that two judgments from the Court of Appeal have now confirmed how the law should operate – in particular, making clear that a person’s capacity to consent “may evaporate well before a complainant becomes unconscious”.

The Judicial Studies Board has already issued a training guide for Judges which addresses issues relating to the law on capacity and we will ensure that

this issue is also addressed in updated guidance for police and prosecutors on serious sexual offences.

Our response to the consultation paper is but one strand of the broader work we are doing to improve the criminal justice response to serious sexual offending.

### **Improvements in prosecutions and monitoring performance**

Real improvements have been made in the investigation and prosecution of rape. Specially trained officers and specialist rape prosecutors have been introduced across England and Wales and we continue to improve training and guidance for police and CPS. We are now working with the Bar Council to deliver accredited training to all independent counsel who act in rape cases.

The recommendations from the HMIC and HMCPSP inspection on rape which was published in January focused on the importance of the police and CPS working together to build cases, on ensuring that cases are effectively supervised and reviewed, and on learning lessons from case outcomes.

Every police force has put in place an action plan to implement the recommendations assisted by an Operational Support Team funded by the Home Office. And the CPS has established a Rape Prosecutions Delivery Unit and new monitoring arrangements to ensure the prosecution recommendations are delivered and aspects for improvement are identified.

We in central Government are playing our part in understanding and managing performance effectively through the creation of a cross CJS Rape Performance Group which monitors the performance of police and CPS and raises any concerns with Chief Constables and Chief Crown Prosecutors.

We are beginning to see the conviction rate move in the right direction. In 2006 there were more reported rape convictions than at any time in the previous 10 years (863). And the proportion of recorded rape cases that

resulted in a conviction was up by 0.5% from the 2003/4 figure. However, the rate is still only 5.7% (of reported rapes) so there is great room for improvement.

## **Prevention**

The third objective of our cross government action plan aims at preventing sexual violence. Ultimately it must be our aim to prevent sexual violence from occurring.

We must challenge the culture which tolerates sexual violence; we must support those at risk of victimisation or, in domestic cases, of re-victimisation; and we must manage the risk posed by those who have committed a sexual offence.

Last year the Government ran a hard hitting and effective campaign stressing the importance of active consent to sex. And two weeks ago Vernon Coaker, helped to launch the Men's Coalition, a group of leading men's organisations which aims to provide a men's voice to challenge the culture which colludes with all forms of violence. We will continue to look at what more we can do to support this work.

We know that there are some groups in society that are particularly vulnerable to sexual violence such as people with a learning disability or those involved in prostitution. We have introduced specific offences in the Sexual Offences Act 2003 to offer additional protection to these groups, and continue to support initiatives such as schemes to share information on sex buyers who are violent and personal safety training for women involved in prostitution.

Those who commit sexual offences face tough sentences – the average length of sentence for rape has doubled since 1984 and we have introduced indeterminate sentences for public protection. On release, serious sex offenders are managed through Multi Agency Public Protection Arrangements (MAPPA) by the police and offender management services. The evidence

shows that MAPPA works. In 2006-07 only 0.08% of high risk offenders managed within MAPPA were charged with a serious further offence.

## **Conclusion**

To conclude, our Cross Government Action Plan, the new Public Service Agreements and the recently issued CJS Strategic Plan send out a strong message that tackling serious sexual offences is a national and local priority.

Sexual violence is not inevitable and through a co-ordinated approach with our stakeholder and delivery partners we are committed to reducing its prevalence through reducing the opportunity for offences to take place, and providing an effective multi-agency response to victims and survivors.

We are also determined to bring more offenders to justice – through ensuring that all parts of the criminal justice system work together to ensure that the cases that come before the courts are as strong as possible - and are prosecuted as strongly as possible.

We want more help for witnesses so they can give their best evidence in the way that is best for them and we want the general public, especially those who may be called to serve on juries, to know more about the realities of rape.

Clearly, there is a great deal of work to be done, but I am sure that our ambitious programme of work to tackle sexual violence, including our response to the rape consultation, will play a key role in achieving those aims.