

JUSTICE PRESS RELEASE

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JUSTICE reminds reviewers of rape law that legal changes are not the whole answer

The all-party law reform group JUSTICE today reminded politicians that legal changes are not the only answer to problems in prosecuting and convicting rapists. Responding to David Cameron's announcement today that a policy review group would be set up by the Conservative party to consider the law of rape and its sentencing, JUSTICE reminded politicians that they should not be tempted to compromise the right to a fair trial in pursuit of higher conviction rates.

Sally Ireland, Senior Legal Officer (Criminal Justice) at JUSTICE said:

There may be some legal changes that could improve the situation but we cannot engineer conviction rates upwards by making trials unfair. Nor should legislation be seen as the panacea in this situation – we need to challenge social attitudes through public education, training for professionals and support for victims and witnesses.

Notes to editors:

1. Rape is an offence under s1 Sexual Offences Act 2003. It is committed when a person (A) intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration, and A does not reasonably believe that B consents. Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents. Consent is defined in the Act and there are also presumptions regarding consent and belief in consent in defined circumstances (see ss74-76 of the Act).
2. Sentencing for rape is now governed by the Sentencing Guidelines Council's guideline Sexual Offences Act 2003 - http://www.sentencing-guidelines.gov.uk/docs/0000_SexualOffencesAct1.pdf . The maximum sentence is life imprisonment. The starting point for a single offence of rape of a victim aged 16 or over by a single offender where there are no aggravating factors is 5 years' imprisonment. The 'dangerous offenders' sentencing regime in the Criminal Justice Act 2003 (CJA) must also be considered by sentencers in rape cases, meaning that indeterminate sentences are available if the CJA criteria are fulfilled.
3. In response to concerns regarding the conviction rate for rape, the government published a consultation paper *Convicting Rapists and Protecting Victims – Justice for Victims of Rape* in 2006 which is available here <http://www.homeoffice.gov.uk/documents/cons-290306-justice-rape-victims> . JUSTICE's response to the consultation is available at <http://www.justice.org.uk/inthenews/index.html> .