

# Ending the attack on rape survivors who report to the police



Attorney General Lord Goldsmith

Dear Lord Goldsmith

Re: Ending the attack on rape survivors who report to the police

We write because we are alarmed at the recent breach of a rape survivor's anonymity, first in Hansard (19 October), then in the Daily Mail (20 October, p.7) followed by the Sunday Times (19 November), and its implications for all rape survivors and all women. This is after decades of women demanding the protection of the law, including protection from media exposure and pornographic treatment if they report having been sexually assaulted.

The overturning of Warren Blackwell's sexual assault conviction as "unsafe" has provided the excuse for this breach. On 19 October, the Labour peer, Lord Campbell-Savours, under cover of parliamentary privilege, named Warren Blackwell's alleged victim in the House of Lords, dubbing her "a serial and repeated liar", and criticising the law which protects her anonymity. This law was introduced in 1976, in response to growing pressure from women who were determined to report the violence they suffered but faced deep and widely acknowledged sexism when they did. It is this women's movement for justice that Lord Campbell-Savours, the Mail and Sunday Times and others are now trying to defeat. The day after Lord

Campbell-Savours named Ms A, the Daily Mail published a feature with the woman's name underneath her photo, and only her facial features obscured.

Yet Ms A has not been convicted or even prosecuted for lying, and no judge has lifted reporting restrictions. Therefore her anonymity is still protected under the Sexual Offences Act (1976) and publishing her name in the media was illegal and in contempt of court.

The conviction of Warren Blackwell was overturned on the basis that his alleged victim, who had been found on the street unconscious and bleeding, had made previous (unconnected) allegations of sexual violence. In our experience, many women are attacked more than once. Given how widespread rape and sexual assault are (in 2003, there were 11,867 recorded rapes; it is generally accepted that many times that number are unreported), why is a woman being labelled a liar when she claims to have been attacked by several men? Can a criminal justice system which convicts little more than 5% of reported rapists be trusted to reach a safe conclusion about which allegations are false?

Whatever the merits of Warren Blackwell's case, there is no justifiable reason for the anonymity of his alleged victim to have been illegally breached.

In a second Lords debate, on 20 November, you said that the media are allowed to report on Lords debates even though the content may normally be restricted elsewhere "provided they publish in good faith and without malice". This is not the case here.

1) The debate on anonymity could have been held without outing anyone. This is not the first time the issue of anonymity is being publicly aired. But the paper chose to use her name.

2) This was not the first attempt by the Daily Mail to out Ms A. Previous reports fell short only of naming her, and WAR had complained about the Mail's "jigsaw identification" to the Press Complaints Authority (2 Oct).

3) The number and tone of the many articles the Daily Mail has dedicated to this case amount to a witch-hunt of several months against Ms A, on behalf of a campaign against anonymity. The Daily Mail seems to be aiming to change the law which grants anonymity to rape survivors by breaking it and getting away with it. It is a matter of urgent public interest that they be prosecuted, or other media will follow their lead (as the Sunday Times has already done) and there will be no anonymity left for rape survivors.

4) Other media, including the BBC and the Guardian, have publicly condemned the Mail for breaking the letter and the spirit of the law, and stated that they uphold Ms A's right to anonymity. Some have acknowledged that she is a vulnerable person. The Guardian's Marcel Berlins stated "I cannot believe the law on privilege can be used to justify the newspaper committing a clear criminal offence."

5) Lord Campbell-Savours trashes rape victims in Parliament regularly. Between October and November he asked 26 parliamentary Questions on rape from the point

of view of men who claim to have been falsely accused. He even cited decades-old American research that claimed that 41% of rape allegations are false, to counter contemporary Home Office figures that put false allegations at 3%.

Women have campaigned for decades for rape to be treated as a serious violent crime. For example, it had always been assumed by the police, the Crown Prosecution Service and the courts that men had "uncontrollable urges" and that women were responsible for "provoking" them – that fundamentally we "asked for it".

It took huge numbers of women reporting rape and sexual assault, and years of turning private pain into public protest, to get the authorities to begin to acknowledge the seriousness of rape and how pervasive was this violent crime. Courts, judges' private clubs, newspapers were invaded and picketed over outrageously sexist comments and short sentences which supported rapists against their victims, even child victims. Women Against Rape campaigned for 15 years before rape in marriage was finally acknowledged as a crime, in 1991. And in 1995 it helped co-ordinate the first private prosecution in England and Wales to establish prostitute women's right to protection.

The appalling treatment women have suffered and continue to suffer at the hands of the police, the Crown Prosecution Service and the courts, is well documented and acknowledged by academics and even by the Home Office. Proof of this sexism has been exposed in the media – from the 1982 TV documentary on Thames Valley police (A Complaint of Rape) which caused a public outcry when police were seen by millions discouraging a woman from reporting rape and accusing her of lying; to this year's Undercover Copper (Dispatches, Channel 4) where a policewoman complained of long delays in gathering evidence after a rape and stated that she herself would not report rape to the police if it happened to her.

The outing of Ms A is part of the creation of a social and legal climate in which women who report rape can regularly be discredited and even prosecuted discouraging women from coming forward. We have seen this same dangerous trend among the prosecuting authorities: two 18-year-olds whose attackers were let off were recently imprisoned. Other women, when they report rape, are being threatened with prosecution for "wasting police time" or "perverting the course of justice" unless they withdraw their allegations. The mother of a 13-year-old girl who had reported being raped at school has been barred from employment as a social worker after police dropped the case. One woman was arrested – in a dawn raid – by the police after she had reported a sexual assault. Many of these women are in touch with Women Against Rape.

All victims of rape are thus now at risk of falling foul of the forces of law and order by reporting their attackers, and being put on trial by the media. WAR recently told prosecutors and police from the US and Canada about this; they were shocked about this deeply retrograde step. It is in some respects behind where it was in 1976 when WAR was formed.

In the Times Law pages (17 Jan 2006), WAR, with Black Women's Rape Action Project, spelled out the sexism and other prejudice which underlie the falling conviction rate: from 24% in 1985 to 5.3% in 2003; so low that men who are convicted consider themselves not guilty but unlucky.

If victims must brave not only opprobrium but prosecution when they report, many fewer are likely to come forward – a clear go ahead to rapists and other violent men. Some women considering reporting rape have already told us that they are too frightened to report in the present climate. Why is the government allowing this?

Women ´s protest has not been able to reverse the falling conviction rate, but we had won some public recognition that rape victims can no longer be treated as pornographic objects of media and police fun and games. Even this is now under threat.

In most miscarriage of justice cases, the victims of the crimes are not trashed by the media. In fact, doubt is often (unjustly) cast on the innocence of the accused despite his conviction having been overturned. But in rape and sexual assault cases the media has often treated the men as victims, fallen heroes whose cause has always been close to their heart, while witch-hunting the women who accused them.

Ms A´s case, with its display of media sensationalism and vindictiveness against women is a clear example of why rape survivors still need the legal protection of anonymity just as much as they did in 1976. We believe that some women have been put in danger of violence by being exposed in the national press, starting with those who had escaped from violent partners and are trying to make a new life elsewhere.

We who seek justice for rape survivors have no choice but to see this two-pronged attack on rape survivors – persecution of women who report rape, together with the attack on the law of anonymity – as the response of the criminal justice system to the scandalously low conviction rate. Rather than bringing up the rate of conviction, the criminal justice system would drive down the rate of victims reporting. We will not allow this to happen.

We enclose our demands, that the Daily Mail be prosecuted, and Lord Campbell-Savours reprimanded, and that the policy of prosecution of women who have reported rape be dropped.

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IF YOU AGREE THAT THE DAILY MAIL SHOULD BE PROSECUTED AND LORD CAMPBELL-SAVOURS REPRIMANDED FOR BREACH OF A RAPE SURVIVOR ´S ANONYMITY PLEASE ADD YOUR NAME AND THE NAME OF YOUR ORGANISATION (IF ANY) BELOW:

The Daily Mail seems to be aiming to change the law which grants anonymity to rape survivors by breaking it and getting away with it. It is a matter of urgent public interest that they be prosecuted, or other media will follow their lead (as the Sunday Times has already done) and there will be no anonymity left for rape survivors. We urge you to take action now.

We also urge you to reprimand Lord Campbell-Savours for acting recklessly and enabling the media to break the law with little regard for its consequences for rape survivors and women generally.

We know of no previous occasion where a peer has chosen to name a woman who has reported rape or sexual assault. In the debate on 20 November, Lord Howarth stated that the Lords must act responsibly in using parliamentary privilege, and think carefully if the media printing what the Lords say may lead to trial by media and put women off reporting rape. That is precisely what is happening.

We would also like to know whether the government, the police or the Crown Prosecution Service have issued a new policy to prosecute women who report rape and whose allegations are not proven. If so, why? We demand an immediate end to the prosecution of rape survivors. In most cases there is no evidence that the women are lying, but rather that the evidence is weak or was badly gathered or presented in court.

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Women Against Rape and as of 18 December 2006

Niki Adams, Legal Action for Women

Jennifer Akdemir

Cristel Amiss, Black Women's Rape Action Project

Gemma Amran

Yolanda Archibald, Dundee Women's Aid

Bob Balfour, Survivors West Yorkshire

Paul Barbara

Suswatti Basu

Neil Blacklock, Respect

Nicolette Blake

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Sheila Burton, Birnberg Peirce solicitors\*

Sara Callaway, Women of Colour in the Global Women's Strike

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Naomi Coleman

Lady Val Corbett, Herts County Domestic Violence Forum

Carolynn Cruickshank-Gray, Lorkinn Agency

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Anna Fisher

Claire Fraser, Research Consultant

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Peter Garsden, solicitor, Abney Garsden McDonald\*

Glasgow Rape Crisis

Claire Glasman, WinVisible - women with visible & invisible disabilities

Kirstie Hawkins

Claire Hilton, Children's Fund Co-ordinator

Colin Hutchinson, barrister, Garden Court Chambers\*

Selma James, International Wages for Housework Campaign

Angela Johnson

Ian Johnston, British Association of Social Workers

Sarah Kellas, Birnberg Peirce solicitors\*

Sam Khan

John Knight

Gabriele Kreichgauer

Felicity Laurence (Lecturer, Newcastle University)

Fiona Lee

Nina Lopez, Global Women's Strike

Caroline Lucas MEP

Ian Macdonald QC, Garden Court Chambers\*

Lori MacKellar

Ben Martin, Payday – a network of men

Lynsey McDonagh

Lorraine MacDonald, solicitor

Cari Mitchell, English Collective of Prostitutes

Kevin Miles, solicitor, Bury Law Centre

Frank Mullane

Suzanne Newcombe

Lisa Parker, (Chief Exec., Nationwide Foundation)\*

Nik Peasgood, HALT (Help, Advice & the Law Team)

Clare Phillipson, Wearside Women In Need

Susan Quick

Mary Rainey, Peterborough Women's Centre

David Reilly, Positive Action in Housing (Scotland)

Emma Marie Rice

Maggie Ronayne, Global Women's Strike (Ireland)

Josephine Ronayne

Annie Rose, Victim Support rape case worker

Didi Rossi, Wages Due Lesbians

Gona Saed, Middle East Centre for Women's Rights

Peter Saunders, National Association for People Abused in Childhood

Jill Shephard, solicitor

Richard Solly

Eva Stenram

Frances Swaine, solicitor, Leigh Day & Co\*

Sarah Turner, Prostitution Reform

Tyneside Rape Crisis Centre

Martha Urwin, South Manchester Law Centre

Rose Waites, Her Centre

Sara Westerberg

Marta R. Zabaleta, Latin American Women's Rights Service

\* For identification purposes only

NAME .....

ON BEHALF OF .....

(ORGANISATION - please specify local branch or national)



PHONE.....EMAIL.....

To endorse this letter, please send an email to [war@womenagainstrape.net](mailto:war@womenagainstrape.net),  
telling us you want to endorse the letter to the Attorney General

<http://womenagainstrape.net/content/ending-attack-rape-survivors-who-report-police>