

Head of CPS says rape victims who stay silent ‘give impression that they consent’

 metro.co.uk/2018/01/23/head-cps-says-rape-victims-stay-silent-give-impression-consent-7253905

Ashitha Nagesh

23 January 2018



Ashitha Nagesh **Published** Jan 23, 2018, 5:05pm **Updated** Jan 23, 2018, 5:40pm

The head of the CPS has sparked a huge backlash by saying people who stay silent while being raped could see their cases dropped.

Director of Public Prosecutions Alison Saunders said prosecutors considering rape cases will look at whether suspects had a reasonable belief in consent.

Women and men who believe they have been raped but stayed silent during the ordeal, she claimed, may give the impression that they have consented.

But critics have hit out at Saunders, pointing out that it is common for rape victims to ‘freeze’ – finding themselves unable to move during an attack.

They claim the justice system is continuing to fail victims of sexual violence.

Ms Saunders told the Evening Standard: 'So in some of the cases you can see why even though the complainant may think they were raped, there was a reasonable belief that they had consented, either through silence or through other actions or whatever.'

'We are there not just to be able to prosecute cases where there has been an offence, but also not to prosecute cases where there isn't sufficient evidence.'

In response, Rape Crisis England & Wales said there is a 'moral and legal responsibility to actively seek any sexual partner's consent'.

The charity added: 'Through more than 40 years' experience of providing frontline, specialist support to people whose lives have been impacted by sexual violence, we know it's common for victims and survivors to freeze or flop, finding themselves unable to speak, fight back or even move, and that knowledge is backed up by a large body of independent evidence, of which the Crown Prosecution Service (CPS) is aware.'

Ms Saunders also said it was 'disappointing and irritating' that cases have collapsed due to evidence not being disclosed as early as possible.

Surrey Police and Scotland Yard have announced reviews of their rape cases following the high-profile collapse of a number of trials, due to suspected flaws in investigations or concerns related to the disclosure of evidence.