



Survivors of sexual violence: your rights at a glance

This guide summarises some of your rights and what you should expect from the criminal justice system as a survivor of sexual violence. For more detailed information on the law and procedure relating to sexual offences see **From Report to Court: A handbook for adult survivors of sexual violence**

The Law

- You have the right not to be subject to any sexual behaviours that you do not agree (consent) to. This includes not being subject to:
 - being penetrated orally, vaginally or anally by any body part or any object
 - being touched in a sexual way or being made to touch someone in a sexual way
- You have the right to be taken seriously by the police and other professionals if you make an allegation, regardless of whether:
 - you knew or were in any sort of relationship with the perpetrator (person who assaulted you)
 - you work as a prostitute
 - you were drunk or on drugs
 - you had consented to some sexual activity but not all
 - you consented but changed your mind during sexual activity

'... You have the right to be taken seriously by the police and other professionals...'

These rights apply no matter:

- what gender you are
- what your immigration status is
- what your ethnic origins are
- what religion you follow, if any
- what you were wearing at the time
- what your sexual orientation is
- how long you took to report it (including if something happened many years ago)
- how you emotionally reacted to the assault
- if you fought back or not
- if you consented to that or any other sexual act in the past
- whether or not you are married or in a civil partnership
- whether or not you have any physical injuries

If someone touched you sexually and you didn't want that to happen they have committed a criminal offence.

At all stages from reporting, investigating, court proceedings and after court proceedings

- Survivors of sexual violence should receive enhanced entitlements. This includes the right to be informed, within 1 working day, about key stages in your case, including if the suspect / defendant:
 - is arrested
 - is interviewed under caution
 - is released with no further action taken
 - is released on police bail, or if police bail conditions are changed or cancelled
 - is charged or not charged (and the reasons for this)
 - is given an out of court disposal, such as a caution
 - is proceeded with on a substantially different charge or if proceedings against him are stopped (for example, if proceedings are discontinued or if the Crown Prosecution Service (CPS) decide to offer no evidence)
 - pleads guilty
- You have the right to be informed of other key information, such as the date, time, location and outcome of any court hearings that relate to your case, usually within 1 working day.
- You have the right to anonymity. This means nothing identifying you as the victim of the case (including photographs) should be reported in the media, social media or anywhere else. This lasts for your lifetime.

- If the offence took place on or after 1st August 1964 then you can make a claim for compensation under the Criminal Injuries Compensation Scheme. The general rule is that you must apply to Criminal Injuries Compensation Authority (CICA) within 2 years of the sexual abuse/ assault, although it is possible to persuade the CICA to disregard this time limit.

Victim's Code

Many of the rights in this guide can be found in the Code of Practice for Victims of Crime (known as the Victim's Code). The Victim's Code sets out your rights. It also sets out the duties on various agencies in the criminal justice system including the police, CPS, the courts, Witness Care Units, the Criminal Injuries Compensation Authority, the National Probation Service, and Parole Boards. If you think the Victim's Code is not being followed you can complain to the relevant agency.

You can download a full copy of the Victim's Code from the following website: <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

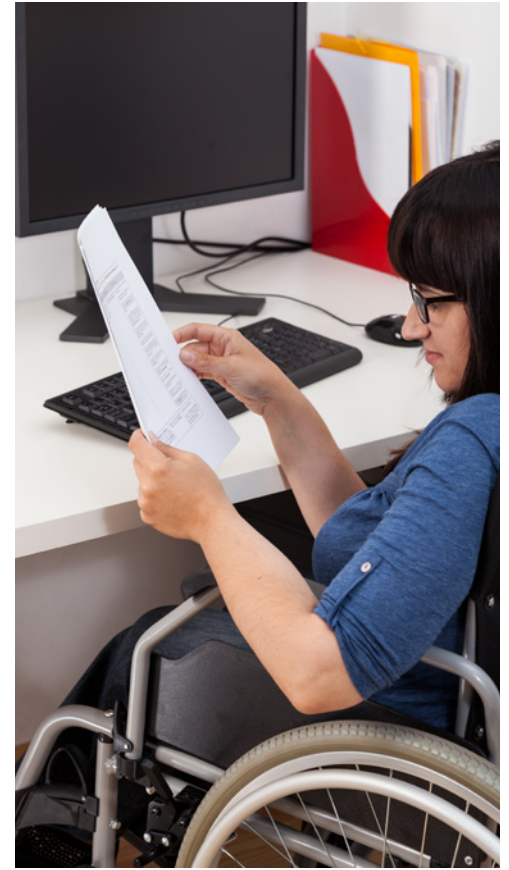
The Investigation

- You have the right to be treated with sensitivity and respect by the police and other professionals dealing with the investigation.
- If you report to the police you should be spoken to in private.

- You should be able to ask for a male or female officer to take your initial report or your statement (whichever makes you feel more comfortable).
- After you provide your initial report to the police you should receive a written acknowledgement of your report with basic details of the crime, including the crime reference number.
- You should also receive a leaflet or written information on what to expect from the criminal justice system.
- If you are medically examined for forensic evidence this can only happen if you consent (unless you are unconscious) and will be conducted by a specially trained doctor or nurse. You can ask for a male or female doctor.
- Medical examinations should be kept to a minimum and carried out only where necessary.
- Your needs should be assessed to see if you need any help or support.
- You have the right to receive information on specialist organisations who may provide support and other services.
- You should be told what will happen next in the investigation.
- You should be assigned a specific officer who will act as a point of contact for you. They are usually an officer who has been specially trained on sexual offences.
- You should be given the opportunity to make a formal statement and you should be offered appropriate support to do this.
- Your statement may be video recorded in a private room and conducted in your own language or in a way which makes it easiest for you to communicate (for example with a sign language interpreter if you are deaf).
- If you make a statement through an interpreter they should be registered with the National Register of Public Service Interpreters (NRPSI). If you are concerned about their service you can complain to the police and to NRPSI.
- You are entitled to take someone with you to the interview when you provide your statement, unless there are good reasons why this should not be allowed.
- You can make a Victim Personal Statement outlining the impact of the offence on you.
- You should be regularly updated as the investigation proceeds.
- You have a right to be safe from the suspect. If he or she is known to you, or knows where you live, the police should consider bail conditions to stop the suspect coming near you.
- You should be told if the suspect is to be charged and what they will be charged with. To be charged means to be formally accused of a crime and required to go to court. If a decision is taken not to charge, you have a **right to review** this decision and should be told of this right and the procedure.
- If the allegation is one of rape a specialist CPS lawyer should make the decision about charge.
- If there is no charge and a review upholds this decision you can ask for a judicial review.

Court Proceedings

- You should be given information about giving evidence at a trial and what help the Witness Care Unit can offer.
- You have the right to make a Victim Personal Statement and to have this taken into consideration if the defendant is found guilty.
- You should have the opportunity to meet with the CPS prosecutor and to ask questions about the court process.
- You should be offered a visit to the court to familiarise yourself with it and to be offered options which will allow you to enter the court and wait in a different area from the defendant (where possible).
- If you are unhappy with the way you have been treated by the police or the CPS you have a right to complain.
- If the CPS decide to alter the charge or discontinue proceedings they should inform you in writing and give you the opportunity of a face to face meeting to discuss this. If the case is discontinued then you have the right to ask for a review.
- Court hearings are open to the public so you can attend any court hearings which the defendant attends (although you do not have to and many people choose not to). The only exception is that you cannot be in court before you give evidence at a trial.
- Whether you attend or not the CPS/ Witness Care Unit should keep you updated of how your case is progressing after every court hearing.
- If you are worried about the defendant being granted bail (not being kept in prison) you can discuss this with your contact at the police who should remain in touch with you. The police officer can pass your concerns on to the CPS who should raise them in court.
- You have the right to make a withdrawal statement if you no longer support the prosecution of the defendant BUT this doesn't mean the case will necessarily stop. The CPS can ask the court to order a witness summons for you to attend court.
- You have the right to **special measures** at court. These include giving your evidence via a live video link, behind screens or having your edited video interview played at court.
- Before you give evidence you can refresh your memory by re-reading your statement or watching the video.
- You should be offered a full needs assessment by your Witness Care Unit to make sure you are supported in giving your best evidence.
- If you do not have English as a first language or you have communication difficulties the court should provide an interpreter or other measures to assist you to communicate.
- When the defence lawyer is asking you questions you should not be asked questions which are degrading or insulting. The defence lawyer cannot ask about your sexual history unless in very specific circumstances the judge allows this to happen.
- You have the right not to be cross-examined (asked questions in court) by the defendant directly. If he does not have a lawyer the court will appoint one to ask you questions on his behalf.
- Once you have given your evidence you have the right to sit in the court public gallery for the rest of the trial, but you cannot shout out or attempt to challenge or clarify things.
- If the defendant is found guilty he will be sentenced. At the sentencing hearing your Victim Personal Statement should be read in court or passed to the judge or magistrates to read.
- If you think that the defendant's sentence is too lenient then you or the CPS may appeal to the Attorney General. There is a 28 day time limit from the date of sentence to make the appeal. The CPS must inform you if they decide not to appeal the sentence so you have time to appeal yourself if you want to.



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The Crown Prosecution Service (CPS) Pledge

The CPS has made a 10-point pledge which states that if you are a victim of crime you can expect the CPS to:

- Inform you if a charge is withdrawn, discontinued or substantially altered.
- When practical, seek your view on the acceptability of any guilty plea offered.
- Address any specific needs you have (for example, to assist you to give the best evidence in court that you can).
- Assist you to refresh your memory from your written or video statement and answer your questions on court procedure.
- Promote and encourage communication between you and the Prosecutor at court.
- Protect you from unwarranted or irrelevant attacks on your character and intervene where cross-examination is inappropriate.
- On conviction of the defendant, challenge defence mitigation which attacks your character.
- On conviction, apply for an appropriate order for compensation or any order that could assist in protecting you in the future.
- Keep you informed of the progress of any appeal against conviction and/or sentence and explain any judgement.

After trial

If the defendant is convicted:

- You are entitled to be informed if the defendant appeals his conviction or sentence.
- You have the right not to receive unwanted contact from a serving prisoner. If you receive unwanted contact from a prisoner in any form, you can speak to your Victim Liaison Officer if you have one, or report this by calling Her Majesty's Prison and Probation Service Victim Helpline on **0300 060 6699**.
- If the defendant is sentenced to 12 months imprisonment or more, you are entitled to be part of the Victim Contact Scheme. Unless you say you do not want to be contacted, they will contact you while the perpetrator is in prison to give you information about his release and consult you about conditions of release. The Witness Care Unit will provide you with more details of this scheme.
- If you have opted into the victim contact scheme and the Parole Board is going to consider releasing the defendant then you have the right to make another Victim Personal Statement. This can include how the crime has affected you and your views on his release.



The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice.

Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

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For free, confidential legal advice on criminal law including sexual offences, domestic violence, harassment, reporting offences to the police, the criminal justice system, the rights of victims and criminal injuries compensation call: **020 7251 8887**. The advice line is open on **Tuesdays 7pm-9pm**

For free, confidential, legal advice on family law or immigration and asylum law visit **www.rightsofwomen.org.uk/get-advice** for details of our other advice line details.

Useful contacts

Sexual Assault Referral Centres

To find your local SARC as well as other services for survivors of sexual violence visit www.nhs.uk/livewell/sexualhealth/pages/sexualassault.aspx

Rape Crisis

To find your local Rape Crisis Centre visit the website: www.rapecrisis.org.uk
Or call the helpline: **0808 802 9999** between 12 noon - **2.30pm and 7 - 9.30pm** every day

The Survivors Trust

Unit 2, Eastlands Court Business Centre
St. Peter's Road
Rugby
Warwickshire CV21 3QP
Tel: 01788 550554
Email: info@thesurvivorstrust.org
Web: www.thesurvivorstrust.org

Victim Support

Hallam House
56 – 60 Hallam Street
London W1W 6JL
Support line: 08 08 16 89 1111
Tel: 0207 268 0200
Email: supportline@victimsupport.org.uk
Web: www.victimsupport.org.uk

Citizen's Advice Witness Service

3rd Floor North
200 Aldersgate Street
London
EC1A 4HD
Helpline: 0300 332 1000 (England)/(Wales)
Web: www.citizensadvice.org.uk/about-us/citizens-advice-witness-service/

Criminal Injuries Compensation Authority

Alexander Bain House
Atlantic Quay
15 York Street
Glasgow G2 8 JQ
Helpline: 0300 003 3601
Web: www.gov.uk/government/organisations/criminal-injuries-compensation-authority

Tribunals Service – Criminal Injuries Compensation

Wellington House
134 – 136 Wellington Street
Glasgow G2 2XL
Tel: 0141 354 8555
Email: enquiries-cicap@tribunals.gsi.gov.uk
Web: www.justice.gov.uk/tribunals/criminal-injuries-compensation

Complaints about the police

Independent Office for Police Conduct (IOPC)*

PO Box 473
Sale M33 0BW
Tel: 0300 020 0096 (press 2 at prompt)
Email: enquiries@policeconduct.gov.uk
Web: www.policeconduct.gov.uk/

*formally the Independent Police Complaints Commission (IPCC)

Sentencing and post-release matters

Her Majesty's Prison & Probation Service

Clive House
70 Petty France
London SW1H 9EX
Main switchboard: 0203 193 5921
Email: public.enquiries@noms.gsi.gov.uk
Web: www.gov.uk/government/organisations/her-majestys-prison-and-probation-service

The Parole Board for England and Wales

52 Queen Anne's Gate
London SW1H 9AG
Tel: 020 3334 4402
Email: info@paroleboard.gsi.gov.uk
Web: www.gov.uk/government/organisations/parole-board

Rights of Women,

52 – 54 Featherstone Street, London EC1Y 8RT

Office: 020 7251 6575

Email: info@row.org.uk

Website: www.rightsofwomen.org.uk

Charity number: 1147913

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