

The Rt Hon David Lammy MP
Deputy Prime Minister,
Lord Chancellor and Secretary of State for Justice
Ministry of Justice
102 Petty France
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Dear Deputy Prime Minister,

Violence Against Women and Girls sector calls for the preservation of access to jury trials

We write on behalf of organisations across the Violence Against Women and Girls (VAWG) sector to urge the Government to reconsider the proposals contained in the Courts and Tribunals Bill 2026 to restrict access to jury trials in England and Wales.¹

VAWG organisations have long called for radical action to address the harms the criminal justice system causes for survivors, including the Crown Court backlog. However, to position the rights and interests of survivors as directly opposed to those of defendants oversimplifies the reality of how our criminal justice system treats women and survivors on all sides of our adversarial model. This includes a failure to recognise that women who are survivors of violence are routinely and unjustly criminalised, particularly when they are members of minoritised communities. We are deeply concerned that the curtailment of jury trials risks unfair outcomes that undermine justice for everyone. For centuries, trial by one's peers has acted as a democratic safeguard, functioning as a vital connection between society and the law, so that justice is not determined by a single class or authority alone.

Survivor experience of the criminal justice sector and insights of the VAWG sector

There is no doubt that reforms are needed to tackle the drivers of harm against women and girls, including embedded social inequalities, and for systems to be strengthened to actively reduce gender-based violence and protect survivors before harm escalates. This has been recognised and reflected in the Government's VAWG strategy², including long-awaited commitments to prevent the unfair criminalisation of survivors. Framing the removal of jury trials as a solution to the trauma experienced by survivors of violence, including those who have been criminalised, risks treating survivors as a homogenous group; overlooking the extensive advocacy and lived experience shared by survivors and specialist organisations, and By and For organisations in particular. Any decision to curtail access to jury trials risks diverting resources and attention away from the substantive reforms needed to address the complex, underlying causes of VAWG. Instead of curtailing jury trials, sustained investment across the whole system and elsewhere is essential to delivering the Government's VAWG strategy.

¹ BBC News, *Jury restriction plan clears first hurdle despite Labour dissent*, (BBC News, 2026). Available at: <https://www.bbc.co.uk/news/articles/cpw0eg9q7kwo>

² HM Government, *Freedom from Violence and Abuse: A Cross-Government Strategy to Build a Safer Society for Women and Girls* (Home Office, 2025). Available at: <https://www.gov.uk/government/publications/freedom-from-violence-and-abuse-a-cross-government-strategy>

Juries as a democratic safeguard

Jury trials are an important constitutional safeguard which help to ensure fairness, legitimacy and public confidence in the criminal justice process. This is essential given the lack of confidence in our criminal justice system. Fewer than half of victims believe they can get justice.³ We also know that confidence is lowest among minoritised communities. Research has found that only a third of LGBTQ+ victims were confident that they could receive justice by reporting a crime, and less than half of disabled victims and female victims were confident in the fairness of the justice system.⁴ Restricting jury trials could decrease public confidence even further, particularly among minoritised groups.

Juries are inherently more diverse than a single judge. For example, only 36% of circuit judges who sit in the Crown Court are women and only 10% are ethnic minority individuals.⁵ In judge-only decisions, there is increased potential for individual biases to influence the verdict.⁶ Conversely, the involvement of 12 randomly selected people brings a wider range of lived experiences, insights, and perspectives into the decision-making process, strengthening the fairness and balance of deliberations. Requiring a unanimous verdict means that every juror's viewpoint must be considered, ensuring that the final decision reflects collective deliberation rather than relying on a single viewpoint. We know that Black people, older people and women elect for trial at the Crown Court at higher rates than other groups.⁷ The protections of a jury trial are therefore central to the integrity of the system and are critical for victims, particularly women and those from minoritised groups, who are subject to discriminatory treatment and are already likely to mistrust the system.⁸ Restoring trust within these communities is essential to increasing overall confidence among survivors, as are measures such as mandatory, specialist domestic abuse training for court professionals, including judges, to ensure proper navigation of the complex realities of abuse cases.

The suggestion that jury trials, and the requirements they place on the system, favour defendants and undermine the rights of victims is a mischaracterisation, and risks overlooking the very real and damaging power imbalances that do impact survivors of VAWG, and particularly minoritised women, both in their everyday life and when they come into contact with the criminal justice system. The assertion by the Government that defendants "game the system"⁹ by selecting a jury trial to which they are entitled under due process fails to recognise that having this choice can be crucial for women facing prosecution who are survivors of violence, particularly minoritised women. Polling consistently shows

³ Victims' Commissioner for England and Wales, *Annual Victims' Survey 2024: Victim Confidence in the Criminal Justice System* (Victims' Commissioner, 16 October 2025). Available at: <https://cdn.websitebuilder.service.justice.gov.uk/uploads/sites/6/2025/10/Victims-Survey-2024-report-16.10.25.pdf> (cdn.websitebuilder.service.justice.gov.uk)

⁴ Ibid

⁵ Ministry of Justice, *Diversity of the Judiciary: Legal Professions, New Appointments and Current Post-Holders – 2025 Statistics* (Ministry of Justice, 2025). Available at: <https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2025>

⁶ YouGov/Justice, *Jurors Aren't Impartial – That's Exactly Why They Are So Important to Justice* (YouGov, 2025). Available at: <https://yougov.co.uk/society/articles/53623-jury-service-leaves-britons-with-positive-opinion-of-justice-system>

⁷ Ministry of Justice, *Courts and Tribunals Bill 2026: Equalities Statement*, p. 8 (Ministry of Justice, 2026). Available at: <https://assets.publishing.service.gov.uk/media/699dfa26db2401de164d6c90/courts-tribunals-bill-equalities-statement.pdf>

⁸ Prison Reform Trust, *Counted Out: Black, Asian and Minority Ethnic Women in the Criminal Justice System*, (Prison Reform Trust, n.d.). Available at: https://www.prisonreformtrust.org.uk/wp-content/uploads/old_files/Documents/Counted%20Out.pdf;

Justice Innovation, *Building Trust in Criminal Justice*, (Justice Innovation, 2019). Available at: <https://justiceinnovation.org/sites/default/files/media/documents/2019-03/building-trust.pdf>;

Newcastle University Law School, *Race, Crime and Justice Report*, (Newcastle University, n.d.). Available at: <https://www.ncl.ac.uk/mediav8/law/race-crime-and-justice-documents/LAW%20SCHOOL%20REPORT-WEB%20%281%29.pdf>

⁹ Ministry of Justice, *Landmark bill to deliver swifter justice for victims* (HM Government, 25 Feb. 2026). Available at: <https://www.gov.uk/government/news/landmark-bill-to-deliver-swifter-justice-for-victims>

that the public regard jury trials as one of the most trusted elements of the justice system, with recent surveys indicating strong confidence in juries' ability to reach the right verdict.¹⁰

Inequalities and lack of trust: the experience of women and minoritised groups

Public trust in the criminal justice system among racialised and minoritised communities is fragile.¹¹ Racial disproportionality is evident throughout the criminal justice system¹² and disparities in outcomes contribute to this fragility. Jury decision making is one of the few places where such disproportionality does not appear to exist. For example, your 2017 review highlighted that people from racialised groups were found to be consistently convicted at very similar rates to white people, including in cases with all-white juries and across a variety of offence types.¹³ Research shows that this continues to be the case today.¹⁴ In contrast, judges sentencing defendants in the Crown Court are more likely to give defendants from ethnic minority backgrounds prison sentences than white British defendants. They are also more likely to give defendants from certain ethnic minority backgrounds a longer sentence for similar crimes.¹⁵ It is deeply concerning that judge-only trials could see this racial disproportionality translating into conviction decisions. Further, when considered alongside the lack of judicial diversity in England and Wales, the introduction of judge-only trials risks having a disproportionate impact on the trust and confidence of minoritised communities in the criminal justice system, including both defendants and victims. For victims, unfair outcomes and systemic disparities erode trust and confidence in the process, diminishing the likelihood of reporting violence, participating in proceedings, accessing support and securing justice and safety through the law.

This lack of confidence, and a particular distrust in the police, presents a clear barrier to reporting, especially for certain crimes and demographics. According to Rape Crisis England & Wales, five out of six women who are raped do not report the incident.¹⁶ Data from the Victims' Commissioner's landmark victim survey found that 41% of rape and sexual assault victims and 36% of hate crime victims did not report the incident. The disparity is also stark across ethnic groups: nearly a third (32%) of Asian and Black victims did not report the crime, compared to just over a fifth (21%) of white victims.¹⁷ The Metropolitan Police Commissioner recently publicly acknowledged that he understands why many women feel unable to trust the police.

¹⁰ YouGov/Justice, *Jury Service Leaves Britons with Positive Opinion of Justice System* (YouGov, 2025). The survey found that 60 % of jurors felt positively about the justice system in Britain following their trial; 10 % came away feeling negatively, 26 % had mixed feelings, 3 % had no strong feelings, and 1 % responded 'don't know/can't recall'. Available at: <https://yougov.co.uk/society/articles/53623-jury-service-leaves-britons-with-positive-opinion-of-justice-system>

¹¹ Justice Innovation, *Building Trust in Criminal Justice*, (Justice Innovation, 2019). Available at: <https://justiceinnovation.org/sites/default/files/media/documents/2019-03/building-trust.pdf>

¹² Centre for Justice Innovation, 'Building-trust' 2019. Available at: building-trust.pdf; Crown Prosecution Service, 'Disproportionality-Action-Plan' November 2024 page 1. Available at: [CPS sets out Action Plan to tackle disproportionality in charging decisions | The Crown Prosecution Service](https://www.cps.gov.uk/news/cps-sets-out-action-plan-to-tackle-disproportionality-in-charging-decisions); Ministry of Justice, 'Statistics on Ethnicity and the Criminal Justice System' 2024 (see Main Points section) Available at: [Statistics on Ethnicity and the Criminal Justice System, 2024 \(HTML\) - GOV.UK](https://www.gov.uk/government/statistics/statistics-on-ethnicity-and-the-criminal-justice-system-2024)

¹³ The Lammy Review. p 31-32. Available at: [The Lammy Review](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/682222/lammy-review-2017.pdf)

¹⁴ Professor Cheryl Thomas KC (Hon) 'How the jury system really works' Counsel, 19 December 2025. Available at: [How the jury system really works | COUNSEL | The Magazine of the Bar of England and Wales](https://www.counsel.org.uk/news/how-the-jury-system-really-works)

¹⁵ Kitty Lympelopoulou, 'Ethnic Inequalities in Sentencing: Evidence from the Crown Court in England and Wales', *The British Journal of Criminology*, 2024, 64, p.1197-8. After adjusting for individual and case characteristics, a custodial sentence is 41 per cent more likely for Chinese defendants, and between 16 and 21 per cent more likely for defendants from Asian groups, compared with white British defendants. Similarly, a custodial sentence is between 9 and 19 per cent more likely for defendants in the black groups, and 22 per cent more likely for white and black African defendants than white British defendants after adjusting for other characteristics. Available at: [Ethnic Inequalities in Sentencing: Evidence from the Crown Court in England and Wales | The British Journal of Criminology | Oxford Academic](https://academic.oup.com/bjc/advance-article-abstract/doi/10.1093/bjc/azaa001/5811111)

¹⁶ Rape Crisis England & Wales, *Rape and Sexual Assault Statistics* (Rape Crisis England & Wales, 2025). Available at: <https://rapecrisis.org.uk/get-informed/statistics-sexual-violence/>

¹⁷ Ibid

The Equality and Human Rights Commission has previously warned that the courts reform programme lacks comprehensive evidence to identify disproportionate disadvantage for protected groups, and the Chair of the Commons Justice Committee has also called for clearer evidence on how many cases will lose jury trial rights and what effects this will have. In the equalities statement that accompanies the Courts and Tribunals Bill, the Ministry of Justice states that removing the right to elect a Crown Court trial applies equally to all and is therefore not discriminatory. This fails to recognise the likely disproportionate impact of the proposals on Black people, Mixed race people, older people and women, who elect jury trials more often than other groups. The report notes that it does not have evidence of, and has not explored, the reasons for this. However, the Lammy review reported that many individuals from ethnic minorities opted for trial in the Crown Court whenever possible as they had more confidence in the fairness of juries than in the fairness of Magistrates' Courts.¹⁸ Therefore, any reform that further reduces choice or confidence in the system risks deepening existing disparities and exacerbating distrust from minoritised communities.

It is concerning that given your previous findings the Government states that it does not have access to full data on who elects jury trials broken down by other protected characteristics such as disability, religion or belief, sexual orientation or socio-economic status. Elsewhere in the statement, the Government also accepts that it *"cannot draw conclusions on potential differences in verdicts for individuals with protected characteristics for judge only trials from MoJ data."* Concluding that there is no significant risk of discrimination, despite recognising gaps in the data, raises serious questions in the context of the Public Sector Equality Duty.¹⁹ The proposal to continue monitoring for discriminatory effects and to complete a post implementation review on racial disparities "after the fact" is insufficient, and unlikely to meet the Government's legal duty to prevent such effects.

Of course, while juries are an element of our justice system which allows for more equitable outcomes, this does not make them immune to pervasive and problematic social attitudes. This can include sexism and a lack of understanding of the impact of VAWG, which can negatively affect the treatment of victims of VAWG whether as victims or defendants. Juries reflect the society we live in, including entrenched discriminatory approaches, and their existence cannot guarantee that a Black and minoritised defendant will receive a fair and impartial judgement. Even if and where a jury is directed to recognise and put aside their conscious and unconscious biases, a defendant may nonetheless be presented to them as a criminal based on racial stereotyping. Indeed, the same racial stereotyping may have led to their arrest and charge, and over-surveillance by the police in the first instance. A Black or minoritised victim may experience racial bias in the courts from either a judge or jury. However, juries, as a group of people representing a cross section of society, provide a plurality of perspectives that can counterbalance biases through collective deliberation, compared to a single judge.

Lack of evidence for the removal of jury trials and the alternative approaches for addressing the backlog

Given the dangers outlined above, the evidence for the likely efficacy in reducing the court backlog would need to be overwhelming to justify the restriction of jury trials. However, Institute for Government analysis carried out using the Government's own figures indicates that judge-only trials would likely

¹⁸ David Lammy, *The Lammy Review* (2017), p.27

¹⁹ Ministry of Justice, *Courts and Tribunals Bill 2026: Equalities Statement*, p. 24 (UK Parliament, 2026). Available at: https://publications.parliament.uk/pa/bills/cbill/59-01/0389/Equalities_statement.pdf

save just 1.5 - 2.5% of court time.²⁰ In fact, the Government's proposed reforms will likely create significant operational disruption and practical challenges that pull resources from more effective measures to reduce the backlog. This would prolong the uncertainty that leads many survivors to withdraw support for the prosecution of their abuser. Any step that destabilises an already overstretched criminal justice system directly undermines the aim of delivering swift, fair and reliable justice for victims.

The backlog in the criminal courts is not attributable to the role of juries in trials and instead reflects years of under investment, structural pressures and regressive criminal justice policies. Several avoidable inefficiencies arise before a jury is ever sworn in, including day-of-trial adjournments for witness or barrister unavailability²¹ and failure to get defendants to court on time.²² Use of floating trials also adds to delays and uncertainty. Alternative, practical solutions, such as strengthening early case management, improving prison escort services, investing in court infrastructure, increasing the effective use of out-of-court disposals and making better use of court capacity, should be prioritised and evaluated before any move to restrict jury trials. While the Government has recently announced steps in some of these areas, it is essential that these measures are fully implemented and assessed before fundamental changes to jury trials are considered. This is particularly significant given that the time savings from judge-only trials will be marginal at best.

Juries are not a panacea to the operation of racism, but they are an important safeguard in a much wider and complex picture that requires significant investment and attention. Our understanding of wider social biases and how this impacts on the decision making of juries does not undermine the point that a Black or minoritised defendant or victim is unlikely to receive fair treatment from a judge alone, but it is essential to acknowledge the racialised dynamics that exist in our society and are perpetuated by any justice system that exists within it.

We strongly urge you to reconsider these reforms and focus instead on solutions which will make a real difference in reducing rates of VAWG and improving the experiences of survivors in contact with the criminal justice system.

Yours sincerely,

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²⁰ Institute for Government, *Trial and error?: The impact of restricting jury trials on court demand* (Institute for Government, 21 Jan. 2026). Available at: <https://www.instituteforgovernment.org.uk/publication/judge-only-trials-court-demand-productivity>

²¹ The Guardian, 'Lives on hold': a day in the crown court where cases are delayed for years, 9 Dec. 2024 (Guardian News & Media Ltd). Available at: <https://www.theguardian.com/law/2024/dec/09/court-delays-shortage-barristers-judges-england-wales>

²² The Guardian, *Hundreds of trials derailed by failure to get defendants to court on time*, 10 Dec. 2024 (Guardian News & Media Ltd). Available at: <https://www.theguardian.com/law/2024/dec/10/hundreds-trials-derailed-failure-transport-defendants-court-serco-geoamey>

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