



**Law
Commission**
Reforming the law



The way evidence is used when courts deal with sexual offences

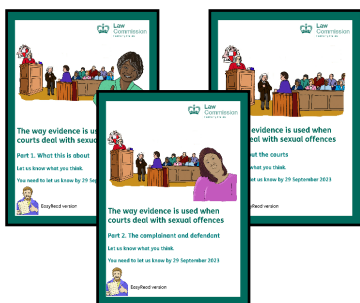
Part 1. What this is about

Let us know what you think.

You need to let us know by 29 September 2023



EasyRead version

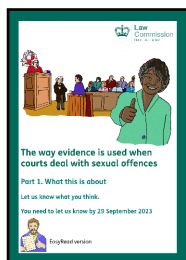


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Reforming the law

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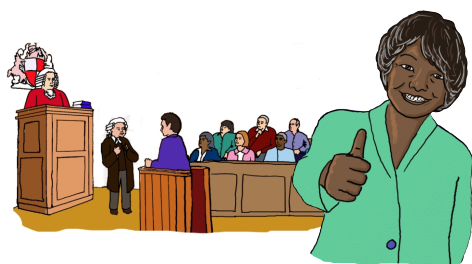
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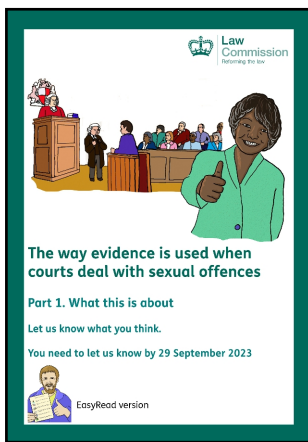


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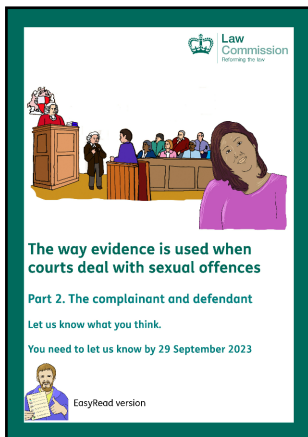
The different parts of this paper



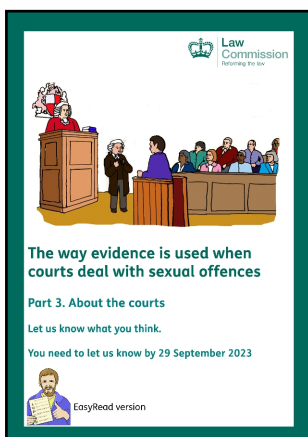
There are different parts of this paper explaining different things and asking you different questions.



This is Part 1. It has general information about what we are talking about.



Part 2 is about the complainant and defendant.

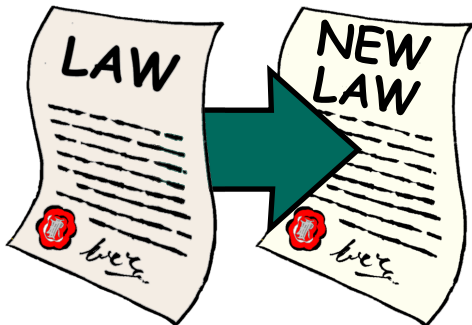


Part 3 is about the courts.

About us



We are the Law Commission of England and Wales.



We make suggestions to the government about changing the law in England and Wales.

What this paper is about



This Government asked us to look at the way **evidence** is used when courts deal with **sexual offences**.

Evidence is information about the crime.



A **sexual offence** is a crime where there is sexual activity without a person's **consent**.

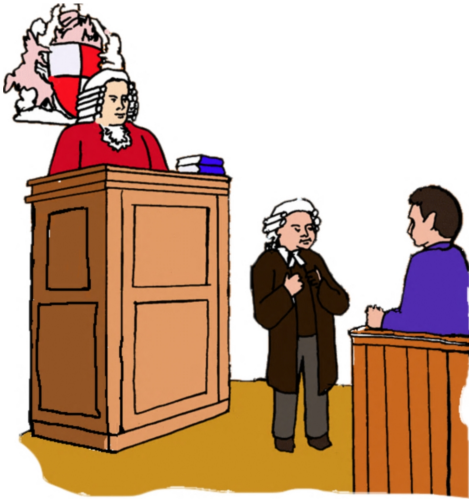
Consent means you say yes to something.



Examples of sexual offences are rape and sexual assault.



We want people who say they have been harmed to be treated well. They are called victims or **complainants**.



We also want to be sure people accused of a sexual offence have a fair trial in court. People in court accused of a crime are also called **defendants**.

You can have your say



We are having a **consultation**.

Consultation means we are asking people to tell us what they think.

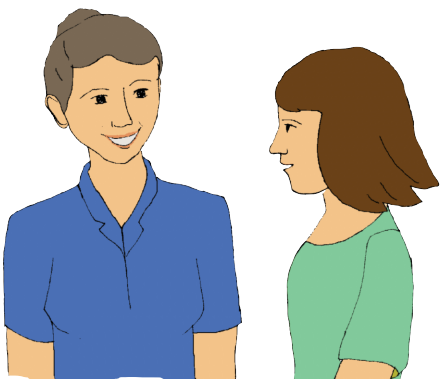


We are asking:

- people who work in the law



- people who have been a victim of a sexual offence



- services that help victims



- anyone affected by sexual offences, including anyone accused of committing a sexual offence.



This paper tells you about our ideas.



We want you to help us by telling us what you think.



Please read these papers and answer the questions in the next 2 parts in **blue**.

Steps in the justice process



1. A person complains to the police about a sexual crime.



2. The police look at the complaint.



3. The police talk to the CPS. The **CPS is the Crown Prosecution Service**. The CPS looks at **evidence** from the police when they think a crime has happened.

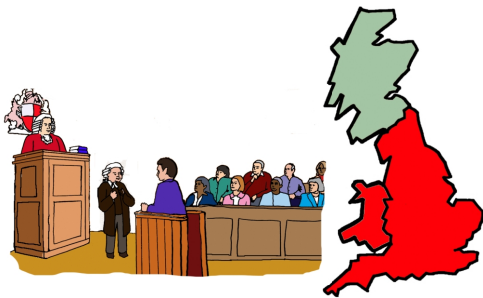
Evidence is all the information about the crime.



4. If there is enough evidence, the police **charge the person** accused of committing a crime.



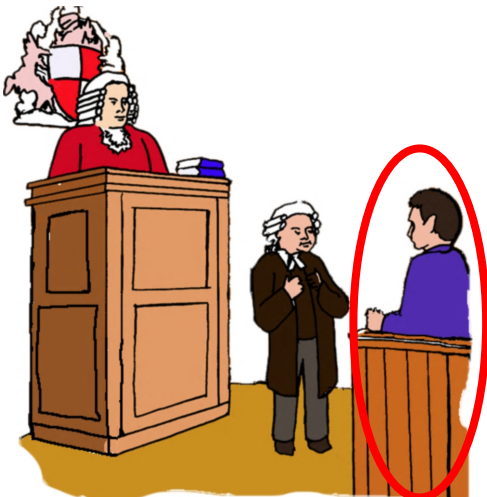
5. If the person charged by police says they did not commit the crime, there is a trial in a court.



In England and Wales the Crown Court deals with more serious sexual offences.

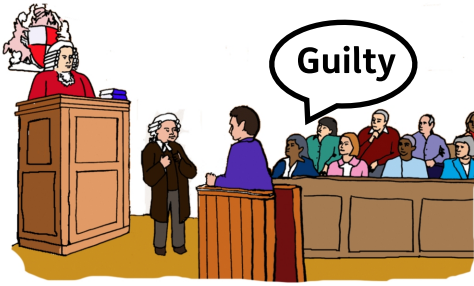


In a trial, the person making the complaint is called the **complainant**.



The person accused of a crime is called the **defendant**.

If the defendant says they did not do the crime



In our courts we say the defendant is innocent unless the jury decides they are guilty at the end of the trial.



If a defendant pleads not guilty then the matter will go to trial in front of a judge and **jury**.



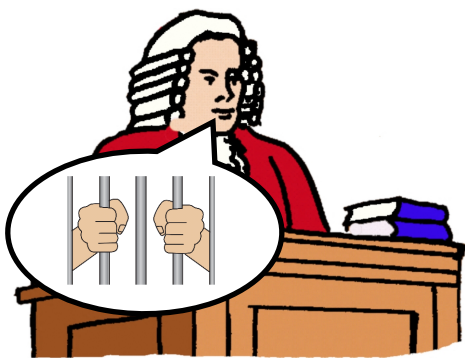
A **jury** is a group of 12 people who listen to the evidence and decide what has been proved and what has not.



The judge watches over the trial to make sure it is fair. The judge decides what evidence will be presented to the jury and helps them to understand the law.



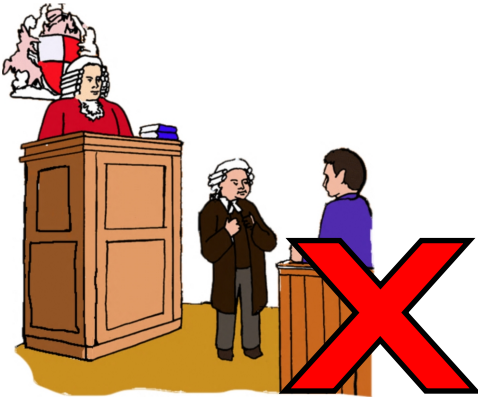
At the end of the trial, the jury decide if the defendant is guilty or not guilty. The jury's decision is called a **verdict**.



The judge decides the **sentence** if the defendant is convicted.

A **sentence** is the punishment for the crime.

Why we want to make sexual assault trials work better



A long time ago it was hard for people to get justice when they had been raped.

Rape is a serious sexual offence.

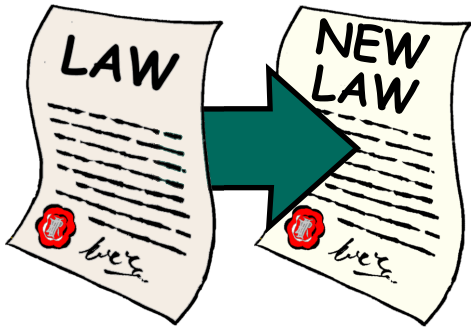


Being raped is **traumatic**.

Traumatic means something is very upsetting and has hurt your mind or body.

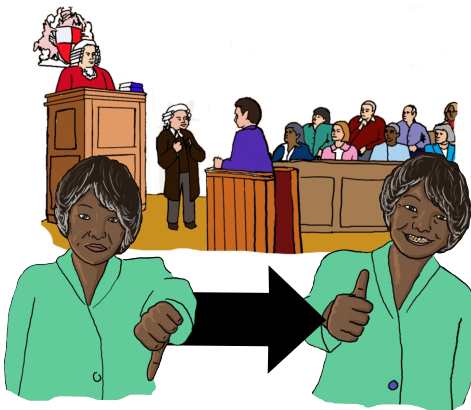


Going to court used to be very hard for complainants.

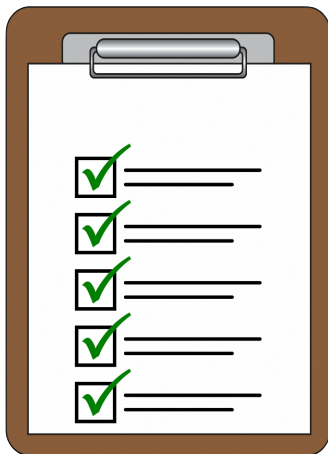


Then about 50 years ago the laws changed.

The law was made fairer.



But people who have been raped still feel like going to court is too hard. We think going to court can be made better.



We want to make changes.

The next part is about things we might change.

Helping the judge, jury and lawyers keep an open mind



Sometimes people in a jury think they understand about sexual assault.

But what they think they know often comes from stories. It may not be based on truth.

We call these stories **rape myths**.



Here are some examples of rape myths:

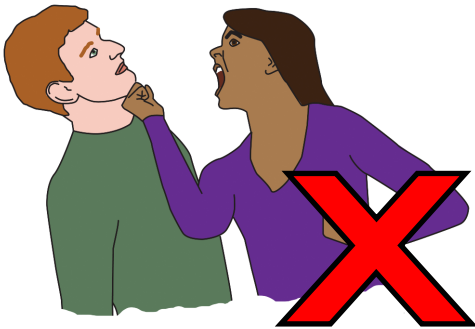
Myth: People are usually raped by someone they don't know in a dark place outside.



Fact: No, most victims know the person who raped them and it often happens in their home.



Myth: People will fight a rapist.



Fact: No, victims often are too scared to fight, or may not be able to fight.



Myth: People will tell someone as soon as they have been raped.



Fact: No, many people never report a rape because they feel shame or fear.



If judges or lawyers or juries accept these myths, the complainant or the defendant may not get a fair trial.



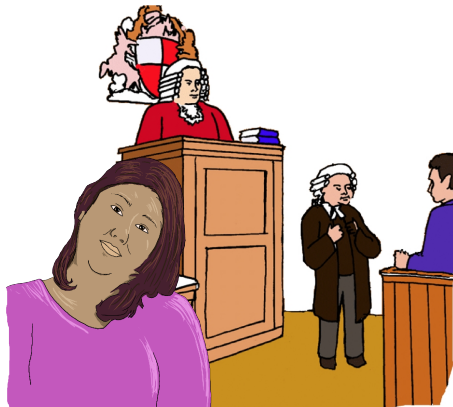
The European Convention on Human Rights says:

- defendants have a right to a fair trial

and



- complainants have a right to privacy.



The court must protect the complainant as well as making sure the defendant has a fair trial.



Sometimes it is hard for the court to look after the complainant and the defendant.

How to tell us what you think

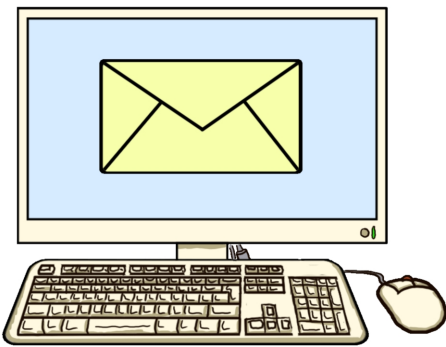


Thank you for reading our paper. In the next 2 parts we ask you some questions.

There are 3 ways to send in your answers:



Online:
consult.justice.gov.uk/law-commission/evidence-in-sexual-offences-easyread



By email to:
evidence.rasso@lawcommission.gov.uk



By post to:
**Evidence in Sexual Offences Team,
Law Commission,
1st Floor, 52 Queen Anne's Gate,
London, SW1H 9AG.**



Please send your answers to us by
29 September 2023.



Where can I read the full paper?

The full consultation paper and a shorter summary of it are available at our website:

www.lawcom.gov.uk/project/evidence-in-sexual-offence-prosecutions/



What happens next?

After looking at all the responses, we will write a report to Government.

Government then decides whether to use our ideas.

What the words mean

Charge the person. This means the police accuse the person of committing a crime.

Complainants are the people who say they have been raped or sexually assaulted.

Consent means you say yes to something.

Consultation means we are asking people to tell us what they think.

Crown Prosecution Service or CPS. The CPS work on behalf of the state and the public. They look at evidence from the police when they think a crime has happened and they prosecute the defendant in court. They decide whether to formally accuse the defendant of committing the crime.

Defendant. The person in court who is accused of a crime.

Evidence is all the information about the crime. Evidence may be a document or what a witness says. Evidence used at trial is information that helps prove whether something is true or not true about the crime.

Jury. A group of 12 people who listen to the evidence and decide what has been proved and what has not. Their decision is called a verdict.

Prosecution. A lawyer who represents the state and the public.

Rape myths. Stories about sexual assault that are not based on truth.

Sentence. If the defendant is found guilty, the judge will decide what the appropriate sentence should be. This is the punishment for doing the crime.

Sexual offence is a crime where there is sexual activity without a person's consent.

Examples of sexual offences are rape and sexual assault.

Trauma and traumatic means something is very upsetting and has hurt your mind or body.

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