

**END VIOLENCE AGAINST WOMEN COALITION
NIA
RAPE CRISIS ENGLAND & WALES
SOUTHALL BLACK SISTERS**

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**SUPREME COURT WORBOYS CASE: CLEAR AND FINAL
RULING – POLICE MUST INVESTIGATE RAPE PROPERLY
& FAILING TO DO SO BREAKS THE LAW**

**Met Police & Home Office fail in bid to keep police immune
from being held to account when there are serious failings
in their investigations**

**“Time’s Up on police and courts failing survivors of rape”
say women’s groups**

The End Violence Against Women Coalition (EVAW), NIA, Rape Crisis England & Wales and Southall Black Sisters (SBS) – four women’s groups who intervened in a Supreme Court case where the Met Police and Home Secretary tried to argue that the police cannot be held to account when they fail to investigate serious crimes adequately - are delighted at today’s (21 February) historic ruling by the Supreme Court which makes clear that the police must investigate rape properly to ensure human rights are protected.

The women’s groups paid tribute to the victims of John Worboys who have fought this case all the way to the Supreme Court outcome today.

The Metropolitan Police, supported by the Home Office, sought to challenge the High Court’s landmark ruling which established that the police have a duty under the Human Rights Act to investigate serious violence against women, and when they fail to meet this duty they can be held accountable in the courts. The case is significant not because of small amounts of compensation for harm inflicted, but because it means the police can be held to account by victims when they significantly fail in their duty, and be required to change their daily policy and practice.

In seeking to overturn this ruling, the police and government threatened to undermine a key safety net for the general public and take away the right of victims to get redress for police failings.

EVAW, NIA, Rape Crisis and SBS are now calling on the Home Secretary and Justice Secretary to read the judgement in full, which makes clear the State has a responsibility to have effective laws on rape and sexual violence which can be

enforced. This means they have to step up on addressing across the board failings in justice for rape victims, from initial police report through to prosecution.

Jodie Woodward, Deputy Chair of Rape Crisis England & Wales commented:

“Rape Crisis England & Wales chose to intervene to ensure the human rights of women and girls impacted by sexual violence are protected, and that the state is held to account. The details of this case highlight that when there are police failings it can have catastrophic impacts, on both personal and wider social levels.

“When women report sexual offences, it is critical they are taken seriously, treated with respect, empathy and impartiality, and their complaints are acted on promptly and effectively. It is also essential that victims and survivors have access to reparation when the state fails.

“The criminal justice system is currently failing on sexual violence, in multiple ways and at every stage of the process. Today's historic ruling sends the clear message that Time's Up on letting victims and survivors down.”

Pragna Patel, Director of Southall Black Sisters said:

“Today, the Supreme Court has heard our call – *‘no justice without accountability!’*

“This judgment amounts to a vindication of the rule of law itself, and it will have far reaching ramifications, not just for abused and raped women, but for all other vulnerable and powerless groups who are forced to look to the police for protection and some semblance of justice in the face of serious crimes of violence. It should serve to help the police and the criminal justice system at large to understand that such victims cannot and should not be ignored or treated with callous indifference, that they will be held to account if they fail to do their job in relation to such crimes.

“This judgment represents a resounding victory for the women who attend SBS on a daily basis – women who have to challenge violent, abusive and degrading practices that can include domestic and sexual violence, FGM, forced marriage, honour killings and polygamy, often exacerbated by institutional failures on the part of the police to address such crimes. This judgment is a vindication of the daily struggles of these women to ensure that police conduct is held up to scrutiny, such that there is an effective remedy for any failings in the investigation of the crimes they have suffered.

“But above all, this judgment also reminds us of the importance of the Human Rights Act in asserting fundamental rights and freedoms: it reminds us that there can be no justice without accountability and there can be no accountability without the Human Rights Act.”

Karen Ingala Smith, Chief Executive of nia added:

“Women have been failed in the handling of this case every step of the way – women reporting rape were not taken seriously, the investigation such as it was, was

slipshod and police didn't even adhere to their own guidance. Only a very small proportion and range of cases were even investigated resulting in a minimum sentence of 8 years and this has been followed by the insult of a parole hearing that neither consulted with nor informed the victims of his release.

"It is appalling that the women who have courageously fought this case have spent longer doing so than the entirety of Worboys' sentence. It is beyond disappointing that the police and the Home Office have sought so hard to prevent rape victims from being able to hold the police to account for poor handling of rape cases in the teeth of so much evidence of consistent police failings and flies in the face of every claim made of commitment to improve responses to victims of sexual violence. This judgement is therefore all the more welcome."

Rachel Kryz, co-director End Violence Against Women Coalition said:

"This is an extremely significant ruling which demands the police do their job properly, especially when a serious and very harmful crime has been committed. We hope that this ruling will be a wake-up call to the police and the whole justice system, they must acknowledge they have a duty to ensure women are protected and rapists can't act with impunity.

"If police had not failed so catastrophically in their investigation when the women in this case reported what John Worboys did, we may not be in the situation where he is deemed fit for release after such a short amount of time. These same women have to continue to fight for justice and are leading the review of the Parole Board's decision to release this serial rapist after less than 10 years.

"If things go disastrously wrong with other public services there is some form of redress. For example in cases of gross negligence by the NHS, the victim or the family of the victim can sue. The Supreme Court ruled today that this also applies to the police when they fail."

Sarah Ricca of Deighton Pierce Glynn Solicitors, solicitor to the four intervening women's groups, said:

"In a strong and clear judgment, the Supreme Court has unanimously accepted that under the Human Rights Act there is an actionable duty on the police to investigate crimes of serious violence. The failings in this case were shocking and left a serial rapist free to attack again and again. The Supreme Court's ruling that those failings were unlawful is a vindication of the right to equal protection from the law for women and for all those who have historically been failed by the criminal justice system. It is a victory for the rule of law, for proper human rights standards, for the struggle for a decent democratic society which allows women and other marginalised groups to live free from violence and oppression."

Background to the case

John Worboys, known as the 'black cab rapist' committed more than 100 rapes and sexual assaults on women in his cab between 2002 and 2008. He used identical methods over many years but, despite many women reporting him to the police, a

catalogue of police failings including not taking the women seriously, not collecting evidence or CCTV information, and failing to search Worboys' home, meant he was not caught and was left to continue his horrific offences [1].

Two of the women raped by Worboys (known as DSD and NBV), who had reported the crimes at the time of the offences in 2002 and 2007, sued the Metropolitan Police at the High Court alleging serious failings in the police investigations which might have prevented Worboys from raping the women.

It is estimated that 85,000 women are raped every year [2] and only about 15% of those women ever report to the police. The police have a huge job to do in building the confidence of women who do report, and not failing as catastrophically as they did in the Worboys case.

The importance of Human Rights to women

Human Rights Act obligations which have been at stake in this case are relevant for anyone who has been the subject of a grave police failing. They are particularly relevant for women because all the evidence shows that cases of reported violence against women (whether rape, domestic violence, stalking, trafficking and other forms of gender based violence) have particularly poor detection, prosecution and conviction rates. In other words, women are disproportionately affected by police failings [3].

Spokespeople from the intervening organisations and expert lawyers are available for interview. We will be outside the Supreme Court from 9am on Wednesday 21 February and available for interview at the Supreme Court in a press conference in the building immediately after the judgement.

ENDS

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Notes to editors:

1. See the High Court judgment for a full account of the facts of the DSD/NBV case <https://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Judgments/dsd-and-nbv-v-met-police.pdf>
2. Approximately 85,000 women and 12,000 men are raped in England and Wales alone every year; These figures include assaults by penetration and attempts. These figures come from *An Overview of Sexual Offending in England and Wales* Ministry of Justice (MoJ), Office for National Statistics (ONS) and Home Office 2013.
3. In October last year EVAW and SBS published **Violence against women and girls: Protecting women's human rights and holding the state to account**, which contains a detailed examination of multiple cases of police failings in cases of serious violence against women and girls. <http://www.endviolenceagainstwomen.org.uk/human-rights-act-an-essential-tool-for-womens-protection/>

4. The End Violence Against Women Coalition is the UK's largest coalition of organisations working to eradicate violence against women and girls; members include Fawcett Society, Forward, Imkaan, Jewish Women's Aid, London Black Women's Project, Nia, Rape Crisis England and Wales, Refuge, Respect, Southall Black Sisters, Standing Together, Women in Prison, Women's Aid, WRC, The Women's Institute and the TUC. The EAW Coalition is a registered charity number 1161132.