



Suffering for justice

Sexual violence victim-survivors' experiences
of going to court and cross-examination

Ania Moroz
Dr Tamar Dinisman

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www.victimsupport.org.uk



Executive summary

“Looking back now, I wouldn’t have gone to the police, because it is one of the hardest things you can ever do in your whole life. I can’t even sum up in words what it does to you mentally and physically. You can be the world’s strongest person ever in the world, but going to court can break you. It’s awful.”

Victim-survivor

It is estimated that 1 in 4 women and 1 in 18 men have been subjected to some form of sexual violence since the age of 16 and that 1 in 6 children have been sexually abused.¹ The majority of victim-survivors will not report the offence to the police. Of those who do report it, a very low proportion will receive a charge and have their case go to court. The number of victim-survivors of sexual violence who give evidence in trial is not openly available. Nevertheless, the Ministry of Justice (MoJ) data shows that in the year ending June 2023, 11,506 defendants were proceeded against for sexual offences² and, in 2022–23, 3,004 defendants were charged with rape-related offences.³

This report focuses on the experience of sexual violence victim-survivors where the defendant has been charged and their case has gone through the court process. It focuses on the three main stages of this experience – before, during and after giving evidence – and highlights the main challenges victim-survivors face at each stage. This report also makes recommendations for changes in policy and practice to address these challenges.

To meet the aims of the research, a multimethod approach, combining qualitative and quantitative methods, was used. These include: 12 semi-structured interviews with victim-survivors; focus groups and interviews with Victim Support sexual violence practitioners; and Victim Support sexual violence cases analysis.

Summary of key findings and recommendations

Key findings

1

This research found that the overall experience of victim-survivors of sexual violence was negative before, during and after their case went to trial. Long waits for justice to be served, the absence of updates, adjournments and limited explanations about sentencing have an adverse impact on victim-survivors' mental wellbeing, education and work, and on the people around them. The experience left many victim-survivors re-traumatised. Some participants were diagnosed with post-traumatic stress disorder (PTSD), had suicidal thoughts and/or tried to take their own lives. Many of those who took part in this research described that they had to put their lives 'on hold' for the duration of the criminal justice process. Some of the victim-survivors who took part in this research regret that they ever reported the crime to the police and engaged with the criminal justice system. Many victim-survivors told us that they lost faith in the system and feel angry and let down. They feel there is a complete lack of compassion and consideration for them and their wellbeing within the criminal justice system, and the impact of the incident and the process is not acknowledged.

2

This research found many inconsistencies across England and Wales during victim-survivors' journeys through the criminal justice process. Inconsistencies occurred in areas such as which agency is applying for special measures, the availability and ease of booking pre-trial visits, when and how the Achieving Best Evidence (ABE) recording is watched or read in preparation for court, and sexual violence support workers being able to accompany a victim-survivor for their cross-examination. Because of these inconsistencies, many victim-survivors faced a postcode lottery in accessing their rights. As a result, it was difficult for them to prepare for going to court and for cross-examination, resulting in negative impacts such as feeling stressed, anxious and upset.

3

All participants who took part in this research reported a lack of updates and information at each stage of the criminal justice process. We found that victim-survivors are often not given a fully informed explanation about all the special measures available to them and are therefore unable to make meaningful choices. Moreover, many victim-survivors do not receive an explanation about why their trial has been adjourned when adjournments occur, nor an explanation about the verdict and sentence in their case. Participants reported the immense negative impact this had on their mental wellbeing.

4

The support provided by sexual violence support workers through the criminal justice process was highly valued by victim-survivors. The reasons for this included how sexual violence support workers helped victim-survivors cope with the impact of giving evidence, provided support during lengthy and destabilising investigations and court processes, and kept them engaged with the criminal justice system. Victim-survivors who took part in this research told us that their sexual violence support worker was a constant support, sometimes for years, and often filled in the gaps left by criminal justice agencies. They felt that their support worker was the right person to provide them with support during the criminal justice process, including cross-examination, since they are independent from the criminal justice system, have experience and expertise supporting victim-survivors of sexual violence, and are able to build and maintain a trusting relationship with the victim-survivor over the course of the process.



Key recommendations

1

To improve victim-survivors' experience of the criminal justice process, we recommend that criminal justice agencies listen to victim-survivors' individual needs and consistently deliver their existing obligations and guidance. In particular, every single right under the Victims' Code must be monitored by the agency obligated to deliver them, with a clear process in place to drive improvements where rights are not being delivered at a local and national level.

2

Urgent and sustained action is needed to reduce court delays and adjournments. This must include tangible, time-bound commitments to reduce both the number of cases outstanding in the Crown Court and the length of time cases take to reach court once charged.

3

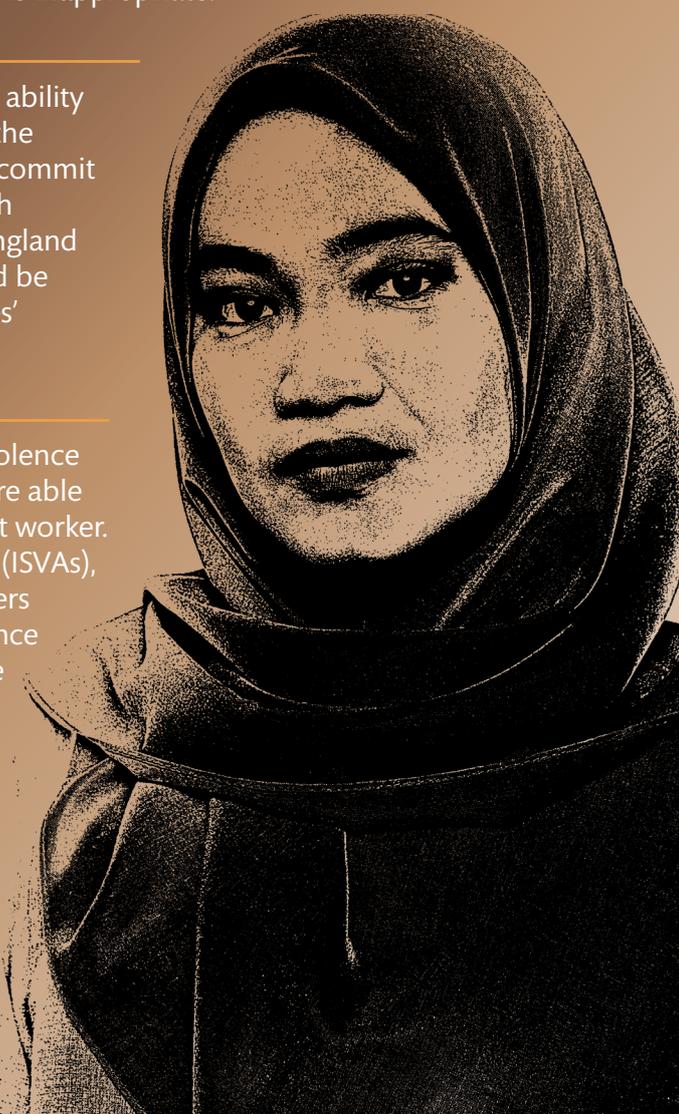
The use of myths and misconceptions about the nature of sexual violence, alongside the use of victim-survivors' sexual history by the defence, must be tackled to improve the treatment of victim-survivors. The Crown Prosecution Service (CPS) should review whether prosecution barristers are delivering pledges within *The Prosecutors' Pledge*ⁱ to prevent victim-survivors from unwarranted or irrelevant attacks on their character and to seek the court's intervention where cross-examination is inappropriate.

4

Changes are needed to improve victim-survivors' ability to keep up to date with the trial and understand the verdict and sentencing. The Government should commit to making provisions for victim-survivors to watch sentence hearings remotely in all courts across England and Wales. In addition, all victim-survivors should be able to access free and timely transcripts of judges' sentencing remarks.⁴

5

It is vital that victim-survivors who have sexual violence cases going through the criminal justice system are able to access the support of a sexual violence support worker. The role of independent sexual violence advisers (ISVAs), independent domestic and sexual violence advisers (IDSVAs) and children's independent sexual violence advisers (CHISVAs) as key professionals should be recognised in guidance and enabled in practice at each stage of the criminal justice process.





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Victim Support, Building 3, Eastern Business Park,
Wern Fawr Lane, Old St Mellons, Cardiff CF3 5EA

Telephone: 020 7268 0200

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