

## **Liz Saville-Roberts MP for Plaid Dwyfor Meirionnydd Ten Minute Rule Bill Rape Complainants Sexual History**

### **Liz Saville-Roberts MP for Plaid Dwyfor Meirionnydd has introduced a Ten Minute Rule Bill on a Rape Complainants Sexual History that will get its Second Reading on March 24 2017.**

It wants to ensure that a rape complainant is not cross examined in court on their previous sexual history, appearance or behaviour, unless it is “manifestly unjust to treat such evidence as inadmissible”.

It follows the high profile second trial of the Welsh Footballer Ched Evans who was found not guilty of rape after already serving a prison term following his conviction for rape in his first trial. At the second trial the complainant’s sexual history was allowed to be introduced into the proceedings which some campaigners thought was unjust. The government subsequently said it was conducting a review of rape case trials. It is well known that the conviction rate for rapes remains low even though it is thought less than 20 per cent of cases brought forward ever end up in court.

Here Boni Sones, Executive Producer of [www.parliamentaryradio.com](http://www.parliamentaryradio.com) speaks to Liz Saville-Roberts about her Bill and the chances it will succeed.

Key quote Liz: “The Bill draws to attention the fact that Section 41 of the 99 Act, when at the time it was brought forward intended to be a rape shield, it makes evident the fact that it doesn’t seem to be fit for purpose any more a that we need to readdress that. I hope to have a meeting with government to work out if there is an alternative way of addressing that. But there may be other ways to address this, for instance procedural matters. As it stands if the defence team wants to cross examine the complainant or bring evidence against them they are supposed to apply in writing at a pre- trial hearing to say they want to use it.

“I would like to see a return to what was originally intended in the 1999 Act that it was only in extraordinary circumstances but it appears that a defence strategy amongst certain lawyers approaching certain victims is that they can use it to undermine the victims’ character. They try to play on the social norms and twin myths that a woman who consents to one man will consent to another more readily, or that if a woman is portrayed as promiscuous her evidence can then be devalued. It plays on do you believe this person or are they lying. “

“Why the Ched Evans case was so significant is it drew into the public eye a concern among rape complainants that maybe the evidence will be used against me, my character will be torn to shreds in court and all my previous history will be used against me. Evans trial showed how this can happen for victims. Dame Vera Baird QC and PCC for Northumbria has done her own research and put court observers in all the rape trials in the last 18 months at Newcastle Crown Court. There were 30 trials and in 36 per cent of those this sort of evidence and other sorts of information about the complainant came up. Section 41 said it was only supposed to be used in exceptional circumstances. There needs to be a balance and at the moment it is weighting down heavily in favour of the defendant.”