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Suicides show how justice system fails rape victims

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Kate Cook

Senior Lecturer in Law, Manchester Metropolitan University



The UK's justice system has failed to protect rape complainants from harm. Valerie Everett, CC BY-SA

In the space of just over a year, two women in Greater Manchester have killed themselves because of their experiences as complainants in sexual offences cases. The challenge this poses to the criminal justice system should be immediately clear: both women acted as servants of justice, yet were so profoundly hurt by that experience that they ended their own lives.

Feminists have spoken of the “second rape” of post-rape interrogation and the criminal trial for many years – but nothing can illustrate the need to better protect of rape witnesses as sharply as these two tragic deaths.

Frances Andrade was a virtuoso violinist whose young life was already marked by abuse before she met schoolmaster Michael Brewer at Chetham's school of music in Manchester. In February of 2013, he and his former wife were found guilty of indecent assault against Andrade, perpetrated when she was a girl of 14 and 15. The ordeal of giving evidence against these defendants was such that by the time the verdict was issued, Andrade had killed herself.

Meanwhile, in February of this year, Tracy Shelvey jumped from the roof of a car park in Rochdale and killed herself after the man she and six other women had accused of rape was acquitted. Shelvey had given evidence twice, as a first jury had not been able to reach a verdict on all of the counts.

According to her friends, Shelvey felt alone with her struggle, even though she had been in contact with the police in a distressed state the night before she died. The Greater Manchester police and crime commissioner has suggested that the treatment of victim witnesses must be improved, and Shelvey's case is being reviewed by the Independent Police Complaints Commission.

These two cases have much in common, but there are also striking differences. Andrade's abusers were eventually found guilty, while Shelvey did not feel she achieved justice. The man she accused was not convicted, but that does not absolve the justice system of its duty to protect her from harm. In contrast, Andrade died while the trial was still going on. The experiences of abuse about which the women testified were also different: Shelvey's case concerned an experience from adulthood, whereas Frances was a teenager when she was abused.

In many cases, though, there is often little to distinguish sexual crimes against adults and children. It is most commonly girls and women who are targeted for their vulnerability and abused through a sexual act by force, trickery, fear, or a combination of these. The crimes against them leave child and adult survivors with a sense of powerlessness; they may also feel that they were to blame for what happened to them. Indeed, many abusers will encourage this confusion about responsibility.

Many rape survivors also go on to face long-term problems with relationships, health or other aspects of their lives. In all, it is hard for those who have not suffered abuse themselves to understand how damaging sexual abuse can be for all its victims, whatever their age at the time of the crimes against them.

In the words of a survivor who gave evidence to the Stern Review of rape reporting in England and Wales,

They [juries] ... don't understand how it feels to be raped. They don't understand that the person raping is trying to abuse the person and that they are rage-full and consumed with hate when they are raping. It is not a loving or lustful thing. They don't understand that rape is like being murdered but still being alive.

When the criminal justice system takes cases to court and fails to offer the complainants a sense of justice, the effect is distress similar to the experience of being raped. Autonomy and freedom are taken away. Survivors feel that it is their duty to testify, that they need to protect others and perhaps that they might be liable for contempt of court if they do not go through with the case. Their wishes for themselves are secondary to the pursuit of justice. Vulnerable witnesses might be given "special measures", but they are not given adequate choices, legal advice or the preparation necessary to understand and plan for the kinds of questions they will face in court.

Other countries have put in place direct attempts to tackle this problem. There are laws in place in jurisdictions such as Ireland and France which grant survivors of rape and child abuse a right to legal representation. This right can begin at the point where someone is considering a decision to report and continue through the reporting process, through the trial and beyond, meaning that complainants are safeguarded at points currently managed in a relatively informal way.

In her classic text *Rape and the Legal Process*, Jennifer Temkin discusses models used in other European countries and argues that it is high time to consider implementing a similar approach in Britain. When offered the appropriate level of advice, knowledge and support at all stages of the process, rape survivors will simply have more resources to draw on as they fight to survive the judicial process.

The Joint Committee on Human Rights is currently collecting evidence) about the government's record on violence against women and girls. Hopefully they will hear about the cases of Frances Andrade and Tracy Shelvey, and will consider what can be done to ensure that our current system for protecting rape complainants is scrutinised afresh.