

PRESS RELEASE

In November 2017, FNM who was 15 years old, alleged that she had been the victim of rape whilst staying overnight at the home of another girl. Police officers called to the address discovered FNM in a severely intoxicated state, needing help to walk and hardly being able to speak. She was taken to the police station for her own safety.

FNM was unable to recall the details of the offence but subsequent forensic testing showed the perpetrator's semen inside her underwear. Despite the perpetrator admitting that intercourse had taken place at the time, or soon before the police arrived, the CPS decided that there was no basis to prosecute her case.

FNM asked for a review of this decision under the Victims' Right to Review ('VRR') Scheme and the decision not to prosecute was upheld. FNM then requested an independent review of the charging decision by the CPS's Appeals and Review Unit ('ARU') and shortly thereafter asked that the review be put on hold whilst she sought legal advice as this would be her last opportunity to have a voice within the VRR process.

FNM received an email from the CPS in response inviting her to provide her representations and indicating that a final review would not be made for approximately 4 months. Five weeks later, the independent reviewer communicated her decision not to prosecute the perpetrator with the offence of rape or sexual activity with a minor without sight of FNM's representations.

FNM challenged this decision arguing that she had a right to make representations under the VRR Scheme.

The Divisional Court granted FNM's application for judicial review confirming that the VRR Scheme provides that victims should have a fair opportunity to make representations and to have them taken into account by the decision-maker.

FNM will now be afforded the opportunity to make representations to the CPS after which a fresh independent review will be taken by a member of the ARU not previously involved with the case.

FNM said:

"The weekend in 2017 has massively affected my life, and the CPS's refusal to prosecute him was a further smack in the mouth. I just don't understand why they are blocking my route to justice. All I wanted was to face him in court, and the judge's JR decision at least gives me a chance, I hope my case is reviewed fairly this time round."

Chanel Dolcy, solicitor for the Claimant said:

"This judgment is an important step in ensuring that victims are afforded the opportunity to make representations and to have them taken into account by the decision-maker when exercising their right to review within the Victims Right to Review Scheme. The Scheme is the only process through which victims can make representations in the criminal justice process and its importance should not be undermined."

NOTES TO EDITORS

1. FNM is represented by Chanel Dolcy of Bhatt Murphy and Dan Squires QC and Jo Buckley of Matrix Chambers.
2. For further information please contact Chanel Dolcy at Bhatt Murphy on 020 7033 2020 or c.dolcy@bhattmurphy.co.uk