



## Anonymity in rape cases

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Since 1976, people who allege they are the victims of certain sexual offences, including rape, are automatically entitled to lifelong anonymity once their complaint has been made. This entitlement can only be lifted in certain circumstances, for example if the complainant chooses to reveal his or her identity or if the court orders that anonymity should be lifted in order to encourage witnesses to come forward. Some people have argued that the right to anonymity ought to be removed or limited where the complainant is believed to have made false allegations.

The *Sexual Offences (Amendment) Act 1976*, which first introduced anonymity for complainants, also provided for anonymity for defendants: apparently for the purpose of providing equality between complainants and defendants, and to protect potentially innocent defendants from stigma. However, this provision was repealed in 1988 and people accused of sexual offences therefore no longer have any particular entitlement to anonymity. There has been continued discussion as to whether anonymity for defendants should be reintroduced. In 2010, the newly-elected Government indicated that it would “extend anonymity in rape cases to defendants”. However, this proposal was subsequently dropped on the grounds that there was insufficient reliable empirical evidence on which to base a policy decision on providing those accused of rape with anonymity.

This note is limited to a discussion of anonymity in sex offence cases. It does not deal with more general restrictions on identifying individuals involved in litigation, for example the statutory provisions preventing the identification of children or young people involved in Youth Court proceedings.

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## Contents

<b>1</b>	<b>Anonymity for complainants</b>	<b>2</b>
1.1	The current law	2
1.2	Complainants who make false allegations	3
<b>2</b>	<b>Anonymity for defendants</b>	<b>5</b>
2.1	The current law	5
2.2	Proposals for change	5
	The Sexual Offences (Anonymity of Defendants) Bill 1999	5
	The Sexual Offences Act 2003	5
	The Stern Review	7
	The Government's proposals	7

## 1 Anonymity for complainants

### 1.1 The current law

Anonymity for complainants in rape cases was first introduced in 1976,<sup>1</sup> and has since been extended to other sex offences.<sup>2</sup> The rationale for granting anonymity to rape complainants was set out in 1975 by a committee reviewing the law of rape:

"public knowledge of the indignity which [the complainant] has suffered in being raped may be extremely distressing and even positively harmful, and the risk of such public knowledge can operate as a severe deterrent to bringing proceedings...The balance of argument seems to us to be in favour of anonymity for the complainant other than in quite exceptional circumstances. While fully appreciating that rape complaints may be unfounded, indeed that the complainant may be malicious or a false witness, we think that the greater public interest lies in not having publicity for the complainant. Nor is it generally the case that the humiliation is anything like as severe in other criminal trials: a reprehensible feature of trials of rape...is that the complainant's prior sexual history...may be brought out in the trial in a way which is rarely so in other criminal trials."<sup>3</sup>

Anonymity works by making it a criminal offence for the media to reveal the complainant's identity or any information that might lead to the complainant being identified. The prohibition kicks in as soon as the complaint is made and lasts for the whole of the complainant's lifetime. The law does not prevent complainants from being named in court, nor is there any restriction on their being named in discussions other than in the media. Concerns have been expressed that with the number of sexual offences now attracting anonymity for

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<sup>1</sup> *Sexual Offences (Amendment) Act 1976*, s4

<sup>2</sup> *Sexual Offences (Amendment) Act 1992*, s2

<sup>3</sup> Home Office, *Heilbron Committee: Report of the Advisory Group on the Law of Rape*, Cmnd 6352, December 1975, p27, paras 153-7

complainants, and the growth of online publishing (with articles having greater exposure and longevity), there is a much greater risk of newspapers falling foul of the law.<sup>4</sup>

Although the restriction on publication of material that would identify the complainant applies for the whole of his or her lifetime from when the allegation was made, there are circumstances in which the restriction can be lifted. The main exceptions are where:

- the complainant chooses to reveal his or her identity;
- the complainant's identity is reported as part of subsequent (and separate) criminal proceedings, for example if the complainant were subsequently to be prosecuted for perjury or perverting the course of justice;
- the court lifts the restriction (following an application by the defendant) on either of the following grounds:
  - to persuade defence witnesses to come forward; or
  - the court is satisfied that the restriction is a "substantial and unreasonable restriction" on the reporting of the trial and it is in the public interest to remove or relax it.<sup>5</sup>

## 1.2 Complainants who make false allegations

Since 2003, when the *Sexual Offences Act 2003* further extended the range of offences in which complainants have anonymity, there has been continued debate as to whether complainants believed to have made false accusations should still be entitled to anonymity.

In October 2006, Lord Campbell-Savours used parliamentary privilege to name a complainant (going on to describe her as "a serial and repeated liar") following a successful appeal by a man who had already served three years in prison for indecently assaulting her.<sup>6</sup> The man's appeal against conviction was allowed on the ground that there was evidence (which had not been adduced at trial) to support the conclusion that there had been no assault and that the complainant's injuries had been self-inflicted. Overturning his conviction, the Court of Appeal observed that the circumstances did not provide any power under which it could displace the anonymity provision, and commented:

The judgment we have delivered gives rise to the concern that there may in the future be another case in which this complainant makes similar allegations against another man. If that were to happen, it would be in the interests of justice that the alleged attacker should be able to find out about and use in his defence the information contained in the report of the [Criminal Cases Review] Commission and referred to in this judgment. Parliament does not appear to have contemplated the risk of a complainant acting as this complainant is alleged to have done. We are concerned that there appears to be no means by which we can displace the complainant's entitlement to anonymity in the interests of justice for any person against whom she may make allegations in the future.<sup>7</sup>

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<sup>4</sup> ["Editors face identity crisis: Laws that guarantee the anonymity of sex offence victims have landed newspapers in hot water"](#), *Guardian*, 21 January 2008

<sup>5</sup> Note that this last condition cannot be satisfied simply by the fact that the defendant has been acquitted

<sup>6</sup> [HL Deb 19 October 2006 c868](#)

<sup>7</sup> [R v Blackwell \[2006\] EWCA Crim 2185](#)

Speaking in 2007, Lord Campbell-Savours said that he was not arguing that anonymity of the accuser should *automatically* be lifted where a defendant is found not guilty, as he recognised that an acquittal may be down to insufficient evidence rather than the defendant's innocence. However, he argued that in cases where evidence was fabricated, it was right that the Court of Appeal should have the discretion to order that anonymity be lifted in order to prevent miscarriages of justice.<sup>8</sup>

Early in 2007, press reports indicated that ministers were considering introducing:

...a very restricted power that might be used where it would be in the "interests of justice" to lift anonymity in the case of a repeat complainant whose allegations were found to be unsubstantiated and the conviction quashed by the Court of Appeal.<sup>9</sup>

Such a change would have required primary legislation.

In July 2008, Lord Campbell-Savours moved the following amendment to the *Criminal Evidence (Witness Anonymity) Bill*, which would have inserted a new clause regarding anonymity for complainants:

#### **Anonymity in rape cases**

A person, or persons, who has been granted anonymity in a court of law for the purposes of giving evidence in a trial of a person charged with an offence of rape may lose that anonymity where the following circumstances apply—

- (a) the Criminal Cases Review Commission has declared the conviction of a person as unsafe on the basis of false evidence having been provided by the person, or persons, granted anonymity;
- (b) a judge, following upon the reference to the Court of Appeal of a conviction by the Criminal Cases Review Commission, sets aside the conviction and in the public interest requires the removal of anonymity from the person, or persons, who has given false evidence.<sup>10</sup>

Explaining the purpose of his new clause, he said:

... a small minority [of rape complainants] are telling lies and their lies and false allegations are often uncovered only when their history of false allegations is exposed. Men have a right to be protected from false allegations and a right to know that the development of a relationship with a serial false accuser, who may make an accusation of rape, can ruin their lives. I am aware of a number of cases where false allegations have destroyed men's reputations and even led on some occasions to suicide. My amendment will affect very few cases. According to an answer given on 23 February 2007, only 32 rape cases have been referred to the Criminal Cases Review Commission since 1997, an average of three a year. My amendment seeks to deal only with cases referred by the CCRC to the Court of Appeal. Removal of anonymity would not be automatic as there are circumstances where mental health may be an issue for the judge in the Court of Appeal to decide upon.<sup>11</sup>

The amendment was withdrawn after Lord Hunt of Kings Heath, then a justice minister, indicated that the Government was "actively considering the issue". In response to a

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<sup>8</sup> [HL Deb 29 November 2007 cc1315-7](#)

<sup>9</sup> "Women who make repeated false accusations of rape could be named in future", *Times*, 10 March 2007

<sup>10</sup> [HL Deb 15 July 2008 c1146](#)

<sup>11</sup> *Ibid*, cc1147-8

parliamentary question from Lord Campbell-Savours in October 2008, the Government again indicated that it was “considering the issue” and would announce its conclusions in due course.<sup>12</sup> However, no amendments to primary legislation have followed and the issue therefore remains open for debate.

## **2 Anonymity for defendants**

### **2.1 The current law**

The *Sexual Offences (Amendment) Act 1976*, which first introduced anonymity for complainants, also provided for anonymity for defendants: apparently for the purpose of providing equality between complainants and defendants, and to protect potentially innocent defendants from stigma. In 1984, the Criminal Law Revision Committee reported on the issue, saying that there was no reason to distinguish rape defendants from defendants of other crimes and that the argument about equality between the parties was not a valid one “despite its superficial attractiveness”.<sup>13</sup>

The defendant anonymity provisions in the 1976 Act were repealed in 1988.<sup>14</sup> Defendants in sex offence cases do not, therefore, currently have any specific entitlement to anonymity.<sup>15</sup>

### **2.2 Proposals for change**

There has been continuing debate as to whether anonymity should again be extended to defendants in sex offence cases.

#### ***The Sexual Offences (Anonymity of Defendants) Bill 1999***

In 1999, Conservative Member Crispin Blunt introduced a Private Member’s Bill that aimed to protect teachers (and others involved in caring for children at educational institutions) from malicious allegations by giving them anonymity if accused of a sexual offence against a child under their supervision.<sup>16</sup> Introducing the Bill, Mr Blunt said that it would encourage more young men to enter the teaching profession if they could be confident they would be protected from “salacious publicity” in the media.<sup>17</sup>

No date was given for second reading and the Bill was lost.

#### ***The Sexual Offences Act 2003***

During the passage of the *Sexual Offences Bill 2003*, Lord Ackner moved a clause that would have granted defendants the same right to anonymity as complainants, saying that he had heard nothing to suggest that during the 12 year period when defendants had previously been entitled to anonymity it had worked to the disadvantage of justice.<sup>18</sup> Both Baroness Kennedy of the Shaws and Baroness Noakes accepted that there were problems relating to the publicity that may occur before charge. However, whereas Baroness Noakes wanted to

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<sup>12</sup> [HL Deb 11 November 2008 cWA118](#)

<sup>13</sup> Fifteenth Report of the Criminal Law Revision Committee, *Sexual Offences*, Cmnd 9213, April 1984

<sup>14</sup> *Criminal Justice Act 1988*, s158

<sup>15</sup> It is worth noting that some defendants, particularly in cases involving family members, may end up being granted anonymity as an indirect consequence of the complainant’s right to anonymity under the *Sexual Offences (Amendment) Act 1992*. This is to avoid what is known as “jigsaw” identification of the complainant. For example, a Sheffield man convicted in 2008 for repeatedly raping his two daughters cannot be named in the press as to do so would enable the daughters to be identified and breach their right to anonymity.

<sup>16</sup> *Sexual Offences (Anonymity of Defendants) Bill 1999*

<sup>17</sup> [HC Deb 30 March 1999 c874](#)

<sup>18</sup> [HL Deb 2 June 2003 cc1084-95](#)

make sure that defendants' anonymity would cover everything from arrest onwards,<sup>19</sup> Baroness Kennedy's concern was that anonymity go no further than the point of charging. Her argument was that naming the person charged with an offence was one of the ways in which witnesses come forward.<sup>20</sup>

Lord Ackner's new clause was accepted on a close division by 109 votes to 105.<sup>21</sup> The Home Affairs Committee also came out in favour of anonymity for the accused:

76. On balance, we are persuaded by the arguments in favour of extending anonymity to the accused. Although there are valid concerns about the implications for the free reporting of criminal proceedings, we believe that sex crimes do fall 'within an entirely different order' to most other crimes. In our view, the stigma that attaches to sexual offences – particularly those involving children – is enormous and the accusation alone can be devastating. If the accused is never charged, there is no possibility of the individual being publicly vindicated by an acquittal.

[...]

80. We therefore recommend that the reporting restriction, which currently preserves the anonymity of complainants of sexual offences, be extended to persons accused of those offences. We suggest, however, that the anonymity of the accused be protected only for a limited period between allegation and charge. In our view, this strikes an appropriate balance between the need to protect potentially innocent suspects from damaging publicity and the wider public interest in retaining free and full reporting of criminal proceedings.<sup>22</sup>

However, the Government rejected the arguments behind the new clause and it was subsequently removed by the Commons (338 votes to 173).<sup>23</sup> Speaking when the Bill returned to the House of Lords, Lord Falconer suggested that:

Singling out defendants in cases of sexual offences, as is being proposed, might also give the impression that there exists a presumption of doubt about the credibility of the complainant in sex offence cases which does not exist with other kinds of offences.<sup>24</sup>

He referred to guidance issued by the Association of Chief Police Officers,<sup>25</sup> which made it clear that anyone under investigation but not charged should not be named or have details provided that might lead to their identification before they are charged.<sup>26</sup>

The *Sexual Offences Act 2003* did not ultimately include any provisions regarding the anonymity of defendants.

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<sup>19</sup> [HL Deb 2 June 2003 cc1086-7](#)

<sup>20</sup> [HL Deb 2 June 2003 cc1085-6](#)

<sup>21</sup> [HL Deb 2 June 2003 c1095-6](#)

<sup>22</sup> Home Affairs Committee, *Sexual Offences Bill*, 10 July 2003, HC 639, paras 76 and 80

<sup>23</sup> [HC Deb 18 November 2003 cc637-642](#)

<sup>24</sup> [HL Deb 2 June 2003 c1091](#)

<sup>25</sup> ACPO Media Advisory Group, *Guidance Notes*, December 2000, section 2

<sup>26</sup> This policy is not always successful, as shown by a then recent case. Actor and television presenter Matthew Kelly had been arrested in January 2003 as he came off stage after a pantomime performance; both the arrest and the subsequent investigation were widely publicised in the national and regional press under headlines such as "Matthew Kelly held over child sex", "Matthew Kelly accused of sex attacks on boys" and "Matthew Kelly, the camp entertainer with an unconventional marriage; the weird life of Mr Saturday Night TV". A month later, the police decided to take no further action on the grounds that there was insufficient evidence to charge.

### ***The Stern Review***

In 2009 the Home Office and the Government Equalities Office commissioned Baroness Stern, a Lords crossbencher, to carry out an independent review into the treatment of rape complaints by public authorities. Her report was published in March 2010. Although its main focus was the role of the police, the Crown Prosecution Service and the courts, the report also considered some of the “misunderstandings, myths and reality” surrounding rape complaints. One of these was the issue of false allegations:

The question of false allegations comes up time and again in any meeting or discussion about rape, with some arguing that the number is large and others insisting that the prevalence is grossly exaggerated. Faster progress could be made in improving the treatment of rape complainants if more solid evidence was in the public domain.

In view of the controversy surrounding false allegations, the strong feelings the subject arouses and the part the controversy plays in the response to rape complainants, we recommend that the Ministry of Justice commissions and publishes an independent research report to study the frequency of false allegations of rape compared with other offences, and the nature of such allegations.<sup>27</sup>

The report went on to consider the need for defendant anonymity:

Linked to the matter of false allegations is the question often raised of allowing defendants in rape cases to retain their anonymity unless they are convicted, a proposal supported by the Home Affairs Select Committee in 2003. The current law protects complainants by granting them anonymity throughout the legal process. Their names cannot be published from the time of the allegation for the rest of their lives. It is often argued that this anonymity should be extended to defendants unless and until they are convicted. It was put to us by some we talked to that even when defendants are acquitted, ‘If you throw mud it sticks.’ A legal practitioner told us, ‘It would be a serious advance if we did provide anonymity for both parties.’ It was argued that the newspapers give a great deal of coverage of the opening of a trial with full details of the defendant, but by the time the trial ends, if the defendant is acquitted it has ceased to be newsworthy and the acquittal is not reported. On the other hand it is suggested that the acquittal gives ‘public vindication’ and that should be sufficient, and defendants in other cases do not have anonymity. We make no recommendation on anonymity for defendants but note that it is often raised and the concerns will undoubtedly continue. A full examination of the issues would be helpful to the debate.<sup>28</sup>

The *Law Gazette* quoted Baroness Stern as saying that “the anonymity of defendants was a ‘live issue’ that required further debate, though its consideration had not been within the review’s terms of reference”.<sup>29</sup>

### ***The Government’s proposals***

Following the general election in May 2010, the newly formed Conservative-Liberal Democrat coalition published its programme for government. This included plans to “extend anonymity in rape cases to defendants”.<sup>30</sup> The proposal had not appeared in either party’s election manifesto, although both parties had spoken in support of some form of defendant anonymity

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<sup>27</sup> Home Office/Government Equalities Office, *The Stern Review: a report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales*, March 2010, p41

<sup>28</sup> Ibid, pp41-2

<sup>29</sup> “Explore legal representation for rape victims, says Stern review”, *Law Gazette*, 15 March 2010

<sup>30</sup> Cabinet Office, *The Coalition: our programme for government*, May 2010, p24

during the passage of the *Sexual Offences Act 2003* through Parliament<sup>31</sup> and the Liberal Democrats had formally adopted it as a policy at their 2006 conference.<sup>32</sup>

Critics of the proposal argued that it might discourage victims from coming forward:

Ruth Hall, of Women Against Rape, said the decision was an "insult" and a backlash against the rising number of rape reports.

(...)

"If men accused of rape got special rights to anonymity, it would reinforce the misconception that lots of women who report rape are lying.

"False rape allegations are extremely rare, but receive disproportionate publicity.

"Of course, being wrongly accused is a terrible ordeal but the same can be said of being wrongly accused of murder, theft, fraud or any other serious offence.

"We are against a special case where men accused of rape are singled out for special protection."<sup>33</sup>

Others, including some who had been subjected to false allegations or acquitted following trial, supported the plan:

Christine Hamilton and her husband Neil, the former Tory minister, were arrested in 2001 because of false sexual assault claims by Nadine Milroy-Sloan. No charges were ever brought and Milroy-Sloan was later jailed for three years for perverting the course of justice.

Mrs Hamilton said: "Both Neil and I would clearly welcome this move and is something we have said all along should happen.

"The stigma sticks with you in a rape case and creates complete and utter havoc. It can destroy lives."<sup>34</sup>

Paul Mendelle QC, the then chairman of the Criminal Bar Association, commented on the practicalities of the proposal:

"There's not much detail in the document," he said. "It just says they will extend anonymity to defendants in rape cases. How far will it extend? Will it be limited to rape? Or is it going to be as extensive as anonymity for victims of sexual offences, which applies to a very wide range of sexual offences, even to offences such as burglary with intent to rape and conspiracy to rape."

Mendelle also said that the reasoning for the proposed change remained unclear. "Acquitted defendants sometimes say: 'Why has the victim got anonymity and I haven't?' That may strike people as unfair. Is fairness the motivation?"

There was also, he added, the question of openness: "In general, trials should be open to public scrutiny, so that justice may not only be done but be seen to be done. Anonymous trials run counter to that principle.

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<sup>31</sup> [HC Deb 18 November 2003 cc625-637](#), in particular Dominic Grieve at cc628-630 and Annette Brooke at cc630-631

<sup>32</sup> "[Lib Dems vote for rape anonymity](#)", *BBC News*, 18 September 2006

<sup>33</sup> "[Anger at coalition plans for rape defendants' anonymity](#)", *Independent*, 20 May 2010

<sup>34</sup> "[Rape accused to be given anonymity](#)", *Telegraph*, 21 May 2010

"There would need to be a fully informed debate on the issue before any legislation was introduced."<sup>35</sup>

The press quoted a Ministry of Justice spokesman as saying that this was “a sensitive area and careful analysis of the options and implications will be undertaken”.<sup>36</sup> Sir George Young, Leader of the House, provided further details during the following exchange in the Commons:

**Ms Rosie Winterton (Doncaster Central) (Lab):** (...) I am sure the Leader of the House will be aware of early-day motion 105, which followed concerns raised by the Leader of the Opposition on Tuesday about proposed changes in prosecuting rape cases that could grant anonymity to rape defendants.

*[That this House believes that the Government's proposal to grant anonymity to defendants in rape cases sends a message to juries and rape victims that the victim is not to be believed; fears that this could inhibit the effective prosecution of serial rapists; is further concerned that this will reverse the progress made on the prosecution of rape cases noted in the independent Stern Review; is further concerned that the Government has put forward the proposal without any research, evidence or examination of these issues; and calls on the Government to withdraw its proposal.]*

As the Leader of the Opposition has said, that could turn the clock back on rape cases, and I ask the Leader of the House to make time for a debate on this serious issue.

**The Leader of the House of Commons (Sir George Young):** (...)The right hon. Lady has raised a serious issue about rape and anonymity. I recognise the concern about this issue, and there should be no doubt in anyone's mind about this Government's determination to tackle rape and sexual offences and to ensure that those who commit such offences are convicted and properly sentenced. No quarter will be given to those convicted of rape. However, the House will also be aware that some people's lives have been wrecked by being falsely and maliciously accused of rape. That is why we have said that we will undertake a careful and sensitive analysis of the options and implications before we bring any proposals to Parliament. Of course, any proposals to change the law will have to go through this House and the other House.

(...)

**Kerry McCarthy (Bristol East) (Lab):** I share the concerns about the fact that the coalition agreement included a commitment-to my mind it was a firm commitment-to give anonymity to defendants in rape trials. May we have an urgent debate on that, and will the Leader of the House confirm that the issue is so controversial that it should be subject to pre-legislative scrutiny and considered in the round, along with the issue of the number of rapes that go unreported, and the number of reported rapes that do not result in a prosecution?

**Sir George Young:** The hon. Lady will know that no legislation on the issue has been proposed in this Session. In the debate on home affairs on Monday 7 June, there will be an opportunity for the real concerns that exist on the issue to be ventilated. Of course we need to have adequate discussion. The proposal is that we go back to the regime that existed until, I think, 1988, in which there was anonymity. In her recent report, Baroness Stern did not come out on either side, but she said there should be full debate on this very sensitive issue, and that is what I want to promote.

(...)

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<sup>35</sup> “[Rape case anonymity for defendants would be insult to victims, say activists](#)”, *Guardian*, 20 May 2010

<sup>36</sup> “[Rape defendants to be granted anonymity](#)”, *BBC News*, 20 May 2010

**Fiona Mactaggart (Slough) (Lab):** May I welcome the rowing back by the Leader of the House from the explicit commitment to extend anonymity in rape cases to defendants? It contrasted with "we will consider" finding ways to invest in new rape crisis centres. I also hear that we are now "considering" anonymity. May we have an early debate on the Stern review, which said that there was no compelling evidence that anonymity protects men, but that there is a case for more research on that?

**Sir George Young:** If the hon. Lady recalls what Stern said, she will know that the report also said that nor was there a case for the opposite. I have some sympathy with the case she makes for a debate on this important subject. Without making any firm commitments, and in light of the fact that I hope that we will have a Back-Bench business committee, I would like to find time for that important issue to be explored. However, I am not sure that what I said warranted the description "rowing back".<sup>37</sup>

An adjournment debate was subsequently scheduled for 7 June 2010. Caroline Flint described the proposals as "dangerous", arguing that "it is often only publicity about a rape charge that leads other victims to come forward". She went on to consider the case of taxi driver John Worboys:

When he was arrested for a string of sex attacks in 2008, 85 women came forward to say that they, too, had been attacked by him. Offering attackers the blanket of anonymity will prevent victims from getting the justice they deserve and hinder the police in protecting the public.<sup>38</sup>

In response, justice minister Crispin Blunt said:

We will bring a policy to the House setting out our preferred option after we have considered each one with the care that this subject merits. In doing so, we will of course take into account potential implications for victims and for the conviction rate, as well as the reporting issues. There are sound reasons for our approach. Rape is such a serious and emotive crime that it attracts both a high degree of stigma for the defendant and a disproportionate degree of media interest. The combination of those factors distinguishes rape from other crimes. The reality is that sex in all its guises continues to fascinate the media. Reducing the level of prurient interest can only be in the interests of victims.

(...)

Our approach to defendants who are accused of rape but not convicted will be based on what is just. There are a number of possible options on the timing and scope of anonymity. On timing, it could extend from the point of the accusation until the time the defendant is charged; or to the beginning of the trial; or to the point of conviction.

Further options relate to the scope of the anonymity in so far as the offences are concerned. It could cover anonymity in rape cases, but it could go wider. There are reasons why it might also be applied to other offences. (...) We have not yet discounted any options.

Whatever our conclusions, I can make it absolutely clear that we have no intention of extending similar protections to rape defendants once convicted. The media will be able to report the cases of convicted defendants in the usual way. A reason in principle

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<sup>37</sup> [HC Deb 27 May 2010 cc284-295](#)

<sup>38</sup> [HC Deb 7 June 2010 c150](#)

for bringing forward the proposals is to help to restore the balance in rape cases with the anonymity given to complainants.<sup>39</sup>

On the same day, the Deputy Prime Minister indicated that “if our idea does not withstand sincere scrutiny, we will of course be prepared to change it”.<sup>40</sup>

During a further debate on the proposals on 8 July 2010, Crispin Blunt said that the Government had asked the director of analytical services in the Ministry of Justice to produce “an independent assessment of the current research and statistics on defendant anonymity in rape cases”. He indicated that the report would be published in the final week of July. It would cover all the available research and statistics on the subject and was intended to inform the debate.<sup>41</sup>

The report was eventually published in November 2010.<sup>42</sup> Announcing its publication, Mr Blunt said that the Government was dropping its plans to introduce defendant anonymity in rape cases as there was insufficient empirical evidence to support them:

The assessment has found insufficient reliable empirical evidence on which to base an informed decision on the value of providing anonymity to rape defendants. Evidence is lacking in a number of key areas, in particular, whether the inability to publicise a person's identity will prevent further witnesses to a known offence from coming forward, or further unknown offences by the same person from coming to light.

The coalition Government made it clear from the outset that they would proceed with defendant anonymity in rape cases only if the evidence justifying it was clear and sound, and in the absence of any such finding they have reached the conclusion that the proposal does not stand on its merits. It will not, therefore, be proceeded with further.<sup>43</sup>

The Government has not made any subsequent moves to reintroduce its plans for defendant anonymity in rape cases.

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<sup>39</sup> [HC Deb 7 June 2010 cc154-155](#)

<sup>40</sup> [HC Deb 7 June 2010 c50](#)

<sup>41</sup> [HC Deb 8 July 2010 c559](#)

<sup>42</sup> Ministry of Justice Research Series 20/10, *Providing anonymity to those accused of rape: An assessment of evidence*, November 2010

<sup>43</sup> [HC Deb 12 November 2010 cc27-28WS](#)