



QUEEN ANNE'S GATE LONDON SW1H 9AT

2 October 1986

Dear Millie,

In my letter of 14 March I mentioned that I was considering ways in which we could provide anonymity to victims of rape from the moment a complaint was made. At present, you will recall, the Sexual Offences (Amendment) Act 1976 forbids publication of any matter likely to lead to the identification of the victim, but only from the moment the case is before a court.

The problem is that cases will arise where the investigation or the need to warn the public of the danger of further attacks requires publication of some details with a risk that these may identify the victim. Extending the full protection of the 1976 Act back to the moment of complaint would necessitate some provision permitting publication in exceptional cases. The obvious arbiters are the police. On consulting them, however, we find that they have no enthusiasm for this role. They would be put in the difficult position of choosing between muzzling the press and offending the victim. I do not feel able to press them to accept this responsibility. However, I believe that we can still offer a more limited form of protection to rape victims. If colleagues agree to this it could be included in next Session's Criminal Justice Bill.

I thus propose that it should be an offence to publish a woman's name, photograph or address if this may lead members of the public to identify her as having been raped or having complained of rape. There would be no provision permitting publication in exceptional circumstances before a man was charged with the offence, although, as with the present law, it would be a defence for the accused to show that he did not believe that publication was likely to enable the public to identify the woman as a victim. The police accept that a prohibition on the name and photograph will not interfere with their investigations. We will need to ensure that the police may show photographs to potential witnesses who are stopped in the street or interviewed in a door-to-door enquiry but this need not cause difficulties.

If the rape occurs at the victim's home - we do not have statistics on how frequently this happens - it may be useful to the police for the address to be given publicity. I doubt if this is imperative and there will be nothing to stop newspapers saying that the attack occurred within a certain area. But a newspaper report that the victim lived at a vicarage in Ealing is tantamount to identifying her. On balance I think the address should be included in the new offence. Proceedings under the 1976 Act require the Attorney General's consent by virtue of section 5(5). I would be grateful for Michael's agreement to a similar safeguard in my proposal.

We have considered whether the publishing of the name, photograph or address of the victim should be permissible with her consent. To make no such provision means that women who wish to publicise their own cases, perhaps to help others, will be unable to do so except under a pseudonym or anonymously.

Clear Procedure

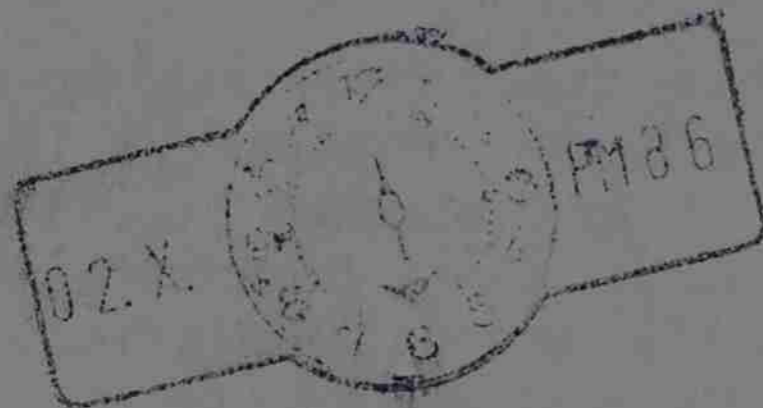
RARE 2.

~~1/12~~

But in my view a consent provision would bring with it the greater evil that the press would have an inducement to harrass the victim in order to receive her consent.

This proposal is not as wide-ranging as I had originally hoped but it would be a worthwhile improvement on the present law. It would prevent the type of behaviour that occurred after the Ealing rape. I would like to make an early announcement (but we would also write to the press and other interested bodies to seek their views).

I am copying this letter to the Prime Minister, to members of H, to the Secretary of State for Defence and to Sir Robert Armstrong.



Yours,

Douglas.