**Attrition of rape cases in the criminal justice system**

**Conviction rates as an indicator of criminal justice system effectiveness to address violence against women**

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**Purpose**

Measurement of changes in the extent of rape and in the practices to reduce rape are helpful in evaluating policy development to end rape.

How do should progress and regress in rape be identified and measured?

There is need for indicators (simple summaries of data) to mark progress (or regress) in rape. The need for indicators on violence against women is widely recognised, including SDG5 on gender equality.

**Measuring rape and measuring state responses to rape**

Measuring rape and measuring state responses to rape are challenging but possible.

*Survey*

A survey, which asks a representative sample, is a key methodology. However, the obtaining the real number of rapes in a survey is challenging, since many do not wish to disclose under the usual circumstances of a survey. Surveys need to be very carefully designed to be sufficiently confidential to generate this confidence. Also, large samples are needed, which makes this an expensive methodology. Surveys are important and possible, but expensive and challenging to deliver in a way that generates reliable data.

*Police recorded crime*

Police records of those reporting rape to them is another source of data. However, its meaning can be hard to interpret. This is because it records only rapes reported to the police. It is sometimes used as a proxy for the real rate, but this is not appropriate. This is because a change in this number can be hard to interpret. Is an increase a sign of more rape, a sign of improved intervention, or a sign of wider changes that encourage reporting? In a context where most rapes are not recorded, an increase probably signifies that the police are engaging more seriously. So, it is potentially a perverse indicator, in which the number changes in the reverse direction to the attributed meaning. It is not clear and unambiguous. So is not a good indicator.

*Conviction rate* (attrition)

Most cases of rape do not lead to the criminal conviction of the rapist. The conviction rate is the proportion of rapes that result in criminal conviction. ‘Attrition’ refers to the way that cases fall out of the system. The attrition of rape cases in the criminal justice system refers to the extent to which cases of rape do not end with a criminal conviction.

Attrition is a process with several points. The starting point may be taken as the rape or the reporting and recording of the rape to the police. There are several steps in the process including detection of a suspect, arrest, prosecution, and conviction or not.

The conviction (or attrition) rate is a measure of the extent to which a criminal justice system is effective in holding rapists to account. It is a measure of the extent to which the criminal justice system addresses rape effectively.

It is potentially comparable between over time and between countries.

Improving the conviction (attrition) rate is challenging. In some European countries although there is an absolute increase in the number of rapes leading to convictions, the conviction rate is declining as more women report rape to the police, but the courts are not proportionately increasing convictions.

In a context in which rape is itself hard to measure reliably, the conviction rate is an additional indicator concerning gender based violence against women. It is an indicator of how society addresses rape and the extent to which the criminal justice system delivers justice to those who are raped.

**Recommending the conviction rate as an indicator of state responses to rape**

The conviction rate is identified in the Istanbul Convention Article 11 as a mandatory part of the data that needs to be collected to be in compliance of the Convention. The Istanbul Convention on preventing and combating violence against women and domestic violence is a Convention of the Council of Europe, applies to those of its 47 member states that have ratified, and monitored by Grevio.

Collecting data on violence against women and domestic violence is a mandatory measure in the Istanbul Convention, Article 11. Conviction/attrition rates are named as part of this data. Article 11 of the Convention requires states that ratified the Convention to collect the data and present the conviction rates.

Guidance is provided to member states. [Ensuring data collection and research on violence against women and domestic violence – Article 11 of the Istanbul Convention](http://openaccess.city.ac.uk/21688/).  2016. Prepared by Sylvia Walby for the Council of Europe.  Strasbourg: Council of Europe.

This issue is presented in the wider context of developing a measurement framework for violence against women and men: Walby, Sylvia, Jude Towers, Susie Balderston, Consuelo Corradi, Brian Francis, Markku Heiskanen, Karin Helweg-Larsen, Lut Mergaert, Philippa Olive, Emma Palmer, Heidi Stöckl and Sofia Strid. 2017. [*The Concept and Measurement of Violence against Women and Men*](http://openaccess.city.ac.uk/21685/).  Bristol: Policy Press.

**Collecting data on conviction rates**

Collecting data that is comparable over time and place requires institutions that have resources.

One part of these exist within the criminal justice system, which routinely collects the data as a necessary part of their functioning. The other part concerns the processing this data into publicly available summary statistics in a timely fashion. This second is often the responsibility of the National Statistical Office, which each country has. International coordination is found in the UN.

There are developments to assist the harmonisation of criminal justice data by the UN. This is the responsibility of the UN Office of Drugs and Crime. The UNODC has developed the International Classification of Crimes for Statistical Purposes to aid this cooperation. The definition of rape used is not consistent with international standards, however. It could be improved, for example, revising the threshold from force to consent. The internationally reported data usually includes ‘meta data’ on the legal definition being used in each country, so it would be possible to articulate both international standards while reporting the practice in each country. The ICCS does not offer conviction rates.

Engagement with the UNODC and thereby National Statistical Offices to improve the technicalities of data collection and harmonisation to meet international legal standards on the definition of rape is important.

**Conclusion**

Reliable, consistent, comparable data is important to assist the monitoring and improvement of policy. Two key indicators are possible: the rate of rape using surveys; the conviction rate for rape using administrative data from the criminal justice system. Survey data on the extent of rape is important and needs development and resourcing. Administrative data from criminal justice systems on the rate of rape reported to the police is important; but is not a clear indicator of the amount of rape. The conviction (attrition) rate is a useful indicator of the effectiveness of the criminal justice system concerning rape. The institutions to collect data to international standards matter.

**References (downloadable)**

[Ensuring data collection and research on violence against women and domestic violence – Article 11 of the Istanbul Convention](http://openaccess.city.ac.uk/21688/).  2016. Prepared by Sylvia Walby for the Council of Europe.  Strasbourg: Council of Europe.

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