



Ministry  
of Justice

**Central Correspondence Team**  
Ministry of Justice  
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Sheila Harmon

**MoJ ref:** TO104169

4 May 2023

Dear Ms Harmon,

Thank you for your letter of 8 March, to the Prime Minister, regarding the conviction of the innocent. Your letter has been transferred to the Ministry of Justice and as a government official, I have been asked to reply. I apologise for the delay in my reply due to the transfer.

As set out in my colleague's reply on 21 May 2021 to your previous letter concerning these matters, a fundamental principle of our criminal justice system is that a person is innocent until proven guilty, and if there is not sufficient evidence to prove the alleged offence then the case will not proceed. It is the overriding duty of the Crown Prosecution Service (CPS) to ensure that the right person is charged with the right offence. They must balance factors for and against prosecution carefully and fairly. During proceedings, they must continually review the evidence against a defendant and must be satisfied at all stages that there is enough evidence to provide a realistic prospect of conviction.

There are also other important safeguards in the criminal justice system against the conviction of the innocent, including the high standard of proof whereby it is for the prosecution to prove its case beyond reasonable doubt, the right to legal representation, and the right to call any witnesses to challenge and test evidence through cross-examination. In addition, there is the right to seek leave to appeal against conviction or sentence.

By the nature of sexual offences, the prosecution evidence may be limited to what the complainant says in the witness box. It is incorrect, however, that there is no proof in cases where the only evidence is the uncorroborated evidence of a witness. The oral evidence of a witness is just as capable of providing proof as any other kind of evidence.

Furthermore, under the Perjury Act 1911, any person lawfully sworn as a witness who wilfully makes a statement which they know to be false or does not believe to be true, can be imprisoned for up to a maximum of seven years. In some circumstances, prosecutors may consider charging an offence of wasting police time under the Criminal Law Act 1967, which carries a maximum penalty of six months' imprisonment and/or a fine. In other circumstances, a person may be charged with perverting the course of justice which carries a maximum sentence of life imprisonment.

Rape and sexual violence are devastating crimes that can have a long-lasting impact on victims. Protecting women and girls from violence and supporting victims and survivors of sexual violence is a key priority for this Government. More victims of sexual offences, which are all too often hidden crimes, are coming forward and reporting these crimes to the police. Victims should have the confidence to report these crimes, knowing they will get the support they need and that everything will be done to bring offenders to justice. Through the Rape Review, the Government took a hard and honest look at how the entire criminal justice system deals with rape and in too many instances it simply had not been good enough.

Making a false allegation of a criminal offence is a serious matter which may itself amount to the commission of an offence such as perverting the course of justice or wasting police time. Prosecutions for making malicious false allegations do take place, and those convicted may receive substantial prison sentences.

Yours sincerely,

**Mr P Smyly**  
**Ministry of Justice**