

From: [REDACTED]
To: sentencingcouncil
Subject: Anonymous Submission: Good Character in Sentencing
Date: Wednesday, 12 February 2025 12:08:50 AM

Hello,

I am writing to make an anonymous submission in regards to Good Character in Sentencing. I would like to express my strong support for the "Your Reference Ain't Relevant" campaign. I strongly support the abolishment of good character references in cases of rape, domestic abuse, and child sexual abuse.

Our justice system is designed to protect the rights of the accused and to ensure innocent people are not sentenced. But this system does not make sense when it comes to rape and domestic violence. The standard of "beyond a reasonable doubt" is near impossible to meet, when mens violence mostly occurs behind closed doors, in private. It is especially difficult when coercive control is used. Coercive control involves using techniques such as isolation, gaslighting, surveillance, financial abuse, and shifting blame; all carefully calculated to control their victim while going unnoticed by their community. Allowing good character references at sentencing provides abusers with an opportunity to continue their coercive control in court, gaslighting the victim by showing how cleverly their community was deceived, and that the abuser has allies and support. This is inhumane and unfair for the victims, causing further traumatisation and contributing to the common experience where victims feel that it is actually they who are put on trial.

Good character references are not at all relevant, and I believe they are not based on good evidence as they present the opinion of someone who knew the abuser in a context outside of the abuse. People who use coercive control are usually skilled at presenting a facade to people outside of their victim, and often use this as a tool for their abuse, ensuring their victim feels isolated and threatened by the level of support the abuser has. Abusers often intentionally become close to people who are well respected, to make themselves look better by association, and may also use blackmail or rely on the loyalty of a friend to falsify good character references. Character references offer the abuser an opportunity to misdirect the jury from their actions, and cast doubt based on completely subjective assertions by someone who is not a witness to the abuse. Because of these factors, I believe that character references in cases of abuse are more likely to mislead the jury than assist them in making a fair and accurate judgement. When the standard for "beyond a reasonable doubt" is so high, the tiniest doubt cast by irrelevant "evidence", can destroy a strong case and prevent justice being served.

This is highly personal to me as I have been an advocate for improving justice responses to men's violence for a long time, but I have only recently learned that someone I once considered one of my closest friends, raped and abused his partner, who was also my friend. His victim shared her story with me, and red flags about his behaviour that I had previously noticed and shrugged off, suddenly made sense and I was able to form a completely different picture of who he was, and what their relationship was like. If I had been asked to provide a good character reference for him without context, and before hearing her story, I would have highlighted positive aspects of his character that were true, but completely irrelevant to the horrific abuse I am fully convinced he committed.

By removing character references at sentencing, not only can court cases be made more just, but a tool of abuse can be removed. Abusers will no longer be able to use character references as a threat to keep their victims quiet and prevent them reporting the abuse. They will no longer be able to say "If you report this I'll have so-and-so vouch for me and have your case thrown out".

Removing character references at sentencing is an important step in making it safer and easier for victims of rape and domestic abuse to report their abuse and to navigate the court system without further traumatisation. It sends a strong message to abusers that juries cannot be manipulated, and that they will be held responsible for their actions and sentenced accordingly.

I am supportive of shifting to a restorative approach to justice, however there is no justice without first reckoning with the seriousness of the offence committed. When good character references are used to reduce sentences, the impacts of the abuse committed are unjustly minimised. A better-functioning justice system should result in more cases of rape & domestic violence being reported, and more resulting in convictions. When we are honest about the alarming frequency of men's violence and remove barriers to reporting it, we can then turn to the next question of improving processes of restoration and rehabilitation for convicted offenders, in a way that centres and empowers victim-survivors.

Thank you for considering my input.