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Summary of the Report and Recommendations
of the
Departmental Committee
on
**SEXUAL OFFENCES AGAINST
YOUNG PERSONS.**

This Committee was appointed in July, 1924, to collect information and to take evidence as to the prevalence of sexual offences against young persons and to report upon the subject, indicating any direction in which in their opinion the law or its administration might be improved.

The Committee examined 75 witnesses and, in December 1925, it presented its Report signed by the following:—Mr. J. C. Priestley, K.C., Chairman; Mr. T. W. Fry, O.B.E.; Miss E. H. Kelly, C.B.E., J.P.; Miss Clara Martineau, J.P.; Dr. A. H. Norris, M.C.; Mr. R. J. Parr, O.B.E.; Mrs. Rackham, J.P., and Sir Guy Stephenson, C.B.

The Report consists of nine Sections and there are 43 Recommendations. A brief summary is printed here, together with the Recommendations, but all interested are urged to buy the Report and study it for themselves. It can be obtained from H.M. Stationery Office, Kingsway, London, W.C.2, or through any bookseller, price 2s.

SECTION I.

Preliminary Observations.

It is recalled that a debate took place in the House of Commons on July 12th, 1923, on the subject of sexual offences against young persons, and also that two Conferences on this subject were held at the Home Office in March, 1924. Attention is drawn to the great difficulty of reconciling the claims of justice, which entail formality and publicity in procedure, and the care and consideration due to a young child, whom all right-minded persons would protect from any contact with court proceedings if they could.

Pamphlet

SECTION II.

Prevalence of Offences.

Statistics have been examined with great care, but, as in many cases these do not distinguish between an offence committed against an adult and one against a young person, they do not give a complete account even of cases which are known to the police. Special enquiries were made from Child Welfare Societies, Rescue Workers, Special Homes, Venereal Disease Clinics and Maternity Homes to ascertain whether many offences occurred which remained unreported. The Committee reached the following conclusions:—

1. That there are many more sexual offences committed against young persons than are reported.

2. That when proceedings are taken the proportion of acquittals is high.

Figures are given in support of this statement and it is pointed out that the high proportion of acquittals is all the more serious when it is remembered that most of these cases receive a very careful sifting before they are brought into Court at all.

3. That there is a considerable decrease in sexual crimes accompanied by violence, e.g., rape.

4. That there is a distinct increase in indecent assaults on boys and girls under 16. This appears from statistics, and though the evidence is conflicting as to how far this denotes an increase in the number of cases which actually occur, the weight of evidence shows a real increase. As a charge of attempted carnal knowledge is often reduced to one of indecent assault (to enable the magistrates to deal with it summarily), the figures for indecent assault include some of the more serious sexual offences, which is an additional ground for viewing their increase with concern.

The only Recommendation which the Committee make under this Section is:—

1. That the Annual Criminal Statistics should contain a separate table, giving complete returns as to sexual offences which are against young persons and that the statistics for an attempted offence should be shown separately from those for the full offence.

SECTION III.

The Law Governing Sexual Offences.

In this Section the law as regards each offence is set out, together with the Court at which it is triable and the maximum penalty that may be imposed. A more complete summary is given in the Appendix.

The offences are as follows:—

- (a) Rape.
- (b) Unlawful carnal knowledge and unlawful attempted carnal knowledge.

- (c) Incest.
- (d) Indecent assaults on girls.
- (e) Indecent assaults on boys.
- (f) Gross indecency.
- (g) Indecent exposure.

SECTION IV.

Alterations in the Law and in the Jurisdiction of the Courts.

There are eight Recommendations under this heading directed at tightening up the existing law and also at reducing the time that may elapse between committal and trial. It has been found that in some cases proceedings cannot be taken because a child had been forced to act as the assailant and had not herself been assaulted. It is therefore recommended:

2. That it should be made an offence triable summarily and governed by the law as to indecent assaults for a male person to commit an act of gross indecency with a young person, male or female, under 16; that the young person shall not be prosecuted for being concerned in the offence.

A much needed possibility of relief is also to be afforded to a wife:—

3. That Courts of Summary Jurisdiction shall have power to grant a separation, maintenance, costs, and the legal custody of her children, to a wife whose husband has been convicted of incest, carnal knowledge, or of the attempt, or of a grave indecent assault, upon one of his daughters.

With regard to the Age of Consent, it is stated that the age was fixed at 16 forty years ago and that public opinion is now ready for an advance. The Committee recommend:—

4. That the age of consent shall be raised to 17, with amendments to the law consequent thereon.

Three members dissent from this Recommendation and express the view that the age should remain at 16, while one member urges that it should be raised to 18.

The Committee do not consider that it should be possible for a man to plead in his defence that he thought the girl with whom he had had unlawful carnal knowledge was over 16 and they recommend:—

5. That the defence of reasonable belief that a girl was 16 or over shall be abolished. That where there are extenuating circumstances, a young man found guilty on indictment and placed on probation shall not have a conviction registered against him.

Two members dissent from this Recommendation and consider that this defence should still be available for men under 24.

At present, proceedings in the case of a charge of carnal know-

ledge of a girl between 13 and 16 must be begun within 9 months of the commission of the offence. It is recommended:—

6. That 12 months shall be the time limit for taking proceedings under the Criminal Law Amendment Act, 1885, section 5 (1).

Many witnesses urged that justices should have power to try certain offences which are at present only triable by a higher court, the object being to spare the child any further strain by disposing of the case at Petty Sessions. The Report recommends:—

7. That the jurisdiction of Petty Sessions shall be extended to try, where the accused consents, offences of gross indecency; and of attempts to have carnal knowledge of a girl under 13, or under 16, and of attempted incest with a girl under 16. That power be given the justices to imprison up to 12 months for attempted carnal knowledge and for attempted incest.

One member dissents from this on the ground that it is undesirable to extend further the powers of magistrates.

The time awaiting trial would be shortened if certain offences now only triable at Assizes might be tried at Quarter Sessions. The committee recommend:—

8. That Quarter Sessions should have power to try all sexual offences against young persons, provided that the Court is presided over by a Recorder, or by a Chairman or Deputy having professional legal experience.

SECTION V.

Administration of the Law.

The eighteen Recommendations belonging to this Section fall under three headings. Under the first may be included those (Nos. 9, 10, 20 and 21) which aim at reducing the strain on the child by associating women with the proceedings throughout. There will be no difference of opinion among women's societies on these points, which have been repeatedly urged by women who have had experience in bringing cases of child assault into a Court of Justice. Under the second heading are those (Nos. 11, 14, 15, 16, 17, 18, 19, 22, 26) which are concerned with the arrangements in Court, the presence of the general public, (including reporters) the time that a child may have to wait for its case to be heard and the place that it has to wait in, and the desirability that where possible it shall not be called upon to give evidence at all either in Court or before the Grand Jury. The object aimed at here is again the same, to reduce strain on the child by making sensible and humane arrangements to ensure the case being disposed of as speedily and with as little publicity as is consonant with the requirements of justice. The

third heading (Nos. 12, 13, 23, 24, 25) includes Recommendations of much greater perplexity, which aim at reducing the difficulty of proving the offence at the trial. It is urged that the best legal assistance should be available for the police in the conduct of the prosecution, and much argument is devoted to dispelling the common illusion that a case must necessarily be dismissed if there is no corroboration.

9. That in indecent offences properly trained women shall take the statement of girls; but where this is not possible that a woman shall be present while the policeman is taking the statement.

10. That where a medical examination of a girl is necessary it should, whenever possible, be carried out by a woman doctor.

11. That where proceedings are instituted by summons, such summons shall be made returnable early.

12. That chief constables shall be asked to consult the Director of Public Prosecutions in cases of defilement of girls under 13, and of indecent offences upon a number of children, and of offences in which disease has been communicated to children or young persons.

13. That in all except the simplest cases, a solicitor shall be engaged to assist the prosecution in sexual offences against young persons.

14. That separate waiting rooms for young persons shall be provided by all Courts.

15. That magistrates shall, whenever possible, take all cases of sexual offences against young persons at a fixed time convenient to the child and its guardian; and that in Petty Sessional Courts with short lists these cases shall be taken first, or after the short cases have been disposed of. That where the evidence of a young person is necessary and available, a remand shall not be granted till his or her evidence has been taken.

16. That Courts of Assize and of Quarter Sessions shall take these cases first, whenever possible, after the pleas of guilty or after the emergency cases have been disposed of.

17. That Courts should be reminded of the power to dispense with the attendance of young persons under Section 31 of the Children Act, where their evidence is not required.

18. That young persons shall not be required to attend before the Grand Jury, provided that the Bill shall not be ignored without hearing the evidence of the young person.

19. That attention shall be paid to the position of the young witness in Court, so as to lessen the distance the voice

has to carry, and so that he or she shall not be face to face with the accused at close quarters.

20. That a suitable woman shall always be present in Court to the knowledge of the girl witness. That a matron shall be available to take charge of young witnesses while waiting to give evidence.

21. That, wherever a woman is entitled to sit as a magistrate, she should be asked to attend on the Bench when girls are concerned in a case of indecency.

22. That, subject to certain reservations made, the Court shall be cleared when young persons are giving evidence as to an indecent offence, and that at no time shall a young person under 16 remain in Court, unless his or her presence is specifically required.

23. That, whenever justifiable, the evidence of a child who can tell a connected story shall be taken upon oath.

24. That those initiating or conducting prosecutions should bear in mind that in view of the decision of the Court of Criminal Appeal in *R. v. Crocker*, the absence of corroboration is not a bar to the securing of a conviction.

25. That the extreme difficulty of bringing to justice an offender committing offences against a number of children separately, shall be rectified by Parliament.

26. That neither the name, address nor photograph, of a young person concerned as a witness, or as a young offender, in these cases shall be published, except by the express authority of the Court.

SECTION VI.

Matters Relating to the Offender.

The Report states that every variety of type is to be found among sexual offenders, from the professional man of apparent respectability to the drunken and vicious pervert. It is quite impossible therefore to lay down any general rule for dealing with all, but the greatest care and thought should be given to each individual case. A large number of witnesses asked that all these offenders should be mentally examined, so as to discover whether any mental weakness was the cause of the crime. Investigations do not shew that any but a very small proportion of sexual offenders could be certified as insane or mentally defective, but it is highly desirable that such as there are should be detected and proper measures taken for the protection of the public. It is therefore recommended that a report from a mental expert should be obtained in certain cases, and the difficult task will be imposed upon Courts of making arrangements for such an examination and for the appointment of the specialist who is to conduct it. There is a class of habitual

offenders who are convicted of the same kind of indecency again and again, who seem to be in no way deterred by punishment and who yet are not actually certifiable under the Mental Deficiency Act. It is probable that for persons of this type some special arrangements for prolonged detention in non-penal surroundings ought to be made. Details of three cases of this kind are given to show how great is the need for some further provision than at present exists.

The question of penalties in general is next discussed. Fines are considered to be as a rule unsuitable: probation may be sometimes the wisest course if careful supervision of the probationer is ensured, and especially is this the case with youths or with men of previous good character. Many cases were quoted to the Committee where sentences had been imposed which appeared very inadequate and, while a word of warning is given as to the difficulty of judging fairly the adequacy of a sentence without full knowledge, the opinion is expressed that sentences are often inadequate and that such leniency tends to lower the public tone on moral questions, by making it appear that offences against young persons are lightly regarded. Other reasons of a weighty character are also given for urging that sentences should be adequate.

It is realized that a man charged with an offence may be at an unfair disadvantage if he has no legal assistance in Court, especially if the prosecution employs a solicitor. And, if he is convicted summarily and desires to appeal, he may be prevented from doing so by the large costs which are involved. Suggestions are made to meet both these disabilities of the poor defendant.

27. That the words "from birth or an early age" and "from an early age" shall be deleted from section 1(c) and 1(d), respectively, in the Mental Deficiency Act, 1913.

28. That after conviction, but before sentence, the Bench shall remand, for a mental examination and report, all cases of indecent exposure, all sexual offenders previously found guilty of an indecent offence, and all cases in which the Court suspects mental disease, disorder or defect.

29. That all Courts shall make arrangements for the services of a mental expert to be at their disposal.

30. That those who commit repeated indecent offences against young persons should be subject to prolonged detention in suitable institutions.

31. That the penalties imposed for sexual offences against young persons should be adequate to the circumstances of the case.

32. That legal aid, and better facilities for appeal, for offenders tried summarily, should receive consideration.

SECTION VII.

Provisions for Welfare of Young Persons.

This Section deals with the effects of an assault upon a child and with the measures that should be taken to ensure its future welfare. It is urged that where possible a child should remain in its home with its parents, though some temporary rest or change in the country may be desirable to help it to forget what has occurred. Where it must be removed, either boarding out or an ordinary Home is recommended, rather than a Special Home set apart for these cases. Various alterations in the law are recommended with a view to enabling the authorities to ensure the protection of children who are in moral danger, as, for example, a child whose father has been convicted of a grave offence against one of his own children. The problem of the adolescent boy or girl who is out of hand is also discussed, and it is urged that the Children Act should be strengthened so as to cover these young people. In connection with Voluntary Homes the criticism is made that magistrates, social workers, and probation officers are apt to make use of these and to send their cases to them without any personal knowledge of what the Home is like, or of what the treatment and training will be. Much greater care in this respect is necessary, especially if the boy or girl is sent as a condition of residence under a Probation Order.

Some of the Recommendations under this Section can only be understood by a careful study both of the Report itself and also of the Children Act, 1908.

33. That Courts trying sexual offences against young persons shall refer to the Petty Sessional Court the question whether the further protection of the young person is necessary; and that the justices shall take action, if the case requires it, in the interests of the young person or of his or her brothers or sisters.

34. That the words "unlawful carnal knowledge" shall be inserted before the words "seduction or prostitution" in the Criminal Law Amendment Act, 1885, section 12; and in the Children Act, 1908, section 58 (1) (g).

35. That the Children Act, 1908, shall be amended as follows:—

(a) *First Schedule*.—Incest to be added as an offence.

(b) *Section 20*.—The police to co-operate with local social workers where it is necessary to remove a child temporarily to a place of safety.

(c) *Section 21*.—Payment from public funds to be available for a young person committed to the care of a "fit person" (under sections 21, 58 (7), or 59, respectively); the address of the young person so committed to be notified to the Court;

institutions which represent the "fit person" to be approved, registered and regularly inspected. Power to be given to take action for the protection of young persons offended against by the man co-habiting with the mother.

(d) *Section 58(1) (b)*.—The words "Is found wandering and" to be deleted before the words "having no parents."

(e) *Section 58(1) (e)*.—Incest, unnatural offences or indecent assault by a father on one of his own children to be a ground for taking measures of protection on behalf of his sons or daughters.

(f) *Section 58(1) (g)*.—Procuring or aiding or abetting by either parent to be a ground for taking action on behalf of any, or all, the children who are in moral danger.

36.—That there shall be power to deal with young persons who are beyond control as outlined in the Report.

37. That voluntary societies and workers should discriminate more carefully as to the children sent to Special Homes, and as to older girls sent to Rescue Homes. That they should receive reports as to progress, and should make arrangements for the return of the child or young person to a more natural environment as soon as possible.

38. That where the child victim of an offence has to be removed from its home, boarding out under proper safeguards shall, where possible, be resorted to; that the age limit for boarding out in the Children Act should be abolished.

39. That children committed to Special Homes shall only remain until they have recovered, and shall then return to their parents, or be boarded out, or be sent to an ordinary Home or Industrial School.

40. That where the Court makes a probation order conditional on residing in a Home, it shall be one which is approved, registered and inspected; and that the period of training shall not exceed six months without careful review by the Court.

SECTION VIII.

Preventive Measures.

This last Section is in reality the most important of all. To convict and to punish a man who has offended against a child and to take all possible steps to restore such a child to normal health of body and mind are after all only palliatives. The essential thing is to prevent these offences from being committed. The Report therefore urges certain preventive measures which appear desirable in view of the causes and conditions which lie behind the com-

mission of crimes against decency. It is obvious that the first of these measures will be better housing; some terrible instances are given in which overcrowding was the direct cause of a serious offence against a child. The Report also asks for better supervision in public places, so that persons of evil intent may be less likely to frequent them. It lays particular stress on the need for more police women, and points out the various ways in which their services are especially valuable in connection with this problem, while at the same time regretting that the number employed throughout the country generally is so small. Stress is also laid on the value of healthy recreation for young people, during the all important years of adolescence. It is also urged that some form of continued education should be provided after the child leaves school, so that the growing boy or girl may have the advantage of the care and wise guidance of the teacher. The last point in the Report is the need for better instruction of young people in matters of sex and urges that parents, teachers and social workers can help much, both in the imparting of knowledge and also in helping boys and girls to think rightly in this matter and to behave rightly among themselves and with their companions of either sex. It is recommended:—

- 41. That the statutory requirements as to the care of children employed in entertainments shall be extended to include the care of young persons up to 17.
- 42. That there should be better supervision in parks, in fairs, in cinemas and in school precincts.
- 43. That student teachers should receive instruction at college as to the best methods of giving older children, individually, instruction on matters of sex.

The Appendices contain a list of the witnesses examined, a summary of the law, and some valuable tables giving the statistics of offences in recent years and the methods by which they were tried.

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