

Living in Limbo

Our second report on the retraumatisation
of rape and sexual abuse victims and survivors
in the Crown Court backlog

EXECUTIVE SUMMARY

November 2025

Overview

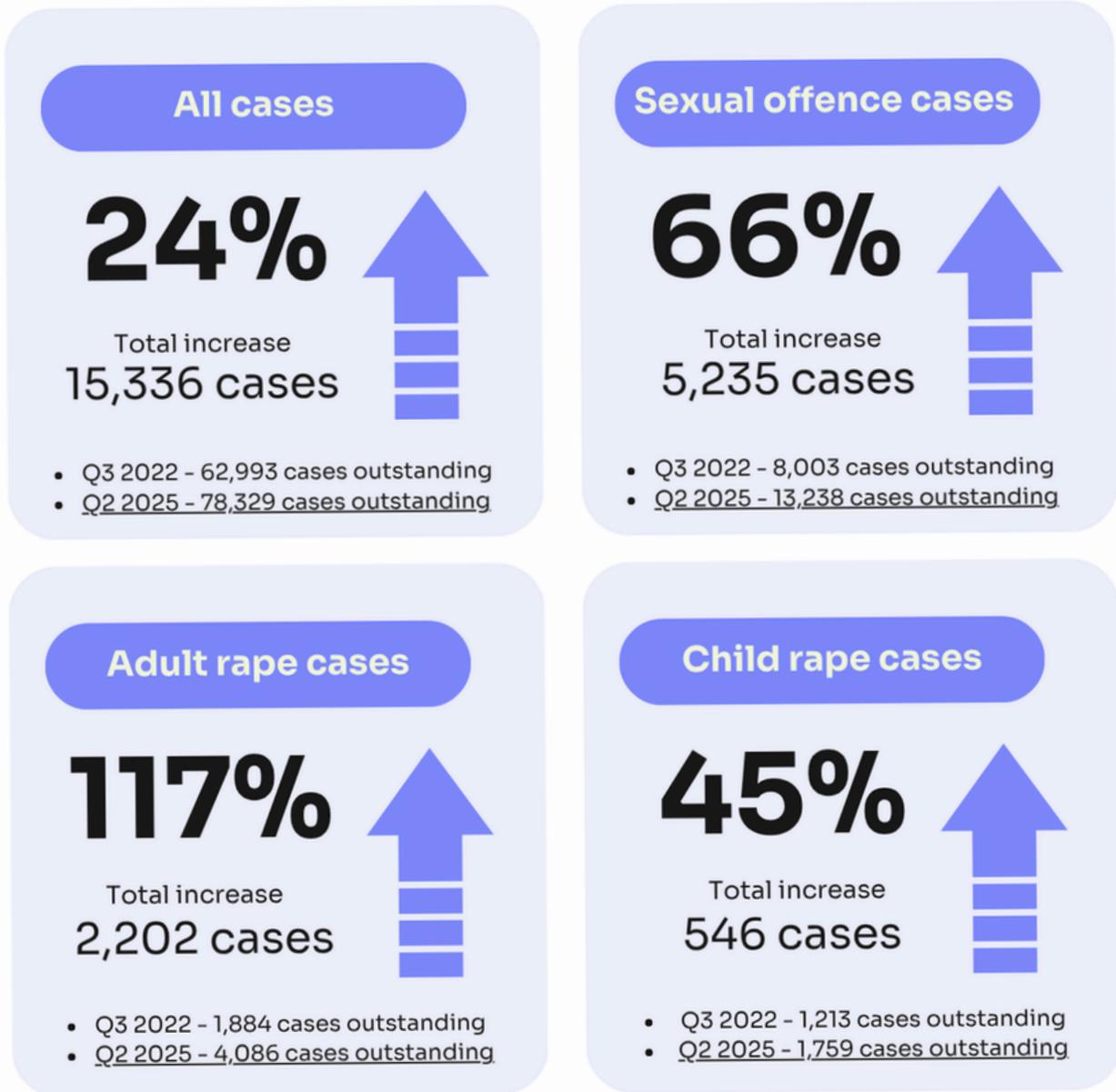
In 2023, Rape Crisis England & Wales (RCEW) published *Breaking Point* – our landmark report on the Crown Court backlog and its disastrous impact on survivors of sexual violence and abuse. Two and a half years later, *Living in Limbo* revisits the previously identified causes of – and contributors to – the backlog, which fall under five key themes:

- 1** Pay, working conditions, and the capacity of the criminal legal profession
- 2** Judicial capacity
- 3** Idle courts
- 4** Listing practices
- 5** Trial efficiency and effectiveness

Our findings paint a bleak picture. Since the publication of *Breaking Point*, the number of cases awaiting trial in the Crown Court has sharply increased, reaching new record highs. There are now **13,238 sexual offence cases awaiting trial in the Crown Court** – a **66% increase since we finalised our 2023 report** (see Figure 1 below).

Court waiting times are even longer for adult victims and survivors than they were in 2023, and longer still for children. Rape and sexual offence trials continue to be listed in such a way that trials are postponed at the last minute, often on the day of the trial. And the impact on survivors is life-limiting, profound and appalling.

Figure 1: The increase in the number of cases outstanding (awaiting trial) in the Crown Court, between the finalisation of our 2023 report (Q3 2022) and Q2 2025:



17% of cases awaiting trial in the Crown Court are now sexual offence cases, up from 9% in 2019.

Adult survivors of rape are made to wait far longer for their day in court compared to people who have experienced other crimes – **499 days on average**, compared to 284 days on average for other crime types.

At the end of Q1 2025, **1,074** adult rape cases had been outstanding (awaiting trial) for a year or more at the Crown Court - an **850% increase** on the number outstanding in Q1 2016.

A lack of political will or momentum in tackling the Crown Court backlog means minimal progress has been made since the issues were first identified in Breaking Point.

Living in Limbo presents new data, lived experience, and frontline insight, which illustrates the devastating, cumulative and compounding impact of the backlogs on victims and survivors of rape and sexual abuse. It is a louder, more urgent and more insistent call to action for urgent change which is now not only overdue, but a moral and practical imperative.

The Issues: Summary

1. Pay, working conditions, and the capacity of the criminal legal profession

- ➔ The recruitment of additional police officers and improvements made under Operation Soteria have driven a welcome increase in sexual offence prosecutions. However, there are not enough criminal solicitors, barristers, or available courtrooms to service these cases at the 'back end' of the criminal justice system.
- ➔ As of October 2023, there were only **668 barristers** who were on the approved 'list' to *prosecute* Rape and Serious Sexual Offence (RASSO) cases. It is unknown how many barristers accept instructions to *defend* RASSO cases, as there is no requirement for any additional training, experience or accreditation to undertake RASSO defence work. Meanwhile, around **3,000** new sexual offence cases enter the Crown Courts each quarter, each time adding to the backlog which now sits at **13,238** sexual offence cases.
- ➔ In 2024, almost **1 in 5 (17%)** ineffective sexual offence trials were due to no barrister being available.

2. Judicial capacity

- ➔ Since we published *Breaking Point*, successful efforts have been made to recruit more judges to hear cases in the Crown Court. This is one of the few areas in which improvements have been made in the last few years. However, we remain concerned that efforts to increase the number of judges leads to even fewer criminal solicitors and barristers being available to service cases, as judges are predominantly promoted from the ranks of solicitors and barristers.
- ➔ Despite recently recruiting more judges, **2%** of ineffective sexual offence trials in 2024 were ineffective because there was no judge available.

3. Idle courts

- ➔ On any given day, around a **fifth** of the 516 Crown courtrooms in England and Wales sit idle, whether due to insufficient funding to open, maintenance and repair issues, or a lack of legal professionals to service cases within them.
- ➔ Between 2015/16 and 2024/25, the backlog of outstanding cases in the Crown Court increased by **59%**. However, the number of court sitting days funded by government has increased just **1.8%** in the same period.

4. Listing Practices

- ➔ Sexual offence trials continue to be listed as 'floating' trials. Despite their gravity and severity, these trials are not allocated to a specific court or judge, but may be heard in any court in the same court centre on a specific day or within a period of time. Cases are listed in this way so that if another case listed for that day collapses, and a courtroom and judge become available, then there is a case ready to proceed, rather than wasting court time.
- ➔ Unsurprisingly, victims and survivors frequently report being devastated by this practice, which can see them preparing themselves for trial for months, or even years, only to arrive at court and be told that the case cannot proceed. Due to court backlogs, the new trial date they are given is usually several months or years away.
- ➔ Data obtained by RCEW via a Freedom of Information request revealed:
 - There was a **257% increase** in the number of sexual offence trials listed as 'floating' trials between 2014-2023.
 - Just **34%** of the trials listed as 'floaters' in 2024 went ahead on the date listed, compared to **58%** in the period 2014-2020.

- ➔ Who has ultimate responsibility for listing – the judiciary or HMCTS - is still unclear. Even more concerning is that **neither are subjected to any independent scrutiny or accountability.**

5. Trial efficiency and effectiveness

- ➔ As both a cause and a consequence of the inter-related and systemic challenges set out above, the efficiency and effectiveness of sexual offence trials in the Crown Court have been poor and declining for a number of years.
- ➔ Victims and survivors of sexual offences are waiting longer than ever for trials to successfully proceed.
- ➔ A greater proportion of sexual offence trials are adjourned on multiple occasions and/or ineffective.
- ➔ Data obtained by RCEW via a Freedom of Information request revealed:
- **The total number of rape trials effectively heard in the Crown Court decreased by 71% between 2015 and 2023 - 4,684 fewer cases.**
 - **However, in the same period, the proportion of rape trials that were delayed at least once increased by 18%.**
 - **1 in 3** rape trials in 2024 were postponed at least once. In 2015, this figure was 1 in 10.
 - **Between October 2022 and September 2024, 36% of rape cases were delayed at least once. 219 survivors saw their case delayed three or more times (see Figure 2, below).**

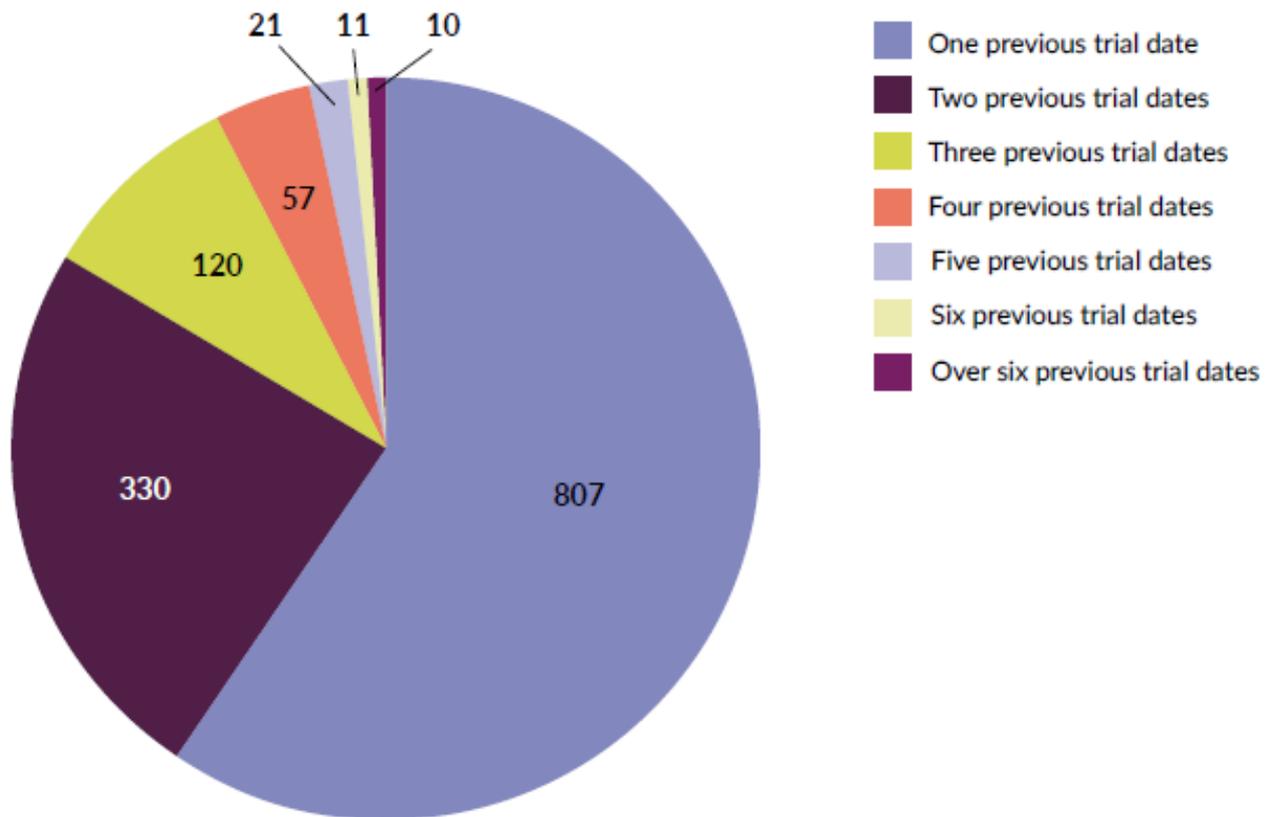


Figure 2: The number of postponements to the 1,356 rape trials that were postponed at least once before being heard in the Crown Court, between October 2022 and September 2024.

Aggravating Factors

In addition to setting out the factors which both cause and contribute to the backlog in the Crown Court, *Living in Limbo* considers a number of linked and additional ‘aggravating factors’, which compound and exacerbate the impact of court delays. These issues form part of a broader panoply of system-generated harms for victims and survivors of rape and sexual abuse:

1. Pre-recorded cross examination (s.28)

Whilst in theory, all victims and survivors of sexual offences are entitled to pre-record their cross-examination – a special measure afforded to them by s.28 Youth Justice and Criminal Evidence Act 1999 – this is often not the case in practice. Our full report sets out the challenges in this area, including evidence that criminal justice practitioners have attempted to dissuade victims and survivors from making use of s.28.

2. Underfunded and overburdened specialist support services

Rape Crisis Centres (RCCs) offer life-changing, and sometimes life-saving, specialist support to victims and survivors of sexual violence and abuse before, during, after, and aside from any criminal justice process that they may choose to participate in. Yet they have been contending with an unprecedented funding crisis, which has over the past 24 months become severe. Our full report summarises the key factors contributing to the funding crisis, which has led to three Rape Crisis Centres closing their doors in the last 12 months.

It is crucial that RCCs are adequately funded to provide specialist therapeutic support in particular, so that victims and survivors can be supported with the trauma which predates, persists through and lingers long after a trial. RCCs are best placed to support victims and survivors with any trial-related trauma and aftercare, as well as through the burdensome process of rebuilding their lives post-trial, no matter the outcome.

3. Defence barrister conduct at trial

This section of the report examines the shocking and shameful deployment of rape myths and stereotypes, as well as the over-zealous questioning of victims and survivors at trial, by defence barristers. We call for robust and urgent accountability for barristers who subject victims and survivors to aggressive, intrusive, and in many cases retraumatising, questioning, especially that which seeks to unjustifiably attack their credibility.

The impact on victims and survivors

The final section of our report examines the devastating impact of the Crown Court backlog on the people behind the statistics – victims and survivors. Adults and children who, having come forward to report rape and sexual abuse, have been kept waiting for years for their cases to be completed in court. They will nearly all have already experienced numerous setbacks before entering the Crown Court, including the already lengthy wait for police investigations to be completed and Crown Prosecution Service (CPS) decisions to be made, all whilst still experiencing the effects of the sexual violence and abuse they were subjected to.

Delays self-evidently have the potential to be profoundly consequential for victims and

survivors and those close to them, and both victim/survivors' and defendants' right to a fair trial (under Article 6 of the European Convention on Human Rights) is compromised by long delays.

Living in Limbo features the lived experience of thirteen victims and survivors who have been caught in the Crown Court backlog. Whilst each of these survivors has a unique experience, there are shared themes in how they have been impacted by our broken justice system. Survivors spoke about the impact on their:

- Mental health
- Suicidal ideation
- Reliance on the use of substances, and addiction issues
- Sense of safety (particularly where defendants are granted pre-trial bail)
- Children and other family members/friends, who may also be waiting to be called as witnesses at trial
- Confidence in the criminal justice system
- Attendance and performance at work
- Future career prospects
- Education
- Sleep
- Feelings of worth
- Relationships
- Ability to rebuild their lives following sexual violence and abuse
- Ability to enjoy life

Nia's story

Nia is a survivor of sexual abuse and grooming by her female cheerleading coach, between the ages of 13 and 21. Nia first reported the abuse to police in August 2018, at the age of 21. The police told Nia that she had no case; that what she had experienced wasn't sexual abuse but a "coach just acting with motherly instinct". Nia had to fight to be believed from the first report, and she tells us that she spoke to four different officers over the course of 8 months before she was finally listened to.

Unfortunately, Nia's journey through the criminal justice system did not get any easier from that point. After finally speaking to an officer who she felt believed her and took her seriously in April 2019, Nia's abuser was arrested in May 2019 and charged by the CPS in February 2020. An initial hearing was scheduled in the Magistrates Court in mid-April, but then adjourned for 2 weeks later, in late April 2020. From there, her trial in the Crown Court was adjourned 6 times:

1. April 2021: **First Crown Court trial date.** Trial was adjourned because the police were missing evidence.
2. July 2021: **Second Crown Court trial date.** Nia was told that this trial could not go ahead as due to Covid-19, there was a huge backlog of cases with not enough courtrooms or barristers to hear them. Nia was told that the court had to prioritise some cases, and hers was not one of them.
3. July 2022: **Third Crown Court trial date.** Trial was again postponed as there was no barrister available due to the barrister strikes ongoing at the time.
4. June 2023: **Fourth Crown Court trial date.** Nia was told that trial could not go ahead as there was a shortage of prosecuting RASSO barristers available.
5. March 2024: **Fifth Crown Court trial date.** Trial was again adjourned as there was no courtroom available.
6. June 2024: **Sixth Crown Court trial date.** Nia was told that her case would again be postponed as there were other cases to be heard that were prioritised over hers.

In June 2024 Nia was given a **seventh trial date** in May 2025. However, after complaining to her local MP and the Court, Nia was given an earlier trial date, in October 2024, which finally went ahead as planned – 6 and a half years after she first reported to the police. The perpetrator was found guilty and in December 2024 was sentenced to 10 years in prison.

Nia told us:

“I feel the additional 41 months delay in the case has come with complications in my attempt of healing from this mess that [perpetrator] has caused, as well resurfacing many impacts from the abuse that I had tried so hard to put behind me.”

This case is now at its 7th time of being listed, whilst some may believe that hasn't had an impact, 7 reschedules has led to 7 different times of going through all these emotions, listening to my statement, hearing my voice break as I list the abuse that happened, not once or twice but 7 times over. 7 times asking for time off work, 7 times telling different bosses I'm standing in court, for then it to be rescheduled. 7 times of the weeks of sleepless nights in the lead up to the case, 7 times of my world standing still with the only focus being this case of abuse that ruled my life for 8 years then a further 6 years after the abuse stopped. I am 27 years old this started when I was 13. 13 years old, a child. This started half my life ago, 14 out of my 27 years of living has been consumed by sexual abuse at the hands of my abuser”.

Summary recommendations

Rape and sexual abuse are devastating experiences, and yet our justice system is unable, or perhaps unwilling, to accord victims and survivors the priority – and dignity – they deserve. They are being forced to wait years for their cases to be heard – often in silence and fear – due to a combination of systemic failures which signal to adult and child victims and survivors – and indeed wider society – that their experiences and rights simply aren't a priority.

In *Living in Limbo*, the follow up report to our landmark *Breaking Point* publication, we have highlighted five of the key causes and contributors to the current Crown Court backlog and its re-traumatisation of sexual violence victims and survivors: the chronic **underfunding and undervaluing of the criminal legal profession**, insufficient **judicial capacity**, **underused courtrooms**, inefficient and harmful **listing practices**, and a lack of **trial efficiency and effectiveness**.

Urgent and coordinated action is required to address each of these issues, not only to clear the backlog but to begin rebuilding – and restoring confidence in – a justice system that is victim and survivor-centred, trauma-informed, and capable of delivering both procedural and substantive justice. Victims and survivors deserve more than promises and apologies. They deserve a justice system that respects and works for them, when and if they wish to access it.

Moreover, one of the most crucial mechanisms for ending rape is our legal system. If we do not have a justice system that is capable of hearing cases in a timely manner, we will find that – contrary to the government's own mission to halve VAWG in a decade – more women and girls are at risk of violence and abuse, as perpetrators go free.

In our 2023 report we made a number of recommendations to the government, HM Courts and Tribunals Service, the Crown Prosecution Service, the National Police Chiefs' Council, the judiciary, Local Criminal Justice Boards, the Witness Service and commissioners of sexual violence support services. Many were ignored and therefore are repeated in this new report, along with new recommendations for urgent change.

Detailed recommendations can be found in our full report. However, in summary, we call for:

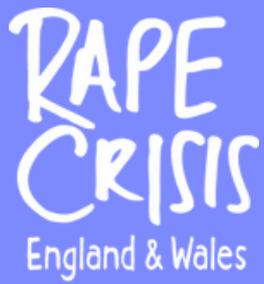
- 1** Priority listing of rape and sexual offences
- 2** An extension of Operation Soteria into the Crown Court
- 3** National oversight and accountability of the Crown Court
- 4** Specialist sexual offence courts
- 5** Judge-only trial pilots
- 6** Consideration of victim and survivor needs at trial
 - Enabling victims and survivors to observe the trial without sitting in the public gallery.
 - Guaranteed access to all special measures
- 7** A review of bail for sexual offence suspects
- 8** A long-term and resourced strategy to recruit and retain criminal barristers
- 9** Accountability for defence barristers
- 10** Long-term funding for specialist sexual violence and abuse support services
- 11** Clear and coordinated communication with victims and survivors
- 12** Risk assessment of court premises
- 13** Recognition of ISVAs as key professionals at court
- 14** Mandatory case conferences before trial
- 15** Introductory meetings between witnesses and prosecuting barristers
- 16** A whole-system criminal justice strategy that includes prevention

These recommendations provide a framework for what is needed now, but ending sexual violence and abuse requires a much longer term, whole-system, and victim/survivor-focused approach. This, in turn, requires political will and momentum to bring about the necessary changes, so that survivors are heard and believed, and know that what happened to them will be accorded the priority, resource and respect they deserve. Until then, they will be living in limbo.



Women are now advised more than ever to
report these crimes.
I wish I had never bothered.

(Annie, survivor of sexual violence)



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