

The Chair of the Armed Forces
Bill Committee, Clive Efford MP

c/o [REDACTED]

By email only:

[REDACTED]

Solicitors
Emma Norton, Lucy Baston & Sandeep Michael
Centre for Military Justice
PO Box 59699
London SE22 2EJ

Office No: 0203 848 6821

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7 April 2026

Dear Chair

Armed Forces Bill 2026 Committee

Thank you very much for inviting me to give evidence to the Armed Forces Bill Committee on 17 March 2026, to assist the MPs to consider the numerous issues covered by the draft AFB 2026 (the Bill).

I wanted to draw two short matters to the Committee's attention.

Domestic abuse

First of all, the Committee may have seen this article [here, published by the Daily Mail](#) on 28 March 2026 about a number of 'military wives' or partners claiming to have been failed by the Ministry of Defence and/or service justice system (SJS), including allegations that commanding officers were not conducting themselves appropriately in response to allegations of domestic abuse. The article was reportedly based upon a dossier/report of 52 cases (which, for completeness, I should say the CMJ has not seen).

During the evidence sessions, the Committee heard from multiple witnesses about the potential improvements that could follow from the Bill, concerning the military's handling of domestic abuse allegations. These potential improvements were largely founded upon the improved powers to be granted to the service police that will enable them to deal more effectively with domestic abuse cases. Those powers will of course be academic if domestic abuse cases are not being referred to service police in the first place and/or handled by them (in conjunction with the Service Prosecuting Authority (SPA)) in all cases.

In light of this article/report, we thought it might be helpful to remind the Committee of our evidence on the question of Commanding Officers' powers. In summary, we pointed out that a CO can presently still deal with an allegation of domestic abuse him/herself, because 'domestic abuse' offences are not on the list of criminal offences that a CO must, as a matter of law, always refer to the service police, and also because they remain within the categories of cases that can be dealt with under a CO's own summary powers. Our written briefing, which we attach again here for ease of reference, addresses this at §§ 26-30.

We have the consent of the Judge Advocate General to say that he agrees with the CMJ on this point and the Committee may wish to make further enquiries with him about this.

In light of the public interest in this matter generated by the Daily Mail article, the Committee may consider that now would be a good time to address this issue. The present version of the Bill makes no provision to address it.

Convictions in rape cases

We watched the evidence of the Director of Service Prosecutions (DSP), Mary Cowe, and the Director of Conduct, Equity & Justice at MoD, Sam des Forges, that followed ours. Both rightly highlighted the multiple changes that have been brought about in the SJS in recent years. We agree with the witnesses that those reforms are significant.

We note that the witnesses continue to maintain that outcomes for rape in court martial are broadly similar to those of civilian courts (even though the DSP agreed with us that 'rape-flagging' is not an appropriate way to measure outcomes in rape cases). In particular, the DSP stated that one of the challenges was that the MoD publishes its conviction data *per Defendant* whereas the Ministry of Justice publishes its data *per charge*. For that reason, she explained, she felt it was unfair to compare the two.

We wish simply to remind the Committee that quarterly court martial conviction data has been published now for several years which goes back to 2010. It is recorded (among other things) *by charge* and is accessible [here](#). These data tables comprise thousands of court martial outcomes, including hundreds of rape cases and contain detailed information for each case heard at Court Martial, broken down by charge (as well as by Defendant) and the tables record the outcome for each charge. It is this data that the CMJ has analysed and we have calculated that, of all the rape charges since 2010, guilty verdicts were recorded in around just 22% of rape charges completed at court martial. We are therefore able to compare it with the research undertaken by UCL which also examined rape outcomes by charge in the Crown Court and which showed convictions in rape charges in a much higher proportion of cases (UCL's analysis showed that that over a 14 year period (2007-2021), the jury conviction rate for all rape charges had steadily increased from 55% to 75% in civilian courts).

We agree that there are other considerations which are important and, given the ongoing and serious challenges in investigating and prosecuting rape in the CJS, the solution can no longer simply be to end the ability of the SJS to handle such cases (save for when they occur overseas). We also hope that that conviction rates may yet improve in the SJS for rape and sexual offences because of the changes brought about in recent years. But it is important to compare like with like and to be transparent about what data is actually publicly available and what it shows, over the available period. If victims of rape are to be given information about timeliness, victim support and other relevant information, they should be given this information too.

We very much look forward to learning of the Committee's recommendations in due course.

Yours sincerely

Emma Norton

Centre for Military Justice