

Centre for Military Justice

Submission to the Defence Committee's Inquiry into Women in the Armed Forces

9 April 2026

Introduction

The Centre for Military Justice (CMJ) is a small, independent legal charity established in 2019 to advise current and former members of the Armed Forces or their bereaved families who have suffered serious bullying, sexual harassment, sexual violence, racism, other abuse or neglect. We offer an advice and signposting service, as well as full legal advocacy and legal representation services, where we act for clients in formal complaints processes, in Employment Tribunals, in the civil courts and the Coroner's Court. The CMJ also undertakes educational and outreach work within the armed forces sector, promoting the rule of law, equality and human rights law and access to justice. Supporting women that have experienced gender-based violence and other discrimination, harassment or victimisation due to their sex continues to be a priority area for us.¹

We refer the Defence Committee to our more detailed submission to the Armed Forces Bill Committee (AFB Committee), which supplemented our oral evidence given on 17 March 2026. A copy of that submission is **attached** for the Committee's information. In summary, that submission acknowledged and welcomed the significant changes that have been brought to the Service Justice System (SJS) since 2020 and the new amendments proposed in the Armed Forces Bill 2026 (the AF Bill), particularly pertaining to the handling of domestic abuse. We made a number of recommendations as to how the AF Bill could be improved.

In the AFB submission, we also expressed concern about how SJS rape conviction data is now being presented by MoD, using the highly misleading 'rape-flagging' method. We strongly urge the MoD to stop using this approach which is deeply misleading for victims. We were encouraged to see that in her evidence to the AFB Committee, the Director of Service Prosecutions agrees with us that 'rape-flagging' is not a helpful way to understand conviction rates. For ease of reference, our submissions on this issue are at §§40-63 in the attached AFB submission. It is entirely possible to acknowledge the significant steps being taken to improve the SJS's handling of such cases, while continuing to have legitimate concerns about court martial boards' conviction rates in rape cases as compared to their civilian counterparts in the Civilian Justice System (CJS). Following our evidence, we also wrote this week to the AFB Committee about an article that had been published in the Daily Mail about domestic abuse, and the potential for the AF Bill to address some of the failings that this article had revealed; and we clarified an important point about the public availability of data concerning rape charges and their outcomes at court martial. A copy of that letter is also **attached** for the Committee's information.

¹ www.centreformilitaryjustice.org.uk

Recent cases

1. We anticipate that what may be of most use to the Defence Committee are examples of the kinds of cases we are presently dealing with at the CMJ. We have the consent of the women involved to describe these cases below which are anonymised. Save where otherwise stated, the cases are all ongoing at present and are based on the instructions we have received from the women concerned.

Jaysley Beck update

2. The Committee will be well aware of this case and we will not set out the detail here again. In summary, at an inquest in February 2025, the Coroner found that Jaysley Beck had reported a sexual assault by her Battery Sergeant Major (BSM) which was had not been actioned appropriately by her chain of command. She then suffered months of sexual harassment by her line manager, a bombardier. She took her own life in December 2021. The Coroner made a series of very critical findings of the Army's handling of the case. It was only after the inquest and the family writing to the Chief of the General Staff that the matters were referred for investigation to the Defence Serious Crime Unit (DSCU), resulting in the former BSM being charged and convicted of sexual assault last autumn, and two members of the CoC being charged with service offences (these cases are ongoing). One of the notable things to come out of the inquest was that Jaysley herself had never raised a service complaint about any of these very serious matters. The family's view is that, if she had felt she could complain, this might have made all the difference. Evidence was heard from multiple witnesses at the inquest that Jaysley did not want to be seen as a 'female troublemaker', a label given to women that report their male colleagues for sexualised behaviours.
3. Following the inquest, despite giving evidence at Jaysley's inquest that such a scheme was not required, the MoD, in response to the public and service outcry following the case, finally accepted that a 'tri-services' service complaints system would need to be established, to remove the handling of the most serious service complaints from the single services themselves. This had been first proposed in the Wigston Review of 2019 and had been resisted by MoD repeatedly in the years since and until after the Beck inquest. We have been informed that this will follow later this year and do not presently have any detail about its operation. It will be important that the new unit is genuinely independent from the single services themselves. We look forward to learning more about it.

Victimisation following reports of sexual assault

4. We are representing a young service woman who reported a sexual assault and other abusive behaviours against a serviceman. The DSCU investigated but a decision was taken not to charge the accused. Some months later, the victim was asked for her consent to share a copy of her Achieving Best Evidence (ABE) police interview with the legal department of the service concerned, so that 'administrative action' could be considered against the accused. The victim gave her consent to that. She was then shocked to be informed that (without any further notice to her), an investigation had been conducted 'on the papers' by a senior officer and had concluded (in the opinion

of the senior officer) that the victim had herself engaged in ‘unacceptable sexual behaviour’ (USB). The officer explained that the zero tolerance policy required that an application for the victim’s discharge from service should follow. Exceptionally, the officer determined that an application to exempt her from that presumption of discharge should be made, but an application to secure that exemption would have to be made to a very senior person within the service and she should nonetheless suffer a ‘career check’ to sufficiently ‘mark her offending behaviour’.

The approach of the service concerned (which shockingly appears to have been driven by service lawyers) appears to have been that because no criminal charge resulted from the report of sexual assault, it was perfectly legitimate to undertake a separate investigation into whether the woman had herself perpetrated USB, in circumstances where no such allegation had been made (the only allegation that had been made had been her allegation of sexual assault against the accused). This has happened before in another of our cases (in 2019, before the institution of the zero tolerance policy) where a woman reported rape against a colleague and, once it was determined that no prosecution would follow, was notified that she (alongside the man she accused) would be the subject of a unit level investigation to determine whether ‘the service test’ had been breached by their conduct on the night in question. (The latter case resulted in an Employment Tribunal claim settling for a large amount of compensation for the woman concerned).

The implications of such an approach are obvious and chilling. If women think that by reporting a sexual offence, they are going to open themselves up to a unit investigation as to whether they have themselves committed USB, this is going to have a devastating impact on service women’s willingness to report sexual offences. We know that many (if not most) reports of sexual offences do not result in a charge and we believe the logical impact of this approach can only be to prevent women from coming forward in the first place.

5. A very experienced servicewoman with an excellent record attempted many times to raise a concern about the conduct of her male Officer Commanding for, among other things, gross sexualised remarks and inappropriate behaviours. There was inaction on the part of her chain of command (corroborated by her medical officer who himself wrote to express his concerns at the lack of action). Eventually a unit investigation was opened but it quickly appeared to the victim that it was her conduct that was now being called into question. Her commanding officer specifically warned her that she could persist in her complaint but that she may find ‘*it comes back on you*’. Sure enough, she was then subjected to Major Administrative Action which was (thankfully) almost entirely overturned on appeal; and her annual report was poor (for the first time in her career). Her service complaint about her poor annual report was eventually upheld (though only on appeal) and her annual report ordered to be rewritten. However in the meantime, she has left the service, her otherwise outstanding 22 year career in ruins.
6. A very junior servicewoman whose allegations of rape by a senior officer reported being threatened by her chain of command with arrest or detention under the Mental Health Act, if she refused to attend the medical centre to report the mental health

impact of her sexual assault. This was not an appropriate way to deal with such a situation. She had already sought and attended private therapy sessions and taken up support from SSAFA. The servicewoman also states that her CoC has onerously restricted her movements from camp; and has received a critical annual report which does not align with her professional output during the relevant reporting period. She ascribes this to her decision to report the sexual assault.

Failures in investigations

7. The independent Service Police Complaints Commissioner (SPCC) produced a highly critical report into the DSCU's handling of a rape investigation involving a junior female against a very senior member of the service concerned. The failings were so serious that the SPCC recommended a complete reinvestigation and the matter is now being re-investigated by a civilian police force. Unfortunately the SPCC has not published the report yet due to its arrangements for the publication of its reports not yet being in place. The failings in the DSCU investigation in this case included: missed opportunities to gather evidence, including the failure to seize and examine phones, digital evidence, to obtain relevant witness evidence, an incomplete referral to the SPA for a decision on charge, poor communication with the victim, and insufficient training on the part of the DCSU officer tasked with leading the investigation and criticism as to his conduct which was below the standard expected.

Since this report was produced in September 2025, the victim has had no response from the DSCU, either by way of an acknowledgement of the failings found by the SPCC or an apology, nor has she been informed which of the other recommendations made by the SPCC have been accepted and/or how they will be implemented. This is even though CMJ has tried hard to constructively engage with the DSCU about this and invited them to keep the victim updated (and to apologise).

Beyond the SPCC-identified failings, in that case we have also supported the victim to seek an explanation from the service as to why, following her allegations and the fact that the SPA had specifically recommended (when it declined to charge the accused) that the accused's CO should investigate whether administrative action was appropriate against him, no further action at all had been taken. The accused has since left the service on a medical discharge but is now re-employed by a private contractor working with the MoD and he is still working on a military base. Following those representations, a 'conduct review' was finally convened by the service, to determine if the accused ought to be retained, during which time the victim was subjected to further questioning and, amongst other things, asked if she had '*consented*' to the sexual assaults she had alleged, and whether she had '*enjoyed*' them.

The SPA has also apologised for aspects of its handling of this case.

8. A servicewoman reported rape to the DSCU, including that she had been informed that the accused had shared film footage of him and the victim around the time of the alleged assault, with work colleagues. The victim was later informed that although the suspect's mobile phone had been obtained and downloaded by the DSCU, the contents had not actually been looked at or examined by the DSCU, before the file was

passed to the SPA for a decision on charge. The SPA then declined to charge. The victim was specifically informed that if the case was ever re-opened in the future, the DSCU would be able to inspect the downloaded material which they would retain. The victim (in her complaint) has made the obvious point that this material had been highly relevant to the investigation should have been examined before any decision was taken on charge.

9. A servicewomen reported attending a work social event on base at which all the males stripped off under the guise of a 'naked bar' (a military social 'practice' that has come up in another of our cases). Later the same evening the woman reported that two males had raped her. The 'naked bar' allegation was investigated by the service police branch concerned, and separately to the rape allegation, which was investigated by the DSCU. The rape investigation did not result in any criminal charges against either of the assailants. As far as the service women is aware, the 'naked bar' investigation did not result in any criminal charges being brought against any individuals either, although one person may have been referred for a 'misconduct through alcohol' service offence (the service police refused to provide any further information to the victim). After the rape case was dropped, through Employment Tribunal proceedings, the victim learned that one of her assailants had already been on bail for the rape of a civilian woman, which being handled by a civilian police force, at the time that she had reported him for rape. We have established that the SPA had not been informed of this when it had been asked to advise on charge.

Delays to charge in cases with a 6 month time limit

10. Certain offences in the criminal law (such as common assault/battery and criminal harassment) are subject to a 6 month limitation period whereby a charge must be presented within 6 months. Until the AF Bill passes, this time limit does not actually apply to cases being brought in the SJS, but the AF Bill proposes to remedy this and bring the SJS in line with the CJS. In any case, it has long been the practice of the SPA to mirror the CJS system and to bring such cases within 6 months (and to drop them if they are brought outside this time period) even though legally they do not have to do this. We have had a number of cases where such cases have not been progressed in a timely fashion and the case has been dropped:
11. A young service woman was being harassed by her line manager, an officer. She reported the matter to the DSCU. There was a delay in referring the case to the SPA for a decision on charge. The SPA concluded that there may have been a realistic prospect of conviction on a harassment charge but because it had been referred outside the 6 month time period, he would not be charged. The SPA has indicated that one cause of the delay may have been a delay in the DSCU dealing with the digital material.
12. A service woman reported a domestic assault which was investigated by the DSCU. The charging referral was not referred within the relevant time limit which the SPA applies to (domestic abuse) battery charges. As a direct consequence of this, the SPA

did not prosecute the individual, despite the conclusion of the prosecutor that there was a realistic prospect of conviction. The DSCU accepted responsibility for the delay, and wrote a letter of apology.

13. A service woman reported a number of sexual assaults and an allegation of battery to the service police. In this case, the SPA wrote to the victim to say that criminal charges would not be brought. In relation to the battery offence, the SPA concluded that there was a realistic prospect of conviction but the six month time limit had expired for the prosecution of the offence of battery. The victim in this case exercised her Victims' Right to Review (VRR). In the VRR she pointed out that the delay was attributable to the DSCU, as she had promptly reported the matter to the service police. In that case, the VRR was successful and the defendant eventually pleaded guilty to the offence of battery.

Women being exposed to risk

14. CMJ is advising a young woman who has reported rape against a male in the same service. The CMJ is aware of another young woman in the same service having accused the same male of raping her, some years ago, in a case we brought and settled with the service (with payment of significant damages to that first client). In this second case, the man concerned appears to have been assigned a direct supervisory role to the young woman. We know, from the first case, that the unit concerned was well aware of the allegations made against the man and the service had accepted, though a service complaint brought by the first woman, that the unit's handling of the situation had been deeply flawed and caused great harm to the first woman.

Lack of engagement/information

15. We are representing a young woman who alleges multiple acts of sexual assault perpetrated against her while at Army Foundation College (Harrogate). Part of the young woman's service complaint was transformed into a 'service inquiry' which eventually reported in September 2025. The victim was assured that she would be provided with a copy of the SI report in advance of its publication and be taken through the findings. After hearing nothing for some months and raising concerns about it, she was told that the Army had decided not to publish the SI report after all. After sending a strongly worded legal letter the Army did eventually publish the report which can be read [here](#). The SI report is a highly critical internal report of various matters affecting the training estate for young soldiers. The Army denies that it decided to publish only in the face of the threat of legal action, which is (strongly) not accepted by the client not least because she had been told by a British Army colonel that the Army had '*decided not to publish it*' (prompting her to instruct her lawyers to make representations for her which, she believes, led to the SI report finally being published).
16. A victim of serious sexual offences was assured that she would be referred into the Victim Contact Scheme, whereby she was entitled to be informed of the perpetrator's impending release from custody following his conviction of multiple serious sexual offences against her including rape. The VCS is a scheme administered by HM Prisons

and Probations Service. Despite being assured that this had happened, in fact it had not been, and the victim first learned of the perpetrator's release after he had already left custody and was overseas. The DSCU accepted responsibility for this on behalf of the Victim and Witness Care Unit and apologised to the client.

OTHER

Independent Legal Advocacy

We are encouraged at the proposal to provide an independent legal advocacy scheme to victims in the armed forces. We address this in the attached AFB submission (§§31-36). We strongly urge the MoD not to go to the unnecessary trouble and expense of creating their own scheme, but rather to use the civilian scheme which has just been rolled out nationally, and which is tried, tested and is being led by third sector experts in the area of victims' rights. Arrangements can readily be made to ensure that that national scheme has a 'military arm' and charities like [Aurora New Dawn](#) can assist the national scheme to upskill and ensure specialist military expertise is available where needed (bearing in mind that very often, the questions victims will have will be the same whether they are in the SJS or CJS).

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