

THE ANDREW MARR SHOW
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INTERVIEW WITH:
KEIR STARMER
DIRECTOR OF PROSECUTIONS

ANDREW MARR: Good morning.

KEIR STARMER: Good morning.

ANDREW MARR: Let's start off talking about the sexual prosecution cases because nothing seems to have changed more than the way we've dealt with high profile cases of sexual abuse, thinking back to the '60s and '70s; it's been said we're now prosecuting the '60s and '70s. All of those entertainers, high profile cases. For a very long time young victims found it almost impossible to get a proper hearing in our courts.

KEIR STARMER: Yeah, I think there's been a fundamental shift in the way that we prosecute sexual offences, particularly in the last two or three years. The key issue I think is this, that we've got an adversarial system and that means that the prosecution must put up its best case and the defence then challenge that robustly and inevitably that means that the police and prosecutors, when a victim comes forward, ask the question, Is this person going to survive, are they going to be believed, and we've had to put in crude tests in place for that.

ANDREW MARR: Do you think the legal system let down young victims over decades.

KEIR STARMER: I think many victims didn't have the confidence to come forward because we were asking the wrong question. If you go in to a police station and report a burglary, the first question is not are you telling the truth. If you're the victim of a sexual offence, very often in the past, that has been the first question and so the assessment of whether this victim is believable starts from the very start and we've got to get away from that. We've done a huge amount of work ... (interjection)

ANDREW MARR: Do you think people like you should be apologizing to so many victims who were treated really very roughly in the past over a long period of time.

KEIR STARMER: I don't think it's a question of apologies, the criminal justice system evolves, the rights to victims have only been properly recognised in the last twenty years or so, we learn as we go along. I think the

best thing I can do is what I've been trying to do for the last two years, which is to fundamentally shift where we are on these cases, to make sure ...
(interjection) ...

ANDREW MARR: Explain to us how you shift something as difficult as bringing in young, often kids basically, who are nervous and frightened and don't think they're going to be believed – and turning that round ...
(interjection)

KEIR STARMER: The first thing you do is you change the test. So you say, you make it clear, if you come in to report this sort of offence, you are not going to be tested according to whether you've reported straight away, whether you give a consistent account, whether you ... yourself had drink or drugs etc. You will come in, give your account and then there will be a proper investigation. So we need to be bold and we need to say the old tests have got to go. We've got to put them to one side, we need to be loud and clear but we need to be clear with victims. This is how you will be treated if you come forward because so many people still don't have the confidence to come forward.

ANDREW MARR: In the old days, powerful men, very often in the media seemed to get away with it for a very, very long period of time. Has the pendulum swung too far. Are we now prosecuting too many elderly men whose crimes could be impossible to prove or disprove because they were so far in the past.

KEIR STARMER: I don't think the pendulum has swung too far. One of the things we've done in preparation for the change of approach is to have a very clear set of round table discussions. We've had a big consultation. We've got to stop the pendulum in the middle. We don't want it swinging both ways. You've got to remember in relation to all of these cases an investigation will only start if a victim comes forward and makes an allegation and so in terms of whether it's gone too far, the question is, are people coming forward and if they are coming forward, is a proper investigation taking place. I am content that the new approach is the right approach but we've got to be clear about.

ANDREW MARR: Okay we were talking a lot just now about Plebgate. It seems that there's a huge criminal conspiracy of some kind going on. The police have spent a huge amount of time and many, many bodies investigating themselves. Do you feel they've behaved properly and well. Do you feel satisfied by what's happened.

KEIR STARMER: Well Andrew, you'll appreciate that a week ago Friday, the file in this particular case arrived with the Crown Prosecution Service. I'm not going to fall in to the trap of commenting on the case at this critical stage; it's under consideration by us. We've now got what we need. We'll come to a view just as swiftly as we can.

ANDREW MARR: Okay, it has been long delay, so can you tell Andrew Mitchell, at least on this programme, you're going to come to a decision quickly.

KEIR STARMER: We will come to a decision as quickly as we can, given the nature of the exercise. I don't want to give a prediction but we've got what we want, we're hard at it and we'll come to a decision as swiftly as we can.

ANDREW MARR: Well let me try one more time. Are you personally frustrated about what's happened.

KEIR STARMER: I'm not responsible for the length of the investigation. I can only be held to account for the period of time the Crown Prosecution Service has taken.

ANDREW MARR: In a sense you speak for justice. You are the justice system and justice in many people's eyes has not been done in this case because of the length of time it's taken.

KEIR STARMER: The most important thing Andrew now is that the prosecution reach a proper decision on the facts of the case that's our function and our job and I'm getting on with that.

ANDREW MARR: And if I was Andrew Mitchell, sitting in front of you, would you feel any sense of the need to apologise or ...

KEIR STARMER: As I say, the file arrived with the CPS a week ago Friday, so the ... (interjection)

ANDREW MARR: And therefore not your

BOTH TOGETHER

KEIR STARMER: I don't think at the moment the CPS can be accused of delay. What I can say is we've got people working on it and we will, as I say, come to a proper decision just as soon as we can. I understand why there's a concern about the delay.

ANDREW MARR: You seemed to say to a lot of people that abortions based on a woman not wanting a baby girl to be born, were legal and there's nothing you could do to stop that. A lot of people find that completely incomprehensible. Is that really true. Is that really what you're saying.

KEIR STARMER: It's very important just to understand the case. This was an undercover investigation by the Daily Telegraph, it involved a woman asking for an abortion. She said she wanted it on the grounds of gender. She immediately went on to say that she had a previous female pregnancy that went wrong, with a defect and so there was mixed reasons from the start. All I did was explain the law. The law does not prohibit a doctor taking in to account the gender of a baby. All the law requires is a doctor coming to a proper risk assessment for the patient so I wasn't saying what the law should be, I was saying what the law is.

ANDREW MARR: Right. So we are in the same position as many countries like India and China where girl babies can be aborted legally and without a problem.

KEIR STARMER: Well the critical question is whether the health risks to the mother are greater by continuing than by terminating; that's the critical question and in this particular case, what was mixed in were other issues and in fact one of the doctors said, I didn't believe she knew the gender of the bay so it's very important... I did do a ten page detailed set of ... (interjection)

ANDREW MARR: I know I'm asking you for headlines.

KEIR STARMER: But I mean one, it's not as straight forward as people think. Two, in fact it's the risk assessment by the doctor that's critical, in which they are allowed to take into account the gender of the baby, if it's relevant.

ANDREW MARR: The Humans Rights Act is something the government is now determined to scrap. Would that be a good thing or a bad thing?

KEIR STARMER: I think it would be a bad thing. The Human Rights Act is a really important constitutional instrument. It isn't just a villain's charter, it has been a real asset to victims and witnesses and if you trace their rights, you will find them written in the Human Rights Act; so for me it would be a retrograde step to repeal or amend the Human Rights Act.

ANDREW MARR: So your message to the Home Secretary would be for goodness sake, think again on this one.

KEIR STARMER: I'd be very clear on this, I don't think it's an Act that should be amended in any way.

ANDREW MARR: All right. Keir Starmer, thank you very much indeed for joining us this morning.

END OF INTERVIW WITH KEIR STARMER