

Rape Crisis *news*

The newsletter of Rape Crisis Scotland

Issue 7 : Winter 2007-8

Rape Crisis in Scotland: Issues, Resources & Aspirations



*Alex Salmond signs the Statement of Intent (a commitment to build on recent progress tackling violence against women) at the Scottish Parliament on 6th December as members of the Women's Coalition look on:
Left to Right - Janette de Haan, Women's Support Project, Sandy Brindley, Rape Crisis Scotland, Elaine C. Smith, Alex Salmond and Niki Kandirikira, Engender*

As Rape Crisis Scotland welcomes the new Scottish Government, we take the opportunity to review some significant recent developments and to look to the future.

In this issue, we examine the significance of recent initiatives, and highlight the the importance of commitment from politicians to services that support survivors of sexual assault in Scotland.

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Rape Crisis in Scotland -

The first twenty years of the rape crisis movement in Scotland were characterised by a monumental effort from a small number of committed women who volunteered, with few or no resources, to establish and maintain support services for survivors of sexual violence. These same women also campaigned relentlessly to raise awareness around this issue and lobbied for change within the justice system in an effort to improve the prospects of rape complainers in court. Widespread prejudice and many aspects of the legal system itself meant that survivors of rape and sexual abuse faced an ordeal in court with little chance of obtaining justice – that is, if they were fortunate enough to get there in the first place: most were (and still are) not.

By 1997, there were rape crisis centres in Glasgow, Edinburgh, Aberdeen, Dundee, Kilmarnock, Dingwall, Dumfries, Kirkcaldy and Stirling; their first joint meeting of local centres had taken place in 1983. Even the more established of these did not have paid workers for many years – Glasgow's first paid worker started in 1982, Edinburgh's ten years later; Dundee RCC employed its first paid worker to set up a young women's project in 1994. There was plenty of scope (if not many resources) for concerted action, and the rape crisis centres in Scotland campaigned jointly on many issues and were formally constituted as the Scottish Rape Crisis Network in 1994.

Many remarkable and positive developments took place during this early period, including the establishment of the Women's Support Project in Glasgow, some restrictions on the use of sexual history evidence in sexual offences trials (Law Reform Misc Prov (Scotland) Act 1985, section 36) and research into this (published 1992), and the confirmation of rape in marriage as a crime in Scotland (1989). Although the funding situation did improve, local government reorganisation and patchy commitment across different local authorities meant such funds as there were, were at very different levels across the country, and the effort required to put together funding applications to the relevant local authorities (in the case of Glasgow post re-organisation this meant 9 separate applications) diverted resources from the core service to a significant degree. With very little



time at Westminster allotted to consideration of legal changes specific to Scotland, lobbying the Scottish Office resulted in little change. Consequently, the devolved Scottish government offered a real opportunity for the needs of rape survivors in Scotland to be addressed in a way and at a level more appropriate to their needs for the very first time. In January 2003, a national office, Rape Crisis Scotland, was established to support a growing network of centres.

The new Scottish Executive demonstrated their determination to address the funding crisis facing services offering support to survivors of rape and sexual abuse in Scotland. In 2004, they established the Rape Crisis Specific Fund which, for the first time ever, allowed existing rape crisis centres to plan and offer badly needed services, and for some areas which had never had rape crisis services of any kind, to establish them for the first time.



Dates, developments & devolution

- 1997
 - Scottish Parliament established
 - SRCN conference, Dundee
 - Young Women's Project – consultation with 1000 young people in Dundee
 - 'Hidden Figures: the Edinburgh women's safety survey'
 - Protection from Harassment Act 1997
 - Rape and sexual assault leaflet - Scottish Office

- 1998
 - CoSLA 'Guidance on developing multiagency partnerships to tackle violence against women'
 - 'Preventing Violence Against Women' - consultation, Scottish Office

- 1999
 - EVA Project established in North Lanarkshire - first multi-disciplinary project to be set up in NHS in Scotland to address violence against women
 - Routes Out Of Prostitution established in Glasgow as a thematic Social Inclusion Partnership
 - Cross-party group on Men's Violence Against Women and Children established
 - Scottish Parliament debates domestic abuse for the first time - Domestic Abuse Service Development Fund announced

- 2000
 - Publication of National Strategy to Address Domestic Abuse in Scotland
 - Scottish Executive convenes National Group on Domestic Abuse
 - Cross-party working group for Survivors of Childhood Sexual Abuse set up in the Scottish Parliament

- 2001
 - Glasgow Rape Crisis funded by GGHB to set up SWAP - Supporting Women Abused in Prostitution
 - Lord Advocate's reference on the definition of rape leads to clarification of Scots law that rape is based on an absence of consent, and does not require the use or threat of force
 - Protection from Abuse (Scotland) Act 2001
 - First parliamentary debate on child sexual abuse

- 2002
 - Rape Crisis, Glasgow, seeks judicial review of Home Secretary's decision to allow Mike Tyson, a convicted rapist, to enter Scotland to take part in a boxing match
 - A young woman kills herself after giving evidence in a rape trial. Her parents condemn the ordeal she was put through in court
 - Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 prohibits the accused in sexual offence trials from conducting his own defence, and attempts to tighten the restrictions re use of sexual history/character evidence
 - Scottish Rape Crisis Network funded by Scottish Executive to set up national office, Rape Crisis Scotland

- 2003
 - Scottish Executive broadens the focus of its Domestic Abuse strategy to encompass all forms of violence against women
 - Margo McDonald MSP introduces Prostitution Tolerance Zones (Scotland) Bill
 - Expert Group on Prostitution set up by Scottish Executive
 - Aberdeen Rape Crisis Centre employs first paid worker
 - Rape Crisis Network Europe report shows that conviction rate for rape in Scotland is 6% - one of the worst in Europe
 - Rape Crisis are involved in the training of judges for the first time
 - Short Life Working Group on survivors of sexual abuse

Dates, developments & devolution

- 2004
- Violence Against Women Service Development Fund established (March)
 - Scottish Executive announces £3.26 million to develop rape crisis services (Rape Crisis Specific Fund) – 1.96 million for 2004-06, and 1.3 million for 2006-08
 - Scottish Executive publishes Domestic Abuse Training Strategy
 - Scottish Coalition Against Sexual Exploitation established
 - Expert Committee on Violence Against Women established
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- 2005
- Adult Survivors Reference Group set up by Scottish Executive
 - (February) Lanarkshire Rape Crisis Centre opens
 - (April) Staggered implementation of Vulnerable Witnesses Act begins, with provisions for children introduced
 - Rape Crisis Scotland hosts a one-day conference “Legal Responses to Rape: Scotland’s chance to get it right”
 - Scottish Executive establishes Survivors Fund with a budget of £2m
 - (October) Western Isles Rape Crisis Centre (based in Stornoway) opens
 - Amnesty International publishes research findings indicating high levels of blame related to drink, dress, flirting & sexual history assigned to women who have suffered sexual violence
 - (August-December) Home Office & Scottish Executive hold joint consultation on possession of extreme pornographic material
 - Argyll & Bute Rape Crisis Centre opens
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- 2006
- Scottish Law Commission conducts a review into the law on rape and sexual assault in Scotland:
(http://www.scotlawcom.gov.uk/html/discussion_papers.html#dp132)
 - (May) The Women’s Support Project hosts a one-day conference: “Challenging Demand” challenging the demand from men to buy sex
 - National Group to Address Violence Against Women adopts definition of violence against women which includes prostitution and pornography
 - (June) Crown Office publishes its report on the investigation and prosecution of rape and serious sexual offences in Scotland
(<http://www.crownoffice.gov.uk/Resource/Doc/9/0000174.pdf>)
-
- 2007
- (February) Scottish Executive holds Survivor Scotland conference & launches its strategy for survivors of childhood sexual abuse and a new Sexual Abuse Service Development Fund (SASDF)
 - (March) Women’s Rape & Sexual Assault Centre opens in Perth
 - Rape Crisis Scotland receives funding from the Scottish Executive to launch a National Helpline
 - Glasgow Rape Crisis hosts a one-day conference : “Society’s Misconceptions about Sexual Violence and its Impact on Justice for Women”
 - (June) New Archway sexual assault referral centre opens in Glasgow: the first of its kind in Scotland
 - Joint consultation between Home Office, Scottish Executive & NI Office holds on non-photographic visual depictions of child sexual abuse
 - Scottish Executive statistics show that the conviction rate for rape in Scotland has fallen to an all-time low of 3.9%
 - Prostitution (Public Places) Act 2007 criminalises “the nuisance caused by those who purchase sex on the streets”
 - (August) Scottish Executive’s Domestic Abuse post-campaign evaluation reveals that high levels of blame related to drink, dress, flirting & sexual history continue to be assigned to women who have suffered sexual violence
(<http://www.scotland.gov.uk/Publications/2007/08/01142941/0>)
 - (December) Scottish Law Commission publishes its recommendations for reform of the law on rape and sexual offences, together with a Draft Bill

With thanks to Lily Greenan of Scottish Women’s Aid, on whose Literature Review on Violence Against Women timeline this table was based

Interview with Stewart Maxwell

In his speech to the Scottish Parliament on 5th September “Principles and Priorities: Programme for Government” – (see <http://www.scotland.gov.uk/News/This-Week/Speeches/principles-priorities/>) the First Minister made a commitment to prioritise reform of the law on rape, following on from the Scottish Law Commission’s recent review.

In response to questioning from Margaret Curran MSP, the First Minister also confirmed that he would match the previous administration’s record £3m funding for rape crisis services in Scotland. Mr Salmond also gave a commitment to address continuing concerns about the use of sexual history evidence.

In this interview with Eileen Maitland, Information & Resource Worker for Rape Crisis Scotland, the new Minister for Communities and Sport, whose portfolio includes rape crisis provision, tells us more about The Scottish Government’s position on violence against women, and sexual violence in particular:

EM: *There’s been considerable progress made in Scotland in recent years around violence against women. Can you say a bit about the commitment of the new Scottish Government to tackling this issue?*

SM: We’re very committed to building on the work that’s already been done by the previous two administrations. We were very supportive of the administration’s work over the last 8 years and we certainly intend not to throw the baby out with the bath water, but to build on the work that’s already been done, to take it forward, and to re-emphasise our commitment to making sure that this work carries on and in fact has even more



of an impact. There’s been some good work in the last few years...and we want to make sure that the impact that we achieve carries on in that vein.

EM: *You’ve just taken on the role of chairing the National Group on Violence Against Women – what do you see as the most immediate priorities facing the group?*

SM: There are a number of priorities. One is just continuity – to make sure that there is no “dropping the ball” between one administration and the other and things can carry on as usual in one sense. The other thing I’d like to make sure that the group does is address the new Bill on rape that’s coming forward - I think that that would be up there near the top of my priority list. But I want to make sure the group is very focused on violence against women in the social context of not just domestic violence but also violence against women in its widest sense and children, other levels of abuse – verbal abuse as well as physical abuse, pornography – and make sure it tackles these areas. I’m particularly concerned about the seeming rise in the abuse of migrants to this country, particularly from Eastern Europe and

Interview with Stewart Maxwell

elsewhere – women who are coming here to be exploited and abused. So I think there are a number of priorities – I suppose the one very focused piece of work will be on the Bill when it comes.

EM: *Do you have any timescale for that yet?*

SM: We'll have to wait till clearly the Commission gives us its views and then we'll publish the Bill after that but it's obviously a matter for the Cabinet Secretary for Justice, who will bring that forward. But I'm sure that as soon as it comes forward it will be a big piece of work in 2008.

EM: *Rape is an issue which cuts across a number of departments like Health and Justice. How will you ensure that a joined-up approach is taken in addressing it?*

SM: Everything cuts across portfolios – there's nothing that ever really fits exactly in a single box, so officials in departments who work closely together have committees together to make sure that there's nothing being missed between the different departments. We have weekly ministerial meetings for all Ministers who discuss issues of concern or interest to each other. Beyond that we have regular meetings to discuss issues which are particularly important. The most recent ones we had cross-portfolio was one on domestic abuse where myself, the Minister for Community Safety and the Minister for Early Years Adam Ingram, all met together and talked with some young people who had experienced domestic abuse. We also have ad hoc meetings where we will get together and discuss a particular topic. There is a lot of work between Ministers but an awful lot of the background work is done by officials in the different departments.

EM: *What are your views on the current conviction rate for rape in Scotland – it's currently 3.9%?*

SM: It's currently abysmally low. Historically, it's always been very low. I think there have been genuine efforts over the last decade or so to try and tackle this particular problem.

Clearly we haven't got there yet – we haven't managed to achieve the kind of step change in conviction rates; obviously I think the Bill will help. I think the work that the Crown Office and that the Fiscal Service have been doing in recent years will help. I think, fundamentally though, what will change is a cultural change – that's what we need. And that means we have to change effectively public attitudes. Now the vast majority of the population are very clear on their views on this but there's recent evidence that there's still a significant minority who have views that, frankly, need to change.

EM: *The Scottish Government very recently published research showing that legislation that was intended to protect women from intrusive questioning about their sexual history has actually aggravated the situation and made it worse. Can you say a bit about what the Scottish Government's plans are to tackle this issue?*

SM: We supported the principle of making sure that women's personal history was not used against them and that's clearly where we stand on the issue. If it's the case that attempts so far have failed, then I think we would have to address that... Clearly the Lord Advocate's guidance in court is very very important here, to judges and how they operate and I know the Lord Advocate is very keen to make sure that courts act properly in this regard. So I think there's a question about checking and double-checking the Lord Advocate's guidance is up to date and is effectively being implemented and adhered to by courts. I think secondly, it's about making sure that the legislation we have is fit for purpose. If it isn't actually achieving it, then I think we have to go back and look at the legislation.

EM: *Statistics recently published as part of a wider Scottish Executive evaluation of its domestic abuse campaign demonstrated very clearly that women-blaming attitudes in the context of rape are both persistent and widespread in Scotland. What measures do you think can be taken to tackle this?*

SM: I think it's a kind of \$64,000 question in a sense – attitudinal change is very difficult in

Interview with Stewart Maxwell

society. I think though, in other campaigns in other areas such as public health, we have shown that we can do it. I think my priority here would be about awareness-raising, first of all. One of the things that causes these sorts of attitudes to fester and carry on is when we ignore them. So I think the first thing I would want to do is confront them – get them out into the public domain, and have role models and people saying this is just wrong, this is unacceptable. I know that we are looking at the American campaign ***This Is Not An Invitation To Rape Me*** and I think there are very very powerful messages in that campaign, particularly the images are very powerful.

EM: *Have you seen them?*

SM: I've seen some of them...very very powerful. That kind of public awareness-raising, which puts the message across that the kind of attitudes that came up in some of that research are – it's not funny, it's not a joke, it's not acceptable to use it, - it's a bit like sectarian messages or racist comments – these are not acceptable in our society, and I think we have to put that on the same sort of footing. Because a woman was dressed in a particular way, or has had a few too many drinks or whatever it happens to be – none of these things are an excuse or a reason, and I think we have to get that message across very strongly.

EM: *What are your views on the position that it is important that violence against women is tackled from a gender-based perspective?*

SM: There's been some debate about this, and I understand that. I wouldn't go so far as to say that there's been some controversy but clearly some people take a different view. My view is very much that we should do it from a gender-based approach – violence against women is effectively a power issue, and I know that there are people who say you've got to talk about violence against men and look at it from both sides of the coin. I just don't think they're comparable in any way whatsoever. I think violence against women and children is an entirely male abuse of power and it has to be tackled in that fashion. Yes, there are men who are also abused, but frankly it's a tiny

fraction, a tiny minority. So I'm very comfortable with the gender-based approach, and don't think I can envisage changing that.

EM: *There have been very significant developments in services in Scotland for women experiencing male violence since 2004 through support and funding from what was the Scottish Executive, now the Scottish Government: what kind of commitment will the new Government give to sustaining these and building on them for the future?*

SM: I'll start with a caveat, which is, we're in the middle of a spending review process. Decisions about individual budgets will be taken immediately after the Cabinet Secretary for Finance announces the allocations within the Scottish Government portfolios. He will make those announcements mid-November, and then we'll move on and make our announcements beyond that. Having said all that, I think we've made very clear our commitment to this area, and very clear that we'll carry on funding it. We can't talk about specific figures, specific budgets until the spending process is through, but I can't be any clearer about my commitment to this particular area of work, whether it be the National Helpline we just launched, or whether it be the actual local rape crisis centres or Rape Crisis Scotland. My views, and I know the First Minister's views on this are that this work will carry on.

EM: *How effective do you think the National Group has been in broadening out its focus in tackling violence against women?*

SM: I think that it was right to start where it started. I think it's been absolutely right to broaden out to the violence against women agenda rather than just domestic abuse. My only concerns about this are that I want to make sure that we do embed that kind of view in the group and that that's effectively what we carry on doing and that we don't be too narrowly focused in certain aspects of it. Sometimes we don't think about verbal abuse, we don't think about pornography, we don't think about abuse of children...I think there are a range of other forms of abuse round about domestic violence if you like, at the core - other forms of violence which are critical that are absolutely

Interview with Stewart Maxwell

tackled by the group. So, I think they've done pretty well in expanding their role, and the whole remit that they cover. But I think it's absolutely important – at the very first meeting that I chaired I said this – that I wanted to make sure that we did keep this focus on the broader spectrum of violence and not just some of the narrower bits of it.

EM: *How do you see the Prevention Strategy being taken forward in order to address the root causes of violence against women?*

SM: Again I think it's about building on the work that's been done. We'll not change attitudes overnight. I think there can be a focus on aftercare services, which are fundamentally important, but if we want to actually break out

of the cycle then we have to focus much more attention on prevention and that is back to attitude change and it is about making sure that public awareness is that these kinds of attitudes are unacceptable. The focus of prevention is firstly on cultural change and attitudinal change but it's also on safe streets, it is about the ability of women to go about their business without fear or hindrance, it is about quite practical measures - decent lighting and proper policing, and all those sorts of things. So...there's a whole range of issues from attitudinal change right through just to practical measures that can be taken. Again, I think it's very important that we don't just focus on after the event and forget that we have to stop it happening in the first place.

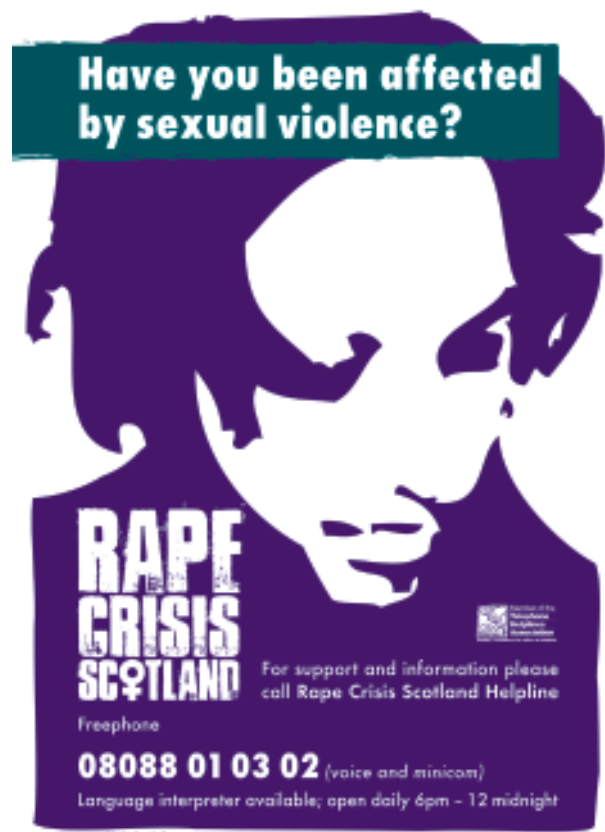
National Helpline - 08088 01 03 02

In 2004 Margaret Curran, who was then Minister for Communities, announced the creation of the Rape Crisis Specific Fund.

The fund sought to address the historic underfunding of Rape Crisis Centres, to develop 4 new centres and to conduct a feasibility study around developing a Scotland-wide helpline. In 2006 development work began on the RCS Helpline and the service was launched on 11th October 2007.

The RCS Helpline has been established to work in tandem with local centres, providing a daily helpline service which offers immediate and crisis support and which can put survivors in touch with their local services. Building upon expertise that already existed within Rape Crisis and complementing the services in local centres, the RCS Helpline aims to provide high quality and confidential support which is free and accessible at the point of need.

The RCS helpline ensures that support and information is available across Scotland on a daily basis. Despite improved funding, local



Rape Crisis Centres continue to struggle to meet the demands on their services and some areas of Scotland do not even have a centre. The RCS Helpline and member centres have worked together throughout the development of the helpline to tailor responses e.g. with

National Helpline - 08088 01 03 02

signposting and referral and it is anticipated that centres will experience increased demand upon their current provision. RCS and member centres will monitor this demand and indeed will draw upon some of the information coming out of the Helpline to define where new services need development.

The Helpline offers free and confidential support and information to survivors of sexual violence no matter when in their life it happened. It provides an opportunity to talk through what has happened, how the survivor has responded and the impact that it's had on their life. Many survivors who contact the helpline have never disclosed their experience to anyone and this represents a massive step. The RCS Helpline is able to listen to individuals' experiences,



First night on the helpline

provide non-judgemental and confidential support. The helpline offers initial and crisis support but is not able to offer ongoing support. We can however put callers in touch with or refer to local services to help access longer term and in-person support. RCS has developed an extensive agency database to facilitate access to a wide range of services across Scotland.

The Helpline is open 6pm – 12 midnight, 365 days a year. It is staffed by trained part-time and volunteer workers, all of whom are women. RCS provides this service using a freephone number so no one will be charged for calling and it won't show up on any phone bill as our number is withheld.

The RCS Helpline promotes access for survivors from minority communities. Working



The very first shift

from an anti-discriminatory perspective we are able to provide language interpreters via Languageline and can produce translated information materials on request. Our translation budget is available for community languages and also for Braille or audio tapes, again on request. The helpline number also contains the facility for receiving calls from minicomms from the deaf and hard of hearing. All helpline staff have received training around delivering an accessible service and have an understanding of the barriers which can inhibit access.

The RCS Helpline also provides support and information to the friends, relatives and workers of survivors of sexual violence. This support acknowledges the impact of sexual violence on those who support survivors. It is an opportunity to access support in their own right and to explore different ways of supporting the survivor.

Although it is early days, the RCS Helpline took 234 calls in its first 10 weeks. Callers have survived a range of experiences from sexual assault to childhood sexual abuse, from rape to sexual harassment. Each call has taken significant courage for the survivor to contact us and it has been a privilege for the RCS Helpline to offer them support. The RCS Helpline will continue to offer this service and to work with local centres and services to improve responses to survivors of sexual violence and to provide the high quality and responsive service they deserve.

Katy Mathieson, Helpline Manager

Glasgow Rape Crisis Centre:

In this issue, we examine the impact that national ring-fenced funding for rape crisis services has made to women in Scotland by looking both at what it has meant to an established centre (Glasgow) and one that was opened recently (Perth and Kinross). Isabelle Kerr, Centre Manager of Glasgow Rape Crisis, looks back at the centre's early years and the vital importance of political recognition, commitment and funding to its future.

EM: *You've experienced Glasgow Rape Crisis both in its infancy and in its current form. How would you describe the difference between the GRCC you knew in 1981 and the centre you manage today?*

IK: The difference overall is that the work we do is much more widely known now and we have a higher profile – all the work we have done over the years has paid off in that we're taken more seriously now and almost considered fellow-professionals. Not bad after only 30 years!

EM: *What do you attribute that to?*

IK: To a number of things: the fact that through all the ups and downs – the funding and personnel crises – (it's difficult to ask women to give their energy, their time, their youth – their souls, almost!) – volunteers have stuck with us. Latterly, commitment from the Scottish Executive has made a huge difference in enabling us to embed and consolidate our core services. The fact that we're now more secure allows us to forward plan – something it's traditionally been very difficult for voluntary organisations with time-limited funding to do. We're now in a position – because of the Violence Against Women Fund and the Rape Crisis Specific fund to continuously evaluate our service – to look at the gaps – and take steps to address these.



EM: *What would you say have been the most significant developments over the years?*

IK: The ability to hire paid workers and have core staff means that the service can have a proper structure. When you're operating with volunteers, the service can only be available when the volunteers are available – that's a fact of life. Women have families, jobs – other interests! They need to have that time out to gather their energy and it's important not to over-commit because of the nature of the work. It's impossible to deliver a structured core service with volunteer time alone, and it's a testament to their commitment that GRCC has survived now for over 30 years. The value of paid workers is that they can guarantee consistent opening hours, respond by giving duty appointments quickly and commit to programmes of support that had always been less certain in the past – now we *know* we can offer it.

EM: *What would you say the impact of devolution has been, and the advent of the Violence Against Women and Rape Crisis Specific funds?*

Interview with Isabelle Kerr

IK: It's given recognition to the whole issue of violence against women, which is a very important thing for the administration to be doing. It was very significant that the Protection From Abuse Act was the first committee Bill to go through the Scottish Parliament – it really put violence against women on the map as an important agenda item for the government. And the fact that there are also things like ongoing publicity campaigns, the Domestic Abuse Helpline, and the National Rape Crisis Helpline all have a huge impact on the consciousness of the Scottish public. The Domestic abuse campaign on TV for example really stuck in people's minds and its evaluation showed this. Even now the song "Behind Closed Doors" still resonates with many people as a result of that. But it's also important not to forget that the Scottish Executive commitment is building on foundations laid by the women's movement – that's something that needs to be recognised and applauded – 30 years of slog by committed women.

EM: *More recently, what would you say has been the impact of the decision to broaden the focus from looking specifically at domestic abuse to violence against women in a more general sense?*

IK: This is very important because for years workers in our field have said that all forms of violence are linked and have recognised that there is a continuum of violence. We do understand why the original work was around domestic violence: a body of evidence showed that it was a real issue, but we'd known for many years that domestic abuse didn't exist in isolation. In broadening the focus to include other forms of violence against women, the Scottish Executive has acknowledged that we have to be able to recognise other forms of violence experienced by women and that has made a big difference in terms of broadening understanding. Violence Against Women partnerships have also done a lot of work in raising awareness – people know now, for example, that it's never "just a domestic" – it's everyone's problem, and that we all have to be part of the solution. Now we have to do the same with rape, child sexual abuse, prostitution and pornography. You don't get that clarity or certainty around these issues yet. Broadening

the focus has given us a great opportunity to show the links, the continuum of violence – to validate all the work we've done and to build on it.

EM: *Rape has sometimes been described as a forgotten issue – to what extent do you think that is still true?*

IK: I would say it's an emotive rather than a forgotten issue. With domestic abuse, it's much more acceptable to condemn, but with rape and sexual assault there's always the **but** – **but** she was drunk, **but** look at the way she was dressed, **but** she shouldn't have gone back with him – and that results in woman blaming. I also feel that we have to continue to challenge the myth of false allegations. There appears to be a common belief that the world is full of shrieking harpies whose sole purpose is to ruin the lives of men. It's about the blame factor – there's a widely held belief that they [accusations of rape] are made for the most tenuous of reasons. It's a real urban myth. There is also a great deal of confusion between the withdrawal of an allegation and one that is false. Women know what will happen when they get to court – that they'll have their lives torn to shreds in front of an audience. For many women that is too much to face.

EM: *How important is the Rape Crisis Specific and Violence Against Women Funding to Glasgow Rape Crisis? If it was lost, what impact would that have?*

IK: The impact would be enormous – the Rape Crisis Specific Fund funds our Finance/Administration post for example. Because of the situation we are in, covering several local authority areas – we must operate with a cocktail of funding – it's very important for us to have this post to keep track of that and be sure at all times that we are fully accountable to our funders. Our reputation has always been good and that's very important to us. We intend to continue to develop and grow, and our funding will be more complicated as that happens, and it'll be even more important in the future that we know exactly what we're doing with that money.

These funds also contribute to core costs, and that is vital to us. Core funding is very difficult to attract, and important to secure. The Violence

Glasgow Rape Crisis Centre:

Against Women Fund funds our Support Service Coordinator's post – if we didn't have that, we wouldn't have the person in place who runs the support service and organises the supervision and training of volunteers and ensures that rotas are covered. Some of that funding also pays for sessional work and group work, so its withdrawal would lead to a significant gap in service provision. And over and above these practical implications, the loss of that funding would send a message to the effect that the service we provide has no value, is not a priority or not needed – when we know quite clearly that it is. We delivered statistics to a funder recently at the end of July that showed that between the 1st April and the 31st July we were taking 100 calls a month and were giving direct support to 105 women. You have to add to this the fact that we do a significant amount of awareness-raising and educational work. The population of the area we serve is 1.2 million, 54% of whom are women. It's also worth mentioning that when we go out to do awareness-raising with other workers, we do that free of charge; what we do has a real impact on other services. We also produce a range of publications which we distribute free of charge – we could not do this without Scottish Executive funding.

EM: What are the main projects and initiatives GRCC has been involved in recently?

IK: One thing that's been very important is that we've been able to place workers in different local authority areas – in East and West Dunbartonshire in particular. At the moment this is for 10 hours each per week, some of which is direct service provision and some educational work. We've also been running a series of training events, culminating in an international conference we held in Glasgow in March 2007. Our events have dealt with a range of issues relating to rape and sexual abuse, including mental health, dissociative identity disorder, and the psychological impact of rape & sexual assault; we've got another event - on stalking – which will take place in January 2008. We've also developed a play – we're using as many tools as there are out there, and trying to make links with the community wherever we can. It's also worth mentioning that we've had a huge amount of involvement with the Archway Sexual Assault Referral Centre, both with its



GRCC Conference, March 2007

development and its operation. We're extending our service and continuing to develop all the time, and last year we underwent a complete restructuring of the organisation that has allowed us to establish a more secure framework for long term development and growth.

EM: What are your priorities for the immediate and long-term future?

IK: Our immediate priority is to secure additional premises close to our current office base. Our support service will be sited at the new base and we plan to customise this to suit our changing support needs.. Our current office is so busy with people coming and going so much that it's not really conducive to delivering support to the standards we demand. I had to move out of my office the other day so that a woman could be seen in it – our existing 2 support rooms were both full and our training and resource room was too!

In the longer term there are a number of issues we need to address. We want to develop resources in translation – in many cases it's not appropriate to translate what we have verbatim, so we've applied for funding to pay for consultation on this – to give us the tools to produce translations in whatever format is going to be best for women – this may be in DVD format, booklets, graphics. Glasgow is such a multicultural city and we need to recognise the diverse information needs of the women living here.

We also intend to develop a Follow-on service which will look at women coming through the

Interview with Isabelle Kerr

support service and give them the opportunity to keep in touch, although they can discontinue this at any time. Workers would also get involved in advocacy work – looking at housing, employment and other issues for example. They'll gain more advocacy skills and do more work with women going to court.

We do recognise that the service will change with the advent of the National Helpline and we want to evolve in the best way in the light of that – we need to be alert and flexible to changing needs, to be able to work as effectively as we can.

EM: *If you could send one message to the Scottish Executive, what would it be?*

IK: Continue with the support and commitment that's been given, and listen to what we say. We've been working in the field a long time and know what the issues and needs are. Women have been doing this for many years, often without recompense – this shows that women in the field have a very basic political commitment to these issues. And even more fundamentally - the women of Scotland are your constituents – they deserve a good service.

EM: *What would you say are the main barriers still to be overcome?*

IK: Public attitudes – not to GRCC but to rape and sexual assault. It's a constant struggle to challenge the many myths that still surround the issue.

Sustainability is another thing – Rape Crisis has always struggled with this. Statutory organisations can deliver 10-year action plans – this is something we should be able to do. Also, recognition of our professionalism – the simple fact is that women in this field are skilled professionals and are often highly educated, articulate and assertive, and the days when we could be dismissed as “do-gooders” are long gone.

Rape Crisis isn't about tea and sympathy – it's about facilitating the recovery of women from what is possibly the most traumatic event in their lives.



Women's Rape & Sexual Abuse Centre, Perth & Kinross

A new service for women in Perth & Kinross

The benefits of political commitment to the issues of sexual violence have not been confined to established centres or urban areas:

the last three years have seen the opening of four new rape crisis centres in Scotland, to provide services in largely rural areas where survivors of sexual violence had previously had to travel considerable distances in order to receive support. One of these centres was the Women's Rape and Sexual Abuse Centre Perth & Kinross, which opened its doors in December 2006 after a needs analysis across Scotland persuaded the Scottish Executive to award funding to set it up.



Perth by night : Fernando Cuesta

Statistics put out by the Scottish Executive showed that in Perth and Kinross throughout 2004/2005 there were 11 cases of rape recorded – only 5 cases in Tayside made it to court (out of a total of 63) and this resulted in 1 conviction. At the new centre's launch in March

Women's Rape & Sexual Abuse Centre, Perth & Kinross

2007, Development Worker Maggie McVean explained that this was simply the tip of the iceberg, as many survivors of sexual abuse never report what they have been through. When women are aware that they may not be believed, or fear they may have to confront their attacker in court or undergo humiliating cross-examination themselves, the prospect of reporting an assault can be truly terrifying.

"Rape and sexual abuse can have traumatic effects which every woman or girl will react to differently" she said. "But one of the ways in which women can begin a healing process is to get support from someone who will believe them and who they can trust to help them make informed decisions and gain back control over their own lives".

An attempt had been made some years previously by a group of local women to set up a Rape Crisis Centre in Perth, but sustainability proved difficult in the absence of a National Office or stable infrastructure of the sort that recent Scottish Executive commitment and funding has made possible, and the centre closed in 1999. Consequently, prior to the establishment of WRASAC P&K, women in Perth and Kinross had been forced to go to the WRASAC Dundee for support – a distance of some 28 miles. And although WRASAC Dundee did not widely publicise its services in Perth and Kinross they reported that 20% of their service users came from the Perth & Kinross area and they fully supported the need for a service in Perth.

WRASAC P&K offers support and information to women, and girls who have been raped or sexually abused at any time in their lives. Support and information is also available to family, friends and partners of women who have experienced rape or sexual assault. The service covers the whole of Perth & Kinross area and since it began operating in December 2006 it has received many requests from women for face to face support and calls through the helpline. The months following the launch have been very much focussed on the recruitment and training of volunteers with the result that the centre has only recently begun to advertise its services. Numbers are expected to increase significantly very shortly as a result of a new marketing campaign for

the centre, which includes adverts on buses and distribution of information materials and leaflets to all known local services who work with women.

One of the main barriers to be overcome in Perth & Kinross as elsewhere is the fact that rape and sexual abuse remains one of the most difficult of crimes to report or talk about. There are a variety of reasons for reluctance to report, including very low conviction rates - The Scottish Government recently released statistics that reveal that the conviction rate for rape in Scotland has now fallen to an all-time low in Scotland of 3.9%.

Add to these dismal statistics the prevalence of attitudes that assign blame to women who have been raped if they have been drinking, dress "provocatively" or have had many sexual partners and it is easy to see why women are reluctant to speak out. Only 16% of WRASAC Dundee's service users made a complaint to the police. The result is that many women and girls are left trying to deal with what has happened to them in isolation.

Rape and sexual abuse can have traumatic effects and women and girls who have survived this can experience a wide range of feelings and reactions both short- and long-term. Women may blame themselves and feel responsible for what has happened to them, have nightmares, flashbacks and be left feeling worthless and having difficulty coping with day to day life. Women who have experienced rape or sexual abuse sometimes feel suicidal and many self harm as a way of coping with what has happened to them.

WRASAC P&K runs a free and confidential helpline through which women can access telephone support, face to face support or even be supported by email and/or letter. The Service is free and confidential and is run by women for women. The Centre is supported by Perthshire Women's Aid who provide management resources.

Women, young women and girls seeking support can contact the Centre on the **Helpline 01738 630965** or they can email info@perthshirerapecrisis.org

Interview with DCI Louise Raphael

One of several recent initiatives aimed at improving the prospects of survivors of rape and sexual assault in obtaining justice was a review carried out by the Association of Chief Police Officers in Scotland (ACPOS). DCI Louise Raphael from Strathclyde Police spoke to Eileen Maitland from RCS about the background to the ACPOS review, and the police perspective on these issues:

EM: Can you tell us a bit about the ACPOS Review – what is it and what does it hope to achieve?

LR: The ACPOS Review itself was a document that was produced last year. It basically fell from a piece of work that was instigated in the main by Elish Angiolini, the Solicitor General as she was at the time, who instructed that Crown Office and the Fiscal Service have a look at the manner in which as an organisation they prosecuted rapes and serious sexual assaults. The Crown Office did a huge piece of work surrounding that, and produced a report.

On the back of that, ACPOS had a look at the same subject and again, produced a report. Both of these reports are key documents and there were a whole raft of recommendations in them, some which related to the Crown Office side of things and some of which related to the police – in terms of the investigation.

ACPOS as a body acknowledged that there is a fair amount of work to be done, and as a result, established the Sexual Crime Working Group. I chair that particular group, and as a body we are principally having a look at some of these recommendations and trying to take them forward. So the ACPOS Review itself has been completed. What ACPOS are doing now in the form of the Sexual Crime Working Group is a much longer-term piece of work, and I don't necessarily see there being an end date to that. It will be a generic body which will continue to look at that particular crime type, with a view to continuous improvement.

EM: So what particular areas are you looking at? In what areas are there improvements to be made?



***Strathclyde Police Headquarters
by Dobienet***

LR: There are some key areas – training is a big issue. We need to ensure that the officers who are predominantly dealing with these types of reports are sufficiently equipped to do so. It's such a unique crime type that the training it involves and the skills base involved in the investigation of that type of crime involves more than it would normally do – during generic training.

What we're having a look at is the extent of training that's delivered, both at a national and at a local level. At the moment, there is perhaps a training void in terms of the national delivery. There are eight forces in Scotland and we all do things differently. That's not unique to this type of crime, but we want to have a look at processes in terms of forensic capture, medical examinations, enquiry officers, training – those are things that we can get standardised right across Scotland.

EM: In your experience, in terms of police work around rape and sexual assault, would you say that have things changed much over the years, and if they have, how have they changed?

LR: I've been 21 years in the police service now, and it's like night and day. Our abilities have increased dramatically over the years. The capabilities in terms of forensic recovery and the advancements we've made in terms of the science side of things is extraordinary, and our investigatory processes have, to a certain extent, been dictated by these developments. I would like to think that we now deal with things in a much more professional manner than we ever did in the past. I'm not necessarily criticising those who have gone before me, but we've learned from experiences. There's always room for improvement, and that's part of what we're trying to address.

Interview with DCI Louise Raphael

EM: *What are the main challenges for police investigating rape and sexual assault, would you say?*

LR: It's an extremely difficult crime to investigate, and to prove. The law as it exists in Scotland currently requires an element of corroboration, and invariably the crime of rape is an uncorroborated crime in terms of independent witnesses. That's the first difficulty, and it can be a huge one to overcome. We would normally look for other sort of supportive evidence in terms of corroboration – medical evidence.

We've become a victim of our own success in terms of some of the scientific capabilities that we have now – DNA for example is a massive tool, and we use it all the time. In the past in the days when I was in the Female and Child unit for example, where there was a report of a rape then the alleged perpetrator would just deny sexual contact. That's changed completely now, and the question is really over consent. Invariably the response that we get is yes there was sex, but it was consensual sex. The whole consent issue is a huge burden – the perception of consent, and exactly what does consent mean? Certainly for the Crown Office and Procurator Fiscal Service side of things when you're prosecuting, it's a huge dilemma. So these are the key areas.

It's a very emotive crime, and it can be very difficult to deal with victims as a result of that. Clearly it's imperative that we keep people on board and give them the support they require, but there are times when there's a conflict there as well because perhaps because of all the difficulties with the legal system and the legal process we're unable to deliver what, ultimately, their objective would be, and we're not in the business of providing people with some unrealistic expectations - it's important we don't do that.

EM: *Research has revealed widespread prejudicial attitudes toward women who have experienced sexual assault – what steps do the police take to ensure that they don't hold these, given that they are so prevalent?*

LR: I would like to think, we are a professional organisation – from the minute we become

police officers, it's incumbent upon us to deal with people without fear, favour, malice, ill-will - we cannot tolerate that sort of viewpoint. It's irrelevant how someone chooses to dress when they go out for an evening. It's irrelevant how much alcohol someone decides that it's acceptable enough for them to drink. It's irrelevant when it comes to the question of whether or not someone has been sexually assaulted or has been raped. It's two entirely separate issues, and we just cannot afford to have officers confuse the two.

EM: *Our own experience has been that responses among different police officers can be very variable in terms of their understanding of these issues and in their practice in dealing with women bringing complaints. What would be your response to that, and what should be the way forward?*

LR: We accept that – particularly within the working group we accept that – part of our research has shown that, and we're looking at training from a number of levels. One of the key areas that we've identified is our first response training. We provide specialist training to officers who will deal much more in-depth with victims, but not perhaps with the bar staff who are at the front counter when someone attends there, or indeed the control room staff who receive the telephone call.

So one of the first things that we have actually done is to provide first response training to staff within control rooms, bar staff – even the first response police officers who perhaps go to a call – to someone's home in response to a call that they've made – just to give them an awareness of the things that they should be bearing in mind, providing the right level of support to the victim – early advice. We hope to roll that out in the next couple of months in the form of DVD frontline training.

EM: *Did that come out of the ACPOS review?*

LR: It's come from our working group, yes. It'll take the form of a short film about someone who attends at a police office to report having been raped. And thereafter the storyboard is things you should bear in mind – to make sure the victim is being dealt with appropriately. It's a short – 10-15 minute video.

Interview with DCI Louise Raphael

EM: *There has been a lot of recent concern about the way in which sexual history evidence is used in court. Can you say a bit about what approach the police take in this area?*

LR: There are some very clear guidelines in terms of that type of evidence being led in court. It's not something that we would explore to any great extent during an investigatory process, other than perhaps to maybe explore recent sexual history that would perhaps have a bearing on some of the forensic evidence, but beyond that it's not something that we would ordinarily explore.

Past sexual history, from an investigatory point of view really bears no great relevance to that particular enquiry and those particular sets of circumstances, and unless – and I can't think off the top of my head of any reason or any circumstance where you would be wishing to explore that further – it's something specific, as investigators we wouldn't ordinarily be asking that.

EM: *Could you talk us through what would happen if a woman was to report a rape? What would be the sort of process of events?*

LR: It varies from area to area – in relation to the facilities that are available. For example in Glasgow we now have The Archway, but that clearly varies throughout the country. It depends again whether or not that first report is made by telephone, or at the office, or whatever. If someone were to respond to a call, for example, police would attend, get very brief details as to exactly what occurred. They would have to make some initial decisions in terms of any immediate medical requirements that the victim may have, any other immediate response that they would have to kick in.

Typically thereafter, specialist officers would be contacted and would take over the enquiry from that point onwards. All divisions within Strathclyde have facilities for medical examinations within the office, and typically the woman would be brought into the police station. She would be interviewed and a full statement obtained and simultaneously medical examination would take place – clearly all with her consent. She would be updated in terms of what was likely to take place thereafter, given

further guidance and advice in relation to her own health and other agencies that could be contacted in terms of support.

EM: *Most women in Scotland would not be able to access a female police casualty surgeon – that's right, isn't it?*

LR: We have female police casualty surgeons and where people specifically request that, if that's not the next casualty surgeon who is on the on-call list, we do our best to meet it. We have some difficulties because we don't have that many, but where at all possible we try and do that.

EM: *What do you think could be done to improve that?*

LR: Perhaps we should be thinking about some other means to get access to that sort of medical expertise elsewhere if we don't have sufficient facilities. For example, I work in the Lanarkshire area – we had an incident a number of months ago where the woman asked for a female examiner and we had difficulties tracking one down and our next port of call was the Archway, and despite the fact that geographically the Archway doesn't cover Lanarkshire, we were trying to explore some other means by which we might access a female medical examiner so maybe we should be looking at it from a much more dynamic perspective.

EM: *After the initial stages of a woman's encounter with the police following an alleged rape, what further steps are taken by the police in terms of her support needs, health and emergency contraception?*

LR: There is a whole raft of advice provided at the time when the woman is in the office about immediate health requirements, subsequent health requirements, morning-after pill availability, support agencies like yourselves – they're all provided at that particular time but as you can imagine, there are clearly other more stressful things going on.

What we try and do as best we can is that the officer who has dealt with that particular individual continue to be their single point of contact thereafter – where something else

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needs to be clarified, some other support or follow-up enquiry or follow-up contact, it's done by the same officer. That's not always possible because clearly we work shifts and the officers are not on call, and where there's an element of urgency, someone else will do that, but we try and avoid that – I think it's important that there is that one-to-one contact in much the same way as we provide a family liaison officer in homicide cases or cases where there's been a death.

EM: *With the conviction rate in Scotland currently at its lowest ever – it's 3.9% at the moment - and only 10% of cases getting to court, what do you think is the reason for this, and what can be done to improve things?*

LR: There's no quick fix solution to any of that, and I think there are a number of reasons why the figures are the way they are. The issue of corroboration is a difficulty, the issue of consent is a difficulty. The fact that it's an emotive crime, in itself creates a huge difficulty. One of the other things as a working group we've been looking at is statistics, and there are huge disparities across Scotland in the manner in which we record statistics and report these circumstances to the Fiscal. So the figures can sometimes be a bit misleading depending on how they've been recorded. I think we need to get that right and to get a standardisation right across the board. We need to, for example, ensure that as an organisation the police don't continuously report to the Procurator Fiscal circumstances where there's patently an insufficiency of evidence there, because that creates a false statistic.

There has been other work ongoing – the Scottish Law Commission has looked at the law as it stands at the moment and made some recommendations as to how we can change the law.

EM: *There is within some sectors a perception that there are a high number of false allegations of rape. What is your response to that?*

LR: That happens. I don't know what the statistics are but what I certainly wouldn't wish us to do would be to hang our hat on a statistic that's perhaps created by individuals deciding for whatever reason that they no longer want to



pursue a particular allegation or a particular report – that's not necessarily a false allegation of rape. That's clearly someone exercising their choice, and that's regretful that someone takes that course of action from an investigator's perspective, but it's perfectly understandable under the circumstances, given the type of crime it is. So I would not wish us to be creating those statistics based on that sort of information, but we cannot ignore the fact that there are people who falsely allege that they've been raped. What we need to ensure is that the default position as far as the police service is concerned when someone reports that they have been raped then that's exactly what they're reporting. We have got absolutely no reason whatsoever to consider that to be anything other than an absolutely genuine report. If further enquiry down the line establishes that not to be the case then so be it, we would deal with that separately, but that never should be the starting point.

EM: *For most women who experience rape or sexual assault and want to report it, the first point of contact will be a general uniformed police officer – can you tell us what kind of training they would have received?*

LR: Police officers receive extensive training both at a national and at a local level when they join the police service. They get residential training at the police training college at Tulliallan and they also get some complementary training at force level. There is an element of probationary training which covers sexual crimes but it is very much generic. As you would imagine, there is a whole raft of crime types and offences to be covered during that initial period. So whilst there is training delivered, it is not in-depth to any great extent. We're trying to address that by issuing this DVD just to give them a greater awareness. They're first response police officers – they can't be

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specialists in everything, and I wouldn't necessarily want a police officer on a first response dealing with that type of report to any great extent – we've got specialists trained for that purpose. What we need to make sure is that the response that they do provide is appropriate, professional, and in accordance with what we would expect in terms of the enquiry.

EM: *What sorts of points is the DVD making?*

LR: Forensic awareness – it will give insight from a victim's perspective rather than from the police perspective. It will highlight issues such as immediate medical attention, immediate psychological requirements; remind them to make sure that that person's not kept within a front bar area amongst other members of the public when clearly it's a very traumatic thing they're here to report, that it's important that they're taken to the medical suite as quickly as possible and provided with someone there at all times to support them; to advise their supervisor as soon as possible, make them aware of what's been reported so that all of the requirements in terms of that particular type of investigation are kicked in at a very early stage – the specialists are contacted, and able to make themselves available as soon as possible, the medical examiner is contacted so that there are no unnecessary delays in their attendance. Sometimes it's appropriate that an early evidence kit could be used for example and it would allow someone to perhaps have a cup of tea, a glass of water, be able maybe to just wash their face.

EM: *Do you think a move towards greater consistency across Scotland in dealing with rape & other sexual offences would be a good idea – for example, as things stand, some have specialist units while others do not?*

LR: We are looking at consistencies and standardisation where it is appropriate. The geographical layout in some forces requires people to be multi-skilled, and there are insufficient resources to address that. Certainly within Strathclyde Female and Child Units the officers are multi-skilled and deal with sexual crimes and child protection issues. Child protection is one area that has received a huge amount of scrutiny and attention over the years,

perhaps to the detriment of some of the sexual crimes...

EM: *Of adult women?*

LR: Yes. That's part of the reason why the Sexual Crimes Working Group exists now - if we have experienced some slippage, then we get it back on track and back up to speed. There's no reason why people can't be multi-skilled and it is an absolute necessity in some of the more remote areas. But that's not to say that other forces wouldn't have the capacity to split those skills and have a separate unit that would deal with adult sexual crimes and those that would deal with child protection.

These are some of the longer-term issues that we would have to a) examine and establish whether there was sufficient argument to go down that road and b) is that a realistic achievement at the end of the day? It's a much longer term piece of work. Because what we're talking about there is basically restructuring some of the forces.

EM: *You've had a bit of a preview of our own forthcoming public awareness campaign which we hope will open up some public discussion around prejudicial attitudes to women and rape. What did you make of it, and how important do you think it is that we do change public attitudes?*

LR: I think it's a hugely important piece of work and I'm extremely encouraged by the angle that you're coming from because I agree that there is an attitude within society that needs to be addressed. I think it's not until you actually point that out to members of the public before they actually realise that they may well have that particular point of view. I've had this discussion with people within my own social circle about, you know, look at the way she's dressed, she's staggering all over the place. My response to that – 'ok, so that guy standing across the road – carte blanche then, he can just go and do whatever he likes?' – 'Well of course not' 'Well what exactly are you saying then?' - It's not until you actually point that out that they realise 'Yeah, well, I see what you mean – I'm not actually saying that – but I am', if you know what I mean. I'm really quite intrigued to see what sort of response you're going to get from that

Interview with DCI Louise Raphael

campaign. I think it's about time we had a look at some of society's attitudes towards potential perpetrators and how they excuse their own actions. I am extremely supportive of it, and I hope it's hugely successful.

EM: *What would you say to a woman who has suffered a rape or sexual assault and is considering reporting to the police, but is worried that she'll be disbelieved or blamed for what's happened?*

LR: I would be very disappointed if women still held that view, that the police would disbelieve what they had to say. I would just like to think (and I sincerely hope that we are in a position to achieve this) that women are assured that they will be dealt with with the utmost sympathy,

the utmost dignity and respect, that we will do our utmost to try and address what is a despicable crime. From a police perspective, of course I would wish everyone who has experienced that type of crime to come forward and report it and allow us to investigate it and hopefully be in a position to charge someone at the end of the day.

That said, I can understand personal choices that are made, and some of the decisions not to come forward and report it. I would just hope that at least if, when a victim makes a choice not to report it, part of that decision-making process is not because they don't think they're going to be believed by the police.

Sexual History & Character evidence

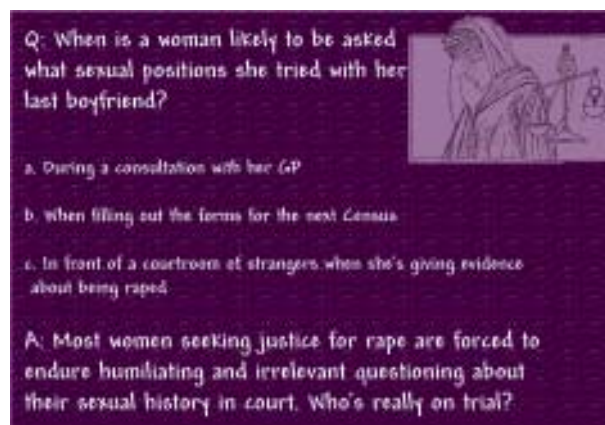
Research reveals that the law fails to protect women from questioning about sexual history and character

Research published by the Scottish Government on the 12th September 2007 reveals a highly worrying increase in the level of questioning on sexual history and character which complainers of rape and sexual offences have to face in court.

The Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 attempted to tighten restrictions relating to the use of this type of evidence. It was introduced due to the perceived failure of existing legislation to adequately protect women from irrelevant and prejudicial questioning in rape trials.

Prior to legislating on this issue, the (then) Scottish Executive issued a consultative document called 'Redressing the Balance: Cross Examination in Rape and Sexual Offence Trials'. This document set out a summary of what they termed "pervasive myths" about sexual behaviour:

- Someone who has engaged in sexual behaviour with persons A and B is likely



to agree to engage in sexual behaviour with person C;

- Someone who is sexually promiscuous has less right than someone who is not to choose who they engage in sexual behaviour with;
- Someone who is sexually promiscuous is generally less trustworthy and therefore more likely to be lying;
- Women have a tendency to "lead men on" and are therefore to blame when men fail to resist their physical impulses;
- When a woman says "no" she doesn't mean it; and
- False allegations of rape or sexual assault are more common than false allegations of other crimes.

Sexual History & Character evidence

The Scottish Executive went on to make a strong statement rejecting these myths:

“These prejudices are based on antiquated notions about sexual morality which have no place in a modern inclusive society. They are also both illogical and at odds with any system of morality which places a value on the individual’s right to self-determination. If these myths and prejudices are propounded at trial, it leads to complainers being treated with a lack of respect and, in the worst cases, being subject to humiliation. It also leads to a distortion of the real issues and lessens the likelihood of a just conclusion being reached. The Executive is therefore determined that such prejudices should not continue to find a home in the Scottish criminal justice system.” (Redressing the Balance, Scottish Executive, 2001)



A key aim of new Act introduced in 2002 was to “ensure that questioning or evidence introduced is relevant to the issues of fact before the court, rather than calculated to demean or humiliate the complainant”. The provisions of the Act required written applications to be made to introduce sexual history and character evidence, in advance of the trial. In coming to a decision on whether or not the evidence should be admitted, the judge or sheriff should only admit the evidence if he or she is satisfied that it is relevant to whether the accused is guilty of the offence, and the probative value of the evidence is significant and is likely to outweigh any risk of prejudice to the proper administration of justice. Judges and sheriffs are required to consider appropriate protection of the complainant’s dignity and privacy.



The research into the effectiveness of the new Act found that applications to introduce this type of evidence were made in 72% of cases. Only 7% of applications were rejected. In most cases, the Crown did not object to defence applications. This means that 7 out of 10 women in rape / attempted rape trials will be asked questions about their sexual history or character. This represents a significant increase under the new legislation in the level of this type of questioning complainers face. Legislation intended to provide greater protection for women has somehow made the situation far worse.

Sexual history and character evidence has been used in rape trials for a long time. This evidence is often used to discredit the complainant, to suggest that somehow she is of such “loose morals” that she was very unlikely not to have consented to sex. This type of evidence can include: women being asked about whether or not they were a virgin at the time of the rape; whether they use sex toys; how many sexual partners they have had; whether they are a single mum; whether their children have different fathers; how much alcohol they drink. In our view, this type of questioning is designed to exploit any prejudices juries may have about how women should behave, particularly in relation to sex.

Rape Crisis Scotland is gravely concerned about the findings of the research. It is clear that the intentions of the Scottish Parliament in passing this legislation have not been achieved, and that women continue to be routinely humiliated in court. The research raises extremely serious questions about whether or not as a society we consider women in rape

Sexual History & Character evidence

trials to be “fair game” without access to the most basic of human rights.

In response to the research, Rape Crisis Scotland has launched a postcard campaign to raise awareness about the reality faced by many women in court, and to call for action to stop this type of evidence being led. For more information on the campaign, visit our website: www.rapecrisisscotland.org.uk/campaigning.htm

7 out of 10 women giving evidence in rape trials in Scotland will be asked about their sexual history or character

The European Convention on Human Rights states that 'no-one shall be subjected to inhuman or degrading treatment' (article 3) and that 'everyone has the right to respect for his private and family life' (article 8).

For further information visit:
www.rapecrisisscotland.org.uk/campaigning.htm

**RAPE
CRISIS
SCOTLAND**

If you have been affected by sexual violence, phone our helpline on:
Freephone 08088 01 03 02
(voice & minicom)
Open daily 6pm – Midnight

What happened to women's human rights?

Looking to the Future

Much progress has been achieved in recent years in Scotland in addressing violence against women.

Rape crisis provision has developed significantly in the last four years thanks to ring fenced government funding. There is now almost double the number of rape crisis centres across the country than at the start of 2004. Rape crisis centres – who have historically been chronically under-funded – have benefited from capacity funding from the Scottish Executive / Government which has improved their ability to respond to women and girls approaching their services for support. This is not to say that there is not a need for continued resources, or that rape crisis centres are now funded at a level which enables them to fully meet the demand for their services, but the picture is significantly better.

At a strategic level, the commitment to broadening out work on domestic abuse to make the links with other forms of violence against women such as rape and commercial sexual exploitation is to be welcomed. For too long, rape has been an ‘invisible issue’ in policy and strategy work: only by making the connections between women’s experiences of different forms of violence and the underlying causes underpinning these experiences can we hope to address and eradicate this violence. Our strategies must be based on the



by Patrick Schulze

understanding that violence against women is both cause and consequence of women’s inequality.

At a justice level, significant concerns remain. Despite genuine attempts by the Scottish Parliament to improve legal systems to rape, the conviction rate for rape in Scotland is now under 4%, with only 3.9% of rapes reported to the police leading to a conviction. No one can argue with any credibility that over 96% of women in Scotland reporting rape are lying;

Looking to the Future

therefore it is clear that there are serious problems in relation to how our justice system responds to rape.

The Crown Office & Procurator Fiscal service carried out a comprehensive review of how rape and sexual offences are investigated and prosecuted. The review reported in May 2006 and made 50 recommendations. These recommendations are being implemented over a 3 year period. The Association of Chief Police Officers in Scotland is also carrying out a review of how the police investigate these crimes. The Scottish Law Commission has carried out their own review of sexual offences, including considering a new definition of rape for Scotland. The outcome of this review will be a bill which will reform the law on rape and sexual offences in Scotland. This bill has just been published (see below) and Rape Crisis Scotland looks forward to contributing to the consideration of this bill by Parliament.

However, the recent evaluation of provisions introduced in 2002 to limit irrelevant questioning of complainers on their sexual history demonstrates the limits of law reform. Survey after survey has demonstrated that a significant proportion of the Scottish population blame women for rape: because of what we wear, how we act, how many sexual partners we have had. Until we address these attitudes, we are unlikely to truly improve access to justice for women who have been raped. What is needed is a fundamental shift in how society views women's sexuality.

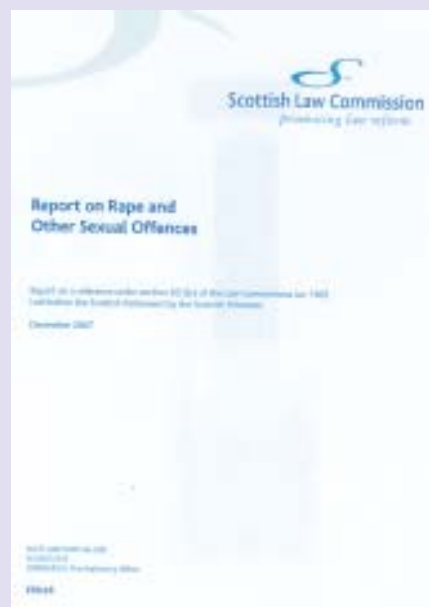
RCS views the coming years as an opportunity to build on the work already carried out in Scotland to address violence against women, of continuing to invest in services for women experiencing violence, of improving legal responses and most importantly of developing work to tackle the causes of violence against women. Eradicating this violence must be the overall aim of all our work. **Sandy Brindley**

Rape Law Reform recommendations

Rape Crisis Scotland welcomes the Scottish Law Commission's carefully considered recommendations for reform of the law on rape and sexual offences in Scotland, which were published on 19th December. See <http://www.scotlaw.com.gov.uk/html/reports.html#r209> for the full text of their report and draft Bill. Particularly welcome are the broadening of the definition of rape, and a definition for the first time of consent. The publication of the Commission's final report and draft Bill marks the beginning of a period of public consultation which will run until March 14, 2008. Rape Crisis Scotland will produce and circulate a briefing paper on the proposed changes to the law during this period.

While we are glad to see legal reform in this area, it is vital that such changes are accompanied by a significant change in public attitudes, in order to effect real improvements in the prospects of survivors seeking justice. The Scottish Government has also produced a consultation document on the reform of the law

on rape and sexual offences. You can see this at <http://www.scotland.gov.uk/Topics/Justice/criminal/17543/Scottishgovtconsultation>.



Sexual Violence: Some Useful Resources

For a comprehensive list of titles on many aspects of sexual violence, including works on rape and sexual assault, child sexual abuse, pornography and prostitution, please visit the Rape Crisis Scotland library catalogue online at <http://www.librarything.com/profile/RapeCrisisScotland>

Websites & web-based resources

RAPE & SEXUAL ASSAULT

Women's Support Project resource lists:

Rape & Sexual Assault:

<http://www.womenssupportproject.co.uk/files/pdf/rapesexualassault.pdf>

Women whose children have been sexually abused:

<http://www.womenssupportproject.co.uk/files/pdf/wcsa.pdf>

Child sexual abuse: Boys/Men:

<http://www.womenssupportproject.co.uk/files/pdf/csaboymen.pdf>

Child sexual abuse: Self-help & support:

<http://www.womenssupportproject.co.uk/files/pdf/csaselfhelp.pdf>

Child sexual abuse: Theory:

<http://www.womenssupportproject.co.uk/files/pdf/csatheory.pdf>

Child sexual abuse: Women's experiences:

<http://www.womenssupportproject.co.uk/files/pdf/csawomexp.pdf>

Child sexual abuse: Working with children:

<http://www.womenssupportproject.co.uk/files/pdf/csaworkchild.pdf>

Home Office: Protecting you from sexual abuse (for people with learning disabilities) :

<http://www.homeoffice.gov.uk/documents/sex-offence-protect-learning-dis>

Rape Crisis Online Encyclopedia: <http://rapesurvivor.pbwiki.com/>

Rape Crisis Information Pathfinder: <http://www.ibiblio.org/rcip/>

CRIME AND JUSTICE

Recorded Crime in Scotland 1997-8 to 2006-07:

<http://www.scotland.gov.uk/Publications/2007/08/30141914/17>

Crown Office & Procurator Fiscal Service Review of the Investigation and Prosecution of Sexual Offences in Scotland:

<http://www.scotland.gov.uk/Publications/2007/08/01142941/0>

Impact of Aspects of the Law of Evidence in Sexual Offence Trials: An Evaluation Study:

<http://www.scotland.gov.uk/Publications/2007/09/12093427/0>

Scottish Law Commission Report on Rape and Other Sexual Offences (published 19/12/07):

<http://www.scotlawcom.gov.uk/downloads/rep209.pdf>

Scottish Government Consultation on the reform of the law on rape and sexual offences:

<http://www.scotland.gov.uk/Topics/Justice/criminal/17543/Scottishgovtconsultation>

Rape attrition project website (Ireland): <http://www.nuigalway.ie/law/end-the-silence/index.html>

COMMERCIAL SEXUAL EXPLOITATION

Women's Support Project Resource List on commercial sexual exploitation:

http://www.rapecrisisscotland.org.uk/documents/WSP_CSE.pdf

OBJECT: <http://www.object.org.uk/>

Pornography & Sexual Violence:

<http://www.mincava.umn.edu/documents/arpornography/arpornography.html>

Diana Russell: pornography as a cause of rape: <http://www.dianarussell.com/porntoc.html>

Pornography: references: <http://www.dianarussell.com/references.html>

Against pornography: <https://againstpornography.org/>

Anti-pornography activist blog: <http://antipornographyactivist.blogspot.com/>

Prostitution research & education website: <http://www.prostitutionresearch.com/>

ECPAT international: <http://www.ecpat.net/eng/index.asp>

Coalition against trafficking in women: <http://www.catwinternational.org/>

White Ribbon Scotland blog: <http://whiteribbonscotland.wordpress.com/>