

# Rape Crisis *news*

The newsletter of **RAPE CRISIS Scotland**



issue **3** Winter 04/05

## Rape Law Reform Scotland's Chance to Get it Right

A review of Scotland's laws on rape and sexual assault is underway, raising the hope of reforms which, ideally, could make a major contribution to delivering proper justice for women.

The review will be carried out by the Scottish Law Commission, and will look at:

- The law and definition of rape and its proof
- The common law and statutory provisions relating to sexual offences in general, and proof of such offences – with particular regard to gender and equality issues in statutory provisions and any anomalies or gaps

Rape crisis campaigners have been calling for such a review for years and are urging everyone interested to make their views known to the Scottish Law Commission. (See page 4 for contact details.)

It is hoped that any proposed new legislation will take full account of lessons learned from the experience of similar reviews in other countries in the last 20 years.

This is crucial, as it is clear from past experience in Scotland and elsewhere that changes to rape law do not always deliver the expected improvements and, in some cases, even have almost the opposite effect to that intended.

Key issues which the review will cover will include definitions of rape and of consent. It should also address concern over the current defence of honest belief, whereby an accused can claim he honestly



believed the complainer consented, even if this is an unreasonable belief. And it could look again at sexual history evidence.

The Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 aimed to introduce reforms including further restricting the use of a woman's previous sexual history or character evidence. However, there are fears this has not proved successful in that aim, with concerns that such evidence is still being admitted.

Legislative reform can play a crucial role in a range of ways, including in helping alter public attitudes. But it is widely recognised too that it is only one part of improving the ways in which rape is dealt with by the criminal justice system.

The review of the prosecution and investigation of rape and sexual offences which is being carried out by the Crown Office and Procurator Fiscal Service is also clearly vitally important and very welcome.

Underpinning any legal changes, however, there must be recognition of the need to effect fundamental shifts in public attitudes and perceptions towards women in general, and women who have been raped in particular. Until we tackle sexist attitudes to women, the potential for legal reform to lead to a significant improvement in women's experience of the criminal justice system will be severely limited.

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# HOW CAN THE LAWS ON RAPE BE IMPROVED?

## Seminar report

**ONE** hundred people from interested organisations in Scotland and beyond attended the Women's Support Project/Rape Crisis Scotland seminar on 'Legal Responses to Rape' in August. Four excellent speakers outlined key issues and answered detailed questions from some of the many academic, public sector, legal and volunteer sector experts in the audience.

RCS National Development Worker Sandy Brindley explained the context, noting Scotland's very low conviction rate (recent figures suggest that around 4% of recorded rapes lead to a conviction) and the fact that most cases which are reported to the police never make it as far as court. She highlighted continued concern about the use of sexual history evidence to discredit women in court, despite the attempt to increase restrictions on this in the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002.

And she welcomed the two important reviews underway in Scotland – the review by the Crown Office and Procurator Fiscal Service of the prosecution and investigation of rape and sexual assault; and the Scottish Law Commission review of the law on rape and sexual offences.

Vera Baird MP QC spoke on rape and changes to the law in England & Wales, with James Chalmers, of Aberdeen University, detailing the current law on rape and sexual offences in Scotland. Professor Gerry Maher QC, the Scottish Law Commissioner heading the rape law review, explained the review process and urged all those interested to make their views known to the Commission.

New Zealand criminologist Dr Jan Jordan started proceedings with the necessary reminder that while legal reform is extremely important, changing societal attitudes is essential for the reforms to work in the ways intended. She said that in New Zealand "it is clear that rape law reform hasn't always been the magical answer it was hoped it would be". Attitudes of everyone involved in the justice system, including lawyers, judges, juries, police and the wider community impact heavily on practice and outcomes.

Her focus was on how rape complainants face major problems in



(l to r) Janette de Haan, Gerry Maher, Jan Jordan, James Chalmers, Sandy Brindley, Vera Baird

the various ways their credibility is assessed as they seek justice. In New Zealand the police make the initial prosecution decisions, unlike in Scotland and south of the border. This effectively makes them gatekeepers to the criminal justice system and makes their attitudes particularly influential.

Dr Jordan, senior lecturer at the Institute of Criminology, in Victoria University, Wellington, has studied in depth the police responses to women rape complainants and her talk highlighted deeply prejudiced police attitudes, dating not just from 20-odd years ago, but very recently. In a small study she did in 2001 of experienced sexual assault investigators, estimates made by them of the number of rape complaints believed to be false or mistaken ranged from 10% to an incredible 80%. While there were some very good officers, including some who expressed concern about the attitudes of their colleagues, this was evidence of widespread disbelief of rape complaints.

Dr Jordan contrasted police attitudes with international research putting false allegations in very low single figures. She said that Jennifer Temkin had concluded in 1987 there was "no evidence that allegations are more frequently fabricated in rape cases than in other crimes". Yet a 1997 study by Professor Temkin, of the University of Sussex, found that half of the detectives interviewed believed that a quarter of all rape complaints were false.

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*"I believe it should not be a lottery when women go and report rape and sexual assault to the police. Women deserve better than that," Jan Jordan.*

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Dr Jordan highlighted the impact of reports where there was insufficient evidence being recorded as no crimes or as false reports, thereby inflating the figures on false allegations and adding to myths and disbelief. She pointed out

that one woman attacked by New Zealand serial rapist Malcolm Rewa in the 1980s, had initially been turned away by police.

She was deeply concerned that women should receive consistent standards of response. "I believe it should not be a lottery when women go and report rape and sexual assault to the police. Women deserve better than that," she added.

Her conclusions included the need for: more police training on the effects of rape trauma; specialist police investigators; funding for good support services; and the continued challenging of rape myths.

James Chalmers looked at the definitions of rape and other sexual offences in Scots law, at conviction and attrition rates and at the prosecution and proof of sexual assault, including the requirement of corroboration. Some of the following is taken directly from his presentation slides.

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*A man can use the defence that he honestly believed the woman consented, no matter how unreasonable that belief is.*

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Judicial reform of the definition of rape has taken place recently. Since the Lord Advocate's Reference (No 1 of 2001), which removed the need to show force had been used to prove a rape, a man commits rape if he has sexual intercourse with a woman without her consent and he knows that the woman is not consenting, or is reckless as to whether she is consenting. Consent is not defined formally. A man can use the defence that he honestly believed the woman consented, no matter how unreasonable that belief is. (Scots law also does not have a crime of male rape as it is limited to penile-vaginal penetration. These crimes are charged as sodomy or indecent assault.)

Mr Chalmers said that the law review would clearly look at issues around consent and may well also look at the defence of honest belief. In practice though, he said, "there has been some research suggesting that it is not a very effective defence" and was less likely to lead to an acquittal.

Earlier he gave some explanations about why Scotland comes so low in a

comparison table of European conviction rates for rape, in research by Linda Regan and Liz Kelly, *Rape: Still a forgotten issue* (2003). These included the requirement for corroboration in Scotland and the differing definitions of rape in each jurisdiction.

Professor Maher spoke briefly about the Scottish Law Commission review, saying that the aim at the end would be "a report which contained all our recommendations and our reasoning for them and a draft Bill which, if the Executive like it and if the Parliament like it, then will pass into law". The work has just started and the intermediate target will be producing a consultation paper which would state the Commission's preliminary thinking and some suggestions, including some which may be "kites to fly", which could end up being knocked down.

He urged everyone interested to contact the Commission, promising they would listen. "We want the right ideas, right from the word go," he added. Even before the consultation paper they would be contacting people to speak to the Commission, and anyone who wasn't invited should feel free to invite themselves for a meeting.

The review will look at how to define rape and other sexual offences and proof issues. It will look at relevant gender and equality issues. Professor Maher said they will have to decide how also to limit the potentially "endless list" of what actually are sexual offences.

One issue which has come up in the literature, and which has been adopted in some countries, is to stop using the word rape and have a list of different grades of sexual assaults. "Does the label 'rape' matter?" he asked.

On the definition of consent, he said it may be possible to learn from some of the ways the English 2003 Act had tackled this, including that in some situations the law presumed there was no consent. Sexual history evidence was another aspect to look at, given the "long difficult story of the extent to which the complainant's sexual history can be brought out in evidence". Any proposed legal reform must take into account the European Convention on Human Rights.

Vera Baird spoke comprehensively about how the legal changes south of the border had addressed the key issues.

The Sexual Offences Act 2003 says that rape is "penetration of vagina, mouth or anus" where the complainant does not consent and the defendant did not reasonably believe that the complainant was consenting. Consent is defined as "agreement by choice by a person with capacity and freedom to make that choice". Whether a belief in consent is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to establish whether B consents.

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*"agreement by choice by a person with capacity and freedom to make that choice"*

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She highlighted an extremely useful report presented to the UK Parliament in 2002 by the Crown Prosecution Service Inspectorate and the Inspectorate of Constabulary. This joint inspection of the investigation and prosecution of rape offences in England & Wales was excellent for confirming so much that feminists have argued for so long about rape including how police don't follow up inquiries which might support a woman's allegations. An example would be the fact most detectives don't, when they get DNA from a complainant reporting a rape or sexual assault by someone she knows, send it off to the national DNA database.

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*This joint inspection of the investigation and prosecution of rape offences in England & Wales was excellent for confirming so much that feminists have argued for so long about rape.*

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Echoing Jan Jordan's research conclusions, Ms Baird said that investigators and prosecutors seem often to be making value judgments about the credibility of the witness as a person, rather than making a balanced analysis of the evidence.

Next Ms Baird, who was on the standing committee for the Sexual Offences Bill, turned to whether the recent legislative changes were working. Giving examples of problems with them, she however welcomed the introduction in the Sexual Offences Act 2003 of the issue of what steps an accused took to check whether the

complainer consented. This speaks to the full circumstances of whether his claimed belief that she consented was reasonable. Ms Baird said it was hoped that this would be 'normative', would send out a message and would give a tool to the police for better investigations.

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*"By focusing on... his behaviour, you push out to the margins of relevance what he had heard about her in the past," Vera Baird.*

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An example of the change is a man who formerly could introduce the complainer's previous sexual history as supporting his belief she was consenting. He might argue that his views were determined by the fact he knew she had had sex six times yesterday with X and the day before with Y. This could potentially, however unreasonable, be seen as part of his belief. But now the test is that, even if that affected how he felt when he started having sex with her, when she was struggling or screaming did he then check that she truly was consenting? How did he check that? "By focusing on that and on his behaviour, you push out to the margins of relevance what he had heard about her in the past," Ms Baird said.

In a brief panel question and answer session, chaired by Janette de Haan, Development Worker with the Women's Support Project, points from the panel and the audience included:

- Tackling the issue in Scotland (doesn't seem to be a problem in England) that accused rapists rarely take the stand, therefore reforms which seek to hold them to account about, for example, steps taken to establish consent, would perhaps need to address that.
- Introduction of Sexual Assault Referral Centres - SARCS aim to give an integrated medical and legal response to women who have just been raped or sexually assaulted. These specialist centres reduce the trauma of forensic examinations and some support women through the legal process. It is hoped Glasgow will soon be the site of the first Scottish SARC.
- Introduction of specialist rape prosecutors, something rape crisis

campaigners have called for. A form of specialism has been introduced in England & Wales.

- Better data on rape and sexual offence cases in general and further research on various issues, including attrition – perhaps Scotland could try something similar to new attrition research just started in Ireland. (see page 11)
- The possible use of expert evidence to put stereotypes and rape myths in context with the true facts around rape and the surrounding trauma – although there are problems too around using such evidence.

And in a brief discussion about removing the term rape, such as Canada has done, Sandy Brindley said that for women this would be a huge thing to lose. "The analysis that has been done in Canada shows that it hasn't significantly increased the proportion of recorded rapes leading to a conviction."

Seminar presentations are on the Rape Crisis Scotland website [www.rapecrisisscotland.org.uk](http://www.rapecrisisscotland.org.uk)

Jan Jordan's new book "The Word of A Woman? Police, Rape and Belief" is available at £50 from Palgrave Macmillan. (A discount may be available to rape crisis and similar organisations.) See page 10 for short book review.

[www.palgrave.com/products/Catalogue.aspx?is=1403921695](http://www.palgrave.com/products/Catalogue.aspx?is=1403921695)

Contact the Scottish Law Commission at: 140 Causewayside, Edinburgh EH9 1PR  
Email: [info@scotlawcom.gov.uk](mailto:info@scotlawcom.gov.uk)

## FURTHER INFORMATION AVAILABLE ON THE INTERNET

[www.homeoffice.gov.uk/justice/sentencing/sexualoffencesbill/index.html](http://www.homeoffice.gov.uk/justice/sentencing/sexualoffencesbill/index.html)  
*Information about the English & Welsh Sexual Offences Act 2003, implemented in May 2004*

[www.homeoffice.gov.uk/justice/sentencing/sexualoffencesbill/mainprovisions.html](http://www.homeoffice.gov.uk/justice/sentencing/sexualoffencesbill/mainprovisions.html)

*The main provisions of the Sexual Offences Act 2003 (includes links to the Act itself)*

[www.homeoffice.gov.uk/docs/vol1main.pdf](http://www.homeoffice.gov.uk/docs/vol1main.pdf)

*Setting the Boundaries – the consultation document from the Home Office, produced after the first stage of the review of sex offences in England & Wales*

[www.homeoffice.gov.uk/docs2/sexconres.pdf](http://www.homeoffice.gov.uk/docs2/sexconres.pdf)

*Recommendations from the review and summary of responses and govt response*

[www.cps.gov.uk/publications/docs/prosecuting\\_rape.pdf](http://www.cps.gov.uk/publications/docs/prosecuting_rape.pdf)

*The Crown Prosecution Service policy for prosecuting cases of rape*

[www.homeoffice.gov.uk/hmic/CPSI\\_HMIC\\_Rape\\_Thematic.pdf](http://www.homeoffice.gov.uk/hmic/CPSI_HMIC_Rape_Thematic.pdf)

*A Report on the Joint Inspection into the Investigation and Prosecution of Cases involving Allegations of Rape: A CPSI and HMIC joint thematic inspection 2002*

[www.scotlawcom.gov.uk/downloads/cp\\_criminal\\_code.pdf](http://www.scotlawcom.gov.uk/downloads/cp_criminal_code.pdf)

*Draft criminal code for Scotland*

[www.echr.coe.int/Eng/Press/2003/dec/ChamberjudgmentinthecaseofMCvBulgaria.htm](http://www.echr.coe.int/Eng/Press/2003/dec/ChamberjudgmentinthecaseofMCvBulgaria.htm)

*Summary of ECHR case against Bulgaria on rape*

<http://cmiskp.echr.coe.int/tkp197/viewbkm.asp?action=open&table=285953B33D3AF94893DC49EF6600CEBD49&key=35235&sessionId=128593&skin=hudoc-en&attachment=true>

*Full judgment in ECHR case against Bulgaria on rape*

[www.rcne.com/downloads/RepsPubs/Attritn.pdf](http://www.rcne.com/downloads/RepsPubs/Attritn.pdf)

*"Rape: Still a forgotten issue" Linda Regan and Liz Kelly, 2003.*

[www.homeoffice.gov.uk/rds/pdfs04/hors285.pdf](http://www.homeoffice.gov.uk/rds/pdfs04/hors285.pdf)

*A Home Office research study on Sexual Assault Referral Centres. Jo Lovett, Linda Regan, Liz Kelly. 2004*

# Rape – Tackling the challenges

by **Elish Angiolini**, *Solicitor General*

**The treatment of rape is undergoing intense scrutiny with the attention of our legal and political communities focussed on our legal system's response to serious sexual offending.**

Last November, at the Scottish Women's Aid annual conference, I announced that the Crown Office and Procurator Fiscal Service would be carrying out a root and branch review of the investigation and prosecution of rape and other serious sexual offences. Since then, the First Minister, Jack McConnell, has also asked the Scottish Law Commission to review the law relating to rape and other sexual offences and to make recommendations for law reform in this area. The reviews will deal with quite different areas. The COPFS review will look at how we can improve the investigation and prosecution of allegations of sexual offending including the standard of service we provide to victims of rape, while the Scottish Law Commission will examine and make recommendations to the Executive about the law of rape and other sexual crimes – something which is beyond the remit of our Department.

As recent discussions have highlighted, conviction rates for rape across Europe have decreased since the mid 70s while the number of reports of rape have increased. The reasons for this may vary from one jurisdiction to another. There is no doubt, however, that the prosecution of rape in Scotland presents prosecutors with particular challenges which are not present in other jurisdictions throughout Europe. In contrast with many other jurisdictions, Scots law, for example, requires the existence of two independent sources of evidence in the proof of any crime – this is not just a feature of sexual offences. The reality of the circumstances in which many rapes occur means that very often there is not enough evidence in law to allow the Crown to take criminal proceedings. In particular, the victim is often the only witness to the crime, with the result that there is little or no evidence to corroborate her account. In addition, the definition of rape in Scotland is particularly narrow and does not include a much wider range of sexual assaults which may be classed as rape in other jurisdictions.

I am pleased that the Scottish Law Commission is to review the law but, as prosecutors, we must work within the existing legal framework and I think it is important that we recognise the issues which that framework presents for a number of reasons. To confront the issues which prevent "successful" rape prosecutions it is vital

that we first identify the problems. But I also think that we need to be up front about the hurdles which we face if we are to gain the confidence of the public. Today, victims and witnesses have quite rightly come to expect a far greater degree of accountability from the criminal justice system in general and, as part of that system, the Crown Office and Procurator Fiscal Service. The prosecution system has not in the past been perceived as open and accountable. In the most serious of cases, and particularly in the case of rape, we can only increase the confidence of victims and witnesses where they are part of a more open and frank dialogue. This is a significant change for a prosecution service which has traditionally defended its right not to give reasons for the decisions it makes in the public interest and independently of the victim. The successful prosecution of rape is dependant on victims having confidence to come forward in the knowledge that they will be treated with courtesy and respect by professionals who are skilled in this field and who will approach the case in a sensitive and professional manner.

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*This is a critical period in the development of the response which the Scottish legal system provides to victims of rape*

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Where there are weaknesses in the evidence or where cases fail for one reason or another, it is also important that we are realistic and explain this to victims frankly but sensitively and as early as possible. That message is rarely well received but when proceedings cannot be taken, it is important that victims are aware of the

basis upon which we reach these decisions. Ultimately, it is important that victims and the wider public know that it's not that we just don't care about these cases, which is far from the truth. There will always remain circumstances in which it will not be in the public interest to disclose the particular reasons for a decision. However we have now adapted our policy to ensure that, where we cannot take criminal proceedings in rape cases, we give a very firm assurance to victims of rape that this does not reflect a reluctance to prosecute rape cases but is an objective assessment of the sufficiency and quality of the available evidence.

As prosecutors we have already been proactive in pressing the courts for both clarity in the legal definition of rape and for a greater recognition of the seriousness of rape, regardless of the circumstances in which it is committed. In 2001 the Lord Advocate, Colin Boyd, asked the High Court to recognise that in a modern society rape occurs where intercourse takes place without a woman's consent, regardless of whether there was force used by the male. That represented a significant change in the law which previously required the Crown to prove that there had been an overcoming

of the will of the woman by the use of some form of force or threat of force by the perpetrator. Last year we were also successful in arguing that courts should treat rapes which occur while the victim is unconscious as equivalent to other forms of rape. These are cases which demonstrate the robust stance which the Crown takes in relation to the prosecution of rape.

Ultimately, however, the question of wholesale law reform is not one which can be tackled by the prosecution and for that reason I am very encouraged that our review of the way in which we prosecute rape and sexual offences will coincide with the examination of the law of rape and other sexual offences which is to be carried out by the Scottish Law Commission.

For our part, we need to ensure that our work in this area is properly informed by the concerns of those with first hand experience of the prosecution process as well as the expertise of those working in this field. The review of sexual offences will give us the opportunity to do just that. The review will look at every aspect of how we investigate and prosecute these cases but, in particular, will focus on areas which we know present particular challenges for prosecutors and for victims. We will therefore be looking at issues such as the interviewing and investigative skills of our prosecutors, the criteria for our decisions, the use of distress evidence, the Crown's approach to sexual history evidence and the psychological aspects of sexual offences. We will also be looking at some of the wider issues such as training and how we present rape cases in court as well as the information and support needs of victims of rape and other sexual crimes.

If we are to achieve our principal aim of improving the standard of what we do then it is not enough for us to look inwardly at what we do in these cases. We also need to look to other jurisdictions where similar problems are being tackled to see what we can learn from their experiences. It is also important that we take the opportunity to listen to what victims and those who work with victims have to tell us about their impressions of the prosecution process as well as those who represent the accused and the judges who hear these cases. For that reason, a significant part of the review will revolve around consultation with representatives of Rape Crisis, Scottish Women's Aid, the Women's Support Project and other interested groups and bodies who have agreed to join an Advisory Group with whom we will consult throughout the course of the review.

This is therefore a critical period in the development of the response which the Scottish legal system provides to victims of rape. I hope the review process will provide a forum for much constructive discussion and will inform the development of our work in this area, instilling confidence in Scotland's approach to the prosecution of rape.

## EXPANDING NETWORK AND NATIONAL OFFICE

**Summer 2004 saw an exciting expansion of the Scottish Rape Crisis Network and of the staff team at the national office.**

The Network now has seven member centres, based in Aberdeen, Dundee, Edinburgh, Glasgow, Kilmarnock, Lanarkshire and the Western Isles. The centres in Lanarkshire and the Western Isles are the two new centres funded by the Scottish Executive this year, as part of the £1.96M additional funds for rape crisis and related services. Contact details for both centres will be available from Rape Crisis Scotland as soon as support services are up and running.

The SRCN is also delighted that the Rape Counselling & Resource Centre in Kilmarnock has joined the Network. Workers there have provided free and confidential counselling and support to female survivors of rape and child sexual abuse since 1987.

Meanwhile the RCS staff of two has doubled to four, as part of the extra Executive funding for the national office. The staff are: Sandy Brindley, National Development Worker; Louise Carlin, Women's Services Development Worker; Fiona Montgomery, Information & Resources Worker and Claire Phillips, Administration & Finance Worker.

## INFORMATION MAILINGS

**Rape Crisis Scotland is developing its information and resource service. As part of this, we will be setting up information mailing lists.**

Further details of these will be available later in 2004 on our website. In the meantime, any individual or organisation who would like to receive information mailings, should send full contact details including email (if available, and permission for us to send you mailings by email) to Fiona Montgomery, at RCS.

Anyone receiving this newsletter by post should find a form enclosed for subscribing to these free mailings. The form is also on our website, for copying and pasting into an email or for printing off and filling in.

[info@rapecrisisScotland.org.uk](mailto:info@rapecrisisScotland.org.uk)

## Sad Closure Of Glasgow's Pioneering 'Supporting Women In Prostitution' Project

The SWAP (Supporting Women Abused in Prostitution) Project was set up as a result of information coming from the Routes Out Intervention Team about the levels of sexual violence women in prostitution experience. It was initially funded for a one year period as a demonstration project by Greater Glasgow NHS Trust from the 'gender based violence' and 'mental health' budgets. Based in the Rape Crisis Centre, the project began taking referrals in November 2001. The Trust has since continued funding for a three year period.

The project was staffed by one Support and Development Worker whose remit was to offer a direct service to women. This included: practical and emotional support; advice and information on health; police and legal procedures; escorting women to appointments; supporting them throughout the criminal justice process; and advocacy with and referral to other agencies.

The SWAP Project has received more than one hundred referrals since its inception with a wide range of various types of support being given to women. Some women have accessed support immediately after a rape or sexual assault and have been given valuable support through the process of reporting, identifying the perpetrator and ultimately giving evidence at a trial. Other women have accessed SWAP as a way of "offloading" what has happened to them but never seek to take things any further.

Many women involved in prostitution experience sexual violence on a frighteningly regular basis but feel unable to report these incidents to the police. There are many reasons as to why any woman would choose not to report. However, women involved in prostitution are likely to have more complex reasons. For example, women may have criminal charges or warrants outstanding and are afraid of being arrested. They may be concerned that Social Work will become involved and are worried that their lifestyles will be judged. Society has many pre-conceived ideas about prostituted women. So fear of the attitudes they would face, both from the police and from any potential jury, may make a woman more reluctant to report a rape or sexual assault.

Having said the above, a lot of women have chosen to report the crimes perpetrated against them and several



*Audrey Taylor, of SWAP*

successful prosecutions have taken place during the lifetime of the project. One woman who was supported throughout the criminal justice process was delighted when the man accused of raping her was sentenced to eight years in custody with a further five years on license thereafter. Successful verdicts, extended sentences and seeing women moving on with their lives has made working with the SWAP Project an extremely worthwhile and satisfying job. However, unfortunately, the funding has now come to an end.

As the Support and Development Worker, I am sad to see the project come to an end - as are all the staff and unpaid workers at Rape Crisis and many of the women who were supported by the service. Women involved in prostitution are some of the most disenfranchised women in our community and often feel that they are less worthy than the rest of us of safety, respect and dignity. I am hopeful that the SWAP Project has succeeded in addressing some of these thoughts and indeed influenced in some ways the responses agencies give to these women.

### **Audrey Taylor**

*Support for women abused in prostitution will continue to be available from both the Rape Crisis Centre (0141 552 3200) and from workers at Base 75, the drop-in centre for women involved in prostitution, which provides a range of services and helps women to exit prostitution. (0141 204 3712)*

## news from centres

# Towards a healthy respect for young women survivors

Healthy Respect is NHS Lothian's national Health Demonstration Project. It is focussing on young people's sexual health and wellbeing. Edinburgh Women's Rape and Sexual Abuse Centre (EWRASAC) became involved in hosting one of its projects because surviving sexual abuse or coercion can affect young women's sexual health and well-being. The experience of abuse or coercion can also be linked with early unintended pregnancy.

Two EWRASAC workers were involved in a Healthy Respect project to design and deliver a training programme for any worker working with young women. The project piloted a 5 day training course 'Supporting Young Women Survivors of Sexual Abuse or Coercion' and a 4 day training for trainers course. A training toolkit is being produced in 2004 so that other trainers can deliver the course.

The process of designing an appropriate training course started with consulting workers from a wide range of statutory and voluntary settings during late 2001. The training course was then designed and piloted during 2002 and 2003 in Edinburgh and Lothian. The final stage was writing a toolkit in 2004 to support trainers delivering training on this topic.

Lessons learned from consulting with workers include:

- All workers need basic awareness training, policies and guidelines to do this work
- Workers need support and recognition in order to do this work

Lessons from the seven pilot training courses held in Edinburgh and Lothian include:

- All workers need basic awareness training, policies and guidelines to do this work
- The need for education to reduce stigma around this issue among workers and in the community
- The need for training on the realities of multi-agency work, particularly around issues such as confidentiality
- Support for young women survivors was found to be patchy
- Young women's immediate issues were often focused on, without recognising or addressing the underlying issues of abuse.

Workers in all settings need to be trained and supported to deal with these issues. The work needs to be valued and properly resourced. Young women survivors need and deserve accessible statutory and voluntary services which they do not experience as stigmatising.

Healthy Respect has made a start in working towards these goals nationally through this partnership work with EWRASAC.

For more information, contact Sarah MacDonald at EWRASAC 0131 557 6737 (business line) or Healthy Respect on 0131 536 9454

## Research into Setting Up New National Rape Crisis Helpline

**Rape Crisis Scotland has recently commissioned a study to assess the feasibility of establishing a national rape crisis helpline for female survivors of sexual violence and to consider the most effective way of organising and delivering such a helpline.**

There is currently no national telephone helpline specifically for women experiencing sexual violence. There are significant limits on the level of service provided by local rape crisis centres in Scotland, due to funding restrictions. No centre is currently able to provide a 24 hour helpline. Most centres' helplines are open between 8-12 hours a week. Additional funding has recently been made available to Scottish rape

crisis centres from the Scottish Executive. Although this will increase the level of service which centres are able to offer, it will not be sufficient to enable any centre to provide a 24 hour helpline.

There are also areas in Scotland which currently have no rape crisis or related service provision at all. The feasibility study, funded by the Scottish Executive, will consider whether developing a national helpline will fill some of the clear gaps in support for women who have been raped, sexually assaulted and/or sexually abused.

It should be published in December this year, with any new national helpline potentially being set up next March.



## LAP DANCING CLUBS SHOULD BE CLASSED AS SEX SHOPS

Congratulations to Glasgow City Council in its continued vocal opposition to lap dancing clubs. Research commissioned by the council concluded that sex is for sale at some clubs – although this was denied by club owners.

Council depute leader Jim Coleman has urged the Scottish Executive to give councils more powers to regulate lap dancing clubs by classing them as sex shops. In Glasgow, which is opposed to sex shops, such a change could potentially lead to existing clubs being closed down.

Councillor Coleman said the study exposes “the myths of up-market harmless fun provided to lonely businessmen, the perception of well run, luxurious gentlemen’s clubs and dancers making loads of money. What we see in the findings of this report is women being exploited in a number of ways

– sexually, financially and through very poor employment conditions.”

The research, by Julie Bindel, of London Metropolitan University’s Child and Woman Abuse Studies Unit, recommended that: the clubs be licensed as sex shops, with restricted numbers of licenses and specific licensing conditions covering working conditions for the dancers; dancers’ ‘rent’ payments should be abolished, along with VIP suites and curtained areas; CCTV should be used, including in seating areas; central governments should fund research on the social consequences of commercial sexual exploitation, including lap dancing.

The study is online at: [www.glasgow.gov.uk/en/News/lapdancingreportaug04.htm](http://www.glasgow.gov.uk/en/News/lapdancingreportaug04.htm)

## Report from a seminar by Judith Herman - THE TREATMENT OF ADULT SURVIVORS OF CHILDHOOD ABUSE - LONDON, 2004 by Sandra Ferguson, clinical psychologist, the EVA Project, Lanarkshire

With a dose of flu to be contended with, Dr Judith Herman was still able to give a thorough review of her work, outlined in her groundbreaking book *Trauma and Recovery*, first published in 1992. She started with an outline of the diagnosis of Complex Post Traumatic Stress Disorder. For those who are not familiar with this model of understanding the effect of repeated trauma, such as childhood sexual abuse, her book is highly recommended.

Emphasising the complex and wide ranging nature of the impact of chronic trauma, she stressed the need to be particularly aware of the impact on the body. This covered the physical effects of the abuse itself, the problems of basic biological rhythms such as eating and sleeping being disrupted and the ‘somatic’ symptoms of trauma. These are the changes in the physical body that can occur because of trauma, such as insensitivity to pain, unexplained pain and lack of awareness of parts of the body.

The importance of understanding the role of dissociation was another major theme. Dr Herman reminded us that children often need to use dissociation or ‘shutting off’ at the time of abuse to survive the otherwise unimaginable horror of their experiences. Unlearning this ‘shutting off’ can become a major challenge. The long term effect of dissociation includes time loss, forgetting parts of the past and the present, trances, feeling as if out of your body, and, at times, hearing voices. These are sometimes called auditory hallucinations; for survivors they often take the form of the voice of the abuser saying distressing things inside their head.

In terms of the impact of abuse on the survivors’ sense of themselves, Dr Herman argued that the risk of experiencing a lot of shame was a hurdle that the therapeutic relationship

needed to address. She also presented helpful evidence of a link between shame and dissociation. Dr Herman restated the need for the women’s movement to ‘bring honour’ and overcome shame at a societal level as a vital part of the process of recovery.

The three stage model of therapy for survivors of chronic trauma was laid out in the afternoon session as Dr Herman battled on, armed with a pharmacy of cold treatments provided by the concerned audience.

Using this model, the first stage in supporting a survivor is to ensure her safety. The basic principle of this stage is ‘tend and befriend’. Safety from abusers, from her environment and from any other risks such as excessive use of alcohol or drugs is the initial focus. Once this is achieved, any other difficulties such as anxiety, depression, eating problems and dissociation should be tackled. The overall aim is to stabilise the symptoms of trauma.

Once survivors feel in control of the difficulties they may have had initially, many wish no further contact. However, some will wish to go onto Stage 2. This is the process of ‘remembrance and mourning’. The task is to tell the story and ‘create a narrative’ of what happened. This is often accompanied by a profound sense of loss and grief. Survivors going through this process may need a lot of support.

Stage 3 is called ‘reconnection’. The survivor’s emotional focus shifts from the past to the present and the future. This is moving on and picking up and expanding life.

Overall, this was a helpful review of this important and influential model of working with survivors.

# info & events

## 16 DAYS OF ACTION: NOV25-DEC10

### CAMPAIGN IN GLASGOW

Over 3,000 people are expected to attend events in Glasgow to mark the United Nations 16 Days of Action for the Elimination of Violence Against Women campaign.

The international campaign aims to raise awareness of gender violence as a human rights issue and the impact it has on women and children. It is the second year Glasgow City Council, alongside the Glasgow Violence Against Women Partnership and Community Safety Partnership, has supported the campaign by organising a programme of activities. It runs from November 25, the International Day for the Elimination of Violence Against Women through to December 10, International Human Rights Day.

The international theme of the 16 Days 2004 campaign is, "The Impact of Violence on Women's Health" and following on from last year's work, the arts will be used as a way to reach and engage with people on the issue.

**STOP VIOLENCE AGAINST WOMEN FILM FESTIVAL** Amnesty International Scotland, in collaboration with Glasgow Violence Against Women Partnership and the Big Issue Scotland, is organising a film festival during the '16 Days of Action for the Elimination of Violence Against Women'.

It will involve a film or a series of films being shown at independent cinemas including the Filmhouse in Edinburgh, the Glasgow Film Theatre in Glasgow, the MacRobert Cinema in Stirling and the Belmont in Aberdeen. The UGC have also agreed to show films at their cinemas in key locations in Scotland. Some venues will also be hosting a panel of speakers discussing the

Organisers want local groups to come forward with any ideas or thoughts on what that they would like to see happening in their own area during the 16 days campaign.

All projects must have an arts theme; raise awareness of violence against women; involve the local community; begin, end or take place during the 16 Days campaign and be evaluated and recorded on completion.

Small amounts of funding (up to £300 per project) are available to cover costs such as venue hire, workshop materials, publicity for events and refreshments.

***If you would like more information, or would like to be involved in 16 Days, please contact either Jean Murphy on 0141 287 5914 or Isabelle Kerr on 0141 287 6937. However, the deadline is very tight, so contact them as soon as possible.***

film and highlighting the themes of Amnesty's Stop Violence Against Women Campaign.

We plan to showcase a diverse range of films that will appeal to both the mainstream viewer and those with a specialist interest in the subject of violence against women. Amnesty hopes to encourage viewers to bring along friends who may not usually see a film that deals with the topic. We are keen to engage both a male and female audience and help to raise the public profile of violence against women as a human rights issue.

Amnesty International, 6 Castle Street, Edinburgh EH2 3AT. Tel: 0131 466 6200 [www.amnesty.org.uk/scotland](http://www.amnesty.org.uk/scotland)

## Southall Black Sisters Conference – London - 15th November 2004

Southall Black Sisters ([www.southallblacksisters.org.uk](http://www.southallblacksisters.org.uk)) are holding a major national conference: Old Stories, New Lives: Raising Standards to Tackle Violence Against Black and Minority Women in Westminster, London. Keynote speakers include Home Office Minister Baroness Scotland, Indira Jaising - a prominent lawyer in India, Dr. Purna Sen and Hannana Siddiqui - Joint Co-ordinator of Southall Black Sisters.

Workshops on: Immigration, asylum and no recourse; Housing, refuge, and support, outreach and advocacy services; Child protection; Health and mental health; Policing and the criminal justice system; Rape and sexual violence. This event marks International Day of Action Against Violence Against Women and Southall Black Sisters' 25th anniversary. **Book your place now! [www.oldstoriesnewlives.org.uk](http://www.oldstoriesnewlives.org.uk) or contact Upward Curve on: 0208 241 7033.**

## RAPE CRISIS SCOTLAND RESOURCE LIBRARY

**A wide range of books and other resources on sexual violence is available from the RCS office. For a catalogue email: [info@rapecrisisScotland.org.uk](mailto:info@rapecrisisScotland.org.uk).** Recent additions include:

**The Word of A Woman? Police, Rape and Belief.** Jan Jordan. *Palgrave Macmillan. 2004*

"What value is placed upon the word of a woman? The notion that women lie about rape is a prevalent belief with pervasive influence. This book is unique in combining police file data with interviews obtained from both rape

survivors and detectives in order to critically explore how this belief affects police officers' responses to women who report rape. Fascinating case studies are presented to highlight the ways in which women's credibility, when they are victims of sexual violence, is questioned and undermined."

**Prostitution, Trafficking and Traumatic Stress.** Melissa Farley, editor. *Haworth Maltreatment and Trauma Press. 2003*

*“Dedicated to Aileen Carol Wuornos, a prostituted woman who was executed by the state of Florida, October 9, 2002.”* “The articles in this collection describe what being prostituted or trafficked is like for the women, men and children in it. Some describe the physical and

emotional sequelae... Others analyse these experiences from a feminist perspective, building on the existing literature on incest, rape, battering and other forms of male violence. Several describe programmes to support women in escaping and healing from prostitution.”



## international news

### IRELAND'S INNOVATIVE RESEARCH ON ATTRITION

**Good news from Ireland where a new €1/3M study will help identify why so many rape cases don't reach court – seen as a key to taking action to improve conviction rates.**

Ireland came bottom of a comparison table of conviction rates in research published last year. The study, by Linda Regan and Liz Kelly “Rape: Still a forgotten issue”, said Ireland had a 1% conviction rate for rape between 1998 and 2000. Scotland was second worst of the 17 European countries studied, with a rate of 6% of rapes reported to police resulting in a conviction (a figure that has now fallen to around 4%).

The Department of Justice in Ireland contributed €100,000, with a private philanthropic funder in Ireland contributing a further €280,000, to Rape Crisis Network Ireland for the three-year study. It will be carried out by the law faculty of the National University of Ireland, Galway.

Kate Mulkerrins, legal co-ordinator with RCNI, is excited at the innovative and comprehensive nature of the ‘Attrition in Rape Cases’ research, which will also look at a complete year of transcripts for all rape trials in Ireland. This is easier to facilitate than in some other countries as all trials take place at one court, the Central Criminal Court.

Kate said: “This study will track all reports to the Gardai from all 17 rape crisis centres for a full year. So any woman who has contacted a rape crisis centre and chosen to

report to the police will be interviewed, if she is willing to take part.

“These cases will be tracked and women contacted at various points of attrition, meaning they would be interviewed again if it does not proceed to court to ask them how this impacted on them and what measures

were taken.” The Director of Public Prosecutions does not give reasons for cases being dropped, but the researchers will also have access to all files of rapes reported to the DPP in a year, not just those from women in contact with rape crisis centres. Those cases too will be tracked, with attrition points studied.

RCNI is hopeful that other countries might be persuaded to undertake similar research.

Kate explained: “The attrition league table showed us that countries, such as Germany, which instigated a whole range of measures to improve the criminal justice system around rape, have started to reap the benefits and to increase the conviction rate. If we understand the points of attrition we can take remedial action for this.”



*Kate Mulkerrins, of Rape Crisis Network Ireland*

### RAPE AS A WEAPON OF WAR IN DARFUR

**In a chilling report which echoes the experiences of women in countless conflict zones recent and past, Amnesty International has documented how rape has been used in Darfur as a weapon of war.**

It warned that rape is widespread and systematic and called for special measures to support the thousands of survivors of sexual violence in the Western Sudan region. Over a million people have left their homes, fleeing violence. Other human rights violations specifically targeted at women and girls include abductions, sexual slavery, torture and forced displacement. Amnesty said that rape had been used by the Janjaweed militia and

some government soldiers to humiliate women, to instil fear and control them, and to force them to leave their homes. Oxfam warned that time was running out to get aid to the hundreds of thousands of displaced people, as the United Nations Security Council debated what action to take.

For more information about “the world’s worst humanitarian crisis”, see the following Amnesty International websites:

<http://web.amnesty.org/library/eng-sdn/reports>

<http://web.amnesty.org/library/Index/ENGAFR540762004?open&of=ENG-SDN>

## contact

### Scottish Rape Crisis Network Member Centres

#### Aberdeen

Rape and Sexual Abuse (North East)  
1-3 Little Belmont Street  
Aberdeen AB10 1JG

**Tel (helpline)** 01224 620772  
**Opening hours** Mon & Thurs 7pm-9pm • Tues & Fri 12noon-2pm  
answermachine at other times  
**Tel (business/fax)** 01224 639 347  
**Website** [www.rapeandsexualabusenortheast.co.uk](http://www.rapeandsexualabusenortheast.co.uk)  
**Email** [rapecrisis@littlebelmontstreet.fsnet.co.uk](mailto:rapecrisis@littlebelmontstreet.fsnet.co.uk)

#### Dundee

Women's Rape & Sexual Abuse Centre  
PO Box 83, Dundee DD1 4YZ

**Tel (helpline)** 01382 201291  
**Opening hours** Mon 12noon-2pm • Tues 10am-12noon • Wed & Fri 7pm-9pm  
Thurs & Sat 2pm-4pm • answermachine at all other times  
**Tel (business/fax)** 01382 205556  
**Textphone** 01382 226936  
**Email** [wrasac@btconnect.com](mailto:wrasac@btconnect.com)

#### Edinburgh

Edinburgh Women's Rape & Sexual Abuse Centre  
PO Box 120, Brunswick Road  
Edinburgh EH7 5WX

**Tel (helpline)** 0131 556 9437  
**Opening hours** Check answermachine for opening times  
**Tel (business)** 0131 557 6737  
**Fax** 0131 558 1612  
**Minicom** 0131 557 6757  
**Email** [ewrasac@aol.com](mailto:ewrasac@aol.com)

#### Glasgow

Rape Crisis Centre  
PO Box 53, Glasgow G1 1WE

**Tel (helpline)** 0141 552 3200  
**Opening hours** Check answermachine for opening times  
**Tel (business)** 0141 552 3201  
**Fax** 0141 552 3204  
**Minicom** 0141 552 4244  
**Email** [glasgowrcc@aol.com](mailto:glasgowrcc@aol.com)

#### Kilmarnock

The Rape Counselling and Resource Centre  
PO Box 23  
Kilmarnock KA1 1DP

**Tel (helpline)** 01563 541769  
**Opening Hours** Mon-Thurs 10am-5pm • Fri 10am-2pm  
**Email** [rrcc1@tiscali.co.uk](mailto:rrcc1@tiscali.co.uk)  
Counselling and support available in both Kilmarnock and Cumnock

#### Western Isles

Contact details for this new centre will be available from the Rape Crisis Scotland office and website in late winter 2004-05.

#### Lanarkshire

Contact details for this new centre will be available from the Rape Crisis Scotland office and website in late winter 2004-05.

### NATIONAL CONFERENCE ON SEXUAL VIOLENCE

Rape Crisis Scotland is organising a conference on sexual violence in March 2005.

Full details will be on the RCS website in late 2004 and will be in the next edition of Rape Crisis News.

### REGISTER OF SERVICES FOR SCOTLAND ON VIOLENCE AND ABUSE

'Essential for anyone supporting women, men and children, in Scotland, who have experienced violence and abuse.'

A new updated version is now available from the Women's Support Project. £12 inc p&p. Phone Dawn on 0141 552 2221 or email [dawn@wsproject.demon.co.uk](mailto:dawn@wsproject.demon.co.uk)

published by



women working with women  
to end rape and sexual abuse

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SCOTTISH EXECUTIVE

The Scottish Rape Crisis Network receives core funding for the national office - Rape Crisis Scotland - from the Scottish Executive under Section 10 of the Social Work (Scotland) Act 1968.