



Women Liberal Democrats

Rape



Photography by Jim Mason, courtesy of www.morguefile.com

Campaign Pack

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Introduction

The aim of this pack is to help you to run a local campaign on the issue of rape. Inside you will find everything you need to launch your campaign.

Please replace any *italicised* text with your own local details, and feel free to change the sample text to meet your individual needs. However, please note that you must not alter any quotes in any way.

Remember that the aim of every campaign is to:

- Reach the maximum number of people possible
- Involve the maximum number of people possible

So do try to get as many people as possible to sign the petition and send it back to the WLD Office so they can be submitted en masse.

If you would like any further details or an electronic version of this pack, please contact the WLD Office:

Women Liberal Democrats
4 Cowley Street
London
SW1P 3NB

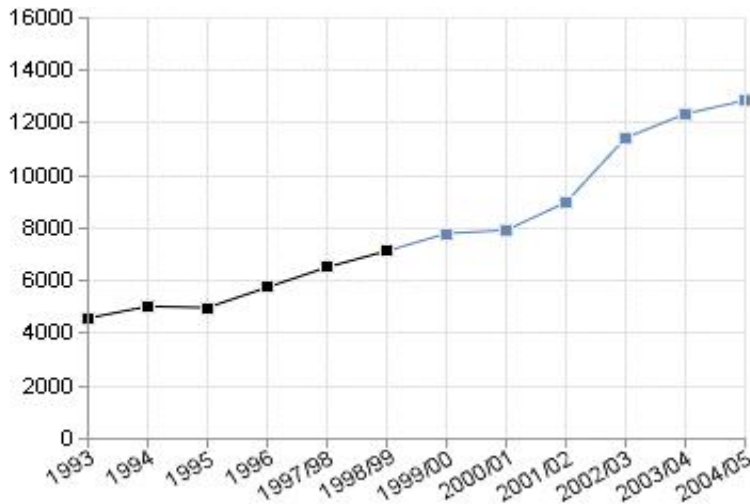
women@libdems.org.uk

020 7227 1208

Alternatively WLD members can download the pack and other resources from: www.wld.org.uk once registered for members access.

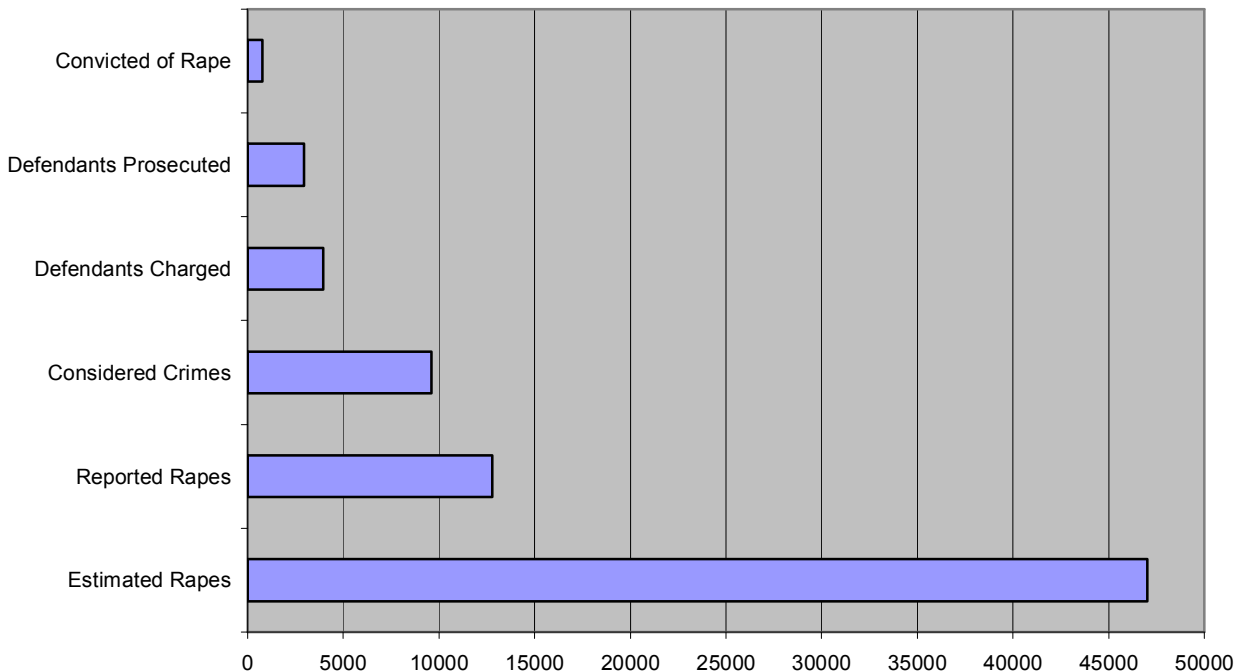
Briefing Note: The Killer Facts

- During 2001 it is estimated that there were 190,000 incidents of serious sexual assault and 47,000 female victims of rape/attempted rape (according to the British Crime Survey 2002).
- However only a small proportion of these are reported to the police.
- In 2004/05, there were a total of 12,867 recorded offences of rape of a female.
- Recorded offences of rape of a female have more than doubled in the last ten years.



Rape of a female - Long-term national recorded crime trend

- In 2004 only 5.6% of Rape Cases resulted in a conviction.
- Over time the situation is getting worse not better, as 20 years ago (in 1985) there was a 24% conviction rate in rape trials.
- One quarter of incidents initially recorded as rape are subsequently 'no-crimed' by the police. Cases where the complainant and suspect were acquaintances are most likely to be 'no-crimed'.
- Half of all cases that were 'crimed' resulted in 'no further action' (NFA) by the police.
- Cases involving intimates were most likely to be NFA-ed or discontinued by the CPS.



The above graph highlights the discrepancy between the number of rapes and the number of convictions for rape (this example uses figures based on the data described above).

Briefing Note: The Killer Facts continued...

- Contrary to popular belief, there is no evidence that a high number of reported rapes are false allegations (around 2%, no higher than for any other crime) and none of these cases reach court. False reporting is much higher for other crimes such as theft (due to insurance claims). Due to the low conviction rates for rape and the invasiveness of the investigations involved there is little incentive for women to report falsely (according to www.rapecrisis.org.uk).
- However, studies from the US suggest that between 8% and 60% of rape allegations there are false. More UK-based research is needed in this area to confirm the level of false reporting as these US figures are clearly inaccurate.
- 'Stranger Rape' only accounts for 12% of all reported rapes. In the small minority of 'stranger rape' cases, where a suspect was identified the case was more likely to proceed to court than in those cases where the complainant and suspect were previously acquainted.
- 97% of callers to Rape Crisis Lines knew their assailant prior to the assault.
- The most common perpetrators of rape are husbands and partners and rape can occur in the wider context of domestic violence.
- Rape within marriage only became illegal in 1994. It had previously been judged in common law that a woman gave her consent to sexual relations by marrying a man and could not revoke that consent.
- More than 100 incidents of rape, sexual assault and sexual harassment occurred in NHS mental health units over two years (between 2003 and 2005) resulting in at least three unwanted pregnancies.
- On 1st May 2004, the Sexual Offences Act 2003 replaced the old Act of 1956, and was a much needed revision of the law in this area.
- Key in rape cases is the issue of consent, which was redefined in the new Act as 'if ... agrees by choice, and has the freedom and capacity to make that choice.'
- In the case of rape, a perpetrator (A) is guilty of an offence against the complainant (B) if A acts intentionally, B does not consent to the act, and A does not reasonably believe that B consents.
- The 2003 Act therefore abolishes the 'Morgan' defence of a genuine though unreasonably mistaken belief as to the consent of the complainant (see the case of *R v Morgan* [1976] AC 182)
- However if the incident takes place while the complainant is drunk, it is hard to clarify whether consent has truly been given. As Jennifer Temkin, a professor of Law at Sussex University puts it "If you have sex and you consent to it when you are drunk then that isn't rape. If someone has sex with you when you are unconscious then that is rape. The really difficult area is in between, where the person is so drunk they are not unconscious and are so drunk that they are not really able to consent."
- A recent Amnesty International poll indicated that 80% of people thought the woman was to blame if she was raped when drunk.
- The law equates passivity or non-resistance with consent, especially when there is no evidence of physical violence or if the victim had consented in the past.
- Rape cases are hard to prosecute because in court the burden of proof lies with the victim to prove the absence of consent, rather than with the defendant to prove consent was given

Analysis

Rape is a crime that particularly affects women, and is mainly an act perpetrated by a man against a woman. It is an issue that is clouded by myths. Society has a warped perception of rape, and this can affect how we deal with the issue. It is commonly visualised as a woman being attacked by a stranger while walking alone down a dark alley at night, or a woman being drugged while on a night out and separated from her friends. However, the reality is that the majority of rapes are perpetrated by people known to the victim, occur in non-threatening environments, and the only drug involved is alcohol.

Due to media coverage it is commonly believed that the biggest threat to women is being 'date raped' by being drugged with substances such as Rohypnol or GHB. However, according to the police very few rape cases have provided evidence of either of these drugs. What is much more common is high levels of alcohol. People forget that alcohol is itself a drug, but as it is legal and people voluntarily consume large quantities of it, it becomes a grey area to assert that rape while under the influence of alcohol should be considered a 'drug rape'.

Rape is therefore linked to the more general issue of alcohol misuse. Women need to realise that binge drinking puts them at risk of becoming victims of sexual assault and rape. Women tend to be blamed for becoming victims while drunk, because they put themselves in the situation. While women do indeed need to take more care, men should still be held responsible for taking advantage of drunken women. When alcohol is involved in rape cases it also makes the issue of consent controversial. It is arguable that a woman is not able to give consent while drunk, as she is not of 'sound mind'. However, as many people have consensual sex under the influence of alcohol, it remains difficult to prove the difference.

Rape cases are difficult to prosecute, as to prove that a crime took place the prosecution must prove that the sex that took place was non-consensual. It is much harder to prove the absence of something than the existence of something, particularly when it is likely the victim and accused are the only witnesses, and the lack of consent leaves little trace.

Further Action

Although the Sexual Offences Act 2003 is welcome progress, more action is needed if we are to improve the conviction rates in rape cases to get justice for victims of rape, and to deter men from continuing to prey on women in this way.

Dealing effectively with cases of rape...

It is important that cases taken to court since the new laws came into force are studied to see if there has been a beneficial effect, and the results made public. More focus is also needed on the trial process and how this can be improved. How victims are dealt with throughout the process of reporting a rape and taking the accusation to court is also important. For example, if victims are informed about poor conviction rates and the problems encountered when prosecuting cases, they often view this as discouragement, and therefore this is likely to encourage them to drop out of the process. The use of sexual history evidence in court should also be re-assessed; if a victim has ever previously been promiscuous or flirtatious that does not mean they lose the right to refuse sex.

Working to reduce the occurrences of rape...

It is unlikely that men will decide not to rape simply because the laws have been slightly strengthened. We need to work on changing male attitudes to rape and the way rape is perceived by society at large. An important aspect of this will be challenging the myths that abound about rape. For example, more research is needed into the issue of false allegations of rape. It is a common male perception that many rape accusations are false. Women's groups are adamant that this is not the case. Evidence is needed to clarify the situation. It would also be helpful to get more men involved in this issue, as it is currently somewhat of a battle ground between men and women. While women need to acknowledge the problem of false rape allegations, men need to realise that there are large numbers of genuine rapes, and this is unacceptable, and we need their help if we are going to move towards a society where rape is rare.



Women Liberal Democrats

For Further Details Please Contact: *Rebecca Crosier*
WLD
4 Cowley Street
London
SW1P 3NB

A Press Release from *Women* Liberal Democrats

Date of Press Release

Women Liberal Democrats are extremely concerned that the government is failing victims of rape, and are calling for further direct action to challenge the public myths surrounding this issue and improve the help and support available to victims.

Although reporting of incidents of rape has more than doubled in the last ten years, conviction rates for this violent and disturbing crime have now fallen to only 5.6%, with the vast majority of rapes still estimated to be going unreported. Although more and more women are coming forward when they have been raped, the justice system is letting them down by failing to hold to account the men responsible.

“I think it is shocking that it was only made illegal as recently as 1994 for a husband to rape his wife,” said local Liberal Democrat campaigner *Joanne Bloggs*, “According to rape charities, 97% of victims knew their assailant prior to the assault, and yet it is this category of rape that the law is least equipped to deal with.”

The law relating to rape was recently overhauled resulting in the Sexual Offences Act 2003, however there are fears that this legislation is not having the desired effect. Speaking in a debate on violence against women in March 2006, Sandra Gidley MP, said:

“It is...of some concern to learn of a case in December last year (2005) that received quite a lot of publicity, [where] the judge did not seem to be aware of the change in the law. He did not seem to realise the implications of the 2003 Act, which lays down that if a woman says that she was raped while unconscious or stupefied, including through drink, the responsibility shifts to the man to explain why he thought she consented. That clearly did not happen in that case.”

Local Liberal Democrats have launched a petition, which calls on the government to take further action to improve rape conviction rates, to publicly clarify the facts of rape and dispel the myths, and to send out a clear message to men that rape will not be tolerated.

Ends

Sample Focus Stories

Local Liberal Democrats launch their petition on rape.

The petition calls on the government to:

- **Promote** a public information campaign on the facts about rape
- **Study** the impact of changes made as a result of the Sexual Offences Act 2003
- **Improve** the trial process in rape cases

Commenting, local Liberal Democrat *Jane Smith* said, "I think it is outrageous that so few rapists are brought to justice. This is a crime men have been perpetrating against women for centuries, and it is time we as a society faced up to this issue and did something about it."

Only 5.6% of rape cases result in a conviction.

Despite increased reporting of rape, the percentage of cases that end in a conviction is shrinking.

The majority of rapes are perpetrated by someone known to the victim. 'Stranger Rape' only accounts for 12% of reported incidents. However, it is cases where the assailant is not previously known to the victim that are most likely to be successful in court. If the alleged assailant is the victim's current or previous husband or partner, the case is unlikely to reach court let alone result in a conviction. This suggests that the legal system is ill-equipped to deal with this kind of intimate crime. Men will continue to prey on women in this way if they believe that they can get away with it.

More needs to be done to combat this crime, which affects around 47,000 women a year.

Rape is an area in which myths abound, and the facts are little known. The majority of rapes that reach the public eye are of the 'stranger' type, and as a result society's perception of rape is that women are most at risk of being raped by a stranger when walking home alone at night. It is not widely known that the majority of rapes are perpetrated by men known to the victim. As this aspect of the rape issue is less well known, it is perhaps not surprising that this is the type of rape that society does not effectively deal with. Another common misconception about rape is that women 'ask for it' by dressing provocatively or acting promiscuously. However, evidence gathered by rape charities suggests that women of all types can become victims of rape, and that rape is not a sexual act, but an act of male power over the woman. It is important that a public information campaign is launched to publicise the truth about rape to dispel such myths.

The antiquated laws relating to sexual crimes were recently overhauled, resulting in the Sexual Offences Act 2003. It is important that the focus remains on this issue in the coming years to assess its impact. We suggest that a study should be undertaken of rape cases since these new laws came into force to look at whether the changes implemented are having a beneficial effect.

It is also noted that this Act focuses on the letter of the law in rape cases. More needs to be done on a broader scale, for example looking at improving the trial process. The Rape Action Plan (2002) suggests various good practise measures such as allocating rape cases to specialist lawyers. We suggest a review to ascertain to what extent these ideas have been put into practice, and if they haven't been, to put pressure on to make sure their adoption is speeded up.

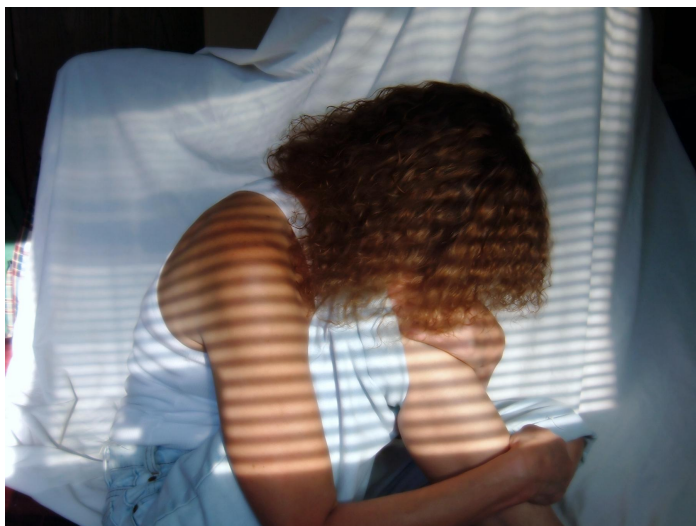
Sample Illustrations



Photograph by Jim Mason, courtesy of www.morgufile.com



Photograph by Laura Ashly, courtesy of www.morguefile.com



Photograph by Pat Winberg, courtesy of www.morguefile.com

**PLEASE NOTE THAT ALL THESE PHOTOGRAPHS
MUST BE ACCOMPANIED BY THE TEXT BESIDE THEM**



Women Liberal Democrats

PETITION CALLING FOR THE GOVERNMENT TO ADDRESS THE PROBLEM OF LOW CONVICTION RATES IN RAPE CASES.

To Tony Blair MP, Prime Minister. I/We the undersigned, call on the Government to:

- Commission a study of rape cases since 2004 to assess the impact of the Sexual Offences Act 2003 and make this information publicly available as soon as possible.
- Promote a public information campaign to increase awareness of the truth about rape to combat the myths that surround this issue.
- Seek ways to further improve the trial process in rape cases, such as more widespread use of specially trained prosecutors.

Name	Address	E-mail

Please return to: **WLD, 4 Cowley Street, London, SW1P 3NB**

Please Note: we may contact you from time to time to inform you of the progress of this and similar campaigns. Let us know if you'd rather we didn't!

Printed, published and promoted by and on behalf of the Women Liberal Democrats, 4 Cowley Street, London, SW1P 3NB.