

Campaign to **End** **Rape**

C/o Dr Kate Cook, School of Law, Sandra Burslem Building,
Manchester Metropolitan University, Manchester, M15 6HB.

5th Jan 2010

Dear Baroness Stern,

We write to offer our submissions to your review on rape.

Campaign to End Rape

The Campaign to End Rape is a national coalition of feminist activists which has been campaigning to change the law and process, on rape, for 14 years. Women within the group have experience drawn from Justice for Women, the Rape Crisis movement and other activism. The group also consists of feminist academics and researchers and aims to do the following:

- To campaign against rape and sexual violence perpetrated against women and girls by men.
- To challenge the women blaming and hating myths that exist about rape and sexual violence.
- To challenge misogynist media reporting of sexual violence.

Concerned over a lack of real progress in changing women's experiences of reporting rape, CER has launched a survey which aims to collect some fresh information about what women think and know about rape. It is aimed at any woman, whether or not they have experienced rape, as the aim is to discover more about what women (now) think on this topic.

This submission reports on the early stages of this important new study on rape. CER launched this survey online on 24th October 2009 (following an initial small-scale pilot of the questionnaire, with help from staff at Manchester Metropolitan University and women at Manchester Rape Crisis). An initial cut-off date of 20th November was created, to allow CER

to present some early findings to the Stern Review and a total of 1,236 responses were collected, up to that date. The survey has then been reopened and the new closing date is 5th January 2010. Clearly then, this piece of research will continue to yield further valuable information and views, over the coming months.

It has been some time since any larger studies of women's experiences of rape have been conducted in this country. The first important work was the *Ask any Woman* survey, from 1986¹ with 1,236 responses. This was followed by Kate Painter's study² which surveyed 1007 women. In addition, *An Exploratory Study of Sexual Abuse in a Sample* of 16-21 year olds (1991) asked 1,244 young people about their experiences of unwanted sex.³ More recently there has also been some data distilled from a far larger sample, that of the British Crime Survey.⁴ This, clearly useful information, is nevertheless, quite different from a dedicated study on rape.

It is apparent that the CER survey will provide an update on these earlier surveys and some interesting comparisons will be available in time. It also seems that this new survey will eventually be larger than its predecessors. CER provides some key responses here, which we believe will be useful. These are drawn both from the experiences of women who reported rape to the police and also from the views of the larger sample of 1,236 women.

The Data

Of the 1,236 women who completed the survey to 20th November, 777 responded based on what they think they would do if they experienced rape. 459 of the respondents based their responses on their actual experiences of rape and of these 123 had reported their rapes to the police.

Reporting to the police

It has long been clear that the majority of reports of rape are lost in the very early stages. Either police no crime the rape, or drop it, or the

¹ Hall, R. (1986) *Ask Any Women: London Inquiry into Rape and sexual Assault*, London, Falling Water Press.

² Painter, K (1991) *Wife Rape, Marriage and the Law: Survey Report, Key Findings and Recommendations*, Manchester, Manchester University.

³ Kelly, L. et al (1991) *An Exploratory Study of the Prevalence of Sexual Abuse in a sample of 16-21 year olds*, London, University of North London.

⁴ Myhill, A. and Allen, J. (2002) *Rape and sexual assault of women: the extent and nature of the problem, findings from the British Crime Survey*, Home Office Research Study 237, London, Home Office.

complainant withdraws. The initial response of the police and other professionals is crucial for keeping the case in the system and the chance to convict the perpetrator.

In the CER survey we are pleased to say that 60% of the women reporting said the police were respectful. However the views of others are still very disturbing. There were many comments about not being believed or not taken seriously: "there was a lack of concern"; "they were cruel disbelieving insensitive"; "veiled threats about wasting police time"; "being accused of lying" and "made me feel it was my fault".

Women responding to a question on "what do you think should be done to make the reporting process better for women who report rape?" broadly agree that there is a need for a more woman-centered response to rape. The biggest concern was that women who report should be believed, and that this might be achieved more readily by creating women-only situations, in which reporting can take place.

The respondents suggest that, if they were to report, they would want to be able to do so in an informal, comfortable and local setting, where they would not be stigmatized by going to a police station. They ask for dedicated and knowledgeable staff and would like the possibility to explore the idea of reporting on a telephone helpline, before making a formal report. Some would prefer to report to a non-police agency (rape crisis is suggested) in the first instance and others would want someone (friend, family, support-worker) with them, whilst they make a report. Often any or all of these suggestions are accompanied for a request for women to staff the reporting suite, the helpline and the support agencies.

The need for access to female forensic medical examiners

60% of those who reported to the police were examined by a female forensic doctor. Most of those who were examined by a male commented that they would have preferred a female. This is still a major concern. The later question asking what can be done to make improvements reveals that women across the board are aware of the need for female forensic examination.

The need to take full statements at a later time if complainants wish it

Several women commented on still being in shock when their statement was taken – yet it was not possible for them to add to it later. Surely there is scope for later statements in rape cases in particular: "As I was tired I couldn't remember a thing about it. It took a few days before I started to remember things and they said it was too late to amend my statement. The process was greatly flawed by having to rush me to give a statement

when I clearly needed more time to recover.” Again, responses to later questions reveal that women would prefer to be given time to give their statement; consider that this should be done at a location that is most suitable for them (i.e. at home, perhaps); that they would prefer to have someone with them when they give their statement and would wish to be able to take breaks.

The need to give information on support available

Whether a case goes forward or not, support is needed for the survivor. Surprisingly less than half who reported to police were given information about ongoing support. In some cases this was just a leaflet about Victim Support. This is something feminists have been asking police to ensure happens, for over 30 years. Women in general were very clear that immediate support was a serious issue. There were calls for better funding and more provision of both rape crisis and the SARC centres.

Keeping complainants informed – cases being discontinued

Best practice in police and CPS must be to gather all possible evidence and rigorously prosecute offenders. However we know that sometimes cases have to be discontinued. The police and CPS have a duty of care to survivors whose cases are being dropped. Some were not informed at all. “The police did not bother to tell me the case was dropped.” One got a call on her mobile while she was in college. “I became hysterical and had to be taken for medical attention”.

Another woman was angry at the CPS letter “The CPS letter was very offensive. It mentioned the fact that I had been drinking and taking (prescription) drugs in a negative context”. This is clearly an area where there needs to be much attention. Some of these women said they would never report again. Within the wider sample, the need for dedicated liaison throughout the process was a theme which emerged strongly from women’s comments.

Meeting the prosecution barrister

For years complainants have said they want to meet the prosecuting barrister and have the chance to tell them their story – so they know there will be someone in court who understands their side. Recently custom and practice of prosecution barristers not meeting the witness/complainant have altered. However it still seems to be a long way from listening to their story.

Many just met the barrister briefly on the morning of the trial: “I met him on the day of the trial itself. I would have found it incredibly useful to have met him beforehand”; “5 minutes before the trial started, he came in to

say hello"; "I met him on the actual day in the morning for about 2 minutes. It would have been much better to speak to him before, as I felt he missed the point a lot, and missed things out that I would of (sic) stressed, and I partly feel that's why I lost the case."

So although barristers are meeting witnesses, the concern with "coaching" still seems to create a situation where they can't listen to their key witnesses' version of events: "it was not useful as they couldn't discuss the case". As women's comments above demonstrate, the witness experiences this as "her case" (see "I lost") and so the impact on survivors of barristers inability to either explain the system or discuss the case is a system which still appears impersonal, uncaring and foolishly inept. "I wish I could have talked to him about the case. So I could have flagged up things I thought were important."

Any recommendation about counsel meeting the witness/complainant needs to say this has to go beyond greeting. Complainants still want the prosecution barrister to hear the account from them.

Concluding comments

In summary, CER welcomes the Stern Review and knows that there is still much to be done to ensure respectful responses to women reporting rape, across the board. It is clear that police responses are still not consistent. In particular, police services around the country need to tackle their skepticism and treat reported rapes as truthful, unless proven otherwise. A lack of consistency, investigation and belief continue to create problems for some women reporting.

This contribution to the review is also being published via our own website and through other women's networks. This will help the women who have completed our survey to know that we are acting on their generosity. We commend these comments to you and hope that this review will also bring action.

With best wishes,

Dr Kate Cook,
For CER.