

Rape: there may not be a crisis but Halifax women still walk in fear

by Gretchen Pohlkamp

Halifax police statistics show that 23 women were raped and 64 were sexually assaulted in 1980. In the first nine months of 1981, 18 rapes and 39 indecent assaults were recorded.

These figures include only those rapes which were reported by the victim and which the police believe were founded.

"There is a very low reporting rate - how low is hard to say since a good primary incidence study has never been done," said Lorenne Clark, Dalhousie law professor and a co-author of *Rape: The Price of Coercive Sexuality*, during a seminar at the Law School on Tuesday afternoon. Some groups estimate that 80 to 90 percent of rape victims do not go to the police.

Rape crisis centre statistics and government surveys support the belief that many rapes go unreported, said Clark. Women are often afraid of retaliation, or of the ordeal of police interrogation and the court room battle. The myths which surround rape and sexual assault perpetuate this low reporting syndrome, she said.

Added to the fact that many rapes go unreported is the problem of police dismissing the rape as unfounded, said Clark. In the early 1970's when she was researching her book, the police were listing as many as 60 percent of rapes as unfounded. Recent figures show that the police believe 50 percent of the attacks are genuine, said Clark.

Halifax police department's official Statistics Canada forms showed a considerably smaller number of unfounded or founded reports. In fact, all 18 rapes reported in 1981 have been considered founded and only two were considered unfounded in 1980.

Even if this founding rate increases significantly, a prob-

Golda Meir: "If there is going to be a curfew, let the men stay at home."

lem remains in apprehending the accused and bringing him to trial. Many women drop the charges before the case gets to court because they fear the preliminary inquiry and the court appearance, said Clark.

"Less than 50 percent of the cases result in anyone being arrested and less than half of those get to court because the victim changes her mind after the preliminary hearing," she said.

The conviction rate, although increasing steadily since the early 1970's, is still hovering around 50 percent, she said. And even if there is a conviction the average sentence is in line with the national average sentence for robbery - two and a half years in the early 70's.

The bottom line is that less than one percent of men who

commit rape are ever convicted, said Clark.

Rape is only one small wedge of the pie of sexual violence against people of all ages, said Clark. Sexual harassment in the street and in the work place, rape, incest, and assault are all part of the same thing.

"It is important to make people realize that they aren't different phenomena - it's all one large perspective," she said. "The question is how can changes in one area affect social awareness in all areas?"

A recent report from the federal Advisory Council on the

Status of Women states that one out of four women in Canada will be the victim of sexual assault in their lifetime. One in 17 women will be raped.

The offence of rape developed as a property and trespass offence in medieval times when women were considered the property of their fathers or their husbands, said Clark. It is only wrong to take property you do not own, for example someone else's wife.

This historic development explains why such a high percentage of rapes are considered unfounded, said Clark. Promiscuous women or women who have been drinking are least often believed, while young virgins or upstanding married women will be quickly avenged.

"Technically, the character of the rape victim is supposed to be irrelevant but evidence of the victim's past is often considered relevant to credibility," she said.

Until the 18th century, rape



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More than 100 Halifax women marched and chanted through the streets of downtown Halifax on Friday Oct. 23 as part of an internationally organized effort to make the streets safe for women walking alone at night. Women of all ages and professions joined the march. "I don't walk alone at night anymore," said Jane Spurr, third year law student. The organizers said the march won't make the streets safe in one night but it will make people aware of the problem and will hopefully encourage women to report assaults when they happen.

complainants did not have the right to make their own complaints. The complaint had to be made by the person wronged - the father or the husband. This lack of sexual autonomy for women is perpetuated in the Criminal Code section which says that a husband cannot rape his wife, said Clark.

The federal government has been trying to revamp its sexual offences legislation, but the proposal - Bill C-53 - has died on the order paper.

"Bill C-53 goes quite a long way to implementing a framework which would change rape laws to reflect changed attitudes and entrench a right to sexual

autonomy," said Clark.

Two new categories of assault would replace rape in the Criminal Code. The stigma attached to the title Rape would be removed, making women less reluctant to report assaults, she said. Common assault would carry a maximum sentence of five years, while assault causing bodily harm would carry a maximum penalty of 12 years - more in line with reality.

"Certainly no degree of punishment is effective in working as a deterrent if no one is convicted," said Clark. "If men believed they would be caught and punished the incidence of sexual assault would decline."



Judicial process adds insult

by M.L. Hendry

Dr. Edward Renner is a member of the Psychology Department at Dalhousie. Last year students of Dr. Renner's Community Psychology class surveyed the kinds of rape crisis services available to rape victims in Halifax. Information which the research team assembled was condensed and presented in a pamphlet called 'Facts about Rape' which is available on campus.

Rape is the least reported and least prosecuted criminal offense against persons in Canada, Renner said.

One reason is fear of retaliation. 87 per cent of rape victims receive threats of future attacks if they report the rape to the police.

There is also a social stigma attached - women are reluctant to come forward and say "I've been raped," Renner said.

Rape has been called 'the only crime which puts the victim on trial'. Renner said that the

most important factor in establishing the credibility of a rape victim is still the character of the woman. Whether or not she was a virgin, a professional woman, married - all of these surrounding factors will increase the probability of conviction. The fact that she had been drinking or had gone to the rapist's apartment will lessen her chance of being able to make a creditable case that will stand up in court.

1-1/2 to 2 year judicial process
A woman who presses charges against a rapist can expect a legal process which takes 1-1/2 to 2 years, Renner said.

After the initial rape complaint police will send someone to the scene to secure physical evidence. There will be a police investigation and a decision on whether the charge of rape is founded or unfounded. If there is enough creditable evidence to proceed, and if an arrest can be made, the woman must make a

positive identification of her assailant.

Material on an arrest is turned over to the Crown prosecutor and there will be a preliminary hearing before a judge. This will probably be nine months after the original complaint.

The witness must appear at the hearing to give testimony and may be cross-examined. If the preliminary hearing establishes that there is enough evidence, an indictment will be returned and passed on to the Grand Jury. There will be a hearing before the Grand Jury, and again, the victim can be cross-examined.

If the Grand Jury returns a True Bill the case will go to court.

This latter process will probably take another nine months.

The average sentence for rape in Canada is four to five years, with eligibility for parole after serving one-third of the sentence.

Former Halifax lawyer Paddy Fitzgerald was recently paroled after serving less than one year of a five year sentence for rape. It's reported that he is presently attending university in the Halifax area.

..Highlander, Oct. 28, 1981

Rape Crisis Centre needed in Halifax

by Cathy McDonald

Halifax no longer has a rape crisis centre, but that doesn't mean the need has disappeared.

"I know the amount of work needed to help a woman in trauma. There is no one to do this in a coordinated way," said Margaret Love, Director of Social Services at the Halifax Infirmary.

Social services and counselling in the Halifax hospitals are available during regular working hours, but not at night when many assaults and rapes occur.

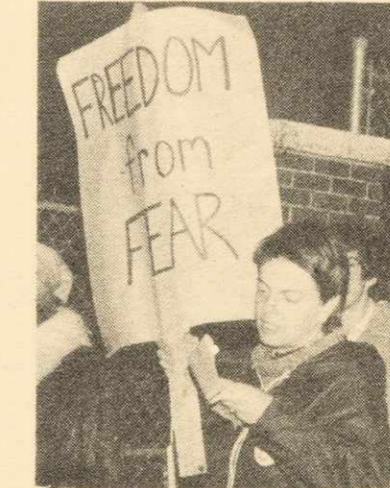
The Halifax Rape Crisis Centre survived for seven years, relying almost totally on the volunteer efforts of concerned women. It eventually folded,

leaving behind feelings of disillusionment.

The service was set up through the Helpline counselling and referral telephone service. Women who sought counselling for rape and sexual assault would be called by one of the rape centre volunteers from her home.

But the crisis service is only one part of what is needed in a rape crisis centre.

Trish Miller, coordinator of the now defunct centre, said a crisis line doesn't cover the whole ballpark. There needs to be on-going support. The issue is more than a sensational or isolated event of sexual assault a woman might experience.



Hart/Dal Photo

Support groups should be organized in Halifax areas to educate the public and deal with

sexual violence against women in general, she said.

A rape crisis line helps a few women, while support, education and change is needed in a broader sense in the community.

Such a programme needs a centre to work out of. Miller said volunteers on the rape crisis line eventually got worn out, and were frustrated that they could not go beyond the crisis service and be more effective in an educative role. She is wary of receiving funds from governments whose policies have discouraged rape crisis centres across Canada from dealing with any political educative work.

Women speak out against violence

by M.L. Hendry

An informational seminar on violence against women, organized by Dalhousie's Office of Community Affairs, took place on October 28 in the SUB Green Room.

Barbara James, a member of the Education Department at Dalhousie, spoke on behalf of Women Against Violence Against Women.

Everyone agrees that rape is wrong, but there is some problem with agreeing what rape is, James said. She articulated a continuum of sexual assault and harassment moving from wolf-whistles on the street, to unwanted pick-up attempts in a bar, to date-rape, to rape by someone you are involved with but don't want to have sex with at that time, to the rape of children, to stereotyped rape by the sex-crazed stranger jumping out of an alley.

A woman is more likely to be raped by someone she knows than by a stranger.

All points on the continuum don't constitute rape, James said, but each end contributes to the other.

Throughout history women have internalized dangerous myths which cause problems with recognizing sexual assault and rape.

Myth: rape is a crime of lust

Rape is manifested in a sexual act, James said, but rape is a

crime of violence against women that has nothing to do with physical attraction.

Females from age 6 months to 93 years have been raped. What rape depends on is the availability and opportunity to sexual assault of potential victims, she said.

The fact that rape is a crime of violence is supported by sta-

someone who is in some way deranged and not just someone who is acting out in an exaggerated but fairly logical way the continuum of sexism in society is dangerous in that it causes a distorted image of who is causing the damage, she said.

Myth: It is impossible to rape a non-consenting woman

This is used over and over again in court cases where the

said.

Myth: women 'ask' to be raped

Asking for it, in various cases and in literature, has included a woman walking alone at night, wearing a dress, wearing pants, hitchhiking, agreeing to go out on a date, resisting advances, and getting married. The criminal code excludes non-consensual intercourse with one's husband, yet non-consent is grounds for divorce. A woman is stuck in a bind, James said, and must agree to intercourse with her husband.

Victim is put on trial

Because these myths are so strong women end up suffering through terrible trials, feeling guilty and losing their personal sense of worth. Not wanting to report rape is not simply paranoia on the part of women, James said. They know that society is often going to blame them for being sexually assaulted.

Rape is a crime of violence that has little to do with physical attractiveness.

Halifax needs a rape crisis centre

James stressed the need in Halifax for a rape crisis centre where a rape victim can go for help in deflecting guilt from herself to the rapist, for advice on what to expect from the police and hospitals and for strong emotional support. There have been rape crisis centres in Halifax, invariably run by volunteers who got burnt-out and were unable to continue, James said. Women against Violence against Women would like to see a government-supported rape crisis centre in Halifax with 24-hour paid staffing.

Student Health willing and able to help rape victims

by M.L. Hendry

Dr. Joseph Johnson is one of six physicians at Dalhousie's University Health Services.

Thirty-four per cent of rapes occur in the victim's home, eight per cent in the rapist's home, and 15 per cent are committed by close personal friends of the

woman, Dr. Johnson said. Women have to be aware of these statistics.

Women who have been raped usually have one of four reactions, Johnson said. These are shock and disbelief, extreme anger, a great deal of fear and guilt or self blame.

Johnson stressed the importance of a rape victim immediately seeking someone who she trusts and can talk to to help her decide what to do.

Student Health viable alternative to hospitals

Women are urged to seek medical attention immediately after a rape to be treated for possible injury or venereal disease, said Johnson, offering Student Health as a viable alternative to the hospitals. The Student Health phone is answered 24 hours a day, 365 days a year, and both male and female physicians are available to help a rape victim.

If a woman intends to press charges against her attacker, medical evidence is required for prosecution. Seeking immediate help is crucial.

Women who have been raped usually have trouble coming to terms with what has happened to them, Johnson said, and it is important that they receive help in working through their feelings to avoid future difficulties.

Counselling is available from Student Health or Counselling and Psychological Services in the Student Union Building.



Bent/Dal Photo

Dr. Joseph Johnson



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Barbara James