

# Destroying the myths about rape

by Denise Currie

Rape is one of the most under-reported crimes in North America. According to FBI estimates, one in five, or possibly one in twenty, cases may actually be reported primarily due to fear or embarrassment or both on the part of the victim. Until recently, rape was not discussed—publicly or elsewhere—but with the changing role and status of women in today's society and rape's recognition as one of the fastest increasing crimes, it is now seen as a relevant and important issue. Its definition and the administration of rape laws has been a major part of the concern voiced by many women's rights organizations.

## Rape and the Law

A male has committed a rape when he has sexual intercourse with a female who is not his wife, without her consent, or with her consent if the consent is extorted by threats or fear of bodily harm.

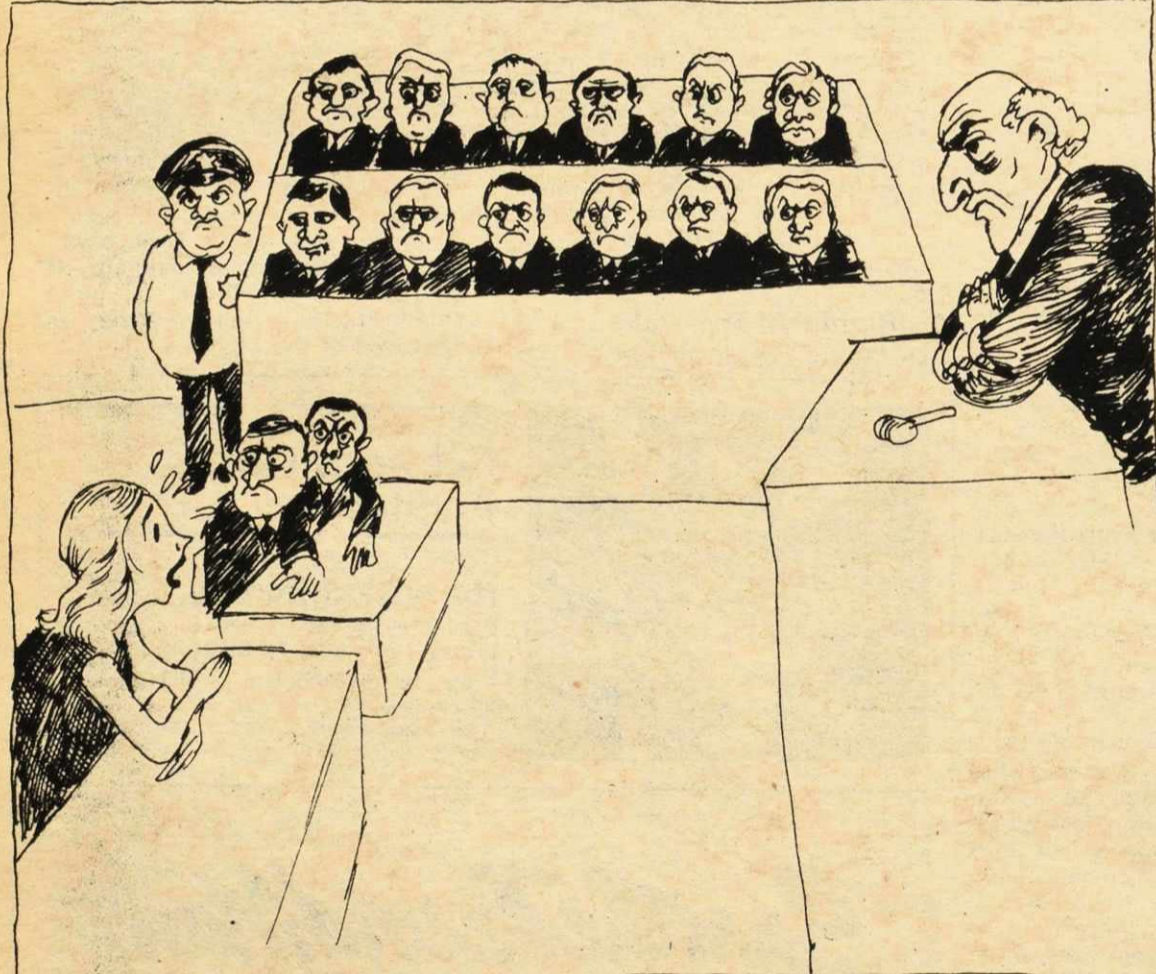
Murder, assault, rape and robbery are the Big Four of violent crimes, and rape is the fastest growing in both Canada and the United States. Statistics Canada figures show that between 1970 and 1974 there has been an

include, for example, evidence that the victim was intoxicated, a delay in reporting by the victim, lack of physical condition supporting the allegation, refusal to submit to a medical examination, previous relationship between victim and offender, the use of a weapon without evidence of battery, failure to preserve necessary physical evidence, and victims that are too emotionally upset, too young, too afraid, or too embarrassed to co-operate with the ordeal of the police investigation. Yet most of these factors are not relevant to whether a rape has been committed.

Only a very small percentage of reported rapes are classified as founded. Of these, fewer get charged and even fewer go to court and result in conviction. Of the 95 reported rapes in Nova Scotia in 1974, it can be estimated that only 10 suspects will be convicted. Of these, one if any, will get the maximum sentence for rape—life imprisonment.

## Changes in the Law

One of the reasons women refuse to report or, if they report, refuse to prosecute an accused rapist, is the fear of public embarrassment. The government has now recognized the concern expressed about many



increase of 69 per cent reported rapes compared to a 25 per cent increase in other violent crimes.

Technically, a rape case cannot be called 'unfounded' unless there is not enough evidence to suggest that the event occurred. But, as Marcia Riout pointed out in her study

aspects of the law and particularly over the unfairness of certain provisions towards the victim. It has implemented several new changes in the law that may make the long and difficult prosecution somewhat easier for the complainant who, in almost all rape trials, appears to be on trial herself rather than the

**"Many women see the laws regarding rape as a means of protecting the inviolability of the male's property rights rather than the integrity of the female body."**

of 'Rape in Canada', because of public attitudes and preconceptions surrounding the crime and because of difficulties surrounding the prosecution of an accused rapist it is expected that many rape reports would be classified as unfounded on criteria other than those directly related to the offense. These

accused. One amendment states that the judge need not warn the jury that there is a possibility of convicting the accused if the complainant's testimony is not confirmed. As long as there is proof beyond a reasonable doubt, a suspected rapist can be convicted. Although rape has increased by this

## National Day Against Rape

What's special about Nov. 5? It's been declared "National Day to Protest Rape" by an active British Columbia group, Women Against Rape (WAR). The project is intended to stimulate public awareness and concern about rape. This is a national effort in which all Canadian rape crisis centres are participating. Locally, Halifax Rape Relief will be doing its share, distributing pamphlets throughout the city and setting up information booths at the Scotia Square and Bayer's Road shopping centres.

In the past, rape crises centres have sought to change outdated public attitudes towards the rape victim. According to Rosemary Brown, noted B.C. social worker and activist, the time

has come for effective change in such concrete areas as the law and the medical treatment of victims. To this end, recommendations are being sent to all levels of government.

Women's groups and rape crisis centres suggest that the charge of rape be eliminated and replaced by charges of different sexual assault, depending on whether there was a deadly weapon present, how serious the injuries suffered by the victim were, and whether there was sexual penetration or just sexual contact.

Other recommendations include improved facilities for rape victims at hospitals and police stations. Both medical staff and police officers need to show greater sensitivity in

dealing with these victims and greater efficiency in collecting court evidence.

Rape crisis centres feel that they are entitled to financial assistance from federal and provincial governments. Says Lorene Clark, who has conducted extensive research on rape, "Rape crisis centres are the major forces behind the move to stop rape. We are the only group who help the victims and work to educate the public. The government should recognize that we are providing a valuable service to the community."

Members of Halifax Rape Relief, who have been receiving an average of two rape calls a week since January, urge public participation in Friday's National Day to Protest Rape. It is a vital issue that concerns everyone.

substantial amount, the number of rapes reported compared to the number in which suspects are arrested and brought to trial is lower than the rate for any other crime against an individual. For this reason "Many women see the laws regarding rape as a means of protecting the inviolability of the male's property rights rather than the integrity of the female body" (Duncan Chappell's "Forcible Rape and The Justice System"). In the words of Kate Millett, "traditionally rape has been viewed as an offense one male commits upon another—a matter of abusing his woman." According to this view, a male dominated system of criminal justice sustains this attitude by refusing to prosecute or convict all but a handful of rapists.

An illustration of this point might be the 1974 statistics for Nova Scotia. Of the 95 reported or known offenses, 43 percent of these were classified as unfounded by police and / or courts leaving only 52% of the total theoretically to be processed through the justice system.

A second change in the law is the degree of cross-examination and interrogation carried on by counsel in regard to the complainant's past conduct and general character. Such questioning is relevant to the issue of consent, but has often been used to attack her credibility. Evidence regarding her past can only be used if considered relevant by the presiding judge.

The Public can now be excluded from the trial and the complainant's name be concealed. The new amendments also empower a judge to order a change of venue if he / she sees fit.

The purpose of the new amendments is to minimize the embarrassment a rape victim may encounter at trial and thereby to increase the number of rapes that are reported and prosecuted.

A recent study has been done in Nova Scotia on sexual offenses in the 18 counties of the province for the year 1975 and the first 6 months of 1976. The study done by Denise Currie and June Smith in conjunction with the Halifax branch of the RCMP does not include areas of the province that employ their own police force. The information, then, excludes major cities and areas of high density population. However, the findings are significant and concur with related research done in the United States and other parts of Canada. Portions of the report are printed here.

Using 112 cases of sexual offenses over 1 1/2 years, sound statements have been made concerning the characteristics of sexual offenders, the victims, and the areas of major crimes of this sort.

Eleven variables were selected for examination of the sexual offenses, namely: year, county, region, victim's age, marital status,

sexual offense, use of alcohol, victim sex, offender sex and number of offenders charged. Not all of these are discussed in this article.

The findings show that indecent assault accounts for almost half (48 percent) of the 112 cases. From extensive reading and in discussion with police officers, it seems in many cases a rape or attempted rape may be reported and if there is not sufficient evidence to prove rape then it may be suggested that the charge be reduced to indecent assault. Often times when a rape case itself goes to court, plea bargaining may take place where the

## Some rapists are casual acquaintances of their victims and some are relatives.

offender may agree to plead guilty to an indecent assault—which carries only a possible maximum sentence to five years as opposed to 25 years for rape. For some of these reasons, there may be a much higher degree of indecent assault when in actual fact the real offense that took place could have been much more serious.

Rape was the second most charged offense in the findings, accounting for 27 per cent (N-30) of all sexual offenses. The number of offenses in the remaining 5 sexual crimes were relatively insignificant by comparison—incest 7 per cent (N-8), indecent exposure 7 per cent (N-8), juvenile delinquency 4.5 per cent (N-5), attempted rape 2.7 per cent (N-3) and 1.8 per cent (N-2) charged with gross indecency. Of the 5 juvenile delinquents, 3 were originally

Of the 112 cases examined, all offenders were male. Alcohol was involved in only 24 of the reported and charged offenses. This sort of information does, however, rely exclusively on the discretion of the arresting officer as to what he / she will include in a written report. Seventy-eight per cent of the cases involved no alcohol or are recorded as unknown. The extent to which alcohol accompanied rape and indecent assault was 86.9 per cent. Attempted rape was the third sexual offense where alcohol accompanied the offense. Drunkenness appears to be a much greater factor in the more aggressive crimes of force offenses.

In 71 out of the 112 cases the victim knew the offender, whereas 28 cases involved complete strangers and 12 cases involved recent acquaintances. In a cross tabulation of offense and relationship of victim and offender, it appears that 74.1 percent of indecent assaults were committed by offenders who knew the victim and 53 per cent of rapes occurred between victims who knew their attackers.

The validity of these results is questionable as the recording system at the police department does not record their reports according to relationship of victim and offender and so it was a subjective opinion in many cases that determined the relationship if it was not written specifically in the report.

A summary of the entire report concluded that: the majority of sexual offenses took place in Halifax County; most victims were under the age of 16, the mean age being 11; the majority of victims were single; most victims were female; rape and indecent assault were sexual crimes most often committed; the victim in most cases knew the offender; alcohol was not known or was not a significant factor in the crimes, however, in cases where it was a factor the crime was usually one of a violent nature, i.e., rape and indecent assault; all offenders were male; and almost all the crimes were committed by one offender.

## Attitudes

The result of on-the-street interviews carried out last fall at Dalhousie show that many people—men, women, young and old—still think rape is not something that could happen to just any woman. Many still feel that a woman who is raped leads a promiscuous and daring life.

This misconception of rape leads us to believe that a woman of generally respectable behavior who does not go places unescorted, will be untouched by any man with intentions of rape. However, every woman is vulnerable to a rapist. Victims range in age from 6 months to 92 years.

## Rapists tend to express their rage and violence on women through rape.

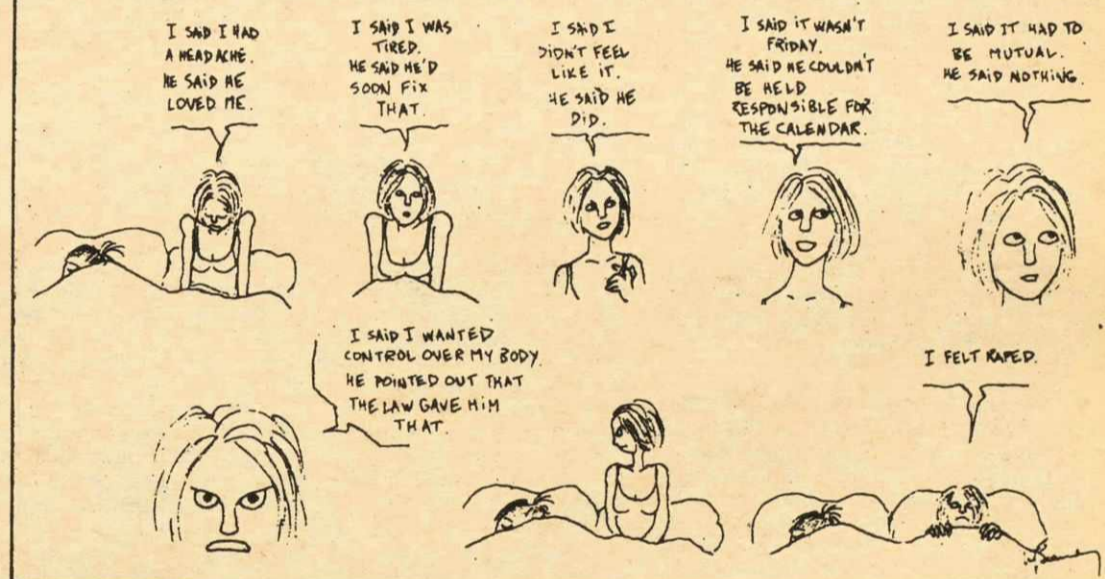
Some myths concerning rape shatter the glass house in which many women live. Many believe rapes occur in dark alleys and deserted streets. In truth, according to U.S. facts, 40

are administered for gonorrhea (antibiotics usually are given for protection) and commonly the morning-after pill to prevent pregnancy. Arrangements can be made for further pregnancy tests as well as a test for syphilis. When determining which tests should be administered for collection of evidence for prosecution, the hospital staff should be diligent and sympathetic in informing the victim of the necessity of medical procedures. Law enforcement officials will insist on proof. To show that it was indeed forced intercourse particular tests and proper reporting by medical staff is critical.

Therefore, too, it is necessary to preserve whatever evidence remains on her person—up to the time of the physical examination. She mustn't wash, douche, change clothes or

disturb any evidence that might help prove she was raped. If the victim wishes, the police may be contacted to obtain a report and collect evidence (clothing photographs, etc.). How-

## CAN RAPE EXIST IN MARRIAGE?



percent of reported rapes occur in a victim's home, hallway, or laundryroom. Many people believe that rapists are always strangers. In Amir's study on rape he found that 48% were known or at least seen before by their victims. Some are casual acquaintances and some are relatives.

Rape has often been regarded as a crime of passion. However, in Amir's study it was found that rape is generally not a crime of impulse but, rather, is planned. Rapists tend to express their rage and violence on women through rape. Amir found that 90% of group rapes, 83% of pair rapes, and 58% of single rapes were planned.

And not only sick, perverted men rape. In fact, 3 out of 5 rapists studied were married and lead normal sex lives.

## Regardless of whether a victim wishes to press charges, a thorough medical examination should be carried out.

Medical treatment is perhaps the most critical process a rape victim faces. The treatment itself is to prevent pregnancy, treat venereal disease and physical injury, as well as for psychological support.

A rape victim who seeks medical treatment has two major choices—an emergency room at a local hospital or a family doctor's office. Unfortunately, there are local doctors who will refuse to tend to rape victims for fear that a lengthy court appearance will be necessary.

No rape victim should hesitate to undergo a thorough medical examination. Standard tests

determine the extent of psychological trauma. The physician's concern is with physical injury. The psychological consequences of rape can be devastating—skilled psychological counselling at the hospital is often necessary to minimize the aftermath of rape.

In spite of all the attention focused on the importance of an immediate medical examination, victims of rape and sexual assault often ignore this critical process, out of fear or perhaps simply ignorance of the procedures involved. It is hoped some of these fears have been alleviated.

