



RCC

Dublin Rape Crisis Centre

Rape and
Sexual
Assault



What do we mean by rape and sexual assault?

Rape or sexual assault occurs where a person is subjected to a sexual act (penetration or sexual touching) without his or her consent. It includes situations where a person is unable to give consent – for example if they are unconscious through sleep, drunkenness or drugged.

The rape or sexual assault may involve threats, coercion or the use of physical force, sometimes with additional acts of violence.

Whether or not physical force is used, rape and sexual assault are acts of violence. They are a profound physical and personal violation of the individual. Research shows that the primary motivation in rape and sexual assault is the meeting of the perpetrator's non-sexual needs for power and domination and their expression of anger, rather than their sexual gratification.

If you or someone you know has been raped or sexually assaulted the Dublin Rape Crisis Centre can offer you information and support

- Our National 24 Hour Helpline is available to listen, provide information and arrange counselling if desired.

**National 24 Hour Helpline:
1800 77 88 88**

- Our professional counsellors are available to provide counselling both for recent rape or sexual assault and for rape or sexual assault that took place in the past.
- A trained volunteer is available to meet recent rape or sexual assault victims at the Sexual Assault Treatment Unit in the Rotunda Hospital, 24hrs a day, 7 days a week.
- A trained volunteer will accompany a victim to a Garda Station, to court or to an asylum hearing when requested.

Rape and Sexual Assault

Anybody, regardless of age, gender or circumstances, may be the target of a sexual attack. If this happens to you or someone you know, help and support are available.

Rape and sexual assault are subjects surrounded by ignorance, fear and myths: ignorance when people do not understand the brutal reality of sexual violence; fear on the part of people who feel vulnerable or who have been victimised; and myths that minimise the problem and contribute to ambivalent attitudes about the role of the victim in incidents of sexual assault.

Incidence of Sexual Violence in Ireland

In 2001 a major nationwide research survey, which interviewed 3120 adults in depth, was undertaken on behalf of Dublin Rape Crisis Centre (The SAVI Report, McGee et al, 2002, The Liffey Press).

This research discovered that 13% of Irish women and 5% of Irish men have experienced rape or attempted rape over their lifetime. One in three women and one in four men have experienced sexual assault.

Myths and attitudes concerning sexual assault and rape

Sexual assault and rape are frightening and distressing topics. In an attempt to protect ourselves psychologically, we may try to distance ourselves from the possibility that we, or somebody we love, could be violated in this way. As a society we have adopted certain beliefs and attitudes about sexual violence in an attempt to deny the brutality of what actually happens, and to reassure ourselves that it could never happen to us.

Myths and widely held but ill-founded beliefs about sexual assault and rape contribute to the fear which victims experience in seeking help or reporting their experience. Frequently people are afraid they will not be believed, or will be blamed for provoking the incident. This contributes to the silence that continues to surround crimes of sexual violence.

Rape and sexual assault are acts of violence

A common belief about rape and sexual assault is that these acts are the result of an overwhelming

sexual urge where the perpetrator loses normal self-control. The reality is that rape and sexual assault are in themselves vicious, violent acts whether or not they are accompanied by other violence, and research shows that the primary motivating factors are anger and the wish to dominate and degrade, not sexual desire.

The perpetrator is responsible, not the victim

The belief that rape and sexual assault are not primarily violent assaults contributes to the idea that the victim may in some way be responsible for the assault. Women and men who have been raped or sexually assaulted may agonise over what it was in their dress or behaviour that led to the attack, a question that would be considered ludicrous in any other violent crime. It is the perpetrator who is responsible for rape and sexual assault, not the victim. People may censor their activities in an attempt to avoid being targeted, but this does not prevent people of all ages, in diverse situations, being sexually assaulted or raped.

The victim may feel something he or she did or omitted to do led to the rape or sexual

assault: perhaps he or she agreed to stay late at the office; or was drinking at a party; or took a lift home from a friend, a neighbour or family member. These are things we do all of the time quite normally, and usually quite safely. The responsibility for an everyday situation turning into an occasion of rape or sexual assault belongs fully with the perpetrator. In rape, perpetrators take advantage of an aspect of a situation which provides them with the power to rape – it may be the victim's trust or lack of suspicion, the physical strength of the perpetrator, the victim being alone or sick, young or old, or any situation where there is an imbalance of power in favour of the perpetrator. This imbalance is increased where, as is often the case, the victim is so shocked and terrified by what is happening, that he or she becomes frozen and paralysed. And whilst the majority of perpetrators are men, it is important to remember that women too can sometimes be perpetrators.

The rapist is usually known to the victim

There is a belief that people are usually assaulted by strangers in dark, lonely places.

The SAVI research found that 74% of those who experienced rape or sexual assault knew the person who assaulted them. The truth is that most rape and sexual assault takes place within a social or family situation. This often adds to the victim's confusion and self-blame, where the rape may have followed on from a seemingly normal social situation. It also means that the victim has to continue their life in a context where they may have ongoing contact with the perpetrator.

Fear of false allegations

Some believe that people make false accusations of rape or sexual assault out of malice or fear of disapproval following consensual sex. A person who reports a rape or sexual assault undergoes a lengthy Garda interview and a medical examination. Months later, she or he faces a court appearance where s/he may be cross-examined on the details of the rape or sexual assault. It is unlikely that a person would put him or herself through such an extended ordeal to substantiate a false allegation, or that an individual could sustain a story which was not true. Credible research suggests few reports of rape are false and are no more common than false complaints

of other crimes. Unlike other crimes, rape and sexual assaults are hugely under-reported crimes. The SAVI research found that only 1% of men and 8% of women report rape or sexual assault to the Gardaí. Research carried out in 11 European countries found that in all countries in over 90% of reported cases, police and legal experts agreed that a crime of rape had taken place. (Different systems, Similar Outcomes -Jo Lovett and Liz Kelly 2009)

Men are raped and sexually assaulted too

When people think about rape and sexual assault they usually picture the victim as a woman. In fact men are also subjected to sexual assault and/or rape. The SAVI research found that one in five Irish men have experienced sexual assault or rape in their lifetime, but nearly half of these had never told anyone about it. Men can fear disbelief and even ridicule if they come forward. It is important that men realise that they are not alone in being victimised in this way, and that they can access services and supports.

All of the services of the Dublin Rape Crisis Centre are available to men as well as women.

Rape is used as a weapon of war and oppression

The nature of rape as an act of violence and domination is highlighted by its use as a weapon in situations of war and political oppression.

It is common for military to rape women and children and sometimes men: this is seen as a powerful means of terrorising and demoralising a population. Rape is also used as a weapon of state oppression and torture. The Dublin Rape Crisis Centre has provided counselling for many individuals who were raped in such circumstances.

Rape and sexual assault happen within marriage and relationships

When rape and sexual assault happen within a marriage or relationship, they are frequently accompanied by other forms of violence, and can occur on so many occasions that the impact is reinforced again and again. Rape and sexual assault occur in same sex relationships also. It can be additionally difficult for those raped or sexually assaulted by a partner to disclose this. As a result, many victims may continue living in an ongoing situation of sexual violence for a long period of time.

Trafficking

Trafficking of people for the purposes of sexual exploitation is a highly controlled and secretive phenomenon, making it difficult to know the extent to which this is happening in Ireland.

Ruhama (an organisation supporting women affected by prostitution and trafficking) reported that in 2011 it supported 91 women who were victims of trafficking for sexual exploitation who were from 20 different countries.

Rape is used as a method of punishment and control by the traffickers. Where a person who has been trafficked is used for prostitution, this is an act of rape as s/he has been forced to consent.

Effects of Sexual Assault and Rape

Sexual assault and rape are among the most devastating of human experiences. The terror, helplessness, humiliation and pain involved results in severe distress which can have an impact on every aspect of the victim's life. The effects will vary from person to person because everyone reacts differently to trauma and crisis, and sometimes a person will not react in the way they themselves might have expected. However, certain common patterns emerge.

Common immediate effects

These may persist for several days or weeks:

- Shock and withdrawal: the victim may be unable to speak about the experience. S/he may appear 'frozen'.
- Panic and confusion: the victim may be very distraught and show signs of extreme fear.
- Unable to stop thinking about the details of the assault.
- Recurrent and intrusive flashbacks of the assault, where for the individual it feels like a reliving of parts of the experience, with all of the feelings and reactions that were there at the time.
- Sleeplessness and nightmares.
- Hypervigilance: a person may be on the alert all the time and may be easily startled.
- Calm and rational: some people respond to severe trauma by retreating from their feelings and becoming very reasoned and logical.
- Denial: the person may minimise what has occurred and try to deal with it by behaving as if nothing has happened.
- Obsessive washing: the victim may feel dirty and tainted and wash over and over again.
- Physical trauma: injuries such as bruising, cuts or soreness around the genital or anal area may have been inflicted. If the victim was beaten or physically assaulted, there may be other injuries. However, the absence of physical trauma is not an indication that a person has not been raped.

Common long-term effects

- Recurrent and intrusive recollections of the assault.
- Self-blame and guilt: the person may agonise over what it was s/he did which provoked the attack, regardless of the fact that it was not his or her fault.
- Fear and vulnerability: the person may feel unsafe, even in familiar places with people s/he knows.
- Deep emotional pain: the person may experience strong feelings of anger, sadness etc.
- Dramatic mood swings, particularly following exposure to events or places similar to the setting of the assault.
- Difficulty in trusting, even those whom s/he knows and cares for, and difficulty in trusting and feeling safe in the company of men.
- Sexual difficulties: recollections of the assault may impinge on the person's sexual relationship with his or her partner.
- Impaired concentration and memory.
- Difficulty in coping with normal routines.
- Development of addictions (drink, drugs, food).

Support in the Aftermath of Rape and Sexual Assault

The Rape Crisis Centre

Help is available in coping with the after-effects of sexual assault and rape. The victim can contact his or her local Rape Crisis Centre where a counsellor will be available to help him or her in the immediate aftermath or in the longer term.

**The Dublin Rape Crisis Centre
National 24-Hour Helpline is
available nationally and is open for
immediate help and support on
1800 77 88 88.**

The Dublin Rape Crisis Centre offers a professional counselling service for victims of rape, sexual assault, sexual harassment and childhood sexual abuse. By calling the Helpline a meeting with a counsellor can be arranged.

Healing is Possible

No matter how great the victim's difficulty in coping with the assault, it does not mean that s/he has developed serious or permanent psychiatric or emotional problems. Victims of sexual violence can and do recover and reclaim their lives.

Medical Assistance

When a person has been recently raped or sexually assaulted s/he needs to see a doctor as soon as possible. The idea of a physical examination may be distressing to the victim but from the point of view of his or her personal health, and for forensic evidence if s/he decides to report the crime, it is

vital to seek medical help. Where a victim wishes to report the crime, the Gardaí will designate the medical centre/doctor that has the specialist facilities and training to gather forensic evidence. Friends or relatives can support the victim by accompanying him or her, or accompaniment by a trained volunteer can be arranged.

Personal Health

- A girl or woman who has been raped may be at risk of becoming pregnant. The MAP (morning after pill) can prevent pregnancy if it is taken within 48 or at most 72 hours of the rape.
- Sexual assault or rape may cause an infection with a sexually transmitted disease.
- The person may be at risk of developing HIV/Aids. A test should be carried out so that appropriate treatment can be prescribed.
- Sexual assault or rape may produce bruising, tearing or lacerations. The injuries may be internal, in the vagina or anus, and may require skilled medical treatment.
- Even where the rape or sexual assault happened some time in the past, it is advisable to have a medical examination to check for internal injuries or infection.

Medical Examination for Forensic Evidence

If a victim decides to report an incident of rape or sexual assault to the Gardaí s/he may be asked to undergo a medical examination to collect forensic evidence. Such evidence will be used to support his or her case. It is important that this examination is carried out as soon as possible after the incident so as to collect the best possible evidence.

- The victim should not wash or shower before seeing a doctor as this could destroy evidence.
- S/he should keep the clothes worn when the attack happened.
- The victim will be asked to tell the doctor or nurse about the assault.
- The doctor or nurse will take a note of any cuts, burns, abrasions etc. on the victim's body and will carry out a pelvic examination, which involves examining the genital area and inside the vagina and/or anus for injuries.
- The doctor or nurse will take samples of any semen or blood present.
- Samples of hair and swabs from under the fingernails and mouth may be taken.
- The doctor or nurse will also check whether internal organs in the pelvic area have been damaged.

- A Garda will be present, although the victim will be screened from him or her.
- In Dublin a trained Rape Crisis Centre volunteer will be present to support the victim in the Sexual Assault Treatment Unit at the Rotunda Hospital.
- Elsewhere in the country, the local Rape Crisis Centre will be able to offer similar support. There are five other Sexual Assault Treatment Units based in Cork, Galway, Letterkenny, Mullingar and Waterford.
- The evidence gathered by the doctor or nurse is sealed and is given to the Gardaí for professional analysis.
- The victim may be asked to return after a few days in order to photograph any bruising which has developed.
- Most rape victims do not have visible physical injuries, and the absence of such injuries will not be viewed by a court as an indication that a person has not been raped.

The doctor or nurse will be called later to give evidence in court, and his or her testimony will carry a great deal of weight.

Sexual Assault Treatment Units

The Sexual Assault Treatment Unit in the Rotunda Hospital, Dublin, is a specialised medical

unit established to provide for the medical care of, and the taking of forensic samples from victims of sexual violence. The forensic analysis of these samples may later be used in a court case. A team of trained doctors and nurses are available to carry out the forensic medical examination. Five other Sexual Assault Treatment Units based in Cork, Galway, Letterkenny, Mullingar and Waterford provide a similar service (see contact details at the end of this booklet).

Where a person does not wish to report a rape, s/he can still attend the SATU for medical care. After a sexual assault both women and men often feel more comfortable with a woman doctor and this will be facilitated, where possible.

The Person's own doctor

Some victims prefer to visit their own doctor who can carry out a medical examination but will not be in a position to gather forensic evidence.

The Law regarding Rape and Sexual Assault

The SAVI Report showed that, of those reporting being sexually assaulted or raped in adulthood,

only 1% of men and 8% of women had reported the assault to the Gardaí. This reflects the perception of many victims that the court proceedings are insensitive and intimidating, and that they will not be treated fairly. A counsellor in the Dublin Rape Crisis Centre will, in a non-directive way, help the victim explore what s/he considers the best course of action with regard to reporting. The individual will be supported in whatever choice he or she makes.

Sexual Offences

A sexual offence is a serious crime and conviction may carry a heavy prison sentence for the offender. At present there are four categories of sexual offence:

Rape is defined in the Criminal Law (Rape) Act 1981 as “unlawful sexual intercourse with a woman who at the time of intercourse does not consent to it”, where the man “knows that she does not consent... or he is reckless as to whether she does or does not consent to it”.

Rape under Section 4 of the Criminal Law (Rape) (Amendment) Act 1990 is defined as a

sexual assault that includes “penetration (however slight) of the anus or mouth by the penis, or penetration (however slight) of the vagina by any object held or manipulated by another person”. It applies equally to both men and women and may be committed by either a man or a woman.

Aggravated Sexual Assault is a sexual attack that involves serious violence or causes grave injury, humiliation or degradation to the victim.

Sexual Assault is a sexual violation without additional violence.

Rape, Rape under Section 4, and Aggravated Sexual Assault carry a maximum penalty of life imprisonment, although the maximum penalty is rarely imposed.

Sexual assault now carries a maximum penalty of ten years (or 14 years if the victim is under 17). The maximum sentence was raised in 1990 from 5 to 10 years, and in 2001 from 10 years to 14 years in respect of children under the age of 17, these changes do not have retrospective effect and thus in historical cases, before 1990, or 2001, the maximum sentences remain 5 yrs or 10 yrs.

The Criminal Law (Sexual Offences) Act 2006 makes it a crime for anyone to have sexual intercourse with a child under 17 years of age.

Since 1991 a husband may be charged with rape of his wife.

Reporting a sexual offence to the Gardaí (Police)

If a person has been sexually assaulted or raped, and decides to report the crime, s/he should contact the Garda station nearest to them or nearest to the location of the rape.

- The Gardaí will interview him or her to find out exactly what happened.
- Usually s/he will be offered the option of being interviewed by a female garda.
- The type of questions s/he will be asked include: the identity of the assailant if known; a description of the assailant; where and when the incident happened; what precisely was done to him or her; the circumstances of the assault; if there were any witnesses.
- When the victim has finished making the statement, s/he will be asked to sign it.

- If the victim remembers other details about the assault at a later stage s/he can contact the Gardaí to make a supplementary statement.
- The victim is entitled to receive a copy of the statement as soon as possible, and should ask the Gardaí for a copy there and then or ask to have it sent to them.
- The victim may be asked to undergo a forensic medical examination.
- The Gardaí will then interview the accused, if his or her identity is known.
- The Gardaí will prepare a file or report, made up of the victim's statement, the accused's statement, other witness statements and any forensic evidence which was collected at the medical examination or at the scene of the assault.
- This file is sent to the Director of Public Prosecutions (DPP) who will decide if there is sufficient evidence to proceed with the case. If the DPP does not think there is a reasonable prospect of conviction the case may not proceed.

Because rape and sexual assault are criminal offences it is the State which prosecutes the accused and the victim is involved simply as a witness for the prosecution.

Court Proceedings

In criminal proceedings, the accused person is known as the Defendant, and the victim is known as the Complainant. Cases are prosecuted in the name of the DPP. There may be delays of months or even years before the case against a person accused of rape or sexual assault is actually heard. The Gardaí will keep the Complainant informed of progress and let him/her know the date on which the case will proceed, and the court in which it will take place.

Legal representation

The State will appoint a barrister to prosecute the case. The defendant employs his or her own legal representative, a defence barrister. The victim (complainant) is not entitled to have legal representation, unless in the course of the case the defence is arguing to be allowed to cross examine the complainant on their past sexual history. In that event, the complainant will have legal representation, but only for the part of the hearing that involves the argument as to whether the complainant's past sexual history should be allowed in evidence.

Additionally, the complainant may be entitled to legal advice and assistance under the Civil Legal

Aid Act 1995 (See Legal Aid Board Leaflet No.14 for further details).

Defendant's plea

If the defendant pleads guilty the complainant will not have to give evidence. The judge will set a date for sentencing. The judge may, before passing sentence, request a victim impact report. In this way the impact of the rape or sexual assault on the victim can be taken into account in the sentencing.

A Guide to making a Victim Impact Statement is available from the Office of the DPP, An Garda Síochána and the Department of Justice.

Sometimes the defendant agrees to plead guilty to a lesser charge. For example, a person accused of aggravated sexual assault may plead guilty to sexual assault.

The prosecution barrister will decide whether or not to accept a lesser plea.

Trial by jury

If the defendant pleads 'not guilty' a jury of twelve people will be selected. In the court will be the judge, the jury, the court clerk, the defence barristers and solicitor, the prosecution barristers

and solicitor, the defendant, the Gardaí and journalists. Members of the public are excluded, but the complainant is entitled to have a friend or family member present. A member of the Rape Crisis Centre will accompany the victim if s/he wishes.

Complainant's evidence

The complainant will be called upon to give evidence. The prosecution barrister will ask the Complainant to tell the court what happened, and will take them through the statement that was already made to the Gardaí.

The defence barrister will cross-examine the complainant on their evidence and will put forward the defendant's account of what happened, which may be to suggest that what the complainant says is untrue or that the events were consensual. As a result the barrister for the accused may robustly challenge the complainant's account of events. This can be the most difficult part of the process for the complainant and they may well feel undermined in front of the jury.

Expert Witnesses

Expert witnesses, such as the doctor or nurse who

examined the complainant and the garda who took the statement, will give evidence. There may also be other witnesses.

Complainant's previous sexual history

The defence barrister is not allowed to refer to the complainant's previous sexual history, except with the permission of the judge. Where a submission by the defence barrister to introduce the complainant's past sexual history is made in a trial for rape or rape under section 4, the complainant may be legally represented but only during the argument about whether this should be allowed or not. Equally, where the charge is sexual assault, the complainant cannot be asked about previous sexual history without an application to the judge. However, the complainant is not legally represented during this application, but can themselves argue that this evidence ought not to be admitted.

Decision by the jury

The jury will decide, by a majority of at least 10 to 2, if the defendant is guilty or not guilty. If the defendant is found guilty the judge will pass

sentence. The sentence is at the discretion of the judge, up to the maximum penalty. Before imposing a sentence the judge may request a victim impact report and reports on the accused.

The victim's name cannot be published, except in exceptional circumstances, with the judge's approval. The victim may waive their right to anonymity so that the accused is named in public.

For friends and relatives of victims of rape and sexual assault

You have an important role to play in helping the person who has been sexually assaulted or raped in his or her recovery. You can give the same comfort and support you would give to anyone in crisis, be it due to a bereavement, an illness, or a sexual assault or rape.

- The victim may have many difficult feelings – rage, helplessness, fear, guilt, anxiety, depression etc. It will be helpful to have somebody s/he can trust to listen as the feelings emerge. Don't try to make him or her 'forget about it'. Let him or her talk, if s/he needs to, without probing for details.
- Be aware that the victim may find it difficult to talk, or may not always wish to talk. Try

to be open and available without placing him or her under pressure. Let him or her know about the support available from an RCC without pressure.

- Reassure him or her of your belief and support, that the assault was not their fault, and that people care about them. Understand that it can be very painful and difficult to talk about what happened.
- On a practical level you may be able to offer help with everyday tasks which the victim may find difficult to cope with, and offer support in his or her attempts to resume a normal life. Other practical support might include accompanying him or her to the doctor, the Gardaí or to court.
- Rape and sexual assault can affect a victim's feelings about sexuality. This may, for a time, impact on intimate relationships, and sensitivity to this from a partner will be very helpful.
- Be aware that helping someone you love to cope with the impact of rape or sexual assault will take a toll on you as well. You may need to talk to somebody about your own feelings and concerns.
- Remember, it may take some time for the victim to recover from the experience. Try not to put pressure on him or her to get back to normal before s/he is ready or able. You can be there as a practical support as they take each small step back to wellness.

RAPE CRISIS AND SEXUAL ABUSE SUPPORT CENTRES

ATHLONE MIDLANDS	Freefone 1800 306 600
CARLOW (Sth Leinster)	Freefone 1800 727 737
CORK	Freefone 1800 496 496
DONEGAL	Freefone 1800 448 844
DUBLIN (National 24 Hour Helpline)	Freefone 1800 778 888
GALWAY	Freefone 1800 355 355
KERRY	Freefone 1800 633 333
KILKENNY	Freefone 1800 478 478
MAYO	Freefone 1800 234 900
MIDWEST	Freefone 1800 311 511
NORTH EAST	Freefone 1800 212 122
SLIGO, LEITRIM AND WEST CAVAN	Freefone 1800 750 780
TIPPERARY	Freefone 1800 340 340
TULLAMORE	Freefone 1800 323 232
WATERFORD	Freefone 1800 296 296
WEXFORD	Freefone 1800 330 033

SEXUAL ASSAULT TREATMENT UNITS

DUBLIN

Rotunda Hospital 01 817 1736
Parnell Square 01 817 1700
Dublin 1

CORK

South Infirmary-Victoria 021 4926297
University Hospital 021 4926100
Cork

GALWAY

Hazelwood House 091 765 751
Parkmore Road 087 633 8118
Galway

DONEGAL

NoWDOC Premises 074 910 4436
Old Town 087 066 4593
Letterkenny (out of hours) 074 912 5888
Donegal

MULLINGAR

Midlands Regional Hospital 044 939 4239
Mullingar 086 040 9952
Co. Westmeath (out of hours) 044 9340221

WATERFORD

Waterford Regional Hospital 051 842 157
Dunmore Road (out of hours) 051 848 000
Waterford



RCC

*Preventing and healing
the trauma of rape
and sexual abuse*

National Helpline

24 Hours a day, 7 days a week
Personal support and advice

Helpline 1800 77 88 88

A new beginning at the end of the line

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The National Office for the Prevention of Domestic, Sexual and Gender-based Violence
An Oifig Náisiúnta um Fhoréigean Báil, Gnéisach agus Inscrébhúnaithe a Chosc