

## NORTHERN IRELAND BRANCH

Response to the Northern Ireland Office and DHSSPS consultation entitled  
“Hidden Crimes Secret Pain”

The Northern Ireland Branch of the British Psychological Society welcomes the opportunity to comment on this consultation. We are content for our response, as well as our name and address, to be made public. We are also content for the Northern Ireland Office or the DHSSPS to contact us in the future in relation to this consultation response. Please direct all queries to:

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## CONSULTATION RESPONSE DOCUMENT

### PART 1 -INTRODUCTION:

The regional strategy will use the term sexual violence, which is defined as follows: “Any behaviour perceived to be of a sexual nature which is unwanted or takes place without consent”

Q.1 Is this definition of sexual violence acceptable?

Response:

The Society considers that this definition could be developed further in order to clearly convey a number of issues pertinent to defining an incident as sexual violence. We acknowledge that the explanation (1.14 -1.24) related to the definition draws attention to a range of manifestations and aspects of sexual violence. However, this is not always explicitly conveyed in the definition itself. It is our view that explicit reference to these issues is necessary given that such definitions can frame the ways in which victims, offenders, communities and professionals working in the area understand the issue of sexual violence (Lazard, Buchanan & Capdevila, 2002). More specifically, we feel that the definition needs to convey information about: 1) the complexity of the notion of consent, 2) responsibility for the assessment of whether specific behaviour in various contexts is unwanted/inappropriate, 3) the application of the term to child as well as adult victims, 4) different forms of sexual violence and, 5) the relationships in which sexual violence can occur.

With regard to issues of consent (point 1), we would argue that the definition needs to specify that consent should never be assumed but needs to be actively sought. This is consistent with the Sexual Offences Act 2003 in England and Wales which changed the definition of consent to the effect that the accused now has to prove they actively sought confirmation that there was consent given. This change in definition was offered as a challenge to the so called ‘Morgen Defense’ (e.g. Duncan, 1995). Secondly, the issue of responsibility requires further elaboration (point 2). Research has noted that focusing on the victim’s perceptions of unwanted behaviour can place the burden of responsibility for communicating why a particular behaviour is considered unwanted or inappropriate solely on the victim (e.g. Kurth, Spiller & Travis, 2001; Monti, 2000) . The danger here is that the victim can be construed as being accountable for offender behaviour in cases where it can be argued that the victim did not communicate that particular behaviours were unwelcome. We are not suggesting that offender perspective of unwanted behaviour should be prioritised over victims’; in this context, the victim’s perspective must take precedence. Rather, we would argue that it is extremely important to convey the message that offenders of sexual violence are responsible for their own behaviour. The inclusion of this message in the definition is appropriate as not only will this help to set the tone for how victims and offenders will be treated but it may also help to challenge problematic notions of sexual relations that exist in society (e.g. Gavey, 2005).

In addition, we would argue that the definition needs to state explicitly that the term sexual violence in this context refers to both adults and children (point 3). This is because the term ‘sexual abuse’ is more commonly associated with children than adults.

We propose the following as a template for further development of a generic definition of sexual violence:

Sexual violence is any behaviour (verbal or non-verbal) directed against adults or children that is perceived by either party to be of a sexual nature and which is unwanted and takes place in the absence of consent or in circumstances where consenting relations are not possible. Sexual violence might be committed by people known (present or past intimate partners, family members, friends, acquaintances, work colleagues) or unknown to the victim.

(Please see also additional comments on 1.14-1.24)

## PART 2 -PREVENTION:

Q.2 What will be the most effective ways to increase understanding of the realities of sexual violence among the general public, including children?

Response:

In order to address this question, we feel that it is first necessary to draw attention to some concerns raised by some information presented in the document. Whilst the research cited includes relevant information for increasing understanding about the prevalence of sexual violence, this research is somewhat limited in terms of generating knowledge about specific realities of sexual violence. For example, there appears to a need for increased understanding of issues such as the conditions that potentially give rise to sexual violence, the processes involved in labelling or not labelling an incident as 'sexual violence' and the multiple ways in which sexual violence may impact upon the lives of survivors. Therefore, we suggest that more extensive research is necessary in order to provide a full answer to this question. Once a more extensive knowledge base of such issues has been established, the information could be disseminated through various target groups including GPs, Health Visitors, Public Health Workers, Family Centres and Advice Centres. We recommend that representatives from target groups should be involved in the process of ascertaining appropriate methods of delivery. In addition to this, discussion of issues concerning sexual violence should take place in public media forums such as soap operas and news forums. However, it is crucial that media representations of sexual violence and discussions should avoid sensationalising the topic. Sensationalised media coverage has often served to reinforce myths and stereotypes about sexual violence and as such needs to be discouraged (e.g. Bell, 2002). Lastly, it would be helpful for police officers to be trained further in handling such matters and in the ways in which they need to be aware of such issues in their day-to-day contact with the general public.

(Please also see additional comments on 2.1. & 2.3)

Q.3 Which key target groups could contribute to supporting the process of increasing public understanding of the realities of sexual violence?

Response:

Below is a list of potentially relevant target groups and activities. However, it is crucial to identify groups that are considered credible within specific communities. Therefore it is also important to utilise local knowledge for this task. An important aspect of combating sexual violence is transparent multi-agency practice as well as continuity. Hence it would be helpful for specially-trained police officers, in collaboration with social workers, to work directly with the public to raise

awareness.

Potentially relevant target groups and activities are:

- Police (specialised units)
- Localised community meetings (to discuss issues around sexual abuse)
- Stop it Now
- RCN network
- Faith based organisations, churches, religious leaders
- Volunteer Development Agency
- Promotional material (e.g. DVDs, training workshops)
- Next Step support agencies
- Community Safety Partnerships ( to assist with development of strategic planning that considers a proactive response to sexual violence)
- Mental health treatment providers, social workers and social service agencies
- Health visitors & health promotion staff
- PSNI
- NIPS
- Parents advice centre
- Women's community groups
- Rape Crisis, Women's Aid, Victim Support and other relevant victim-orientated groups
- NSPCC, Barnardo's, NCH, CRIN
- Education training
- Media
- NOTA

Q.4 How best can children's attitudes to sexual violence be gathered?

Response:

It may be possible to tap in to some children's views through their participation in relevant school curriculum subjects such as Social RC, Civics and Citizenship. School-based competitions for essay writing and opinion pieces could also provide a relevant source of data on this topic. In addition to this, some research projects have used focus groups or interviews to collect data on children's experience of, or opinions about, sexual violence (e.g. Renold, 2002; Berman, 2000). To stimulate discussion about attitudes to sexual violence, appropriate stimulus material such as vignettes, movies or newspaper articles can be used (see, for example, Barter, 2006). It might be possible to gather children's attitudes and understandings via web forums or chat rooms. While it is difficult to verify the 'true' age or existence of participants in such forums, they do provide anonymity and thus it is likely that in-depth information could be gathered. Crucially, the research procedure and specific method used must be developmentally appropriate.

This data collection process could be taken forward by initiatives around implementation of sex education in schools. We suggest that authorities need to liaise with schools about a general and broad change in the way children are educated about 'sex'. A comprehensive and broader sex education (from a younger age) could provide the foundations for understanding such topics as well as opening up lines of communication between adults and children which enable an open and easy exchange

to be made about issues of sexual violence. Consideration should also be given to how children and young people with particular mental health and learning disabilities are able to access current messages about sexual violence.

Q.5 What will be the most effective ways to (a) develop, deliver and evaluate initiatives aimed at encouraging the development of social attitudes that will support the prevention of sexual violence and (b) which key influencers could contribute most effectively to the process of dispelling myths and changing social attitudes?

Response:

a)

We feel that it is of utmost importance to invest time in thoroughly investigating the issue of sexual violence before initiatives are developed and delivered (please see response and additional comments for question 2). As part of any initiative, it would be useful to develop the sense that sexual violence is a community concern rather than an individual problem (e.g. Thomas, 2004). This emphasis should be stressed in official documents and associated practices/processes involved in the task of tackling sexual violence. The promotion of sexual violence as a community concern needs to emphasise that: 1) there is a need to treat those who claim to have experienced sexual violence in an empathetic manner, 2) that there is a need to be supportive to those who lodge complaints and 3) all individuals have a responsibility to challenge sexually violent behaviour.

Action research could be used in the development and evaluation of initiatives in specific contexts, and focus groups could be implemented before, during and after the implementation of initiatives to monitor the impact that they have had. Follow-up questionnaires would also be useful for monitoring impact.

For the purposes of evaluation, it would also be necessary to record statistics on: 1) the rate of reporting to police and support organisations, 2) the demand for services across a range of agencies, which would involve activities like monitoring any increase in the number of calls to helplines and self-referrals, and 3) provide communities with the opportunity to give feedback on initiatives.

b)

The media, in cooperation with relevant academics and victims of violence, could produce relevant messages for dispelling myths and changing attitudes. Local and more global celebrities would also be key to this task. The list produced in response to question 3 is, again, relevant here.

Q.6 Should Government give a clear message ahead of public opinion, to stem the tide of normalising sexual violence in society?

Response:

Yes – clear and explicit institutional support will play a vital part in setting up the topic of sexual violence as a serious issue and as a problem that will not be tolerated. Governmental messages need to convey the sense that all forms of sexual violence are problematic. Thus emphasis needs to be placed on so-called trivial instances as well

as extreme forms of violence. Local politicians should contribute strongly to regional strategies and projects to advance this work.

Q.7 What steps could the media take to support the process of increasing public understanding and awareness of the realities of sexual violence?

Response:

In addition to responses on the role of the media described in the answers to question 2 and 5(b), we suggest that public figures and statutory organisations who are willing to participate give clear strong messages about the unacceptability of all forms of sexual violence.

The media could develop collaborative links with various victims groups.

Representatives from victims groups could work with a media link to develop sensitive practices concerning the reporting of sexual violence and court proceedings. We would also suggest that positive messages about changing offender behaviour should be conveyed in a manner which is sensitive to victims. Such messages could include discussion of issues which enable people to change their offending behaviour. Government should also take a firm stand against any media forms (websites, TV programmes, newspaper articles, etc.) which perpetuate myths about sexual violence. We suggest that specific governmental criteria/guidelines should be drafted to curb expressions of problematic descriptions of gender/sexual relations (for example, comments which support gender inequality), myths and stereotypes.

Q.8 What key messages should be promoted in relation to how healthy relationships and respect can help to prevent sexual violence?

Response:

To enable an adequate response to be made, we feel that it is first necessary to draw attention to issues raised by the wording of the question itself. Reference to 'healthy' or 'normal' relationships is conceptually problematic – the very notion of 'normal' relationships is a contested issue (e.g. Brewis & Linstead, 2000). A large body of work has highlighted the occurrence of various forms of sexual violence within 'normal' intimate relationships, dating practices and everyday, routine interaction (e.g. Thomas & Kitzinger, 1997; Lazard, 2003; Lazard & Marzano, 2005; Gavey, 2005). We are concerned that descriptions of what counts as a 'healthy' relationship may have undesirable effects such as creating the impression that sexual violence only occurs in specific kinds of pathological relationships. This may serve to mask incidents of sexual violence that occur in relationships which are socially sanctioned as 'normal'. Given that 'normal', 'healthy' relationships are considered the norm and pathological relationships the exception, the location of sexual violence in 'unhealthy', 'abnormal' relationships firmly places the issue of sexual violence on the periphery of routine, everyday life. Such understandings may contribute to stereotypes of sexual violence as rare which will in turn undermine efforts to transform this issue into a community concern.

An alternative strategy to the one advanced in the question is to communicate an awareness of how particular power issues in relationships can give rise to sexual violence. More specifically, an awareness of the complexity of issues such as gendered power relationships, inequality and heterosexism may serve as a basis for people to reflect critically on the implications of their own behaviour as well as the actions of others.

Q.9 In addition to the education and training sector, what other sectoral groups and influencers have a role in delivering relevant messages?

Response:

In addition to the relevant groups/organisations outlined in question 3, local activists should be asked to play a role in delivering relevant messages. Information should also be available in situations to which people are frequently exposed. For example, information could be disseminated in the form of pamphlets and posters in leisure centres, shops, stalls in town centres and so on.

Q.10 What more could Government do to promote the importance of healthy relationships in society?

Response:

Problems/concerns relating to the concept of 'healthy' relationships outlined in the response to question 8 are also relevant here.

There are a number of mechanisms that government could provide to support the reduction of sexual violence. These include:-

clear, explicit and consistent governmental support for challenging problematic power relationships;

-the provision of core funding for sexual violence research and strategies to tackle it;

-linking public funds to the standards of practice auditing;

-the provision of clear advice and guidelines to anyone who occupies a position of primary care to young people and/or families about how to deal with the issue of sexual violence.

Q.11 What mechanisms could be used for the ongoing collection of data?

Response:

University-based research teams in Northern Ireland are a key resource for research design and data analysis and should be commissioned in the undertaking of this task. Data should also be collated from a range of relevant institutions such as GP surgeries, health clinics, police, victim-orientated organisations, schools and social services.

It is the Society's view that it is essential to reflect critically on particular practices and issues that impact on data collection and subsequently shape conclusions drawn. For example, the ways in which the police practice of 'no criming' has been instituted when recording sexual violence offences has served to create the impression that a substantial proportion of allegations are false (e.g. Gregory & Lees, 1999). Thus, it is crucial to bear such issues in mind to avoid misrepresentation.

Q.12 In what ways can consistent messages and guidance be developed about specific risk factors and how best could the task of co-ordinating the multi-sectoral aspects of addressing known risk factors be taken forward?

Response:

The coordination of a strategy for sexual violence prevention might lie in the new structuring of the health authority in Northern Ireland. This provides an opportunity for a regional forum on sexual violence to coordinate services from different sectors (please see addition comments for Q.12, 2.24, 2.42 & 2.46).

Q.13 What practical measures could be developed to promote personal safety, generally, and to protect those most at risk, in particular?

Response:

The issue of personal safety must be approached with great care to avoid any implication of victim blaming – please see response and additional comments relating to question 12. We suggest that the focus should be on developing strategies which encourage potential and current perpetrators to reflect critically on problematic acts and regulate their own behaviour. Campaigns which focus on preventative measures that can be undertaken by individuals send out the message that, when victims do not undertake various strategies for personal safety, they are to a greater or lesser degree responsible for their own victimisation. Active steps must be taken to invalidate such myths and stereotypes about sexual violence.

To avoid problematic individualistic victim-blaming sentiments, it would be helpful to engender a sense of physical safety as a community issue. Individuals can be empowered by enhancing a democratised sense of physical safety in the communities in which they live. Statutory organisations and practices play a key role in promoting, encouraging and supporting such an endeavour. These may include: the Sexual Violence Group Act, parent education programmes, community-based organisations and the Stop it Now programme.

Q14 (a)How can we stop sexual violence happening to children (b) what actions can be taken to better protect young people from sexual assault and (c) what role can the media play in bringing this about?

Response:

There is no straightforward answer to this question and we would argue that more research needs to be undertaken which focuses on the ways in which particular cultural conditions give rise to, support and maintain child sexual abuse. Through such processes, we will be in a better position to understand what preventive measures are necessary.

We would argue that engendering a democratised sense of physical safety in communities (see response to question 13) may contribute to the protection of children and young people from sexual violence. There is also a need to change the way in which children and adults relate to one another and to issues around sex. Engendering open and trusting relationships between adults and children may help children and young people to disclose experiences of abuse. This is crucial in terms of ensuring that they receive adequate support and protection (see also response to question 4). Importantly, child support organisations such as the NSPCC, Save the Children, NCH and CRIN have a critical role to play in such endeavours and should be central in the process.

Q.15 What type of protection under the law should children and young people have?

Response:

Children should have ‘principle protection’ in which suspected sexual abuse is investigated independently of the child’s decision to bring a charge. We would strongly argue that whilst such decisions should be made in the best interests of the child, they must never be seen to rest solely with the child.

Q.16 How do we ensure that the legal system is better able to provide children with protection and justice when they have experienced sexual assault?

Response:

There are a number of strategies that could be incorporated into police investigative procedures for dealing with cases of child victims of sexual violence to ensure better protection and justice. These are as follows:

1)

Close cooperation between social services and police: This could be established through joint training initiatives and joint systems that regulate how information can be shared most efficiently and reliably and to the best interest of the victim.

2)

Distributed decision making: Decisions made in investigations should be informed by relevant agencies and routinely-cooperating teams. Research suggests that currently too much responsibility rests on the police for making crucial investigative assessments and decisions (e.g. Gregory & Lees, 1999). It should be noted that police officers are often under-trained and under-resourced to handle such cases appropriately. Hence despite good practice being followed, decisions are sometimes made on the basis of very little information. As a result, cases are likely to be dismissed (e.g. Gregory & Lees, 1999).

3)

Avoidance of rushed investigations and unnecessary delays: The Northern Ireland Criminal Justice Inspection has identified time delay as a significant problem in the legal system. Long delays can create a number of difficulties such as affecting the victim's ability to recall the incident. Delays may also influence jury decisions by affecting a jury's perceptions of the victim during the trial. For example, child victims may appear much older than they had been when abuse occurred. Long delays can often be viewed as a deliberate stalling strategy used by defence barristers in order to increase the likelihood of the victim withdrawing from the process. However, rushed investigations can be as damaging as delays in investigative processes. Whilst a 'speedy procedure' is in principle a good aim, it often leads to hasty interventions, badly planned interviews and rushed investigations that bring little substantial evidence and risk overlooking or misunderstanding claims that are made.

Rather than subscribing to 'speedy' practices and procedures, investigations involving children should be conducted in a careful and transparent fashion, allowing children to understand and be prepared for what is going to happen. Rushed investigations that end with the police having to drop the case, often leave children in a worse position than they were in before the investigation. For example, the child victim might feel that they are not believed and abusers might feel 'safe' to continue abusive behaviour given that there were no consequences to sexually-violent actions. For these reasons, it is crucial to strike a balance between overly rushed procedures and unnecessary delays in legal systems. In most cases (where there is no immediate threat to the child), a calm and considerate approach involving planning and interagency

cooperation will enable the collection of higher quality evidence and will ensure the child's cooperation as a witness. It is a common misconception to assume children are in principle 'less able' to be witnesses in court. Given appropriate preparation, honest/accurate information (such as being told that they might find the process 'scary' and/or difficult) and continuous professional support that they can rely on, a child can be just as reliable and able to endure their ordeal as a witness as an adult (e.g. Motzkau, 2007).

4)

Relieve children of responsibility for decisions about bringing charges:

Obviously this decision needs to be made in the child's best interest.

Ultimately, however, it must be made by the authorities liaising around the case. It is the Society's view that the police should always consider bringing a charge without requiring the child to act as a witness (e.g. where the child does not want to go to court). Police and prosecution services need to be more alert to the psychological pressures on all those involved in such a case and make sure the 'decision' of a child or family not to bring charges is not the result of pressure exerted by the accused, or of other motives not relating to the interests of the child. Importantly, it should be considered to be in the wider public interest to try and bring as many charges as possible in order to communicate to perpetrators that they cannot easily get away with abuse by choosing vulnerable or young victims.

5)

Provide children with continuous professional support, information and control over the process. For example, this could be achieved by inquiring into and taking seriously the child's wishes regarding the applications of special measures. Research has shown that children suffer most from the uncertainty about what is going to happen and when certain things are going to take place. Hence, a much more systematic approach to witness support is needed. Support should always be provided pro-actively and following a set 'preparation and support plan' that is acknowledged by both the police and the social services. Witness support should be offered as a default option for every alleged victim of rape/sexual abuse. This is important because, for various reasons (such as embarrassment and/or because they underestimate the effects of waiting for or making their court appearance), victims may not contact support where it is optional. This is particularly important for children because parents often choose not to make use of preparation/support for their children because they do not think it is important or because they assume that keeping quiet about the upcoming court case is best for children.

6)

'Victim's Advocate Scheme': We recommend that suspected child victims of abuse should have their own independent advisor who speaks only on their behalf in all matters (e.g. legal/social). Although the 'guardian ad litem model' practiced in England has not been a total success due to resourcing issues, it is a very promising idea. We suggest that the 'guardian ad litem model' with legal powers be implemented to provide children with this necessary support. The implementation of such victim advocate schemes could guarantee continuity of information provided and decisions made throughout the case.

The advisor mediates between the child and authorities and between the child and the family where necessary. The advisor could explain procedures, give feedback about progress and help to bridge waiting time by keeping children updated and prepared. This will help to take pressure off parents, as well as police, by providing an independent voice for the child. These advisors could also pick up and mediate potential problems/needs of the child and communicate those to the court/prosecution services. While a 'victim's advocate' scheme might seem to be a resource-intensive idea, it could turn out to be cheaper than some of the current piece-meal approaches, by making the process much more efficient and at the same time providing better access to justice for children. We see at least two main advantages of this strategy:

a)

The victim's advocate can provide continuity, mediation and support, which could free up particular social service and police resources. For example, the victim advocate system could relieve the police of dealing with witness support issues, needs, concerns and problems that need to be communicated to other authorities. Having been relieved of such tasks, the police could concentrate their efforts on thoroughly and neutrally investigating the case. Research suggests that, currently, the police have too many different responsibilities, some of which are ill-defined and ambiguous, making it difficult for officers to focus on the investigative part of their job (Lloyd & Burman, 1998). Research also indicates that the police lack resources and training for some of the tasks they are expected to fulfil in the context of child abuse/rape investigations (Lloyd & Burman, 1998). Making police work less ambiguous and distributing responsibility for key tasks and decision making (see point 2 above), will enable officers to conduct better planned, more focussed investigations and to gather better evidence.

b)

The victim's advocate can gain the trust of the complainant and thus ensure the cooperation of suspected victims of child abuse/rape. Good rapport between an advocate and a suspected victim increases the likelihood that: 1) accurate evidence can be gathered from witnesses, 2) witnesses will not suddenly recant and 3) they understand and trust court procedures. This will contribute to a witness's ability to provide good evidence in court. Additionally misunderstandings are less likely to occur or to go undetected and it is also less likely that false accusations can be maintained. Hence both false positive and false negative decisions should be minimised as a result.

Victim advocates could be specially-trained police officers, lawyers, psychologists or social workers. It would be advantageous to have an interdisciplinary set of professionals involved in this work. We suggest that training should involve relevant legal and psychological components.

Q.17 What additional actions are required to protect sexually active young people from abuse and exploitation?

Response:

We would argue that constructing the issue of sexual violence; abuse and exploitation as a community concern is vital for protection and prevention (please see also response to question 13). In addition, age-appropriate sex education which includes discussions of the complexities of sexual/gender politics and issues of consent may contribute to the generation of a climate in which problematic power relationships are not tolerated (please see also response to question 1 & 4). Media campaigns which highlight relevant issues may also be helpful in raising awareness.

Q.18 How can awareness be raised among children and young people about sexual exploitation?

Response:

In addition to suggestions made in response to question 17, youth-orientated media, youth workers and those whom young people find credible should play a role in this process. Peer education and resources drawn from the CEOP programme may also be useful.

Q.19 What are the key messages to be developed in relation to early intervention with (a) adult perpetrators and potential perpetrators and (b) with young people who display sexually harmful behaviour?

Response:

We recommend that messages should focus on encouraging offenders to take responsibility for their sexually violent behaviour. Victim-blaming sentiments should be invalidated. Positive outcomes of intervention also need to be emphasised and reinforced. It is important to flag up help available such as the Stop It Now helpline. In addition to this, organisations such as NOTA should play a clear role in developing key messages and consciousness-raising strategies.

### PART 3 -PROTECTION AND JUSTICE

Q.20 How can the policy and practices of the different criminal justice agencies be improved when addressing the needs of victims of sexual violence?

Response:

We would like to propose two broad suggestions focussing on: 1) available services for victims during court processes, and 2) the ways in which sexual violence cases are tried within courts:

1.

The policy of the PSNI is that serious sexual assaults are investigated by the MIT rather than CARE. Recommendation for MIT training should include similar aspects to CARE Officers. It was also noted that under points 3.47 and 3.48, many victim services are available on request only. The availability of such services needs to be transparent. We would argue that the availability of these services should be default with the option that victims can refuse such services if they feel they do not want them.

2.

We would also argue that specific attention needs to be paid to victim needs in the court room. Restrictions placed on the admissibility of 'evidence' concerning the victims' sexual behaviour is a welcomed move. However, there

are a number of strategies used in the court room which support myths, stereotypes and problematical notions of sexual/gendered relations which need to be challenged. For example, it is not uncommon for defence barristers to reframe descriptions of sexual assault using inappropriate sexual or romantic language which has the effect of distorting victim accounts (e.g. 'then he forced himself on me' may be reconstructed by the defence barrister as 'then you had intercourse with him?') or draw on particular issues that are used to construct the victim as less credible (e.g. intoxication can be used to shed doubt on the victims unwillingness to engage in sexual activity). One way in which such distortions can be challenged is by properly preparing witnesses. For example, witnesses should be encouraged to describe their thoughts and feelings at the time of the event as this may help to ground the event contextually. Victims should also be encouraged to describe actual words used during the event. Reassurance that this is appropriate is necessary, as many victims may be reluctant to say obscene words in an official court setting. During the trial, prosecutors should challenge defence barristers' attempts to reconstruct victim testimony as consensual sex. Opportunities should be taken to redirect back to the victim so that they can clarify what happened. In the case of child witnesses, it is of utmost importance to make sure that developmentally-appropriate questions are asked during court trials (please see Hovdestad, 2001, for a more detailed discussion of these issues).

Q.21 What areas should the criminal justice system prioritise when addressing cases of sexual violence?

Response:

Criminal justice procedures and court processes are not isolated from social context. Myths, stereotypes and problematical notions of sexual/gendered relations which are pervasive in society are evident in the ways in which sexual violence cases are tried and deliberated in courts (Lees, 1993; Doherty & Anderson, 1998). We would urge that it is of the utmost importance to challenge problematic strategies which draw on such myths and raise awareness of alternative strategies that can be used within the criminal justice system (see response to question 20). Police training and dispersion of decision making within relevant teams during the investigative process should also be prioritised.

In terms of offender intervention, we believe that the criminal justice system should require an offender to address their behaviour both in prison and in the community. We welcome the shift away from automatic 50% remission and the incentive to undertake treatment that this should provide. Resources for the increase in demand for prison treatment should be considered at an early stage. One issue with offender treatment in the criminal justice system that requires further consideration is the ways in which perpetrators with specific learning disabilities are dealt with. Perpetrators with a learning disability are often not processed through the criminal justice system because of the challenges posed by their learning disability. This prevents these perpetrators receiving a meaningful deterrent and restricts professionals' ability to conduct certain risk assessments. In line with the recent Review of Mental Health and Learning Disability, we argue that a more "creative" and "responsive" strategy is needed for applying meaningful and contextually appropriate justice in these cases. It may be that a court specifically designed to meet the needs of this client group is what

is required.

Q.22 What types of improvements are required in the statistical information available within the criminal justice system?

Response:

Consistent practices for gathering statistical information need to be developed within all organisations within the criminal justice system. There is a need to make sure such information is continually updated and immediately available. It would also be useful to separate statistical information relating to adults, vulnerable adults and children where appropriate.

Q.23 What might be included in the terms of reference for an inspection by the Criminal Justice Inspectorate of the handling of cases involving sexual violence?

Response:

The terms of reference could include:

-statistical information, including consistency of sentencing;

-issues concerned with victim care and support such as policies and protocols

that consider this;

-impact of the effectiveness of programmes;

-examination of the reasons as to why some perpetrators rather than others receive intervention;

-effectiveness of investigations by police and decision making by the PPS;

-outcomes of court results.

#### PART 4 – SUPPORT

Q.24 What will be the most effective way to identify necessary support services and models for resourcing and delivering them?

Response:

We suggest that survivors/victims of sexual violence, as well as relevant organisations/agencies, be consulted for this task. We would like to add that the development of a central unit for support (SARC) is welcomed. We feel that SARC needs to be managed in a way that addresses issues such as transport and childcare facilities in order to enable the circumvention of potential obstacles to the uptake of services.

Q.25 What key services would contribute most to victim/survivor care and support?

Response:

We suggest that what is crucial in any victim service is flexibility. Available services need to be tailored to the needs of specific victims in any given instance. It is essential that the service is flexible enough to provide immediate support for those who request it as well as being on hand for victims who want support later on in the process of dealing with their experiences. Waiting-list systems are not appropriate in this context. Victims/survivors should also have the option of having one point of contact or key worker who is consistently in contact with the victim. Again this system needs to be flexible so that a victim can request a new key worker if they find that they do not 'gel' with the original worker allocated.

Q.26 Is there a need to develop different services for different cohorts of victim/survivors, for example, due to gender, age or sexual orientation?

Response:

We recommend that victims should be provided with the option of talking to support workers with characteristics, knowledge and skills relevant to their situation. For example, a victim located within a particular ethnic group might prefer to talk to someone of the same ethnicity who has experience and understanding of relevant cultural issues. Similar preferences may apply to women victims, male victims, gay/lesbian victims and so on. These should never be assumed, however. For example, for various reasons, some women victims might prefer to talk to a male support worker, and so on. Thus, it may be beneficial to approach as a core service that has flexibility in its team. It is of the utmost importance to ensure that services are adequately resourced to meet the needs of diverse victim groups. For example, interpreters might be required in some instances.

Q.27 How can services provided by HSS Trusts and the PSNI be better coordinated with those services provided by voluntary sector organisations to achieve the best outcomes for victims/survivors?

Response:

Joint protocol training could be usefully expanded to include relevant organisations such as Women's Aid, Rape Crisis, Victim Support, and so on. However, joint training must be contextually sensitive and responsive to the aims and objectives of particular agencies. Secondment opportunities might also be relevant here.

Q.28 Which organisations could benefit victims/survivors by having clear protocols for joint working?

Response:

All organisations that are directly relevant to the criminal justice process and those who support victims may benefit from clear protocols for joint working. Specific organisations that could be included are the police, health services, social service trusts, probation and relevant voluntary agencies.

Q.29 What are the advantages of developing a uniform model of assessment (to complement the DHSSPS model) for assessing the risks of young people who present with sexually harmful behaviour?

Response:

Uniform models of assessment may have some bureaucratic advantages and serve to create the illusion of regulation for agencies. However, we feel that it is important to be mindful of the disadvantages of this model. Tools such as The Asset (which is used by the Youth Justice Board) have not been unproblematic. In practice, there have been varying standards of implementation, and a 'tick box' mentality to the assessment of risk has characterised the use of such measures.

Q.30 Taking account of existing helpline facilities already in place, is a 24 hr sexual violence regional helpline needed in Northern Ireland?

Response:

Given the prevalence of sexual violence and estimations of unreported instances in various countries (e.g. Leon, 2000), the implementation of a generic 24-hour sexual violence helpline is a necessary step in the process of tackling this problem.

Q.31 What will be the most effective ways of increasing awareness about services that are available?

Response:

A directory should be developed which contains key information about support organisations and helpline numbers for victims and offenders of sexual violence. The directory should be available in a range of public domains such as health and educational facilities, leisure centres, on-line and other relevant settings so that it can be easily accessed. The directory should be available in a range of languages and formats (e.g. audio, Braille and so on). Advertisement of the directory through media forums would also be appropriate.

Q.32 To which services should regional standards apply and how should standards be monitored?

Response:

Any organization providing a service to victims should be required to comply with regionally agreed standards. This should be monitored by the victim's commissioner in conjunction with the criminal justice inspectorate.

Q.33 What (a) skills and training and (b) support, do people working directly with victims/survivors of sexual violence need?

Response:

We suggest the development of some baseline training, to be viewed as a foundation, for all people working in this field. This would be attitudinal in focus with key basic skills for responding. Workers in the field should also be exposed to critical understandings of a range of explanations/conceptualisations of sexual violence (e.g. feminist models, critical psychological explanations – see, for example, Callaghan & Clark, 2006). Agencies currently providing this support to victims may provide appropriate guidance. Training should also focus on practical subjects relevant to victims such as information about the legal system, the health system, the benefit system, and so on.

Q.34 How best could a Training Strategy feed into existing multi-disciplinary training plans in statutory and voluntary sector agencies?

Response:

The foundations for multi-agency and multi-disciplinary training are currently in

place. We believe that this model should be developed and carried forward in this area.

Q.35 Should training about the nature, incidence, impact and response to sexual violence be incorporated into pre-qualification training for relevant health professionals?

Response:

We would argue that this training is essential for empowering primary level or first contact care providers and should be a required component of continuing professional development. We feel that is of utmost importance for this training to be undertaken by all professions involved in the process.

#### PART 5 -EQUALITY IMPLICATIONS

Q.36 Are the proposals in this document likely to have an adverse impact on equality of opportunity or on good relations with regard to the Section 75 categories of people described above? Please give details of any qualitative or quantitative evidence. If yes, please state how these adverse impacts could be reduced or alleviated in the proposals.

Response The Society has no comment to make in relation to this question.

Q.37 If you feel the adverse impacts cannot be alleviated within the current proposed actions, please suggest alternative actions that could be considered to reduce the adverse impact.

Response:

The Society has no comment to make in relation to this question.

Q.38 Have the needs of the Section 75 categories of people been fully addressed in the proposals? If not, please provide details.

Response: The Society has no comment to make in relation to this question.

Additional Comments (please refer to Questions if continuation from above)

Q.1 & 1.14

It is the Society's view that the definition should be prefaced with a preamble which sets the tone of the policy. This could include acknowledgement that sexual violence consists of multiple, varied behaviours and that it is not uncommon for victims to deliberate as to whether an incident classifies as 'sexual violence' because of the ambiguity of the situation in which they find themselves. For example, many victims may classify inappropriate behaviour at work as banter rather than sexual harassment (Mott and Condor, 1997) or in the case of dating/marital relationships as something that should be tolerated (Gavey, 2005). Emphasising the ambiguity present in many sexual violence situations might encourage victims to seek advice in 'grey area' contexts which are far from uncommon (Thomas, 2004).

Q1 & 1.14-1.24

The consultation document emphasises at various points the problem of trivialising forms of sexual violence. We feel that it is particularly important to emphasise this problem when discussing how sexual violence is defined as well as throughout

various processes concerned with addressing sexual violence and associated documents. One way in which the importance of so called 'trivial, routine or mundane' instances of sexual violence can be highlighted is through the structure, wording and language used in official documents.

We suggest two main ways in which altering the language and structure of the explanation of 'what is sexual violence?' may function to raise the profile of less extreme incidents. Firstly, within the document there is a tendency to place extreme instances first in any list of behaviours (see for example 1.16, also note placement of

1.18 – verbal harassment is discussed last). The positioning of behaviours in a list or paragraph may affect how they are seen and interpreted. We suggest that placing less extreme forms first in any list or discussion may function to bolster their position in relation to more extreme incidents. It should also be noted that at various times the document draws on rape as an example or focuses on this offence during generic discussions of sexual violence (see, for example, pages 22-23). We would strongly encourage the use of a broad range of forms of sexual violence as examples to communicate the message that these behaviours are taken seriously as problems. Secondly, with the document, there is a tendency to use particular words, which have a narrow set of connotations, to describe possible subjective feelings of victims and the enactment of power within sexual violence scenarios. For example, whilst the words 'intimidation', 'humiliation' and 'fear' might capture the experiences of some victims, they might be entirely inappropriate for others. Similarly, descriptions of the enactment of power (see 1.20) focus on extreme forms. Whilst we acknowledge that reference is made to less extreme forms of power such as 'pressure', the subtlety in which pressure manifests in some sexual violence is not captured. This is because the immediate context which frames the discussion in which pressure is raised taps in to

extreme forms of violence which effectively undermines less obvious forms of coercion. We would suggest that the document includes a broader vocabulary of descriptive words for possible subjective feelings of victims. It is also important to emphasise that any list of possible feelings is in no way exhaustive and that people's reactions /feelings about experiences of sexual violence can differ quite considerably. With regard to descriptions of the enactment of power we recommend that attention should be clearly drawn to the subtle ways in which power and coercion can be enacted in some sexual violence scenarios.

Point 2.1A comparison is made between changing attitudes towards sexual violence and those campaigns concerned with drinking and driving which made the latter behaviour morally unacceptable. We consider this comparison to be unhelpful as there are a number of factors inherent in the topic of 'sexual violence' which call for a rather different approach to that of drink-driving campaigns. Firstly, various forms of sexual violence are already deemed 'morally unacceptable' and many forms of abuse are difficult to detect with any certainty and report. Thus the comparison made in the document may serve to conceal the ways in which changing attitudes in relation to sexual violence presents a 'special' problem. We would argue that any attempts to increase public understanding of sexual violence need to bear in mind that a number of factors inherent in the topic itself may impact upon the process of changing public opinion about this issue. For example, most people find it difficult to talk about issues of a sexual nature and this may negatively influence the process of recognising and reporting sexual violence when it happens to other adults and children (e.g. Reavey & Warner, 2003). Indeed, given that a large proportion of rape and abuse happens within the family or in a circle of friends, reporting suspected abuse will always affect more than just the accused, and will most certainly have multiple repercussions for the alleged victim and the accuser (e.g. Morgen, 2001). Such issues need to be taken into account and addressed for any initiatives for change to be effective.

In relation to 2.1, we would also like to urge caution in the undertaking of this awareness-raising initiative more generally. Whilst awareness-raising is an important endeavour, attention must be paid to the ways in which specific forms of implementation can have undesirable effects. 'Raising awareness' has in the past led to polarisations that have always been at the expense of rape/abuse victims. Such initiatives have led to an unhelpful 'zeal' to detect abuse even where it does not exist. This can serve to discredit true victims of abuse because it can propagate suspicion that many accusations are false (e.g. Bell, 2002). Such reactions can become interwoven in the work of professionals directly involved with cases of sexual violence as well as in public sentiments more generally. Given this very real possibility, we would argue that it is not enough to provide the public with basic information about sexual violence in the form of statistics. Rather, what is needed is an awareness-raising initiative which focuses on the complexities of sexual violence which will help to avoid 'crusades' or 'witch hunts'. We strongly recommend that practitioners need to be well-versed in these issues and should be highly trained to give them the authority and confidence to deal with cases reasonably and effectively.

Point 2.3 We are concerned about specific outcomes sought in the proposed benchmarking research outlined under point 2.3. Attempts to identify the 'characteristics' of victims and perpetrators of gendered/sexual violence has been

problematised by a number of researchers (e.g. Thomas, 1997; Doherty & Anderson, 1998; Callaghan & Clark, 2006). One main concern is that such aims may have the effect of creating the impression that only specific ‘types’ of people are vulnerable to victimisation or perpetrate sexually violent acts (e.g. Thomas, 1997; Segal, 1990). This runs counter to an established knowledge base which suggests that sexual violence is a common occurrence in the lives of many people, particularly women (e.g. MacKinnon, 1979; Kelly, 1988; Gregory & Lees, 1999; Morgen, 2001). There is also the danger that such research may reinforce myths about sexual violence or create new ones.

#### Point 2.6

The bullet points listed in this section are described as myths and stereotypes. It is our views, however, that these bullet points reflect the reality of the treatment of many victims of sexual violence (see, for example, Gregory & Lees, 1999). To call them myths and stereotypes seems inaccurate and might be interpreted as placing the blame on victims for ‘failing to understand’ their victimisation and how they will be treated.

#### Q.12

The topic of risk factors needs to be approached with great care as such debates can lead to both explicit and more subtle forms of victim blaming.

#### Point 2.24

The opening sentence of paragraph 2.24 states that “there is anecdotal evidence to suggest that predators no longer lurk in dark alleyways”. This claim could be read as suggesting that sexual violence has, in the past, been committed largely or solely by strangers and that only anecdotal rather than comprehensive, systematic substantiation is available. Research suggests that this is not the case (e.g. MacKinnon, 1979; Kelly, 1988; Gregory & Lees, 1999; Morgen, 2001).

The use of words such as predator to describe sex offenders may not be helpful in conveying the message that ‘ordinary’ people commit various forms of sexual offences. For example, initiators of certain kinds of sexually violent acts in, for example, intimate relationships or sexual harassment scenarios often do not resonate with stereotypical notions of the ‘sexual predator’.

#### 2.42

The issue of encouraging victims to drink sensibly is raised in this section. Although offender responsibility for sexual violence is emphasised and it is explicitly stated that victim intoxication ‘does not validate non-consensual activity’, we feel that such messages about victim’s drinking behaviour can still function to position them as being at least partially culpable for sexual violence (e.g. Kelly, 1988). One possible implication of such messages is that if the person had not been drinking or had not drunk to excess then they would have avoided victimisation. This may serve to discourage victims who were intoxicated at the time of the offence to report as well as to reinforce problematic stereotypical notions of victim responsibility. It is of utmost importance that such potential justifications for sexual violence are invalidated.

2.46

We welcome efforts to raise awareness of multiple victimisation. However, we urge that any such endeavours are approached carefully to avoid suggestions that it is only

certain kinds of people that are vulnerable to re-victimisation – our responses to questions 2 and 8 are relevant to this discussion. Given the high prevalence rates recorded in various countries, the statistical probability of multiple experiences of sexual violence can be considered reasonably likely (e.g. Leon, 2000). Such information should be flagged up in consciousness-raising activities.

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