

Victim-survivors of rape and sexual assault feel perpetrators' rights supersede their own at sentencing: Report

May 17 2024



Credit: Pixabay/CC0 Public Domain

Victim-survivors of rape and sexual assault feel perpetrators' rights and interests supersede their own at sentencing, according to new research led by the Scottish Center for Crime and Justice Research (SCCJR).

The study involved interviewing 14 victim-survivors on their experiences of sentencing as well as their views on issues such as seriousness, risk, harm, and aggravating or mitigating factors in sentencing.

The [report](#), "Victim-Survivor Views and Experiences of Sentencing for Rape and Other Sexual Offences," was commissioned and published by the Scottish Sentencing Council.

Most of those interviewed for the study reported feeling their perpetrators' prison sentences were too lenient and expressed disappointment that sentences were reduced for pleading guilty, or because of the perpetrators age. Protecting their safety and preventing the perpetrator from reoffending against others was considered the primary purpose of sentencing in sexual offense cases.

Report co-author Dr. Oona Brooks-Hay said, "We found victim-survivors had a strong desire to be treated fairly, with dignity, and given a voice within the criminal justice process. However, the reality is they are being left with more questions than answers and feeling as if the perpetrator had more rights than they did.

"They told us they had little knowledge, access to information, or support before, during and after sentencing and often described difficulty in understanding the sentence imposed with no avenue to ask questions."

One participant, Olivia (not her real name) said, "I was doing as much as I could to be, like, you know, how much do you get for rape, and there's not really any structure of what people get."

Another interviewee, Carrie (not her real name) said, "So, we left the sentencing with many, many questions [...] we came out saying, so what does that sentence mean, like, it wasn't explained in court ..."

Dr. Brooks-Hay said, "We know from previous studies that victim-survivors feel a sense of alienation in the criminal justice process and part of that is because the system treats them as witnesses. This means the focus tends to be on their participation during prosecution but once the trial ends, they can feel superfluous to the proceedings despite their immense emotional and practical investment in the case."

"Ironically, despite getting further in the criminal justice process than most, victim-survivors who reach sentencing arguably face heightened marginalization because they lack support, information, and opportunities to have their voice heard."

The research team—Oona Brooks-Hay, Michele Burman and Jenn Glinski—also heard accounts from respondents of being unable to attend sentencing hearings because of prohibitive travel costs, some were not given the opportunity to attend hearings virtually and others missed hearings altogether due to miscommunication. Some who did attend the sentencing hearing described feeling unprepared and unprotected.

As a result, an overarching recommendation from the participants was to enhance victim-survivor centered communication and support post-trial and sentencing.

The report outlines 21 recommendations in total including the offer of emotional and practical support, that Victim (Impact) Statements should be read out at the [sentencing](#) hearing if victim-survivors wish, non-harassment orders should be considered as a default to provide safety to victim-survivors, and letters communicating decisions must be written in plain English, as well as an offer to meet to provide verbal explanation and information about the sentence imposed.

More information: Report: [Victim-Survivor Views and Experiences of Sentencing for Rape and Other Sexual Offences](#)

Provided by University of Glasgow

Citation: Victim-survivors of rape and sexual assault feel perpetrators' rights supersede their own at sentencing: Report (2024, May 17) retrieved 26 June 2024 from <https://phys.org/news/2024-05-victim-survivors-rape-sexual-assault.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.