

CARSV STIGMA TOOLKIT FOR JUSTICE

Part B – Tools



A BANK OF
KNOWLEDGE, ATTITUDE,
AND PRACTICE
SURVEY QUESTIONS

MEASURING AND MONITORING
CARSV KNOWLEDGE, ATTITUDE AND PRACTICE

"CARSV STIGMA TOOLKIT FOR JUSTICE"

PART B – TOOLS

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MEASURING AND MONITORING CARSV KNOWLEDGE, ATTITUDE AND PRACTICE**

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1 - INTRODUCTION

The Bank of CARSV Knowledge, Attitude and Practice Questions forms part of the Synergy for Justice CARSV Stigma Toolkit for Justice. It has been designed as an accompaniment tool to Part A — The Competency Assessment to help measure and monitor CARSV beliefs, attitudes and practices within justice functions and by justice actors. It can also be used to develop training exercises to raise awareness of stigma in criminal justice actors, such as judges, prosecutors, the Defence Counsel, victim advocates, investigators and others.

Sexual violence myths are widely held “*prejudicial, stereotyped or false beliefs about sexual violence, sexual violence victims, and perpetrators*” whose cultural function is to deny, minimise or justify this form of violence.¹ Such myths and associated misconceptions are a clear manifestation of stigma, stigmatised views and prejudicial attitudes about sexual violence. They are deeply influenced and driven by culture and social narratives, which in turn are highly gendered. As a result, there will be some variation across countries and jurisdictions as to how precisely stigma manifests in justice processes. Such myths and misconceptions pervade and manifest within our justice systems and, often subconsciously, within actors within the justice systems. Their impact is significant. *Research [...] has shown that those who hold stigmatising attitudes are more likely to excuse the perpetrator as not guilty and to believe the survivor consented or in some other manner bears blame for what happened.² At its most basic level, [...] police and investigators are less likely to investigate allegations of sexual violence; prosecutors less likely to pursue charges for sexual violence; and judges less likely to convict on such charges. Structural stigma imports social power imbalances and prejudices into the justice process and revictimises survivors by giving authority to the disbelief, victim-blaming and dismissive biases already targeting them on an interpersonal level.³ As a result, it critically limits access to justice and contributes to the attrition of sexual violence cases, feeding the continuing cycle of violence, impunity and social inequality.”⁴*

How to Use This Bank of Survey Questions

This bank of questions has been developed based on literature and accepted rape myth scales, experience-designed similar surveys in different contexts for different audiences, and testing different myths, e.g., myths about male-directed CARSV.⁵ These questions have been tailored specifically to how myths and misconceptions about CARSV manifest in justice systems, using Part B – Tools, The Myth Debunker as a foundational source.

This bank contains a mixture of statements which are either stigmatising (reflecting or perpetuating stigmatised misconceptions or attitudes) or non-stigmatising (reflecting accurate understandings of CRSV and non-prejudicial attitudes towards CRSV and survivors). These statements are divided between knowledge, attitude and practice. These statements become questions when you add a set of predefined answers which indicate the level of agreement or disagreement with the statement. The survey can be answered by individuals within your department or team. You can add a point scoring system to help measure and monitor levels of stigma within your team, department or function. There is a detailed set

1 Adapted from Burt's 'rape myths' (1980) [Cultural Myths and Supports for Rape](#), *J Pers Soc Psychol*, 217. See also Gerger *et al.* (2007) [The Acceptance of Modern Myths About Sexual Aggression Scale](#), *Aggress Behav*, 422-440 “*descriptive or prescriptive beliefs about rape (i.e., about its causes, context, consequences, perpetrators, victims, and their interaction) that serve to deny, downplay or justify sexual violence*”.

2 Temkin *et al.* (2018) [Different Functions of Rape Myth Use in Court: Findings from a Trial Observation Study](#), *Fem Criminol*, 207.

3 Gopalan *et al.* (2016) [Proving Crimes of Sexual Violence](#), in Brammertz & Jarvis (2016) *Prosecuting CRSV at the ICTY*, 130.

4 Synergy for Justice (2022) *CARSV Stigma Toolkit for Justice Pilot Version*, 18.

5 See [Useful Resources](#) at the end of this document.

of instructions below, depending on whether you wish to use them for surveys or whether you wish to use them for training and awareness-raising exercises.

A. To measure and monitor attitudes of justice actors or across functions or departments

- 1) Read the CARSV Stigma in Justice Toolkit introductory chapter on Stigma in Justice and Part B – Tools, The Myth Debunker. Read any external commentaries, articles or reports about sexual violence investigations, prosecutions and trials in the country or region where you wish to conduct the survey. Consider which of the myths about sexual violence are commonly held and how they manifest within the justice system there.
- 2) Then read through the bank of questions and select around 20-25 questions. Choose from different sections to cover knowledge, attitude and practice, depending on your objective. Choose questions which cover a range of myths that you think are common in your jurisdiction. Adapt as necessary to contextualise and localise your questions.
- 3) You can also consider using or tailoring one of the case studies (on [page 19](#)), adding/ adapting additional questions from the rest of the bank to that scenario and replacing true or false options with a set of pre-defined answers indicating the level of agreement (as described in point 6 below).
- 4) For each myth you are testing, make sure you include a mixture of questions which are framed as stigmatising statements and those which are non-stigmatising. This is important to counter what is known as acquiescence bias – where people tick ‘yes’ or agree all the time. You can take a stigmatising statement and reframe it as the opposite. For example: ‘False reports of rape are not uncommon’ (stigmatising). ‘False reports of rape are very uncommon’ (non-stigmatising).
- 5) You can also create your own questions based on your knowledge of your own context – make sure you use simple, plain language with a clear meaning, and frame your questions either as stigmatising statements or non-stigmatising statements. It is a good idea to test your questions with a colleague(s) to ensure they work well.
- 6) For each question, provide a set of pre-defined answers indicating the level of agreement with the statement (this is called a Likert scale). For example:

Strongly Disagree Disagree Agree Strongly Agree

Note, there is no neutral option included to ensure that survey responders have to either agree or disagree.

- 7) If you use certain online survey tools, some of the processing work can be automated, reducing the administration resources needed for survey exercises.
- 8) A scoring system should be devised. We recommend the following for a 4-point Likert scale: 0 points for the least stigmatising answer, 3 points for the most stigmatising answer. For example, if the question/statement was stigmatising:

Strongly Disagree **0** Disagree **1** Agree **2** Strongly Agree **3**

If the question/statement was non-stigmatising:

Strongly Disagree 3 Disagree 2 Agree 1 Strongly Agree 0

- 9) For scoring, you can create a score sheet (using a table or an Excel spreadsheet) where you can mark the scores for every individual for each question. If you add up the total score for an individual across all the questions, you will get an indication of the level of stigma across all topics for that person. For example, if you create a set of 15 questions, then the maximum score indicating the highest levels of stigma would be 45. An individual score of 0-15 would show low levels of stigma or stigmatising beliefs and attitudes in that person. A score of 16-30 would show medium levels of stigma, and a score of 31-45 would indicate high levels. You can break down the analysis by topic or question by looking at the average scores. So, for example, for one question about male CRSV, if you look at the scores for all the individuals answering it and take the average score, this will give you an indication of stigma levels of the group as a whole about this specific topic. So an average score of 0-1 would show a low level of stigma, 1-2 a medium level, and 2-3 a high level. You can take the average score across all questions relating to knowledge or all questions relating to male CRSV for example to understand in more detail what the results mean.
- 10) With such a scoring system, it is therefore possible to consider both levels of stigma in individuals (total score across the survey for a person) and to measure attitudes across teams about specific beliefs or attitudes (the average score for a particular question(s)). It is also possible to monitor changing attitudes since you can use the initial survey as a baseline measure and repeat the same survey after training or after certain periods of time or capacity-building efforts.
- 11) For the practice questions, you can use the same scoring system if you wish to measure changes over time, but you may wish to analyse these separately to determine opportunities for change or intervention – for example, the need for additional training, comfort and confidence levels, etc.

B. As training exercises for awareness-raising and reflection

You can also use the bank of questions to design a training session which can help with awareness and reflection, as well as giving a quick understanding of any myths and misconceptions held by your team or the group being trained. The case studies can work well for this, too, particularly if you design a case study based on local examples and experiences and then ask a series of true or false questions based on the case study. Depending on the targeted function, you can create questions/statements specific to a certain role, for example, investigators or judges.

Alternatively, you can divide your trainees into groups and give them a set of 5-10 questions to discuss whether they are true or false. The whole group can then discuss their answers. You can ask for reflections on how these misconceptions might affect the justice process or ask for local examples of when these misconceptions have influenced local cases.

We have included footnote citations for some of these statements, which either come from research or court decisions, to help frame and further discussions and reflection exercises. The Part B – Tool The Myth Debunker can also be a useful source for reflection and discussions about some of these issues.

The statements have also been categorised using the following types of myths. Please note that some of the statements reflect more than one type of myth. For a further explanation and examples of these myths, please read the CARSV Stigma Toolkit for Justice Introductory Chapter on Stigma in Justice, and Part B - Tool The Myth Debunker.

- Shame/dishonour
- Victim Blaming
- Minimisation or trivialisation
- Perpetrator affinity bias
- Trauma myths
- Confusion with 'sex' – consensual sexual activities
- Expectation of use of force/resistance
- Sexual autonomy/consent myths
- Male CARSV myths
- Delayed and false reporting
- Misconceptions/stereotypes

2 - KNOWLEDGE

Stigmatising (These statements are false, and they reflect myths and misconceptions about CARSV.)

Recommended scoring scale:

Strongly Disagree 0 Disagree 1 Agree 2 Strongly Agree 3

- * *Conflict and atrocity-related sexual violence (CARSV) is the violent penile rape of a woman by an unknown and armed male soldier. [misconceptions/stereotypes; expectation of use of force]*
- * *CARSV cannot be perpetrated by civilians. [misconceptions/stereotypes]*
- * *If there is no weapon, it is not rape. [expectation of use of force]*
- * *Victims scream, resist and fight back against perpetrators; therefore, signs of physical resistance or physical violence should be present. [expectation of use of force; misconceptions/stereotypes]*
- * *The presence or absence of a hymen indicates whether sexual violence has taken place or not.⁶ [expectation of use of force; misconceptions]*
- * *If someone doesn't want to have sexual intercourse, the body shuts down. The body will not permit that to happen unless a lot of damage is inflicted.⁷ [misconceptions; expectation of use of force]*
- * *There are ways that women can prevent rape or resist penetration. [misconceptions; expectation of use of force]*
- * *An absence of injuries implies consent. [expectation of use of force; consent myths]*
- * *Submission is a form of consent. [consent myths]*
- * *Failure to resist implies consent. [consent myths]*
- * *Sexual violence is a crime of passion, driven by sexual desire or lust. [confusion with 'sex']*
- * *Young, beautiful women are the target for rape. [misconceptions/stereotypes; confusion with 'sex']*
- * *Sexual violence is different and separate from other forms of violence or patterns of violence in conflict. [confusion with 'sex']*
- * *Sexual violence is inevitable in conflicts. [misconceptions/stereotypes; minimisation]*
- * *It is not possible for a woman to rape a man. [male CARSV myths]*
- * *Men cannot be the victims of CARSV. [male CARSV myths]*
- * *Sexual violence against men only happens in detention. [male CARSV myths]*
- * *Sexual violence against men in conflict is very rare. [male CARSV myths]*
- * *Stripping a man naked is not sexual violence. [misconceptions/stereotypes; male CARSV myths]*
- * *An erection or ejaculation by a man implies consent and pleasure. [consent myths; male CARSV myths; misconceptions]*
- * *'Real' survivors are highly traumatised individuals who will cry or show other signs of distress. [trauma myths; stereotypes]*
- * *A survivor should be able to remember all the details. [trauma myths]*
- * *False reports of sexual violence are common. [delayed and false reporting]*

⁶ Physicians for Human Rights, [Facts About the Hymen – And What It Cannot Tell Us](#).

⁷ FindLaw.com (2012) [Judge Derek Johnson Admonished for 2008 Rape Comments](#).

Non-stigmatising (These statements are true and are based on science and facts about CARSV.)

Recommended scoring scale:

Strongly Disagree 3 Disagree 2 Agree 1 Strongly Agree 0

- * *Conflict-related sexual violence can take many different forms, some of which are penetrative and some of which are not. [misconceptions/stereotypes]*
- * *There are many variations in levels and patterns of sexual violence between conflicts and between armed groups in conflict. [misconceptions/stereotypes; minimisation]*
- * *Uncontrollable male sexual desire fails to explain patterns of sexual violence perpetration at the individual level. [misconceptions/stereotypes; minimisation; confusion with 'sex']*
- * *Most men, given the opportunity, do not rape even during the chaos of war. [misconceptions/stereotypes; minimisation; confusion with 'sex']*
- * *Sexual desire is not the key motivator behind sexual violence in conflict. [misconceptions/stereotypes; minimisation; confusion with 'sex']*
- * *Rape is an expression of dominance and power, rather than sexual desire.⁸ [misconceptions/stereotypes; minimisation; confusion with 'sex']*
- * *CRSV can be committed by a perpetrator known to the victim. [misconceptions/stereotypes]*
- * *Sexual violence is a form of violence committed as part of a broader pattern of violence, often as a demonstration or exercise of power and dominance over opponents, women or other groups. [misconceptions/stereotypes]*
- * *Evidence of use of force or violence, or the presence of injuries, is not required in international law. [expectation of use of force]*
- * *Victims of sexual violence may well suffer no genital or other physical injury.⁹ [expectation of use of force]*
- * *There is no association between the number of perpetrations and the presence or extent of genital or anal injuries. [expectation of use of force]*
- * *Most victims do not respond to sexual violence with physical resistance, as it is common for individuals to experience a 'freeze' response.¹⁰ [expectation of use of force]*
- * *The body has involuntary automated physiological reactions and responses, such as an erection or ejaculation, which do not indicate either pleasure or consent to the sexual violence. [misconceptions/stereotypes; confusion with 'sex'; consent myths]*
- * *The right to physical and sexual autonomy means that every person has to affirmatively consent to sexual activity. [consent myths]*
- * *All persons have the full right of autonomy to choose whether or not to engage in sexual activities in each situation, on every occasion. [consent myths]*

8 For the first five on this list see: Cohen *et al.* (2013) [Wartime Sexual Violence: Misconceptions, Implications, and Ways Forward](#); Wood (2006) [Variation in Sexual Violence During War](#), *Polit Soc*, 307-341; Wood (2009) [Armed Groups and Sexual Violence: When Is Wartime Rape Rare?](#) *Polit Soc*, 131-162; Chiroro *et al.* (2004) [Rape Myth Acceptance and Rape Proclivity: Expected Dominance Versus Expected Arousal as Mediators in Acquaintance-Rape Situations](#).

9 Temkin *et al.* (2018) *ibid*; Orchowski *et al.* (2020) [False Reporting of Sexual Victimization: Prevalence, Definitions, and Public Perceptions](#), in Geffner *et al.* (eds.) (2020) *Handbook of Interpersonal Violence and Abuse Across the Lifespan*. Further, sexual assault does not always result in outward signs of injury (Tark and Kleck 2014).

10 Orchowski *et al.* (2020) *ibid*, 5-9.

- * *Trauma manifests differently for everyone; survivors should not be expected to experience the same emotions or present in similar ways.*¹¹ [trauma myths]
- * *The absence of outward signs of emotional distress does not mean that a person is not suffering, that the violence did not happen or that they do not need help.*¹² [trauma myths]
- * *Where a victim has experienced sexual violence, traumatic sequelae and hence memory retrieval can be additionally problematic for them.*¹³ [trauma myths]
- * *Intrusive phenomena, such as flashbacks, may arise during testimony, and this in turn will affect victims' ability to concentrate and to provide a coherent account.*¹⁴ [trauma myths]
- * *The invasion of a man's mouth with a penis under coercive circumstances is rape.* [misconceptions/ stereotypes; male CARSV myths]
- * *Male survivors suffer long-term, serious psychological impacts from sexual violence.*^{15,16} [male CARSV myths]
- * *In some conflicts, the levels of sexual violence against men are very high.* [male CARSV myths]
- * *Women have been convicted of CARSV against men.* [male CARSV myths; misconceptions/ stereotypes]
- * *False reports of sexual violence are very uncommon.* [delayed and false reporting]
- * *The overwhelming body of current empirical studies ... establishes that it is not inherently 'natural' for the victim to confide in someone or to disclose, immediately following commission of the offence.*¹⁷ [delayed and false reporting]

11 Murphy & Mason (2021) [Psychological Effects of Rape and Serious Sexual Assault](#), paras. 23, 30, in Rook & Ward, *Sexual Offences Law and Practice*: "Emotions will vary following rape and should initially be viewed as a normal reaction to an abnormal event. Individuals may be expressive and tearful, quiet and controlled, distressed, shocked or in denial."; Chaudhury et al. (2017) [Psychological Aspects of Rape and Its Consequences](#), PBSIJ, 1-7.

12 Josse (2010) ["They Came With Two Guns": The Consequences of Sexual Violence for the Mental Health of Women in Armed Conflicts](#).

13 Smith (2020) [Victim Testimony at the ICC: Trauma, Memory and Witness Credibility](#), also in Jasani & Townsend (2020) *ibid*, 132-133.

14 Smith (2020) *ibid*, 125-136.

15 Chynoweth et al. (2020) [Characteristics and Impacts of Sexual Violence Against Men and Boys in Conflict and Displacement: A Multicountry Exploratory Study](#), J Interpers Violence, 18-22.

16 Kivlahan et al. (2023) (unpublished/pre-print version) [Longitudinal Impact of CRSV Experienced by Men in Detention Since the Onset of the Syrian Conflict](#).

17 [People v. Brown](#), United States, [Supreme Court of California Decision](#) (1994) 8 Cal.4th 746, 35 Cal.Rptr.2d 407; 883 P.2d 949.

3 - ATTITUDE

Stigmatising (These reflect attitudes towards CARV or victims which are based on myths and misconceptions)

Recommended scoring scale:

Strongly Disagree 0 Disagree 1 Agree 2 Strongly Agree 3

- * *There must be evidence of injuries or physical violence to have a successful prosecution. [expectation of use of force]*
- * *If a woman has no red marks, no torn clothes, or no scratches or bruises, I would doubt her report of rape.¹⁸ [expectation of use of force; consent myths]*
- * *The degree of a victim's resistance is a relevant consideration for a judge determining a rape charge. [expectation of use of force; consent myths]*
- * *I think the sentence should be reduced if a limited amount of violence was used. [minimisation; expectation of use of force]*
- * *If she failed to put up any resistance, the perpetrator will think there is consent. [use of force; consent myths]*
- * *If a woman was willing to engage in sexual acts with other people before or after the incident in question, she is likely to have been willing to engage in sexual acts on this occasion with the perpetrator, too. [consent myths]*
- * *I believe that consent can be implied in marriage or where there had been a sexual relationship between the persons before. [consent myths]*
- * *In my opinion, a prior relationship between the accused and the victim would raise doubt as to whether there was consent and would reasonably require corroboration. [consent myths]*
- * *The fact that a person says 'No, I don't want to' before sexual intercourse is not always a sufficient signal to the other person that consent and willingness to continue sex is not present.¹⁹ [consent myths]*
- * *I think the sentence should be reduced if the woman led the perpetrator on. [minimisation; victim-blaming]*
- * *Women who are not 'respectable' put themselves at risk of sexual violence by the way they dress or act. [shame; victim-blaming]*
- * *Women who put themselves at risk have some responsibility for what happens to them. [victim-blaming]*
- * *It is important to warn women of behaviour that can put them at risk of sexual violence. [victim-blaming]*
- * *I believe that most sexual violence happens because the victim is vulnerable and is not protected. [victim-blaming]*
- * *She was to blame for being there alone at night. She should not have been drinking. [victim-blaming]*
- * *Women who flirt with men deserve whatever happens next. [victim-blaming]*
- * *Some women lead a man on and then cry rape when they regret it or the man doesn't want to see them again. [victim-blaming; confusion with 'sex'; false reporting]*

18 [Temkin et al. \(2018\) *ibid.*](#)

19 Amnesty International (2019) [Time for Change](#), 44 (Finland).

- * *A lot of claims of rape are more about regret. [victim-blaming; confusion with 'sex'; false reporting]*
- * *A 'real' survivor would call for help or report what has happened straightaway. [delayed and false reporting]*
- * *Those who delay reporting are telling lies. [delayed and false reporting]*
- * *I would not recommend a case for prosecution where there had been a delay in reporting by the victim. [delayed and false reporting]*
- * *I don't think you should believe a woman who has reported rape on an earlier occasion. [delayed and false reporting]*
- * *If a person is telling the truth, there should be corroborating evidence. [delayed and false reporting]*
- * *For sexual violence cases, I think there should always be a requirement for corroborating evidence. [delayed and false reporting]*
- * *Rape is an accusation easily made and hard to be proved, and harder to be defended by the accused.²⁰ [delayed and false reporting]*
- * *You get a lot of benefits when you are a rape victim.²¹ [delayed and false reporting]*
- * *I think that men who commit sexual violence against other men must be homosexual. [male CARSV myths; confusion with 'sex']*
- * *Why would a man complain about sexual violence against him by a woman? Didn't he enjoy it?²² [male CARSV myths; confusion with 'sex']*
- * *A man who has been raped has lost his manhood/his standing as a man in the community. [male CARSV myths]*
- * *If a man told me that he had been raped by another man, I would suspect he was homosexual. [male CARSV myths; confusion with 'sex']*
- * *No self-respecting man would admit to being raped. [male CARSV myths]*
- * *Male victims find it easier to talk about what happened to them. [male CARSV myths]*
- * *Psychological support or counselling for victims contaminates their evidence. [trauma myths]*
- * *Victims should wait until after the trial to get counselling. [trauma myths]*
- * *Survivors need to be given all protective measures automatically. [trauma myths; stereotypes]*
- * *The formalities and authority of a courtroom are important to ensure a witness tells the truth. [trauma myths; false reporting]*
- * *A victim's failure to show distress in court would cast doubt on the legitimacy of their claim. [trauma myths; stereotypes; false reporting]*
- * *If a woman was raped, she will cry when she talks about what happened. [trauma myths; stereotypes]*
- * *If a victim remained very calm and collected while she recounts sexual violence, I would doubt it happened. [trauma myths; stereotypes; false reporting]*
- * *I would not pursue a case with a victim who has a history of mental illness. [trauma myths; stereotypes]*

20 *Matthew Hale, History of Pleas of the Crown 635 (1st Am Ed. 1847) 633-636.*

21 *Male Judge Bosnia State Court, quoted in Sharratt (2011) [Gender, Shame and Sexual Violence: The Voices of Witnesses and Court Members at War Crimes Tribunals](#).*

22 *Walfield (2018) "Men Cannot Be Raped": Correlates of Male Rape Myth Acceptance, J Interpers Violence, 6408.*

- * *I do not believe that ordinary people, like you and me, commit sexual violence.* [perpetrator affinity bias]
- * *I don't think that a good family man would commit rape.* [perpetrator affinity bias]
- * *I think rapists are sexually frustrated individuals.* [perpetrator affinity bias; confusion with 'sex'; stereotypes]
- * *If the victim knows the perpetrator, they experience less harm.* [minimisation]
- * *Non-penetrative sexual violence is less harmful than rape.* [minimisation]
- * *Sexual violence cases are not as serious/as important as murder cases.* [minimisation]
- * *Men are not as impacted by sexual violence as women.* [minimisation; male CARSV myths]
- * *Male survivors do not need counselling.* [minimisation; male CARSV myths; stereotypes]
- * *Sexual violence is not as 'bad' for sexually active women.* [minimisation]
- * *Sexual violence is worse for young virgins./Raping a virgin is worse than raping a non-virgin.*²³ [minimisation]
- * *Sexual violence is an unavoidable consequence of soldiers' (men's) biological urges and war.* [minimisation; confusion with 'sex']
- * *Sexual violence is just what soldiers do.*²⁴ [minimisation; confusion with 'sex'; misconceptions/ stereotypes]
- * *I would understand if a group of men were fighting in the bush for weeks, when they come [out], they rape.*²⁵ [minimisation; confusion with 'sex']
- * *'So a bunch of guys got riled up after a day of war, what's the big deal?'*²⁶ [minimisation; confusion with 'sex']
- * *I think that adding sexual violence charges weakens an indictment.* [minimisation]
- * *An indictment for genocide should focus on killings, not sexual violence.* [minimisation]
- * *Sexual violence brings shame and dishonour to the survivor, their family and/or community.* [shame]
- * *I think raped women are less likely to get or stay married.* [shame]
- * *Women who have been raped are 'soiled'/have been 'defiled'.* [shame]
- * *The way women say no is sometimes ambiguous.* [consent]
- * *'Bad women' make bad witnesses.* [shame; victim-blaming]
- * *Rape is worse than death for a woman.*²⁷ [shame]
- * *A victim may be disqualified from the marriage market, and many husbands turn their backs on a 'soiled' wife.*²⁸ [shame]
- * *I think that sexual violence cases take too much time and are too difficult to prove.*
- * *I believe that sexual violence charges are harder to prove than other crimes.*

23 Skinnider et al. (2017) [The Trial of Rape: Understanding the Criminal Justice System Response to Sexual Violence](#), 42.

24 Fowler (2021) [Great Expectations: A Critique of the International Criminal Court's Commitment to Victims of Sexual and Gender-Based Violence](#), JICL, 31.

25 Sharratt (2011) *ibid*, 65.

26 Kuo (2002) [Prosecuting Crimes of Sexual Violence in an International Tribunal](#), 34 Case W Res JIL 305, 311.

27 Gopalan (2021) *ibid*, 9.

28 [S.v.J](#) 1998 (2) SA 984, South Africa Court of Appeal.

Non-stigmatising (These reflect attitudes towards CARSV which are based on science and human rights.)

Recommended scoring scale:

Strongly Disagree 3 Disagree 2 Agree 1 Strongly Agree 0

- * *Use of force should not be a required element of the crime of sexual violence. [expectation of use of force]*
- * *The success of the prosecution should not depend on whether there is evidence of injuries or signs of a struggle. [expectation of use of force]*
- * *The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including their sexual and reproductive health, free of coercion, discrimination and violence.²⁹ [consent myths]*
- * *I think we should start by examining not whether the woman said 'no', but whether she said 'yes'.³⁰ [consent myths]*
- * *For me, the right to physical and sexual autonomy means that every person has to affirmatively consent to sexual activity. [consent myths]*
- * *The sexual history of a woman is irrelevant in law and fact in a case of sexual violence. [consent myths]*
- * *Nowadays it cannot seriously be maintained that by marriage a wife submits herself irrevocably to sexual intercourse in all circumstances.³¹ [consent myths]*
- * *I believe that victims of sexual assault offences, be they male or female, often need time before they can bring themselves to tell what has been done to them.³² [delayed and false reporting]*
- * *A victim of sexual violence is never to blame for the violence committed against them. [victim-blaming]*
- * *We should look at why perpetrators commit sexual violence and reduce the risk of perpetration, rather than look at restricting or controlling the lives of victims to reduce their risk of being victimised. [victim-blaming]*
- * *There is no logical or practical link between a woman's sexual reputation and whether she is a truthful witness.³³ [delayed and false reporting]*
- * *The formalities and gravitas of a courtroom can be intimidating and stressful for victims, and should be mitigated or removed to ensure the victim can give their best evidence. [trauma myths]*
- * *A victim may have some challenges in recalling the details of what happened, but I do not believe that this affects their credibility or reliability. [trauma myths]*
- * *I believe the most appropriate protective measures for victims in criminal proceedings are the ones they have chosen for themselves based on full information. [trauma myths]*
- * *A person is not more or less likely to have committed sexual violence because of their culture, age, class or profession.³⁴ [perpetrator affinity bias]*

29 Fourth World Conference on Women (1995) [A/CONF.177/20](#), 96 and [A/CONF.177/20/Add.1](#).

30 [M.C. v. Bulgaria, Written Comments by InterRights, pursuant to Rule 61, 12 April 2003](#).

31 [Stallard v. H.M. Advocate, Scotland, Decision](#) (15 March 1989) S.L.T. 469, 473.

32 [R. v. Valentine, English Court of Appeal Decision](#) [1996] 2 CrAppR 213; Singh (2006) [Evaluating the 'First Report': The Persistent Problem of Evidence and Distrust of the Complainant in the Adjudication of Sexual Offences](#), SAJC, 44.

33 [R. v. Seaboyer, Canada, Supreme Court Decision](#) [1991] 2 SCR 577. [R. v. A, United Kingdom, House of Lords Decision](#) [2001] UKHL, para.95; [R. v. Harris, England and Wales, Court of Appeals Decision](#) [2009] EWCA Crim 434, para. 13, confirming refusal to allow cross-examination about complainant's "life choices involving risky sexual behaviour".

34 [R.v. Andreous, England, Court of Appeal Decision](#) [2014] EWCA Crim 1578, discussed in [guidance by Crown Prosecution Service](#).

- * *I believe that all kinds of people can commit CARSV, including people with similar backgrounds to me.* [perpetrator affinity bias]
- * *Sexual violence is a serious violation of physical and/or psychological integrity and is therefore similar in harm and effect to other prohibited acts of genocide, crimes against humanity, and war crimes.*³⁵ [minimisation; confusion with 'sex']
- * *The impacts of other forms of sexual violence can be as serious as the impacts are for rape.*³⁶ [minimisation]
- * *Male survivors suffer long-term, serious psychological impacts from sexual violence.*^{37,38} [male CARSV myths; stereotypes]
- * *Other forms of sexual violence can be as serious as rape.* [minimisation]
- * *I think being able to add sexual violence charges strengthens a genocide indictment.* [minimisation]
- * *I do not think that soldiers commit rape during conflict because of uncontrolled biological urges.* [misconceptions; minimisation]
- * *I don't think that sexual violence cases are any harder or take more effort than cases with other forms of conflict-related violence.*
- * *I don't believe that sexual violence charges should be any harder to prove than other crimes.*

35 Oosterveld (2012) [Contextualising Sexual Violence in the Prosecution of International Crimes](#), 190, in Bergsmo (ed.) *Thematic Prosecution of International Sex Crimes*.

36 [Prosecutor v. Rukundo](#) (20 October 2010) para. 9. See also [Prosecutor v. Furundzija](#), Trial Judgement, para. 126. Tarzia *et al.* (2018) [Exploring the Relationships Between Sexual Violence, Mental Health and Perpetrator Identity: A Cross-Sectional Australian Primary care Study](#).

37 [Chynoweth et al.](#) (2022) *ibid.*, 18-22.

38 [Kivlahan et al.](#) (2023) *ibid.*

4 - PRACTICE

These statements test levels of training, experience, institutional practice and comfort levels in the practice of working on sexual violence cases within justice systems. Again, these can be tailored to specific aspects of roles or functions within the justice system.

Stigmatising

Recommended scoring scale:

Strongly Disagree 0 Disagree 1 Agree 2 Strongly Agree 3

- * *I do not feel experienced or trained sufficiently to deal with sexual violence cases.*
- * *I feel uncomfortable and embarrassed talking about the details of sexual violence.*
- * *I do not know what a trauma-informed approach is.*
- * *I am too busy and too stressed to deal with sexual violence cases.*
- * *There are significant institutional barriers to being survivor-centred in my work.*
- * *If I had a choice, I would rather not work on sexual violence cases.*
- * *If I had a choice, I would prefer not to work on male sexual violence cases.*
- * *In sexual violence cases, I often have doubts whether it happened.*
- * *I often get false reports about sexual violence. [delayed or false reporting]*
- * *I believe that all sexual violence cases should be assigned to female colleagues.*

You can also include questions about what they have observed in practice around them:

Recommended scoring scale:

Never 0 Occasionally 1 Often 2 All the time 3

- * *At my workplace, I often hear colleagues:*
 - *doubting whether sexual violence took place. [delayed or false reporting; misconceptions/ stereotypes; consent myths; trauma myths]*
 - *joking about sexual violence cases. [minimisation or trivialisation]*
 - *using stigmatising language or concepts in sexual violence cases.*
 - *assigning sexual violence cases to women whether or not they have experience or expertise.*
 - *avoiding assignments related to sexual violence or interviewing sexual violence survivors.*
 - *treating cases of killings more seriously. [minimisation]*
 - *dismissing or dropping sexual violence charges because they are 'hard' or 'difficult' or 'would take too long'.*
 - *ignoring or not recognising sexual violence in cases [involving male victims]. [misconceptions/ stereotypes; male CARSV myths]*

Non-stigmatising

Recommended scoring scale:

Strongly Disagree 0 Disagree 1 Agree 2 Strongly Agree 3

- * *I believe that I have sufficient training and experience to work on sexual violence cases.*
- * *I understand the main elements to a survivor-centred approach and believe that can be achieved in my work.*
- * *I understand how to be trauma-informed and feel able to achieve this in my work. [trauma myths]*
- * *I feel comfortable talking about the details of sexual violence.*
- * *If I had a choice, I would prefer to work on sexual violence cases.*
- * *I feel able to challenge colleagues or other justice actors if they are using stigmatising language or leveraging rape myths in a case.*
- * *I am well prepared to object to or stop someone if they are using stigmatising language, attitudes, myths or misconceptions about sexual violence during a court hearing.*

You can also include questions about what they have observed in practice around them.

Recommended scoring scale:

Strongly Disagree 3 Disagree 2 Agree 1 Strongly Agree 0

- * *At my place of work:*
 - *all colleagues are expected to work on sexual violence cases and to have the right competencies to do so.*
 - *there is training on sexual violence knowledge and skills which is required for all colleagues.*
 - *there is training and reflection on sexual violence stigma, stigmatising language, attitudes, myths and misconceptions which is required for all colleagues.*
 - *stigmatising language, attitudes, myths and misconceptions about sexual violence are unacceptable in all oral, written and electronic communications.*
 - *stigmatising language, attitudes, myths and misconceptions about sexual violence are unacceptable both inside and outside the courtroom.*
 - *there are checks and reviews by supervisors and peers to ensure no stigmatising language, attitudes, misconceptions or myths influence our work.*
 - *there are written protocols specifically for working on sexual violence cases in a non-stigmatised way.*
 - *it is a desirable, sought-after assignment to work on sexual violence cases.*
 - *men and women work on sexual violence cases.*

5 - EXAMPLE CASE STUDIES

Five case studies are included here involving different scenarios and triggering discussions of different issues. Each of these can be adapted to be more attuned to and realistic for local settings. The questions can be adapted, too, and statements from the bank of questions earlier in this document could be tailored for these scenarios as well. If you are using them to measure stigma, we recommend you use the Likert scale:

Strongly Disagree Disagree Agree Strongly Agree

If you are using them for training or awareness-raising, you can use them as true or false questions.

CASE STUDY 1: Mary is an 18-year-old girl who reported to her mother that four weeks ago at a local disco, a soldier in uniform with a holstered gun bought her some alcoholic drinks. He told her he had been involved in fighting for a week and now needed to 'let off steam'. She danced with him for a little while, and then he pulled her by the arm outside, pressed her against a wall around the side of the building and pulled down her underwear. He penetrated her vagina with his fingers and kissed her hard on the mouth. She did not go to the doctor and did not report any injuries from the incident but she says she feels very ashamed. Her mother asked her why she did not run away. Mary said that she was so shocked and scared, she did not understand what was happening, and she was a little drunk.

TRUE or FALSE?

- * *No force was used, so this is not a crime.* [expectation of use of force]
- * *Mary is partly to blame because she should not have been at the disco.* [victim-blaming]
- * *Mary led the man on so he could reasonably assume she consented.* [victim-blaming; consent myths]
- * *If Mary was not willing to do those things, she should have run away.* [victim-blaming; consent myths]
- * *If this was really rape, Mary would have reported it immediately.* [delayed or false reporting]
- * *This is clearly a case of Mary regretting her actions at the disco and looking for a way out of her shameful behaviour.* [shame; confusion with 'sex'; consent myths]
- * *If the soldier is willing to marry Mary, then that would be the best way to address what has happened.* [shame]
- * *It's not very serious, as he just kissed and touched her.* [minimisation]
- * *This is best dealt with by paying a small compensation to Mary's family.* [minimisation; shame]
- * *The police should take this seriously and investigate it as sexual violence.*
- * *This is a 'weak' case, and I would not pursue it.* [expectation of use of force; consent myths; confusion with 'sex'; misconceptions/stereotypes; victim-blaming]
- * *This is rape, as the soldier penetrated the victim's vagina with his fingers (or penis, object or other body part).*
- * *There are coercive circumstances in this case, given the victim's age, the imbalance of power, the soldier's position/status (uniform and gun).*

CASE STUDY 2: Enemy forces attacked a village near the front lines and occupied the area for two months until they were repelled back by the national army. Olha's husband was away on the front lines, and she was living on her own in the house with her two teenage daughters. Three soldiers, including one officer, came to her house on the first day of the occupation, pointed a gun at Olha and told her they would be living there from now on. She and her daughters were ordered into one room and tied up initially, but that evening they were brought out and made to cook the soldiers' dinner. The soldiers were drinking and looking at Olha's daughters. They made suggestive sexualised comments towards all three women. Olha was terrified that her daughters would be raped, so she decided to approach the officer and establish a relationship with him in order to protect her daughters. When the officer took her to a bedroom, she did not resist. Every day the officer penetrated different parts of her body with his penis or with empty bottles of alcohol. After a few weeks, he gave her to the other soldiers to do what they wished. The officer also asked Olha to draw a map of the village and surrounding geographical features. She did this to keep them happy so her daughters would be safe. After de-occupation, Olha went to the local doctor because she was afraid that she might be pregnant. The doctor spat on her and told her he would not care for a collaborator. Olha decided to get a medical examination to help her prove what happened. The examiner did not find any genital injuries.

TRUE or FALSE?

- ★ *Olha should have resisted or tried to escape. [victim-blaming; consent myths; expectation of use of force/resistance]*
- ★ *This is not sexual violence, as Olha initiated it and consented. [victim-blaming; consent myths]*
- ★ *I would not pursue a prosecution for sexual violence because there is no evidence of use of force or resistance. [expectation of use of force/resistance]*
- ★ *I would not hand down a conviction for sexual violence, as there is nothing to corroborate Olha's story. [delayed or false reporting]*
- ★ *Olha's story cannot be true, as she has no genital injuries. [expectation of use of force/resistance]*
- ★ *This case is not as serious as a case where violence was used. [minimisation; expectation of use of force]*
- ★ *Olha won't need counselling or support because she was the one who decided to sleep with the officer. [minimisation; trauma myths; consent myths]*
- ★ *Olha should not report it because her husband will find out. [shame]*
- ★ *Olha should be prosecuted for collaboration. [consent myths]*
- ★ *This should be investigated as rape and sexual slavery, and as a war crime.*

CASE STUDY 3: Jose lives in a country where guerrilla groups have been fighting the government and each other for many years. Locals are constantly warned not to travel after dark. Jose is not a soldier. He works as a physical labourer at a local mine 10 miles away from his home. He travels to work every day on a bicycle. One day on the way home after working late, his bicycle got a flat tire. He had to walk home, and it grew dark. Suddenly, a man stepped out from behind a tree. He was wearing a red bandana like the local guerrilla militia wear. The man pointed a gun at Jose and shouted at him to stop. He approached Jose and started to frisk him and search him for weapons. The man told Jose to take off his trousers. Jose froze – he felt deep fear and felt like he couldn't move. The man pushed Jose towards some trees, pulled down Jose's trousers and underwear, and penetrated Jose's anus with his penis. Jose did not resist or say anything. After the man had ejaculated, he hit Jose over the head with his gun. After Jose didn't return home, his family went looking for him and found him on the ground with his trousers down. His bicycle was missing.

TRUE OR FALSE?

- * *This is not conflict-related sexual violence, it is just opportunistic homosexual sexual intercourse. [male CARSV myths; misconceptions/stereotypes; confusion with 'sex']*
- * *It's not rape because it is not the penile penetration of a woman. [misconceptions/stereotypes]*
- * *Since no violence was used before or during the sexual act, it's not rape. [expectation of use of force]*
- * *Jose is a strong man, he should have fought the man off. [male CARSV myths; expectation of use of force/resistance; consent myths; victim-blaming]*
- * *Jose knew not to travel at night, so he is partly responsible for what happened. [victim-blaming]*
- * *Jose and his family should not report it – it is too shameful. [shame]*
- * *Jose should be offered psychological care and counselling. [male CARSV]*
- * *If Jose was really raped, he'd be much more upset about it. [male CARSV myths; trauma myths; minimisation]*
- * *Jose is probably homosexual and is just ashamed about getting caught. [male CARSV myths; confusion with 'sex'; shame]*
- * *The police should take this seriously.*
- * *If Jose had been a woman, this would be a stronger case. [male CARSV myths]*
- * *Jose should just move on, forget it happened and get over it. [male CARSV myths; trauma myths; minimisation]*

CASE STUDY 4: Yoon is a young woman whose parents died at the start of the war a few years ago. She now lives in poverty and is scared that the civil war will reach her village. One day she is approached by a man who offers her a job as a maid in the city with accommodation. He asks for her identification documents, and they travel to the city. Once they arrive there, Yoon is given a room on a long corridor in an inn. The man does not return her identification documents. She notices that there are a lot of other young girls who each have a room there. These girls came here in a similar way to her. On the second day, there is a knock on her door, and outside there is a soldier in uniform. He comes in, and the door is locked behind him. He pushes her on the bed, pulls up her dress and penetrates her vagina with his penis. Yoon is so shocked, she doesn't have time to resist or say anything. Once the soldier leaves, she weeps on her bed. She was a virgin before that. There is another knock at the door and another soldier. Yoon is visited by at least 10 soldiers a day for the next six months. Some of the soldiers are gentle with her. Others are violent. At the end of each week, she is given money for her services. When the soldiers are not in Yoon's room, her door is not locked. The man told her she is free to go, but he will not give her back her identification papers.

TRUE OR FALSE?

- * *Yoon is a prostitute. [victim-blaming; shame; consent myths]*
- * *This is not conflict-related sexual violence, it is prostitution. [victim-blaming; shame; consent myths]*
- * *It is not rape because the soldiers are paying for the service. [consent myths]*
- * *As soon as Yoon accepted the money, she consented to the sexual activities. [consent myths; victim-blaming]*
- * *Yoon could leave but she doesn't. Therefore she is consenting. [consent myths; victim-blaming; expectation of use of force/resistance]*
- * *Yoon should have resisted. She could have said no. [consent myths; victim-blaming; expectation of use of force/resistance]*
- * *Yoon was very foolish to go with the man, particularly to give him her identification documents. [victim-blaming]*
- * *The first incident is the worst because Yoon was a virgin. [minimisation; misconceptions/ stereotypes; shame]*
- * *Yoon should be ashamed of what she has become. She should not tell anyone. [shame]*
- * *This should be investigated and prosecuted as sexual slavery and/or enforced prostitution as a crime against humanity and as a war crime.*

CASE STUDY 5: One day Lubna left the house on her own, without wearing her hijab. She went to participate in ongoing demonstrations against the government with some male friends from university. The police arrived and started firing tear gas into the crowd. Lubna was separated from her friends in the confusion and found herself surrounded by five government militia men. She recognised one of them as the son of her neighbours. They started commenting on her hair and calling her a ‘troublemaker’ and a ‘whore’. One of them grabbed her by the hair and dragged her into an alley. All the other militia men followed. They insulted her and pushed her around. They started pulling at her clothes until one of the men tripped her to the ground. Two of the men held her down, while each one took a turn to penetrate her vagina with his penis. One of them turned her over and penetrated her anus. Once they had finished, they left her there. Fifty demonstrators were killed by government actors that day. More than 100 have been detained incommunicado in a secret security branch detention facility.

TRUE or FALSE?

- * *Lubna shouldn't tell anyone. She is young, and her family will never survive the shame.* [shame]
- * *This would not have happened if Lubna had not left her house on her own.* [victim-blaming]
- * *Lubna was asking for trouble by not wearing her hijab.* [victim-blaming; shame]
- * *Political demonstrations are no place for a respectable woman.* [shame; victim-blaming]
- * *Lubna's family should have nothing to do with her.* [shame]
- * *This would be a hard case to prosecute – it's her word against five of theirs.* [false reporting]
- * *The court should order a virginity test, as this can scientifically establish that Lubna was raped.* [misconceptions]
- * *If this had really happened, there should be clear injuries visible on Lubna's body.* [expectation of use of force/resistance; misconceptions/stereotypes]
- * *If Lubna is calm when she tells me what happened, I would doubt her story.* [false reporting; trauma myths]
- * *A good resolution would be for Lubna's parents to arrange for her to marry the neighbours' son who was involved.* [shame]
- * *This is conflict-related sexual violence: rape as a war crime or as a crime against humanity.*
- * *The violence against Lubna is part of the broader acts of violence against demonstrators across the country at that time.*

6 - USEFUL RESOURCES

- [Illinois Rape Myth Acceptance \(IRMA\) Scale](#)
- Fejervay (2017) [Words Matter: Measuring Rape Myth Acceptance Through Survey Design](#) (has other scales at the end)
- Updated IRMA Scale – includes [subtle rape myths](#)
- Davies et al. (2001) Influence of Victim Gender and Sexual Orientation on Judgement of a Victim in Depicted Stranger Rape, *Violence and Victims*, Vol.16, No.6 (case scenarios)
- Chapleau et al. (2008) Male Rape Myths, *Journal of Interpersonal Violence*, Vol.23, No.5
- De Jong et al. (2020) Male Rape Myths in Context, *Criminal Justice Studies*, Vol.33, No.3 (case scenarios)
- Hine et al. (2021) [Development and Verification of the Male Rape Myth Acceptance Scale \(MRMAS\)](#)
- Jia Xue et al. (2016) [Rape Myths and the Cross-Cultural Adaptation of the IRMA Scale in China](#)

Lessons and sample questions from measuring other forms of stigma:

The Health Policy Project (2013) Measuring HIV Stigma and Discrimination Among Health Facility Staff, [Standardised Brief Questionnaire](#)

