# Social media posts misused to question victim credibility in Scottish rape cases, report finds



A recent report highlights some troubling implications regarding perceptions of victim behaviour within Scotland’s judicial system, particularly in rape cases. An applicant to the Criminal Cases Review Commission (CCRC) argued that his sentence ought to be reconsidered based on the victim's social media posts, claiming they did not exhibit "sufficiently traumatised behaviour." This assertion is rooted in research conducted by academic institutions, including Glasgow and Loughborough universities, which scrutinised 119 CCRC applications linked to rape and sexual offences.

The report, commissioned by the CCRC and published by the Scottish Centre for Crime and Justice Research, revealed that nearly 60% of these applications invoked evidence from digital communications as a means to challenge the victim's credibility. Many offenders sought to demonstrate their innocence by questioning the emotional responses displayed by their victims online. In one significant instance, an applicant contended that the victim’s social media activity indicated deceit, insisting that the complainant had “misled the court” in her Victim Personal Statement. However, the CCRC dismissed this argument, emphasizing that a judge had already concluded that a photograph of a young person socialising “may hide many problems,” thus proving little about the victim's credibility. The report characterizes these claims as reflective of misconceptions regarding what constitutes a “typical” victim response, assumptions that have been thoroughly discredited in contemporary research.

The implications of such narratives are sobering. According to Rape Crisis Scotland, the conviction rate for rape and attempted rape has stubbornly remained the lowest among all crime types in Scotland for the past decade, hitting a new low of only 48% for the 2021-22 period. In stark contrast, the overall conviction rate for all crimes in Scotland during the same timeframe stood at 88%. Such discrepancies reveal a systemic issue that many advocates argue necessitates urgent reform. Notably, the average conviction rate for single-charge rape or attempted rape cases over five years is alarmingly low, averaging just 24%.

The challenges faced by survivors extend beyond courtroom statistics. Many rape cases do not progress to prosecution, with reports indicating that up to half of such cases are dropped before reaching court. A range of factors contributes to this, including delays in forensic examinations and a troubling emphasis on the victim's demeanour during investigations, which can lead to perceptions of credibility being unjustly questioned.

To tackle these systemic issues, justice researchers are advocating for reforms designed to improve the experience of survivors. Among these recommendations is the provision of independent legal representation for individuals reporting rape, which could counteract the perceived bias of the adversarial trial system that currently favours the accused. The call for such reforms is echoed by Rape Crisis Scotland, which underscores the importance of creating a more just and supportive environment for survivors within the legal framework.

In summary, the intersection of victim behaviour and judicial outcomes remains a contentious area within Scotland’s legal system. The reliance on social media narratives to question victim credibility not only undermines individuals seeking justice but also reflects deeper societal misconceptions about the nature of trauma. As advocacy groups push for significant reforms, it is evident that enhancing support for victims is critical to fostering a justice system that truly serves all its constituents.

### 📌 Reference Map:

* Paragraph 1 – [[1]](https://www.lawgazette.co.uk/news/rape-victim-accused-of-not-displaying-sufficiently-traumatised-behaviour/5123458.article), [[4]](https://www.scottishlegal.com/articles/justice-researchers-recommend-rape-complainers-be-given-their-own-lawyers)
* Paragraph 2 – [[1]](https://www.lawgazette.co.uk/news/rape-victim-accused-of-not-displaying-sufficiently-traumatised-behaviour/5123458.article), [[2]](https://www.rapecrisisscotland.org.uk/news/news/conviction-rate-for-rape-is-the-lowest-for-any-crime-type-in-scotland/), [[6]](https://www.rapecrisisscotland.org.uk/resources-stats-key-info/)
* Paragraph 3 – [[3]](https://www.thenational.scot/news/24256845.fewer-quarter-rape-cases-end-conviction-scotland/), [[5]](https://www.bbc.com/news/uk-scotland-20693077)
* Paragraph 4 – [[4]](https://www.scottishlegal.com/articles/justice-researchers-recommend-rape-complainers-be-given-their-own-lawyers), [[7]](https://www.scottishlegal.com/articles/exclusive-one-third-of-miscarriage-of-justice-applications-made-by-sex-offenders)

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## Bibliography

1. <https://www.lawgazette.co.uk/news/rape-victim-accused-of-not-displaying-sufficiently-traumatised-behaviour/5123458.article> - Please view link - unable to able to access data
2. <https://www.rapecrisisscotland.org.uk/news/news/conviction-rate-for-rape-is-the-lowest-for-any-crime-type-in-scotland/> - Rape Crisis Scotland reports that, for the tenth consecutive year, the conviction rate for rape and attempted rape remains the lowest among all crime types in Scotland. In 2021-22, only 48% of rape cases that reached court resulted in a conviction, a decrease from 51% in 2020-21. The overall conviction rate for all crimes in Scotland during the same period was 88%. The organisation highlights the urgent need for systemic changes to improve justice for survivors of sexual violence.
3. <https://www.thenational.scot/news/24256845.fewer-quarter-rape-cases-end-conviction-scotland/> - An article from The National discusses the concerning trend in Scotland's justice system, where less than a quarter of those accused of rape are convicted. The five-year average conviction rate stands at just 24% for single-charge rape or attempted rape cases. In 2022-23, the rate was 25.5%, an improvement from the previous year's 22.1%. Rape Crisis Scotland urges policymakers to support reforms aimed at transforming the experience of survivors within the justice system.
4. <https://www.scottishlegal.com/articles/justice-researchers-recommend-rape-complainers-be-given-their-own-lawyers> - Scottish Legal News reports on a recommendation from justice researchers that individuals who report rape be provided with independent legal representation. This proposal aims to address the perception that the adversarial trial system is biased in favour of the accused. The recommendation is part of a broader set of suggestions to improve the criminal justice process for victims of sexual violence, as outlined in a report by the Scottish Centre for Crime and Justice Research.
5. <https://www.bbc.com/news/uk-scotland-20693077> - BBC News highlights a study revealing that half of rape cases in Scotland do not progress beyond the policing stage. The research identifies factors such as delays in forensic medical examinations and the focus on specific types of evidence, like the victim's demeanour, as contributing to cases being dropped before reaching court. The study underscores the need for systemic changes to ensure that more rape cases are brought to trial.
6. <https://www.rapecrisisscotland.org.uk/resources-stats-key-info/> - Rape Crisis Scotland provides statistical information on sexual crimes in Scotland. The data indicates a 5% decrease in reported sexual assaults compared to the previous year, with sexual assault accounting for 35% of sexual crimes in 2023-24. The report also highlights a 29% increase in sexual assaults from 2020-21 to 2021-22. Additionally, it notes that almost a quarter of trials for rape or attempted rape result in a Not Proven verdict, with only 51% resulting in a conviction.
7. <https://www.scottishlegal.com/articles/exclusive-one-third-of-miscarriage-of-justice-applications-made-by-sex-offenders> - Scottish Legal News reports that nearly a third of all applications to the Scottish Criminal Cases Review Commission (SCCRC) are made by individuals convicted of sex crimes. The SCCRC, established in 1999, reviews alleged miscarriages of justice related to conviction or sentence. The report highlights the significant proportion of sex offenders seeking to overturn their convictions through the commission.