



STEALTHING

TEACHING PACK

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ABOUT

This document was created and distributed by CERT Scotland. If you have any questions about the contents of this teaching pack please contact us at cert.campaigns@gmail.com.

This teaching pack is intended to serve as an educational resource on conditional consent and the key issues associated with stealthing. It includes annotated scenarios drawn from stealthing victim-survivor testimonies to help readers understand these issues.

Separate to this document, there is a supplementary document which can be used alongside the teaching pack to aid learning. This supplementary document contains a summary of the key issues covered in this teaching pack and blank worksheets with unannotated versions of the stealthing scenarios.

Content Warning: References to alcohol use, descriptions of sexual assault.

STEALTHING TEACHING PACK

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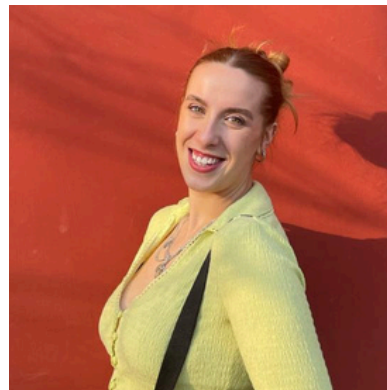
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TABLE OF CONTENTS

WHAT IS STEALTHING?	5
COMMON THEMES IN STEALTHING EXPERIENCES	6
1. Lack of awareness of stealthing	
2. Physical health impacts	
a) STIs	
b) Pregnancy	
3. Loss of reproductive autonomy	
4. Emotional and Mental Health impacts	
a) Mental health issues	
b) Shame and self-blame	
c) Violation	
d) Anger and physical reactions	
5. Downplaying the experience	
6. Long term impacts	
7. Stealthing and alcohol	
8. Perpetrator response/explanation for stealthing	
9. Confiding in others	
SCENARIOS	18
Scenario 1	
Scenario 2	
Scenario 3	
FAQs	28
1. What counts as stealthing?	
2. Is stealthing illegal?	
3. What support can I get after being stealthed?	
RESOURCES	29

WHAT IS STEALTHING?

Stealthing refers to the non-consensual removal or tampering of a barrier method of contraception before or during a sexual encounter.

It is a form of sexual assault. Under the Sexual Offences (Scotland) Act 2009 Section 15 (2), “consent to conduct does not of itself imply consent to any other conduct”. Although this Act does not explicitly mention stealthing, there is case law demonstrating the illegality of stealthing in Scotland.

In May 2023, the Glasgow High court found Luke Oscar Ford guilty of rape for stealthing - this is the first time in Scotland that someone has been convicted of stealthing. The court heard that Ford (33), an aspiring actor, has been abusing women for over 17 years; and in 2017, he stealthed a woman he met on the dating app, Tinder.

Why do we use the term ‘Victim-Survivor’ to refer to those who have experienced Stealthing?

Where appropriate, we would generally use ‘survivor’ as a standalone label; however, from our joint clinical experience working with victim-survivors, we recognise that the label of ‘victim’ or ‘survivor’ takes on different meanings and purposes at different points in recovery, and some individuals may feel uncomfortable with either one label. Therefore, out of respect for the autonomy of individuals to choose a label that supports their recovery at a specific point, we have chosen this double-barrelled label to use. We also prefer to use this term to highlight the fact that not everyone who experiences sexual assault survives.

COMMON THEMES IN STEALTHING EXPERIENCES

The following key themes emerged from CERT Scotland's analysis of submissions made to two Instagram stealthing victim-survivor accounts, and responses to CERT's survey published on CERT's social media accounts in 2021.

1. Lack of awareness of stealthing

Submissions on Instagram survivor accounts frequently demonstrated the lack of awareness around stealthing. Significantly, nine of the eighteen individuals whose submissions were analysed (50%) disclosed that they weren't aware that they had been stealthed until after their experience. It is shocking to consider that half of these individuals were not aware that they had experienced sexual assault, with a suggestion that because of the lack of awareness, they "didn't feel like [they] had a right to be upset about it". Others acknowledged that once they could label their experience, it helped them recognise that they weren't "alone in this", and allowed them to realise that their "instinct was correct". We can thus infer that being able to identify an experience of stealthing as sexual assault helps the individual to understand and process their experience, and tackles the feelings of isolation they may encounter. This demonstrates the importance of raising awareness of stealthing so that those who experience stealthing can identify and respond to their experiences.

2. Physical health impacts

a) STIs

Victim-survivor Instagram accounts of stealthing often revealed serious implications for the physical and sexual health of the individuals who were stealthed. Seven out of eighteen submissions (39%) recognised a heightened risk of contracting STIs. Two accounts recalled anxieties about STIs. One submission expressed paranoia about "having an STD for weeks afterwards", and another individual expressed that they were having to face the "huge risks" of STIs and potentially becoming pregnant solely because their "informed choice to have safe sex" was violated, leaving them susceptible to health related risks.

COMMON THEMES IN STEALTHING EXPERIENCES

Ironically, all references to physical and sexual health related risks pertained to the individuals' personal health, and there was no indication that the perpetrator had any concern for their own sexual health. This alone should be grounds for further education surrounding stealthing and sexual health at large; perpetrators of stealthing are also at risk of contracting STIs, though no submissions indicate that the perpetrators involved were concerned by this.

b) Pregnancy

In response to CERT Scotland's online survey, we received 148 responses from victim-survivors describing the overall impact stealthing had on them. Of these, twelve responses mentioned unwanted pregnancy, one response mentioned an abortion. Evidence suggests that stealthing is linked to increased rates of unintended pregnancy. Condoms have an 80-99% effectiveness against pregnancy. Where a condom is not present/is removed/broken, it is clear that the chances of pregnancy are increased. Kelly Davis found in her study that 48% of male perpetrators of stealthing had a partner who resultantly experienced an unplanned pregnancy. Once again, this figure was much higher than the 26% of unplanned pregnancies among the group of men who hadn't stealthed.

3. Loss of reproductive autonomy

Fourteen of the submissions (78%) to Instagram victim-survivor accounts recount how the victim-survivors had specifically asked their partner to wear a condom. For one person who had experienced stealthing, wearing a condom was an "explicit" condition to the sexual act taking place, and other individuals describe how they had been "adamant" or had "insisted" on condoms being used. This demonstrates that stealthing can not be considered to occur because of miscommunication or a lack of awareness around the explicit conditions of consent, but rather a complete disregard for an individuals' bodily and contraceptive autonomy.

COMMON THEMES IN STEALTHING EXPERIENCES

The perpetrators were, in the majority of cases studied, unambiguously aware of their partner's lack of consent to have condomless sex, yet they ignored this. Consequently, this violation led to some of the individuals experiencing a disempowerment of their contraceptive choice after being stealthed.

One account in particular details how the person “ended up getting the IUD put in” after being stealthed, as they felt so disregarded that their autonomy over contraceptive choices had been violated. Contraceptive autonomy is an important societal issue and something we wish for all individuals to have. Stealthing is particularly insidious in that it overrules this, often solely because of the perpetrator's search for greater ‘pleasure’. A disempowerment of contraceptive choice is something that is seen disproportionately in this manifestation of sexual violence and as such is something that needs to be considered and tackled when we discuss stealthing.

4. Emotional and Mental Health impacts

Of the 148 responses to CERT Scotland's online survey describing the overall impact of stealthing on victim-survivors, only three (2%) indicated that the experience did not cause an adverse reaction. Many of the remaining responses highlighted emotional distress as a consequence of stealthing. This distress ranged from mild annoyance (in four of the responses) to extreme debilitation to the person's everyday life.

Analysis of testimonies from Instagram survivor-accounts also found that emotional impacts of stealthing were among the most frequently cited consequences. These were represented in many ways, with feelings of shame and self-blame, violation, loss of bodily autonomy and feelings of confusion often occurring.

COMMON THEMES IN STEALTHING EXPERIENCES

a) Mental health issues

Fourteen health-related responses (36%) in CERT's survey mentioned mental health issues such as "anxiety", "PTSD" and "depression" as consequences of stealthing. One response recounts the "medical anxiety" they now face, after contracting an STI from being stealthed.

Two responses make reference to individuals who have engaged in therapy for the long-term consequences that stealthing has had on their mental health. Five responses mentioned "trauma" or "traumatised", indicative of how some participants are aware of the broadly traumatic implications of stealthing. Research outside of our study also corroborates these findings, as Latimer et al. found that 56% of female (190) and 52% of male participants (86) in their study reported emotional stress after being stealthed. They also found that males who had been stealthed "were more likely to report anxiety or depression". Furthermore, Boadle et al. found that women who had experienced stealthing felt "less in control of themselves as sexual beings" and had "less confidence to refuse unwanted sexual advances".

b) Shame and self-blame

Shame and self-blame are repeatedly observed consequences of sexual assault, with a 2007 study finding that up to 75% of women experienced shame after such a traumatic experience. Although this research looks specifically to consequences of sexual assault in women, it is still possible to generalise these findings to all genders, especially given the enormous proportion of people who experience shame.

Six submissions (33%) posted on Instagram survivor-accounts shared that they felt ashamed after being stealthed, or that they felt the experience was somehow their fault. One individual said that "I felt so disappointed in myself that I thought this was okay" and another stated that they "feel anger at myself for letting my ex manipulate me how he did". Many individuals implied that they had internalised the culpability for stealthing, with one account stating that it is "hard to not be mean to myself over it".

COMMON THEMES IN STEALTHING EXPERIENCES

Notably, one submission demonstrates shame specific to stealthing, by stating that they “thought no one would believe me, especially as everything else was consensual”. Because the individual agreed to partake in other sexual activities with the perpetrator, they doubt other people will understand their experience of stealthing, thus suggesting that they doubt conditional consent is widely understood or considered. Of course, agreement to take part in some activities does not equate to agreement to partake in all. More must be done to spread awareness of both stealthing and the complexities of consent (and conditional consent), so that those who have experienced stealthing do not feel ashamed or culpable for what they have endured.

c) Violation

Another finding was that individuals who had experienced stealthing commonly felt violated, belittled and alone. One individual commented that the violation and horror they felt afterwards meant that they “couldn’t stop [crying] for hours”, and another stated that “I just feel so small and hollow”. Feelings of disgust, discomfort and powerlessness were also cited, among a more general theme of feeling that their personhood and autonomy had been disregarded.

Equally common were feelings of violation without the language to explain why the individual felt this way, as one account mentioned that they “couldn’t shake this bad feeling”. This was echoed by four other submissions (five in total - 28%), indicating that the lack of awareness of stealthing by the person who had experienced it led to feelings of confusion and fear. One person said that “I was confused as to why I felt bad about it” and another added that “what happened to me that night affected me mentally much more than I realised”. A lack of awareness of stealthing clearly does not inhibit any adverse reaction to it, just adds to feelings of confusion and violation.

COMMON THEMES IN STEALTHING EXPERIENCES

d) Anger and physical reactions

A less common, but still prevalent impact of stealthing were feelings of anger and physical reactions. One person said that they “felt physically ill” when they saw their perpetrator again and another added that it “makes me so sick and angry that he doesn’t have to live with any of this”. One individual stated that they “missed a load of course material to avoid him”. It is thus apparent that stealthing does not only lead to feelings of violation or disempowerment. It can also lead to difficulties in carrying out daily activities, such as university work, or being burdened with shock and feelings of physical unsafety.

In short, the emotional consequences of stealthing we have analysed in these submissions demonstrate that consequences of stealthing are neither homogeneous nor minimal. Those that have experienced stealthing have detailed a wide range of consequences, which can affect an individual’s ability to get on with their daily lives and can leave them paralysed with fear.

5. Downplaying the experience

A similarity in many victim-survivor accounts is a delayed reaction to the experience of being stealthed. As is the case with many forms of sexual violence, some individuals do not immediately recognise themselves as a victim. For some this recognition requires time to process the experience and understand why it made them feel so uncomfortable in the moment. Subsequently many individuals who have been stealthed recognise that their consent was violated and as a result the experience becomes traumatic after time has passed.

COMMON THEMES IN STEALTHING EXPERIENCES

Similarly, many victim-survivor accounts share the sentiment that their experience was not ‘bad enough’ to be considered rape. This is the product of rape myths, which incorrectly suggest that sexual violence always involves overwhelming physical force and must be deemed to be a high level of severity to warrant the label of ‘rape’. In actuality, instances of sexual violence like stealthing are all equally worthy of the label: the commonality between stealthing and all other forms of sexual violence is the fact that someone’s body has been violated and consent ignored.

6. Long term impacts

The impacts of stealthing were also revealed by the submissions to be long-lasting, with 50% of the survivor accounts (nine out of eighteen) on Instagram reporting ongoing issues with sex, relationships, libido, emotional and sexual health. Other common themes to emerge from the survivor accounts included long-lasting emotional trauma, issues with intimacy, trust issues, a reduced sense of sexual autonomy and a loss of libido.

7. Stealthing and alcohol

An important theme that emerged from the stealthing survivor account submissions was the involvement of alcohol or other substances. Seven out of the eighteen accounts mention the consumption of alcohol or undisclosed illicit drugs by one or both parties. The submissions ranged from minor intoxication (“I was a bit tipsy”) to “kind of drunk and high” to individuals reporting to have been “far too drunk”. The submissions also contain a worrying theme of those who experienced stealthing not understanding that they may have been too drunk to consent to any form of sexual intercourse at all.

COMMON THEMES IN STEALTHING EXPERIENCES

One submission from an individual who was “far too drunk” stated that “Just because you consent (drunkenly) to having sex with someone does NOT mean you consent to everything that they do to you.” This submission is particularly striking because individuals who are “too drunk” are not able to legally give consent under Scottish Law. It reflects a broader misconception throughout the submissions concerning alcohol that the stealthing may not be the core issue, rather clouded judgement or miscommunication from both parties may have been the key factor in being stealthed. A sense of self-blame or speculative panic is common in these accounts, with one individual worrying that “If I’d been more drunk... things would have ended very differently”, clarifying her view that her sexual experience that involved stealthing would have been more severe had she been more intoxicated. There is a lack of understanding about who holds responsibility when one or both parties are intoxicated.

Significantly, one submission recounts how the person who was stealthed used alcohol after the experience to “try and get on with my night”. The submissions indicate that many individuals have experienced stealthing in the context of a drunken ‘night out’, and this is a really important consideration when analysing the submissions. Some survivor accounts have implied that the stealthing would not have occurred had they not been drunk, and some have revealed that they experienced being stealthed when they were not “too drunk” or not “drunk enough” for someone to have theoretically assaulted them further.

Awareness of the criminality of stealthing is crucial; it is clear from the preceding analysis that some individuals are surprised they did not experience more aggressive forms of sexual assault. Consequently, individuals understate the significance of the stealthing they have experienced. This is emphasised further by many accounts revealing they subconsciously attributed either their own actions, or those of the perpetrator, to intoxication. The problematic assumption of consent while drunk in any scenario is also worrying, and is also indicative of the need for a nationwide awareness campaign that teaches consent in different contexts, and how stealthing is a form of sexual assault regardless of intoxication.

COMMON THEMES IN STEALTHING EXPERIENCES

8. Perpetrator response/explanation for stealthing

Six of the submissions on Instagram victim-survivor accounts mentioned that the individual who experienced stealthing approached the perpetrator or sought an explanation for why the perpetrator had stealthed them, whilst another individual attempted to do this but was ignored by the perpetrator. Two common themes emerged from this: firstly, that male pleasure was seemingly prioritised over female protection and security; secondly, that many perpetrators attempted to gaslight those they stealthed. Five submissions described the perpetrator stating that they had stealthed because of the discomfort of wearing a condom. One perpetrator declared that sex feels “so much better” without a condom; another stated that wearing a condom “ruins sex for guys”. One perpetrator excused his actions by saying that the condom had “broken”. This illustrates that in many cases, the perpetrators value their own pleasure over the health and autonomy of their partner. Stealthing can cause grave consequences on the individual experiencing it. The suggestion that it can occur solely for male pleasure makes the act more despicable, highlighting the need for action to be taken to tackle its prevalence in Scottish society.

Secondly, it is worthwhile to explore the gaslighting sometimes perpetrated by stealthers after the assault has taken place. Of the six individuals who experienced stealthing and contacted the perpetrator, three mentioned gaslighting, emphasising the relationship between the experience of stealthing and other forms of coercive or controlling behaviour. It is also worth considering that many individuals would not approach their perpetrator (as this could be too traumatic or fear-inducing), indeed, only one third of the submissions describe attempting to make contact with their perpetrator. It is therefore even more significant that three of the six perpetrators (50%) confronted by the individual they stealthed responded by instilling doubt into the individual, as it demonstrates that stealthing is often not an isolated experience of abuse. In one, the submitter recounts how the perpetrator would ‘make me feel sorry for him’ despite him being the one who perpetrated stealthing. In another, the perpetrator responded to confrontation from the individual who was stealthed by ‘slut shaming’ and insisting that they ‘shouldn’t go around accusing people of sexual assault’.

COMMON THEMES IN STEALTHING EXPERIENCES

Another perpetrator was defensive, and ‘implied that [the individual who was stealthed] was overreacting’. This compounds with the emotional and psychological damage caused by stealthing, and may cause an individual to further internalise their experiences as their fault. Gaslighting is a common feature of abuse and/or gender-based violence (GBV) and the fact that it often occurs alongside stealthing demonstrates how those who have experienced stealthing may be vulnerable to further abusive acts. However, we remain aware that gaslighting and stealthing are both not exclusive to GBV and it should not be assumed that all of the submissions are a result of gender power-imbalances. Stealthing should thus be tackled comprehensively: those who have experienced stealthing may have been exposed to wider patterns of various forms of abuse, and they ought to have access to resources and support through a screening initiative that determines what these supports should be.

9. Confiding in others

The Instagram survivor accounts revealed that of eighteen submissions, only six submitters disclosed having discussed their experience of stealthing with friends. Since only a third of submitters confided in friends, we assume that the remaining two thirds were too uncomfortable, scared, or unaware of the nature of stealthing to relate their experience to others. The lack of accounts that related to open discussion about stealthing in itself is worrying, and shows that stealthing is still not widely recognised, or is taboo to some extent, creating a toxic environment in which those stealthed may not feel comfortable coming forward. Moreover, none of the submissions saw those stealthed telling their families about experiencing stealthing. This omission is significant, some clearly do not feel that their experiences are something they should share with family, or that they can receive meaningful help from family members

COMMON THEMES IN STEALTHING EXPERIENCES

Two accounts explicitly stated that friends had advised the person stealthed that stealthing was a crime, and one submission recalls that “I haven’t reported him to the police, despite my friends [sic] advice”. Both of these accounts also show that those stealthed had a sense that something wrong had occurred, and both saw their instincts confirmed through discussing the event with their friends: “She informed me that what he’d done is called stealthing, and it’s classed as rape by law.” While some confided in friends who encouraged them to seek out legal justice, one submitter’s “friends convinced me to message the guy to try and explain it to him and get some closure”. This account of ‘restorative justice’ rather than legal action is very telling, as it highlights the wider issue of stealthing being considered as a relationship issue rather than a crime. It is vital that awareness is raised within the community, especially with young people, so that rather than seeing ‘closure’ as a solution to stealthing, legal action is also a concrete, reliable possibility.

It is disturbing that one submitter's friendship group collectively did not recognise stealthing as sexual assault explicitly, and it is also shocking that they believed that the perpetrator deserved an explanation from the person stealth as to why his behaviour was damaging. This account in particular further exemplifies that while some tell their close friends about their experience of stealthing, many responses from friends can be inaccurate and unhelpful due to a lack of awareness, and cultural erasure of the seriousness of stealthing.

Four of these six accounts suggest that friends expressed concern for the person who had experienced stealthing. One submission in particular is interesting, in that “The next day I told one of my friends what happened and he was very concerned but I told him it was fine because regardless it was still a fun night and he didn’t mean any harm”. When faced with genuine concern for what the person had experienced, they felt the need to downplay the assault because they did not believe that the perpetrator had bad intentions. This submission exemplifies a broader trend in the survivor accounts: those stealthed do not feel like their experiences are ‘bad’ enough to warrant the label of ‘sexual assault’. It also teaches the perpetrator that their behaviour is not that bad which feeds into a social acceptance of stealthing and increases the likelihood that the perpetrator will do it again.

COMMON THEMES IN STEALTHING EXPERIENCES

In this instance, the person has clearly recognised that they were the injured party in a negative sexual interaction, but believed that because the perpetrator was not aware they were assaulting, others should not be overly concerned. There must be better awareness that stealthing is a form of rape so that those who experienced stealthing do not feel the need to downplay their experiences of assault, and can feel confident confiding in their friends, family and authorities without being seen as taking attention away from more ‘serious’ cases of sexual assault. A final submission reveals that one submitter was stealthed by a repeat offender. After what can be inferred as a conversation (or conversations) with friends or peers, the submitter realised “[I’m] [sic] not the only one he’s done this to.” More awareness about stealthing as an act of sexual violence, and therefore a crime in Scotland, would mean that fewer women are subjected to attacks from repeat offenders, and would not have to rely on stories of other women to keep themselves safe.

SCENARIO 1

THE FOLLOWING SCENARIO IS BASED ON STEALTHING TESTIMONIES SUBMITTED TO INSTAGRAM VICTIM-SURVIVOR ACCOUNTS.

IN THE ANALYSIS, PERSON A REFERS TO THE VICTIM-SURVIVOR, THE SUBJECT OF THE ACCOUNT; PERSON B REFERS TO THE PERPETRATOR IN THE ACCOUNT.

“Last year I went on a tinder date with one of the [redacted uni] rugby guys...We had a few cocktails and he was very lovely and sweet so I went back to his, we had sex, and he was very respectful asking if I was okay throughout. We mutually phased out of each other’s lives and then a few months later I booty called him and he came round to mine. We started to have sex again but he was different this time. He was respectful in how he was talking but his actions were different, and despite me insisting that he use a condom he kept trying to put it in without.

Persona A has had a prior sexual experience with the perpetrator that was positive. Person B this time tries to continue the encounter without a condom despite Persona A making clear their consent depends on the use of a condom.

Here Person B violates the conditions of consent by removing the condom without the knowledge or consent of Person A.

He eventually put one on and I put my worries aside and kept going but then he somehow took it off without me knowing and put it in again without. I pretended at this point that I was done and asked him to leave, which he did, as I didn’t want to offend him but I didn’t want him around anymore.

Person A is fearful of hurting Person B's feelings, perhaps because they are embarrassed and confused about the situation, which is a common theme in Stealthing cases.

After a while I mentioned this encounter to my close friends as it was playing on my mind why he did what he did and I was confused as to why I felt bad about it. In this conversation I realised what he did was called stealthing, which is legally defined as sexual assault. What happened to me that night affected me mentally much more than I realised and I’ve not let myself get close to anyone since as I’m worried it would happen again.

SCENARIO 1 QUESTIONS

Person A refers to the victim-survivor, the subject of the account; Person B refers to the perpetrator in the account.

Why was this encounter non-consensual?

This encounter was non-consensual because Person B violated Person A's explicit boundaries and did something they did not agree to, which was removing the condom during sex without their knowledge or consent. This act is commonly referred to as "stealthing," and it is considered sexual assault because it undermines the individual's autonomy and right to control what happens to their body during sex.

Consent is not a one-time agreement; it must be ongoing, and both partners must continue to respect each other's boundaries throughout the encounter. Person A clearly communicated that they wanted them to use a condom, and Person B initially agreed. However, by secretly removing the condom, the perpetrator disregarded the individual's consent and engaged in an act that they did not agree to. This breach of trust and disregard for their boundaries made the encounter non-consensual.

Does the fact that the individual had a prior positive sexual experience with Person B affect the validity of the consent? Please give reasons for your answer.

The fact that Person A had a prior positive sexual experience with Person B does not affect the validity of the consent in the subsequent encounter. Consent must be given for each individual sexual act, every time it occurs. Previous consensual encounters do not imply or guarantee consent in future encounters.

Here are the key reasons:

- **Consent is Ongoing:** Consent must be explicitly given and maintained throughout each sexual encounter. A positive experience in the past does not automatically mean that consent is granted in the future. Each encounter is unique, and both parties must agree to the terms of that encounter every time.
- **Changing Boundaries:** Even if two people have had a positive sexual experience before, their boundaries or comfort levels may change over time. What was acceptable in a previous encounter may not be acceptable in a new one. Consent needs to be reassessed and reaffirmed each time.
- **Respect for Autonomy:** Consent is about respecting the autonomy and decisions of each individual. Just because someone consented to a specific act in the past doesn't mean they are consenting to the same or different acts in the future. Removing a condom without permission, even after a history of consensual sex, is a violation of that person's autonomy and their right to make informed decisions about their own body.
- **Legal and Ethical Standards:** Legally and ethically, consent is required for each individual act of sexual activity. The law recognizes that consent must be clear, specific, and ongoing. Past experiences do not override the need for consent in any new situation.

SCENARIO 1 QUESTIONS

Person A refers to the victim-survivor, the subject of the account; Person B refers to the perpetrator in the account.

Person A has a delayed response to being stealthed. Does this affect the quality of the testimony?

A delayed response to being stealthed does not affect the quality or validity of Person A's testimony. Here are several reasons why:

- **Trauma and Delayed Recognition:** It is common for individuals who experience sexual assault or violations like stealthing to have a delayed response. The emotional and psychological impact of such an experience can cause confusion, denial, or difficulty processing what happened. Trauma responses vary widely among individuals, and a delay in recognizing or reporting the event does not diminish the truth or validity of the testimony.
- **Understanding the Violation:** In many cases, people may not immediately recognise that what happened to them constitutes sexual assault or a violation of their consent, such as in this scenario where the individual only learnt what stealing was after the occurrence. Learning that an act like stealthing is a form of sexual assault can take time, and understanding the impact of the event may develop as the person reflects on the experience. This delayed understanding does not make their account any less credible.
- **Social and Emotional Factors:** Fear of not being believed, shame, or concerns about the potential consequences can also contribute to a delayed response. These are normal reactions that many survivors experience, and they do not reflect on the accuracy or reliability of their testimony.

Legal Perspective: From a legal standpoint, a delayed report of sexual assault does not invalidate the claim. Courts and legal systems recognise that delays are common and can be due to a variety of legitimate reasons. What matters is the consistency and coherence of the testimony, not the timing of when the individual came forward.

SCENARIO 2

THE FOLLOWING SCENARIO IS BASED ON STEALTHING TESTIMONIES SUBMITTED TO INSTAGRAM VICTIM-SURVIVOR ACCOUNTS.

IN THE ANALYSIS, PERSON A REFERS TO THE VICTIM-SURVIVOR, THE SUBJECT OF THE ACCOUNT; PERSON B REFERS TO THE PERPETRATOR IN THE ACCOUNT.

“I had been speaking to a guy I really liked for about a month. One night I was a bit tipsy and going from the pub and I asked if I could go over. He said yes and when I got [the] there we started kissing etc. I said to him that I wanted to use a condom which was fine. Then I noticed he had taken it off again and was about to enter me. I asked him why he’d taken it off and he said it had broken.

If someone is drunk, they do not have the capacity to consent. In this instance, Person A claims that they were only a little tipsy and implies that they still had the capacity to consent. However, it is important to note that everyone reacts to alcohol differently and that consumption of alcohol can affect the quality of consent.

Person A makes clear that they are consenting to sex with a condom. Their consent is conditional on the use of a condom.

Person B violates the condition of the consent repeatedly. He tries to continue the encounter despite Person A not consenting to sex without a condom.

He then tried to enter me again but I said no and tried to make him finish as quickly as possible so I could leave.

Person A does not feel able to leave the situation after saying no and feels that they need to make Person B 'finish' before they can leave.

I never thought about it again until I watched I May Destroy You and saw the main character’s story about stealthing.

It is not until Person A sees a storyline in a TV show about stealthing that they realise the full implications of what they experienced. They do not seem aware until this point that there is a name to this crime

I was so shaken up about it. I kept thinking if I’d been more drunk or if I hadn’t said no things would have ended very differently. My friends convinced me to message the guy to try and explain it to him and get some closure.

Person A had friends to support them after this encounter, who encourage them to speak out to try to find closure. The friends’ encouragement to seek closure instead of justice implies that they see this experience as a social / relationship issue rather than a legal one. This reveals a need to increase awareness of stealthing as a legal issue.

SCENARIO 2

THE FOLLOWING SCENARIO IS BASED ON STEALTHING TESTIMONIES SUBMITTED TO INSTAGRAM VICTIM-SURVIVOR ACCOUNTS.

IN THE ANALYSIS, PERSON A REFERS TO THE VICTIM-SURVIVOR, THE SUBJECT OF THE ACCOUNT; PERSON B REFERS TO THE PERPETRATOR IN THE ACCOUNT.

I made sure to keep my message as blameless as possible because he had seemed like a really nice guy and **I thought he maybe just didn't understand how upsetting and serious it is.**

Person A feels the need to keep their message to Person B "as blameless as possible". As Person A later explains, Person B is someone known to them, who is friends with a teammate. This social dynamic may have influenced what Person A thought they could do in this situation. They may have felt the need to avoid potential awkwardness with that teammate and felt that they could not place blame on Person B for his actions because of the potential social ramifications of doing so.

He responded by slut shaming me and **saying that I was 'more than consenting' before he'd taken it off** and that I shouldn't go around accusing people of sexual assault.

Consenting to one act does not equate to consent to another act, however enthusiastic that consent is. Person A may have enthusiastically consented to having sex, however, they also tell Person B that they want to use a condom. Their consent therefore was conditional on the use of a condom.

Person B agreed to these terms, and yet tried to disregard them later in the encounter. In violating the condition of the consent, what Person B attempted to do was non-consensual and amounts to sexual assault under the Sexual Offences (Scotland) Act 2009.

I hope I never see him again but **he's friends with one of the girls from my team."**

Person B, the perpetrator, is friends with someone in Person A's social circle, so despite never wanting to encounter him again, Person A knows that they will likely see him around again. Such cases where the victim-survivor belongs in the same social circle as the perpetrator are likely to have long-term social and psychological consequences. Having to see their perpetrator regularly in their lives and make nice with them is likely to prolong their emotional distress. It may also cause them to withdraw and avoid situations where they are likely to encounter the perpetrator, which could lead to social isolation and have a detrimental impact on their mental health. They may also feel unable to speak out about their experience or less likely to report to the police.

SCENARIO 2 QUESTIONS

Person A refers to the victim-survivor, the subject of the account; Person B refers to the perpetrator in the account.

Why was this encounter non-consensual?

- Person A only consented to sex with a condom. Person B, however, disregarded this condition by removing his condom, and in doing so vitiated consent. Saying yes to one act is different from saying yes to another.
- Person B in disregarding Person A's wishes twice and still trying to continue with the encounter put Person A in a vulnerable position where they felt pressured to stay. Person A describes that at this point they "tried to make him [Person B] finish as quickly as possible so [they] could leave." This reveals that Person A felt pressured to stay. Consent cannot be given under such circumstances where an individual feels pressured to say yes (or stay and continue the sexual encounter in this case)
- It does not matter that Person A initiated the encounter. Consent can be given and withdrawn at any point by any individual involved. Person B had the opportunity to decline and not continue with the encounter if he did not want to have sex with a condom. However, he did not do so; he instead claimed to accept Person A's condition to use a condom and then disregarded it.

Describe the role alcohol plays in this encounter. How can the consumption of alcohol affect the quality of consent in sexual encounters?

Consent requires each party of being capable of consenting: this means that the consumption of alcohol can affect the quality of consent.

Person A mentions being a 'bit tipsy' and later fears what would have happened had they been more drunk. This suggests that Person A had the capacity to consent in the scenario. However, their fears reveal a troublingly common theme in many people's experiences of victim-blaming after being raped. Even if the person claims to consent to the sex act, if they are drunk, they do not have the capacity to consent and the encounter should not proceed any further.

When engaging in any sexual activity, each person involved needs to make sure that the partner(s) have the capacity to consent.

SCENARIO 2 QUESTIONS

Person A refers to the victim-survivor, the subject of the account; Person B refers to the perpetrator in the account.

Describe the role media representations of stealthing plays in this scenario

Person A is aware that something is wrong with the sexual encounter at that moment: they mention hurrying the encounter so that they can leave as quickly as possible, after Person B violates the conditions of their consent. However, it is not until they see a storyline in a TV show about stealthing that they realise the full implications of what they experienced.

This shows the importance of awareness to ensure that individuals have the vocabulary and knowledge to speak about and understand their own experiences.

This reveals an insufficiency in sex education. Such crucial topics need to be properly covered in school, so that people do not need to rely on other sources of information to learn about their rights.

Person A describes how, after reaching, Person B responds angrily and argues that Person A was 'more than consenting'. Explain why this is not an applicable defence and is not acceptable.

'More than consenting': consenting to one act does not equate to consent to another act, however enthusiastic that consent is perceived to be. Person A may have enthusiastically consented to having sex, however, they also tell Person B that they want to use a condom. Person A's consent therefore was conditional on the use of a condom.

Person B agreed to these terms, and yet tried to disregard them later in the encounter. In violating the condition of the consent, what Person B attempted to do was non-consensual and amounts to sexual assault under the Sexual Offences (Scotland) Act 2009.

Person B should not have replied angrily and gotten defensive. He should have sought resources to understand why his actions were wrong and made sure to never repeat them.

SCENARIO 2 QUESTIONS

Person A refers to the victim-survivor, the subject of the account; Person B refers to the perpetrator in the account.

Social ramifications of the encounter:
describe how existing social
relationships play a role in this
encounter.

Person A had friends to support them after this encounter, who encouraged them to speak out to try to find closure. The friends' encouragement to seek closure instead of justice implies that they see this experience as a social / relationship issue rather than a legal one. This reveals a need to increase awareness of stealing as a legal issue.

Person A feels the need to keep their message to Person B "as blameless as possible". As Person A later explains, Person B is someone known to them, who is friends with a teammate. This social dynamic may have influenced what Person A thought they could do in this situation. They may have felt the need to avoid potential awkwardness with that teammate and felt that they could not place blame on Person B for his actions because of the potential social ramifications of doing so.

"I hope I never see him again but he's friends with one of the girls from my team." Person B, the perpetrator, is friends with someone in Person A's social circle, so despite never wanting to encounter him again, Person A knows that they will likely see him around again.

Such cases where the victim-survivor belongs in the same social circle as the perpetrator are likely to have long-term social and psychological consequences. Having to see their perpetrator regularly in their lives and make nice with them is likely to prolong their emotional distress. It may also cause them to withdraw and avoid situations where they are likely to encounter the perpetrator, which could lead to social isolation and have a detrimental impact on their mental health. They may also feel unable to speak out about their experience or less likely to report to the police.

SCENARIO 3

THE FOLLOWING SCENARIO IS BASED ON STEALTHING TESTIMONIES SUBMITTED TO INSTAGRAM VICTIM-SURVIVOR ACCOUNTS.

IN THE ANALYSIS, PERSON A REFERS TO THE VICTIM-SURVIVOR, THE SUBJECT OF THE ACCOUNT; PERSON B REFERS TO THE PERPETRATOR IN THE ACCOUNT.

“I went home with a boy after a night out and he’d repeatedly asked if I use condoms and I said yes and I had plenty to use and he said he was fine with that. So we were having sex and then at one point he said **“doesn’t it feel so much better without a condom?”** and I just stopped and got very freaked out and asked if he had one on and he looked confused and said no.

After a minute processing it I decided to continue to have sex with him, which in hindsight I don’t necessarily regret but I wish I had just kicked him out.

Person A makes clear their intention to have sex with a condom and Person B disregards this violating their conditional consent

The next day I told one of my friends what happened and he was very concerned but I told him it was fine because regardless it was still a fun night and he didn’t mean any harm. **It was only after a few months that memories of that night started to make me really uncomfortable,**

so I ended up confronting him about it, just to make him aware of what he’d done and that

Many individuals who experience stealthing do not immediately realise why they feel bad about the encounter despite still feeling violated.

it was really bad so hopefully he wouldn’t do it again and then he denied it and blocked me on social media. **A few months after that I read an article on stealthing and how it constitutes as rape,**

Many victim-survivors are unaware of the illegality of stealthing

and in a way it **validated my feelings**

because it genuinely **feels like such**

a small thing, which it obviously isn’t because it’s been nearly a year and I’m

still recovering from it, but it felt nice to have a label and know that I wasn’t alone in this. I think too it was hard because on one hand it was a fun night but on the other hand a very bad thing happened and it’s hard to come to terms with that. It’s also

hard to not be mean to myself over it.”

A common theme amongst those who experience stealthing is the perceived need to downplay the experience in fear that it will be viewed as "not bad enough" to count as rape. this is a rape myth

Person A experiences feelings of self-blame which is common for those who experience sexual violence

SCENARIO 3 QUESTIONS

Person A refers to the victim-survivor, the subject of the account; Person B refers to the perpetrator in the account.

Why was this encounter non-consensual?

Person A makes clear their intention to have sex on the condition a condom is used. Person B disregards this and continues without a condom. The encounter is not consensual as Person A's consent to have sex was conditional on the use of a condom. Therefore, in this encounter consent is vitiated.

After becoming aware that a condom had not been used despite the individual's wishes, the individual continued with the encounter. What could affect the quality of this consent?

Person A has just had their consent violated and has no time to process this and therefore may already be distressed by the non-consensual sexual encounter which could cloud their ability to give enthusiastic consent to continue. Others in this position may also feel a pressure to carry on with the experience in the hope it would come to an end to allow them to remove themselves from the situation and process the experience.

What are some key themes you can identify in this scenario?

- Vocalised contraceptive choice, later violated - disempowered
- Sense of 'going along with it' and pressure to carry on
- Common theme amongst victims of stealthing is that they feel it does not warrant much of a reaction/can't feel bad about it but the experience still negatively affects them later on
- Lack of knowledge of the legality - gained through news sources
- Themes of self-blame

FAQs

1. What counts as stealthing?

Stealthing is the non-consensual removal or tampering of a barrier-method contraceptive before or during sex. Although the scenarios above all concerned the non-consensual removal of a condom, stealthing can also occur with other forms of barrier-method contraceptives (e.g. dental dams).

2. Is stealthing illegal?

Yes. Stealthing is a form of sexual offence under the Sexual Offences (Scotland) Act 2009 Section 15 (2), “consent to conduct does not of itself imply consent to any other conduct”. Although this Act does not explicitly mention stealthing, there is case law demonstrating the illegality of stealthing in Scotland: in May 2023, the Glasgow High court found Luke Oscar Ford guilty of rape for stealthing.

3. What support can I get after being stealthed?

The most important thing is to make sure that you are safe. Reach out to someone you trust or a helpline to get support. Please see the list in the following section for contact details of helplines that offer support to those who have experienced sexual violence.

Report it to the police. Whether or not you go to the police is entirely up to you as the victim-survivor. Stealthing is a form of sexual offence under the Sexual Offences (Scotland) Act 2009 - please see our answer to ‘Is stealthing illegal?’ for more information.

If you feel there may be a risk that you may be pregnant, or that the individual who stealthed you has an STI, you can access support via a sexual health clinic. Sexual health clinics or pharmacies can offer emergency contraception. Sexual health practitioners can also advise you whether any sexual health tests or medication would be applicable.

RESOURCES

For additional learning tools, please refer to this teaching pack's supplementary document, which contains a summary of the key topics covered in this teaching pack and blank worksheets with unannotated versions of the stealthing scenarios from the teaching pack.

For those seeking support, we have collated a few resources we hope might be of help. Below is a non-exhaustive list of helplines that offer support for victim-survivors of sexual violence.

- Rape Crisis Scotland

Their helpline, 08088 01 03 02, is open every day between 6 pm and midnight, or alternatively, you can email at support@rapecrisisscotland.org.uk, or text 07537 410 027 for initial contact, information and signposting.

- Rape Crisis England and Wales

Their helpline, 0808 802 9999, is open every day between 12 pm and 2:30 pm, as well as between 7pm and 9:30 pm. They also have a live chat helpline available at <https://rapecrisis.org.uk/get-help/want-to-talk>

- Scotland's Domestic Abuse and Forced Marriage Helpline

24 hours a day, 7 days a week you can call 0800 027 1234. They also have an online webchat: <https://sdafmh-chat.devsoc.org/#/>

- Nexus 24-hour Domestic and Sexual Abuse Helpline Northern Ireland

24 hours a day, 7 days a week you can call them on 0808 802 1414.

RESOURCES

- SurvivorsUK

This is an online webchat for male survivors of sexual violence, available every day between 12pm and 8 pm.

For survivors aged 13-18: <https://www.survivorsuk.org/young-people/help-online>

For survivors aged 18+: <https://www.survivorsuk.org/ways-we-can-help/online-helpline>

- Trans Survivors Switchboard

This switchboard offers support for trans, non-binary, and questioning people who have experienced sexual violence at any point in their lifetime.

You can phone every Sunday between 1 pm and 5 pm on 01273 20 40 50, or alternatively visit their website: <https://www.switchboard.org.uk/projects/helpline/>

- Sexual health clinics

The NHS offers free sexual health testing and support through sexual health clinics. Find your local clinic using the below finder.

<https://www.nhs.uk/nhs-services/sexual-health-services/find-a-sexual-health-clinic/>

If you have any questions regarding the content or use of this resource contact us at cert.campaigns@gmail.com.