



**CE  
RT**

**Contraception  
Education and  
Reform Team**

**Stealth Policy  
Recommendations**

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### Kate

*“Having conversations with friends about stealthing made me aware of its prevalence, despite there being very few open discussions within society. I feel passionately that the voices of those that have experienced sexual violence are not lost within these conversations, and that changes are made within our judicial and legislative processes, to create a culture which makes people feel heard and supported. I hope this research will become part of a wider discussion regarding sexual violence and play a part in ensuring people have autonomy over their contraceptive choice, and that their choice is always honoured.”*

### Rebecca

*“My interest in tackling sexual violence stems from my own experience of rape. I am fortunate, insofar as I was able to report this ordeal to the police and it was taken seriously. I find it abhorrent that the lack of legal backing in Scotland means that those who have experienced stealthing may not be afforded the same right to seek justice. I wish for our analyses to demonstrate that stealthing is never acceptable and I hope that we can push for much needed legislative change, which will help to tackle the problem of stealthing in Scotland.”*

### Rhona

*“As someone who has been subjected to stealthing I am extremely familiar with the impacts of navigating the disempowerment that comes from having your consent undermined and autonomy violated. Often those in society who have endured sexual violence look towards our legislative frameworks to seek legitimacy. Thus, in a context where there is a lack of recognition, the experience of disempowerment is compounded. I am hopeful for our research to directly bring about legislative change and contribute more widely to a growing movement which seeks to tackle sexual violence.”*

### Isabella

*“I wanted to become involved in a project that brings stealthing to the forefront of discussions about sexual assault. Too many people, especially young women, have been subjected to this insidious form of sexual violence, and I am deeply passionate about making stealthing illegal in Scotland so that other survivors feel validated and recognised. I hope that through legal reform, we can enact change that makes everyone in Scotland feel safer and empowered by knowing that it is illegal for them to be unwittingly subjected to unprotected sex.”*

### Kirsty

*“As a young woman, I know too many people that have experienced sexual assault, and too many of those that have not been granted justice by our legal system. My interest in stealthing is centred around my strong belief that these voices, of those who have experienced sexual trauma, should be at the centre of our legal discussions.”*

*I want to be part of the insurgence that revolutionises current legal perspectives and encourages steps to prioritise and legitimise the lived experiences of those that have been stealthed.”*

## Acknowledgements

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We would like to thank the owners of the two Instagram survivor accounts who gave us permission to analyse submissions on their pages. Moreover, we are indebted to each individual who shared their experience of stealthing on such an account. This has allowed us to analyse and determine potential consequences of stealthing and move forwards with policy suggestions.

Finally, we would like to express our deep gratitude to every individual who donated to our crowdfunder or participated in our survey, without which we would have been unable to comprehensively analyse the impacts, prevalence and attitudes towards stealthing in Scotland. We hope that through highlighting these experiences we will be able to bring about legislative change so that those who endure it are able to seek justice.

## Support Resources

We recognise that these topics can be sensitive and difficult. Below we have provided a (non-exhaustive) list of support contacts which we urge you to connect with if you are struggling with any issues raised in the report.

### 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](mailto: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 7 pm 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.

### SurvivorsUK

This is an online webchat for male survivors of sexual violence, available every day between 12 pm 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/>



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## Executive Summary

Stealthing, the non-consensual removal or tampering of barrier method contraception before or during a sexual encounter, is a serious form of sexual violence which can leave an enormous lasting impact on individuals who have experienced it. Legal ambiguity, and the lack of specific statute on stealthing in Scottish law, indicates a toleration of the act diminishing the severity of it. Our research has found legal discrepancies and a lack of public awareness of stealthing, allowing this form of sexual violence to continue relatively unchallenged.

Scottish statute lacks explicit recognition of stealthing as a sexual assault. However it does contain provisions which allow for placing limits on the type of sexual activity that someone may wish to consent to. However, because of a lack of case law on the illegality of stealthing, Scottish individuals who have experienced it are left in a legal grey area. There is a likelihood that perpetrators of this form of sexual assault never being held to account. This lack of express legal recognition also delegitimizes the experiences of individuals who have been stealthed. Questioning the experience in this way can worsen the psychological effects these individuals experience making the ordeal even harder for them to contend with. Our research indicates that legislation specifically criminalising stealthing would tackle a number of issues that arise from this form of sexual assault.

To understand the prevalence and awareness of stealthing within Scotland we conducted a public survey. From this we found that only 69% (152) were aware of what stealthing entailed before completing the survey. Concerningly, we also found that out of the 219 who completed the survey 34 (16%) shared that they had experienced stealthing and another 69 (32%) said they knew of someone who had been stealthed. Those that chose to share part of their story in the survey detailed how stealthing had affected them and in many instances had caused lasting impact. This was corroborated through analysis of ‘survivor statements’ where 33% (42) detailed that being stealthed either violated their autonomy, caused trauma, or induced negative mental health impacts. Furthermore, conducting information requests from public institutions in Scotland provided an insight as to how stealthing is currently being handled, as well as its extent. These insights, along with the thematic analysis of survivor accounts and the responses from the conducted survey corroborated with the findings from the conducted literature review. It is thus we feel passionately that this issue urgently needs to be addressed. We believe that to tackle stealthing requires the implementation of two policy proposals:

1. Legislation specifically criminalising stealthing, recognizing it as a form of sexual assault, with appropriate repercussions.

2. An awareness campaign to educate the public about stealthing and the conditionality of consent more generally.

### Policy Recommendations

Our findings demonstrate overwhelmingly the lack of awareness around stealthing in Scotland; nearly a third of respondents had not heard of stealthing, and this awareness was skewed by the disproportionate number of 18-24 year old respondents who were more likely to already have awareness of stealthing. We also found that there is a concerning amount of people in Scotland who have experienced stealthing. This form of sexual violence has in part been allowed to continue with little confrontation by the lack of awareness (leading to a lack of discussion) and of the legal framework. A substantial number of people have experienced stealthing, yet there are few attempts to tackle it - none by the state or relevant authorities - which are urgently needed to fully protect individuals' rights. We believe that tackling all forms of sexual assault should be a priority in Scotland, as the administration claims it is. To tackle stealthing in Scotland we propose two policy recommendations, and an additional call for further research:

1. A specific law criminalizing stealthing. This is consistent with the idea of conditional consent in Scotland, and provides a way for those who experience stealthing to gain justice. The introduction of such a law would also help to develop awareness, and emphasise that this form of sexual violence is unacceptable in our society, treating stealthing with appropriate severity.
2. An awareness campaign to educate the public about stealthing. Police Scotland and the Scottish government have launched multiple campaigns around consent.<sup>123</sup> None have included discussions of conditional consent or stealthing. We hope bringing awareness to this will change attitudes and reduce the prevalence of stealthing, whilst also making it easier for those who are stealthed to report these offences to the police.
3. Further research into the need and implementation of stealthing in secondary school sex education is necessary to educate young and vulnerable people about their sexual autonomy and boundaries. Conditional consent should be discussed during sexual education classes at school. Children should be given a rounded sex education and be made aware of stealthing as a form of sexual violence to set a standardised concept of concept before sexual maturity.

<sup>1</sup> "We Can Stop It," *Police Scotland 2021*, accessed February 27, 2021, <http://www.wecanstopit.co.uk>.

<sup>2</sup> "Healthy relationships and consent" *Scottish Government 2019*, accessed October 10 2021, <https://www.gov.scot/publications/key-messages-young-people-healthy-relationships-consent-resource-professionals-working-young-people/>

<sup>3</sup> "GetConsent" *Police Scotland 2021*, accessed October 10, 2021, <https://www.scotland.police.uk/what-s-happening/campaigns/2021/get-consent/>

The cost of the measures the academic community and other stakeholders are suggesting can be absorbed into existing police and legislative body budgets, considered not as an expense but as a consequence of broadening the remit and ability of the legislative body.

## Stakeholder Testimonies

### Rape Crisis Scotland

*"When it comes to sexual violence there's a real gap between public understanding or expectation of what that looks like and the reality and this causes real problems, especially for survivors.*

*Consent means free agreement – it's not something that can be gained by pressure or coercion, and it's something that can be withdrawn at any time. Consenting once does not mean consenting forever, and likewise agreeing to one thing does not mean blanket agreement to everything, which is why stealthing – removing the condom without agreement or knowledge – is a violation.*

*The stereotypes around rape and sexual assault and the narrow representations that we often encounter can make it harder for survivors to recognise their own experience sexual violence. Stealthing doesn't fit neatly into existing legislation and isn't often part of the public conversation - as such we do fear that we don't know the full extent of the prevalence and impact on those who experience it. This makes it harder for those who have experienced this trauma to accessing informal and specialist support and justice.*

*We consider that the possibility of a specific offence is worth exploring to bring clarity to the situation, both for anyone who might consider perpetrating this, and to support anyone impacted by stealthing to know their rights."*

### Sexpression

*"Consent is a really important topic within RSHE and Sexpression:UK strongly believes that we should be having more conversations about good practices when it comes to sex and consent. The specificity of consent is something that we talk about in some of our school sessions, and how consent to sex with a condom does not equal consent to sex without a condom. Stealthing is not consensual, and it is not acceptable. We would encourage and support any work being done to further address this issue and empower people to recognise that this act should not be tolerated."*

## Introduction

Sexual rights, incorporating the right to life, liberty, autonomy, and security of the person, stem from human rights,<sup>4 5</sup> the protection of which is a fundamental purpose of the law.<sup>6</sup> Stealthing, the act describing the non-consensual removal of barrier methods of contraception, violates these rights by absolving an individual of their autonomy and leaving them vulnerable to physical and mental harm; the risk of contracting STIs, becoming pregnant, and the emotional turmoil of having one's bodily autonomy disregarded, may have to be navigated,<sup>7</sup> risking long term damage to an individuals' health and their relationships with others. These same considerations justify the criminalisation of other forms of sexual assault or rape, apply equally to those who are stealthed. Those who experience stealthing should be protected by the law, and perpetrators should be held responsible for their actions.

It is thus our mission to discern the public's perception of stealthing and its prevalence in Scotland to appreciate how best the law can support *all* individuals who are sexually assaulted and ensure those that are guilty of criminal acts are appropriately punished. Findings from extensive literature research, legal analysis, and Scotland-wide fieldwork substantiates the proposal to include stealthing explicitly in Scots' law. Our discussion will outline why a robust and concrete legislative framework would be helpful in prosecuting perpetrators and would greatly facilitate justice-seeking for those that have been stealthed. This approach would enable the legal system to fulfil its duty of protecting individuals' liberties and rights comprehensively, which thus far has not been satisfied for those that have been stealthed.

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<sup>4</sup> Shirin Heidari, "Sexual rights and bodily integrity as human rights," *Reproductive Health Matters* 23, no. 46 (2015): 2.

<sup>5</sup> WHO (2017) Sexual health and its linkages to reproductive health: an operational approach. Available: <https://apps.who.int/iris/bitstream/handle/10665/258738/9789241512886-eng.pdf?sequence=1&isAllowed=y>.

<sup>6</sup> Samuel D. Brickley and Brian M. Gottesman, "Chapter 3: Purposes and Functions of Law" in *Business Law Basics* ed., Brickley, S and Gottesman, B (2021), Wilmington, DE: Berger Harris.

<sup>7</sup> Alexandra Brodsky, "'Rape-Adjacent': Imagining Legal Responses to Nonconsensual Condom Removal," *Columbia Journal of Gender and Law* 32, no. 2 (2017).

# I Relevant Legislation and Literature

## 1.1 Legal Analysis

Consent is defined in section 12 of the Sexual Offences Act (Scotland) 2009 as free agreement<sup>8</sup>, but this general concept is not defined in any further detail. Section 13 of the 2009 Act sets out various circumstances where consent is absent, for example where someone submits to having sex because of threats of violence. However, stealthing is not part of this list. In addition there are two other important rules in section 15 of the Scottish statute. These are firstly that consent to conduct does not itself imply consent to any other conduct; and secondly consent to conduct may be withdrawn at any time before, or in the case of continuing conduct, during, the conduct. These provisions would apply to stealthing. If B consents to having sex with A provided A uses a condom throughout the sexual conduct, B has not given consent to A removing the condom during the sex. Similarly, if B tells A to stop sex between them because A has removed a condom, there is no consent by B to sex after the consent has been withdrawn. It is clear that Scots law allows for someone to place limits or conditions to consent to sex, and practices such as stealthing which do not comply with these limits or conditions are forms of rape or sexual assault.

The laws surrounding sexual offences differ between English and Scots law. In England, there are no rules which explicitly allow for restrictions or conditions to be placed on consent to sex. However, some English case-law<sup>9 10 11</sup> appears to have recognised stealthing as a breach of *any* consent which has been given to sex. Rulings have acted to reinforce material deception, including condom removal, as vitiating consent. Similarly, cases in Germany,<sup>12</sup> Switzerland,<sup>13</sup> and Canada,<sup>14</sup> involve convictions of sexual assault and rape for perpetrators removing condoms without consent, or intentionally

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<sup>8</sup> Sexual Offences Act 2009 asp 9. Available at: <https://www.legislation.gov.uk/asp/2009/9/contents> [Accessed 13/01/2021].

<sup>9</sup> *Julian Assange v Swedish Prosecution Authority* (2011) High Court of Justice, Queen's Bench Division, case C0/1925/2011. *BAILII* [online] Available at: <http://www.bailii.org/ew/cases/EWHC/Admin/2011/2849.html> [Accessed 13/01/2021].

<sup>10</sup> *R v Justine McNally* (2013) Court of Appeal, Criminal Division, case 201302101C2. *BAILII* [online] Available at: <http://www.bailii.org/ew/cases/EWCA/Crim/2013/1051.html>.

<sup>11</sup> *R (on the application of F) v The Director of Public Prosecutions and "A"* (2013) High Court of Justice, Queen's Bench Division case CO/2845/2012. Available at: <https://www.judiciary.uk/wp-content/uploads/JCO/Documents/Judgments/f-v-dpp-judgment.pdf> [Accessed 02/02/2021].

<sup>12</sup> Matthew Robinson, "Police officer found guilty of condom 'stealthing' in landmark trial," *CNN*, last modified December 20, 2018, <https://edition.cnn.com/2018/12/20/health/stealthing-germany-sexual-assault-scli-intl/index.html>.

<sup>13</sup> "Swiss court upholds sentence in 'stealthing' condom case," *Reuters*, last modified May 9, 2017, <https://www.reuters.com/article/us-swiss-stealthing-idUSKBN1851UN>.

<sup>14</sup> *R v Hutchinson* (2014), Supreme court of Canada, Docket: 35176, Available: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13511/index.do> [Accessed 04/02/2021].



rendering them defective (i.e., by poking holes through them). As stealthing is being recognised as a violation of consent internationally, a robust legal framework is tangible and shown to be effective.

Theoretical perspectives have suggested that an appropriate intervention would be to move to criminalisation, which would provide social condemnation, sending the message that such behaviour is reprehensible and would ensure the experience of stealthing is considered as seriously as other forms of sexual assault.<sup>15</sup> Including stealthing in the list of circumstances that vitiate consent would see the accused facing the possibility of incarceration. This has been enacted in the State of California; California's assembly bill (1033) regarding sexual battery defines the act of stealthing under section 243.3 of their penal code.<sup>16</sup> There are clear boundaries and guidance regarding criminality of the act, and the associated prison sentences and/or fines it can incur. The conditions under which the code can be invoked include a) violation of an agreement prior to sexual intercourse that a condom would be used, b) intentional tampering with the condom, c) removal of the condom during intercourse, and d) a person knowingly misrepresenting to the other that they are using a form of contraception other than a condom. These legislative interventions are not suggested to eliminate the difficulty in ascertaining the *mens rea* of the offence, but the context of robust, comprehensive, and understandable legislation would likely facilitate a more unified approach in navigating the inherent complexities associated with such cases.

The necessity of such an approach is highlighted in the legal ambiguity of stealthing in Australia; the outcome of cases is exclusively dependent on the approach a given court takes in interpreting the current legislative provisions. Given the lack of clarity in their provisions, there is the possibility that different courts could find the same case of stealthing either to vitiate the free and voluntary model of consent, or to have not vitiated consent since individuals have consented to the physical act of intercourse.<sup>17</sup> To ensure equality of justice for all those stealthed, and equality in trials of the defendants, a clear statute that avoids inconsistent interpretation is key.

The law on stealthing and 'conditional consent' seems to be developing internationally. Whilst in Scotland, and probably in the other parts of the United Kingdom, stealthing involves the lack of consent and therefore amounts to rape or sexual assault, there is no explicit recognition of stealthing in the relevant legislation. This may give rise to misunderstanding about the law's approach to this form of sexual assault.

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<sup>15</sup> Brianna Chessser and April Zahra, "Stealthing: a criminal offence?" *Current Issues in Criminal Justice* 31, no. 2 (2019): 231.

<sup>16</sup> AB-1033 Sexual battery: condoms. 243.4 no. 1033 (California. 2017). Available: [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1033](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1033) [Accessed 13/01/2021].

<sup>17</sup> Chessser and Zahra, "Stealthing: a criminal offence?" 222.

## 1.2 Reviewing Health Science

Given that stealthing has only entered the periphery of public discourse in recent years (Brodsky's 'Rape-Adjacent' - the first academic discussion of stealthing - was published in 2017), analysis of its impact on public health measures remains minimal. Boadle et al note that due to the lack of empirical research surrounding stealthing, "there has been little development in our understanding of the phenomenon".<sup>18</sup> With regards to physical health, stealthing has been linked to an increase in sexually transmitted infections (STIs). Davis found that 30% of men who had a history of stealthing had also at some point received an STI diagnosis.<sup>19</sup> In comparison, only 15% of men who had not perpetrated stealthing had received such a diagnosis, demonstrating that stealthing is correlated to a higher prevalence of STIs.<sup>20</sup> Latimer et al corroborated this in their survey of patients at a Melbourne health clinic, with a finding that 8% of the 346 females who reported stealthing developed an STI as a result (26 in total).<sup>21</sup> For males, the corresponding Figure was 5% (nine out of 168 individuals).<sup>22</sup> Though this study does not include a control group, the Australian Government's health report from the same year found that the STI rate in Australia was 580 per 100,000 (0.58%).<sup>23</sup> Resultantly, this indicates that stealthing greatly enhances an individual's risk of contracting an STI. These statistics are made more significant when considering that those who consistently use condoms may be more likely to practice other safe sexual habits such as more frequent STI tests than those who stealth, suggesting that the relationship between stealthing and obtaining an STI may yet be more significant than found by Davis. However, this is just our speculation.

Additionally, evidence suggests that stealthing is linked to increased rates of unintended pregnancy. Davis found 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.<sup>24</sup> Given the lack of research specific to stealthing, it may also be worthwhile to look at higher rates of pregnancy as a result of Reproductive Coercion, defined as a "behaviour that interferes with the autonomous decision-making of a woman,

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<sup>18</sup> Allira Boadle, Catherine Gierer and Simone Buzwell, "Young Women Subjected to Nonconsensual Condom Removal: Prevalence, Risk Factors, and Sexual Self-Perceptions," *Violence Against Women* (2020): 2.

<sup>19</sup> Kelly Cue Davis, "'Stealthing': Factors associated with young men's nonconsensual condom removal," *Health Psychology* 38, vol. 11 (2019): 998.

<sup>20</sup> *Ibid.*, 998.

<sup>21</sup> Rosie L. Latimer et al., "Non-consensual condom removal, reported by patients at a sexual health clinic in Melbourne, Australia," *PLOS ONE* 13, no. 12 (2018): 11.

<sup>22</sup> *Ibid.*, 11.

<sup>23</sup> "Australia's health 2018," *Australian Government: Australian Institute of Health and Welfare 2018*, last modified June 20, 2018, <https://www.aihw.gov.au/reports/australias-health/australias-health-2018/contents/indicators-of-australias-health/sexually-transmissible-infections-bloodborne-virus>.

<sup>24</sup> Davis, "'Stealthing'," 998.

with regard to reproductive health”.<sup>25</sup> Rosenbaum and DiClemente found that “women reporting coercion/sabotage had nearly three times the odds of pregnancy as the matched non-coerced/sabotaged women”.<sup>26</sup> Whilst it is impossible to generalise the findings above to stealthing specifically, it is clear that stealthing does pose an enhanced risk of unexpected pregnancy. This is further compounded by the fact that condoms have an 80-99% effectiveness against pregnancy.<sup>27</sup> Where a condom is not present/is removed/broken, it is clear that the chances of pregnancy are increased.

Furthermore, as stealthing is a covert crime, the individual who experiences it may not always know they have been stealthed, rendering them less likely to seek out medical help. Consequently, public health outcomes of stealthing (e.g. transmission of STIs or pregnancies) are likely to be higher in reality than recorded in a clinical setting, given that these settings can only determine public health outcomes for those that are aware that stealthing has occurred. If an individual believes they are having safe sex when this is not the case, the chance for unintended pregnancy or STI transmission is greater. Rosenbaum and DiClemente acknowledge that “biomarkers of semen exposure are crucial for interventions that intend to decrease both STI/HIV and unplanned pregnancy”.<sup>28</sup> Without accessing these health resources, an individual is less likely to be able to obtain the necessary interventions, such as Plan B (for pregnancy) or postexposure prophylaxis (for HIV). It may be possible that an individual unknowingly passes on an STI to another individual, has to terminate an unwanted pregnancy, or has to bring to term a foetus they had not planned. Stealthing may therefore have more acute public health consequences (both in terms of prevalence and level of distress) than those presented to us through clinical research as discussed above.

Research also highlights the consequences of stealthing on an individual’s mental health, as Latimer et al found that 56% of female (190) and 52% of male participants (86) reported emotional stress after being stealthed.<sup>29</sup> They also found that males who had been stealthed “were more likely to report anxiety or depression”.<sup>30</sup> 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”.<sup>31</sup> This suggests that those who have experienced stealthing may lose their ability to assert autonomy over their future sexual choices, which in turn may make them vulnerable to

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<sup>25</sup> Karen Trister Grace and Jocelyn C. Anderson, “Reproductive Coercion: A Systematic Review,” *Trauma, Violence & Abuse* 19, no. 4 (2018): 371.

<sup>26</sup> Janet E. Rosenbaum and Ralph J. DiClemente, “Reproductive coercion sometimes works: evaluating whether young African-American women who experience reproductive coercion or birth control sabotage are more likely to become pregnant,” *Health Services and Outcomes Research Methodology* 20, no. 4 (2020): 273.

<sup>27</sup> Latimer et al., “Non-consensual condom removal,” 2.

<sup>28</sup> Rosenbaum and DiClemente, “Reproductive coercion sometimes works,” 277.

<sup>29</sup> Latimer et al., “Non-consensual condom removal,” 11.

<sup>30</sup> *Ibid.*, 1.

<sup>31</sup> Boadle, Gierer and Buzwell, “Young Women Subjected to Nonconsensual Condom Removal,” 13.

experiencing further acts of sexual violence. However, Latimer et al reported that whilst the majority of those stealthed considered it to be assault, “both female and male participants who had experienced stealthing were three times less likely to consider it to be sexual assault than participants who had not experienced it”.<sup>32</sup> This makes a case for a legal framework alongside greater awareness and support mechanisms as a way to provide some justice to those who have been stealthed. We can infer that denial is often present in those who have experienced stealthing, with a reflection of this in low reporting rates. Latimer et al found that only 1% of female participants and 2% of males reported their experience of stealthing to the Australian police.<sup>33</sup> These rates are lower than that of other sexual assaults, which indicates that those stealthed don’t feel that they have a right to report their experiences, or feel that this will not result in a positive outcome if they do. Moreover, Boadle et al argue that those who have experienced stealthing may find it difficult to recognise themselves as a victim or survivor, due to the ambiguity of stealthing under the law. Once again, the need for a specific stealthing law is made clear, as individuals may be encouraged to report their experiences if they feel confident that the law both legitimizes and adequately supports them.

What is clear from the current research exploring the impact of stealthing on public health, is that more needs to be done. Davis warned that stealthing “poses a significant risk to women’s sexual health and merits further research”.<sup>34</sup> Others concur that given the associated health risks of stealthing, more research “is critical to improve public awareness about the phenomenon”.<sup>35</sup> A key finding by Latimer was that “women who experienced stealthing were three times more likely to be sex workers compared to those who had not”,<sup>36</sup> thus highlighting the need for research to specifically focus on how stealthing can impact sex workers and how we can tackle this. On a practical level, Rosenbaum and DiClemente suggest screening patients who may be experiencing reproductive coercion for stealthing by “using semen exposure for biomarkers such as PSA or Yc-PCR to identify condom sabotage”.<sup>37</sup> Whilst it is beyond the scope of this research to contemplate the feasibility of this, it is an important avenue for future investigation to ensure stealthing is being comprehensively tackled in the health profession.

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<sup>32</sup> Latimer et al., “Non-consensual condom removal,” 12.

<sup>33</sup> Ibid., 11.

<sup>34</sup> Davis et al., “Young Women’s Experiences with Coercive and Noncoercive Condom Use Resistance: Examination of an Understudied Sexual Risk Behaviour,” *Women’s Health Issues* 29, no. 3 (2019): 236.

<sup>35</sup> Boadle et al., “Young Women Subjected to Nonconsensual Condom Removal,” 2.

<sup>36</sup> Latimer et al., “Non-consensual condom removal,” 12.

<sup>37</sup> Rosenbaum and DiClemente, “Reproductive coercion sometimes works,” 265.

### 1.3 The Sociological Perspective

Social science scholarship, much like public health literature, has largely neglected stealthing as an object of inquiry both conceptually and empirically. This can perhaps be attributed to the complexities of consent and stealthing's location at the nexus of sexual autonomy, sexual consent and sexual violence.<sup>38</sup> This blurs the boundaries between consent and violation, compliance and coercion.<sup>39</sup> It has been observed that the practice exists within and is a product of, hegemonic hetero-patriarchy- a structuring of society which places cisgendered, heterosexual men at the top of the hierarchy, yielding authority over other gender and sexual identities.<sup>40</sup> Therefore, in societies that are shaped by male dominance, heteronormativity, and the subjugation of cis-women and LGBTQIA+ individuals, the sexual autonomy and agency of those whose identities are marginalised is often subjected to domination, oppression and violence.<sup>41</sup> According to Ebrahim, stealthing perpetrated by men against women occurs as a product of aggression and deception which are entrenched in hetero-patriarchal sexual scripts.<sup>42</sup>

'Sexual script' theory posits that sexual encounters are, in part, mediated by the cultural contexts in which they occur.<sup>43</sup> Cultural norms regarding sexuality are internalised and endorsed through a process of socialisation which then provides guidelines for appropriate behaviours and emotions for individuals in sexual experiences.<sup>44</sup> Therefore, in a context of male domination, where a sexual script may present sex as something that men do to women- men as initiators and women as gatekeepers of sex- stealthing emerges as a "practice of hegemonic masculine dominance over female sexuality and reproduction".<sup>45</sup> To this end, Ebrahim conceptualised stealthing as a form of gender based violence insofar as it is perpetrated by men against women.<sup>46</sup> Davis et al. study supports this notion, positing that there exists a "culture of resistance to condom use" among young adults, identifying from their sample of 313 heterosexual men aged between 21- 30 that the participants with the most negative attitudes towards women were more likely than groups with low levels of hostility to use deceptive condom resistance strategies.<sup>47</sup> Stealthing as a practice of hegemonic masculinity extends beyond a

<sup>38</sup> Joseph Brennan, "Stealth breeding: bareback without consent," *Psychology and Sexuality* 8, no. 4 (2017): 318.

<sup>39</sup> Sumayya Ebrahim, "I'm Not Sure This Is Rape, But: An Exposition of the Stealthing Trend," *SAGE Open* 9, no. 2 (2019): 3.

<sup>40</sup> Ibid., 2.

<sup>41</sup> Ibid., 1.

<sup>42</sup> Ibid., 5.

<sup>43</sup> William Simon and John H. Gagnon, "Sexual scripts: Permanence and change," *Archives of Sexual Behavior* 15, no. 2 (1986): 106.

<sup>44</sup> Sylvia Karen Rutagumirwa and Ajay Bailey, "'The Heart Desires but the Body Refuses': Sexual Scripts, Older Men's Perceptions of Sexuality, and Implications for Their Mental and Sexual Health," *Sex Roles* 78, no. 9 (2018): 654.

<sup>45</sup> Ebrahim, "I'm Not Sure This Is Rape, But," 5.

<sup>46</sup> Ibid., 1.

<sup>47</sup> Davis et al., "Young Men's Condom Use Resistance Tactics," 462.

wider culture of condom resistance according to Ebrahim.<sup>48</sup> Tracing the history of stealthing, Ebrahim noted the existence of a sub-community of men who practiced stealthing against women in Britain in the 1990s despite a wider culture of diligence, vigilance and emphasis on condom use in relation to controlling the spread of HIV.<sup>49</sup>

However, stealthing does not exclusively affect women, nor does it only occur in sexual encounters between men and women. Stealthing has been observed to occur in the context of sex between men in an act known as ‘stealth breeding’, which describes a stealth form of ‘bareback’ -condomless penetrative anal sex between men- wherein unprotected sex is performed under the guise of protected sex.<sup>50</sup> Scholarship on stealthing in sexual encounters between men has been largely concerned with it as a form of intentional HIV transmission by a HIV-positive person to a HIV-negative person, without their consent or knowledge. This is known as ‘gift-giving’ which is in itself illegal.<sup>51</sup> However, stealthing as a form of nonconsensual bareback between men is not limited to intentional HIV transmission.<sup>52</sup>

There are a range of motivations behind the practice including, but extending beyond, intentional HIV transmission. It has been observed as a product of dominant sexual scripts which are acquired through observation of others’ behaviour as well as the consumption of media narratives. In the absence of sufficient sexual education, increasingly, pornography has become a dominant sexual script for many.<sup>53</sup> Domination/submission genres in pornography have been noted as a one constituent in the construction of stealthing in sexual encounters between men. This creates a dominant sexual script which positions men who are receptive (the ‘bottoms’) as sexually submissive to the penetrative partner (the ‘top’) and, in line with the ‘good-sub’ narrative, the view of the dominant top’s right to stealthing and the bottom’s tacit acceptance of this.<sup>54</sup> In some instances the dominated party in gay porn has been constructed as a devalued male and equated to women under male domination,<sup>55</sup> in the case that common pejoratives for women become ascribed to receptive men in service of particular subversive fantasies.<sup>56</sup>

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<sup>48</sup> Ebrahim, “I’m Not Sure This Is Rape, But,” 5.

<sup>49</sup> Ibid., 2.

<sup>50</sup> Brennan, “Stealth breeding: bareback without consent,” 318.

<sup>51</sup> Hugh Klein, “Generationing, Stealthing, and Gift Giving: The Intentional Transmission of HIV by HIV-Positive Men to their HIV-Negative Sex Partners,” *Health Psychology Research* 2, no. 3 (2014): 58.

<sup>52</sup> Brennan, “Stealth breeding: bareback without consent,” 319.

<sup>53</sup> Ana J. Bridges et al., “Sexual Scripts and the Sexual Behavior of Men and Women Who Use Pornography,” *Sexualization, Media and Society* 2, no. 4 (2016): 2.

<sup>54</sup> Brennan, “Stealth breeding: bareback without consent,” 326.

<sup>55</sup> Brennan, “Stealth breeding: bareback without consent,” 323.

<sup>56</sup> Ibid., 329.

## II Methodology

Before creating our research design, we conducted an initial review of relevant academic literature and popular discourses surrounding the issue of contraceptive dishonesty. From this review we recognised that contraceptive dishonesty is a wide-ranging topic which encapsulates a number of issues. Our preliminary analysis led to the isolation of the removal of barrier methods of contraception as our specific subject matter due to evidence demonstrating the problem of a “culture of resistance to condom use” which manifests as a high instance of condom resistance tactics of coercion and deception.<sup>57</sup>

This study takes the definition of stealthing as the non-consensual removal of barrier method contraception before or during a partnered sexual encounter.<sup>58</sup> We chose to use the term “stealthing” to refer to the issue instead of the often used ‘NCCR’ (non-consensual condom removal). We acknowledge the points raised by literature which outlines the limitations of the term stealthing, namely its lack of specificity due to its association with other behaviours and, owing to the popularisation of the term from media, the risk of trivialising what is fundamentally an act of sexual violence.<sup>59</sup> However, we believe stealthing to be a more suitable term as it allows for the definition to be extended to all barrier methods of contraception, accounting for the diverse experiences of this phenomenon, and refraining from limiting the experience to sexual interactions involving condom users. Moreover, by referring to the phenomenon as stealthing we hoped to re-frame the term out-with the context in which it has been perceived as a ‘trend’, counteracting trivialisation by tying it back to sexual-violence literature. Furthermore, in outlining the reasoning for, and usage of, this particular terminology to refer to the act we wish to express a disclaimer that throughout the paper the terms ‘victim’ and ‘survivor’ have been substituted for phrases such as ‘those who have experienced stealthing/been stealthed’ to account for the many possible tangible physical and mental costs which arise from such an experience and the diverse identities these produce. We also recognise that while some embrace the terms ‘victim’ and ‘survivor’, others do not want their experience to be contextualised in such a power dynamic or feel victimised.

Once we isolated stealthing as the object of study we conducted further cross-disciplinary literature research which established the practice of stealthing as a distinct form a sexual violence which

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<sup>57</sup> Davis et al., “Young Men’s Condom Use Resistance Tactics,” 454-55.

<sup>58</sup> Konrad Czechowski et al., ““That’s not what was originally agreed to’: Perceptions, outcomes, and legal contextualization of non-consensual condom removal in a Canadian sample,” *PLOS One* 14, no. 7 (2019): 1.

<sup>59</sup> *Ibid.*, 17.



disregards the terms of agreement between sexual partners,<sup>60</sup> violates bodily autonomy,<sup>61 62 63</sup> and exposes individuals to heightened health risks of which they were not aware/did not agree to.<sup>64 65</sup> We also conducted legal analysis of the issue in Scotland and the rest of the UK by examining the current legislative frameworks in place and how the issue is handled in practice.

We requested information from a number of public bodies in Scotland under the Freedom of Information (Scotland) Act 2002.<sup>66</sup> Police Scotland, the Crown Procurator Fiscal and the Scottish Government Justice Department Database were all contacted under the right given by this act. Under section 12 of the Freedom of Information act, an authority is exempted from providing information to the public if they believe that the estimated cost of collecting the information would exceed £600. As a result, when requesting quantitative data, we set a narrow date range of a year, beginning from 01/01/19 to 31/12/19. These dates were selected in order to gain the most recent annual data. With the requests a condition was made taking into account section 12, providing the ability for the authority to narrow the dates provided even further if this would prevent the exemption from applying. In this instance we requested data from 01/01/19 until such a date as resulted in an estimated cost of no more than £600. This condition was included in order to prevent no data being provided.

An interest in ascertaining how stealthing was currently being dealt with in Scottish Universities led us to request information relating to how many reports of stealthing these institutions had received between 2015 and 2020. We met with Lesley Johnston (Sexual Violence & Harassment Liaison Manager) and Rebecca Shade (Policy & Projects Officer - Student Experience) at the University of Edinburgh, in order to gain further insight into how reports of stealthing are tackled and how the university supports those reporting. Ultimately however, we decided that analysis of universities' responses to stealthing did not directly fall under the scope of our research. It may, however, be something we revisit when focussing on implementing our policy recommendations and awareness campaign.

The combination of this preliminary research led to the identification of three key aims which guided our methodological approach and policy recommendations.

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<sup>60</sup> Brodsky, "Rape-Adjacent".

<sup>61</sup> Boadle et al., "Young Women Subjected to Nonconsensual Condom Removal," 13.

<sup>62</sup> Czechowski et al., "That's not what was originally agreed to," 19.

<sup>63</sup> Ebrahim, "I'm Not Sure This Is Rape, But," 1.

<sup>64</sup> Davis et al., "Young Men's Condom Use Resistance Tactics," 463.

<sup>65</sup> Latimer et al., "Non-consensual condom removal," 2.

<sup>66</sup> "Freedom of Information (Scotland) Act 2002," *The National Archives*, last modified March 28, 2021, <https://www.legislation.gov.uk/asp/2002/13/contents>.

1. Ascertain the Scottish public's perception of the phenomenon.
2. Ascertain the extent of the problem in Scotland.
3. Evaluate how best to tackle the problem in Scotland.

We set out to meet these aims using a mixed-method approach including both quantitative and qualitative data collection techniques.

While endeavouring to ascertain the Scottish public's perception of stealthing, we hypothesised that popular media representations would have an impact on intellectual engagement with the phenomenon. The tool 'Google trends' was used as one means to evaluate this. By searching key terms related to stealthing and consent in Scotland over time, we observed a general spike in searches for items; 'stealthing', 'what is stealthing', and 'definition of rape' in April and May of 2017 in line with the publication of Brodsky's 'Rape-Adjacent', one of the first academic analyses of the phenomenon. However, other terms which were searched yielded little or no appreciable data. Engagement with the same set of terms was explored more broadly using search parameters which extended to the 'UK'. A similar pattern of search behaviour was observed with the addition of 'is stealthing rape' demonstrating an influx of engagement in line with Brodsky's article as well as a noticeable increase in searches for terms 'secret condom removal', which demonstrated a peak in July 2020, and 'stealthing law' showing heightened searches in June 2020, both occurring within a month of the release of Michaela Coel's *I May Destroy You*, a drama which contained a scene depicting stealthing. Other terms which were searched provided little or no data of significance. However, these findings provided generalised data of engagement patterns which enriched our other research methods.

As a result of the deeply sensitive and personal nature of the subject we had concerns surrounding the use of human participants for collection of qualitative primary data. In order to integrate a holistic approach to the research while minimising risk to participants, textual analysis of publicly available online narratives on social media platforms was conducted. We collected 18 stories of stealthing from the perspective of the individual who was stealthed which were submitted to, and published by, two Instagram survivor accounts based in Scotland. Due to the constraints of our ethical approval, full quotes will not be drawn from the accounts. Instead, excerpts will be utilised in our analysis, which highlighted seven key themes that arose throughout the stories. This provided appreciable data in itself and informed our further research, in particular the design of our survey questions.

The primary mode of data collection used was a survey created using an online 'Google form'. The full survey can be found in appendix one. A total of 227 participants completed this online survey. Of this, 219 responses were retained for analysis after submissions who had not checked the consent

tick-box, respondents who did not usually live in Scotland, and duplicate responses were removed from the sample. The survey asked participants to provide information on their awareness and opinions of stealthing - regardless of whether they had experienced it or not. It also asked participants about their experiences of stealthing, their understanding of the legal context of the issue, as well as a section asking their likely course of action if they were to experience stealthing and what they believe the repercussions for perpetrators should be. The survey was published on CERT Scotland's social media channels including Facebook, Instagram, Twitter and LinkedIn. In addition, to move beyond CERT Scotland's echo chamber and ensure our dataset represented a diverse range of demographics and voices, we chose to distribute it through Facebook targeted advertisements which were paid for by crowdfunding. This allowed us to monitor demographic characteristics of respondents and target the ads accordingly.

Trauma informed principles guided the design, wording and distribution of our survey in an attempt to mitigate risk of harm to participants and encourage empowerment, choice, and control. Tensions exist between these values and research methods which seek to gain information on particular issues without influencing respondents and biasing the study sample. A balance was struck between providing a sufficient level of information to participants which upheld these values while preventing influence on the data set. To mitigate potentially harmful deception, the language used on the advertisement to recruit participants was tied to the study content explicating the nature of the research as concerned with sexual violence.<sup>67</sup> Simultaneously, no information regarding the legislative framework was provided at this stage. Alongside this consideration, further necessary safeguards were included in the survey design including location specific support resources and ensuring that participants had an unobtrusive way to discontinue their participation if they wished to do so.

## III Survey Findings

### 3.1 Key Findings

#### *3.1.1 Experiences*

*“[I]t appears to be a common type of sexual violence here [in the UK]. I [have] heard stories of several friends too [sic] that [have] experienced this”. - Survey response*

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<sup>67</sup> Rebecca Campbell, Racheal Goodman-Williams, and McKenzie Javorka, “A Trauma-Informed Approach to Sexual Violence Research Ethics and Open Science,” *Journal of Interpersonal Violence* 34, no. 23-24 (2019): 4769.

From the collected responses, 32% of the 219 participants knew an individual who had experienced stealthing at some point in their life, illustrated in Figure 1. We also observed that 34 participants had reported that they had experienced stealthing themselves, totalling 14% of the study sample. Figure 2 shows those who have experienced stealthing. Those aged 45-54 were the most likely to say they were ‘Unsure’ whether or not they had been stealthed (8.6%), closely followed by the 18-24 group (9.8%) though this was actually the largest group of uncertain individuals due to the skewed age representation of this category in the survey sample. Those in the 25-34 age group showed the highest uncertainty (28.5%, or 8 people) and this was very similar in the 35-44 and 55+ groups. Both had 21.4%, or 3 people in their respective categories supplying an ‘Unsure’ answer.

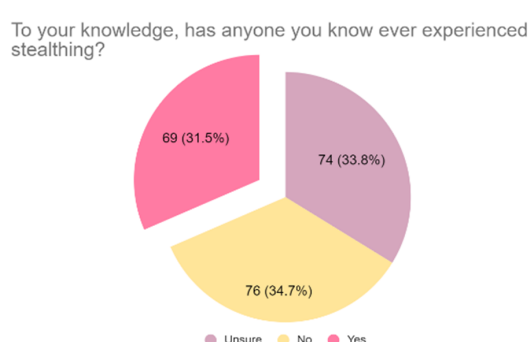


Figure 1: Prevalence of stealthing

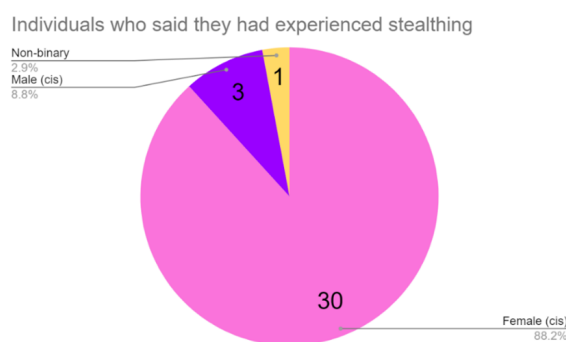


Figure 2: Those that have been stealthed

Survey responses from the Glasgow postcode area demonstrated a disproportionate rate of stealthing experiences; 29% of those who had experienced stealthing came from Glasgow whilst contributing only 17% of the overall sample, highlighting that individuals from Glasgow were 1.7 times as likely to experience stealthing as the Scotland-wide sample we collected. Similarly, 15% of those who had experienced stealthing came from Dundee, despite comprising only 5% of the total participants. These individuals were three times as likely to experience stealthing as our other respondents. In particular, prevalence was higher in the two middle age groups. Situating these correlations within SIMD data showing both Dundee and Glasgow to have some of the highest levels of deprivation in Scotland,<sup>68</sup> our evidence corroborates a relationship between incidences of crime and social inequality.<sup>69</sup>

Figure 2 shows that of those that have been stealthed, Female (Cis) and LGBTQ+ identities disproportionately experienced stealthing. Despite comprising 76% of the total sample, 88% of those who reported experiencing stealthing were cis women. Moreover, 53% of those that have been

<sup>68</sup> “Scottish Index of Multiple Deprivation 2020,” *Scottish Government*, accessed March 22, 2021, <https://simd.scot/#/simd2020/BTTTTFTT/9/-4.0000/55.9000/>.

<sup>69</sup> Ellie Bates, “Does Place Matter,” *Scottish Justice Matters: Poverty, Inequality, and Justice* 3, no. 3 (2015): 9-10, [http://scottishjusticematters.com/wp-content/uploads/Pages-from-SJM\\_3-3\\_November2015-Does-Place-Matter.pdf](http://scottishjusticematters.com/wp-content/uploads/Pages-from-SJM_3-3_November2015-Does-Place-Matter.pdf).

stealthed identified as LGBTQIA+, as outlined in Figure 3, despite comprising just 35% of the sample. These individuals experienced stealthing 52% more often than we would expect from their demographic sample. These findings align with wider evidence of the disproportionate experience of LGBTQIA+ individuals. It is important to note that two heterosexual cis-men reported experiencing stealthing. Both detailed that they would/did not report the incident for fear that their experience would be disregarded or trivialised on the basis of their gender.

Proportion of respondents who reported experiencing stealthing

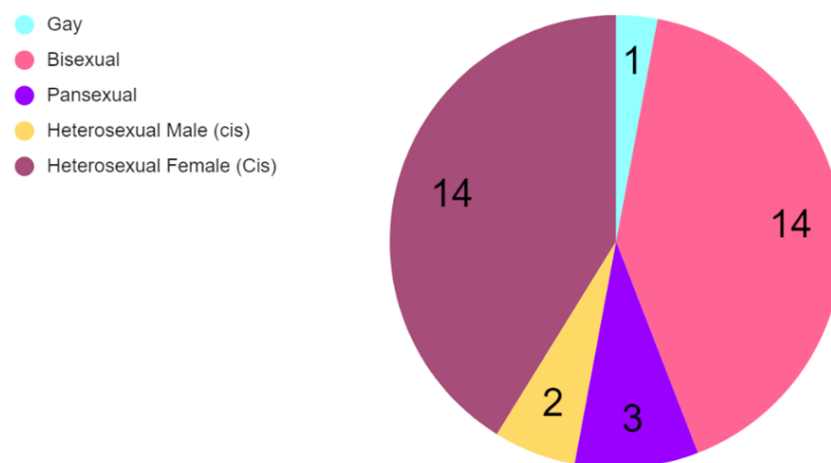


Figure 3: Sexual orientation of 34 respondents who experienced stealthing.

### 3.1.2 Impacts

*“It is horrible. People should not be allowed to do this - it can have life changing repercussions and usually is a selfish act.”*

116 respondents detailed the impacts stealthing had on the individual who was stealthed, whether that was the respondent themselves or someone they know. 25% of this cohort identified that the individual subsequently had a negative health experience; 14% identified that the individual lacked awareness that they had experienced stealthing; 36% said that the event had an emotional or long-term impact on

the person who was stealthed; 24% said that it had a negative impact on the current or future relationships of the individual.

Of the participants who said the person who was stealthed had a negative physical health experience, 14% explicitly stated that the experience resulted in pregnancy for the individual who was stealthed, 21% said the individual consequently contracted an STI and 3% said that the individual both became pregnant and contracted an STI from the experience.

### 3.1.3 Perception and Awareness

*“[I heard about stealthing] initially from school in a joking [sic] negative way but more so now my peers are raising awareness”.*

While stealthing is not a new form of interpersonal violence, the term itself has gained particular traction in the past decade. From the 219 online survey response sample, 70% had heard of stealthing before encountering our online survey. 78% of these individuals were cis women. Participants aged 18-24 demonstrated the greatest awareness of stealthing in comparison to every other age group. This cohort had the highest ratio of those who had heard of the term (82%) to those who had not (14.8%) as well as the greatest number of participants who had heard of the term overall (105). Whereas 75% of 45–54-year-olds had **not** heard of the term before seeing our online survey. However, once again the age distribution of the sample must be considered as response numbers decreased by each age group.

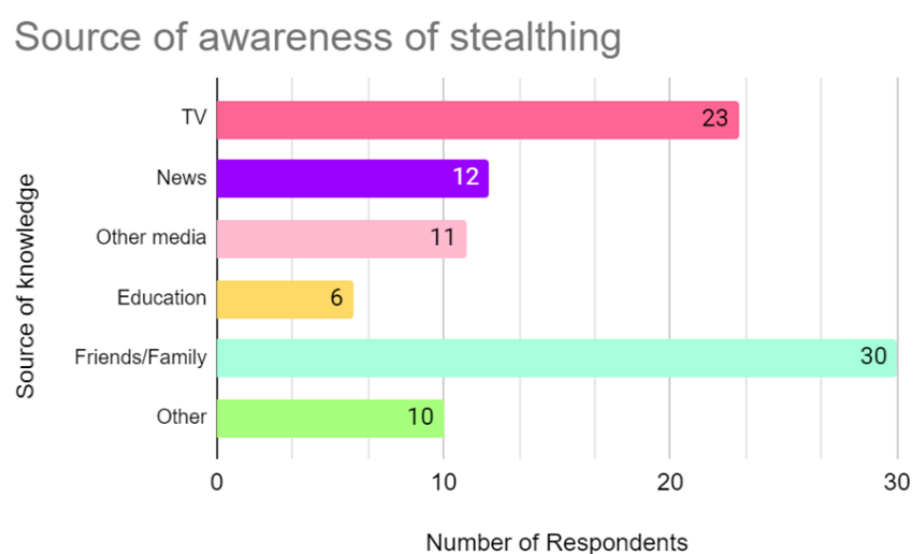


Figure 4: Responses of 145 respondents to our online survey

Of those with a prior awareness of stealthing, 94% detailed where they had derived their knowledge of the phenomena from. These are outlined above in Figure 4. 26% said they had learned about it from conversations with family or friends; 8% from legal cases which were shared in the news; 8% from other forms of media such as podcasts, magazines, books, and the radio. A further 16% became aware of the phenomenon through TV, multiple explicitly attributing their knowledge to Michaela Coel's limited series, *I May Destroy You*.

### 3.1.4 Education

*“Emphasis should be put on it being included in secondary education, as it would greatly help younger people be aware of it, look out for it, and prevent it before they had to experience it.”*

The survey also asked participants whether they believed stealthing should be covered in secondary school relationships, health, and sexual education (RHSE). Overwhelmingly, 93% of the total sample believed that it should be included and only 1% said that they did not.

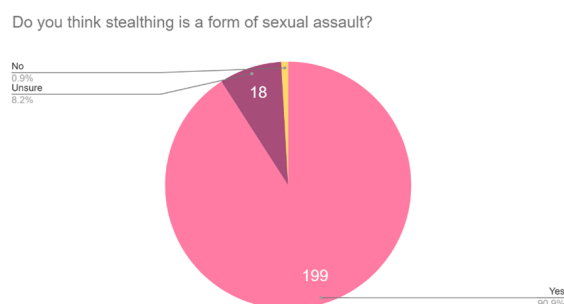


Figure 5: Responses of 219 respondents

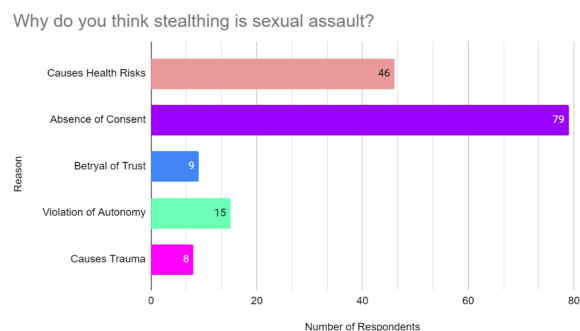


Figure 6: Responses of those who consider stealthing to be a form of sexual assault

Having provided a definition we found that 91% regarded the act of stealthing as sexual assault, as shown in Figure 5. Furthermore, of the 8% that were unsure, these participants believed that it should belong to its own category of sexual violation. Some of the 201 participants who identified stealthing as a form of sexual assault detailed their reasons for thinking so, as summarised above in Figure 6. 39% stated that the lack of consent which exists within the construct of stealthing renders the act one of sexual violence; 23% believed that the risks it causes to the health of those involved, namely the risk of pregnancy and contraction of STIs, make it assault; 7% explicitly stated that the violation of autonomy (of the individual who experiences stealthing) in itself would categorise it as an assault.



### 3.1.5 Wider societal perceptions

*“I think it is much more socially acceptable than other forms of assault.”*

We also inquired into how participants believed stealthing was perceived by wider society by asking whether they thought it was socially acceptable or socially ostracised. 177 participants responded to this question; Figure 7 details the respondents perceptions of the (un)acceptability of stealthing in the wider societal context. 32% believed that perceptions of the act would diverge depending on societal groups, believing that there would be particular sections of the Scottish public who would not consider the act sexual assault or necessarily assign negative values to it, while others would. 12% of the respondents believed that stealthing was ostracised but not to the extent that the severity of the act should necessitate. 10% thought that wider society deemed the act acceptable, though answers which gave deeper explanation often explained that this was their understanding of society but didn’t reflect their own view or how they thought society **should** consider the act.

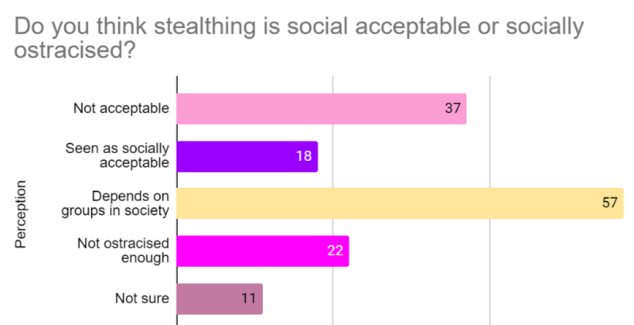


Figure 7: Responses of 177 respondents to our online survey

### 3.1.6 Perceptions of stealthing in relation to the law

*“It can force pregnancy, disease and trauma on people unwittingly and therefore cause mental and physical harm. Obviously anything which forces people into danger should be illegal.”*

In an attempt to gain an understanding of how the Scottish public perceived stealthing in relation to the law, we asked our participants whether they thought the act should be explicitly against the law; why they thought so; what they believed the consequences of stealthing should be for the perpetrator; whether they would consider reporting an incident of stealthing; and who they would seek support from if it were to happen to them. When asked whether they would report stealthing if they were to experience it, 130 participants answered the question. Of this sample, 68% said that they would consider reporting it, 12% said that their decision would depend on the nature of the incident and 21% said that they would not report it. From those who said they would consider reporting their

experience, the most prominent reason was to prevent the perpetrator from doing so again, with a smaller number doing so to receive support and/or raise awareness. The survey allowed a free text response where participants that said they would not report it, predominantly indicated that this was because of concerns that nothing would be done.

Participants were also asked in the event of experiencing stealthing who (if anyone) they would tell. Many respondents gave multiple answers; 33% said they would tell a friend; 28% said that they would tell a sexual health clinic; 20% said they would tell a counsellor; 19% said they would report it to the police; 19% said they would tell their GP; 17% said they would tell a family member; 16% said they would tell a helpline; 6% said they would only tell someone who had experienced the same thing; 3% said they would not tell anyone.

Participants were also asked whether they believed stealthing should be against the law. Overwhelmingly, 93% of the sample believed that stealthing should be against the law. Of the 174 participants who answered why they thought so, 79% believe that perpetrating stealthing warrants a criminal conviction. 28% said that consequences for stealthing should fall in line with current sanctions for sexual assault, 21% specifically stated that the perpetrator should receive a prison sentence, and 18% stated specifically that the perpetrators name should be placed on the Sex Offenders Register. Further, 17% said that the perpetrator should be subjected to mandatory consent and sexual violence education. Of the remainder who did not think it should be against the law, or were unsure, many reasoned on the basis of uncertainty about the feasibility of an anti-stealthing law.

### 3.2 Responses necessitating legal reform

*“Legislation, even if flawed, brings awareness to be able to legislate against what is clearly a breach of bodily autonomy [and] will ultimately allow not only for better forms of protection, but also better and more broader forms of education on sexual consent.”*

Responses to why stealthing should be against the law focussed around two key themes: non-consent and sexual violence. One respondent articulated “full consent cannot be given without all information about what is happening” and another proposes that stealthing “completely undermines a person’s consent. If you haven’t consented to sex without a condom, and your partner does that anyway, it is rape.” These views resonate with the definition of consent outlined in Scots law<sup>70</sup> and highlight the

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<sup>70</sup> Sexual Offences Act 2009 asp 9. Available at: <https://www.legislation.gov.uk/asp/2009/9/contents> [Accessed 13/01/2021].

categorical understanding citizens have regarding the conditionality of consent. Another respondent exposes the juxtaposition between the definition of consent, and the failure to expressly include stealthing in the legislation:

“If sexual assault is against the law, as it rightfully should be, then [stealthing] should be too. Consent is something we have identified as a society as being vital to a legal sexual encounter, and the law just hasn't caught up yet with this particular form of breaking consent like it has with drugged or violently forced lack of consent.”

Where Scots law is defective, therefore, is in its failure to embody this understanding of consent comprehensively and expressly in its legislation.

A poignant observation of stealthing as “A form of rape (that) should not be tolerated in our society” necessitates the question: *why* does our law tolerate it? Considering the consequences sexual violence has on the wellbeing of individuals and their support networks, contextualises the high proportion (93%) of respondents supporting stealthing being included in Scottish legislation. Thus, given the causal role of the law and its ability to prosecute and provide justice for those who experience sexual assault, one respondent suggests stealthing's inculcation in the law is imperative “to ensure the rights of victims are upheld and recognised by the law.” Similarly, stealthing “could potentially have very negative consequences for the victim, which if not formally recognised may not be able to access the same support as others (or may even not be met with the same sincerity or empathy as victims of other crimes).” This foregrounds the importance of the legislation in providing a framework by which those who have experienced assault, and those navigating charges, can rely on. Furthermore, one respondent highlights “by making it against the law it will impose a consequence that will hopefully prevent the majority from doing it. It might also bring to light the negative impacts of stealthing as some may not realise the gravity of it.” The perception here of the law as an arbiter of behavioural conduct is incredibly important. Not only does the law serve a central purpose of upholding rights<sup>71</sup>, but it acts as a point of consensus for ethical and moral obligations of citizens and states and can thus delegitimize behaviours, such as stealthing, which cause incredible emotional and physical trauma, as explored, and empirically evidenced, throughout this research.

### 3.3 Health-related consequences of stealthing

*“Its [sic] terrifying not knowing if you're pregnant or going to get ill from the other person”*

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<sup>71</sup> Brickley and Gottesman, *Business Law Basics*, <http://www.businesslawbasics.com/business-law-basics>.

The survey received 148 responses regarding the overall impact of stealthing on the individual. Overall, 38 responses suggested health-related consequences such as unwanted STIs, pregnancy, abortion and mental health issues. The most commonly recognised consequence of stealthing was the contraction of STIs, mentioned in 53% of health-related concerns, and 13% of responses concerning stealthing's impact in general. In particular, three participants reported HIV as a potential STI, with one response mentioning an individual taking an HIV test, one participant reported that their friend had to take "medication for around a month as a precautionary measure", and one response stating that an individual had contracted HIV as a result of stealthing. HIV is a virus that attacks the Immune System, leading to individuals contracting AIDS and other significant life-long health problems. 14 survey responses stated that STIs could be a consequence of stealthing, while six responses recounted an instance in which the participant or an acquaintance contracted an STI as a result of stealthing. As well as HIV, Genital Herpes and Chlamydia were also contracted by respondents.

The survey also revealed an awareness that unwanted pregnancy is a common health-related consequence of stealthing, with 12 responses mentioning unwanted pregnancy, and one response reporting that an abortion had taken place as a result of stealthing. Three responses included an account of a pregnancy resulting from stealthing, with the other nine expressing pregnancy as a general concern. One account included the experience of an individual who had been stealthed and subsequently brought a child to term. The survey also revealed that fears about STIs often accompanied anxieties about becoming pregnant ("unwanted pregnancy, unwanted stds") that demonstrate some awareness of the multiple health risks involved in stealthing. Two participants suggested that emergency contraception was necessary after being stealthed, and that stealthing immediately endangered the participants' reproductive health because they were not on oral contraception ("the pill").

Finally, the survey also demonstrated that the experience of stealthing had a massive impact on individuals' long term mental health and wellbeing. 14 health-related responses (36%) 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, but are unable to pinpoint the specific mental health issues that stealthing can cause or exacerbate. The survey thus demonstrates that reproductive, sexual and mental health are all health-related consequences of stealthing. However, only 25% of responses to the survey revealed an

understanding of some or all of these consequences, highlighting that a great deal of awareness is necessary to educate the public about how harmful stealthing can be for the individual's health.

### 3.4 Emotional consequences of stealthing

*"I think myself and everyone I know has felt disgusting and violated after it. You feel totally uncomfortable in your own body, knowing that you didn't consent to this. It's a horrible experience and it is so normalised in men."*

Of the 148 responses we received analysing the impact of stealthing on the individual, 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. A violation of bodily autonomy was referenced by many participants, with one stating that stealthing had resulted in an individual feeling violated because "their decision to use protection had been disregarded" and another adding that "2 years later" they are still dealing with the realisation that the perpetrator "could overpower me if he wanted to". Building on this, one respondent highlighted the abuse of trust, stating that "they had consented to sex with protection [...] not without", perfectly encapsulating how and why an individual may develop a loss of trust as a result of being stealthed. Such trust issues were explicitly referenced in 17 responses (11%), with suggestions that stealthing had paved the way for an "inability to trust future sexual partners". Furthermore, the violation and eradication of bodily autonomy as a result of stealthing does not only affect sexual or romantic partners, with one participant declaring that they "felt less able to trust others", thereby demonstrating potential wider impacts of stealthing on an individual's social life and their worldview.

It is not surprising, when considering the above analysis, that stealthing can also have an impact on an individual's sexuality. One respondent commented that "for about a year I felt unable to have sex with someone again. I ran away from everyone I snogged in a club as I was too scared to sleep with them at the end of the night". This mirrors feelings of fear expressed in other responses, and demonstrates that stealthing can have impacts that are both adverse and long-term. A specific fear of men was highlighted, with a couple of responses expressing that the individual "no longer felt comfortable having casual sex", or that they started to "doubt their enjoyment of a sexual encounter". This exemplifies that it may be hard for an individual who has experienced stealthing to conduct their life as they did before such an assault, and the consequences can cause fear towards certain populations for fear of it happening again. Once violation and trust have been eroded in such a way, they may be

difficult to repair, with many individuals feeling scared that “it would happen again”. Once again, this demonstrates the need for a specific anti-stealthing law to deter perpetrators from committing the act, and to allow those who have been stealthed to validate their experiences. In addition to this, there is a need for resources to support those that have been stealthed.

A second significant finding from this question was that frequently individuals who had experienced stealthing did not realise this for a period of time after the assault occurred. The fact that it is not openly and widely discussed in Scottish society may hinder individuals from making sense of their experiences. This was demonstrated in our survey, as many participants resultantly expressed emotions of confusion, self-doubt and discomfort, which were compounded by the fact that they lacked the necessary language to process them. One respondent demonstrated this perfectly, by affirming that they didn’t realise their experience of stealthing was rape “until many years later”, adding that it was subsequently “hard to get [their] head around”. Had they been able to accurately label their experience at the time of the incident (and deal with the repercussions at this point), they may not have had to endure such “a horrible feeling” years later. Another individual asserted that they doubted their reaction was valid, saying that they felt “stupid for being bothered by it, and not really understanding until years later.” They themselves acknowledge that this is because they felt it “wasn’t as serious as other sexual assault”. Furthermore, one participant believed that their friend “feels very conflicted about it [stealthing] because she first consented to sexual intercourse”, demonstrating a lack of understanding of conditional consent. Finally (and crucially), one respondent commented that “until I saw this survey I had repressed that it ever happened”. In this way, it is evident that a lack of awareness of stealthing can exacerbate the emotional consequences of the act once an individual can precisely identify what they have experienced.

The findings of our survey clearly demonstrate that the emotional consequences of stealthing for the individual who experiences it can be serious and far-reaching. The emotional legacies of stealthing frequently correspond to the impacts of other manifestations of sexual violence, but are not afforded equal treatment societally nor under the Scottish statute. Subsequently, it is imperative that stealthing is treated in the same way as other forms of sexual assault in matters of legislation and education.

## IV Thematic Analysis of Survivor Accounts

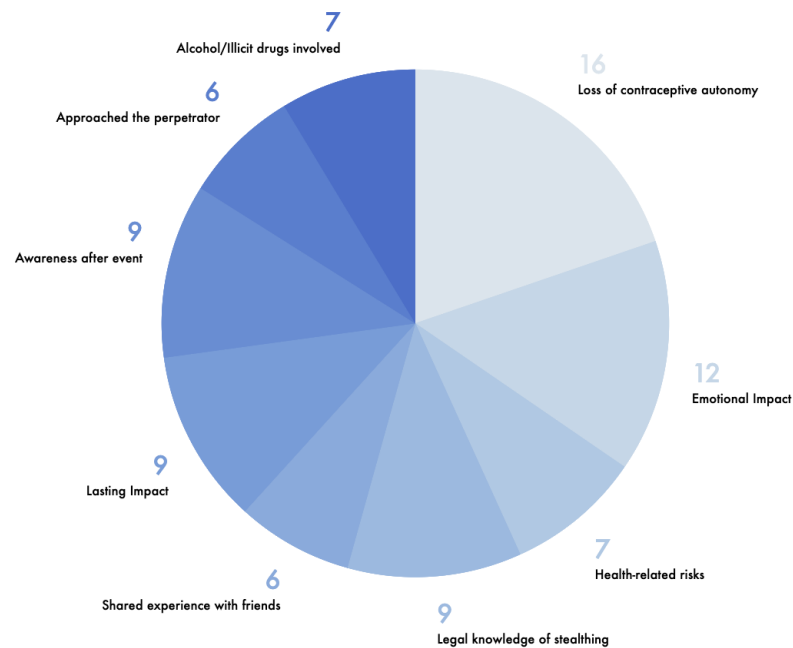


Figure 10: Themes identified in reference to stealthing in Instagram survivor account submissions

### 4.1 Awareness of stealthing

Submissions on the survivor accounts frequently demonstrated the lack of awareness around stealthing. Significantly, nine of the 18 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 that it 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 it can identify and respond to their experiences.

Different sources were highlighted as gateways to information about stealthing. The most popular sources of information were close friends and social media (the app Instagram and an Instagram survivor account), which were mentioned in two submissions. The 2020 television show *I May Destroy You*, an online article and the discussion of stealthing in a university tutorial were each



mentioned once as providing insight into stealthing. Notably, no submissions highlighted sex education as a resource for learning about stealthing, exemplifying the need for stealthing to be incorporated into the national curriculum in order to increase awareness and prevent the uncertainty many individuals face after being stealthed.

Furthermore, the submissions grant us an understanding of the public's perception of stealthing under Scottish law. Specifically, there is some discrepancy in the submissions regarding how stealthing would be treated under Scottish law, as awareness is lacking not only in understanding stealthing as a form of sexual assault, but also regarding the legal options for a person who had experienced stealthing. One mentioned that they believe there is no legal protection for them should they wish to report their experience explicitly because of the legal ambiguity and the fact that there is no specific stealthing statute in Scots law. However, others suggest that "it's classed as rape by law" and "is legally defined as sexual assault". Clearly, the law is too ambiguous as those who were stealthed themselves had divergent interpretations of it. Many are uncertain of what legal consequences they can seek against the perpetrator, which undermines their autonomy and may prevent them from seeking justice. Consequently, the Scottish Government should incorporate a specific stealthing statute so that those who experience stealthing are aware of their legal options. This may also dissuade individuals from stealthing, given the potential consequences of their actions.

## 4.2 Stealthing's health risks

Survivor 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 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. 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.

Significantly, the survivor accounts demonstrate perpetrators' shocking disregard for the sexual and physical health of their sexual partners. Three individuals' submissions explained that they were not on any form of oral contraception, such as the pill, some for health reasons. One troubling submission

says that “He did know that I wasn’t on any birth control because of health reasons... we would have to rely on condoms”. The man in question removed the condom regardless, forcing the individual to take “emergency birth control which I should not have been taking for health reasons”. We can infer from these sort of interactions that there is a disturbing lack of awareness of women’s contraception in general, but more specifically that men who stealth women can have vague ideas about ‘emergency contraception’ that will solve any issues unprotected sex may present. One submission stated that the perpetrator was aware that the person who they stealthed was not on any form of oral contraception, but removed the condom during sexual intercourse so that the individual could “feel it better”. This instance indicates that serious health-related consequences of stealthing are frequently overlooked or neglected in favour of perceived sexual pleasure. The submissions also reveal a distressing trend amongst male perpetrators of stealthing: either the assumption that sexually active women are on “the pill”, or that any health problems that present themselves later, such as pregnancy, STIs or physical pain are simply not their problem. One submission recounts “pain and bleeding” from a sexual encounter in which the individual who was stealthed was not on oral contraception and insisted on using a condom, but the perpetrator “finished inside me” before she realised the condom had been removed, and “never once did he ask me if I was ok”. It is clear that generalised assumptions about women being responsible for their own sexual wellbeing, through various forms of ‘female’ contraception, have created a belief amongst some men that condom removal has no real consequences. This highlights the importance of raising awareness of stealthing as a form of sexual assault, because there is an exceptional deficit in perpetrators’ understandings of how female contraception works, and what their role is in sexual encounters to keep their partner safe.

Finally, two submissions expressed anxiety about the increased risk of pregnancy from stealthing. Significantly, one account stated that they became pregnant because of stealthing, and that she “had to have an abortion and live with that for the rest of my life when I was absolutely adamant about using a condom”. Given that the consequences of stealthing can have such an extremely negative impact on sexual health, it is imperative that Scotland expressly incorporates stealthing into its statute law and recognises it as a form of sexual assault. The fact that women suffer from so many health related issues because of stealthing is an injustice, especially when some feel “sick and angry that he [the perpetrator] doesn’t have to live with any of this”. Scotland ought to recognise the extreme health risks that are associated with stealthing, as it deprives women of their informed choice to consent to protected sex, and puts them at risk of STIs, physical pain, contraception that threatens their existing health, and pregnancy, with the men responsible facing no legal consequences for their actions.

### 4.3 Loss of reproductive autonomy

14 of the submissions (78%) recount how they 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. 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.

### 4.4 Emotional and long-term impact

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. Six accounts (33%) 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”. 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.<sup>72</sup> 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. Notably, one submission demonstrates shame specific to stealthing, by

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<sup>72</sup> Vidal, M. E., Elena, M. and Petrak, J. (2007) *Sexual and Relationship Therapy*, Vol 22. No.2, ‘Shame and adult sexual assault: a study with a group of female survivors recruited from an East London population’ (pp. 159-171).

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.

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. We must tackle this by increasing awareness of stealthing, so that those who experience it can process their feelings without confusion or shame for responding a certain way.

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.

The impacts of stealthing were also revealed by the submissions to be long-lasting, with 50% of the survivor accounts (nine out of eighteen) reporting ongoing issues with sex, relationships, libido, emotional and sexual health. The submissions have revealed that for some individuals, the ramifications of stealthing have impacted them for weeks, months and even years, with one account stating “this was years ago and it still effects [sic] me so much”. 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. Closely related to the previous emotional impacts of stealthing, one account mentions “emotional abuse” from which they are still recovering. Six of these survivor accounts indicate that the person stealthed did not fully appreciate the long-term consequences of stealthing until several months and even years after the event. Five of the accounts mention a loss of libido or a reluctance to engage in sexual activity. This demonstrates the long-lasting ramifications of sexual violence on those stealthed that needs to be addressed. One submitter said that “genuinely the thought of being penetrated makes me feel ill”, as sex had changed from a “fun activity to something where I have no control over my body”, a similar experience to another account that recounted how “I’ve had sex with a couple of guys and everytime I feel so paranoid”, emphasising that the long term consequences of condom removal as sexual violence can impact an individual’s interpersonal relationships, sexual encounters, trust and bodily autonomy. A final account recalls how the experience of being stealthed made her feel “hollow” and she has struggled with “any sexual encounters since”. It is imperative that those who experience years of loss of libido, fear of sexual intimacy, a loss of sexual autonomy and poor mental health as a result of stealthing are recognised as legitimate experiences of sexual violence. These impacts can be incredibly severe and traumatic for the individuals that experience them.

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. It is imperative, therefore, that we ensure that these individuals have the opportunity to seek justice for their experiences. A law criminalising stealthing would promote this. In addition, these findings also demonstrate the need for adequate education and support structures, such as counseling, for those that have experienced stealthing.

#### 4.5 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. 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. As a form of sexual assault, stealthing must be appropriately criminalised in Scotland. Moreover, awareness of its criminality 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.

#### 4.6 Perpetrator response/explanation for stealthing

Six of the submissions 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’. 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.<sup>73</sup> 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.

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<sup>73</sup> António Guterres, “The Gender Power Gap,” *United Nations Secretary-General*, last modified March 02, 2020, <https://www.un.org/sg/en/content/sg/articles/2020-03-02/the-gender-power-gap>.



#### 4.7 Confiding in others

The 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. If stealthing was more explicitly recognised as a crime under Scottish Law, those stealthed may feel more validated and would feel more comfortable seeking help from family as well as friends. It is vital that Scottish legal reform changes stealthing from a sexual issue into recognised form of sexual violence.

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 behavior is not that bad which feeds into a social acceptance of stealthing and increases the likelihood that the perpetrator will do it again. 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. Stealthing needs to be enshrined in Scottish law 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 "im [sic] not the only one he's done this to." More awareness about stealthing as an act of sexual violence, and an explicit recognition of stealthing as an act of sexual assault 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.

## V Data from Freedom of Information (FOI) Requests

The Crown Office and Procurator Fiscal service were asked, in regard to sexual assault charges under the Sexual Offences Act 2009, to provide the number of sexual assault charges between 01/01/2019 and 31/12/2019 which involved an allegation of contraceptive dishonesty. With an excess of 800 sexual assault cases between these dates having to be manually searched to provide us with this information, all information could not be provided. However, 200 sexual assault cases between 01/01/2019 and 05/04/2019 were reviewed and it was found that none related to contraceptive dishonesty allegations. Notwithstanding, it is difficult to extrapolate this data; it could indicate that charging allegations of contraceptive dishonesty is difficult because of a lack of case-based precedent in Scotland and no direct inclusion in the statute. Furthermore, there is the potential that not all contraceptive dishonesty cases are being brought by the police, and therefore charging rates do not reflect cases. This is backed up by the findings of the conducted survey which indicate that 16% of respondents have experienced stealthing, and 32% know someone that has.

Police Scotland and the Justice Analytical Services were requested to provide the number of allegations brought between 01/01/2019 and 31/12/2019 which involved an allegation of contraceptive dishonesty. Since contraceptive dishonesty is not a distinct crime, there is no marker on

their database for this form of offence. Accordingly, to provide statistical information would require manual scrutinization of all sexual assault allegations, which could not be provided by Police Scotland nor the Justice Analytical Services. Police Scotland did stipulate that an allegation of contraceptive dishonesty would be considered rape:

*“Having sex without consent is rape. If a condom was removed during sex, or a person deliberately used contraceptive dishonesty to have sex without the persons consent then this would also be rape.”*

It thus appears that Police Scotland are acting under the sentiment of conditional consent, which is used in the Scottish statute. This is particularly concerning when situated within the empirical evidence suggesting a cases route to court can be manipulated by individual police officer bias. This includes the intoxication of the perpetrator and victim<sup>74</sup>; officers’ perceptions of the complainant’s intoxication level greatly influence evaluations of the alleged sexual assault. The more intoxicated the complainer is perceived to be, the more negatively they are viewed, which influences the decision an officer makes regarding how successful a court hearing would be. This is particularly pertinent when considered alongside the thematic analysis of survivor accounts which observed frequent references to alcohol consumption. Thus, any bias acts as a huge barrier to those that have been stealthed and may influence case progression, as well as likelihood to report. It follows that a more robust legislation would minimise this potential by removing the possibility for police officer bias to interfere, as well as encouraging a transparent reporting process which could be continuously monitored to address changes and emerging concerns.

## Discussion

### Education Initiatives

Educating both the adult population as well as those of school age about stealthing can play a part in tackling stealthing and sexual violence more generally, by creating an educated culture of consent and understanding of bodily autonomy. This was also highlighted in much of the feedback we received that participants would have valued education on the topic from a young age. We are looking to collaborate with Scottish organisations through our existing sexual health network to coordinate on

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<sup>74</sup> Regina A. Schuller, and Anna Stewart, “Police Responses to Sexual Assault Complaints: The Role of Perpetrator/Complainant Intoxication,” *Law and Human Behaviour* 24 (2000).

making this a reality. It can also challenge the way people see harmful stereotypes around sex which are perpetuated by other outlets such as in social media. Sexual education in Scotland should be holistic, giving students a deeper understanding of consent. Stealthing demonstrates that initial consent to sex does not mean an individual has consented to everything that follows, under any conditions. Students should learn, therefore, about stealthing and conditional consent during sexual education to tackle stealthing within society.

### Next Steps

In order for our policy recommendations to become law, an MSP (who is not a member of the Scottish Government) must introduce a Private Member's Bill (PMB), by initially lodging a draft proposal with The Non-Government Bills Unit (NGBU). To do this, we have been in contact with a number of politicians and backbenchers to find an MSP willing to introduce a PMB on stealthing in the Scottish Parliament, and will rework this report into a draft Bill proposal. Contact first began in March 2021. However, due to the urgent policy focus on resolving the effects of COVID-19, such a proposal could not be lodged at that time. In a second round of outreach, several Scottish MSPs have shown interest in coordinating with the campaign and possibly passing the aforementioned PMB. The difference in uptake through this round of contact therefore has been starkly different and has much potential. To ensure that our campaign progresses before it can be formally introduced to the Scottish Government, we contacted the manifesto leads for each political party in Scotland in an attempt to get a stealthing law included in their manifestos. Unfortunately, all but one (who rejected our request) of our contacts did not respond.

In September of 2021 we launched an advocacy campaign using our existing social media presence, and have contacted stakeholders of CERT to garner support. Influencers in this field have been contacted as well as media gatekeepers to increase our media coverage. Throughout our research, we have been in contact with several organisations that have an interest in combating sexual violence who have consulted and demonstrated an interest in our work and stated aims. Notably, we have received encouragement from Rape Crisis Scotland (RCS), who raise awareness of the prevalence and impact of rape and provide support to those that have experienced it. RCS are also looking to conduct research into stealthing. We intend to work alongside RCS and further develop the campaign by building rapport with other relevant organisations (those specialising in sexual violence and consent) alongside key contacts at Scottish universities and those in sexual health posts. Our campaign will focus on building awareness of stealthing and its potential implications, and amassing public support in order to pressure the Scottish Government to pass a law criminalising stealthing.

## Methodological Limitations

Stealthings falls under broader categories of sexual violence such as contraceptive dishonesty or reproductive coercion. Contraceptive dishonesty describes behaviours which interfere with decision-making related to contraceptive choices. They undermine the individual's autonomy to have their contraceptive choice honoured and infringe an individual's reproductive rights. The wide scope of contraceptive choices means that researching contraceptive dishonesty as a whole would require detailed research into all forms of contraception. We decided to specifically focus on barrier contraception as it one of the most widely used forms of contraception<sup>75</sup> and because of the common trend we found that stealthings was committed by condom wearers to non-condom wearers. While we have made efforts to be inclusive of transgender and non-binary individuals, this does often also relate to a gendered power dynamics or GBV that seems common in stealthings and other sexual violence cases. We recognise that this research does not address other areas of contraceptive dishonesty, such as dishonesty around hormonal contraception. Whilst these forms of sexual violence do not differ in terms of severity, more research must be done to assess the extent and awareness of them. The role of this research was to focus on the use of barrier contraception and therefore, whilst still important, other forms of contraceptive dishonesty falls outside the scope of this report.

Limitations in our primary research mostly arise from the sampling methods used. Using advertisements was for the purpose of expanding beyond the researchers' networks, but fundamentally, the respondents were still self-selecting, and resulted in a sample which was not perfectly representative of the Scottish population in age, location and gender identity. However this does not invalidates the findings as they relate to the groups studied prevalence of stealthings experiences which we found through our survey, and the content of the survivor accounts, even if a minority in the lived experiences of the rest of the population, are still valid and under the remit of the state and public to take notice of.

While the purpose of this paper is to ascertain the prevalence and experience of stealthings, and to make a general case for legislative action, rather than one specific to any one group, it is essential to remember the intersectionality of our respondents. We have mentioned the finding that sex workers are disproportionately affected by stealthings. Whilst we have highlighted the need for future research to specifically explore stealthings's impact on sex workers, for us to incorporate this into the main body of our analysis would have required us to target sex workers. This would not only have generated its own ethical difficulties, but fell out of the scope of our research exploring stealthings

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<sup>75</sup> Conor Stewart, "Methods of contraception used by women in the United Kingdom in 2018," *Health, Pharma, and Med Tech*, last modified October 28, 2018, <https://www.statista.com/statistics/1063613/contraception-use-among-women-in-the-uk/>.

more generally. Similarly, some respondents and accounts mentioned HIV transmission; researching this in isolation was not possible, despite the large body of research that exists on the social and health implications of HIV transmission, because it would have involved a specific targeting of men who have sex with men.

Furthermore, the relationship between gender and stealthing requires further investigation. Our findings overwhelmingly featured the experiences and statistics pertaining to cis-women as the most frequent and main experiences of stealthing, and the extent to which men, particularly gay men, also experience stealthing absolutely warrants further research that falls outside the scope of our methodology. We do not feel, given the results that have come from this research given the sample, that we could make any meaningful conclusions about the specific experiences of said groups - though we are sure that many aspects of the experience are common. These particular findings have indicated that many of the survey respondents, survivor account submissions and statistics pertain to women, and it is worth noting that research into the extent that men, non-binary and transgender individuals experience stealthing needs to be investigated further.

Finally, we have not included a thematic analysis on the relationship between perpetrators and those-who-have-experienced-stealthing, or sought to garner respondents who have previously stealthed. Primarily, this choice was because this would have brought more ethical challenges than benefits to the case. For example, should we have targeted perpetrators, there was a question on how much space (in the report) and respect (for their submissions) we allowed in comparison to those-who-have-experienced-stealthing. The team felt it would be disrespectful and very challenging to balance the two and further, to take no action in response to admissions of sexual violence not only being perpetrated, but knowingly. Lastly, while understanding the trends in perpetrators and their relationships (with the act and those they stealth), this was not in the remit of the study.

Though we have justified our limitations, future research could look more at the experiences of specific demographic groups or perpetrators to continue deepening the academic and public understanding of stealthing.

## Conclusion

Explored throughout has been the immense physical and mental trauma endured by those that have been stealthed; from pregnancy, and STI risk, to serious and all-encompassing emotional consequences. By not including the non-consensual removal of barrier methods of contraception (stealthing) in consent law, legislative ambiguity prevents consistency in the judgement of cases,

undermines efforts of a transparent reporting process, and averts from justice for those that have been stealthed. In short, the legal system is not currently fulfilling its duty of protecting individuals' liberties and rights. These considerations situate the objectives of this research: to discern the public's perception of stealthing; to understand the prevalence of stealthing in Scotland; to propose how best the law can support *all* individuals who experience sexual assault.

Findings from the thematic analysis of survivor accounts from Instagram corroborated those from the conducted survey. Amalgamating these with extensive literature research and legal analysis, we propose the inclusion of a specific law criminalising stealthing in Scottish statute. With support from the empirical evidence in the preceding pages, we firmly believe the legal stance must be reformed in this way to maximise the chances of justice for those that have been stealthed. Importantly, it would legitimise the experiences of those that have been stealthed and appropriately equate this violence with other forms of sexual assault. These legislative interventions will not eliminate the difficulty in discerning the *mens rea* of the offence, but would facilitate the navigation of such complexities by providing a navigable framework. Additionally an awareness campaign as well as secondary school education around conditional consent would bring more awareness to stealthing as a form of sexual assault, and change societal perspectives on it which would discourage perpetrators.

These changes will situate Scotland as a pioneer of sexual assault legislation. By emphasising the lived-experiences, wants, and needs of Scottish citizens within Scottish statute, Scotland will comprehensively protect all those that have experienced sexual assault and encourage other jurisdictions to follow in our footsteps.

## Glossary of Key Terms

**Conditional Consent** - A developing legal concept predicated on sexual consent only being given on certain grounds, such as the use of contraception

**FOI** - Freedom of Information, specifically The Freedom of Information (Scotland) Act 2002

**Gaslighting** - A type of psychological manipulation that causes the victim to question their sanity, memory or experiences

**GBV** - Gender Based Violence

**‘Gift-Giving’** - The practice of HIV-positive individuals knowingly and intentionally infecting an HIV-negative individual through unprotected sex.

**Hegemonic Masculinity** - The legitimisation of men occupying the dominant position in society, predicated on traditional notions of masculinity that are not ‘feminine’

**Heteronormativity** - Heterosexuality or identifying as “straight” as the default sexual orientation

**HIV** - Human Immunodeficiency Virus

**IPV** - Intimate Partner Violence

**LGBTQIA+** - Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (and others)

**Mens Rea** - The knowledge that one is committing a crime, or the intention to do so

**MSP** - Member of Scottish Parliament

**NCCR** - Non-Consensual Condom Removal

**Non-consensual Bareback** - Penetrative sex that is performed without a condom (often anal sex) without the consent of both parties

**Plan B/Morning After Pill** - Oral birth control taken after unprotected sexual intercourse to prevent unwanted pregnancy.

**Postexposure Prophylaxis** - A preventative course of HIV medication

**RCS** - Rape Crisis Scotland

**Reproductive Autonomy** - The power that one has to make decisions about, and exercise control over, their own contraception use and sexual practices, often used in the context of women controlling whether they fall pregnant

**Reproductive Coercion** (also: **Birth Control Sabotage, Contraceptive Dishonesty**) - Behaviour that jeopardizes an individual's decision making related to their own sexual and reproductive health. It may involve deception or dishonesty relating to the use of contraceptive measures during sex, or one's own sexual health status

**Slut-Shaming** - The criticising of individuals, particularly women, who are sexually active, often incorporating elements of 'victim-blaming' when sexual assault or harassment occurs

**Statute Law** - Written law that has been passed by a body of legislature

**Stealthing** - A form of sexual violence involving the removal of contraception without the other person's knowledge or consent

**STI** - Sexually Transmitted Infection



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## Appendix

### Survey

# Stealth Research

This short survey will help us to research stealthing in Scotland. If you currently reside in Scotland, we would love to hear your thoughts, which are totally anonymised, no matter how big or small. If you are under 18 years old you will not be permitted to complete this survey. However please refer to section 2.

We really value your support in this research endeavour and recognise that this can be a sensitive and difficult topic for some. Provided in section 2, after this brief information section, is a list of contacts who we urge anyone who is struggling with issues raised in this survey to connect with. This survey is completely voluntary, you do not have to complete it if you do not wish to and you can withdraw at any stage by closing the browser. Until you complete and submit, your answers will not be saved. We will only receive the answers once you submit the form. This survey will take around 3-5 minutes but please feel free to take your time and elaborate on answers if you wish.

In line with GDPR guidelines, your data is completely anonymous and will not be used for anything other than our research purposes. Your data will not be transferred to any other party, is password secured, and will be retained only for the extent of the research, after which it will be deleted. By taking part, you are contributing to legitimate research into stealthing in Scotland, which will be translated into a published paper and then passed onto the Scottish government with the hopes of making stealthing a criminal offence in Scotland.

If you have any questions, feedback or complaints about the research or your data you are able to contact the research team through the CERT general email : [generalenquiries.cert@buchananinst.org](mailto:generalenquiries.cert@buchananinst.org)  
Or alternatively in section 6 at the end of the survey you can submit feedback anonymously.

In light of the issues raised with this research we want to remind all participants the importance of discussing consent and contraception with sexual partners. The charity 'Brook' defines consent: "To consent to sexual activity means to agreeing freely and with full capacity to engage in that activity. This means that someone has to be able to agree to sexual activity with full understanding of what they are agreeing to, and no pressure to say 'yes'". Below are some resources regarding consent which we recommend you make use of.

BBC, gal-dem, and The Face collaboration Digital zine 'the ins and outs of consent'  
<https://theface.com/gal-dem/imaydestroyyou>

Brook resource on consent myths and facts  
<https://www.brook.org.uk/your-life/consent-myths-and-facts/>

Brook resource on how to give and get consent  
<https://www.brook.org.uk/your-life/how-to-give-and-get-consent/>

\*Required

## 1. Do you consent to participating in this research?

By selecting yes, you consent to the following: I agree to participate in this study. I confirm that I have read and understood how my data will be stored and used. I understand that I have the right to terminate this session at any point.

*Tick all that apply.*

☐ Yes

*Skip to section 2 (Support Resources )*

### Support Resources

Whether or not you decide to participate in the study we recognise that this can be a sensitive and difficult topic. Provided below is a (non-exhaustive) list of contacts who we urge you to connect with if you are struggling with issues raised in this survey. If you are under 18 years of age you are unable to complete the survey, however if you are struggling with any of the issues raised by the survey we urge you to make use of these resources. Survivors U.K. has a specific page for 13-18 year olds.

#### 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](mailto: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 7 pm 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.

#### SurvivorsUK

This is an online webchat for male survivors of sexual violence, available every day between 12 pm 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/>

*Skip to question 2*

### Stealth research

Please make sure you are in a comfortable and safe environment when filling out this survey.

2. What is your age? \*

*Mark only one oval.*

- ☐ Under 18    *Skip to section 2 (Support Resources )*
- ☐ 18-24
- ☐ 25-34
- ☐ 35-44
- ☐ 45-54
- ☐ 55+

3. Do you usually reside in Scotland? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No

4. What is your post code? (For example EH9) \*

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5. How would you describe your gender? (We have made a distinction between transgender and cis because we want to understand if stealthing is something that the transgender community are disproportionately affected by). \*

*Mark only one oval.*

- ☐ Female (Cis)
- ☐ Female (Trans)
- ☐ Male (Cis)
- ☐ Male (Trans)
- ☐ I prefer not to say
- ☐ Prefer to self describe as (non-binary, gender fluid, agender, please specify in box below)
- ☐ Other: \_\_\_\_\_

6. Which of the following best describes your sexual orientation? \*

*Mark only one oval.*

- ☐ Bisexual
- ☐ Gay man
- ☐ Gay woman/lesbian
- ☐ Heterosexual
- ☐ Pansexual
- ☐ I prefer not to say
- ☐ I prefer to self identify (please specify in box below)
- ☐ Other: \_\_\_\_\_



7. Which of the following best describes your ethnicity? You can select all that are appropriate. \*

Mark only one oval.

- ☐ Arab
- ☐ African descent
- ☐ Asian (East Asian or South Asian)
- ☐ Black or Caribbean descent
- ☐ White
- ☐ I prefer not to say
- ☐ I prefer to self identify as (please specify in box below)
- ☐ Other: \_\_\_\_\_

8. Do you have a disability?

Mark only one oval.

- ☐ Yes
- ☐ No
- ☐ I prefer not to say

Skip to question 9

Your  
awareness  
of  
stealth

"Stealth" describes the act of non-consensual removal of barrier method contraception (such as condom, dental dam, internal condom) during sexual intercourse. Put simply, it is when the barrier-wearing partner removes or damages the barrier during sex without telling the other person. This next section will be about your awareness of stealth. Please feel free to elaborate as much or little as you want in your answers.

Answers to any open questions are not mandatory.

9. Have you heard of the term 'stealth' before taking part in this survey? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Unsure

10. If you answered YES to the previous question, how did you learn/hear about it?

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11. Do you believe that you have an understanding of what stealth is? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Unsure

12. To your knowledge, have you ever experienced stealth? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Unsure
- ☐ I prefer not to say

13. To your knowledge, has anyone you know ever experienced stealthing? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Unsure

14. If you answered YES to either of the previous two questions, what impact did the experience have on the everyday life of the individual who experienced stealthing, if any?

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15. To your knowledge, has anyone you know ever 'stealthed' another person? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Unsure

16. Do you think stealthing is a form of sexual assault? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Unsure

17. Why do you think so?

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Your  
opinion of  
stealth

This short, and final, section asks some questions about your opinions of stealth. Please elaborate as much or as little as you feel comfortable in your responses.

Answers to any open answered questions are not mandatory.

18. Do you think stealth should be against the law? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Unsure

19. Why do you think this?

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20. Do you think stealthing increases one's risk of contracting or transmitting a sexually transmitted infection (STI)? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Maybe
- ☐ Unsure

21. What consequences do you think there should be, if any, for individuals who have stealthed another individual?

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22. If you were to experience stealthing, who would you tell about it, if anyone? You can select all that are appropriate. \*

*Tick all that apply.*

- ☐ The police
- ☐ Your GP
- ☐ A sexual health clinic
- ☐ Your university
- ☐ Friends
- ☐ Family members
- ☐ An online forum (such as Reddit or Quora)
- ☐ A helpline
- ☐ A counsellor
- ☐ I would only tell those who had experienced stealthing and raised the topic, otherwise I wouldn't
- ☐ No one

Other: ☐ \_\_\_\_\_

23. If you would consider reporting your experience, why?

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24. Do you think stealthing is socially acceptable, or socially ostracised?

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25. Do you think stealththing should be included in secondary education? \*

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ Unsure

26. Do you have any additional comments?

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Feedback  
and  
Complaints

If you have any feedback or complaints that you would like to make anonymously please use this section. Or alternatively you can use the email:  
[generalenquires.cert@buchananinst.org](mailto:generalenquires.cert@buchananinst.org)

27. Feedback or Complaints

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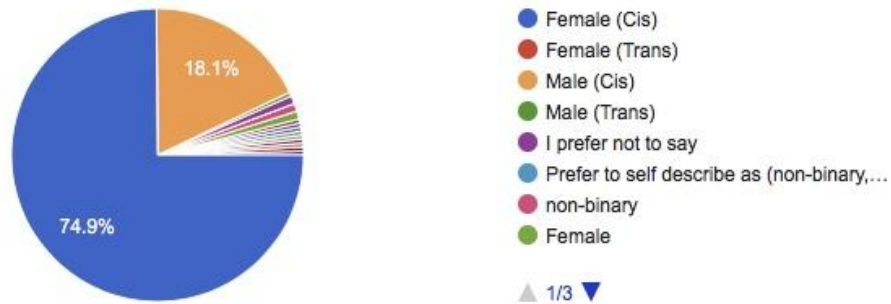
This content is neither created nor endorsed by Google.

Google Forms

How would you describe your gender? (We have made a distinction between transgender and cis because we want to understand if stealthing is something that the transgender community are disproportionately affected by).



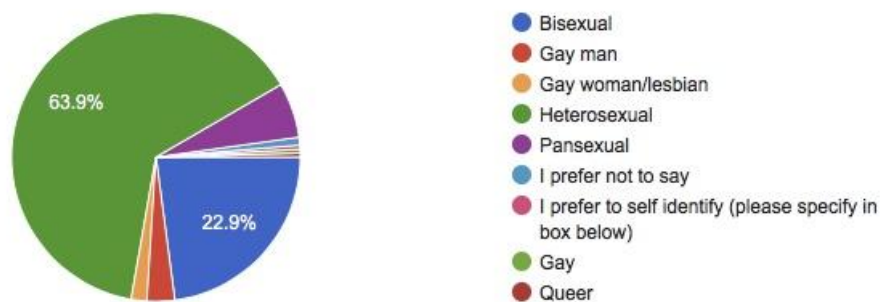
227 responses



Which of the following best describes your sexual orientation?



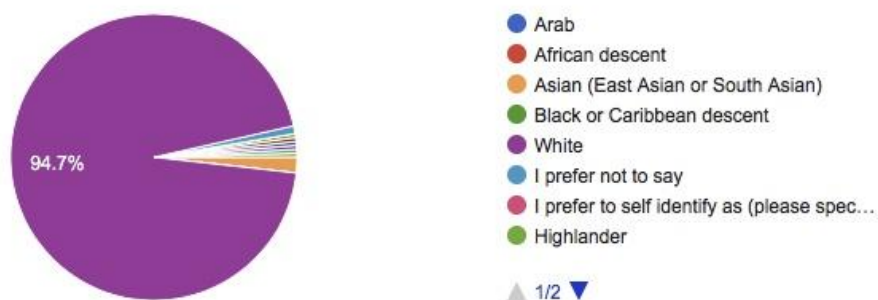
227 responses



Which of the following best describes your ethnicity? You can select all that are appropriate.



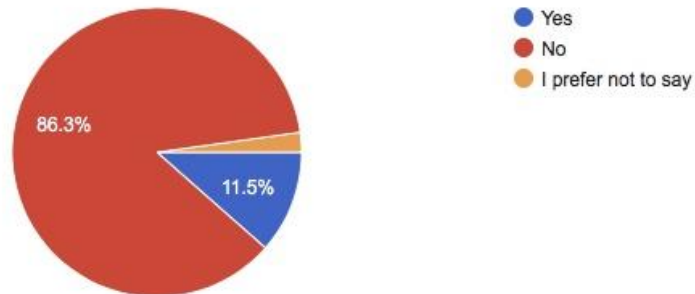
227 responses





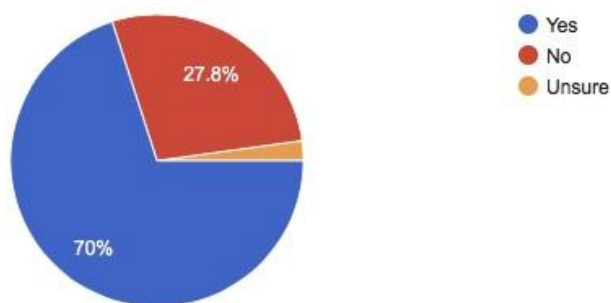
Do you have a disability?

226 responses



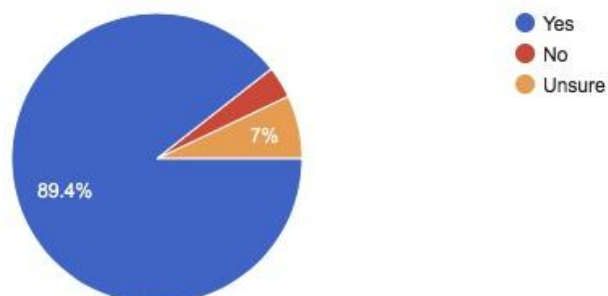
Have you heard of the term 'stealthing' before taking part in this survey?

227 responses



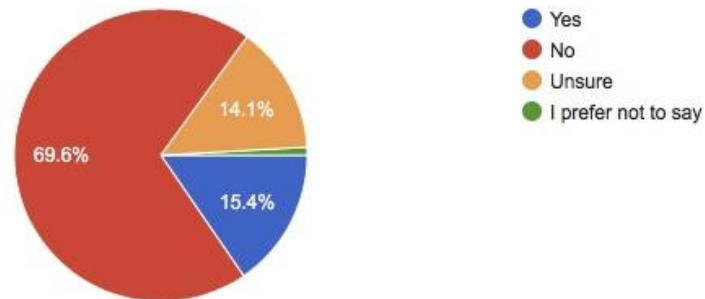
Do you believe that you have an understanding of what stealthing is?

227 responses



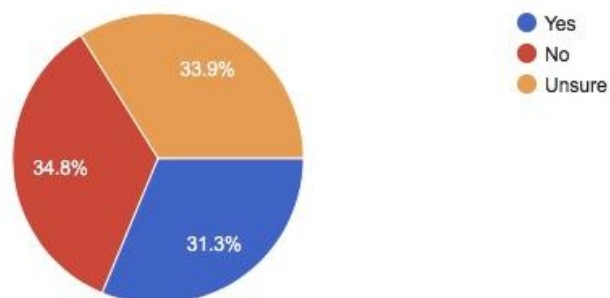
To your knowledge, have you ever experienced stealthing?

227 responses



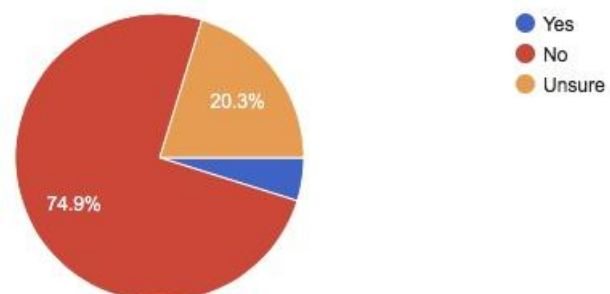
To your knowledge, has anyone you know ever experienced stealthing?

227 responses



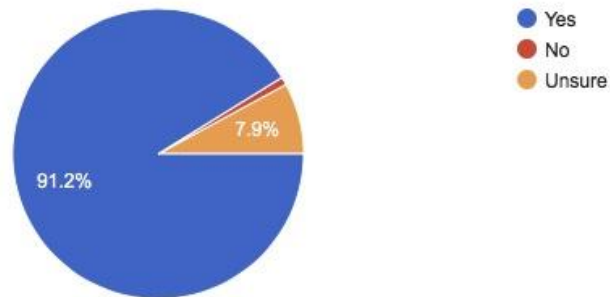
To your knowledge, has anyone you know ever 'stealthed' another person?

227 responses



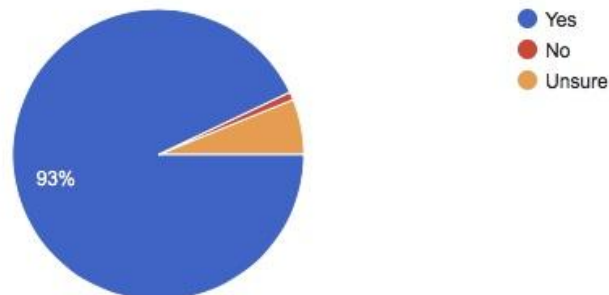
Do you think stealthing is a form of sexual assault?

227 responses



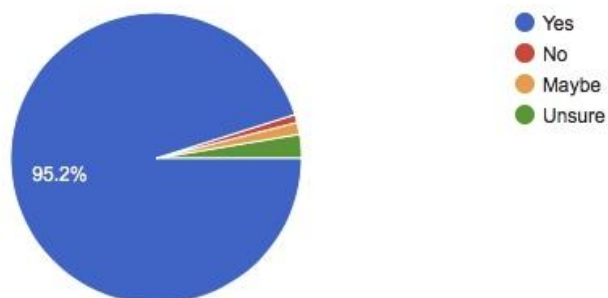
Do you think stealthing should be against the law?

227 responses



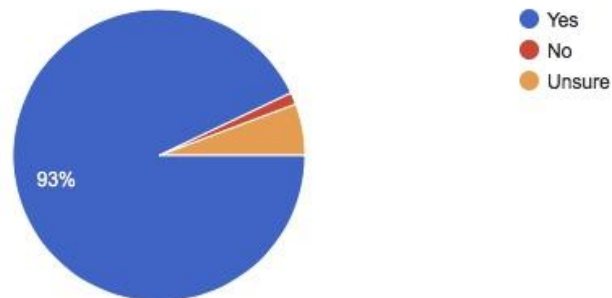
Do you think stealthing increases one's risk of contracting or transmitting a sexually transmitted infection (STI)?

227 responses



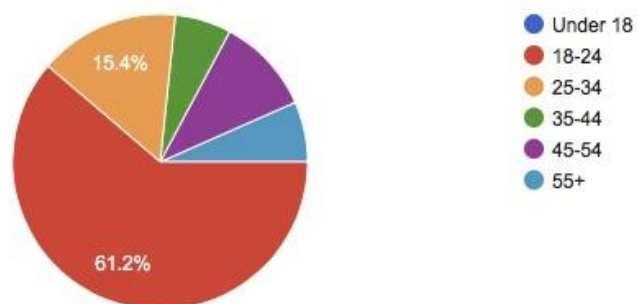
Do you think stealthing should be included in secondary education?

227 responses



What is your age?

227 responses



Do you usually reside in Scotland?

227 responses



## Contact Information

Contraception: Education Reform Team

The University of Edinburgh

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