Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1777 (2007)[1]

Sexual assaults linked to "date-rape drugs"

Parliamentary Assembly

1. The Parliamentary Assembly is alarmed at the increasingly frequent reports of cases of sexual violence, the victims of which were, unknowingly, under the influence of drugs known by the name of "date-rape drugs", such as Rohypnol, GHB and Ketamine. The victims of the involuntary consumption of these narcotics are in the great majority women and girls, most of whom are subjected to rape, but there are also reports linking the use of date-rape drugs to sexual assaults on men and to robberies.

2. Any sexual assault, but especially rape, is an inexcusable crime which subjects the victim to severe physical and psychological trauma. The trauma is aggravated when the sexual assault takes place under the influence of date-rape drugs, as the victim has ingested the drug unknowingly. Furthermore, the victim is often incapacitated for many hours, and the drugs pass through the victim's body very quickly. This makes it extremely difficult for the victim to report the crime in time for physical proof of the drugs to be found in his or her body.

3. To add insult to injury, the behavioural effects of these drugs can look very much like the effects of voluntary alcohol consumption to onlookers; they can also lower victims' natural inhibitions. It is thus very difficult to prove that the attacker initiated sexual relations without the consent of the victim, even if the victim is able to identify the perpetrator (which is not self-evident, due to the drug-induced loss of consciousness and/or amnesia).

4. As a result, sexual assaults linked to date-rape drugs are among the most under-reported crimes – even in countries where the phenomenon is relatively well-researched, well-publicised, and taken seriously by the police. The number of successful prosecutions is negligible in the United Kingdom, for example, even though new legislation which defines sexual assault as sexual relations without the victim having the "freedom and capacity to consent" is starting to have a positive impact.

5. There is a need to raise awareness of date-rape drugs across the whole of Europe, both in the general public and among law-enforcement agencies. Appropriate assistance must be made available to victims of sexual assault linked to date-rape drugs, as well as support and encouragement to make use of this.

6. The Assembly, having regard to the specific nature of this offence and its consequences for victims, as well as the general lack of awareness of both the authorities and the general public of this problem, thus recommends that the Committee of Ministers:

6.1. instruct the relevant Council of Europe bodies in the intergovernmental sector to examine the phenomenon and recommend a harmonised European approach to tackle it, both at the technical/ scientific and the law-enforcement and judicial levels;

1. *Assembly debate* on 22 January 2007 (2nd Sitting) (see Doc. 11038, report of the Committee on Equal Opportunities for Women and Men, rapporteur: Ms Damanaki; Doc. 11096 opinion of the Social, Health and Family Affairs Committee, rapporteur: Mrs Pernaska). *Text adopted by the Assembly* on 22 January 2007 (2nd Sitting).

6.2. recommend to Council of Europe member states in the meantime that they:

6.2.1. raise awareness in the general public and among the relevant authorities of date-rape drugs and the specific problems linked to their use, organise information campaigns involving television advertisements, and encourage all authorities to share relevant information and experience;

6.2.2. take specific measures to ensure that victims are given speedy medical and psychological care and are informed of the possibility of undergoing tests and of reporting the offence, for example by training the staff of places open to the public (bars, pubs) and distributing appropriate urine testing kits to the police, to medical services and to premises licensed for the sale of alcohol;

6.2.3. introduce training programmes for persons who interview and assist rape victims;

6.2.4. standardise policing methods and forensic medicine techniques for detecting the presence of such drugs in the blood, urine or hair;

6.2.5. recognise the inalienable right of rape victims to terminate resulting pregnancies if they so wish;

6.2.6. revise rape and sexual assault legislation to make it a gender-neutral offence and introduce a provision which requires the victim to have had the “freedom and capacity to consent” to sexual relations, including in cases of marital rape, where this has not yet been done;

6.2.7. place date-rape drugs on lists of controlled drugs;

6.2.8. urge pharmaceutical companies to develop methods of making relevant drugs more identifiable when added to liquid.