

DATE RAPE: A MISERY UNTOLD

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ABSTRACT

Rape is a dreadful crime which continues to haunt the victim even after many years of the incident. It becomes a heavy burden which the victim continues to carry with herself/ himself all throughout his/her life.

One of the aggregated form of rape is 'Date Rape' which the paper deals with. Date Rape is more devastating because in this you trust a person in a romantic relationship and in return your body is used as their own property and it destroys the person both physically and mentally. Date rape is essential to address because firstly, sometimes the victims themselves does not comprehend that he/she has been raped and secondly it is difficult for the victim to prove because of drugs that are used to rape. This paper address the mechanism of how this rape is carried out and who are more prone to it.

The paper also does empirical study among the college students and middle age men and women to analyse how many know or are aware about Date Rape by distributing Google forms among the college students. It is interesting to note that college students are more prone to date rape and hardly few know about this. This study also analyzed what people think a rape constitutes. This was important because many when in a romantic relationship think that forcing the partner is normal and part of the so called romantic game. Further the paper compares the situation of other countries with India regarding date rape.

INTRODUCTION

“Even after her strong refusal he continues to unhook her dress without any fear or guilt. He holds her hands firmly and whispers in her ear making her know that he wants it desperately and he is not going to stop until he gets what he desires for. She has known him for one year now but at this moment it feels like he is a stranger. She does not want to hurt him because she loves him. She has a feeling of unwillingness yet obliged to give him what he desires for, just to satisfy his lust ignoring the promises she made to herself years before and keeping her self respect aside. He lays her down on the bed and starts pulling down her panties and this time she cannot resist. He is too aggressive and he won’t stop for nothing else.” This whole situation explains the scenario of a non-consensus sexual activity. She is refusing yet her “NO” is unheard and is thought of a romantic game where ‘NO’ means “YES”. It’s high time to realize that when it comes to physical relationships, both the partner’s consent have to be there. If it is absent and one partner says “NO”, then it is “NO”. It cannot be turned to “YES” just because one partner wants it to be so. Hence, Rape is defined as forcing sexual intercourse upon someone without his or her consent. People often misunderstand the word ‘forcing’. They think forcing means the act has to be violent. Yes, being violent is a form of forcing but not always. Emotional blackmailing, taking advantage of a person’s situation are also forcing. These are silent forcing and where there is forcing that means there is no consent and hence rape. Date rape situation involves upon agreed social interaction and are often characterized by romantic interest and some level of prior sexual intimacy.

It is seen in most of the date rape cases, that the perpetrator and victim have known each other for at least a year or even for longer time or involved in some kind of a romantic relation, that is to say they are no way stranger and the victims are to be alerted about their acquaintances only. In most cases women get drunk or are made to drink heavily or some kind of drugs which are specially designed for these purposes are mixed in their drink so that the perpetrator can do his job without any hindrance. The interesting part is that after consuming those drugs, the victim does not remember anything and also after few hours the traces of these drugs are not

found in the body. There are three date rape drugs that are most communing used for date rape and are easily available in any medical shop. These drugs are: Rohypnol, GHB, and Ketamine¹.

Rohypnol is used as a medicine for insomnia. It starts its effect after ten minutes of its digestion and continues up-to eight hours. The effects include difficulty in walking, dizziness, confusion, nausea, muscle relaxation, slurred speech and impaired judgement.

Ketamine is available both in power and as well as in the liquid form. It is mainly administered through injection. The effects of this drug are hallucination, numbness, aggressive behaviour, nausea and dream like effects.

GHB is also available both in powder and liquid form. It is colourless and odourless but it is salty. It causes unconsciousness, nausea, respiratory problems, sweating and drowsiness.

Surveys has found that 1.6% of teenagers, ages from 12- 17 has reported serious dating violence. 0.9 % reported sexual assault and 10% of these sexual assault was DFSA (Drug Facilitated Sexual Assault).²

These drugs are also known as “club drugs” because most of the time these drugs are used at dance clubs, concerts, and “raves”. These drugs have such a strong effect on the victim that they barely remember if she/he was raped.

The girl barely has the ability to stop her aggressive perpetrator and even if she tries to stop but a drunk women can be served as an insinuation to aggressive man, signaling she is ready to engage in sexual activity. Usually, aggressive man do not consider himself as a rapist, and rationalize his act by arguing that he wants to have further romantic relationship with that woman. Date rapes are becoming more popular among college students and middle aged people. They are engaging themselves in a romantic relationship and enjoying each other’s company not knowing their partner’s intention and about the dreadful consequences and involving in non consensus sex leading such rape cases or they are being lured to forced sex by mixing drugs in their drinks while just casually enjoying a date night in the club.

¹ Nancy S. Harper, *Drug Facilitated Sexual Assault*, 2011;available at <https://www.sciencedirect.com/topics/pharmacology-toxicology-and-pharmaceutical-science/date-rape-drug> (accessed on 30.10.2018.)

² IDBI.

HISTORY OF DATE RAPE

Date rape was never a sudden issue, it was present but the name was not known by many. It was introduced into public health parlance in 1980s in order to expel the myth that most of the rapes are committed by strangers or random attackers but the concept of non stranger rape was also used to give voice to sexual experiences that many victims believed had been non consensual but does not constitute to be a criminal offence because they occur out of romantic relationships. In many statistics it is seen that rape is done by the known people more than the unknown. Nowadays advocates are emphasizing upon the rights of the rape victims and promoting awareness about date rapes that all sexual activity requires explicit consent from both the parties. The term Date Rape was first found in the book “Against our will: Men, Women and Rape”³ by an American feminist and novelist, Susan Brownmiller. This word gained more popularity after the researchers in Mary Koss in 1987 conducted the first large scale study in the United States about rape, surveying more than seven thousand students at twenty five different schools.⁴

Before 1980 rape was still about stranger rape but in 1990 it was about people with whom we like or we share a romantic relationship. Since 1980s there has been evolution in the concept of date rape. An increased attention has been given to the devastating rate of rape and sexual assault on college campuses. Huge surveys have revealed how sexual assaults have become a common and rising issue in U.S. college campuses since then, but just less than 30 years ago, the way we looked and talked about date rape was very different from today. Back then prosecuting date rape meant, Katie Koestner. Her story was the most popular in the BBC, she survived as an 18 year old freshman at college of William and Marry, and she was an activist⁵. Like many other stories of date rape, she also had an unwanted sexual experience with another student with whom she had gone out with on that particular night, which brought miseries to her life which haunted her for many years. She testified that she didn't want to have sex with him but still she never thought about being raped. Back then in 1990, rape was still a stranger rape and not about people whom you are dating, as she told it to BBC. So when she tried to

³ Susan Brownmiller, *Against our will : Men, Women and Rape*, (Simon and Schuster, 1975).

⁴ Kuersten, Ashlyn .K (2003), *Women and the Law: leaders cases and documents*, ISSN No- 0874-386-782.

⁵ Hannah Smothers, *This is how Date Rape has changed since 1990*, 4th June 2016;

<https://www.cosmopolitan.com/sex-love/news/a59397/katie-koestner-date-rape/>, (Accessed on 29.10.2018.)

convince people at her school health centre and then the dean's office, and then her dad, as no one considered the coerced sex to be rape. Koestner eventually went to the local police station to report the crime to seek help. Though she felt embarrassed at the campus police station when they inquired her about what she wore and narrate the incidents consequently, at point she herself felt guilty for trusting her partner yet she didn't step back.

When she was informed that there were minimal chances of winning the case, she pursued with school's disciplinary system and the first ever campus sexual misconduct hearing took place. During the trial Koestner's attacker admitted that he heard her refusals more than a dozen of times yet he didn't bother to stop and ultimately the school found her attacker guilty of date rape. The dean kept on telling her that, they made a cute couple or they could be together if she wanted to even after hearing the news. After her case in the year 1991 there was a huge discussion differentiation between rape and date rape and this way over the years it evolved and now it became an alarming issue affecting most of the college students.

Today, she works as a rape counselor and awareness advocate. According to her, everyone's consent does matter and everyone must get the respect what she deserves from others. She tries to spread awareness because she does not want someone else to suffer like her. Hence, today's rising issue was once a teenager's nightmare since then we are being fighting hard against it not to fall in such so called romantic traps which will only lead to destruction.

Many may argue that having a romantic relationship in college life or high school life is the evil which causes destruction. It has to be clearly kept in mind that having a relationship or not is a personal matter and this fact does not give the right to do whatever they want to do physically without the consent. A relationship does not necessarily means sexual relationship

WHY IS IT NEEDED TO BE ADDRESSED SPECIFICALLY?

Many argue that is a rape is a 'rape' no matter in what circumstance it was done and hence there is no need for categorization for rape. Rape is devastating in itself. But while raping a person they are subjected to various degree of tortures such as ISIS enslaving Yazidi girls,

women raped during Bangladeshi Liberation war, or holding people at gunpoint, or drugging people and so on. Putting various degree of harm under the same head of “Rape” means thinking black and white while the life is grey. Therefore, these types of rapes are more than rape and something else and therefore should be addressed differently for the benefit of the victim.

Yes, it is true that rape is a rape but there is a need to specifically address date because of the following reasons:

Firstly, because of the attitude of people regarding rape. Dr. Benice Sandler rightly said in an interview in Details Magazine (October 1999), “Rape exists because a woman knows that she has been raped. We accept when a person says that I have been mugged but with rape we do not accept the fact that the woman knows that she has been raped. ‘Were you really raped?’ we don’t ask that of any other crime. This is the general attitude of people regarding rape but when it comes to date rape the situation becomes worse because date rape is non-aggravated sexual assault, non-consensual sex that does not involve physical injury or the explicit threat of physical injury and because physical injury is often the only criterion that is accepted as evidence that the actus reus is non- consensual. What is really sexual assault is often mistaken for seduction. A woman on a casual date with a virtual stranger has almost no chance of bringing a complaint of sexual assault before the courts.”⁶

People forget that just because a person goes on a date or for that matter wear short dresses or even if a woman is roaming naked, in any case nobody has the right to rape her. Today if a person consents to live with someone does not mean that the person consents to have sex also. Date rape needs to be specifically dealt with to address the question that “should it be regarded as a crime when a woman puts herself in a compromising situation and gets compromised?”

Secondly, unlike other crimes Date Rape is a crime when even victims of date rape do not consider that act as rape. Mainly this is because if a person is given date rape drugs the person may not be able to say “no” to unwanted sex and clearly does not remember. The drugs have no colour, smell or taste and can be gets easily mixed with the drinks. This type of rape is also

⁶ Lois Pineau, *law and philosophy*, vol.8 (AUG 1989) pg. 217-243;
<https://www.jstor.org/stable/3504696>,(accessed on 20.10.2018.)

called Drug Facilitated Sexual Assault (DFSA). The commonly used type of drug is Rohypnol which leaves the body system after 72 hours and Gamma Hydroxybutyrate (GHB) also does not leave any traces in the body after 12 hours.⁷

Thirdly, as it is to prove rape is difficult and in case of Date Rape it is harder. Here the physical or verbal resisting is not present but rather asking whether the conditions for autonomous choice was present is of utmost importance. The Victorian crimes (Rape) Act 1999, expressly stated that there is no free agreement if the victim was asleep or unconscious⁸. This kind of approach has to be taken while dealing with the cases of date rape. Date rape is not only dealing with rape but also there is cheating and breaking of trust of a person.

Fourthly, the psychological therapy of the victim after the incident is different from a rape. Since Date rape is with a person whom you trust the physiological impact is greater than a stranger who is committing the act. If not properly addressed then the victim will have severe trust issues all throughout her life and might not be able to trust close friends or relatives who might actually help to recover from the incident.

Also, there is a need to sentence differently from rape because firstly the preparation takes undue advantage of the situation and the fact that he knows the victim well and gains his/her trust and also the victim is traumatized more if the rape is done by a known person.

Therefore, these are the reasons because of which Date Rape needs to be addressed specifically. It will also serve the purpose of making people aware that what drugs are used and how to avoid them and report if anyone is seen using it without proper authorization.

⁷ Chanbasha Basheer, *Recent analytical strategies on “ Date Rape” drugs and its metabolites*, Journal of Applied Pharmaceutical Science, ISSN: 2231-3354; <https://pdfs.semanticscholar.org/dd27/66de55215aee735f9d2d3bcd76823ceba11c.pdf>, (accessed on 20.10.2018.)

⁸ Victorian Law Reform Commission, *sexual offence : Law and Procedure*, 1st September 2000; <https://www.lawreform.vic.gov.au/sites/default/files/Final+Sexual+Offences_0.pdf>, accessed on 21.10.2018

EMPIRICAL STUDY

The empirical study was done to see how many people are aware about the Date Rape and what according to people constitutes rape. The target audience for this study was college students and this was conducted by distributing Google forms via social networking sites.

The Methodology of the Study:

The Google form which was distributed had six question. The forms were distributed by means of E-mails, Whats-app and through Facebook contacts. These were distributed among colleges of India particularly to the cities of Kolkata and Bhubaneswar. The identity of the person was kept anonymous all throughout. For the purpose of the study the target audience was 46 with the age group between 19-23 and three being age of 48, 58 and 53 respectively. The format of the Google form was as follows:

Date Rape Awareness

No names shall be disclosed.

* Required

Age: *

Your answer

Sex: *

Female

Male

Transgender

Are you aware of what date rape is? *

Yes

No

Maybe

Which of the following, according to you constitute date rape? *

Offers you to buy you a drink.

In the middle of sex, you have consented to, makes you do something you don't want to.

Talks to you in a suggestive way.

Touches you when you don't want them to.

Other:

Were you subjected to any kind of sexual assault? *

Yes

No

Maybe

Have you ever witnessed any such incident? If yes please share.

RESULT OF THE STUDY

As per the study, it was found that 61% were females and 39% were males who responded to the Google form. Out of which 59% were aware of what Date Rape and 32% were unaware and 9% were not sure. When the question came as to what constitutes date rape : 22% thinks that date rape constitutes when one offers to buy a drink, 26% thinks that date rape means that in the middle of sex which you have consented , made you do something which you don't want to; 12.5% thinks that it is date rape when the perpetrator talks in a suggestive way, 67.4% thinks that rape is when the touch is made when you don't want to and the rest 6.52% have different opinion. To some of them:

Date rape constitutes when after or during the person engages in sexual activity without consent, when someone you know or like does rape with you with the help of drugs , Having a sexual action against a person without having a relationship/ when they don't want to do any sexual action, etc.

When somebody offers to buy a drink, talks in a suggestive way and even touches when you don't want to does not constitute a rape. Though these may be the steps taken to advance but not necessarily the end result is rape. These may be termed as sexual assault. Therefore, we can see that though 59% of the target audience said that they were aware about Date Rape but many of them do not have the idea that what actually constitutes Date Rape or what constitutes rape as a matter of fact. This study shows that there is a need spread awareness and knowledge that what Rape is.

The study also finds that how many have experienced sexual assault. 26% said that they have experienced sexual assault of whom all were females. 63% said that they have not experienced sexual assault and 11% was not sure whether they have been subjected to sexual assault or not. People who are not sure whether they have been subjected to rape or not may seem very uncommon but it is actually very common.

I have a personal experience of this. While I was discussing about my progress of the paper with my friend, she shared with me an experience which made me realize that how little are we aware about sexual assault. I have known my friend since childhood and I had no idea about her experience until she told me. She narrated that when she was of eight years old, the festival of colour, Holi was being celebrated all over the city. Friends were putting colour on each other and throwing water balloons whoever was passing by. That jovial warm afternoon she excitedly was coming to my flat so that together we could play with colors and throw water balloons. She merrily called me on my intercom and informed me that she'll be coming in five minutes. But she never came after 15 minutes and somehow the shine on her face was gone. After so many years I came to know why she was ten minutes late that particular day and the face which always has a smile on it was looking depressed. She was coming to my flat with colors in her hand so that she can apply it on me unannounced as soon as I open the door of my flat. She reached the lift of my building. There was an old uncle standing and wished her happy Holi. She too wished him back. Both entered the lift. The old uncle started asking her that has she already played with the colors. She replied that she had. Then the uncle forced her to play with her. He started touching her inappropriately and she kept on saying that she needs to go her friend's house. The lift reached to my floor and the uncle wished her Happy Holi again and went. She could not understand what had happened to her. She remained standstill for some time outside my door and then pressed the doorbell. As soon as I saw her I hugged her and

wished her. I also had colors in my hand and threw it on her to surprise her. She seeing my joyful mood somehow forgot what had happened. She told me today that back then she never had heard what good touch, bad touch or sexual assault was. She did not know what had happened. She could not comprehend what the uncle was trying to do and that's why she never spoke about it. But this incident was always somewhere in back of her mind and haunted her in all these years. She could not help but kept thinking about it. After few years when gradually she became aware about sexual assault and good and bad touch in biology and moral science classes, then she realized what had actually happened to her on that spring afternoon. After her realization it was too late to report a complaint about it and she had also forgotten the person's face. She also told me that because of this experience now she does not trust anyone easily and probably this is also one of the reasons of her introvert nature. The way she talked that day it made me realized that one incident can have so much impact on a person's life that it can go beyond one's imagination.

The study also asked the targeted audience that if they could share any incident of sexual assault if they were subjected to such kind of incident ever. Only two out of forty seven answered this question. One said she was subjected to sexual assault in a public transport and the other said that she was subjected to sexual assault when she was a kid. Her music teacher used to abuse her when she was a kid at the age of nine years.

It is interesting to note that though 26% said that they have been subjected to sexual assault but only two of them revealed what actually happened to them in spite of keeping all the identity anonymous and the forms didn't even have the option of name. Still people were not ready to open up and narrate what had actually happened to them. When this was not even rape but sexual assault. Seeing this figure one can imagine that in the case of rape the number would be more less and in case of Date Rape the cases reported would be almost negligible.

Though this paper deals with Date Rape but we still surveyed about sexual assault because we wanted to find out how open are people to talking about their sexual encounters in life. The survey proved that it is minimum. The details of the individual response are as follows:

<i>Date and serial no.</i>	<i>Age</i>	<i>Sex</i>	<i>Do you know what Date Rape is?</i>	<i>What constitutes Date Rape?</i>	<i>Have you been subjected to sexual assault?</i>	
1. 2018/08 /25 12:24:38 AM GMT+5:30	19	Female	Yes	In the middle of sex, you have consented to, makes you do something you don't want to.	No	

2. 2018/08/25 12:36:30 AM GMT+5:30	20	Female	No	offers you to buy you a drink.;In the middle of sex, you have consented to, makes you do something you don't want to.;Talks to you in a suggestive way.;Touches you when you don't want them to.	Yes	
3. 2018/08/25 12:37:24 AM GMT+5:30	20	Male	Yes	offers you to buy you a drink.;Touches you when you don't want them to.	No	No
4. 2018/08/25 12:38:21 AM GMT+5:30	21	Male	Yes	Touches you when you don't want them to.	No	
5. 2018/08/25 12:39:11 AM GMT+5:30	20	Female	Yes	offers you to buy you a drink.	No	No
6. 2018/08/25 12:42:16 AM GMT+5:30	20	Female	Yes	In the middle of sex, you have consented to, makes you do something	No	No

				you don't want to.		
7. 2018/08/25 12:54:03 AM GMT+5:30	20	Female	Yes	In the middle of sex, you have consented to, makes you do something you don't want to.; Touches you when you don't want them to.	Yes	I have myself been subjected to sexual assault while traveling in a public transport.
8. 2018/08/25 12:57:28 AM GMT+5:30	18	Female	No	Touches you when you don't want them to.	Maybe	No
9. 2018/08/25 1:01:29 AM GMT+5:30	19	Female	No	Touches you when you don't want them to.	No	No.
10. 2018/08/25 1:02:43 AM GMT+5:30	21	Male	No	Touches you when you don't want them to.	No	No
11. 2018/08/25 1:07:11 AM GMT+5:30	21	Female	No	Touches you when you don't want them to.	No	

12. 2018/08/25 1:08:32 AM GMT+5:30	20	Female	No	In the middle of sex, you have consented to, makes you do something you don't want to.;Touches you when you don't want them to.	Yes	
13. 2018/08/25 1:11:55 AM GMT+5:30	20	Female	Yes	offers you to buy you a drink.;In the middle of sex, you have consented to, makes you do something you don't want to.;Talks to you in a suggestive way.;Touches you when you don't want them to.	No	No
14. 2018/08/25 1:13:07 AM GMT+5:30	22	Female	No	In the middle of sex, you have consented to, makes you do something you don't want to.	No	
15. 2018/08/25 1:13:51 AM GMT+5:30	21	Male	No	Touches you when you don't want them to.	Maybe	No

16. 2018/08/25 1:15:22 AM GMT+5:30	19	Female	Yes	Touches you when you don't want them to.	Maybe	No
17. 2018/08/25 1:16:25 AM GMT+5:30	21	Female	Yes	Touches you when you don't want them to.	Yes	
18. 2018/08/25 1:16:27 AM GMT+5:30	20	Female	No	Touches you when you don't want them to.	Yes	
19. 2018/08/25 1:21:20 AM GMT+5:30	22	Female	Yes	In the middle of sex, you have consented to, makes you do something you don't want to.;Touches you when you don't want them to.	Yes	No
20. 2018/08/25 1:30:05 AM GMT+5:30	20	Female	Yes	offers you to buy you a drink.;Touches you when you don't want them to.	Maybe	
21. 2018/08/25 2:21:55 AM GMT+5:30	21	Female	Yes	Touches you when you don't want them to.	Yes	

22. 2018/08/25 2:53:28 AM GMT+5:30	20	Male	Yes	Touches you when you don't want them to.	No	No
23. 2018/08/25 4:51:53 AM GMT+5:30	48	Female	Yes	Touches you when you don't want them to.	No	
24. 2018/08/25 5:49:13 AM GMT+5:30	22	Male	Yes	After or during the date, engages in sexual activities without consent	No	
25. 2018/08/25 6:10:06 AM GMT+5:30	18	Male	Yes	Touches you when you don't want them to.	No	No
26. 2018/08/25 8:11:33 AM GMT+5:30	22	Male	No	offers you to buy you a drink.;Touches you when you don't want them to.	No	

27. 2018/08/25 8:45:16 AM GMT+5:30	20	Female	Yes	Touches you when you don't want them to.	No	I haven't witnessed any such incident. But I think girls should know when they are having a bad touch. They should not entertain any dates which they threat in their back of mind.
28. 2018/08/25 9:03:47 AM GMT+5:30	21	Female	No	Touches you when you don't want them to.	Maybe	Fortunately no.
29. 2018/08/25 9:44:41 AM GMT+5:30	21	Female	Yes	When someone you know and like does rape with you even with the help of drugs.	Yes	
30. 2018/08/25 9:47:35 AM GMT+5:30	58	Male	Yes	Touches you when you don't want them to.	No	
31. 2018/08/25 9:53:54 AM GMT+5:30	25	Female	Yes	Talks to you in a suggestive way.	Yes	

32. 2018/08/25 11:48:39 AM GMT+5:30	19	Female	Yes	In the middle of sex, you have consented to, makes you do something you don't want to.	No	No
33. 2018/08/25 12:08:53 PM GMT+5:30	6	Female	Maybe	Touches you when you don't want them to.	No	
34. 2018/08/25 12:59:46 PM GMT+5:30	21	Male	Maybe	Touches you when you don't want them to.	No	
35. 2018/08/25 1:10:37 PM GMT+5:30	20	Male	Yes	offers you to buy you a drink.;In the middle of sex, you have consented to, makes you do something you don't want to.;Talks to you in a suggestive way.	No	
36. 2018/08/26 12:04:08 AM GMT+5:30	22	Female	Maybe	offers you to buy you a drink.	No	No such incident...but ever teasing is something I have faced by a group of young men ageing from

						20-22 years of age
37. 2018/08/26 10:02:03 AM GMT+5:30	18	Male	Yes	Touches you when you don't want them to.	No	
38. 2018/08/31 9:31:29 PM GMT+5:30	31	Female	Yes	offers you to buy you a drink.	No	No
39. 2018/09/01 9:20:35 AM GMT+5:30	19	Female	No	Touches you when you don't want them to.	Yes	
40. 2018/09/01 9:24:38 AM GMT+5:30	19	Male	Yes	Touches you when you don't want them to.	No	No
41. 2018/09/01 9:56:50 AM GMT+5:30	21	Male	No	In the middle of sex, you have consented to, makes you do something you don't want to.; Touches you when you don't want them to.	Yes	

42. 2018/09/01 10:42:27 PM GMT+5:30	23	Female	No	Touches you when you don't want them to.	No	
43. 2018/09/01 10:47:07 PM GMT+5:30	53	Male	No	Talks to you in a suggestive way.	No	
44. 2018/09/01 10:50:34 PM GMT+5:30	22	Female	Yes	offers you to buy you a drink.	Yes	Happened to me when I was a kid. My music teacher used to abuse me because I was an early bloomer. I was just 9 years old.
45. 2018/09/01 11:16:32 PM GMT+5:30	22	Male	Maybe	In the middle of sex, you have consented to, makes you do something you don't want to.; Touches you when you don't want them to.	No	No

46.				having a sexual action against a person without having a relationship/w hen they don't want to do any sexual action	No	
2018/09/02 10:43:04 AM GMT+5:30	23	Male	Yes			

This entire study was done to see whether the people who are more prone to date rape are aware what is it and also to re emphasis the need to address Date Rape more specifically as an aggravated form of rape. Another motive of this study was also to make aware people what Date Rape actually is. During the course of study we also encountered people who had never heard of Date Rape and didn't know that rape drugs exists. These people were not from village area but from urban area who were college going students. So awareness has nothing to do with area and education. Many times it has also been seen that those who commit crimes are not always illiterate or from rural area but those who are well educated and also have the knowledge about such crimes commit such offenses. So we should not judge a book by its cover!!

We often see in movies and serials that Date Rape is projected like the popular ones the Indian movie MOM released on 7th July 2017, the popular Netflix series 13 Reasons why, season 2 released on May 18, 2018 and there is also another series Law and Order: Special Victim Unit, it is a crime drama which specifically deals with solving rape case. One of the episode of the series, that is episode 10: Consent, deals with the investigation of a case of a college girl who is being raped during a fraternity party but she cannot remember what exactly happened with her. Later the medical investigation team reveals a date rape drug in her system and hence the case begins on such a note. So such movies and series are being filmed not only for entertainment purpose but also for creating awareness among the youth. Besides, everyday there are articles in the newspaper regarding this and as well as many books like the "Morning After" by Katie Rophie and many. Yet, the youngsters are unaware and that is why perhaps they are targeted more.

Famous singer Lady Gaga wrote a song which was nominated in the Oscars, “Till it happens to you” which is about rape on college campuses. There are many other celebrities who have openly discussed about date rape to make people aware.

From this empirical study its being seen that there are many who might have been subjected to sexual assault or such kind of incident but do not actually know if it should constitute as date rape or not. So it's seen that there is a lack of awareness regarding these alarming issue. People are being subjected to it but they are not having an idea what actually is happening to them. As per this study most does not even have a firm idea about what constitute date rape, so there's a necessity to spread awareness before it starts affecting the youths at a large.

LGBT AND DATE RAPE

Often people think that women are the main target of date rape but studies show that the LGBT community is not an exception to such a heinous crime. It is important to throw some light on this community also because offender does not choose his/her victim thinking that that she/he is poor so should be excused or their interest and culture is different from mine so he/she should be spared. Here they have to fight for their community's existence but when it's about the crime the attacker does not see whether it is a person belonging from a LGBT community or belonging from the other section of the society, yet they have to fight for their existence in front of eyes of law.

As per researches, LGBT people are equally at the same risk as that of the heterosexuals of being sexually assaulted by someone they know.

National Intimate Partner and Sexual Violence Survey found that 44% of lesbians and 61 % of bisexual women experience rape, while 26% of gay men and 37% of bisexual men also experience rape.⁹

There are few cases studies to show what LGBTQ people go through and how they become victims of date rape.

⁹ *Sexual Assault and the LGBTQ Community*, <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community> '(accessed on 27.10.2018).

Case Study-1

Mohammad Khan and a seventeen year old Slovakian nationals called themselves “two discreet lads” on a dating app site. They together robbed and raped a thirty year old man in Glasgow. The victim told the court that one of the teenagers invited him for sexual fun in the early morning hours. This case had a long hearing and the jury and the judges patiently listened to all the witnesses and evidence and finally came to an unanimous verdict and held the two men guilty of date rape and as well as robbing. The entire incident was so morbid that the judge Lord Uist commented that in this case there was no chance of voluntary consent of the victim because of the sordid and distasteful evidence which was presented before the court.¹⁰

This was a case where the victim came up and fought the case despite various odds, but there are many who does not have the courage to continue the fight.

Case Study-2

Jason Ambell, a thirty six year old man living in San Diego, California. On one lonely Friday night he went online to have a chat or make acquaintance so that he could go out for a party or get high. After few minutes of conversation over the internet the other guy offered to pick up Jason from his house. Jason went to his apartment and had drinks. He soon felt his heart pounding, dizziness and he started sweating profusely. He was unconscious after that and when he gained sense he realized that a large piece of crystal meth was being shoved between his legs. He could not protest because of the effects of the drugs that were injected to him. He then shaved off Jason’s hair and with marker he wrote words like Ugly, Fat, etc on his stomach, face and other body parts. He remembered that a person sitting beside him was laughing and said that he will give him AIDS and quickly injected him with another needle. After few hours Jason woke up by the flashlight of a camera. He realized that someone was taking his nude pictures.

After this incident Jason could not sleep for days and had suffered from depression for a many years. He did not report this case to anyone because of fear and suffered silently.¹¹

¹⁰ *Two Men Guilty of Date Rape*, 20th April 2018, <https://www.bbc.com/news/uk-scotland-glasgow-west-43839880> (accessed on 27.10.2018.)

¹¹ Jason Amell, *A tale of Drugs, Rape and Recovery*; 20th February 2017, <https://sdgln.com/commentary/2017/02/20/tale-rape-drugs-and-recovery-san-diegos-lgbt-community>, (accessed on 26.10.2018.)

There are many cases who have suffered like him but fear to report. Many people suffer in silence while the perpetrator continues to enjoy their lives and suffice their hungry.

MYTHS AND COMMON ISSUES RELATED TO DATE RAPES

It has been widely acknowledged that rape or date rape has become a major public health problem on college campuses. Studies show that three percent of college women are raped during a nine month period and twenty to twenty five percent of all women experience rape in four to five years of college careers.¹² In this shattering situation the study of rape myths becomes a crucial factor to understand rape behaviour.

There's a belief that the natural aggression of men and natural reluctance of women somehow makes date rapes understandable underlies a numbers of prevalent myths about rape and human sexuality. These myths are not only popular but are also most of the times used as arguments by the date rapists. The defence taken by the rapists that she asked for it or that she provoked a sexual intimacy is the most common or gave signs for the intimacy. It is astonishing to believe that when a person is saying "no" on the face, that is not understood by the perpetrator but he can very well understand the signs. It also becomes easy to establish it because in these cases the victim and the accused know each other for a long time or they are engaged in a romantic relationship. The approach becomes easier as they are not stranger, so the victim would not doubt her partner and also not hesitate to go out with him and have a pint of beer. That's where all the game begins. But it's not always the case, because if she is drugged through her drinks that means her perpetrator have clear mens rea to execute the act. Even though the accuse takes the plea that she consented for it as her consent in most of the time is misinterpreted under the influence of drugs and alcohol. In most of the cases its seen even when she refuses under such a condition his sexual needs does reach a point where it is uncontrollable and his natural masculine aggression kicks in to assure that his needs is met by hook or crook. Hence at this

¹² Karjane H, Fisher B, Cullen F. Sexual Assault on Campus: What Colleges and Universities Are Doing About It. Washington, DC: US Department of Justice, Office of Justice Programs, National Institute for Justice; 2005. Research Report 2005: NCJ 205521.

point even her consent may be active or a passive one does not even matter, the thing that matters the most is fulfilling his sexual desire.

Most of the time the fingers are pointed towards a women's sexuality. They meant to be submissive to the natural aggressiveness of men. In such case it is posed that the whole situation was provoked by her as she wanted this sexual intimacy so that the rapist could cut through but at the same time its need to understand that women never crave for this kind of sexual intimacy which presumes to be a rape. It's high time to realize that women are not chattel or property of men. She has her own mind to exercise. The society does not need to tell her what is right and what is wrong to her. Women's rights are highlighted in number of recent Supreme Court judgement of India like on adultery, Sabrimala case and many more. Justice Chandrachud said, "A society which perceives women as pure and an embodiment of virtue has no qualms of subjecting them to virulent attack: to rape, to honour killing and infanticide".

The accused always tries to establish the fact the she was acting seductively which aroused sexual desires within him but the fact which most of the time gets unnoticed is that she is drugged and she is heavily drunk then how can a person under such condition can actually seduce her perpetrator when she herself is not in a state to stand properly. So basically the myth that she asked for it or she provoked him must be eliminated as defence because most of the time it's the perpetrators intention which plays the most important role. So where there is mens rea a criminal offence does take place, and most importantly certain gestures from females like blush or smiling or eye contact towards the other counterpart even though they might be close friends or a romantic relationship does not mean that she is interested in some kind of sexual activity or she is welcoming him to engage in sex needs to understood clearly. But there always stands a reasonable doubts in these cases and which give rise to difficulties in prosecuting such type of case. Sometimes even when the jurors do not have a biased against sexual assault victims have issue with the he said, she said nature of such assertions. Mostly, there are only two witnesses to the crime: the victim and the accused. Rape victims are often seen as unconvincing witnesses with far too many myths surrounding what a rape victim looks like or how they respond. When a rape victim doesn't look broken down like the Hollywood or Bollywood representation of women who have been victimized, jurors often find their strength as proof of fabrication. It has to be understood that the emotional stability of different people is different. Some break easily while others try to be hard,

remain strong and continues fight for justice. The irony lies in the fact that when women are weak, people easily take advantage of them and when they are strong then she is either characterless or arrogant or a person who is selfish and cunning upon which relying is difficult. Hence these myth needs to be dropped down and make decision on the matters of established facts not on such myths so that natural justice is restored.

Date rape has become more dangerous than the normal act of rape because it can be regarded as communicative sexual model as there is a communication between the victim and the perpetrator. The communicative model of sexuality also gives us a different concept of consent. In these cases it is seen consent as something more like that of an ongoing cooperation, where even a no gets subsided because the perpetrator believes that as she loves him even her denial can be accepted as yes, because in front of his sexual aggression she has to submit herself. Moreover in communicative model it actually does not matter who initiated it, whether the woman was sexually proactive or what went on before the sex began. What matters most importantly is the fulfilling of sexual desire.

There are also some myths related to date rape drugs which make the trail proceeding a cumbersome process. Those who report the cases has to undergo medical examinations and studies have shown that rape victims hardly test positive for Rohypnol (roofies), ketamine, or GHB. In addition, the prosecution for date rape cases is more weakened when there is evidence of alcohol and voluntarily used, recreational drugs present at the time of the crime. In many cases, sexual assault victims who test positive for cannabis, amphetamines, and MDMA do not admit to drug use, hence weakening the case more.

CASES OF DATE RAPE REPORTED

The Conviction of Andrew Luster Case:

Andrew Luster, the heir to the Max Factor cosmetics empire. He grew up a bored trust fund kid in Malibu, California. Supported by a \$3.1 million trust fund, Luster lived a playboy lifestyle, traveling, fishing, and surfing, until he was accused of a series of rapes and when the doom of his life came down.

Luster was accused of raping three separate women, the first a 21-year old college student in 2001, the second a 17-year old in 2003, and the third, a woman with whom Luster later had a relationship with her in 2004, by giving them the date rape drug GHB, and raping them while they were unconscious. After investigation, police found empty GHB vials, and a host of other recreational drugs, as well as videotapes of Luster raping the accusing women at his home. Police also found dozens of videotapes of 1991 in which Luster raped multiple women while they were comatose, in locations from California to Las Vegas, Arizona to Mexico. On basis of these findings he was arrested and was produced before court for trial.

The prosecutors of Luster requested for his bail to be set at a minimum of \$10,000, describing him as a sexual predator who had threatened to kill his victims, and a serious flight risk with access to his family's wealth. Luster's attorney argued his bail down to \$1 million, and Luster was released. In 2003, Andrew Luster indeed fled the country even when the trial was going on.

Even after his absence the judge ordered the trial to continue without him and, on January 22, 2003, the jury found Luster guilty of 86 of the 87 charges. These included 20 counts of drug-induced rape, 17 count of raping an unconscious victim, and multiple counts of committing other sexual acts by use of drugs used by on him on the victims. The court sentenced Luster to serve six years in prison for each of the 20 counts of rape, to be served *consecutively*. He was also sentenced to another 4 years for a count of poisoning, which gave Luster a total of 124 years of sentence to be served. Additionally, Luster was ordered to pay a \$1 million fine. Luster was tracked across the United States, and finally to Mexico, where he was captured and returned to the U.S. to serve his punishment.¹³

Three Teenager Accused of Date Rape:

There is another case reported in the year of 2000¹⁴, where three of the four men have been alleged of date-rape drug death of a 15 year old girl. The three men namely Joshua Cole, age of 19, of Southgate; Daniel Brayman, age of 18; of Trenton and Nicholas Holtschlag, age of 18; of Wayne County's Brownstown Township were held guilty of lesser poisoning charges

¹³ <https://legaldictionary.net/date-rape/> (accessed on 26.10.18)

¹⁴ <http://www.washingtonpost.com/wp-srv/WPcap/2000-03/15/069r-031500-idx.html?noredirect=on> (accessed on 27.10.18)

and the fourth man named Erick Limmer, age of 26; of Grosse Ile, was found guilty of one count each of being an accessory to manslaughter after the fact, poisoning, delivery of marijuana and possession of GHB as per the investigation of police.

The prosecutors alleged that the girl named Samantha Reid was given a soft drink which was secretly spiked with GHB during a party at Limmer's Grosse Ile apartment. She died the next day. Her friend Melanie was also drugged and she was in coma for a short span, but survived. They were convicted and had to serve 15 years of sentence in prison.

So in these two cases it's witnessed how the accused are being convicted but it's not the case always. Here's another case where an alleged won the case on appeal. This win can be either regarded as a fair justice or a mislead justice because of the loopholes in the legal system and the delay in medical examination which proves to be a plus point for the attacker as these date rape drugs do not leave traces in the victim's body, and the victim hardly remembers the incident hence making the case more weak, as there are only two witnesses for such case, that the attacker and the victim.

A Vancouver man who won an appeal of sexually assaulting a woman after giving her a spiked drink:

In July 2015, Provincial Court Judge Gregory Rideout of Canada, held Seyed Nima Razavi Zadeh, 33 years of age guilty of on account of sexual assault and on account of administering a stupefying drug for the purpose of enabling sexual assault.¹⁵

Zadeh met the alleged victim at a Lower Mainland restaurant, where she worked as a waitress in July 2014. They started interacting with each other and soon they became friends, exchanged each other phone number and few days later she agreed to go out for drinks. After picking her up, Zadeh said he needed to drop by his 16th floor suite on Taylor Street in Vancouver's Chinatown to change clothes. At the apartment, he offered her a drink. He offered her a double gin tonic and poured tequila shooters for both of them. During the evening she consumed two-and-a-half double gin and tonics and five to six tequila shooters. After the second or third shooter, she said that she noticed a salty taste. She testified that later in the evening she went

¹⁵<https://vancouversun.com/news/local-news/man-convicted-of-sexually-assaulting-woman-using-date-rape-drug-wins-new-trial/> (accessed on 27.10.18)

to the balcony of the apartment and started to feel the effects of what she believed to be GHB, commonly known as a date rape drug. Later they went to Zadeh's bedroom where they engaged briefly in teasing behaviour, before she went into the kitchen and poured herself another shot of tequila. Later on she testified that she felt the pronounced effects of GHB and sat down on the kitchen floor, before Zadeh pulled her up and took her back to the bedroom, where oral sex and intercourse took place. She came in and out of consciousness and after sex she fell into a deep sleep. Sometime in between when she woke up she found Zadeh dressing her up in her underwear. Later after few hours when she gained her consciousness she left his apartment and reported the matter to Vancouver police. A search was conducted and they found a bottle of tequila and an energy drink, both of which contained GHB in Zadeh's apartment.

Later on Zadeh appealed stating that the judge's verdict is unreasonable illogical and irrational. He claimed that the judge failed to engage in a rational reasoning process by finding there was no significant difference between an expert's opinion on the timing of the onset of GHB's symptoms and the alleged victim's testimony. The experts also testified that GHB was fast-acting and would take 30-40 minutes to reach peak effect. But the victim testified that she didn't begin to feel the effects of GHB until between 30 and 90 minutes after she drank a tequila shot that she later concluded was laced with GHB. So a three bench judge concluded that due to lack of reasonable doubts and proven grounds so there is no conflict the appeal is being allowed. Hence Zadeh must be acquitted.

These cases show that females are the most targeted ones that the males and the age is also confined within sixteen to nineteen years of age. And also the prosecution such cases becomes difficult due to absence of reasonable doubt which has been discussed earlier. And it's to be noted that these are not recent acts, people are being victimized since 1990, it's just that people are ignoring the fact and for the sake of their so-called love and trust in their partner they are falling prey to such heinous crime. Basically it's the lack of awareness and the small fraction of cases being reported against the perpetrators and because this they are getting more opportunities and the rate of date rapes are increasing wide and large with each increasing day.

THE SCENARIO IN UNITED STATES

It's found as per the US National Victim center¹⁶, date Rape is almost entirely committed by men and almost entirely against young women who are in the stage of their adolescence. Women are the victims in 96% of reported rape cases. In most of the cases it is seen that the perpetrator may be: a boyfriend, an ex-boyfriend, a friend, a workmate, or even someone whom you have just met. There is no age of committing rape but studies have found that the largest group of offenders is between the ages of seventeen and thirty. As per the reports of FBI, female adolescents are frequent victims of sexual assaults and rape. The incidents of rape in the US mounts among young women sixteen to nineteen years of age. The reported incidence of rape and sexual assault reflects just a small fraction of the actual frequency of this crime, as many rapes go unrecorded. The US National victim center estimates that almost one lakh women are raped each year, and that sixty-one of the victims are under the age of eighteen. Female adolescents are at high risk for becoming victims of such kind of offence.

A famous case in the State of Ohio came into limelight by means of social media. According to the Ohio laws even penetration by fingers is considered to be rape. This case is of a typical two high school famous football stars who were found guilty of raping a 16 year old girl.¹⁷ This case drew national attention because it came into limelight by the way of social media. It spurred national outrage.

The girl was injected with drugs and because of which she could not clearly remember what had happened to her. In such a case text messages, pictures on the phone provided the evidence for this case. It was alleged that the football team had a reputation of being playboys and also traded pictures of sexual assault. Yet despite these rumors no action was initiated by the school to look into the matter and protect the girls. Both the perpetrators in this case were found guilty. Trent Mays, age 17, was sentenced to serve two years in the State Juvenile System while the other Malik Richamond, age 16, was sentenced to serve one year in the State Juvenile System. In this case it was shocking to see that when they committed sexual assault on the victim they as a matter of pride of their manhood distributed the naked picture among his classmates. The more shocking part was that the classmates further distributed to others and made it viral

¹⁶ US Department of Justice "Date Rape." : *Statistics*. N.p., 4 Apr. 2011. Web. 28 Mar. 2014. <https://www.scribd.com/document/215747233/date-rape-research-paper-autosaved>(accessd on 26.10.18)

¹⁷ Richard A. Oppel Jr., *Ohio Teenagers Guilty in Rape That Social Media brought to Light*, March 17, 2013; <<https://www.nytimes.com/2013/03/18/us/teenagers-found-guilty-in-rape-in-steubenville-ohio.html>> , accessed on 29.10.2018.

instead of helping the girl and reporting the matters to the authority. One may wonder then who actually is at fault? The people who actually committed the crime or the people who does not commit the crime directly but enjoys seeing others doing it. The verdict was passed after the girl herself testified that she was been subjected to rape though she remembers very brief episodes of vomiting and the next morning she found herself naked in the living room of the basement trying to find her clothes, shoes and earrings. There was also conversation through text messages between the victim and the accused that they would protect her if she did not press charges against him as it would ruin their career.

This case shows how people have forgotten to have respect towards other human beings and as a result we can see the number of these date rape cases rising and going upward the slope. Even social media as always has its cons can be used as a weapon to destroy someone's life, even in this case the girl's parent's first came to know about it by seeing her naked pictures in the YouTube. No one ever thought a joyful party night would end up in destroying three teenagers life.

SCENARIO IN INDIA

India does not have specific laws against Date Rape but section 375 of the Indian Penal code talks about rape and it states that if sexual intercourse is done without the consent of the victim it is considered to be rape. However the Indian Penal Code does not recognize rape of males except for minors, which is termed as statutory rape. Through judicial interpretations it has been established that if consent is obtained by intoxication, then also rape would have been deemed to have been taken place. The victims of Date Rape can take help of this section to prove the guilt of the perpetrator.

Over thirty four thousand and six hundred cases of rape have been reported in 2015. Among these in thirty three thousand and ninety eight cases the offenders were known to the victim as per National Crimes Records Bureau (NCRB).¹⁸

¹⁸ *Over 34,600 Rape cases in India*, 30TH August 2016,
<https://economictimes.indiatimes.com/news/politics-and-nation/over-34600-rape-cases-in-india-delhi-tops-among-uts/articleshow/53931557.cms> ,(accessed on 28.10.2018.)

In one of the case a student of Delhi University, who worked in a part time job in a renowned garment outlet. She was an educated urban girl. She interacted with someone on a social networking site and went out on a date. Drugs were mixed in her drink and later she was subjected to rape.¹⁹ Now, many may blame the women but her going on a date was not giving a consent for rape. The Indian culture never gets tired to blame the women for provoking men or seducing them to indulge in sexual intercourse. It is always the women towards whom the fingers are pointed.

Recently, we have seen that the attitude towards gender bias is changing. The momentum gained when three women were elevated to the position of judge in the Supreme Court of India and since then there has been a number of positive judgement like the banning of Tripe Talaq, abolishing adultery, recognizing privacy as a fundamental right and many more.

In one of the recent judgement made by a bench of Justices R. Banumati and Indira Banerjee observed that nobody has the right to rape a woman even if she is habituated to sexual intercourse. Even assuming that the prosecutrix was of easy virtue, she still has the right to refuse to submit herself to sexual intercourse with anyone.²⁰ This judgement would help women to come forward and report the cases of rape without any fear of being judged by the society and being further blamed when it's not their fault.

Women are not only the victim of Date Rape but also men, bisexual, gay, lesbian and transgender also. In the case of Apoorv, he met a guy on a dating app and started talking to him. Little did he knew that his life would turn upside down after it? He went on a date and some drugs were mixed in his drinks. He was subjected to rape and later on it was found that he was actually raped. This incident had such a huge impact on him that he started having suicidal tendencies.²¹

This is just one incident and there are lot many of which go unreported almost every year. In India the drug trade racket is very rampant. On August 4th 2018, Department of Revenue Intelligence (DRI) had busted a major international narcotics racket and seized two hundred

¹⁹ *DU Student drugged, raped on blind date*, June 12, 2014, <https://timesofindia.indiatimes.com/city/delhi/DU-student-drugged-raped-on-blind-date/articleshow/36406000.cms>, (accessed on 28.10.2018)

²⁰ Murali Krihnan, *No right to rape a woman even if she is habituated to sexual intercourse*, Supreme court, 31st October 2018, Bar and the Bench.

²¹ Gaurav Meheta, *Gay men in India Reveal Terrifying Tales of Rape*, 27th September 2018, <https://www.news18.com/news/buzz/gay-men-in-india-reveal-terrifying-tales-of-rapes-and-extortion-on-dating-app-grindr-1884845.html>, (accessed on 27.10.2018.)

and sixty five kilograms of banned drugs Ketamine and Methamphetamine, commonly used as Rape drugs, worth rupees thirty seven crore rupees from Raigad and Navi Mumbai. The racket is said to be operated from Malaysia²². The use of these drugs are so common that it is used to rob passengers in trains and buses and in youth parties to exploit mostly young females. Therefore, it can be seen that the situation in India is not good and hence there is a need to have stringent laws with regards to the date rape drugs and also people have to be made aware about the date rape so that people can take precautions as much as they can.

Over the years India has been following the western culture and trying to adopting it and this also not an exception, the culture of visiting night clubs, partying late night and getting drunk and then become unaware about our own self and fall in the trap of one's so called close friend's mala fide intention is what leading us to our doom. In order to outsmart our parents we are forgetting our culture and imbibing the western traits along with its sins, hence it can be seen there are not many days left when India will top the list after U.S.

SCENARIO IN HONG KONG

Like many other countries Hong Kong is also affected by Date rape.

According to official reports twenty eight percent of rape cases has been reported in the year 2017-2018²³. However, many reports suggests that maximum of the cases relating to date rape go unreported²⁴.

A great amount of date rape drugs was seized this year and the number is increasing every year.²⁵ In all one hundred and thirty one kilograms of GBL was seized in the first four months of the year. These drugs were believed to be intended for use in Hong Kong's nightlife district.

²² IANS, Mumbai DRI busts a date rape drugs racket worth 37 crore, 4th August 2018, <https://timesofindia.indiatimes.com/city/mumbai/mumbai-dri-busts-a-date-rape-drugs-racket-worth-rs-37-crore/articleshow/65272245.cms>, (accessed on 28.10.2018.)

²³ Crime Statistics Comparison, https://www.police.gov.hk/ppp_en/09_statistics/csc.html (accessed on 26.10.2018.)

²⁴ Hong Kong's official Rape Statistics vastly lower than grim reality, 21st January 2013, <https://www.scmp.com/news/hong-kong/article/1133059/hong-kongs-official-rape-statistics-vastly-lower-grim-reality>, (accessed on 27.10.2018.)

²⁵ Hong Kong's Problem with Date Rape Drugs , 27th May 2018,

In many of the articles it has been observed that women, especially prostitutes are also using date rape drugs to rob men and other people.²⁶

In 2007 two Americans were found dead in a reputed luxury hotel in Hong Kong because of overdose of date rape drug, Rohypnol²⁷. The two men were Paul and Richard, aged forty five and fifty one respectively. There was however no conclusive evidence after the post mortem report as to what might have caused the death of them. It is seen that in recent years there has been a number of cases in which men who went out in Hong Kong's lively nightlife district Wan Chai, when woke up the next morning apparently being robbed and with no recollection of what had happened.

SCENARIO IN SINGAPORE

Date Rape in Singapore has been on rise like all other countries as we have discussed above. The statute which criminalizes rape in this country is given in section 375 of the Penal code. Many cases go unreported but the few which have come up to the courts are dealt with utmost care so that justice is not denied.

In November 2017 a forty year old man, drove a drunk woman to his home and raped her after she passed out. He was sentenced to thirteen and half years in jail and twelve strokes in cane²⁸.

In another case a waitress was left traumatized after a night where she got into drinking. The three men tried foursome on the unconscious waitress. The trio was sentenced to eleven years in jail and eight strokes of cane for committing rape.²⁹

<https://www.scmp.com/news/hong-kong/hong-kong-law-and-crime/article/2147673/hong-kongs-problem-date-rape-drug-sent-mail> , (accessed on 29.10.2018.)

²⁶ Anna North, *Hong Kong Women use drugs on men*, 1st August 2009,

<https://jezebel.com/5126256/hong-kong-women-use-date-rape-drugs-on-men> ,(accessed on 26.10.2018).

²⁷ Americans Found Dead in Hong Kong Hotel may have taken Date rape drug, 28th October 2007, <https://www.foxnews.com/story/americans-found-dead-in-hong-kong-hotel-may-have-taken-date-rape-drug> (accessed on 26.10.2018.)

²⁸ Selina Lum, Man Who abducted and raped drunk intern gets 13 and half years in jail , 12 strokes of cane , 13th November 2017, <https://www.straitstimes.com/singapore/courts-crime/man-who-raped-drunk-woman-gets-135-years-jail-and-12-strokes-of-the-cane>(accessed on 27.10.2018.)

²⁹ Yvonne Lim, Trio jailed for molest and rape of pub waitress, 9th January 2015, <https://www.todayonline.com/singapore/trio-jailed-molest-and-rape-pub-waitress>(accessed on 25.10.2018.)

SUGGESTIONS

It's always said "prevention is better than cure" so here are few recommendation which a person can take to protect oneself. Some of the measures are:

- It's advised not to accept drinks from other people, and drink from common sources such as punch bowls etc.
- It is advised to visit a bar or a club along with your friends so that you do not feel secluded or you are not being targeted by someone and also you should never hand over your drink to any of your friend when you are not around as it may be spiked, so going in a group there's a less chance of being raped.
- Open containers yourself, or watch your drink being poured by the bartender.
- It is advisable not share drinks.
- Keep your drink with you at all times. If you go to the bathroom, get a new drink to be ensured that nothing is mixed in your drink.
- If you should not trust blindly upon the other person even if you are involved in a romantic relationship.
- You should realize your sexual limits and communicate them clearly to your partner so that there is no misunderstanding.
- You should practice identifying risky situations and develop possible strategies for avoiding them.
- Should keep an eye around the surrounding and the people you mix with.
- Should never be hesitant to ask for help if you have a doubt that you are been drugged.
- If you find something suspicious in your drink pour it out immediately.
- When you are alone always try to buy bottled drinks in which the scope to mix something will not be present.
- Do not hold yourself responsible for the tragedy instead be strong to make the perpetrator be sorry for his/her acts.
- If you believe you are the victim of date rape or rape for that matter, take immediate medical help. A urine test within seventy two hours of the administration of the drug would reveal the presence of drug in your system.

- If you feel that you have been raped then you should not shower, wash, douche or change your clothes as valuable evidence from clothes or hairs might get destroyed.
- Inform the police and don't be afraid to do so. Remember it's the perpetrator who should be afraid and not the other way round.
- Educational programs are one way to prevent, protect and spread awareness regarding rape and date rape.
- Try to create an environment around yourself so that you can talk freely about physical relations.
- Try to get away with gender bias beliefs and not to judge others harshly on that grounds.
- Since, college students are the most targeted groups as per the research studies, it would amount to an important measure and help and encourage the students to come up and report such cases, if a separate committee is established within their college or high school campuses which would specifically address issues relating to sexual assault, rape and date rape. This committee would also have experts so that the students can cope up with their psychological trauma that they have gone through.
- If you suspect someone of doing something suspicious don't be afraid to report it, even if it is being done on others because you never know the same thing may happen to you.
- Nowhere in the statute has date rape been specifically dealt with. Date rape should be treated as an aggravated form of rape where the trauma is much more in comparison to rape done by a stranger.
- There is also a need to have judges who are open minded. Because judges who are orthodox their judgement reflects their mindset. The judges trying the cases of Date Rape should be sensitive about the case and should not have a pre- notion in his mind that the victim was characterless.

And most importantly one should trust their instinct, if someone makes you feel uncomfortable or that person seems to be a threat then one must not continue with that relationship and should not accompany alone with that person.

CONCLUSION

A Feminist said: “ Just because I suffer your attention, doesn’t mean that I want to suffer your intention”.

An evening which starts with a pint of beer where everyone is enjoying each other company and then when your drink is being spiked and when your partner whom you have known for so long tries to force you for an intimate intercourse where you can’t consent for because you are not in a condition to, is where all ultimately leads to a situation of date rape. At that moment his aggression have to fulfill his desires have become too big. Throughout out the paper we have discussed various situations that how date rapes takes place, it is not always a stranger or unknown rather most of the time it is done either by ones boyfriend, ex-boyfriend, family member, friends, one time crush or acquaintances that is to say someone whom you know or trust. Since the era of 1980 date rape had been a topic of discussion in the New York times, the case of Koss was the first date rape case which was to be tried and since then the rate of date rape has been increasing in US and also throughout the world wide and large.

Recent studies have also revealed that the most targeted groups are the college female students than the males but the number of reported cases are less. Many transgender, gay, bisexuals or lesbians are also victims of date rape. In order to enhance the rape, date rape drugs are also available in the markets easily which are making it a easy task for the attacker to fulfill his/her lust. These drugs have such a strong effect that the victim hardly remembers the incident and also once she/he is being drugged it becomes difficult for her to give her consent, hence these drugs makes the prosecutor’s case weak as no witness are available and the accused claims the defence of “she wanted it”. Alcohol plays an important role in date rape both for the attacker and also for the victim. It can be said, it acts as a catalyst which leads to many of the destruction. If there would be no drinking in the party then there would be no question of spiking your drink and hence no such consequences. But this does not mean that states should ban alcohol or liquor. Alcohol might be a medium used by the attackers for their prey but for this alcohol consuming person or alcohol cannot be blamed. What is required is to make people aware and create an environment where people can freely talk about sexual matters. The more suppressed it is kept, people have more wrong notions about it.

We also conducted an empirical study between the age group of 18 years to 22 years and few of middle age people to know their view about date rape and got a responsive attitude towards

the study which was conducted but there is still lack of awareness hence its need to spread at an alarming rate.

We also included different case laws and their conviction and acquittal and a comparative study of different countries which gave us an idea that the date rape rate in US is still the highest.

Judith Lewis Herman said: “in order to escape accountability for the crime, the perpetrator does everything in his power to promote forgetting. If secrecy fails, the perpetrator attacks the credibility of his victim. If he cannot silence her absolutely, he tries to make sure no one listens.”

Rightly said in this quote that the victim has to fight a lot but still should not give because of the only fact that tomorrow what she/he has suffered no one else does in the future and should not let go the perpetrator easily. The attacker should be made to pay for whatever he/she has done. Date rape needs to be stopped because it completely shatters the victim and makes him/her so vulnerable that they become incapable of trusting others for the rest of their lives. Date rape should not be tolerated at any cost.