

Aware

AUSTRALIAN CENTRE FOR THE STUDY OF SEXUAL ASSAULT

In this issue

Ways forward in law reform

Welcome to the fifth edition of ACSSA *Aware*, bringing you news of the latest research and events aimed at responding to and ultimately ending sexual assault in our community.

The recent release of several reports of great importance to the sexual assault sector has set the focus of this edition. Our feature article looks at some of the major findings of the *Final Report* of the Victorian Law Reform Commission: *Sexual Offences Law and Procedure*, released in August 2004. The Report contains more than 201 recommendations to the Victorian Attorney-General, aimed at ensuring the criminal justice system is more responsive to the needs of victim-complainants. Readers may remember ACSSA's review of the *Interim Report* in our first edition of *Aware*, in September 2003. The preliminary recommendations that appeared in the *Interim Report* remain fully endorsed by the Commission in the *Final Report*, so in this review we draw attention to other areas of sexual offence laws and procedures that received the Commission's attention throughout the final phase of the Reference.

Some readers may have seen the documentary *The Man Who Stole My Mother's Face*, when it screened on ABC TV in August 2004. In this edition we review the documentary and its companion website, *Let's Face It*, which not only depict an extremely moving story, but also serve to raise awareness of sexual assault through the powerful media of television and the internet. We also review several other recently-released reports, including *From Shame to Pride: Access to Sexual Assault Services for Indigenous People* prepared by researchers at Elizabeth Hoffman House; *Beyond Belief, Beyond Justice: The Difficulties for Victim/Survivors with Disabilities when Reporting Sexual Assault and Seeking Justice*, by the Disability Discrimination Legal Service in Victoria; and *Violence Against Women: The Health Sector Responds*, by the Pan American Health Organisation, which documents its work to address gender based violence across sixteen Latin American countries.

For our service profile in this edition we spoke to Annabelle Allimant of the Immigrant Women's Support Service in Brisbane. She talks about issues for women from non-English-speaking backgrounds and how they have framed their service approach over their 18-year history. We also profile the latest addition to our Good Practice Database, a training workshop directed at counsellors/workers to better address the needs of women who identify as victims of intimate partner rape, developed by the Gold Coast Sexual Assault Support Service.

There are also our regular updates on conferences literature highlights from recent additions to ACSSA's library collection at the Australian Institute of Family Studies, and a section on training services.

As always, ACSSA is keen to receive feedback on how we can better meet the needs of those committed to working against sexual assault, so please continue to provide us with your comments on current or future publications. If you would like to contribute an article or review to ACSSA *Aware*, details of how to do so are on the inside back cover. If this is the first issue of *Aware* you've read, earlier editions can be requested via email or by returning the form on the back page. Remember all our publications are available online at www.aifs.gov.au/acssa.



Australian Government

Australian Institute of Family Studies
Australian Centre for the Study of Sexual Assault

The Australian Centre for the Study of Sexual Assault aims to improve access to current information on sexual assault in order to assist policy makers and other interested in this area to develop evidence-based strategies to prevent, respond to, and ultimately reduce the incidence of sexual assault.

The Australian Centre for the Study of Sexual Assault is funded by the Office for Women, Australian Government Department of Family and Community Services, through the National Initiative to Combat Sexual Assault. The Centre is hosted by the Australian Institute of Family Studies.

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REVIEW

by Monique Keel

From Shame to Pride: Access to Sexual Assault Services for Indigenous People

Prepared by Lisa Thorpe, Rose Solomon, Maria Dimopoulos, for Elizabeth Hoffman House, 2004, 67 pages.

In 2001, in response to a recognition of the problem of sexual assault in Indigenous communities, Elizabeth Hoffman House, the Victorian Aboriginal Women's Refuge in partnership with the Centre Against Sexual Assault (CASA) established the *From Shame to Pride* project to improve and enhance the skills of Indigenous workers working with victim/survivors of sexual assault, as well as explore the range of collaborative approaches between the CASAs and Indigenous organisations and workers.

The report begins with a concise literature review of recent state and federal reports into sexual assault in Indigenous communities, and places the project in a historical and cultural context. The highly consultative and Indigenous-specific methodology provided a sound foundation to the project and is usefully outlined in the report.

Stage One of the project involved consultations between Indigenous and non-Indigenous workers and sought to identify the service needs of Indigenous victim/survivors of sexual assault, to explore/develop/strengthen collaborative approaches to sexual assault between Indigenous organisations and CASAs, to identify gaps and barriers that prevent Indigenous people from reporting sexual assault, and to provide the opportunity for Indigenous workers in the field to enhance their skills in responding to sexual assault.

Stage Two involved both a roundtable exploration of sexual assault in association with the Victorian Law Reform Commission and an Indigenous-only forum that also involved the Aboriginal Family Violence Prevention and Legal Service. Recommendations and outcomes from both stages of the project are provided.

The report provides a clear voice for the many Indigenous and non-Indigenous people who participated in the project and describes ways in which the community can move forward in addressing this difficult issue.

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From Shame to Pride is available online at the ACSSA website: www.aifs.gov.au/acssa/

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The Man Who Stole My Mother's Face: A Search for Justice – a film by Cathy Henkel



The Man Who Stole My Mother's Face is an award winning film by Cathy Henkel that follows her search for justice and healing for her mother Laura, who was sexually assaulted in South Africa more than a decade ago. The film, together with the companion website *Let's Face It*, from which the quotations here are taken, provide a powerful story and medium for communicating information and for raising awareness about sexual assault.

The documentary highlights the unique issues faced by survivors – the extent to which they are disbelieved and blamed, how they are stigmatised by their communities, and how rarely they see their offenders held accountable. It reminds us that the voices of survivors should inform how the sector endeavours to change the social and legal circumstances for victims of sexual assault. It recently won Best Documentary at both the IF Awards, Australia, and the Tribeca Film Festival, New York (2004).

The film follows Cathy's journey to South Africa where she succeeds in having Laura's case re-opened and ultimately finds and confronts the man who attacked Laura. The story illustrates the struggles faced by women bravely persevering with the various systems, the political and social climate, and their own families, friends and networks, highlighting the damaging and wide reaching impacts of this crime.

In her search for justice for her mother, Cathy confronts many obstacles that are typical of the challenges faced by survivors and their families as they struggle to navigate an unfamiliar and often hostile criminal justice and legal system. In terms of her contact with police, Cathy discovered that nearly all of the records and files relating to Laura's case had "vanished" and the original investigating officer was also uncooperative with police when the case was reopened for investigation. Cathy and Laura were also forced to acknowledge how Laura's case was one of hundreds, if not thousands, being investigated by a significantly under-resourced South African police force.

"I tried to forget, but time didn't heal. I just wanted to die. I felt angry and hated the world." – Laura

Cathy nonetheless meets some inspiring people who are fighting for justice and working tirelessly to expose the crime of sexual assault in South Africa. One such person is Glory Legodi whose twin daughters were raped and sodomised (at age two) by a man she had trusted. The man was subsequently released on bail. Glory's story is one of strength and determination, as she actively lobbied for the crimes against her daughters to be recognised and the offender to be held accountable. She also petitioned the South African government for a national education campaign to prevent sexual assault. ▶

ACSSA WEBSITE

www.aifs.gov.au/acssa

The Australian Centre for the Study of Sexual Assault website is an access point for information about ACSSA and the sexual assault field. The website's *What's New* section highlights news from ACSSA such as the latest publications and research information, as well as important developments in the wider sexual assault field.

All of ACSSA's research publications and newsletters are available to download from the *Publications* page of the website. The useful *Resources* section provides further information about publications and literature on a variety of issues relating to sexual assault, through bibliographies and links to online documents from Australian and international sources. Details of organisations that provide *Training Courses* and professional development in the area of sexual assault can also be accessed through the Resources menu.

Good Practice Programs and Responses for Sexual Assault showcases programs and initiatives that demonstrate "good practice" in improving understanding of, and responses to, sexual assault. An online questionnaire can be filled out to submit a program to ACSSA for inclusion on the website.

Forthcoming conferences, seminars and other events are listed on the *Conferences and Events* page. An online registration form for ACSSA's free mailing list can be filled out on the *Mailing Lists* page, which also provides information about joining the email news alert service *acssa-alert* and the discussion group *acssa-discuss*.

**Contributions to the ACSSA website are welcome.
Email acssa@aifs.gov.au or Fax (03) 9214 7839.**

Charlene Smith, journalist, and rape survivor and campaigner, also highlights a fight for justice that would resonate with many survivors:

“If you want the person to get caught, and you want the person to go to jail, you have to prepare yourself for an unbelievably traumatic fight. You have to fight and fight and fight. You get frustrated about the fact that you’re fighting with everyone. You have to fight with the police, you have to fight with the prosecutors, you have to fight with the medical officers. You have to fight with every single person. And in the end, for me, this was the worst thing that happened to me, and if I wanted justice I had to fight. If I wanted him to stop doing it to another woman, I had to fight. But it’s a difficult process. It’s a difficult process and you often want to give up because it’s very traumatic.”

“People don’t realise how devastating it is to be disbelieved when you are so adamant, as I was about my attacker . . . The very fact that someone was prepared to believe me and to listen for the first time got me going again.” – *Laura*

While film undoubtedly provides a valuable resource for victims navigating the many barriers they face to justice, it also provides an insight into how we as workers, police, family members and friends can make a difference and respond appropriately and sensitively to survivors. Throughout the film, we are reminded of the impact that being disbelieved and blamed can have on survivors. In this sense, Cathy discovers that “being believed” plays a vital role in helping Laura to begin to heal.

The film highlights the courage, strength and determination of survivors like Laura who share their life journey so that we might find better ways to educate, respond to, and ultimately prevent sexual assault.

LET’S FACE IT (www.themanwhostolemyothersface.com) is the companion website to the film and provides a valuable resource for people wanting to know more about the individuals in the documentary or additional information on sexual assault and the devastating effects of this crime. The comprehensive and easily-accessible website has been designed to encourage survivors of sexual assault to speak out about their experience while emphasising the importance of seeking support and information that can help in dealing with the impacts and consequences of this crime on women’s social, emotional, mental and physical health.

Resources that can be accessed through the website include:

- information about the crime of sexual assault such as reporting and conviction rates and figures on the incidence of sexual assault in Australia;
- an overview of the Australian, Canadian and South African justice systems and the challenges and difficulties inherent in these systems which create barriers to seeking justice;
- men’s role and responses to sexual assault, how this crime impacts on them and how changing men’s attitudes can help to make a difference;
- the role counselling can play and how friends and family can better respond to survivors of sexual assault;
- an exploration of the hidden impacts of sexual assault which may include depression and suicide, and post-traumatic stress;
- an overview of the myths and stereotypes surrounding sexual assault; and
- links to Australian telephone and online support services.

Through mini-documentaries, the website also continues to tell Laura’s and Cathy’s stories and provides updates on their lives and relationships with family and friends. A comprehensive study guide can also be accessed and downloaded via the website. This guide contains information, activities and discussion points on the four key themes in the documentary: rape – the crime; victims and their families – the impacts; rape and justice; and healing and reconciliation.

Let’s Face It provides an excellent complement to the documentary and is a valuable resource for those seeking additional information on sexual assault or an insight into how this crime can affect the survivor, their family and the community. To find out more, visit *Let’s Face It* at www.themanwhostolemyothersface.com

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Hatchling Productions have recently finished production of *The Man who Stole my Mother’s Face* DVD, which is available for sale online at the *Let’s Face It* website. The DVD includes the feature length version of the film, updates on each of the main characters 12 months after the film, commentary on the issue of sexual assault (an interview with Dr Melanie Heenan), a photo gallery, New York audience responses, actress Glenn Close commenting on the film, and a South African wildlife tour. Copies can be ordered online at www.themanwhostolemyothersface.com

Beyond belief, beyond justice

Beyond Belief, Beyond Justice: The difficulties for victim/survivors with disabilities when reporting sexual assault and seeking justice, Final Report of Stage One of the Sexual Offences Project for Women with Disabilities

Jonathon Goodfellow and Margaret Camilleri and the staff and volunteers of the Disability Discrimination Legal Service, November 2003, 87 pages.

“Despite much progress in ensuring sexual assault is an issue of major concern in Australian society; it still holds a relatively low profile, [and is] the subject of widespread indifference and often active concealment. For victim/survivors with cognitive impairment, sexual assault is simultaneously both a common and a largely hidden experience. Whilst our society is increasingly obsessed with sexual expression, our institutions and residential care facilities are full of people with disabilities who have experienced sexual assault that nobody is ever likely to discover – they are silent, out of sight and out of mind. Worse still, these people remain at high risk of further sexual assault and abuse.” (Goodfellow and Camilleri 2003: 7-8).

The 87-page report, *Beyond Belief, Beyond Justice: The difficulties for victim/survivors with disabilities when reporting sexual assault and seeking justice*, initiated by the Victorian-based Disability Discrimination Legal Service and the Lance Reichstein Foundation, will prove highly useful to policy-makers, lawyers, service-providers, researchers and ultimately victim/survivors with cognitive impairment. The report aims to examine the obstacles victim/survivors with cognitive impairment experience when reporting sexual assault and proceeding with prosecution in Victoria. It includes chapters on the background to the project; research, reports and legislation; policy and practice; and findings and recommendations. There are also four clearly-presented appendices, including a glossary, bibliography, consultation questions for sexual assault workers, and a flow chart of critical decision making points following disclosure.

The report presents the experiences of women victim/survivors of sexual assault who have disabilities that affect their cognitive capacity, the authors noting that “this group of women are arguably the most vulnerable to sexual assault” (Goodfellow and Camilleri 2003: 7). The authors recognise that women with other disabilities also experience high levels of sexual assault, as well as significant difficulties and discrimination when disclosing, reporting and pursuing justice.

The study begins by outlining previous research, which has shown that people with disabilities experience disproportionately high levels of sexual abuse, primarily because of increased vulnerability. For those with cognitive impairment, this vulnerability has been attributed to: a general lack of knowledge and understanding about potential risks and consequences due to limited cognitive and adaptive skills;¹ expressive communication difficulties which make it difficult to articulate and disclose sexual assault;² increased dependence on others for basic needs;³ power inequalities, over-compliance and passivity of people with an intellectual disability;⁴ and physical and social isolation⁵ (2003: 22).

Other studies have shown that people with intellectual disabilities are likely to be abused by a person known to them, “with a high percentage encountering their offender in an environment they are accessing as a result of their disability” (2003: 22). They also face an increased likelihood that they will have difficulties telling their story and establishing credibility when it is reported. This consideration of people with cognitive impairment as being “beyond belief” inspired the title of the report, with the authors noting that if you are beyond belief, you are certainly beyond justice.

The chapters “Research, Reports and Legislation”, and “Policy and Practice” thoroughly contextualise the issue, providing an accessible resource on relevant documents, law, and institutional responses, including those of the Victorian Department of Human Services, the police, the Office of Public Prosecutions, the courts and the Centres Against Sexual Assault.

The final chapter of the report, “Findings and Recommendations”, is highly detailed. The chapter is structured so that each finding is followed by a recommendation, ensuring ways forward are presented for each specific problem area. The findings show that victim/survivors of sexual assault with cognitive impairment are more vulnerable to abuse than those without a disability; generally have less knowledge of appropriate sexual behaviour (and of the law); may be denied self-determination in reporting; and are frequently disbelieved when they report sexual assault. ➤

They are also often: not considered reliable witnesses; not considered capable of participating in the justice process; “punished” by being removed from their homes and out of reach of the perpetrator; placed at even greater risk of further sexual assault as a result; and filled with fear leading to withdrawal into social isolation (2003: 8). All these factors were considered to contribute to the decreased incidence of reporting sexual assault by victim/survivors with cognitive impairment.

The authors’ recommendations, which were supported by those who were consulted, include:

- more research into the needs of victim/survivors with disabilities and the patterns of abuse they are exposed to;
- better data collection to identify victim/survivors with disabilities;
- greater emphasis on sensitive service delivery and worker practices;
- increased worker skills in identifying sexual assault and disability;
- systemic reforms of the criminal justice and support service systems;
- adjustments to the environments and processes supposed to facilitate access to justice;
- greater level of support and advocacy; and
- individual skills development and education that empowers people with disabilities to become more aware and assertive (2003: 9).

The report did not “focus on the black letter law . . . as this has rightly been the role of the VLRC [Victorian Law Reform Commission] in undertaking the *Sexual Offences: Law and Procedure* reference for inquiry” (2003: 41). Rather, this study was intended to complement and contrast the VLRC’s work. The Disability Discrimination Legal Service also made a submission to the VLRC responding to its draft recommendations (from the *Sexual Offences Interim Report*). The submission is available from the DDLS (details below). Most recommendations are supported, although many are supported on certain provisos or with qualifications.

The publication of *Beyond Belief, Beyond Justice* represents the end of Stage One of the *Sexual Offences Project for Women with Disabilities*, an ongoing project aiming to effect long-term and systemic change. Stage Two of the Project focuses on four of the findings and recommendations from *Beyond Belief, Beyond Justice*. Discussion papers are being prepared on the Independent Third Person Program; access to advocacy services for victim/survivors with cognitive impairment; access to alternative processes within the justice system; and sexual offences in residential settings. These discussion papers will serve as a precursor to forums being held to explore solutions and implementation of changes to ensure women with cognitive impairment who are victim/survivors of sexual offences are ensured access to justice.

In conclusion, the authors note that “though it may seem difficult, it is really only as difficult as we choose to make it . . . those who are silent are only silent because we do not choose to listen hard enough . . . So long as we do not speak out, listen up, see clearly, protect diligently, and believe in and uphold justice, victim/survivors with disabilities will continue to be beyond belief, beyond justice.” (2003: 76-7)

Endnotes

- 1 One of the outcomes of a 12-month joint Project between Family Planning Victoria (FPV) Disability Unit and Centres Against Sexual Assault (CASAs), and funded by the Department of Human Services (DHS), Disability Services Branch. This report is available from the DHS library and website: www.dhs.vic.gov.au/diability. The practice guidelines and training manual is available from FPV. Frawley, P. (1997), *Working with victim/survivors of sexual assault with an intellectual disability: Recommended practice guidelines for Centres Against Sexual Assault*, Family Planning Victoria and Department of Human Services, Disability Services Unit Sexual Offences Project, Melbourne.
- 2 Carmody, M. (1990), *Sexual offences of people with an intellectual disability*, Women's Coordination Unit, Paramatta. Turk, V. & Brown, H. (1993), *The sexual abuse of adults with learning disabilities: Results of a two-year incidence survey*, Mental Handicap Research 6, p. 3.
- 3 Carmody, M. & Bratel, J. (1992), “Vulnerability and denial: Sexual offences of people with disabilities”, in Brekenridge, J. & Carmody, M. (eds) *Crimes of violence: Australian responses to rape and child sexual offences*, Allen & Unwin, North Sydney.
- 4 *Sexual Abuse of Adults with Learning Disabilities*, above n 2.
- 5 *Victim/Survivors with an Intellectual Disability: Practice Guidelines*, above n1.

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Beyond Belief, Beyond Justice: The difficulties for victim/survivors with disabilities when reporting sexual assault and seeking justice was launched by Dr Helen Szoke, Chief Executive Officer of the Equal Opportunity Commission at the Annual General Meeting of the Disability Discrimination Legal Service in December 2004.

The report is currently available from the Disability Discrimination Legal Service, Tel (03) 9689 8011, Fax (03) 9689 8022, TTY: (03) 9689 8066, Country 1300 882 872 info@ddls.org.au, 2nd Floor/289 Barkly St, Footscray, Victoria 3011, or can be downloaded from the ACSSA website at <http://www.aifs.gov.au/acssa/onlinedocs/docsmenu.html>.

The health sector responds

Violence Against Women: The Health Sector Responds

Marijke Velzeboer, Mary Ellsberg, Carmen Clavel Arcas and Claudia García-Moreno, Pan American Health Organisation, Washington D.C., 2003, 131 pages.

Violence Against Women: The Health Sector Responds is an occasional publication of the Pan American Health Organisation (PAHO) and its partners, documenting its work to address gender based violence over the last decade, across 16 Latin America countries. The project began with a “Critical Path” study that researched the road that women take when deciding to break their silence about gender based violence, most often at the hands of a family member. The study provides insights into what most blocks women’s paths to safety – notably, the unresponsiveness of service providers (for example, the police and judiciary), and highlights the importance of appropriate and supportive individual responses to women’s disclosures.

Following this study, PAHO engaged in an extensive strategy to address gender based violence through the health sector. The most significant achievement was the new role of the health sector in joining forces to advocate for women, in organising community networks and in preventing detecting, and caring for women and children who are experiencing violence. The response was far greater than envisaged, with training provided to thousands of service providers from the health and other sectors, improved policies and the strengthening of networks. The approach taken included yearly evaluations as well as flexibility to cater for the diversity of the women it worked with.

The publication also looks at recent policy and legal reforms in the specified regions and highlights some of the more disturbing gaps and problems that still exist, such as the fact that many legislative reforms do not address sex crimes (rape and incest), which are still considered private matters, and the continued use of “mediation” in processing rape cases.

Throughout the publication, quotes from survivors and service providers are used extensively, many relating to sexual assault. “The lessons learnt” from the project are highlighted and include arguments for an integrated and sustained approach to violence. Although based in Latin America, the content of these “learnings” will be all too familiar for workers in the field in Australia. The appeal of this publication lies not only in how richly it explores the issues through the words and experiences of survivors themselves, but in the straightforward manner through which it conveys its message about the ways that we, as a community, can address gender based violence.

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A paper outlining the second phase of the project is available online:

“Ellsberg, M. Clavel Arcas, C. (2001), *Final report Review of PAHO’s project: Towards an integrated model of care for family violence in Central America*, Pan American Health Organisation, Washington DC. Available: www.paho.org/english/hdp/hdw/lessonsfinal.pdf

ACSSA INVITES YOUR VIEWS

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The Australian Centre for the Study of Sexual Assault invites readers to discuss these issues through *ACSSA-Discuss*.

ACSSA-Discuss is a moderated email list for the discussion of topics of interest to people involved with the sexual assault field.

To join *ACSSA-Discuss* send an email to majordomo@aifs.gov.au with the message “subscribe acssa-discuss”, and leave the subject line blank. For more information about the ACSSA email discussion group visit the Mailing Lists page on the ACSSA website at www.aifs.gov.au/acssa.

Sexual Offences Law and Procedure

The Final Report of the Victorian Law Reform Commission examining sexual offence laws and procedures contains over 201 recommendations aimed at ensuring the criminal justice system is more responsive to the needs of victim-complainants.

MELANIE HEENAN

discusses some of the proposed changes that could substantially improve the situation for victims going to court in sexual offence cases. However, it remains to be seen whether the recommendations will be passed into legislation.

When Professor Marcia Neave, Chairwoman of the Victorian Law Reform Commission (hereafter “the Commission”), spoke at the launch of their Final Report following a three-year investigation into sexual offence laws and procedures, she appealed to those who work both within and outside of the legal system to recognise that there is still “a problem”:

“This Report shows that the criminal justice system is seriously flawed in dealing with people who report they have been sexually assaulted. Unfortunately the problem is often invisible to the people who are familiar with the system, for example police and lawyers. But it is apparent to those who look at the system from outside, to those who have been sexually assaulted, and to those who provide them with counselling and support.” (*Marcia Neave, launch of the Final Report, Parliament House, Melbourne, 25 August 2004*)

The Commission’s Final Report into *Sexual Offences: Law and Procedure* presents 201 recommendations, the substance of which are directed at making the system fairer for complainants in sexual offence cases without compromising the rights of the accused to receive a fair trial. The report makes up a trio of publications that together provide an invaluable resource to legal professionals, students, counsellors, victims and survivors, researchers and policy-makers on the current status of criminal justice responses to sexual assault alongside a menu of proposed improvements.¹

In our first Newsletter (September 2003), ACSSA reviewed those features of the *Sexual Offences Interim Report* that tended to impact directly on the future management of adult sexual assault cases. Attention was given to four main areas. These included:

- an overview of reporting practices for rape and other penetrative offences between 1994-2002;
- a summary of the findings from consultations with workers from Centres Against Sexual Assault, and from submissions provided by victim/survivors, about the reporting process and the kinds of strategies that could improve the police response;
- an outline of various options for further restricting legislation that allows for the admission of sexual history evidence; and
- a discussion of the urgent need for “corroboration warnings” (where the jury are told it is dangerous to convict on the uncorroborated evidence of a complainant, especially in cases of delay) to be limited to cases where there is a specific disadvantage to an accused that can be demonstrated.

The preliminary recommendations that appeared in the *Interim Report* in terms of these areas of reform remained fully endorsed by the Commission in their Final Report. For this reason, we intend to draw attention to other areas of sexual offence laws and procedures that received the Commission’s attention throughout the final phase of the Reference. While our specific focus here will be on adult victim/survivors, the greater emphasis of the report lies with considering reforms designed to improve the legal system’s treatment of child witnesses. For this reason, we will briefly outline the more significant proposals made in relation to children.

Arguably the most radical changes proposed by the Commission are those that aim to improve the system for child complainants. As Marcia Neave suggested at the launch of the Final Report, “children in particular face very great difficulties in reporting offences and giving evidence at trial”. Armed with figures that suggest that less than one in seven reports of penetrative offences involving children are ever prosecuted, the Commission was keen to investigate contemporary models in other

jurisdictions that allow for child victim-complainants to more easily give their evidence while continuing to ensure that people accused of offences get a fair trial.

The most contentious of these recommendations calls for the introduction of provisions that will allow for the evidence of child witnesses in sexual offences to be pre-recorded. The Commission was impressed by the innovative system operating in Western Australia that allows for the evidence-in-chief and cross-examination of child witnesses, and witnesses with a cognitive impairment, to be pre-recorded in the presence of the trial judge, the accused and the prosecution and defence counsel.

The establishment of an independent specialist child witness support service was also recommended to “acknowledge the particular needs of this especially vulnerable group and allow staff to develop best practice responses to their needs” (VLRC 2004: 266).

Other recommendations provide “back-up” options for improving the system for children should the pre-recorded approach to giving evidence be opposed. These include: the routine use of closed circuit television for child witnesses; changes to the rules of evidence to allow for a more flexible approach to assessing a child’s competence to give evidence and to allow for the admission of hearsay evidence in certain contexts; and importantly, imposing a duty on the trial judge to prevent children being subjected to misleading, confusing, intimidating or harassing cross-examination (VLRC 2004: 286-318).

The Commission is confident that the adoption of these recommendations would result in children suffering less trauma in giving their evidence and there being a greater “likelihood that those who abuse children [would be] convicted”. Certainly ACSSA encourages readers, whose work is more directly related to child victims, to access the Final Report with respect to examining more closely the progressive nature of the Commission’s proposals.

For the remainder of this review, ACSSA will focus on three key areas that are particularly relevant to cases involving *adult* sexual assault: reviewing the police response; cross-examination by the accused; and specialised responses to sexual offence cases

Police response

In our previous review, ACSSA summarised the findings from the Commission’s consultations with counsellor/advocates from a selection of Victoria’s Centres Against Sexual Assault (CASA) where workers spoke about the tenacity of barriers that continue to plague victims who contemplate reporting sexual offences to police (September 2003: 7-8). While fears of being disbelieved and/or blamed were said to be common to most victims, the Commission also noted the absence of any specific attention being given to addressing the lack of culturally appropriate support services, and the limited training and availability of police and other workers who could fully provide for culturally appropriate approaches to communication, and to providing support and information. Recommendations aimed at addressing these problems were directed at police trainers and educators, and at considering improvements to mainstream service delivery as well as the potential establishment of Indigenous only, or ethno-specific sexual assault services.

In its Final Report, the Commission notes the ground already covered by Victoria Police in responding to many of the recommendations made in the *Interim Report*. Recent efforts include a formal evaluation of the *Code of Practice for the Investigation of Sexual Assault* and the development of training packages for police with particular emphasis on issues related to Indigenous victims, victims from non-English speaking backgrounds, and victims with intellectual disabilities or cognitive impairments. Consideration has also been given by police to piloting the establishment of Sexual Assault Investigation Sections where detectives and members from the specialist sexual offence and child abuse units would work together to investigate both recent and past sexual assaults. The Commission has suggested that greater continuity in the police response, alongside the development of specialist investigatory skills in sexual offence cases, will be of particular benefit to victims. It may also mean a better quality of evidence being collected in preparation for any subsequent prosecution.

As promised, the Final Report documents the findings from six focus groups convened by the Commission with members of Victoria Police. A cross-section of approximately 40 members from Sexual Offence and Child Abuse Units (SOCAUs) and Criminal Investigation Units (CIUs) in both metropolitan and regional areas participated in the focus group discussions. A number of the Officers in Charge of these divisions were also consulted.

Some of the areas covered in the discussions included: exploring police attitudes about the truth and falsity of complaints and the reasons why initial complaints are increasingly being withdrawn; how police ►

communicate with victims; procedures used for deciding whether charges will be laid or which briefs will be authorised for prosecution; and the status of current working relationships between police, counsellor/advocates from CASAs and forensic doctors.

The following is a synopsis of just some of the key findings reported by the Commission.

While there have clearly been some important shifts in how police respond to sexual assault victims, particularly by members of Sexual Offence and Child Abuse Units, the views of some police detectives and their immediate superiors about the credibility of rape victims would undoubtedly disappoint those, both internal and external to Victoria Police, who have been working hard to change discriminatory attitudes about violence against women. Of particular concern was the unanimity across CIU members, and their Officers in Charge, that complaints were often being withdrawn because they were false. The Commission reports that CIU members were prepared to suggest as many as 50 per cent of withdrawn reports were actually false (VLRC 2004: 111). One regional CIU member commented further that “a very high percentage of recently reported rapes are false or have an element of falsehood, especially alleged husband/wife rapes.”

The Commission rightly highlights the extent to which these attitudes are likely to impact negatively on the approach taken to investigations. Moreover, they draw attention to the relationship between the “attitude of scepticism” conveyed by these members during the focus group discussions and the fear often described by victims of not being believed. According to CASA counsellors who participated in the focus groups conducted previously by the Commission, fears of being blamed and disbelieved commonly feature amongst the reasons victims cite for deciding not to report (VLRC 2003: 103). They also note how directly counter the views of these CIU members run to both the spirit and the letter of the *Code of Practice*, which states that police should never presume an allegation of sexual assault is false, and that all allegations must be thoroughly investigated (Code of Practice, Guidelines 33 & 66)².

Encouragingly, most SOCAU members, as noted by the Commission, “had a different view and did not seem to think that many withdrawn reports were actually false reports” (VLRC 2004: 111). Members pointed to a range of reasons why victims may decide to withdraw their initial complaints, that included: a lack of faith in the justice system; pressure from family members; the stressful impact of delays in progressing the case; while other members identified how for some victims, having an official record of the crime having occurred was paramount without necessarily wanting the matter to go any further. These comments are consistent with the findings of victim-focused research on the subject (Heenan & Ross 1994; D’Arcy 1999; Jordan 2004) and tend to reflect a greater understanding of the difficulties victims themselves often identify as discouraging their continued involvement with the legal system.

Interestingly, some of the most damning comments made about police treatment of victims came from SOCAU members themselves. While in the focus group discussions with counsellors at CASAs, workers described some improvement in local CIU members’ approaches in responding to rape victims, SOCAU members spoke of some residual problems with detectives being judgemental and inappropriate in their communications with victims. While SOCAU members acknowledged the difficult demands on detectives, they were nonetheless critical of how their preconceptions often determined who was seen as a “legitimate” rape victim, and therefore which investigations were more rigorously pursued. One Officer-In-Charge of a SOCAU division also noted how the training for detectives tended to reinforce these views by giving undue attention to dealing with “stranger rape” scenarios, when the majority of those reported were between victims and offenders well known to each other (VLRC 2004: 120; footnote 122).

The Commission’s preliminary recommendations calling for substantial change to the structure and content of police training, particularly for detectives, were further reinforced in the Final Report. The Commission urges Victoria Police to design packages that will include content that addresses:

- the characteristics of most sexual offences, including the barriers that act as disincentives to many victims in terms of making a formal police report;
- the diversity of victims’ needs and the importance of developing culturally appropriate and responsive strategies when communicating with Indigenous victims, victims from a non-English speaking background, victims with a cognitive impairment and when working with children; and
- the importance of working in partnership with CASAs, and with representatives or consultants who can lend their expertise in developing culturally appropriate sexual assault service responses.

The final recommendations also call for Victoria Police to standardise their procedures for authorising police briefs of evidence (that is, investigations that result in charges being laid and the case being sent

for prosecution) and for communicating the outcomes of investigations to victims. In the absence of any formal criteria against which briefs of evidence are routinely assessed, the Commission were told that a range of factors might variously impact on the decisions, some of them dependent on members' perceptions of how closely the complainant fits the notion of an "ideal" victim. The Commission calls on Victoria Police to "review their brief authorisation process with the aim of developing a model that is consistent, transparent and accountable" (2004: 129). This would include victims routinely receiving written reasons in cases where decisions are made against authorising a brief for prosecution.

The need for ongoing and proper evaluation of police processes in relation to sexual assault was also identified as critical to any consideration being given by Victoria Police to introducing new and integrated information systems that will allow for better data collection and analysis of reports across all offence categories. For sexual assault, improved data systems would allow for a range of information about reports of sexual assault, the nature of the police response, charging decisions, and any changes in reporting practices, to be routinely monitored.

Cross-examination by the accused

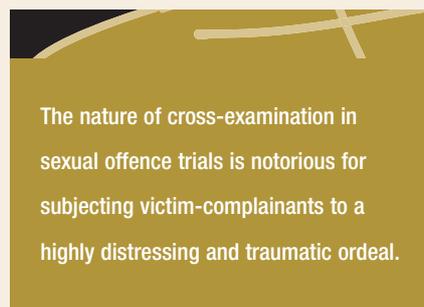
At present, there is nothing in Victoria to prevent an accused from personally cross-examining victims in sexual offence cases. As with any person who appears before the courts, the law allows for individuals to represent themselves rather than be represented by a lawyer. While the Commission notes how few sexual assault cases in which this has actually occurred, the possibility remains that a victim-complainant could be subjected to direct questioning by the very person (usually the man) they accuse of having offended against them. The Commission provides a recent example of a trial held in 2003 where an offender was able to personally cross-examine two teenaged victims (one gave evidence via remote witness facility; the other remained in court) whom he had detained and raped over a seventeen day period. In sentencing the man to 22 years imprisonment, the presiding judge said it was "greatly disturbing" that the young women were subjected to cross-examination by the offender himself.³

The suggestion made by rape law reform advocates that the system can, of itself, cause further victimisation, is indisputable in this context. The nature of cross-examination in sexual offence trials is notorious for subjecting victim-complainants to a highly distressing and traumatic ordeal (Department For Women 1996; Heenan & McKelvie 1997; Young 1998). Victims are routinely accused of lying, of having consented to the sexual activity in question or of not being clear enough about their lack of consent; or they may be told they are mistaken about the identity of the offender. They are made to recount the intimate details of the assault, including the minutiae of penetrations (for example, "was it more than one finger"; "how far did his penis penetrate you"); and in many cases respond to questions about their sexual pasts both with the accused and/or with other people. To imagine the accused man as the protagonist in this process, as the person to whom the complainant's account will be subjected to the most vigorous challenge, is not simply an example of an unfortunate shortcoming of the system – it is a situation that almost beggars belief.

Restrictions preventing people accused of sexual offences from cross-examining complainants have been introduced in a number of Australian jurisdictions⁴, as well as overseas. The provisions in the Northern Territory provide the most coverage in that all complainants in sexual offence cases, both adults and children, are safeguarded from being personally cross-examined by an accused who has nominated to represent him/herself in trials involving sexual offences, without any other condition or criteria having to be met.⁵ The Commission's recommendations appear to be most closely modelled on the NT example.

The question of whether cross-examination is then conducted by a judicial officer or a court-appointed lawyer who puts questions to the complainant on the accused's behalf, is carefully debated in both the Interim (VLRC 2003: 230-233) and Final Reports (VLRC 2004: 240-245). The Commission also considers whether a court-appointed lawyer would represent the accused throughout the entire proceedings or whether they would be appointed for the expressed purpose of undertaking cross-examination of the complainant and any other protected witnesses.⁶

The majority of submissions received by the Commission on this issue were in favour of the immediate introduction of legislation that would prevent a complainant from being personally cross-examined by ►



The nature of cross-examination in sexual offence trials is notorious for subjecting victim-complainants to a highly distressing and traumatic ordeal.

the accused. Nonetheless, groups representing the legal profession, such as the Criminal Bar Association and the Victorian Bar, as well as some judges, were strongly opposed to the recommendations. Their concerns were primarily geared to suggesting that the introduction of such provisions, including the manner in which court-appointed legal representatives might practically function, could seriously disadvantage an accused from fairly testing the evidence against them (VLRC 2004: 236-237).

It is worth noting that not all judges were of this view. Judge Anderson was wholly supportive of the Commission's recommendations, and Judge Nixon was supportive of at least some restrictions being introduced to protect child witnesses and other victim-complainants who are shown to be severely disadvantaged as witnesses should the accused be allowed to personally cross-examine them.

Ultimately, the Commission felt there were a number of "compelling reasons for prohibiting the accused from personally cross-examining the complainant and certain other protected witnesses, provided there is an alternative method by which the evidence against the accused can be tested" (2004: 240). Following the example set by the Law Reform Commission in New South Wales, the Commission also noted the public interest in building confidence in members of the community who, in reporting sexual offences, should be protected from the potential of having their evidence tested by the alleged offender. They also commented on the possibility of unrepresented accused being unfairly advantaged through having an opportunity to directly confront or intimidate complainants in sexual offence proceedings.

Furthermore, the Commission is confident that an accused person who nominates to represent himself will not be disadvantaged by the proposed legislative prohibitions if he/she is provided with adequate legal representation or a court-appointed lawyer solely for the purpose of cross-examining the complainant (or a designated "protected witness"). If the accused refuses legal representation or refuses to provide instructions to a court-appointed lawyer for the purposes of cross-examination, the court-appointed lawyer would nonetheless act in the best interests of the accused when cross-examining the complainant on behalf of the accused.

Specialisation

In the *Interim Report*, the Commission considered how specialisation could provide for genuine systems change in how victim-complainants would experience the criminal justice process. The report (VLRC 2003: 167-168) suggested that specialisation could:

- create greater awareness among judges and court staff about the needs of sexual offences complainants;
- foster willingness among judges and court staff to develop specialised procedures to meet these needs;
- make it easier to identify and support complainants from marginalised sections of society who feel powerless within the existing court process which in the long term could encourage more people to report offences;
- allow the development of case management procedures to improve the ways in which sexual offences trials are run, for example by reducing delays;
- provide an opportunity to develop support services for complainants alongside the criminal justice process;
- reduce complainants' fears of testifying; and
- symbolise the fact that sexual offences are taken seriously by the criminal law.

The Commission (VLRC 2003: 168) also acknowledged how specialisation could both contribute to the development of expertise in the laws and procedures governing sexual offence cases, as well as recognise the significant differences between these and other areas of the criminal law, including:

- differences in the rules of evidence, for example the provisions restricting cross-examination on prior sexual history and the admission of confidential counselling information;
- provisions allowing use of alternative methods of giving evidence;
- in cases involving child sexual offences, the requirement to hear evidence from children; and
- distinctive rules relating to the jury directions that must be given in sexual offence trials.

Importantly, according to the Commission, specialisation could also contribute to greater "uniformity and predictability" in how judges might exercise their discretionary power in response to sexual history applications, or in terms of considering whether to allow confidential communications (for example, counselling files) to be admitted into evidence (VLRC 2003: 168).

The *Interim Report* proposed two options for consideration:

- specialist stand-alone courts – similar to the model in South Africa where the court is physically separate from other court buildings, where specialist judges and prosecutors are assigned to sexual offence cases, and where other services are often located on site, such as support services.
- specialist lists – which operate within the existing court structures, where (specially trained) judges and prosecutors are assigned to the division, and see the case through from start to finish.

Of the 55 submissions received by the Commission, 24 included a response to the question of specialisation; 17 of these were in favour of developing some form of specialisation to aid in improving criminal justice processing and management of sexual offence cases.

Support for the proposal came from several Centres Against Sexual Assault (CASAs), the Youth Affairs Council of Victoria, the Salvation Army, the Australian Childhood Foundation, VOICES (a victim/survivor support group) and the Domestic Violence and Incest Resource Centre. The main opposition to the notion of specialisation came from legal professional bodies, including the Criminal Bar Association, the Victorian Bar, the Law Reform Committee of the County Court and several County Court judges. Broadly, the submissions questioned the necessity for specialist responses given judges and barristers should be presumed competent to preside over or appear in proceedings involving both sexual and non-sexual cases. There were also concerns about relegating judges to divisions that were heavily demanding, both emotionally and in practical terms given the range of pre-trial issues that often required additional attention in sexual offence cases.

Other researchers have also noted how the experiences of rape complainants can be vastly improved as a result of barristers and judges being well versed in sexual offence laws and procedures.

An exception was the enthusiastic support offered by the Supervising Magistrate of the Criminal Jurisdiction of the Melbourne Magistrate's Court in Victoria, Ms Lisa Hannon, who is: "strongly in favour of the establishment of a specialist court or specialist lists within the current court structure . . . its justification lies not in the preferences of individual judicial officers, but in the needs and reasonable expectations of the community."

For Ms Hannon, there are several reasons why specialisation ought to be considered at this time. In summary, she suggests that: specially trained judges and prosecutors would ensure a more consistent approach were taken to the conduct of court proceedings; cultural change within the courts would be easier to achieve; acknowledging the need for specialisation might itself increase community (and perhaps potential complainant's) confidence in the justice system; specialisation could lead to increased efficiency in case management and cost savings; and that specialisation is a reality of modern practice.

The Magistrates' Court already has specialist jurisdictions including drug courts, Koori courts, and the soon to be established Family Violence Courts in metropolitan Heidelberg in Melbourne, and in the region of Ballarat (about 100 kilometres from Melbourne city). The Commission also notes the "specialised" approaches already operating informally in the higher courts, such as in the Supreme Court, where attempts are made to assign homicide trials to judges who have particular expertise and interest in the area.

The Commission further highlights the results of Magistrate Hannon's trial-run of adopting a specialist list approach in child sexual offence cases over the period of a month in early 2004. According to the Commission, Ms Hannon reported that this approach increased the number of cases that were settled by way of a guilty plea after committal as well as: reduced delays in matters where the accused pleaded not guilty; having a positive effect on the conduct of the case; and having a positive effect on the conduct of cross-examination.

Other examples of specialist approaches are detailed including a specialist court for child sexual assault cases currently being piloted in New South Wales, the Family Violence Courts in Manitoba, and the Wynberg model established in South Africa (VLRC 2004: 177-182).

There is a strong emphasis in these examples of the courts being technically equipped with modern approaches to giving evidence from remote facilities; child-friendly facilities in waiting rooms; and specialised training being undertaken before judges, prosecutors and court staff can be assigned to the specialist jurisdiction. The Family Violence Courts in Manitoba have specially trained prosecutors and judges, as well as on-site victim support programs whose exclusive role it is to provide support and advocacy for women and children going through the process. According to Jane Urcel, who has evaluated the performance of Manitoba's Family Violence Court for over 14 years, "the involvement of specialist prosecutors is the single greatest factor responsible for the court's success" (VLRC 2004: 181 see footnote 289). ➤

Other researchers have also noted how the experiences of rape complainants can be vastly improved as a result of barristers and judges being well versed in sexual offence laws and procedures (Department for Women 1996; Heenan & McKelvie 1997). British author and researcher, Sue Lees, has often criticised the “neutral” position adopted by prosecuting counsel in distancing themselves for refusing to take on strong advocacy roles in sexual offence hearings (1996: 254). She suggests that specialist training in the art of prosecuting rape offences might better prepare and motivate them to improve their chances of obtaining convictions for rape. Prosecutors who are well versed in sexual offence laws, are also more likely to: be alert to breaching of provisions; anticipate defence tactics; use the social context of sexual assault in opening and closing comments to the jury; and challenge judge’s interpretations of provisions and/or the content of their directions to juries.

The recommendations made in the Final Report suggest piloting a specialist list approach in both the Magistrates’ and the County Courts in cases involving allegations of child sexual assault and for victim-complainants with a cognitive impairment. In the Magistrates’ Court, only magistrates who have been through a judicial education program would be assigned to the list and be dedicated to hearing sexual offence cases. In the County Court, the recommendation is for “a designated judge [to be] assigned to list and manage all sexual assault cases involving child complainants and complainants with a cognitive impairment”. This judge would essentially have a governance role that would allow for “specialist list” cases to be monitored post-committal, or at the point at which they enter the domain of the County Court.

While the Commission falls short of recommending the establishment of specialist lists or courts for adult complainants, citing the problem of limited resources, the spirit of the recommendations is encouraging. Indeed, the Commission proposes that should the specialist list in the Magistrates’ Court be successful, the net should be widened to establishing a list for all sexual offences in the Magistrates’ Court. The Commission note that at present there is little support for a model of specialisation being introduced to the County Court even on a trial basis. This is unfortunate given the positive findings being generated from the establishment of specialist models overseas and the impact they are shown to have on efficiency, in terms of the quality of investigations and prosecutions, and the fairer and more sensitive treatment of witnesses, regardless of the outcome of the case.

Final comment

The first reference handed to the Victorian Law Reform Commission by the Attorney-General, the Honourable Rob Hulls, following its re-establishment in 2001, was to review current legislative provisions relating to sexual offences to determine whether legislative, administrative or procedural changes are necessary to ensure the criminal justice system is responsive to the needs of complainants in sexual offence cases.

Clearly visible throughout the trio of Reports compiled in response to this mandate, is the extent to which the Commission has endeavoured to balance what are clearly competing viewpoints: on the one hand, those who champion the rights of victims not to be further subjected to trauma by the system; and on the other, those who are confident that further reforms will fetter the rights of those accused of sexual offences.

Indeed, the Criminal Bar Association were highly critical of how “none of the recommendations, findings or questions addressed the issue of how the number of wrongful convictions is to be reduced” (Submission 42, VLRC 2004: 88), despite the overall low rate of convictions for sexual offences and the indisputable findings of research that suggests little more than 10-15 per cent of victims ever report sexual offences to police. The Commission’s approach to researching the operation and effect of sexual offence laws and procedures demonstrates an attempt to promote greater understanding of how a more sensitive, compassionate and modernised criminal justice response can co-exist with a system that also fully protects the rights of people accused of sexual offences.

While this review has highlighted some of the important proposals for change to the legal treatment of sexual offences, there are others that also have the potential to radically redefine how juries will be asked to deliberate on issues such as consent. For example, currently the law allows for an accused to be acquitted should he claim to have honestly believed that the complainant was consenting (and the prosecution cannot prove that he did not hold such an honest belief), even if, in fact, there was no consent. The Commission proposes that before an accused can claim to have held an honest belief in consent, there must be an “air of reality” about the circumstances in which he alleges he formed such a belief. Moreover the accused must have taken “reasonable steps” to establish – or at least turned his mind to the issue of – whether or not the complainant was, in fact, consenting.

The Attorney General welcomed the report by the Commission and promised the Government would give all 201 recommendations “the serious and detailed consideration they deserve”:

“Quite simply, we want a system that encourages people to come forward about sexual crime, one that recognises their courage in doing so. It is only when more and more survivors come forward about sexual crime, when we shed the shackles of secrecy and shame that have so wrongly burdened those who most need our support . . . It is only when we confront sexual crime – its consequences and its causes – in all its ugliness, rather than sweeping it under the carpet or marginalising those who have experienced it, that we can hope to reduce the scale and frequency of its occurrence.” (*The Hon. Attorney-General Rob Hulls, launch of the Final Report, Parliament House, Melbourne, 25 August 2004*)

Victim advocates’ and law reformists have been calling for many of these changes proposed by the Commission for decades. It remains for the office of the Attorney General to translate the Commission’s recommendations into draft legislation. A draft Bill must first be considered and approved by both Houses of Parliament in Victoria before victims will receive the benefits of the Commission’s labours.

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Endnotes

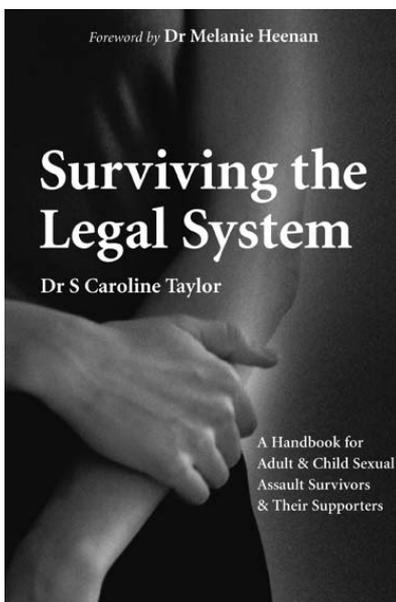
- 1 The *Sexual Offences: Law and Procedure Discussion Paper* and the *Sexual Offences Interim Report* were published in September 2001 and February 2003 respectively. Each of the Commission’s reports is available on line at www.lawreform.vic.gov.au.
- 2 The attitudes of CIU members on this issue appear to have remained unchanged. In 1994, research evaluating the operation of the Police Code of Practice found that in 44 per cent of cases detectives were not satisfied that the victim was telling the truth about the alleged rape (Heenan & Ross 1994: 99).
- 3 See *R v Kerbatieh* (Unreported, County Court of Victoria, Duggan J, 17 February 2003). Judge Duggan’s sentencing comments were referred to in an article by Dan Silkstone in *The Age* newspaper on 21 June 2003.
- 4 The Commission notes that Commonwealth legislation prohibits an accused from personally cross-examining child complainants. Similar provisions in New South Wales and Western Australia also apply exclusively to children. (VLRC 2004: 235, footnote 458).
- 5 In Queensland, restrictions apply to “protected” witnesses who are people under 16, witnesses who have an intellectual disability, and to complainants in specified sexual offence cases where the court is satisfied that the witness will be particularly disadvantaged or will suffer severe emotional trauma (VLRC 2003: 229).
- 6 The Commission ultimately favoured the provisions being extended to other witnesses who are also likely to experience intimidation and/or be distressed by the prospect of being personally cross-examined by an unrepresented accused. The restrictions would therefore apply to “protected witnesses” and include: children under 18; a person who is a complainant in another sexual offence case involving the accused (for example, where there are multiple victims/complainants involving the same accused and the proceedings are being held separately); and a person with “impaired mental functioning”. The provisions would also allow for applications to be made to have family members of the accused or complainant declared as “protected witnesses” in certain circumstances.

Melanie Heenan is the Coordinator of the Australian Centre for the Study of Sexual Assault at the Australian Institute of Family Studies.

Hard copies of the Final Report are available from the Victorian Law Reform Commission, Level 10, 10-16 Queen Street, Melbourne, Victoria. Phone (03) 8619 8619. The reports are also available online and can be downloaded by accessing the Commission’s website, www.lawreform.vic.gov.au

Surviving the legal system: A handbook for adult and child sexual assault survivors and their supporters

By Dr S. Caroline Taylor



Sexual assault, rape and child abuse cases are notoriously harrowing for the survivors, as their word is pitted against that of their assailants. For many, facing the legal world after their assault can be an equally traumatic experience. However, for those survivors who are courageous enough to step forward, seeking redress through the criminal justice system remains vital for their sense of closure after the assault.

Surviving the Legal System is a much-needed handbook that will prove invaluable to survivors of rape and sexual assault, their counsellors, friends and family members. It is also compelling reading for all members of our community who care about justice.

Written in a way that makes it clearly accessible to any reader, the book provides essential information for all survivors: advice on the rights of the survivor; where to go for help; reporting the crime to police; proceeding with the legal

process; explanation of the different courts and their personnel and function; and, most importantly, prepares survivors for the procedures, strategies and tactics that defence barristers often use in sexual offence trials.

Foreword by Melanie Heenan

This book is one of defiance. Despite law's resistance to offering survivors any meaningful justice for the crimes of sexual violence perpetrated against them, women have refused to give up on the promise – that the criminal justice system stands as an institution against which their rights to sexual freedom and autonomy, regardless of whether the offender is a father, a husband, a partner, a boyfriend, will be vigorously defended and protected. But as research continues to attest, the chances of survivors – women, children and men – being further brutalised by the courts, remain high, while the likelihood of securing a criminal conviction remains shamefully low.

And yet, many survivors who reflect on their experience continue to call for others to come forward, to maintain a steely resolve in demanding that law not turn away from them, nor that it resile from its obligation to treat those who venture before it with equal fairness and respect. Caroline Taylor's *Surviving the Legal System* provides a powerful example.

This is a book for survivors. It is an easy to read, step-by-step guide to more effectively navigate the criminal justice process – from outlining the functions of the different criminal courts, to understanding

the roles and responsibilities of different personnel, to directing survivors to where they can go for information and support. However, it is Caroline's careful and unique recounting of the particular strategies and tactics used by the lawyers involved in criminal cases, particularly defence barristers, which survivors and other readers will find both distressing and compelling.

This is a book that challenges "the method" of defence barristers. Caroline uses her own voice throughout, an authentic voice that comes from reading hundreds of pages of court transcripts and from observing scores of trials first hand. It is also the voice of one who has herself experienced some of the most dehumanising processes sanctioned by our law. With this voice and with this knowledge, Caroline gives victim/survivors information about *how to prepare*. She knows survivors are likely to be frightened and intimidated; that they will face the unimaginable in being told they are liars, exaggerators, or that they are promiscuous or the ones who were "asking for it". But she urges them to stare down their fear. And she gently but firmly gives them the tools to do it.

Survivors who read this book will have a compass, one that can help orient them to find the narrow spaces though which they can feel some measure of control – from knowing how to ask for a break, or to request a glass of water, through to anticipating questions that are intended to distract them, to confuse them, or to undermine them. Armed with some of the strategies outlined in this book, the author encourages survivors to raise their hand in the face of law and lawyers and "hold their truth" – to find ways through which they may feel more confident to deflect, subvert or challenge the processes designed to wear them down in the witness box. For some survivors who go to court, undoubtedly the accomplishment will be in having managed to get through giving their evidence at all.

Finally, this is a book that symbolises determination. Caroline's determination is behind all she has accomplished. She is a writer and academic, an activist and educator, a public speaker and trainer. It is my privilege to thank Caroline for her indelible strength and spirit, her courage and poise, and her deeply held commitment to demand a better system of justice than the one through which she fought.

The publisher's note and Melanie Heenan's Foreword to *Surviving the Legal System* are reprinted here with the permission of the publisher.

Dr Caroline Taylor, author of *Surviving the Legal System*, is a Post-Doctoral Research Fellow at the University of Ballarat. Her field of research has been child sexual abuse and the psychosocial and socio-legal response to this crime. She is well known in the community for her ongoing research and advocacy work. She is also the author of *Court licensed abuse*, published by Peter Lang, New York, 2004.

Copies of *Surviving the Legal System* can be ordered through the publisher, Coulomb Communications, PO Box 751, Port Melbourne, Victoria, 3207 for \$27.95. Or visit their website at www.coulomb.com.au

The Women Against Violence journal

AN AUSTRALIAN FEMINIST JOURNAL

The *Women Against Violence Journal* is a national journal examining issues relevant to the work to stop violence against women.

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The editorial committee is interested in receiving contributions which may stimulate debate on current policy directions or practice issues, or share information about new initiatives, relating to women as the targets of violence in our society.

Issue 16 is due out February 2005. For more information or to subscribe, visit our website at www.rwh.org.au/casa/ and click on to Women Against Violence Journal.

Remembering Wendy

Many of you will remember Wendy Weeks for her wonderful work, especially around women's studies, social policy and practice, social work theory and practice, women's research, the women's refuge movement, issues around maternity leave, and Indigenous issues. Many of you will have learned from her many publications and her long history of teaching. Wendy will be sadly missed. *Julie Oberin (WESNET)*

The following is an excerpt from the tribute KATE GILMORE paid to the late Wendy Weeks at the recent *Home Truths* Conference in Melbourne. Wendy died on 31 July 2004. She had retired only weeks earlier from her position in the Department of Social Work at the University of Melbourne. Most recently, she was involved in co-researching a project under the Partnerships Against Domestic Violence (PADV) program that was directed at *Examining Progress in Accommodation and Outreach Options for Women Experiencing Domestic Violence*, the results of which will be published shortly.



Wendy Weeks

Sometimes, at certain times, over these few days, I catch, I think, a glimpse of wild wiry hair, perhaps a smudge of purple, or – from the corner of my eye – some woman's face bowed towards another's, earnest in the concentration of deep listening.

Once, maybe twice, I swear I overhear deep smoky laughter floating high over the crowd of us or, I think, I catch – perhaps in the hum of conversation – indistinct, elusive – the traces of a North Atlantic accent cut, unpredictably, by the sharp glass of the Australian.

Around each corner, naturally and without thought, I expect her. Over there, against the window, I assume her. Near the door, on her way outside, I anticipate her. On the podium, at the microphone, I need her. In my mind, and on my conscience, I feel her.

Whenever we take a break, or move between sessions or await the next speaker, I find myself looking for, expecting, believing I will find Wendy Weeks.

Profoundly, unjustly, shockingly suddenly, she is not here . . .

She would not be pleased.

To have left not only her work – but yours too – unfinished, would really irritate her.

After all, she had many, many plans for herself: books, gardens, research projects, funding applications, further visits to the red centre.

And be advised: she had many, many plans for you and for me: plans for knowledge creation and – for that matter – for knowledge defence, for skill development, for standards articulation; for richer and more effective advocacy and deeper more compassionate companionship in the struggle against the exhausting banality of violence against women.

But nor would she be happy to have us – in the privilege of this forum, given the scarcity of its occasion – to dwell here, in this way, on her.

Impatiently, perhaps, quite frankly, rudely, Wendy would insist – as peripheral and collateral – anything not connected directly to the rigorous pursuit of feminist principles, not directly connected to the pursuit of excellence in delivery of women's services, not directly connected to redistributive politics, not directly contributed to a deep, ethical and authentic struggle for justice.

In this tough-minded, deeply compassionate, always warm, struggle – with which she lived day-in day-out – in this thirsty and often agitated pursuit of justice for women and for children: for a justice deep, layered, intricate, intimate and material – Wendy could not, did not, and never did tire.

If ever you had the occasion to accept a lift with her, you also know she even drove her car with the distraction of those who are perpetually and constantly distracted by the daily affront that is social, economic and gender-based injustice.

She was the intellectual force of the genius. She was the love of the mother. She was the solidarity of the sister. She was the inspiration of the teacher. She was discipline of the constant learner. She was the courage and self-sacrifice of the activist. She was the force of the uncompromising and the uncompromised. She was ours.

Did she transform social work pedagogy at the one time PIT and the then RMIT and onto Melbourne University? Yes she did. Does it matter? Well, thousands of social workers who, through her (almost single-handed) efforts, were made to encounter feminism as an existential truth, and who thus could limit the harm and better maximise the good they do – they demonstrate her significance.

Was it Wendy Weeks who sat in “Genevieve’s” – the famous Carlton coffee shop – planning, imagining, dreaming, while she and I awaited completion of the building works that would create what would become known as CASA House? Well, one small part of her great legacy is the term, concept and practice of “counsellor/advocate”, first coined by her as we thought through what might be a rights based model of care for those subjected to sexual violence, first used at CASA House in Carlton: that term was, is, and will continue to be, hers.

Was it Wendy Weeks who sat – troubled, humble, learning and sorry – with Indigenous women of many Australia nations, because she knew – under and within skin – we are bound?

Amnesty International never adopted Wendy Weeks as a Prisoner of Conscience but only because no government – Australian, Canadian, Korean – was ever efficient or effective enough to capture her. But the truth is she was a deeply subversive threat to the self-satisfied, to the intellectually uncritical, to the self-indulgent, and to the power-drenched.

Just ask Melbourne University.

Such was her command of the subject, such was the *tour de force* of her activism that today, yesterday and tomorrow I will continue to think/imagine/believe/know/experience that Wendy Weeks – author, thinker, teacher, mother, activist – not just was, but remains and definitely will always simply *be*.

She would not be happy that she cannot contradict or challenge what I am saying: such was her insatiable hunger for truth.

I knew, loved and for many years struggled alongside Wendy. I was taught by her, shaped by her, challenged by her, and I am the very least of it. For so many of you did too. Those of us who knew her, who met her, or read her work, or heard of her inspiration – could I ask you to raise your hand?

And now, in solidarity and in affirmation, could we all – each of us who has ever lost a sister of the struggle to bring justice for women raise a hand in acknowledgement, commemoration and gratitude, and for a moment, in silence, remember our sisters – strong departed not forgotten.

I heard Wendy address a public forum on the occasion of the 10th anniversary of the women’s studies research unit at the School of Social Work at Melbourne University in 2002.

She was its originator and its vision.

When she stood to make her speech she began – as she tried to live – with an acknowledgement of our shared indebtedness to Indigenous Australians, and she proceeded to introduce herself by a careful process of self-naming.

Wendy explained she was a Weeks because she chose to retain her married name in affirmation of her deep love, commitment and identification with her sons.

However, following something she had learned from Indigenous women, she went on to trace her naming origins so as to include reference to her mother Edith. She told us of her mother, whom she referred to by Edith’s so-called “maiden” name, because – she explained – she wanted to affirm deliberately and with intention her mother’s specific individual and particular contribution to her own life.

Intellectually, politically and in many ways, morally, my name is Kate Gilmore nee Wendy Weeks.

Kate Gilmore is Executive Deputy Secretary General with Amnesty International.

In honour and in tribute, CASA House and the Royal Women’s Hospital are establishing a perpetual memorial to Wendy Weeks. A group of Wendy’s colleagues and friends will oversee the Wendy Weeks Memorial Fund, which will be used to establish a scholarship, an annual dinner, or an annual lecture in her name.

If you would like to contribute to the Fund, or be involved in some way, please email casa@rwh.org.au

Immigrant Women's Support Service (Queensland)

Each edition of *ACSSA Aware* includes a profile that offers a perspective on current issues in service delivery. In this edition, ACSSA speaks to ANNABELLE ALLIMANT, Coordinator of the Immigrant Women's Support Service (IWSS) in Queensland, a domestic violence and sexual assault support service for women from non-English-speaking backgrounds and their children.

ACSSA: Please describe briefly the origins of your service.

The Immigrant Women's Support Service (IWSS) has been in existence for eighteen years. The original program was the domestic violence crisis intervention program. The sexual assault program has been established since 1997 when it was funded by Queensland Health.

ACSSA: What is the philosophy of the service and how does it differ to a non-immigrant women's or mainstream service?

IWSS works within a feminist philosophy, recognising that Australia is a multicultural society, but one where particular structural inequalities perpetuate the disadvantages experienced by certain groups of people. Violence against women is both a consequence and reinforcer of the imbalances of power between men and women. At IWSS we recognise that violence against women is a violation of human rights, that it is a crime against the individual and society and that it occurs along a continuum that includes domestic violence and/or rape and sexual assault.

The organisation is incorporated as Migrant Women's Emergency Support Service and trades as Immigrant Women's Support Service. We work with women who are from non-English-speaking backgrounds and who are migrants or refugees. The sexual assault program is funded to work with women over the age of 15. We also support mothers of children who have been sexually abused. Women from non-English-speaking backgrounds can be amongst the most disadvantaged in society: through experiencing a double power imbalance as women in a male-dominated society and as members of the non-dominant cultural group. Some women are also marginalised in their own community, as well as being marginalised by the dominant group for being from a non-English-speaking background, a different race or religion. An important difference between our service and mainstream services is that we make advocacy a part of every interaction with women. We work towards ensuring women are accurately informed to make informed decisions about their lives.

Another important part of how IWSS operates is the focus we give to the training of our workers, who are all trained to work cross-culturally. We support workers to explore and challenge issues, such as sexual assault, in their work. Sexual assault is still a sensitive subject that remains silent within many communities (as can be with the mainstream community). Talking about sexual assault in the multicultural communities, even for service providers, can be difficult and confronting. We recognise these difficulties and attempt to address these challenges by ensuring discussion, training, supervision and reflective processes are in place within the organisation. This is particularly so as Immigrant Women's Support Service has two programs – sexual assault and domestic violence programs.

As IWSS is the only non-English-speaking background women's service in Queensland we are extremely busy. We therefore have clear processes, and case-management strategies, in place in order to manage our workload and to maintain our accountability to women, to funding bodies, and to our peers. Although we are not funded as a state-wide service many organisations from around the state approach us for resources to do with counselling and information regarding the myths and

facts about domestic violence and sexual assault in non-English-speaking background communities. Other information that is often shared with other service providers is around the issues of working with interpreters. This aspect of the work we identify as essential given that women from non-English-speaking backgrounds may not want to or may not be able to access the service if they live in areas outside Brisbane.

ACSSA: How important is it to have a separate service for women from non-English-speaking backgrounds?

As a specialist service we come across information about a myriad of issues experienced by women from non-English-speaking backgrounds. This knowledge and experience is integrated into the service delivery and the community education strategies IWSS has. It is important that a service responds to the needs of its clients – IWSS specialises in working with women from non-English-speaking backgrounds. We acknowledge that people, or indeed women, are not all equal, nor do they have the same access to services, or, often, capacity to access services, which means that we have to be flexible and creative enough to meet the needs of our clients. IWSS counsellor/advocates meet women's needs as may be necessary and have a flexible management of appointments to ensure we don't have waiting lists.

The service delivery to women from non-English-speaking backgrounds encompasses a gender analysis of domestic and sexual violence and the power imbalances as a result.

All positions at IWSS have a strong component of advocacy that is intrinsically maintained at every interaction with women from non-English-speaking backgrounds. Similarly, education with women that ensures clarification of information, legislation, rights and responsibilities in this country is always encouraged.

We maintain connections with many networks in the sexual assault and domestic violence sectors, as well as in the multicultural sector. IWSS work is made possible through collaboration and recognition of support from other services.

ACSSA: IWSS offers services to women survivors of domestic violence and sexual assault. Could you tell us about the service offered to survivors of sexual assault?

At IWSS we offer:

- Counselling to women who have survived sexual violence, which is cross-culturally sensitive to women from diverse cultural and linguistic backgrounds. We are the only service in Queensland that offers culturally-appropriate counselling for women from NESB who are survivors of sexual assault;
- Counselling and support to mothers (and other family members) whose children have been sexually abused;
- Access to translated printed resources in relation to issues of sexual and domestic violence;
- Court support to women;
- Women's groups that focus on different themes/activities;
- Community education to ethnic communities about the law, women's rights, services and responsibilities in Australia; and
- Consultation with service providers on a range of topics such as inclusion, addressing issues of access and equity, and cross-cultural awareness, for women from non-English-speaking backgrounds.

ACSSA: At the recent *Home Truths: Stop Sexual Assault and Domestic Violence* conference in Melbourne there was a call by service providers and survivors of violence for domestic violence and sexual assault services to be more aligned, and for a greater recognition of the fact that sexual assault is very likely to occur in homes where there is domestic violence. Your service, by its very structure, appears to recognise this and respond to both these needs. Could you describe your understanding of the issue of male partner rape and how your service works to address it?

The topic of rape in marriage continues to be a great taboo in many ethnic communities – as it continues to be a challenge for the broader community as well. Women from non-English-speaking backgrounds

themselves often struggle with the Australian definition of sexual assault and domestic violence, and so we do much work in educating both the women we see, and the broader communities, about what constitutes domestic violence and sexual assault, particularly within marriage. Many women do not name the abuse they are experiencing as violence, and in the case of rape within marriage, we hear time and time again the women saying that it is their “duty” or their “role” to have sex with their husbands, whether they want to or not. We have developed a brochure that addresses issues of consent.

The work we undertake, at times, involves challenging ideas about violence that women have from their upbringings. There are many myths that have been perpetuated about violence and ethnic communities that most often than not greatly disadvantage women. The work undertaken informs us that women find it very difficult, and often impossible to negotiate sexual intimacy when they are already exposed to domestic violence in their relationship.

Although our organisation has two programs, the domestic violence and the sexual assault programs, there is often an overlap. In particular, many women are referred from the domestic violence service to the sexual assault service, as women are less likely to come forward initially due to sexual assault; they are much more likely to identify and speak of physical violence. Having noted the overlap between the programs, it is also important to note that there are differences between them and that skills and knowledge required to work in each area are different. The sexual assault program does training with the domestic violence program, as working with women who have experienced sexual assault is often very challenging for the workers within the domestic violence program who may not be otherwise trained as sexual assault workers.

ACSSA: What are the issues that are specific to women from non-English-speaking backgrounds who experience sexual assault?

Women from non-English-speaking backgrounds face a number of problems and barriers to receiving help if they experience sexual assault. These may include the following:

- A lack of English, or English literacy, and a corresponding lack of information in their own languages;
- A lack of information about rights in this country and a lack of familiarity with the justice, health, and immigration systems;
- Difficulties with understanding / definitions of what constitutes sexual assault in this country;
- Shame of disclosure and the fear that they bring shame on their family (often in the eyes of their community they have brought shame just by talking about it) or that they will be ostracised by their family or community;
- Issues of virginity, whereby a women’s marriage prospects are diminished if she discloses sexual assault;
- Cultural barriers, which include a lack of understanding of the laws and cultural practices in Australia;
- A conspiracy of silence around sexual assault and domestic violence;
- Fear of information not being kept confidential;
- Fear of bringing further stigma to their community by disclosing the information, when the community may already be stigmatised by the broader community;
- A lack of information about their rights to use the domestic violence provisions within the *Migration Act* when they experience violence;
- Resulting fears due to a lack of permanent residency and the perceived possibility of deportation. Of the women we have assisted this year to use the domestic violence provisions, we estimate that 90 per cent of them experienced sexual violence, often extreme, by their spouse;
- Fear of authority figures. This fear may be heightened due to previous bad experiences with authority, in their country of origin, during transit to Australia, or upon arrival in Australia (detention centres);
- Systemic issues of racism;
- Inappropriate training or use of interpreters (such as the court interpreter who would not use the words penis or vagina in a sexual assault trial);
- Failure of mainstream services to use interpreters, or use of a male interpreter or culturally-inappropriate interpreters. Being able to speak a language does not necessarily mean you are appropriate, culturally, to translate (for example, a Bosnian woman may not want a Serbian translator); and
- A lack of cross-cultural sensitivity by mainstream service providers, and racism and discrimination when accessing services.

ACSSA: In what ways does service delivery to women from non-English-speaking backgrounds differ to services for English-speaking women?

At IWSS we work with women on their own terms and within their worldviews, which is critical to developing a sensitive cross-cultural relationship. Although we work with women within their worldview, which may not include an understanding that the violence they endure is wrong or illegal, education about violence is included in our work. Extra time is allocated and ensures appropriate booking of a professional interpreter in the correct language/dialect. We always work with professional interpreters on-site or by phone when the need arises. Additionally, all our staff undertakes cross-cultural training in order to be able to work with women from a range of backgrounds.

One of the important parts of our work is in responding to the needs of women who have suffered legally-sanctioned oppression including physical, mental or sexual violence within or outside of Australia. This may be within a refugee camp, in detention or during their trip to Australia. Many women have spent considerable portions of their lives in camps and therefore have fewer life skills. It is important that these issues are explored and addressed by our staff and in order to do so we include these issues in our training and our community education.

The work undertaken with women from non-English-speaking backgrounds includes an understanding of the many layers of grief and loss women may have experienced in addition to domestic and sexual violence.

ACSSA: Are there some issues that you have been working on since your inception that seem to be persisting and that you are still working on?

Certainly community attitudes towards Immigrant and refugee women still need changing within the broader community. Although we claim to be a multicultural society, and although there is always talk of diversity and policies that speak of diversity and access and equity, we still act in a mono-cultural way. September 11 brought this issue home with many women, not just Muslim women, telling us that they had been subject to racist attacks and slurs. One woman complained that her husband wanted her to remove her veil so she would be safer, but the woman said that wearing the veil was part of her “mother’s milk”, that it was part of her identity. Such attitudes are destructive and pervasive and must be questioned.

The need for basic services, such as enough trained interpreters, is a persistent issue. Various professionals, including the police still tend to use family, friends and children as interpreters which are highly inappropriate in circumstances involving domestic violence and sexual assault. Imagine having a young child explain to a male police officer how his mother has been raped.

Another issue is that women are still being sponsored to come to this country with little or no support from government agencies. These women don’t receive the settlement support provided to humanitarian entrants and are often subjected to extreme abuse, and are completely isolated.

ACSSA: Are there any emerging issues for immigrant women that you are aware of and working on, particularly ones that mainstream agencies might not yet be aware of?

There are difficulties for women in using the domestic violence provision under the *Migration Act*, as special reference to their definition of domestic violence needs to apply. Women experiencing sexual violence from their spouse are often victims of domestic violence and can access the domestic violence provision under the *Migration Act*.

There is also a lack of cross-culturally appropriate counselling services for women from non-English-speaking backgrounds who experience domestic violence or sexual assault. We share the frustration of not having anywhere to refer women for specific domestic violence counselling. IWSS provides counselling to women who have survived sexual assault, however the resources available are limited. In the sexual assault program we have approximately 45 hours per week for counselling, community education strategies, resource development and attendance to awareness-raising strategies necessary to address individual and systemic advocacy. The limited resourcing fails to recognise issues for women and children who are often used as pawns of war and become survivors of sexual violence. There are long-term consequences associated with this and support is not readily available for women from non-English-speaking backgrounds.

ACSSA: Are there any lessons that you have learned in your work that you'd like to share with workers in mainstream agencies?

There are many lessons we have learnt. These may include:

- The need for the consistent and appropriate use of professional interpreters;
- The ongoing need for advocacy at an individual and systemic level;
- The need to understand the refugee/migrant experience of women as well as understanding the dynamics of domestic violence and sexual assault;
- The need to acknowledge the powerful position that service providers have. It is challenging for us to have to recognise that a woman with no income, no support, no permanent residency, and no family, amongst other barriers, does not really have choices. She is in a very powerless position. As a service we offer support, information and space to talk, but how much of a choice does she really have?;
- The ongoing need to identify, challenge and address issues of discrimination, racism and power imbalances in the community;
- The need to reflect on power imbalances, and therefore service delivery models, from a worldview that includes western dominant viewpoints and those of "third world" or developing countries;
- The need to educate men as well as women;
- The need for men to take responsibility for their actions;
- The need to recognise the violation of human rights at a global level, and that many women may have experienced extreme abuse before arriving in Australia. As a country we have to question how we respect human rights, we have to challenge how we treat people, whether keeping women and children in detention or restricting their access to services is a violation of their human rights. Further, how is it possible for us to challenge violence at an individual level when society is violent in many ways?;
- The need for ongoing and extensive community education. This is essential. Each time we go out we end up with referrals which tell us that our education strategies work;
- The need to challenge racist and stereotyping behaviour which means that service providers see a lack of English as a lack of intellect, or where providers think that violence is okay in some communities;
- The need for reflection and discussion about international world politics and the impact that those have in our national sphere – for example, globalisation and the trafficking of women; and
- The need for resourcing which adequately meets the needs of diversity. We know what the issues are, we just need the funding to meet the demands.

■ ACSSA is grateful to *Annabelle Allimant*, Coordinator of the Immigrant Women's Support Service in Queensland, for taking the time to answer our questions about the service.

Immigrant Women's Support Service

PO Box 5490, West End, Queensland 4101. Phone: (07) 3846 5400 Sexual Assault; (07) 3846 3490 Domestic Violence. Fax: (07) 3846 5619 Sexual Assault; (07) 3844 8467 Domestic Violence. Email: mail@iwss.org.au. Website: www.iwss.org.au.
Opening hours: 9am to 5pm, Monday to Friday.

D V I R C

N E W S L E T T E R



The *DVIRC Newsletter* is a quarterly publication containing feature articles, reviews and regular updates about the latest research, publications, training, conferences, websites and support groups on family violence including sexual assault.

DVIRC welcomes the submission of articles which focus on any aspect of the abuse which takes place within familial and other relationships.

For all information about the Newsletter, including a style guide or subscription form, contact: Mandy McKenzie, Newsletter Editor, Domestic Violence and Incest Resource Centre, 292 Wellington Street, Collingwood Victoria 3066. Email mmckenzie@dvirc.org.au

Understanding and Responding to Disclosures of Intimate Partner Sexual Violence

The Australian Centre for the Study of Sexual Assault is developing a national collection of Good Practice Programs and Responses for Sexual Assault. This collection, accessible from the ACSSA website, provides an important resource for informing the work of service providers and policy makers in developing or refining models for responding to sexual assault.

An example of good practice recently added to the collection is the training workshop offered by the Gold Coast Sexual Assault Support Service entitled “Understanding and Responding to Disclosures of Sexual Violence”. The workshop is for refuge and domestic violence workers.

This one-day training workshop aims to increase the knowledge and skills of refuge and domestic violence workers in relation to Intimate Partner Sexual Assault (IPSA), principally to enable participants to identify and effectively and confidently respond to disclosures of sexual violence in the course of their professional practice. The program explores the historical context of sexual violence and IPSA, reviewing current research and available statistics. Recognising the myths that surround IPSA and the complexities of disclosure for professionals while understanding the needs of victims and survivors is central to the philosophy of this program. Counselling and intervention strategies are examined and demonstrated. Participants also work through case studies in group sessions. Future directions for intervention and prevention are outlined, including funding recommendations directions for further development and implementation of the program, and the challenges raised by IPSA disclosure. Specialist training is also recommended for family therapists, health workers and generalist welfare workers.

This program demonstrates “good practice” by: locating training content in the context of contemporary research and practice in the fields of sexual assault and domestic violence; emphasizing the overlap of issues of sexual assault and domestic violence in relation to strategies, legislation and funding; addressing the need for collaboration between domestic violence workers, sexual assault workers and women’s refuges; and practising a sensitivity to social diversity through preparing participants to recognise the differing needs of people from various social groups, accommodating cultural background (indigenous and NESB), same sex relationships, physical and intellectual ability and generational and age differences.

Submissions invited

ACSSA invites submissions of examples of Good Practice Programs and Responses for Sexual Assault from service providers, policy and program developers, educators and trainers, researchers and others working to address sexual violence. These can be programs, approaches or initiatives currently or recently conducted.

For more information or to contribute a program by completing the short online questionnaire, go to <http://www.aifs.gov.au/acssa/gpdb/goodpractice.html> or contact ACSSA on (03) 9214 7888.

Promote your good practice

The Australian Centre for the Study of Sexual Assault is planning a special “Good Practice” edition of its newsletter *ACSSA Aware*. The aim of the special edition is to promote examples of good practice with a view to learning from the experience of others in the field. We invite readers to submit examples of good practice in their own service, or that they know of elsewhere. This can be done by filling out a Good Practice Questionnaire on our website, at www.aifs.gov.au/acssa/gpdb/goodpractice.html, or by phoning us on (03) 9214 7888.

CONFERENCES

The following conference listings are taken from the website of the Australian Centre for the Study of Sexual Assault.

18th Annual ANZSOC Conference: Crime, Community and the State

9-11 February 2005

Wellington, New Zealand

A persistent issue in the 1990s and into the 2000s has been the respective roles of the state and "civil society" in both the "steering" and "rowing" of criminal justice and the governance of crime. Featuring prominently in this discourse has been "the community", although there has been significant disagreement about what 'the community' is, who may legitimately represent it, and what its role in the governance of crime might legitimately and realistically be. This conference will provide an opportunity for further exploration of these questions.

Further information is available from www.vuw.ac.nz/anzsoc

5th Australian Women's Health Conference - Reflecting on Gender: Confronting the Evidence

20-22 April 2005

Melbourne, Vic

The 5th Australian Women's Health Conference will provide a forum for individuals, organisations and services involved and concerned with women's health. Building on national and international knowledge and research, this conference will examine the evidence from the perspective of gender as a determinant of women's health. There will be a particular focus on women who are marginalised by poverty, culture, discrimination because of race, disabilities, illness or social stereotyping, and difference. The extent to which these issues are reflected in policy and practice will be examined using gender analysis to develop strategies for health system responses to gender. The impact of health care reforms on women will also be examined.

Further information is available at www.womenshealth2005.com.au

14th World Congress of Criminology: Preventing Crime and Promoting Justice: Voices for Change

7-12 August 2005

Philadelphia, Pennsylvania, USA

The conference of the International Society of Criminology will include topics on many criminological issues such as: life-course criminology; restorative justice; prison sentencing policy; biology, neuroscience and crime; drug abuse prevention; and crime problems in different regions of the world.

Further information is available from www.worldcriminology2005.org

Improving Policing for Women in the Asia Pacific Region

21-24 August 2005

Darwin, NT

The improvement of policing for women in the Asia Pacific Region is the focus of this conference. Within a feminist framework, delegates from Australia, New Zealand, the Pacific Islands and Asia will explore how policing can better protect women's human rights, develop strategies to improve the number of women in key decision making positions within policing, and create a network of women that can work to improve policing for women in the Asia Pacific region.

Further information is available from the Australasian Council of Women and Policing at www.auspol-women.asn.au

For more conferences and events visit the Conferences page on the ACSSA website: www.aifs.gov.au/acssa/conferences.html

The National Child Protection Clearinghouse



What is the National Child Protection Clearinghouse? The Clearinghouse is funded by the Australian Government Department of Family and Community Services with the goal of informing policy, practice and research into child abuse prevention.

Who should use the Clearinghouse? Anyone with an interest in child abuse prevention, such as policy makers, those working with 'at risk' or abused children and their families, and researchers.

Services:

- **Free publications.** Regular paper and electronic publications to clients. Join the mailing list to receive two Issues Papers and two Newsletters per year.
- **Repository/Library.** Research literature, other information resources and access to specialised databases. Small, non-government organisations obtain free access. Contact: ncpc@aifs.gov.au
- **Research.** Primary and secondary research projects. Available for downloading from the website: www.aifs.gov.au.
- **Outreach.** Provision of professional education seminars and presence at workshops, conferences and related forums.
- **Email discussion forum.** Join 'childprotect' to discuss research, practice and policy issues relating to child abuse prevention and protection.

For information, see website: www.aifs.gov.au Email ncpc@aifs.gov.au or Ph (03) 9214 7888

The Australian Centre for the Study of Sexual Assault website lists organisations that provide training in areas relating to sexual assault. These are some of the courses on offer.

Adult sexual assault in Aboriginal communities

Examine some of the issues for Aboriginal people in relation to sexual violence, effects on victim/survivors, confidentiality in providing support, legal issues, and strategies to prevent further violence.

Contact: Education Centre Against Violence (NSW): phone (02) 9840 3737 or visit www1.health.nsw.gov.au/ecav/index.asp

Alcohol and drug facilitated sexual assault

Provides a framework for understanding drug and alcohol facilitated sexual assault including the legal, medical and social contexts which influence popular perspectives about this crime.

Contact: CASA House (Vic): phone (03) 9347 3066 or visit www.rwh.org.au/CASA

Counselling women and young women who have been sexually assaulted

Contact: Centre Against Sexual Violence (Qld): phone (07) 3808 3299 or visit www.connectqld.org.au/asp/index.asp?pgid=7155

Provision of forensic services to adults who have been raped or sexually assaulted

Outlines the skills, knowledge and attitudes required to collect and maintain evidence whilst upholding the rights and interests of adults who have been raped or sexually assaulted.

Contact: Yarrow Place Rape and Sexual Assault Service (SA): phone (08) 8226 8777 or 1800 817 421 or visit www.wch.sa.gov.au/yarrow/

Responding to Sexual Assault

Level 1

Designed to assist those working with victim/survivors of sexual assault who have not had the opportunity to access training previously. Examines the nature and consequences of sexual assault and the key issues relevant to providing an effective response, and includes information about referral options and professional support.

Level 2

Designed to extend the skills of those who are working with victim/survivors and have some experience or have attended the Level 1 training. Considers the theoretical framework of the rights/advocacy model of responding to victim/survivors of sexual assault. Enhances skills and strategies for responding to people in crisis because of sexual assault, and examines vicarious trauma for workers.

Contact: CASA House (Vic): phone (03) 9347 3066 or visit www.rwh.org.au/CASA

Sexuality and disability

Explores relationship and sexuality issues, and the rights and needs of people with disability.

Contact: Sexuality Education Counselling and Consultancy Agency (WA): phone (08) 9420 7226 or visit www.secca.org.au/

Working with older women responding to past or current violence

Develop strategies to work appropriately with and increase older women's access to sexual assault and domestic violence services.

Contact: CASA House (Vic): phone (03) 9347 3066 or visit www.rwh.org.au/CASA; or Domestic Violence and Incest Resource Centre (Vic): phone (03) 9486 9866 or visit www.dvirc.org.au

Lesbian Relationship Violence Training

In conjunction with the recent launch and publication of 'Making Waves: attending to lesbian relationship violence', Wayward Concepts is able to offer services a training program to accompany the resources in the manual.

Model 1: one-day training

This one-day workshop for professionals aims to look at the social and cultural context in which lesbians experience relationship violence; explore the similarities and differences to male violence against women; outline the specific needs of lesbian victim/survivors and current discriminative practices, and present agency options such as programs and resources addressing lesbian relationship violence.

Model 2: half-day or sessional training

Half-day or sessional training will focus on the specific needs of lesbian victim/survivors, discuss current discriminative practices in policing and the legal system, and present options for programs and resources to improve service access for lesbians.

Model 3: workplace-specific training sessions:

Training specific to the service delivery and issues faced by individual services (for example, domestic violence court support workers or medical staff at hospital emergency units) can be designed in consultation with co-ordinators or team leaders.

Contact: Wayward Concepts (NSW): phone (02) 6687-2106 or visit phoenix@versa.com.au

For more training courses visit www.aifs.gov.au/acssa/training.html

If your organisation provides training or professional development in the area of sexual violence that you would like listed on the ACSSA website, please contact acssa@aifs.gov.au with the details.

The resources listed here comprise selections from new additions to the ACSSA library collection. They may be borrowed from the Australian Institute of Family Studies library via the interlibrary loan system.

Attitudes

Girls and sex, historical reflections on the age of consent, by S. Siedlecky, *New Doctor*, no.80, Winter 2004, pp.26-27.

The many moves to raise the age of consent to sexual intercourse for girls have met with a lot of opposition during the last 120 years. This article charts the history of the issue, from the raising of the age of consent from twelve to fourteen in New South Wales in 1883 through the subsequent changes and associated arguments about maturity, pregnancy, morality, blackmail of men and the suffering of boys, predatory girls, rape and sexual experience, carnal knowledge, oral contraceptives, prostitution, marriage and the provision of medical services to minors.

Crimes against men, crimes against women, by P. Sinden & J. Stephens, *Family Violence & Sexual Assault Bulletin*, vol.19, no.1, Spring 2003, pp.6-11.

This paper explores the response of the police and the community to different types of crimes and victims. Male/female victims, stranger/acquaintance crimes and perceived fear and risk of victimization are examined.

Date rape

**Dating violence among adolescents , reva-
lence, gender distribution, and prevention
program effectiveness**, by L. Hickman, L. Jay-
cox & J. Aronoff, *Trauma, Violence & Abuse*, vol.5,
no.2, Apr 2004, pp.123-142.

This literature review assesses the research literature on teen dating violence. Inconsistencies among studies on risk behaviors were noted. Evaluations of dating violence prevention programs were assessed and the strengths and weaknesses of the programs are discussed.

**Opinion, revisiting America's date rape
controversy**, by A. Neame, *Family Matters*, no.68,
Winter 2004, pp.50-54.

This article outlines the Australian policy context that indicates the emergence of relationship violence as a topical issue, and the reasons why we might expect a hostile reaction whenever violence in relationships (particularly sexual violence) makes its way onto the public agenda. It then revisits America's 'date rape' debate of the late

1980s and early 1990s, and critically evaluates the aggressive response that emerged in that country against research indicating higher rates of rape in dating relationships than the media and general public were willing or able to accept.

Dating Violence, *The Prevention Researcher*, vol.7,
no.1, Feb 2000, Special Issue.

This issue starts off with research by Christian Molidor, Richard M. Tolman, and Jennifer Kober: "Gender and Contextual Factors in Adolescent Dating Violence," reports on research with students ages 13-18. Of those students who had ever dated, 36 per cent of the girls and 37 per cent of the boys reported they had experienced physical violence in a dating relationship. When examining the worst incident of dating violence, 47.8 per cent of the girls reported it "hurt a lot" and 29.3 per cent reported it caused bruises, whereas 56.2 per cent of the boys reported it "did not hurt at all" and 34.3 per cent reported it "hurt a little." Dr Molidor and his colleagues conclude their article with implications for intervention. Dr Vangie Foshee and co-authors follow with a discussion of the preliminary outcomes of *The Safe Dates Project*, a school and community adolescent dating violence prevention project. *The Safe Dates Project* is the first partner violence prevention program for adolescents to ever be evaluated. Dr Ruth Kershner of the Department of Community Medicine at West Virginia University School of Medicine presents the findings of a preliminary study on adolescents' beliefs about rape, undertaken as a precursor to developing curricular material. Studies with adolescents have shown that young people subscribe to the belief in male dominance and tend to perceive women as sexual objects. This issue is concluded with an article by Drs Janine Zweig and Judith Vicary, who discuss sexual victimization during adolescence and young adulthood, examining their own research and that of others.

Developmental pathways

**Developmental pathways in youth sexual
aggression and delinquency , risk factors
and mediators**, by J. Hunter, ...[et al.], *Journal of
Family Violence*, vol.19, no.4, Aug 2004, pp.233-242.

This article describes the risk factors associated with childhood exposure to male violence against females and male-modeled antisocial behavior in a sample of

adolescent male sex offenders. The direct and indirect effects of exposure to these behaviors on sexual aggression and nonsexual delinquency are explored.

Does forced sexual contact have criminogenic effects? An empirical test of derailment theory, by A. Austin, *Journal of Aggression, Maltreatment & Trauma*, vol.8, no.4, 2003, pp.41-66.

This article discusses derailment theory and how it may affect women and girls who have been sexually abused. Derailment theory suggests that the survival tactics and strategies adopted by sexual assault victims to cope with their abuse may lead to anti-social behaviour, social isolation and criminal offending.

Experience of maltreatment as a child and acceptance of violence in adult intimate relationships, mediating effects of distortions in cognitive schemas, by A. Ponce, M. Williams & G. Allen, *Violence & Victims*, vol.19, no.1, Feb 2004, pp.97-108.

This article explores the links between a history of childhood maltreatment and the acceptance of violence in adult intimate relationships. Constructivist Self Development Theory suggests that these links may be due to 'cognitive disruptions' in the 'self' and 'other' schemas.

Cross-cultural research

Transnational and cross-cultural research on family violence, part 1: Prevalence surveys, *Violence Against Women*, vol.10, no.7, Jul 2004, Special Issue.

"In response to activists, practitioners and policy makers, transnational and cross-cultural research on both the extent of family violence and the response to the violence have been increasing in nations worldwide [...] However, the amount of this research remains relatively small and its sophistication is still in question. [It] still lags behind the sophistication of transnational epidemiological studies on psychiatric and physical diseases and the scope of various 'watch' groups' reports on political and state abuses of its citizens. [...] this special issue illustrates the strides being made and the possibilities ahead for transnational and cross-cultural research on the prevalence of family violence" (guest editor's introduction). The issue is divided into three sections: the prevalence of intimate partner violence; partner violence in special populations, and; methodological issues in prevalence surveys.

Education

Tough guise [videorecording], by J. Katz & J. Earp, directed by S. Jhally, Northampton, U.S.A., Media Education Foundation, 1999.

This video examines the relationship between images of popular culture and the social construction of masculinity in America. Presenter and co-writer Jackson Katz discusses media portrayals of strength and vulnerability, widespread violence, sexual violence, sexism, and racism.

A peer education intervention addressing teen dating violence, the perspectives of the adolescent peer educators, by L. Paciorek, A. Hokoda & M. Herbst, *Family Violence & Sexual Assault Bulletin*, vol.19, no.4, Winter 2003, pp.11-19.

Peer counsellors who provided relationship-violence prevention programs in American high schools recounted their impressions of the experience. The positive aspects of being a peer counsellor are highlighted.

Rape is A media review for sexual assault psychoeducation, by T. Bryant-Davis, *Trauma, Violence & Abuse*, vol.5, no.2, Apr 2004, pp.194-195.

This is a review of the educational film 'Rape Is...' The reviewer discusses the need for educational material on rape prevention and intervention. This film is identified as a resource which helps to fill this gap.

Health issues

The health costs of violence, measuring the burden of disease caused by intimate partner violence, a summary of findings, by Victorian Health Promotion Foundation (VicHealth), Carlton South, Vic, Victorian Health Promotion Foundation, 2004.

This report summarises the findings of a study that assessed the health impact of intimate partner violence, specifically examining the prevalence, health problems caused and contribution to the total disease burden in Victorian women. The study was contributed to by a range of experts from across Victoria and elsewhere. Findings show that intimate partner or domestic violence is common, with one in five women reporting being subjected to violence at some time in their adult lives. The physical and mental health effects on women are wide-ranging and persistent, with intimate partner violence contributing nine per cent of the total disease burden in Victorian women aged 15-44. The study also found that intimate partner violence is the leading contributor to death, disability and illness in Victorian women aged 15-44.

Violence against women, the health sector responds, by M. Velzeboer, ... [et.al], Washington, D.C., Pan American Health Organisation, 2003.

This report presents the Pan American Health Organisation's strategy to combat gender based violence in Central and South America. It discusses the

wider public health issues, and staff and community attitudes to current services, as well as describing the implementation and evaluation of its programs to improve resources and support.

Indigenous women

A fatal conjunction, two laws two cultures, by J. Kimm, Leichhardt, NSW, The Federation Press, 2004.

Current law, policy and practice place too much emphasis on the rights of Indigenous women as Indigenous people and not enough on their rights as women, this book argues. This is one reason there are such high levels of violence against Indigenous women in their own communities. The book discusses the effect of European colonialism on Indigenous culture, attitudes to violence against women in traditional society, customary law marriage, rape, cultural disintegration and violence, shifting attitudes in sentencing in cases involving violence against Indigenous women, silence and denial in Indigenous communities, the failure of the law, the interaction of two patriarchal laws, and different perceptions of truth in relation to Indigenous customary law.

From shame to pride: access to sexual assault services for Indigenous people - consultation outcomes reports and recommendations, by L. Thorpe, R. Solomon & M. Dimopoulos for Elizabeth Hoffman House, 2004. (See review elsewhere in this edition of the newsletter.)

Family violence and Sexual Assault in Indigenous Communities, Walking the Talk, by M. Keel, ACSSA Briefing Paper No.4, Sep 2004, Australian Centre for the Study of Sexual Assault, Australian Institute of Family Studies, Melbourne. Also available at www.aifs.gov.au/acssa.

This paper looks at family violence and sexual assault in Indigenous communities. It provides a brief overview of state and federal policies on Indigenous family violence and reviews a number of relevant documents on sexual assault. It also provides a literature review and contains 'snapshot' interviews with a number of Indigenous sexual assault service providers about the developments that are happening in their communities to address sexual assault.

Healing

Healing from the trauma of childhood sexual abuse: the journey for women, by K. A. Duncan, Westport, U.S.A., Praeger, 2004.

This book provides support to women who were sexually abused in childhood. The author discusses the therapeutic process, healing, long term problems including depression and post-traumatic

stress disorder, and the issues of exposing the perpetrator. Brief stories of recovery by survivors highlight the text.

Institutional abuse

Liability for institutional child sexual assault, where does Lepore leave Australia? by J. Wangmann, *Melbourne University Law Review*, vol.28, no.1, Apr 2004, pp.169-202.

The High Court of Australia in Lepore was asked to decide whether an educational authority could be held liable for the sexual assault of a pupil by a teacher. Two possible bases of liability were argued, that sexual assaults by a teacher are a breach of the authority's non-delegable duty of care, vicarious liability is the more appropriate method of locating liability. A majority of the Court advocated the latter approach. This article explores what the High Court said about institutional child sexual assault and argues that this decision does not bode well for victims in future cases. In a number of ways the High Court reveals a lack of appreciation of the role of power in child sexual assault, a narrow focus on frameworks of 'intimacy' and residential care situations, and a failure to consider the child's point of view. This lack of understanding is contrasted with recent decisions in Canada and England that have held that an organisation can be vicariously liable for the sexual assaults of a child in the care of the organisation by an employee. In so doing, these courts delivered judgments which demonstrated a more thorough understanding of the nature of child sexual assault.

Intimate partner sexual assault

Forced sexual relations among married young women in developing countries, by D. Ganju, ...[et al], New Delhi, India, Population Council, 2004.

In September 2003, a global consultative meeting on Non-Consensual Sexual Experiences of Young People in Developing Countries was held in New Delhi, India. This paper summarises the findings of papers presented with regard to the nature and prevalence of sexual coercion within marriage in developing countries. The research suggests that a large number of young women experience forced sex within marriage, but that it goes largely unreported for various cultural reasons. While the nature of coercion varies within different cultural contexts, cross-cultural comparisons reveal a number of striking similarities within different settings. Women found to be most at risk of sexual violence within marriage are those who marry young, those in arranged marriages, and those whose societal norms support a belief in male entitlement to sex. The paper concludes with recommendations for

action to be taken to reduce young women's vulnerability to non-consensual sex within marriage.

Law reform

Sexual offences, law and procedure, final report, by Victorian Law Reform Commission, Melbourne, Vic, Victorian Law Reform Commission, 2004.

The Victorian Law Reform Commission undertook a review of the criminal justice system in relation to its responsiveness to the needs of complainants in sexual offence cases. Based on research and consultations, this report makes 202 recommendations for changes. Recommendations cover areas such as, improving police responses to sexual assault; increasing the responsiveness of the criminal justice system; making it easier for complainants to give evidence; improving the system for child complainants and for complainants with a cognitive impairment.

Pilot assessment: the Sexual Offences Court in Wynberg and Cape Town and related services, by M. Sadan, L. Dikweni & S. Cassiem, Cape Town, South Africa, IDASA, 2001.

This study examines the services provided by the Sexual Offences Court at the Wynberg and Cape Town courts to determine whether the Dept. of Justice has become more responsive to children's rights through the implementation of this program. Related services, such as those provided by the Child Protection Unit, the District Surgeons and Victim Support Services are also examined to evaluate the effectiveness of inter-agency collaboration. The study focuses on four main issues: whether the conviction of sexual offences has increased; whether secondary trauma to child victims has decreased; whether there is sufficient inter-sectoral collaboration to provide an effective service; and whether sufficient resources have been allocated to this program.

Legal issues

Surviving the legal system : a handbook for adult & child sexual assault survivors & their supporters, by Dr S. C. Taylor. Port Melbourne, Victoria, Coulomb Communications, 2004. (See review elsewhere in this edition.)

Am I old enough? Common legal issues for young people, by Victoria Legal Aid, Melbourne, Vic, Victoria Legal Aid, 15th ed., 2004.

Advice on common legal issues for young people in Victoria is presented in this booklet. It contains general information about young people's rights, lawyers and legal advice. Topics covered are, discrimination, sexual harassment, leaving school, suspension, expulsion, bullying, looking for

work, working, paying tax, bank accounts, leaving home, finding a place to live, Centrelink, driving, voting, passports, making a will, buying things, kissing, hugging and sex, violence, incest, sexual assault, getting married, family breakdown, child abuse or neglect, child representatives, birth certificates, changing your name, choosing a doctor, consenting to or refusing medical treatment, getting a Medicare card, contraception, pregnancy, abortion, tattoos and body piercing, buying cigarettes, drinking alcohol, drugs, weapons, victims of crime, gambling, being taken to court, speaking to the police, security guards and bouncers, public transport inspectors, and where to get legal help.

Sexual assault, the law, your rights, by J. McCulloch & C. Momot, Melbourne, Vic, Victoria Legal Aid, 3rd ed., 2004.

The legal rights and options in Victoria for victims of sexual assault who are over the age of sixteen are presented in this booklet. A fictional case study is used throughout to explain different situations. The booklet covers the following topics, What is sexual assault?; Getting support; Deciding whether to report to the police; Prosecutions; Intervention orders; Going to court; Compensation and financial assistance. It concludes with a glossary of the legal terms used and a list of sexual assault service agencies.

Offenders

Juvenile sex offenders, *The Prevention Researcher*, vol.9, no.4, Nov 2002, Special Issue.

Studies have found that half of all adult sex offenders begin their sexually abusive behavior before adulthood. Additionally up to 50 per cent of all child molestations may be committed by those under 18 years of age. *The Prevention Researcher* takes an innovative look at the prevention of adolescent sexual offending. While most other publications address sex offending after it has already occurred, we are presenting the most recent information regarding prevention. It is our hope that this issue of *The Prevention Researcher* will start a dialogue on this topic.

Sexual and nonsexual offenders with intellectual and learning disabilities: a comparison of characteristics, referral patterns, and outcome, W. R. Lindsay, ...[et al], *Journal of Interpersonal Violence*, vol.19, no.28, Aug 2004, pp.875-890.

In this article, men who committed sexual crimes were compared to men who committed nonsexual crimes in an area of Scotland. The groups were compared on personal characteristics, forensic details and outcome up to seven years later.

All men in the study had been referred to a community intellectual disability offender service.

Toward a multidimensional model for sexual recidivism risk, D. M. Doren, *Journal of Interpersonal Violence*, vol.19, no.28, Aug 2004, pp.835-856.

This study explores a multidimensional model for sexual recidivism risk. Multiple risk dimensions and which risk factors are associated with which dimension are discussed. How to conduct risk evaluations using this model are included.

Further evidence for a cognitive component of rape, by K. Ryan, *Aggression & Violent Behavior*, vol.9, no.6, Sep-Oct 2004, pp.579-604.

This literature review presents the proposition that cognition plays an important part in men's desire to rape. The article examines rapists' attitudes and beliefs about sex, their sexual scripts and their beliefs about masculinity.

Review, critique, and synthesis of personality theory in motivation to sexually assault, by J. Chesire, *Aggression & Violent Behavior*, vol.9, no.6, Sep-Oct 2004, pp.633-644.

This article explores the relationship between personality disorders and recidivism in male sex offenders. Two theories of personality are discussed and compared.

Refugee women

Refugee woman, a dangerous label, by E. Pitaway, *Australian Journal of Human Rights*, vol.10, no.1, Jun 2004, pp.119-135.

It is widely acknowledged that the majority of refugee women experience rape and sexual and gender based violence as part of the refugee experience. This paper is based on research currently being undertaken in Kakuma Refugee Camp in Kenya, examining the occurrence of sexual and gender based violence experienced by refugee women and the inadequacy of the international protection regime to address this phenomena. It is acknowledged that it is a complex and multidimensional problem. Here, just one aspect, that of the concept of identity and intersectional layers of oppression, is used to explore the failure of the International refugee protection regime to protect many refugee women seeking asylum in camps and other refugee sites. It is argued that the label of 'refugee woman', which carries with it multiple intersecting and compounding layers of oppressions, in itself becomes a major risk factor leading to the rape and sexual abuse experienced by so many refugee women. Others facets of the phenomena will be explored in the course of the research in an attempt to identify a comprehensive solution to the protection needs of refugee women and girls.

Risk factors

How does trauma beget trauma? Cognitions about risk in women with abuse histories, by D Smith, J. Davis & A. Fricker-Elhai, *Child Maltreatment*, vol.9, no.3, Aug 2004, pp.292-303.

This study explored the risk behaviors of women with a history of childhood abuse and women with no childhood abuse history. The social cognitions about risk behaviors of these two groups were compared. A new understanding of repeat victimization is discussed.

Sexual coercion

College women's experiences of sexual coercion, a review of cultural, perpetrator, victim, and situational variables, by L. Adams-Curtis & G.Forbes, *Trauma, Violence & Abuse*, vol.5, no.2, Apr 2004, pp.91-122.

This article reviews the literature on sexual coercion published since 1990. A definition of sexual coercion is provided. Attitudes towards women, beliefs about sexual behavior and concepts about sexual promiscuity are among the variables that are identified and discussed.

Flirting with danger : young women's reflections on sexuality and domination, by L. M. Phillips, New York : New York University Press, 2000.

Based on a survey with 30 American women on their attitudes to sexuality, the author discusses the cultural context of sex, power, violence, and gender.

Sexual harassment

Students as bystanders to sexual coercion, how would they react and why?, by K. Rigby & B. Johnson, *Youth Studies Australia*, vol.23, no.2, Jun 2004, pp.11-16.

More than half of 200 Year 8 and 9 students who watched a video showing a girl being sexually coerced by a boy in the presence of student bystanders reported that such events occurred regularly at their Australian school. When asked how they would respond as bystanders, just over half said they would directly object to the boy's action, and nearly a fifth said they would seek help for the girl from a teacher. However, a quarter of the students said they would ignore what was happening and one in 40 said they would support the boy. Analysis of the results indicated that students' attitude to victims, but not their gender, predicted the likelihood that they would express a readiness to help the girl. These findings, as provided in this article, suggest that promoting more caring attitudes in students towards the victims of peer abuse will encourage positive interventive action by both boy and girl bystanders in cases of sexual harassment at school. (Journal abstract)

Statistics and surveys

Sexual assault in Australia : a statistical overview, by the Australian Bureau of Statistics, Melbourne, Victoria, 2004.

This publication presents statistics which provide a broad overview of sexual assault in Australia, from research funded under the Australian Government's *National Initiative to Combat Sexual Assault*. It includes data from selected ABS and other sources, as well as commentary to describe the prevalence and incidence of sexual assault, individual experiences, responses provided and resultant outcomes. It also highlights the potential of data currently available, through their compilation in this form, and draws attention to the gaps in data and issues relating to the data currently available.

Figuring violence, Domestic Violence and Incest Resource Centre Newsletter, no.2, Winter 2004, pp.27.

An overview of a 2003 population-based survey of domestic violence in South Australia is presented. The study sampled both men and women with a focus on abuse among intimate partners, including physical, sexual and emotional abuse. A physically violent relationship was reported by 12 per cent of respondents, with women more likely than men to have experienced abuse. Reasons for not reporting violence, risk factors and links to other forms of violence are summarised.

Substance abuse

Alcohol and drug abuse among sexual and nonsexual offenders , relationship to intimacy deficits and coping strategy, by J. Looman, ...[et al], *Sexual Abuse*, vol.16, no.3, Jun 2004, pp.177-189.

This study compared three samples of subjects (rapists, child molesters and violent offenders) in relation to a history of drug or alcohol abuse, intimate relationship and emotional problems. Similar scores for both groups of sex offenders were recorded on all variables and all three groups were the same on the drug abuse scale.

Childhood and adult sexual abuse , relationships with alcohol and other psychoactive drug use, by M. Plant, P. Miller & M. Plant, *Child Abuse Review*, vol.13, no.3, May-Jun 2003, pp.200-214.

In this article a large sample of women and men in the UK were questioned about sexual abuse before and after the age of 16 years. The incidence of abuse of females before and after 16 years of age remained constant, but the rate for males dropped significantly over the age of 16. A range of variables are considered including drug and alcohol use.

Suicide

Sexual assault victimization and suicidal behavior in women, a review of the literature, by S. Ullman, *Aggression and Violent Behavior*, vol.9, no.4, Jul 2004, pp.331-351.

This literature review examines the relationship between the sexual victimization of women and suicidal behavior.

Trafficking

Inquiry into the trafficking of women for sexual servitude, Parliamentary Joint Committee on the Australian Crime Commission, 2004.

This inquiry stemmed in part from the emergence in the media of allegations of mishandling of cases of trafficked women by government agencies. Of particular concern was the allegation that women, who were in effect prisoners of traffickers who forced them into the sex trade against their will, were simply deported by government agencies with no regard for their condition as victims of crime. The major issues which emerged from the inquiry were: the extent of trafficking in women in Australia; the effectiveness of the National Action Plan announced in 2003; the need for interdepartmental co-ordination of the response to the National Action Plan; the protection and treatment of trafficked women; the adequacy of the applicable legislation; and the need for ratification of the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children*.

War and rape

A multifactorial model of wartime rape, by N. Henry, T. Ward & M. Hirshberg, *Aggression and Violent Behavior*, vol.9, no.5, Aug 2004, pp.535-562.

An analysis of why soldiers rape in wartime is presented in this article. It examines offender psychology and analyses individual, sociocultural and situational variables that facilitate sexual aggression in wartime. It suggests that wartime rape is a multidimensional phenomenon that has its roots in peacetime culture. It discusses predisposing and triggering factors in the case of Herak, who raped and murdered women during the Bosnia Herzegovina conflict and who had no prior history of sexual assault.

Working on sexual assault

A case study of vicarious trauma effects and buffering influences associated with working with child victims of sexual and severe physical abuse, by R. Pogue & D. Yarbrough, *Family Violence and Sexual Assault Bulletin*, vol.19, no.2, Summer 2003, pp.16-23.

This article identifies the buffers caseworkers use to protect themselves from the vicarious trauma caused by working with severely abused children. The buffers included spiritual activities, instrumental support and self-care activities.

Emotionally involved: the impact of researching rape, by R. Campbell, New York, Routledge, 2002.

This book describes the emotional impact of researching rape. Based on interviews with over 100 rape survivors, the author explores what it feels like to do research on sexual violence.

Protecting relationships from the ongoing effects of childhood sexual abuse, by J. Verco, D. Tully & G. Minge, *International Journal of Narrative Therapy and Community Work*, no.3, 2004, pp.24-28.

This paper describes ways of working with male partners of women who experienced sexual abuse as children. In response to requests from women, groups were held with male partners to provide information about childhood sexual abuse, to enable the men to speak about ways in which they have tried to support their partners, and to discuss men's experiences and responses. Opportunities were also created to deconstruct unhelpful or 'dangerous' ideas around the complexities of childhood sexual abuse.

Sexual assault referral centres: developing good practice and maximising potentials, by J. Lovett, L.Regan & L. Kelly, London, Home Office Research, Development and Statistics Directorate, 2004.

This report provides a brief history of the development of Sexual Assault Referral Centres (SARCs) in

PREVIEW

ACSSA publications

Briefing Paper 4

(available online now)

ACSSA's fourth Briefing Paper looks at family violence and sexual assault in Indigenous communities. It provides a brief overview of state and federal policies on Indigenous family violence and reviews a number of relevant documents on sexual assault. The Briefing Paper also provides a literature review and contains 'snapshot' interviews with a number of Indigenous sexual assault service providers about the developments that are happening in their communities to address sexual assault.

Issues Paper 2

(available online now)

ACSSA's second Issues Paper looks at the range of formal health sector protocols that currently exist to guide service responses to victim/survivors of sexual assault throughout Australia. National service associations and national conferences have resulted in substantial information sharing between state and territory agencies in the development of protocols and practices, but essentially each region has tended to develop separate frameworks. As each state and territory seeks to understand the effectiveness of their responses to sexual assault, there is reason to look across borders to see how others have evolved and how effectively they have been implemented on the ground. The specific protocols reviewed in this Issues Paper tend to be those that guide interaction between medical, counselling and police services who respond to sexual assault in terms of crisis care and, sometimes, beyond. However, questions about the current status of interagency working relationships, levels of training and approaches to evaluation also arise. More importantly, the paper questions whether the existing protocols adequately respond to the often complex and longer-term health care and support needs of women, children and men who experience sexual assault.

Issues Paper 3

(available soon)

Researchers from the Australian Centre for the Study of Sexual Assault attended the Home Truths conference, held in Melbourne 15-17 September 2004, and in this Issues Paper we review some of the major themes and issues that emerged over the three days. Our aim is to include what is often unclear from compilations of presentations, and absent from electronic versions: the hum of ideas that were expressed and debated throughout the various sessions at the Conference. We highlight how delegates variously responded to new ideas or challenges, and to consolidate the areas that participants said were obvious next steps for governments, policy workers, service providers and communities to extend their collective efforts. The paper will serve both delegates and non-delegates in navigating what are identified as the critical issues surrounding sexual violence at the local, national and international level, and in providing a record of the various standpoints from which participants were keen to set future directions and agendas.

Great Britain, and outlines the services provided by three such centres: St Mary's in Manchester, REACH in Northumbria, and STAR in West Yorkshire. It assesses the range of services available and the way in which they are provided by each of the centres, and compares them with other models of service provided in areas without SARCs. The focus of the report is on the comparison of access to services; forensic examination; follow-up medical services; and support, advocacy, and counselling. The study includes assessments of SARCs by both service users and service providers, outlines areas for improvement, and concludes with a proposed model for an 'ideal' SARC.

Working with survivors of sexual assault: attitudes and beliefs of rural health and welfare workers, by M. Radcliff, R. Green & S. McLaren, *Women Against Violence: an Australian Feminist Journal*, no.15, 2003-4, pp.22-29.

The central purpose of this study was to explore the attitudes and beliefs about sexual assault of

health and welfare professionals in a rural area. These front line staff are often the professionals to whom a woman discloses her story, yet many generalist health and welfare workers feel ill equipped to deal with such disclosures. This study sought to understand the frameworks and beliefs held by generalist health and welfare workers about sexual assault. The findings of this study indicate that attitudes and beliefs of many participants included theoretical frameworks that ignore the role of power and gender, and are based on myths and assumptions about the behaviour and/or psychology of victim/survivors and perpetrators. Such beliefs have an impact on outcomes for survivors, and the quality of service offered to them, and indicates a need for comprehensive further training for health and welfare workers about sexual assault. Participants also lacked confidence in their ability to work effectively with survivors, although they clearly understood the long-term effects of experiencing sexual assault. ■

Contribute to ACSSA Aware

Service providers, researchers and those interested in working against sexual assault are encouraged to contribute to the *ACSSA Aware* newsletter. We are interested in short reviews (no more than 1500 words) of books, conferences, workshops and projects. We will also consider more substantial articles (no more than 5000 words) on significant issues in understanding, responding to, or preventing sexual assault.

ACSSA Aware aims to provide a lively forum for ideas, argument and comment: thus we welcome readers' letters, comments and feedback on issues discussed in ACSSA publications. Guidelines for contributors are available on the website.

Please email contributions in a Microsoft Word document to acssa@aifs.gov.au, or post to the Australian Centre for the Study of Sexual Assault, 300 Queen Street, Melbourne, Victoria 3000.

We welcome your feedback

Australian Centre for the Study of Sexual Assault

Help to shape the work of the Australian Centre for the Study of Sexual Assault. We are interested in hearing your views on the best way to meet the needs of our stakeholders. If you have any comments on services that could be offered, possible topics for publications or areas of research, please fill in the section below and return it to the Institute. Comments can also be provided on-line via the ACSSA website, or email us at: acssa@aifs.gov.au

What other services would you find useful for your work?

What topics would you liked covered in ACSSA's publications, or considered for research projects?

Membership form overleaf ►

ACSSA Services

The Australian Centre for the Study of Sexual Assault is funded by the Australian Government Office of the Status of Women, under the National Initiative to Combat Sexual Assault. ACSSA provides stakeholders with a variety of services (see below). ACSSA is located at the Australian Institute of Family Studies in Melbourne.

Resources

ACSSA is building a collection of publications and best practice literature, reports, and training resources to inform initiatives and programs directed at improving the understanding of, and response to, sexual assault. These materials are available for browsing at the Australian Institute of Family Studies Information Centre, or may be borrowed through the interlibrary loan system. Bibliographic information on these resources may be searched online via the Institute's catalogue.

Advisory service

ACSSA's research staff can provide specialist advice and information, including detailed analysis and interpretation of current issues that impact on the response to sexual assault. Email research queries to acssa@aifs.gov.au

Policy advice

ACSSA offers policy advice to the Australian Government and other government agencies on matters relating to sexual assault, intervention and pathways to prevention.

Publications

ACSSA produces Issues Papers, Briefing Papers and Newsletters which are mailed free of charge to members of the mailing list. Publications can also be received electronically.

Good practice database

ACSSA is developing a Good Practice database, to document and publicise best practice projects and activities being undertaken in relation to sexual assault.

Research

ACSSA staff undertake primary and secondary research projects, commissioned by government or non-government agencies.

Email alert and discussion lists

ACSSA-Alert and *ACSSA-Discuss* keep members posted on what's new at the Australian Centre for the Study of Sexual Assault and in the sexual assault field generally, and allow networking and communication among those working on issues related to sexual violence against women.

Membership form

Australian Centre for the Study of Sexual Assault



◀ Details overleaf

If you would like to join the Australian Centre for the Study of Sexual Assault mailing list, please fill in this form and return it to the Institute. Membership of the Centre is free.

- Please add my name to your mailing list to receive ACSSA publications I would like to receive publications electronically
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