

Reporting on Sexual Violence

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1 How to Report on Sexual Violence

Sexual violence is a serious problem in Australia, and there is still a great deal of stigma attached to it. When you're reporting on sexual violence, you can help readers, listeners and viewers to see it as an important issue that everyone can take action on. You can report on this issue in a way that informs, educates, and contributes usefully to public dialogue.

Name it

Always use the term 'sexual violence' (or alleged 'sexual assault', or 'rape', depending on the legal language used in your jurisdiction) where it applies. Using terms like 'affair' or 'sex' to describe an incident of sexual violence minimises and trivialises a violent, traumatic situation, and if you use the legal terminology of your jurisdiction it will highlight that the behaviours described can constitute a crime. Plus, readers who consistently come across these terms will get a better understanding of the extent of the problem. Referring to the parties involved as the 'accused' or 'alleged perpetrator', and 'victim-complainant' likewise highlights the potentially criminal nature of the incident.

Safety comes first

Ensure that you report on the issue in a way that doesn't compromise the survivor's safety. This might involve leaving out details of what specifically occurred in the assault to maintain anonymity.

Sexual violence is never okay

The perpetrator is always the only person responsible for any incident of sexual violence. Never use language or contextualise the story in a way that suggests that the victim of sexual violence was to blame for what happened to her or him. Do not place undue emphasis on what the victim was wearing at the time, whether the victim used drugs or alcohol, or whether she or he was involved in sex work—none of these factors explains the perpetrator's use of violence.

Sexual violence is serious, highly traumatic, and can be life-threatening

It is never appropriate to report on sexual violence in a way that sensationalises, trivialises, or makes light of it.

Use sensitivity and good judgement when reporting on survivors' stories

The emotional impacts of sexual violence often include feelings of intense shame and vulnerability. Make sure you do all you can to report on sexual violence in a way that upholds the survivor's right to dignity, remembering that there might be trauma associated even with an incident that occurred many years ago.

Acknowledge that this crime has both a victim and a perpetrator

Sexual violence is sometimes reported in ways that focus only on what happens to the victim (for instance, with headlines like ‘Woman raped’). This can make it seem like violence is something that ‘just happens’ to women. Emphasise that someone perpetrated the violence, and that it was a crime.

Know the law

Be aware that there are certain legal parameters that outline what you can and can’t report when some kind of protection order has been issued, or where there are children involved. See the end of this document for more information about this.

Take the emphasis away from ‘stranger danger’

Most incidents of sexual violence are perpetrated by someone known to the victim. Where there is a relationship between the victim and the perpetrator, acknowledge it (if you are able to safely).

Contextualise the story with statistics

Use local, national and (where appropriate) international statistics on sexual violence to frame the story.

Sexual violence has a significant gendered dimension

Acknowledge that sexual violence is not just a one-off incident – it occurs in a broader context in which power and resources are distributed unequally between genders, and in which women and children are far more likely to be victims of violence than men.

Humanise the story with appropriate terminology

Where legally possible, and where consent has been sought, refer to the survivor of sexual violence by name. If that’s not appropriate, be as specific as you can – for instance, ‘woman who has been a victim of sexual violence’. The term ‘survivor’ is also used for people who have experienced sexual violence in the past.

Call on community experts for comment

Don’t just rely on the police or judiciary for comment when reporting on sexual violence. Community experts on sexual violence will be able to put the issue in context.

It is important to include information about available support options for people who have experienced sexual violence. You should always include numbers for local support services where possible.

As well as the contacts for local support services, always list the following tagline at the end of the story:

If you or someone you know is impacted by sexual assault or family violence, call 1800RESPECT on 1800 737 732

or visit www.1800RESPECT.org.au

In an emergency, call 000.

2 Facts & Figures

According to the 2012 ABS Personal Safety Survey in Australia:

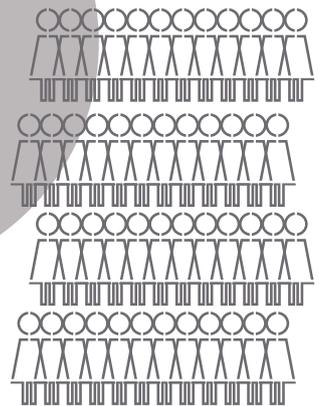


about the most recent incident



WOMEN AGED 18 - 24

REPORTED they had experienced **sexual assault** **IN THE 12 MONTHS** prior to the survey



Perpetrators are most likely to be **a partner** or someone they know



The Problem of Data

Because most people who experience sexual violence do not report it to the police, recorded crime figures cannot give an accurate indication of its prevalence. Population surveys can be more useful; however, because the definition of 'sexual violence' varies, different surveys may not capture the same data. More work needs to be done to capture more targeted data, particularly on population groups that may be at more risk or more vulnerable to violence, such as prisoners, homeless people, young people and new migrants.

All of this means that it is likely that any figures we have on sexual violence underestimate the extent of the problem.

The Figures

According to the 2012 ABS Personal Safety Survey, in Australia:

- 1 in 5 women since the age of 15 has experienced sexual violence, compared to 1 in 22 men since the age of 15.¹
- 1% of all women aged 18 years and over had experienced sexual violence in the 12 months prior to the survey.²
- Australian women are more likely to be sexually assaulted by a person they know than a stranger. Of all Australian women, 15% had been sexually assaulted by a person they knew since the age of 15. This compares to 3.8% who had been sexually assaulted by a stranger.³
- Young women are particularly vulnerable to sexual violence. Of all Australian women aged 18 to 24, 23,584 reported they had experienced sexual assault in the 12 months prior to the survey – that's twice as many young women in comparison to women of all ages.⁴
- Where a woman survivor knew the person who assaulted them, the perpetrator was most likely to be a partner or someone they knew.⁵
- 4 out of 5 women who had experienced sexual assault did not contact the police about the most recent incident.⁶

At-Risk Groups

Sexual violence can happen to anyone. However, because sexual violence is an abuse of power, people who are marginalised in some way (such as elderly people and people with disabilities) are particularly vulnerable to sexual violence and its effects, and it may be harder for them to get help. As outlined in 'The figures', women are statistically much more likely to experience sexual violence than men.

- Aboriginal and Torres Strait Islander women are much more likely to be victims of sexual violence than other women from the general population. For example, one national survey found that three times as many Indigenous women as non-Indigenous women experienced an incident of sexual violence in the last 12 months alone (12% versus 4%).⁷
- Many studies indicate that women with a disability are more likely to experience sexual violence than other women.⁸ Yet disability status is not recorded in national crime victimisation surveys and nor are experiences of sexual violence recorded in national surveys of disability, ageing and caring, making it difficult to know the prevalence of these violations in Australia.
- Women who have experienced incarceration are very likely to have experienced sexual violence—some estimates put the figure as high as 89% of the population of women in prison.⁹

3 Impacts of Sexual Violence

The impacts of sexual violence are varied, profound, and can be very long-lasting. Survivors may continue to need support years after experiencing sexual violence. Ultimately, sexual violence has a range of consequences for families, communities, and society as a whole.

Physical and Mental Health

- Sexual assault can have a number of short- and long-term impacts on the survivor's physical health, including: injury; pain disorders; disturbed sleep; infections; gastrointestinal problems; sexual and reproductive health issues (including STIs); headaches; and some kinds of chronic diseases.¹⁰
- Anxiety and intense fear are the most common emotional responses to experiencing sexual violence. These feelings may be extremely debilitating, and may continue to be felt for years after the incident.¹¹
- Feelings of low self-esteem, self-blame and guilt are other common reactions to experiencing sexual violence.¹²
- People who have survived sexual assault are more likely to have thoughts of suicide than the general population.¹³
- Women who survive sexual violence may be at higher risk of developing mood disorders like depression and anxiety, as well as eating disorders like bulimia.¹⁴
- Women who have experienced sexual violence may constitute the largest population group affected by post-traumatic stress disorder (PTSD).¹⁵
- Survivors of sexual violence may experience 'secondary victimisation' through negative experiences in the criminal justice and health systems, or because of harmful responses from friends, family or the broader community.¹⁶ They may also experience secondary victimisation through negative experiences dealing with the media, such as being pressured to provide interviews before they are ready, or being asked to graphically recount acts of violence they experienced.¹⁷

Impact on Relationships

Sexual violence can have a major effect on the victim's relationships and social life. It can impact on their relationships with intimate partners, family and friends.¹⁸

Economic Impacts

Sexual violence has a range of economic costs to the individual and to the community. These are difficult to quantify, but include costs related to: loss of actual earnings and future earning capacity; medical expenses; intangible costs (such as diminished quality of life, pain and suffering); and mental health care expenses.

While the financial impact of sexual violence is often borne by the survivor, its economic impact is also felt on a national level – in particular, through costs attributed to lost productivity, lost quality of life, legal and health care costs.¹⁹

4 System Responses to Sexual Violence

Legal

In Australia, each State and Territory has its own legislation that determines the legal response to sexual violence. Current legislation is the result of a series of major reforms that have taken place over the past 30 years; many of these reforms have tried to make consent the key focus in a sexual assault trial, as well as recognising that coercion can occur without the presence of physical force. Most importantly, in the 1990s Australian law in every State and Territory finally recognised that sexual assault could occur within the context of a marriage – that’s only 20 years ago.²⁰

Unfortunately, sexual violence is a difficult crime to prosecute successfully – it can be very hard to prove beyond a reasonable doubt that sexual violence occurred, because it usually comes to one person’s word against another’s. Many survivors report finding the legal process almost as traumatising as the actual assault.²¹

Many States and Territories have specialised policing units which investigate sexual assaults and provide support to victims. These may be linked up with other support services such as rape crisis centres or victims of crime services. Victims who know the person who assaulted them also have the option of applying for a Protection Order or a Domestic Violence Order (the terminology varies by jurisdiction).

Services

1800RESPECT is the National Sexual Assault, Domestic and Family Violence Counselling Service. They are able to provide phone and online counselling, information and support, as well as referral to local support services.

Each State and Territory has a range of local services that provide supports for survivors of sexual violence, such as legal and court support, counselling, support for Indigenous victims, referral to health or mental health services, and much more. See [Resources](#) for a list of State and Territory peak bodies for survivors of sexual violence.

Government

Australian Governments have responded to sexual violence at a policy level in a range of ways. The key national document that deals with sexual violence against women is COAG's *National Plan to Reduce Violence Against Women and their Children 2010-2022*. Many State and Territory governments also have official documents that lay out a plan or strategy for addressing violence against women (see the end of this document for a list). There are many other Government documents – for instance, health strategies and crime prevention strategies – that might also discuss sexual violence, although there is no single document devoted to it.

5 Definitions

‘Sexual violence’ is defined by the Australian Bureau of Statistics as “any incidents of sexual assault and/or sexual threat”.²² This describes a range of sexual behaviours that make someone feel uncomfortable, frightened, intimidated or threatened. These behaviours are all ‘violent’ in the sense that they are a violation, whether they involve physical violence or not. Some can be life-threatening. They include:

- sexual harassment (for example, unwanted sexual comments or jokes)
- sexual coercion (pressuring or forcing someone into having sex)
- unwanted sexual touching of any kind
- being forced to watch sexual things, including pornography
- voyeurism (being watched doing intimate things without having given your permission)
- sexual assault, including rape
- threats or other kinds of intimidation of a sexual nature.²³

Sexual violence is an abuse of power

It can happen to anyone, regardless of sex, sexuality, gender identity, or any other marker of identity. However, women and children are statistically more likely to experience and perpetrators are usually male.²⁴

Similar Terms

‘Sexual assault’ occurs when a person has an unwanted act of a sexual nature forced upon them by intimidation, physical force, or coercion, or where an attempt is made to do this. This includes rape, attempted rape and aggravated sexual assault (assault with a weapon), acts of penetration by objects, as well as acts which don’t involve penetration. It also includes situations in which a person is unable to give consent (for example, because they are under the age of consent, affected by alcohol or drugs, or otherwise physically, intellectually or mentally unable to give consent).²⁵ Sexual assault is a legal term defined under some State and Territory laws,²⁶ but is also sometimes used more loosely to refer to all of the behaviours listed above under ‘sexual violence’.

‘Rape’ is physically forced or coerced penetration – even slight – of the vagina or anus, using a penis, other body parts (including the mouth) or an object or when an attempt is made to do this. ‘Rape’ is a legal term defined in some State and Territory laws,²⁷ but it is also used to refer specifically to penetrative assaults within the broader category of ‘sexual assault’ or ‘sexual violence’.

Legal definitions: There is no uniform legal definition of rape, sexual assault, or ‘sexual intercourse without consent’,²⁸ or ‘sexual penetration without consent’,²⁹ in Australia, because the legislation that governs sexual offences varies from one jurisdiction to another.³⁰

Violence against women is any act of gender-based violence that is likely to lead to harm or suffering to women, whether it happens in public or behind closed doors.³¹ ‘Gender-based’ means that the violence disproportionately affects women more than men (on the whole), that it occurs in a broader social context where power and resources are distributed unequally between men and women, and that the violence reinforces that gendered power imbalance.³²

6 Resources & Further Reading

Statistics

Australian Bureau of Statistics:

<http://www.abs.gov.au>

Australian Institute of Criminology:

<http://www.aic.gov.au/statistics/violent%20crime/sexual%20assault.html>

Contact your local rape crisis centre or domestic violence service for service user statistics.

Research

Australian National Research Organisation for Women's Safety:

<http://anrows.org.au>

Commentary

Our Watch:

<http://ourwatch.org.au>

Legislation

ACT

Crimes Act 1900 (ACT) section 54:

http://www.austlii.edu.au/au/legis/act/consol_act/ca190082/s54.html

NSW

Crimes Act 1900 (NSW) section 61I:

http://www.austlii.edu.au/au/legis/nsw/consol_act/ca190082/s61i.html

NT

Criminal Code Act (NT) section 192:

http://www.austlii.edu.au/au/legis/nt/consol_act/cca115/sch1.html

QLD

Criminal Code Act 1899 (QLD) section 349:

http://www.austlii.edu.au/au/legis/qld/consol_act/cc189994/s349.html

SA

Criminal Law Consolidation Act 1935 (SA) section 48:

http://www.austlii.edu.au/au/legis/sa/consol_act/clca1935262/s48.html

TAS

Criminal Code Act 1925 (Tas) section 185:

http://www.austlii.edu.au/au/legis/tas/consol_act/cca1924115/sch1.html

VIC

Crimes Act 1958 (Vic) section 38:

http://www.austlii.edu.au/au/legis/vic/consol_act/ca195882/s38.html

WA

Criminal Code Act 1913 (WA) section 325:

http://www.austlii.edu.au/au/legis/wa/consol_act/ccaca1913252/notes.html

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- 2 Ibid. Table 13 Experience of Sexual Assault During the Last 12 Months, Broad age groups(a).
- 3 Ibid. Table 12 Experience of Sexual Assault, Relationship to perpetrator.
- 4 Ibid. Table 13 Experience of Sexual Assault During the Last 12 Months, Broad age groups(a).
- 5 Ibid. Table 12 Experience of Sexual Assault, Relationship to perpetrator.
- 6 Ibid. Table 17 Experience of Assault, Whether police contacted (a) about most recent incident of assault by type of assault and sex of perpetrator.
- 7 Jenny Mouzo and Tony Makkai, 2004, 'Women's experiences of male violence: findings from the Australian component of the International Violence Against Women Survey (IVAWS)', Research and Public Policy Series 56, Australian Institute of Criminology, Canberra, pp.30-31; See also Australian Bureau of Statistics, 2013, Recorded crime – Victims, Australia, 2012, Cat. no. 4510.0, Commonwealth of Australia, Canberra.
- 8 See Suellen Murray and Anastasia Powell, 2008, 'Sexual Assault and Adults with a Disability: Enabling recognition, disclosure and a just response', Issues Paper No.9, Australian Institute of Family Studies, Melbourne: http://www.aifs.gov.au/acssa/pubs/issue/acssa_issues9.pdf.
- 9 Debbie Kilroy, 2000, 'When Will You See the Real Us: Women in Prison', Paper presented at the Women in Corrections: Staff and Clients Conference, convened by the Australian Institute of Criminology, 31 October to 1 November, Adelaide: <http://www.sistersinside.com.au/media/whenwillyouseetherealus.pdf>.
- 10 Laura P. Chen, M. Hassan Murad, Molly L. Paras, Kristina M. Colbenson, Amelia L. Sattler, Erin N. Goranson, Mohamed B. Elamin, Richard J. Seime, Gen Shinozaki, Larry J. Prokop, Ali Zirakzadeh, 2010, "Sexual abuse and lifetime diagnosis of psychiatric disorders: systematic review and meta-analysis." In Mayo Clinic Proceedings, vol. 85, no. 7, pp. 618-629. See also Jill Astbury, 2006, 'Services for victim/survivors of sexual assault: Identifying needs, interventions and provisions of services in Australia', Australian Institute of Family Studies, Melbourne: <http://www.aifs.gov.au/acssa/pubs/issue/i6.html>.
- 11 See Carol E. Jordan, Rebecca Campbell, and Diane Follingstad, 2010, "Violence and women's mental health: the impact of physical, sexual, and psychological aggression." Annual review of clinical psychology 6: 607-628.
- 12 See Denise Lievore, 2003, Non reporting and hidden recording of sexual assault in Australia, Australian Institute of Criminology, Canberra.
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- 20 The Northern Territory was the last Australian jurisdiction to legislatively repeal the immunity for rape in marriage in 1994. See Simon Bronitt, 2011, ‘Rape in Marriage: A privilege past its use by date?’, *Criminal Law Journal*, 35:67-69.
- 21 Kathleen Daly and Brigitte Bouhours, 2010, “Rape and attrition in the legal process: A comparative analysis of five countries.” *Crime and justice* 39(1): 565-650.
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- 24 Australian Bureau of Statistics, 2013, Personal Safety Survey 2012: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4906.0Chapter1002012>.
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- 26 See Crimes Act 1900 (ACT) s.51; Crimes Act 1900 (NSW) s.61I.
- 27 See Crimes Act 1958 (Vic) s.38; Criminal Code Act 1899 (QLD) s.349; Criminal Law Consolidation Act 1935 (SA) s.48; Criminal Code Act 1925 (Tas) s.185.
- 28 See Criminal Code Act (NT) s.192; Crimes Act 1900 (ACT) s.54.
- 29 Criminal Code Act 1913 (WA) s.325.
- 30 See Bianca Fileborn, 2011, ‘Sexual assault laws in Australia’, Australian Centre for the Study of Sexual Assault Resource Sheet: <http://www.aifs.gov.au/acssa/pubs/sheets/rs1>.
- 31 United Nations, 1993, Declaration on the Elimination of Violence Against Women, <http://www.un.org/documents/ga/res/48/a48r104.htm>.
- 32 United Nations, 1992, Convention on the Elimination of all forms of Discrimination Against Women, General Recommendation 19 ‘Violence Against Women’: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>.