

Submission to the Parliamentary Inquiry on Strategies to Prevent and Reduce Criminal Activity in Queensland 2014

**Prepared by
The Brisbane Rape and Incest Survivors Support Centre
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The Brisbane Rape and Incest Survivors Support Centre (BRISSC) welcome the opportunity to provide a written submission to the Legal Affairs and Community Safety Committee to *the Parliamentary Inquiry on Strategies to Prevent and Reduce Criminal Activity in Queensland 2014*. BRISSC acknowledges and appreciates the role of the Legal Affairs and Community Safety Committee in seeking submissions. We respectfully submit recommendations relating to specific areas of expertise based on BRISSC's extensive knowledge and experience in providing sexual assault support and prevention services to women who have been victims of sexual violence. We welcome the opportunity to participate in the public hearings when the dates and timings are released, and look forward to working with the Committee.

Organisational Details

The Brisbane Rape and Incest Survivor's Support Centre (hereafter referred to as BRISSC) was established in 1975 and continues to be a lead agency in responding to sexual violence against women in Queensland. BRISSC is a collectively managed community organisation that provides direct support services to women who have experienced sexual assault at any time in their lives. BRISSC is located at Women's House in Woolloongabba and provides a place where women who have experienced sexual violence can talk with other women in a safe, supportive and confidential environment.

Services include:

- Telephone support, information, referral and advocacy;
- Individual support and counseling (including support and advocacy for reporting sexual violence to the police and throughout the legal process);
- Support group and workshop programs (including specific groups focused on support and information for women considering and currently involved in the legal system);
- Community education, awareness raising and sexual violence prevention activities;
- Professional development and training on best practice responses to women who have experienced sexual violence;
- Library, lending resources and internet facilities;
- Meeting space for women; and
- Information and referrals to friends, relatives and supporters of women and children who have experienced sexual violence.

Submission to the Inquiry on strategies to prevent and reduce criminal activity in Queensland 2014

BRISSC has significant experience in providing direct support services to women who have been victims of sexual violence that is included within the ambit of the *Parliamentary Inquiry on Strategies to Prevent and Reduce Criminal Activity in Queensland* (hereafter referred to as *the Inquiry*):

BRISSC respectfully submits recommendations relating to the following specific areas of the inquiry:

1. Observations of particular trends and type of criminal activity occurring in our particular region;
2. How criminal activity (specifically sexual violence) has impacted on the community, directly and indirectly;
3. Experiences and observations of the Queensland criminal justice system, specifically including experiences from victims of sexual violence and their interactions with the Queensland Police Service and the courts.

1. Observations of particular trends and type of criminal activity occurring in our particular region.

Our observations of sexual violence within the Brisbane region is from the perspective of victim-survivors who access our service through our crisis phone line, face to face support sessions, support group and workshop programs and broader community education activities. It is imperative to recognise that sexual violence continues to be significantly underreported criminal offences in Australia, making it difficult to quantitatively measure the prevalence of sexual violence in the community. Current data indicates that sexual violence

is extremely prevalent with one in three women experiencing some form of sexual violence in their lifetime.

Sexual violence is often an invisible crime, hidden by the secrecy, silence, shame and stigma surrounding sexual violence. We know that sexual violence often occurs within the family and other private contexts and is primarily perpetrated by males who are known to the victim such as family members, partners, friends, coworkers and acquaintances. Evidence suggest most women who experience sexual violence do not report the crime to the police, many reported instances do not make it to court, proceed to trial and even those that do often do not result in a conviction. Many survivors of sexual violence do not consider reporting the crime or even access specialist support services available until weeks and/or years after the offences took place.

In 2012-13 Statistics of new women presenting to BRISSC:

- 63% indicate multiple experiences of sexual violence.
- 91% indicated that the perpetrator/s were known to them (family member, partner, friend acquaintance).
- 77% of women indicated male perpetrators, 5% indicated both male and female perpetrator and the remainder did not indicate the gender or perpetrator/s.
- 56% indicated their main reason to access the service was adult sexual violence.
- 43% indicated that their main reason to access the service was historical experience of child sexual violence.
- 27% indicated that they reported to the police.
- 3.9% indicated acute (less than one week since the assault) or post acute (1-52 weeks) presentations at our service.

2. How criminal activity (specifically sexual violence) has impacted on the community, directly and indirectly.

Sexual violence has profound, long-term effects for individuals, family members and people in their support networks, and broader communities. BRISSC recognizes sexual violence as any unwanted, uninvited or imposed sexual behavior, act or conduct; and we recognize that this occurs along a continuum. Sexual violence by its very nature is considered a traumatic event and the impacts of this trauma make it incredibly difficult for women who have experienced sexual violence to engage with the current criminal justice system.

Within our society, many people hold prejudicial stereotypes, false ideas and attitudes, myths and misconceptions about sexual violence, women who experience sexual violence and those who perpetrate sexual violence. These myths and messages surrounding sexual violence support, excuse and encourage sexual violence; and shift responsibility for the crime from the perpetrator/s to the victim/survivors of sexual violence. These myths and messages have serious and negative impacts on women who have experienced sexual violence through all stages of the criminal justice system.

Many women may not immediately recognise or name their experiences of sexual violence as a crime due to the many myths and misconceptions surrounding sexual violence within society. Many women are not believed when they disclose their experiences of sexual violence to others, and therefore fear not being believed when reporting sexual offences and during criminal proceedings.

Because these myths and messages are so entrenched within our communities, members of the Queensland Police service, and Judiciary are also not exempt from both internalising and institutionalising these negative beliefs. At BRISSC we continue to observe that many

women who have experienced sexual violence are not believed, their credibility is questioned, they are blamed or held responsible for the offences committed against them, or the offences are trivialised or minimised. These myths and messages profoundly impact women through silencing, isolating and shaming women who have experienced sexual violence and place them at risk of further violence.

3. Experiences and observations of the Queensland criminal justice system, specifically including experiences from victims of sexual violence including experiences from victims of sexual violence and their interactions with the Queensland Police Service and the courts.

BRISCC provides considerable support, advocacy and assistance to women survivors of sexual violence who are involved in the legal system as victims of crime. Some of the common concerns that survivors of sexual violence account to BRISCC include:

3.1 The need for legal systems to be improved to provide accurate, timely and relevant information to women who have experienced sexual violence, to afford them greater understanding of criminal justice proceedings.

Women identified lack of access to information about victim's rights and legal proceedings as a significant barrier to effective engagement and participation in the criminal justice system. Consequently many women reported unnecessary and heightened distress, confusion and frustration during proceedings. Critically it also resulted in poorer evidence being available to the Court.

Women also reported receiving inconsistent and inaccurate information about legal processes, contributing to overall confusion and miscommunication during criminal justice proceedings. Access to accurate, timely and relevant information is essential to ensure that all victims of crime are able to make informed decisions and effectively participate in legal proceedings.

3.2 Lack of and/or inappropriate communication with Police, the ODPP, and the Courts, as being a barrier to the legal system, including:

BRISCC would like to acknowledge the recent release of the revised *Interagency Guidelines for Responding to People who Have Experienced Sexual Assault in Queensland*, however we continue to observe significant disparity in departmental responses to women who have experienced sexual violence when reporting these offences. The following examples are based on women's experiences:

- Stigma in reporting sexual offences to the Police. Many women have identified that there is less police stigma when reporting a rape committed by a stranger than in reporting sexual offences that have been committed by a family member, intimate partner, or other known person.
- Inappropriate comments, remarks and responses from the Police. For example, one young woman reported being referred to by a Police officer, as "that's the rape girl". The language used by Officers can often be seen as accusatory and/or imply that the woman is not telling the truth and/or is somehow responsible for the offences being committed against her.
- Lack of time and due care and attention, and clear communication to women who have experienced sexual violence. Women have reported that they were rushed and/or not provided appropriate information by Police and/or ODPP, giving evidence, etc.

- Lack of appropriate use of professional interpreters and available support persons for marginalised and culturally and linguistically diverse women.
- A lack of transparency of decision making within the QPS and the ODPP in relation to matters that do not proceed in investigation and criminal proceedings.

3.3 Limited control, choice, or active participation for women who have experienced sexual violence in criminal justice proceedings

Sexual violence is an offence involving the use of power and control over women. Many women report that their involvement in the criminal justice system has replicated these same dynamics whereby they have little or no control or power.

In recognising that sexual violence is predominantly perpetrated by males it is critical that women who have experienced sexual violence who are involved in the criminal justice system are afforded choice wherever possible to engage with female staff. BRISSC have observed that this has been difficult due to the dominant appointment of male staff within the Police, the ODPP, and the Courts.

BRISSC also observe significant challenges in navigating the criminal justice system for Aboriginal and Torres Strait Islander women, women from diverse cultural and linguistic backgrounds, women with disabilities, young women, older women, women with mental health issues, and women from marginalised backgrounds or communities.

3.4 Limited understanding of Sexual Violence and the impacts of trauma.

Sexual violence by its very nature is considered a traumatic event. Women recount that people working within the legal system expressing distrust and/or frustration when women are experiencing effects of trauma such as: significant difficulties concentrating, dissociation, memory loss and difficulties remembering details or timelines, frequent reminders of the trauma & flashbacks, high levels of anxiety, and considerable emotional distress. While these are normal reactions to traumatic events, they understandably disadvantage women survivors of sexual violence engaging in the legal system where “facts” and evidence must be recounted in a rational, linear, or logical fashion. There is evidence that many survivors of sexual violence experience further victimisation and additional trauma as a direct result of inappropriate responses and practices within the criminal justice system. This is likely to intensify existing effects of trauma and negatively impact on women’s recovery from the initial trauma.

3.5 The need for appropriate safety, support and special witness provisions

BRISSC recognises that women who have experienced sexual violence require appropriate support and provisions to ensure their safety and to enable women to fully engage in the criminal justice system and to work towards favourable outcomes for these women. In Queensland, special witness provisions for victims of violent crime are discretionary, and should be mandatory for all sexual offences as introduced in NSW.

Additional considerations for safety and support could include:

- Safe rooms include accessible bathrooms and kitchens be made available to women at Court.
- Access to appropriately trained support persons available through all stages of the criminal justice process.
- Enhanced security provisions for women involved in criminal proceedings to prioritise the specific safety needs and high risks involved for women who have experienced sexual violence.

Summary of recommendations

Recommendation 1: Increased funding for existing specialist sexual violence support and prevention services to provide relevant support and advocacy for women who have experienced sexual violence and are engaged in the criminal justice system. Including specific funding for sexual assault survivor centered court support program.

Recommendation 2: Queensland Police consider implementing a Sexual Violence Liaison Officer program (based on the UK model and similar to the existing Queensland Domestic Violence Liaison Officer program) whereby specialist staff are engaged to work with victim-survivors on cases involving sexual offences. Sexual violence liaison officers could offer support to women directly, education to other police officers, clear communication between all relevant parties, and could ensure that legal processes were undertaken within a physically and emotionally safe and timely manner.

Recommendation 3: Development of a comprehensive information booklet and/or web site that can provide victim-survivors with accurate information about their rights within the criminal justice system, including Queensland based support options.

Recommendation 4: People working within the criminal justice system attend mandatory training in 'working with survivors of sexual violence' to increase their understanding of sexual violence in a societal context and to reduce the internalised and institutionalized myths and misconceptions surrounding sexual violence; to recognise the gendered nature of sexual violence; to raise awareness of the impacts of sexual violence; and provide training in the use of trauma informed best practice frameworks. Similar education should be made available to people sitting on the jury of all cases involving sexual offences.

Recommendation 5: Increased funding for existing specialist sexual violence support and prevention services to continue to facilitate ongoing peer support programs for women who are currently within the legal system who have experienced sexual violence, which can provide an accessible space and time to meet with other women in similar positions, share positive experiences, provide support to address the barriers within the legal system, and to move through the impacts of trauma that emerge pre, post, and during the judicial process.

Recommendation 6: At all points throughout the legal process it is highly recommended to always have female staff available, particularly in decision making/leadership roles, not only administrative roles.

Recommendation 7: Appropriate use of professional interpreters and available support persons for marginalised and culturally and linguistically diverse women.

Recommendation 8: Training in the implementation of the Revised *Interagency Guidelines for Responding to People who Have Experienced Sexual Assault in Queensland* to ensure appropriate responses to women who are reporting sexual offences; clear communication, collaboration and cooperation between various participants in the criminal justice system.

Recommendation 9: Special witness provisions for victims of violent crime are made mandatory for all sexual offences as introduced in NSW. Additional considerations for safety and support must be made available including access to appropriately trained support persons available through all stages of the criminal justice process; and enhanced security provisions for women involved in criminal proceedings to prioritise the specific safety needs and high risks involved for women who have experienced sexual violence.

BRISSC invites opportunities to provide further comment to any recommendations made herein.

For further information or commentary please contact:

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This submission was prepared by The Brisbane Rape and Incest Survivors Support Centre (BRISSC) July 2014.