INTRODUCTION TO PART 2:
THE SURVIVORS

Easteal’s paper highlights the findings of the Australian Institute of Criminology’s national survey for survivors of sexual assault. Almost 3,000 surveys were analysed. The primary results show that for this sample, many had been raped before they were out of their teens, a high number had been assaulted more than once, and strangers were the perpetrators in just one-fifth of the cases. Only two-thirds had ever disclosed about the rape and only one in five had gone to the police. The responses from those people whom survivors told about their rape were mixed: police and family members were the least supportive and Rape Crisis Services were the most helpful if the survivor was able to get assistance from these under-resourced agencies (70 percent of callers to these services were unable to receive immediate help). In this sample, the courts were evaluated as the most lacking of the criminal justice components. The next paper focuses on the failures of both the police and the courts in providing justice for rape survivors.

Donna Stuart looks at the legal system in Victoria and its failure to meet the needs of rape victims. Employing results from the telephone survey conducted by the Real Rape Law Coalition, Stuart points to the devastating consequences of rape and the re-victimisation by the police and the courts. A high proportion of callers stated that their reports made to police did not result in any further action. Inaction, scepticism and humiliation were frequent descriptions of police treatment. The court process could be even worse with the victim having few rights and her credibility questioned. The paper examines the issue of consent and the confusion of equating physical resistance with rape. Several American researchers’ work, presented next, explain the problems inherent in making that equation.

Galliano, Noble, Puechl and Travis have looked at the immobility response and its relationship to rape. Although resistance may be seen as a prerequisite to rape, and those who are passive end up with more self-blame, the team suggests that such passivity may be an involuntary and reflexive response. They describe it as an unlearned state of profound motor inhibition elicited by a high fear situation that involves threat or restraint found in many animal species: tonic immobility. Such a response should be understood and considered by law makers and jurists who stratify the ‘reality’ of rape by the degree of victims' resistance.

Poropat examined women’s fear of rape and its relationship to their history, if any, of rape. Employing a questionnaire of hundreds of University of Queensland students, she found that a quarter of the sample was extremely fearful whilst 50 percent were only slightly
afraid. Those who had already been raped were less likely to use avoidance strategies. Nearly one-fifth of the women had been raped with only 5.5 per cent reporting the assault to the police. Reasons for not disclosing are discussed and an appendix—which looks at issues of consent, force and definitions of sexual assault—is attached to this paper.

The remainder of this section looks at specific issues related to some survivors of rape. The first is HIV and AIDS, presented by Polkinghorne. She points to the dearth of literature in this area and ascribes it to the fact that most rape victims are women. She also discusses several key issues that need more policy implementation and service provision: baseline testing, pre/post-test counselling, risk assessment, confidentiality and use of prophylaxis.

Two papers examined particular issues for Aboriginal women who are raped. Thomas surveys the historical antecedents of violence towards Aboriginal women and then identifies a number of concerns that are particularly relevant for this group: police and court response to Aboriginal women, and inadequate counselling services. Thomas concludes by presenting some of the responses which Aboriginal communities have developed to meet these issues.

Lloyd and Rogers look at rape among Aboriginal women in Central Australia and the high correlation of these assaults with alcohol abuse. Next, they survey some of the difficulties encountered by these women in the courts—for example, difficulties in giving evidence that are cultural in origin—and propose that closed courts and support persons could ameliorate these problems to an extent. Criminal injuries compensation is also problematic due to misunderstandings about the indigenous culture; the authors believe that anthropological evidence should be included or referred to.

There are other doubly marginalised groups of rape victims and the next paper looks at non-English-speaking background women. Aldunate has found that many of the sexual assault services are either not known about or not accessible (for cultural reasons) by the majority of non-English speaking women in Queensland. Further, some crisis workers are not aware of the telephone interpreter service and feminist services may attempt to hire a woman from a non-English speaking background or have one on the management committee yet do not offer adequate orientation or assistance. The author argues that real change must occur at both an individual and a structural level to achieve a non-sexist and non-racist response to rape victims.

The issues concerning rape and prostitutes are addressed in the next two selections. Scutt scrutinises two Victorian cases that involved prostitutes as victims of rape. She provides detail about the crimes, the judges' dispositions, and the community outrage. Scutt concludes that Hakopian, and its precedent Harris, illustrate the judiciary's capacity for uttering contradictory views in the same case. It would appear that they are actually espousing one law for prostitutes and one for 'chaste' women; if so, Scutt asks who is considered as the 'chaste' woman by judges?

Gilbert discusses rape and the sex industry by pointing to both the high frequency of violence and an inequitable treatment by the criminal justice system. He describes the differences between sex work and sexual assault, the trauma of rape for a prostitute and for the community of sex workers—for example, the greater violence in rape of prostitutes, fear of sexually transmitted diseases, harsh treatment by the courts. He recommends reform in guidelines for sentencing rapists and changes in the judiciary's attitudes.

Another specific sub-population focused upon as victims of sexual assault are those within the church community. Hall and Last of 'Project Anna' relate a few of the voices of survivors who were abused by clergy or other 'Christian' men. They place such violence
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within the context of abuse of power and as a reflection of the male dominated Churches and the vulnerability of women and children in these settings. The Pastoral Report, the Anglican Report, and Project Anna all argue that the gender stratification within the Christian home and church must make fundamental changes to their sexist structures.

Sexual violence against intellectually disabled people is the subject of the next paper by Susan Hayes. She points out that there has been a recent shift in care-giving with an emphasis upon integrating the disabled into community life. Unfortunately one consequence has been the increased risk of sexual victimisation for this group; this has been shown with monitoring of cases in New South Wales and Victoria. The author discusses why intellectual disabilities create more vulnerability and provides signs or indicators of sexual assault. The personal and official outcomes of these rapes are also examined.

Another group which may be prone to sexual assault, according to Amanda George's paper, are female prisoners. She describes strip searches and other invasive acts such as random urine checks as sexual assault by the State. George graphically describes the indignities of prison strip searches that are imposed upon both the inmates and their visitors. Sanctions for non-compliance include withdrawal of visitation. Such practices are particularly problematic and potentially traumatic given the high proportion of incest and other sexual assault survivors among the prisoner population.

Although the focus of the conference (and this section) has been the female survivor, there are of course also males who are sexually assaulted. The last selection in this section by Poropat and Rosevear looks at this subject. The authors confirm that there is a lack of recognition given to this sub-population of rape victims. A broader definition of sexual assault is presented; its implementation would encompass higher numbers of male survivors. After looking at the scant literature available, the authors conclude that between 25 and 45 per cent of childhood sexual assault is targeted at males with the majority victimised by males. They believe that this figure is grossly underestimated due to the even lower rates of reporting by male as compared to female victims. The paper also reviews indicators of sexual assault, its consequences and treatment. The authors conclude that male victims are more under-serviced than females; however, they note that the latter's needs are also not adequately met.