

# General Information

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## **Where to go for help**

Look for an up-to-date insert in a pocket at the back of this book



# What you can do if you are raped

- ◆ Call the Canberra Rape Crisis Centre on (02) 6247 2525 24 hours a day for counselling, support, information or advocacy
- ◆ For the deaf community the number is TTY (02) 6247 1657 during business hours or the National Relay Service (NRS) 133 677 and ask for (02) 6247 2525
- ◆ Call the Australian Federal Police on 11 444
- ◆ The Telephone Interpreter Service is available for people for whom English is a second language. Phone 131450 and ask them to call the Canberra Rape Crisis Centre on (02) 6247 2525.
- ◆ If you intend to report the rape to the police they advise you not to shower, clean your teeth or change your clothing. Making an initial report does not mean you have to go ahead with the process. It is up to you.

# What is rape/sexual assault?

At the Rape Crisis Centre we use the terms 'rape' and 'sexual assault' interchangeably.

In the *ACT Crimes Act Part IIIA Sexual Offences*, sexual assault is defined as sexual intercourse or attempted sexual intercourse without consent. Sexual intercourse includes the penetration, to any extent, of the vagina or anus of a person... or by an object.

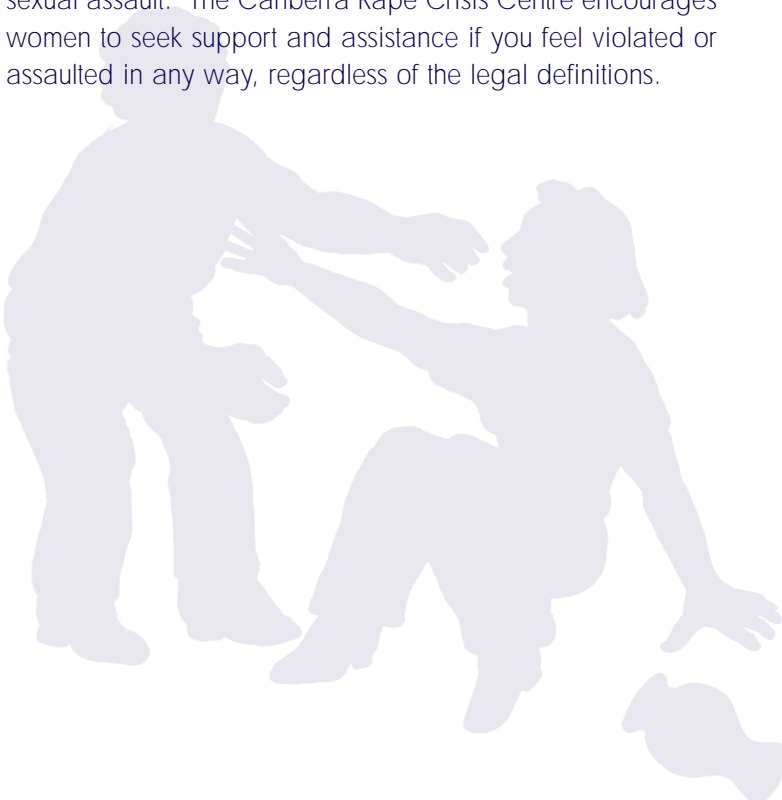
It also includes the introduction of any part of the penis of a person into the mouth of another person, or cunnilingus.

Indecent assault includes a range of sexual behaviours including for example someone touching your breasts, grabbing your bottom, or exposing themselves to you. There is also a law against stalking.

From a very early age, women and children can experience a range of unwanted sexual behaviour and harassment—including intrusive stares, pinching, whistles and unwelcome body contact. Rape/sexual assault, is an extreme form of this kind of sexually abusive behaviour. Rape/sexual assault is a crime statistically proven to be overwhelmingly committed by men against women and children. Rape can also be a political act and is often used during war against women and children. It is also used in war as a form of ethnic cleansing.

Rape/sexual assault is not about passion or sexual desire. It is the use of power and control by one person over another person using sexual means. It is this use of power, to violate, humiliate or hurt another person, which gratifies the attacker. Most offenders are known to the survivors of sexual assault. They may be a member of the family, a boyfriend, a boss, an acquaintance or a neighbour.

Some women may feel violated or abused by someone, even though the incident might not fit into the legal definition of sexual assault. The Canberra Rape Crisis Centre encourages women to seek support and assistance if you feel violated or assaulted in any way, regardless of the legal definitions.



# Myths and facts about rape

There are many myths and prejudices which hide the truth about rape. Myths disguise the truth that all women, from young children to very old women, are vulnerable to sexual assault; that boys and men get raped, and that the only person responsible is the person who commits the crime.

We carry the following messages around in our heads, and, if we are raped, we can often feel ashamed, guilty and responsible for the attack.

**Myth** Nice women don't get raped.

**FACT** There is actually no such thing as a particular "kind of woman" who gets raped. Women of all ages, classes, races, religions and marital status are raped.

**Myth** When a woman says no she really means "yes", or that "she enjoyed it", that she even "asked for it".

**FACT** Rape is a deeply humiliating and terrifying experience that no woman ever asks for or enjoys.

**Myth** Rape is accepted in Aboriginal culture.

**FACT** No culture finds rape acceptable.

**Myth** Men rape because they get sexually aroused and then can't control themselves.

**FACT** Many rapists have admitted to planning the rape ahead of time.

**Myth** Rape is about sex.

**FACT** Rape is not about sex. It is about power, violence and intimidation. This particular myth keeps sexual assault in the sphere of sex and minimises the responsibility of the rapist for the crime. Men can, and mostly, do take responsibility for their sexual activity in our community.

There are other myths that concern particular groups of women, such as women with a developmental or psychiatric disability, lesbian women, Aboriginal women, and women from non-English speaking cultures.

It is important to understand that myths exist because they shift the blame for sexual assault from the men who rape to the women, children and men who are raped.

Myths about rape distort the truth — that sexual assault is a crime committed by men who are husbands, fathers, brothers, uncles, grandfathers, cousins friends, acquaintances as well as strangers and from all professions such as doctors, teachers and priests.

It is important for all people to challenge the myths about sexual assault so that survivors of sexual assault are not made to feel as if it is their fault. It is important that people understand the truth about sexual assault so that survivors receive the help and support they need.

*There is no such thing  
as a particular kind  
of woman  
who gets raped*



IT IS NEVER YOUR FAULT

# Getting help

If you have been raped you can phone the **Canberra Rape Crisis Centre** 24 hours a day on 6247 2525.

The Rape Crisis Centre is available for any woman, or child who has experienced any form of sexual abuse (adult rape, childhood sexual abuse, ritual abuse or sexual harassment) whether it is a recent assault or an assault that happened years ago.

The Rape Crisis Centre is staffed by specially trained workers. These services are free and confidential.

Rape Crisis workers can accompany women and children to the Australian Federal Police Sexual Assault and Child Abuse Team (SACAT) if they wish to report the rape to the police. You can also contact the police directly on 11 444.

Crisis phone counsellors will put adult male survivors in contact with SAMSSA (Services Assisting Male Survivors of Sexual Assault) who can support them if they want to report an assault to the police.

You can use the Rape Crisis services without reporting the assault to the police. There are also other places you can get supportive counselling for rape in the ACT. A list of these services is included in this booklet.

## **SERVICES OFFERED AT CANBERRA RAPE CRISIS CENTRE INCLUDE:**

- ◆ immediate crisis appointments for women and children who have been raped in the previous 72 hours
- ◆ confidential counselling and practical support for women who have been raped or experienced childhood sexual abuse or ritual abuse, recently or many years ago
- ◆ confidential counselling and practical support for women who have experienced sexual harassment
- ◆ confidential counselling and practical support for children and their non-offending parents or carers who have experienced rape or sexual abuse recently or in the past
- ◆ a 24 hour crisis telephone counselling service
- ◆ Aboriginal and Torres Strait Islander counselling, support and education program
- ◆ an Access and equity worker
- ◆ information about and support, referral and advocacy through the legal, medical and police processes as required
- ◆ support groups for women who have been raped
- ◆ support and information for partners, families and friends
- ◆ support with claims for financial assistance and compensation for pain and suffering
- ◆ education and training workshops for organisations, schools and the community
- ◆ a comprehensive library available for community borrowing.

# How you might feel

Sexual assault can be a life threatening experience which can leave you feeling numb, shocked and overwhelmed. Everyone reacts differently. There are no right or wrong ways to feel.

A sense of unreality — did this *really* happen to me?— is a normal reaction to such a frightening and humiliating attack.

In the weeks after an experience of sexual assault you will probably feel a whole range of different emotions.

It is important to understand that this is because you have had a very traumatic experience, not because anything is wrong with you.

## **Many women describe feeling some or all of the following things:**

### **WHY ME?**

You might find that you search through everything that happened prior to the assault — from the clothes that you were wearing that day, to why you decided to go out or stay at home — looking for a reason.

***Your behaviour did not cause the assault.  
The only person responsible for the assault is  
the person who raped you.***

## **SHAME AND EMBARRASSMENT**

You might feel that you are different from everybody else or that people will know that you have been raped. Remember, you are not alone.

## **ANGER**

At the attacker, at the injustice of the situation or at the fact that while men rape, woman can't ever be really safe.

Sometimes you may turn the anger towards yourself because you think you should have been able to avoid the assault. It is important to remember that nothing in your behaviour is responsible for his behaviour.

## **IF ONLY...**

The list of "if only's" can be endless and this can leave you feeling guilty even though you are in no way to blame.

## **POWERLESS AND HELPLESS**

Rape is a violation of your right to control what happens to you, your body, your emotions and your senses. It can leave you feeling that nothing you do or say matters any more.

## **RELIEF**

That you survived the assault.

## **FEAR**

A lot of things that felt safe before may no longer feel that way. You might feel scared or threatened in familiar places or situations — being at home, going out, being in a crowd, or walking to work.

## **FEELING DIRTY**

Some women feel unclean or dirty after a rape and want to shower a lot in an attempt to wash those feelings away. It is important to remember not to shower if you want to report the rape (see Forensic Examination page 34)

## **SLEEP PROBLEMS**

Sleeping may be difficult or you might have nightmares. Or you may feel that you want to retreat to bed and sleep a lot.

Also the stress of dealing with the rape may make you run down or unwell for a while.



# Relationships

Being raped may affect how you feel about relationships. It is very important that you get to choose how, when and where you want to be with other people.

You are the one who was raped and it is your right to choose what you want to happen afterwards.

Remember too, there are no right or wrong reactions.

You may not want to have sex or be touched even by people you are close to, or you may feel a great need for physical contact and comfort.

Some women feel they don't want to have anything to do with sex for a long time. Sex may bring up images of the rape for you.

Some women want to reassure themselves that they can still enjoy sex despite everything that has happened.

## **OTHER PEOPLE'S REACTIONS**

A lot of women fear that no-one will believe them and that they will be blamed. This is because of the myths about sexual assault. These myths and traditional attitudes may influence how other people respond to this kind of crisis. How your partner, family or friends react can make a big difference to how you will feel.

People you talk to may react thoughtlessly, saying unhelpful things like: “Why didn’t you run or scream?” or “Why did you invite him in for coffee?”. This is usually because they are overwhelmed by a wish that the assault had not happened, or being influenced by the myths about rape.

Hearing about your experience may trigger memories or feelings about their own experience of sexual assault.

They might want to catch the rapist and punish him themselves. They may want revenge. They may feel angry, helpless, confused, sad and hurt, or blame themselves for not being able to protect you from the assault.

If someone says — “I don’t know what to say”, they are probably feeling overwhelmed and not sure how to give you the support you need. It is not up to you to try to make them feel better.

Sometimes these feelings are directed at you, leaving you feeling responsible for their pain.

A common response from partners and friends is to want to take control, to make decisions for you, to help you “get back to normal.”

It’s important to understand that, no matter how other people react, it is your feelings and your needs that count.

It is more helpful if those close to you understand and respect your need to do whatever you think is necessary to feel in control of your life. You may also need time to make your own decisions without pressure.

Rape Crisis workers can talk to family and friends to help them understand their reactions so they can support you better.

As with any personal tragedy, it usually helps to be able to turn to a network of people you trust.

Family and friends can often fulfil this need but you may feel that you can trust some of your friends and family members to react in a more sensitive way than others.

It is up to you to choose who you tell about the rape and what you tell them.

If there is no-one in your life with whom you want to trust your feelings and experiences, or if you simply feel you want more support, you can contact Rape Crisis workers who will believe you and respect your feelings and the choices you make.

Talking with supportive people can help to release feelings like self-blame or fear. Only you know how you feel, but other women — many women — have had similar experiences.

You can get good help, the help you deserve. If you find some people in your life unsupportive, keep looking.

***Good support is available.  
You are not alone.***

# Aboriginal Women

Rape of Aboriginal women by white men has occurred in this country since white invasion in 1788. Historically, Aboriginal women have been subjected to numerous acts of violence, even by the State, such as being forcibly removed from their families, made wards of the state and put into white institutions. The pressures which came with the invasion have seen an increase in violence in Aboriginal communities, especially violence against women and children.

- ◆ Violence against women and children by outsiders, and by people in Aboriginal communities is not OK. It has never been acceptable.
- ◆ All rape is devastating and remember it is never your fault. The rapist must carry responsibility for his own behaviour.
- ◆ If the rapist is non-Aboriginal, you may feel uncomfortable having to use the 'white' system in order to seek help or to report it.
- ◆ You may be concerned that you will not be believed, or will be treated badly by the system.
- ◆ If you feel uneasy about reporting to the police or going to the hospital, take someone you trust with you. Rape Crisis workers can go with you to support you. You can ask for an Aboriginal worker if you wish.
- ◆ If the rapist is Aboriginal, you may feel doubly confused. You may be reluctant to report to the white legal system. Remember the rapist has acted against you and the community by his behaviour.
- ◆ Remember too there is support for you at the Rape Crisis Centre.

# Lesbians have said to us

As a lesbian you may:

- ◆ Have questions about whether the assault happened *because* you are a lesbian
- ◆ Be worried about how other lesbians will react
- ◆ Be concerned or fearful about disclosing your sexual orientation
- ◆ Feel that if the rape was by another woman, lesbian or not, you won't be believed or treated seriously. Remember same-sex rape is as traumatic as heterosexual rape.

Help is available. You can request and get support from a lesbian counsellor to discuss these issues.

# If your child discloses that she/ he has been abused

- ◆ Believe them and listen
- ◆ Reassure them that it is not their fault nor their responsibility
- ◆ Make their safety your priority
- ◆ Depending on the age of your child it is important to include them in any decision making
- ◆ Contact the Rape Crisis Centre, Family Services or the Police Sexual Assault and Child Abuse Team to talk about what is happening
- ◆ Keep your child informed about what is happening
- ◆ Respect your child's privacy but be there for them when they need you
- ◆ Be open about your own distress but at the same time be aware that your child isn't responsible for it.

## Young women have said...

- ◆ Having sex is about choices. Any forced sexual activity is a crime. If someone coerces (pressures) you this is also a crime.
- ◆ Sexual assault can happen to anyone. Some people say 'sluts deserve to be raped', but no-one ever deserves to be raped regardless of clothing or behaviour.
- ◆ The law defines sexual assault more broadly than just 'penis in vagina'. Sexual offences include touching, oral sex and 'flashing'.
- ◆ What happened was not your fault, even if you were doing something other people might consider 'risky'.
- ◆ Sexual abuse by a family member can be really difficult to talk about. Often young people are scared to tell because they fear it will break up the family. Sometimes the abuser threatens them with this as well. If sexual abuse and secrecy are happening, the family is already in trouble.
- ◆ If you decide you want to talk to someone, ask them first what they need to do with what you tell them. Some people (like teachers and doctors) are required by law to tell the police or Family Services if you are not safe. This is called Mandatory Reporting. There are other workers, like Rape Crisis workers and youth workers, who have more flexibility in their response to ensure your safety.

***Remember it was not your fault,  
there are people who will believe you and  
places you can go for support.***

# I am an older woman

- ◆ Older women have talked about feeling reluctant to seek assistance for several reasons, including:
  - ~ Uncertainty about the confidentiality of the support services. The Rape Crisis Centre provides a completely confidential service
  - ~ Fear of being compelled to go through the police and court processes. At the Rape Crisis Centre we can outline your options and will respect and support your decisions.

Remember that you can talk about sexual assault whether:

- ◆ It happened years ago
- ◆ It happened last week with a man you are dating
- ◆ The abuser was/is your husband
- ◆ You are worried about it happening now or in the future

## As a transgendered person...

- ◆ You may feel there is nowhere to get sympathetic counselling and support
- ◆ You may be having feelings or concerns about your own sexual and gender identity
- ◆ You may be reluctant to report for fear of police responses and not being believed
- ◆ Have questions about whether the assault happened because you are a tranny.

As a tranny you may have to search more than others for services that suit you, but there are services available. See the contact list in this book. Also sometimes it may help if you take a support person or friend with you who can act as an advocate if needed.

***Remember rape is about power  
and control, not sexuality.***

# As a person with a disability

- ◆ You may feel that people won't believe you because of the discrimination towards people with disabilities
- ◆ You may wonder if you have been sexually assaulted *because you have a disability*
- ◆ You may be wary that people will pay more attention to your disability rather than to the fact that you were raped.
- ◆ You may feel that you have even less control and independence in your life because your family and friends may become overprotective.
- ◆ You may need to check if the support service you are contacting can meet your needs.
- ◆ If reporting to the police, it may be helpful to take a support person, friend or advocate with you.
- ◆ If you go to court, physical access and language interpreters have to be arranged beforehand. Rape Crisis workers can help you with this or contact the police, the court or the Director of Public Prosecutions.

# I am deaf...

Deaf women have signed that it can be difficult to:

- ◆ Report an offender who is also deaf as this feels like betraying the community. Remember he has committed a serious crime.
- ◆ Deal with fears that people in the Deaf community may gossip. Remember you have not done anything wrong.
- ◆ Sign about the abuse [and see the interpreter signing about the abuse]. Some Deaf women solve this by using finger spelling [and asking the interpreter to do so too].
- ◆ Communicate with Hearing police and medical workers who may assume the Deaf woman is drunk or in shock because she communicates in a different way. Remember you have the right to both a support person and an interpreter [female, if you wish].

## YOU CAN CONTACT

- CRCC TTY 6247 1657: Monday–Friday 9–5
- National Relay Service 133 677  
and ask for (02) 6247 2525

# I have a history of mental illness...

Women who have had a history of mental illness face a number of problems if they have been raped or sexually assaulted.

- ◆ You may not be believed because of discrimination against people with mental health problems.
- ◆ People may deny your experience if you are on medication.
- ◆ You might feel guilty about what has happened to you, and wonder if it was your fault. Remember sexual assault is never your fault.
- ◆ You may doubt your own judgement and need to talk to someone for affirmation and support. You can contact a Rape Crisis Centre or sexual assault service for support and advocacy.

# Women from diverse cultural backgrounds have said...

- ◆ It can be difficult to speak about rape and sexual assault. You may feel that you are betraying your family or community, and that it will bring shame on them. Remember what has happened to you is a crime, and no-one ever deserves to be raped.
- ◆ It may be hard if the person who raped you was from your community.
- ◆ There are ideas in the general community that violence is acceptable in some cultures but culture is no excuse for violence and rape.
- ◆ You may feel uncomfortable about using a support service. The Rape Crisis Centre workers will listen without judging you or your community, and they will not pressure you to do anything. They will not tell anyone else what you have said.
- ◆ You may be worried that what has happened may be a result of your culture or colour. Sometimes rape can be used as an instrument of torture or because of racial hatred. It can help to talk about this too.
- ◆ If you need an interpreter the Rape Crisis Centre can arrange one for you.
- ◆ You may not feel you can trust health and welfare services if you are from a country where there are no political, civil or social rights. If you are an illegal immigrant this might be especially worrying. In Australia, community organisations are not part of the government. The Rape Crisis Centre will not notify anyone about your situation and can help you get advice.

# Information for partners, family and friends

If a woman chooses to tell you that she has been raped then she is investing a lot of trust in you. Your reactions are important.

The attitudes and responses of those closest to a woman who has been raped have the capacity to either extend the crisis, or help her to deal with it.

Above all, a woman who has been raped needs:

- ~ to be believed;
- ~ to be told it is not her fault;
- ~ to be listened to; and
- ~ to be allowed the time and space to make her own decisions about how to deal with it.

It is normal for you to be upset, angry and confused. You may feel a strong urge to “do something” about the rape.

You may wonder whether she could have done something to prevent the rape, or you may feel guilty that you didn't protect her from what happened. You may have a strong urge to “take charge” in order to protect her. You might want to catch the rapist and punish him yourself — revenge is a common reaction.

All these feelings are understandable, but they are your feelings and you are not the one who was raped.

If your feelings, such as the desire for revenge, are expressed in an obsessive or hurtful way, they can interfere with the emotional healing of the rape survivor. If you are feeling angry at the woman, then you are holding her unfairly responsible for what happened.

Society in general blames women for rape (instead of the rapist) and denies women the support they deserve.

If you are blaming her then it might help to look at your own attitudes and emotional responses. Reading the section on Myths and Facts about Rape in this booklet might help you.

You may well feel helpless and frustrated and these feelings are real and painful. You will need support and understanding for how you feel about the rape.

But it is not appropriate for you to expect or demand this support from the rape survivor — family, friends and counsellors are available for that purpose.

It is important for you to allow a woman who has been sexually assaulted to make her own decisions and for you to support those decisions.

If you are available for her to talk to when she needs to and if you are listening to her in a truly non-judgmental and sympathetic way, then your support and love will be invaluable.

*The simple fact that you are there  
for her and that you care  
and believe in her  
is some of the very best  
help she can get.*



# Medical needs

There are several basic medical needs that every person should have attended to immediately after they are raped. These include:

- ◆ early checks for sexually transmitted diseases.
- ◆ care for general body trauma.
- ◆ prevention of pregnancy for women.

Regardless of whether you report the rape to the police or not, it is important that you see a doctor as soon as possible.

Caring for your body is one way to start regaining the control that was stripped away by the rape. The Rape Crisis Centre keeps a list of sympathetic doctors and can assist you to contact one of these doctors.

Children are also advised to seek medical assistance accompanied by a parent or guardian. A doctor who the child knows and is comfortable with would be the best choice.

There is also a doctor at the Child at Risk Assessment Unit at The Canberra Hospital

## **CARE FOR YOUR IMMEDIATE PHYSICAL NEEDS**

You may have been injured in ways that you are unaware of as yet.

You may be feeling too shocked or 'numbed' to really be in touch with damage that may have been done.

A sympathetic doctor can tell you about any problems that may arise for you and ways to prevent or treat them.

You will also get an opportunity to ease any fears you may have about sexually transmitted diseases (STDs) or unwanted pregnancy.

Knowing what the possibilities are and having a supportive doctor will help you to feel you are regaining control of your life.

## **PREGNANCY**

The possibility of unwanted pregnancy is a very real and worrying concern for many rape survivors.

The chance of becoming pregnant from the assault is small, but it is important for you to be able to discuss all the options available to you for the prevention of pregnancy. The Morning after Pill is available from hospitals and Family Planning.

The Rape Crisis Centre can provide you with information on the 'morning after' pill and its effects.

## **SEXUALLY TRANSMITTED DISEASES (STDs)**

For your own peace of mind it is best to have a medical check-up and not run the risk of leaving an STD untreated.

An STD test immediately after the rape will only determine if the survivor has had any STDs or other infections at the time of the rape, not as a result of it. Any STDs contracted as a result of a rape cannot be detected until some time after the rape. It is important that a survivor goes for STD tests again about 6 weeks after the rape.

These can be done by a doctor or at the Canberra Sexual Health Centre at the Canberra Hospital. It is advisable to get a check-up again about six months after the assault.

## **HIV/AIDS**

A test for HIV immediately after the rape will only determine if the virus was present at the time of the rape, not as a result of the rape.

It is necessary to wait for at least 3 months before a test can show if HIV was contracted from the rape (or from around the time of the rape)

It is important that women are informed about the HIV testing and receive pre-test counselling.

This should include discussion of the consequences of HIV infection, safe sex etc.

A woman has the right to refuse HIV testing and must not be tested without her informed consent.

# Reporting the rape

You may decide that you want the police to take action about the sexual assault.

The decision whether or not to report your rape to the police must be your decision. Rape Crisis workers will support you with whatever decision you make.

The ACT has a specialised police unit called the Sexual Assault and Child Abuse Team (SACAT).

Its purpose is to investigate sexual assaults and provide victim support to those people in the ACT, regardless of age or gender, who become victims of such crimes.

The SACAT is part of the Australian Federal Police. SACAT members are specially trained police investigators, the majority of whom are women. The Police officers are not uniformed

Rape Crisis workers can accompany women to SACAT, and offer court preparation, court support and on-going counselling throughout this process.

## **INFORMAL REPORTING**

You may choose to informally report the matter to the police, even if you do not want to proceed at that time, or at any other time. Informally reporting the matter to the police does not prevent you from making a formal statement at a later date.

If you do decide to formally make a complaint, the following section: **Making a Statement** is a detailed account of the steps that will be involved.

# Making a statement

If you decide to formally report the rape to the police, you will be required to make a detailed statement to the police about what happened to you.

A police officer from SACAT who has been trained to deal sensitively with sexual assault investigations, will take your statement. Police women and men are both available to take your statement. The choice is yours.

Where necessary the police will attend the actual scene of the crime and obtain details of the rape so that detectives may commence their investigation.

The police will ask you to describe in your own words what happened and will ask you questions so no details are left out.

It will help the investigation if you try to give as much detailed information as possible — even seemingly irrelevant details such as the weather, his clothing, exact order of events etc.

It is your right to have a support person of your choice with you during this process, to advocate for you if necessary, someone who believes you and is aware of your feelings and your needs. You are the victim of a crime. You are not the guilty person and you are not under arrest, so you can make a phone call to anyone you wish and you should be able to leave the premises at any time.

The statement usually takes at least four hours, and breaks for rest and refreshment are taken as a matter of course. You can also choose to give the bulk of the statement, go home and return the next day to complete it.

The statement is a signed, typed record of details of events leading up to, during and after the rape. It will also contain your description of the rapist and any conversation that took place.

You are then asked to sign this statement. It is important that you thoroughly read this statement before you sign it, as it will become primary evidence for the court case. It is also important to get a copy of your statement.

Although you will not have to repeat your statement word for word in court, you will be expected to give a fairly similar account, where details and order of events will be important.

You can add to your statement if you remember further details later on.

The information in this statement will then be used by the police to investigate your complaint and, if someone is arrested, to take the case to court. A copy of your statement will be given to the defendant's lawyer.



## **FORENSIC EXAMINATION**

If the rape has occurred in the last 72 hours the police may want you to undergo a forensic medical examination.

The purpose of this examination is to collect any possible evidence for a court case, such as injuries, semen, blood, hair etc. It is not an examination for STD's, or other health matters.

While this forensic evidence can assist in a court case it is NOT necessary that you have one. You have the right to refuse this examination. The forensic examination is only done with your written consent. If you do not want to involve the police, there is no need to have a forensic examination.

If you are unsure whether you want to proceed with the statement or not, you can still have the forensic examination so the evidence is recorded for you if you want to proceed later on.

You have the right to ask for a woman doctor to do the forensic examination. There are women doctors available to do forensic examination. They will also provide initial testing for STDs and HIV and are available for follow up appointments. You can also have a support person with you during the forensic examination, which is conducted in the presence of a female SACAT investigator. An advocate from the Rape Crisis Centre can help in insisting that your requests be met.

## **DECIDING THE CHARGE**

The police, in conjunction with the Director of Public Prosecutions (DPP), will decide if there is enough evidence to proceed with charges. When they decide to proceed the police will lay charges against the person who committed the assault who is then referred to as the 'defendant' and the survivor becomes the 'chief witness'.

# The court process

If the offence falls into the category of "acts of indecency", the matter may be dealt with in the Magistrates Court.

If the offence falls into the category of 'sexual assault' then the matter will proceed to a committal hearing in the Magistrate's Court. The SACAT member will keep you informed of proceedings.

The court process is seen by many women as intimidating and alienating. Talking with a support worker can relieve some anxiety.

Workers can explain what happens in court and how you might be affected. They can also accompany you to court if you choose.

You may also like to read "Going to Court - Information for Women who are Victims of Sexual Assault", or watch a video titled "Caught Out" which helps prepare you for the manners and language of the court officers.

Both of these resources are available at the Canberra Rape Crisis Centre.

If you know the person who assaulted you and are frightened of them, you can apply to the Magistrates Court for a Restraining Order or a Domestic Violence Order. Alternatively, the bail conditions can apply similar restrictions.

## **THE COMMITTAL HEARING**

At this hearing, which usually occurs up to six months after reporting to the police, a Magistrate is presented with all the evidence and hears argument from the DPP and from the defendant.

The defendant can choose not to give evidence. The survivor of sexual assault must give evidence and can be cross-examined by the defendant's lawyer. You will be asked to swear an oath or affirmation that all you say is true, and you will be asked to state your name, address and occupation.

You have the right not to give your address. Legislation in the ACT requires your name to be suppressed in any media reportage.

In the ACT survivors can request that their evidence and the cross-examination be done using a video link so they do not have to go into the courtroom with the defendant. This is at the discretion of the Magistrate. Survivors may also request a 'closed' court where the court is shut to the public. This too is at the discretion of the Magistrate.

Once the Magistrate has heard all the evidence she/he will decide whether the matter will go to the Supreme Court for a full trial by jury. If there is not enough evidence, the case will be dismissed at this point.

The defendant may plead guilty at, or before, the committal hearing and the case will not proceed to a trial by jury. If the defendant pleads guilty, he will be sentenced by the Magistrate.

## **THE SUPREME COURT ~ TRIAL BY JUDGE & JURY**

The Prosecution may apply on your behalf to the Supreme Court for you to use a video link or to have a closed court. This again is at the discretion of the Judge.

You will be called to the witness stand to give evidence. First, you will be asked questions by the prosecutor and then by the defence lawyer. The Prosecutor is a representative of the Crown who by prosecuting for the State becomes in some way the legal representative for the victim.

The Prosecutor will ask questions about the information in your statement so that you don't leave out important facts or details.

After this the defence has the right to cross-examine you (that is, question you on the evidence you have already given or on matters not yet raised).

Rape survivors usually find this trial difficult - especially the cross-examination. But there are some things that you can do and points which you can remember that will help you to get through this:

- ◆ consider your answers carefully and don't feel compelled to answer quickly - you are allowed to take your time;
- ◆ if you are asked a question that you do not want to answer, you are allowed to ask the Judge if you have to;

- ◆ if you don't understand a question, then say so and ask for the question to be explained and asked again.
- ◆ if you are forced to answer 'yes' or 'no' to some questions and this does not express what you wish to say, you may try to tell the Judge how you feel before you answer.

***You have the right to take your time and to understand what is happening!***

Rape Crisis workers can help make the court process less scary and intimidating by talking with you, prior to court hearings, about the actual physical lay-out of the court building etc.

We can go in to the courts with you so that you have some idea of what to expect. SACAT members assigned to the case also do this as a matter of procedure. The DPP also has a witness (victim) liason officer.

It's sometimes easier to prepare ourselves for things if we can actually 'see' ourselves there!

As well, the prosecutor will go through your evidence with you before court and explain the procedures.



## **THE VERDICT**

If the defendant is found guilty then a date will be set for sentencing. At this time the Judge weighs up the offences committed and receives reports relating to the defendant.

It is at this point a survivor can tender a Victim Impact Statement which can tell the Judge how the crime has affected her. More information about Victim Impact Statements is available from the Rape Crisis Centre, SACAT or the courts.

If the defendant is acquitted (found not guilty) this can be very distressing for the survivor who made the complaint to the police. She can feel that nobody believes her and that she is the guilty person.

An acquittal does not have to be about believing you or not. It can be because the jury doesn't think there is sufficient evidence to "prove beyond reasonable doubt" that the crime was committed by the defendant.

# Compensation

## **FINANCIAL ASSISTANCE**

A victim of violent crime in the ACT can apply to the Registrar of the Magistrates Court for financial assistance to cover any costs reasonably incurred because of the crime. These costs may include medical costs, loss of earnings etc.

The crime must have been reported to the police.

## **SPECIAL ASSISTANCE**

Special assistance is available in the form of **compensation for pain and suffering to victim/survivors of sexual assault**.

Victim/survivors of sexual assault **DO NOT** have to approach the Victims Service Scheme but **MUST HAVE** reported the assault to the police. All financial assistance is capped at \$50,000 per victim/survivor (including payments made to related victims such as mothers).

### **VICTIMS SERVICE SCHEME:**

- FREECALL 1800 822 272