

# Women of Courage: Hearing the Voices of Survivors of Sexual Assault

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## **Study Aims:**

- Explore women's experiences of the legal system after sexual assault
- Document women's resilience and strengths and explore risk- and systemic factors causing psychological detriment
- Results form basis of an intervention aimed at providing support, information and court preparation to women taking legal action
- Hearing, honoring and learning from survivors' stories fills an important gap in current understanding

# Sexual assault and the legal system

- One in five women experience sexual assault (Clarke and Quadara, 2010; Heath, 2005)
- Women more likely to be assaulted by a spouse, ex-spouse, family member or someone known to them (Heenan, 2004; Lievore, 2005)
- Survivor terminology denotes respect for strength and courage of women who experience sexual assault (Campbell et al. 2001; Dunn, 2009; Parkinson, 2012)
- Less than 20 per cent of sexual assaults are reported; 81 per cent of survivors dissatisfied with court outcomes (NSW Violence Against Women Specialist Unit, 2006)
- Despite reforms, the legal system continues to replicate the same inequalities and abuses of power survivors experience during sexual assault (Jordan, 2004; Larcombe, 2005)

# Methods

This study explores women's experiences of the legal system:

- Results from 9 qualitative, in-depth interviews with survivors who have attended court
- Four focus groups and two interviews with key service providers involved in the legal system, including police, witness assistants, sexual assault counselors and a non-government legal support service

# Methods

- Interview participants aged between 21 and 63
- Participants had been involved in legal process in previous two years
- Five participants resided in metropolitan and four in rural areas
- Two participants completed 4 years of Secondary Education, two completed 6 years, and five completed Tertiary Education
- One participant was from a CALD background
- Six participants sexually assaulted in childhood, three in adulthood
- Each of the 9 participants knew their offender well: They were their teachers, neighbors, husbands, step-fathers, grandfathers, uncles and employers

# Methods contd.

*“His most consistent feature is his apparent normality. How much more comforting it would be if the perpetrator were easily recognizable, obviously deviant and disturbed. His demeanor provides an excellent camouflage, for few people believe that extraordinary crimes can be committed by men of such conventional appearance.”* (Herman, 2006)

Interview questions enquired about participants' experiences of the legal system, exploring survivors':

- Met and unmet needs
- Social, familial and professional supports
- Individual coping strategies
- Court outcomes
- Advice to other survivors wishing to take legal action
- Would they take legal action again

# Thematic analysis

- Thematic analysis of in-depth interviews and focus groups using NVIVO software aim to form the basis of an intervention designed to assist survivors
- Analysis of interviews identified two main sets of themes:
- Themes of difficulty: Experiences of participant re-traumatization, legal delays, difficulties with regards to court and cross-examination and negative experiences with Police and Prosecutors
- Themes of resilience and inner strength: Receiving formal and informal support, positive experiences with counselors, prosecutor witness assistants, prosecutors, police, individual coping strategies, survivor altruism and the vindication of a guilty verdict
- Today's presentation will focus on participant:
- Re-traumatization, legal delays and cross-examination
- Resilience and inner strength, including supports, coping strategies and survivor altruism

# Re-traumatisation

*“Court is like a weird planet, where you don’t know the language and you don’t know the customs” Claudia*

- Despite legislative reforms, survivors continue to be re-traumatized by the legal process (Fergus and Keel, 2005; Maier 2008; Parkinson, 2006)
- The maleness of the law discriminates against complainants by “silencing their experiences and eroding their ability for individual agency in the legal process.” Taylor (2004:2)
- Similarities between rape and rape prosecution. survivors experience a loss of control over what happens to them, survivors’ well being of little concern to those who control the situation (Jordan, 2004; Larcombe, 2005; Konradi, 2007)



# Re-traumatization contd.

- Each of the 9 participants described being re-traumatized by the legal system
- Participants described the constituent parts of re-traumatization as feeling powerless, losing control, becoming extremely distressed by the legal process and feeling blamed for the violence they had suffered
- Several participants described the legal process as having been as painful as the violence itself
- Participants described the following themes of re-traumatization:
  - Legal delays, sometimes for up to three or four years
  - The difficulties of cross examination and the court experience
  - Negative experiences with police and prosecutors

# Women's stories

*"Victims need to have equal rights as offenders. Unfortunately, the court reflects the limitations of our community, which continues to blame victims. And so victims become disempowered witnesses in court. This was exactly how it was for me in when I was in court. It was heartbreaking, the way I was silenced and disempowered by the system." Jane*

*"Making the decision to take legal action was very empowering, but once I entered the system, I was rendered powerless. Everything was out of my control. This was very traumatic for me and meant that taking legal action was a double-edged sword." Trudy*

*"We lose power when we're victims of crime and then we lose power again when we're in the legal system. Because it's all out of our hands again, just like when we're assaulted. They say to us: "You can't say this and you can't say that, and you certainly can't tell the whole truth". That's where the legal system really undermines our recovery as survivors." Claudia*

*"The legal system was extremely intimidating, I had to get a lot of support from my counselor or I may not have gone through with it. There are so many points where I just wanted to give up. Because the system is impossibly hard on victims. It nearly broke me many times." Sonia*

# Delays:

- Participants described the effect of delays as feeling let down after preparing themselves emotionally for court dates that were cancelled at the last moment, living with chronic fear, stress, uncertainty, isolation, blame and shame. The experience of chronic, rather than acute stress was an extremely difficult aspect of the lengthy delays participants had to contend with. Survivors spoke about their lives being on hold, sometimes for up to three or four years.

*“It took a few years for the matter to get to court. There were lots of changes, aborted attempts, dates set and then changed, and then it would be another six months’ wait. That happened many times. The uncertainty was definitely the hardest thing to deal with over the whole process. The court process is very slow, it takes so long for each stage, to even get a date made. You have to be prepared, to see it as a commitment you’re making to yourself. A commitment that will take some time. In my case, it took four years.” Molly*

# Cross-examination:

*“It’s a silent crime because it’s about the most intimate part of someone. It is so personal and private and you are cross-examined in front of a whole audience of men about it. And in court, every person in my case was a man, and it was a man that made me be there. Cross-examination was utterly humiliating, it was just so embarrassing! And the defense barrister went on and on, grilling me, humiliating me. My brother-in-law did this terrible thing to me and now I had to prove it. And the defense made out that I was a liar. I felt so dirty! And just before I was cross-examined, I was told: You can’t talk about this, this, this and that. And they had had arguments in court about what I was allowed to disclose. This is truly unfair! What was done to me was done to me! And I was bullied into not being allowed to mention certain things that did happen to me and that did reflect on his character and did hurt me and still do.” Claudia*

# Cross-examination contd.

*“Giving evidence, I was very scared. I had an interpreter because my English is not very good. But the interpreter was a man and he did not speak my language. He was from a different part of my country, where they speak another language. This was very difficult. In cross-examination, I could not believe how rude the defense was. He told me I was flirting with my boss, that I wanted to have sex with him, but I said: No way! I don’t flirt with men, I am a Christian lady, and I love my husband! He asked me the same questions for two days, over and over. He tried to trick me. I was very scared. He was very rude to me. The questions were so personal, I was really ashamed, and the questions were all about my body. My ears got very hot. I went to cry in the toilet. I went there to pray for courage. I had chest pains and thought I might have to go to the hospital. I was raped by my boss and now I was abused and blamed in court.” Zelda*

# Resilience and inner strength

Resilience has been described as an individual's capacity to cope with adversity and stress (Poulson,2009)

The following protective factors assisted participants during the legal process:

- Receiving formal and informal support
- A positive experience with sexual assault counselors, witness assistants, police and prosecutors
- Individual survivor coping strategies
- Survivor altruism
- A guilty verdict was identified as having enhanced resilience for several participants after the completion of the legal process

# Formal and informal support

- Receiving practical and emotional formal and informal support enhances inner strength
- Survivors nominated being supported by friends, family, service providers and by police and prosecutors as enhancing resilience and inner strength.
- Being believed and taken seriously are important factors in enhancing survivor resilience and inner strength



# Women's stories

*"The most important thing to me was that my Mum was there. She believed and supported me and that meant everything to me."*  
Sonia

*"Mary the counselor helped me manage my anxiety when I first made my statement to police. I was massively scared that the offender was going to come after me and kill me. The counselor gave me the ability to manage my fear. I was diagnosed with PTSD. I felt like I was 15 again. So scared! Mary empowered me to help myself."* Michelle

*"I'm lucky that my husband has been so wonderful. He still accepted me after the rape. He helped me through the whole legal process. He was there for me. We have been married for eighteen years and he has been a good husband to me. Many times, I nearly gave up but he helped me every day. I used to pray for courage. Praying and believing in God also kept me going."* Zelda



# Individual coping strategies

Participants described their individual coping strategies, including:

- Participants' capacity for determination and perseverance
- Individual self-soothing and self-care strategies
- Capacity for assertiveness
- Ability to practice acceptance
- Prayer and belief in God
- Righteous anger regarding injustice

# Women's Stories

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*“One of the things that helps me and that counseling has helped me with is that basically, I’ve come to accept that the abuse has happened. You can’t change time I can either choose to be happy and grateful or I can choose to be sad and keep thinking about all this horrible stuff that happened to me. I have learnt to choose to accept the past and this has given me more freedom. I don’t forgive him or anything like that, but I accept that it happened. I’ve come through it. I am lucky and grateful for what I do have. I’m lucky that I’m alive and breathing and I can use my arms and legs. Reminding myself of these things helps me cope with the past and put it where it belongs, in the past. Accepting it has helped me start to build a good life. As my counselor said to me: Living well is the best revenge!” Tina*

*I’ve got my anger, which is a very good motivator and I try to turn it into a positive. Anger can drive people in a very positive way and it has helped me keep going in difficult times. It also allows me to help others in my work as a General Practitioner. Many of my patients are victims of crime. They experience injustice on a daily basis. Anger at injustice and human suffering has kept me motivated and has driven me in a positive direction and makes me want to come to work and help others.” Susan*

# Women's stories

*“If I’m gonna perform well, I have to know all about it. I’m a little bit of a control freak like that, probably because of all the abuse I experienced. I learnt that some things just don’t make sense logically, but I had to play the game. I was able to set myself principles for performance around not allowing the defense to distract me because that was their game. I was determined to be the strongest witness I could be. I had to give strong evidence. It was his word against mine because there was no physical evidence after so many years. So I had to trust the system and trust that the truth would prevail.” Sonia*

# Participant altruism

- A moving and unexpected finding of this study was participant altruism, with each interviewee expressing the desire to assist other survivors.
- This study describes altruism as participants' capacity for selfless concern for others.
- Interviewees found that participation allowed them to make meaning of their own experiences and difficulties
- Each participant welcomed the opportunity to contribute to the wellbeing and resilience of their sister survivors

# Women's stories

*"If this can help just one other person, then I'm happy! Also more generally, I care very much about kids and their wellbeing, because of what happened to me when I was a kid. I want to be able to make a difference in vulnerable kids' lives because of the abuse that happened to me. That's why I became a teacher, so I could be a safe adult in children's lives. It helps me make meaning of my own history, my painful journey. And it definitely lessens the pain the abuse has caused me. I am here for a reason and I'm up to the task."* Trudy

*"Victims need to support other victims, because the system is so treacherous and painfully long and at times utterly confusing. I felt beaten down by it many times. Victims need information and I want to be part of giving relevant information and support. I want others to have access to information they can actually understand. In their own language! The language of court is so intimidating!"*  
Molly

# Women's stories

*"I decided to tell the police because I did not want this to happen to another woman, especially a young girl. I thought: Who will be next? I must stop this from happening to someone else. Before me, there might have been another woman being hurt. I thought it must stop with me! I wanted something good to come out of something bad. You can't reverse what happened but you can stop it happening to another girl or woman. That was my job, to stop it from happening again. I pray that the rapist learnt a lesson, that he can change while he is in jail. He is human too."* Zelda

*"I often go and talk to other victims before they go to court, to provide support and information. That helps them, but it also helps me to give something back. I meet them for a coffee and I have a chat with them about everything they need to know that no one has probably told them. I answer their questions in a way they can understand, I encourage them and give them tips on coping with the stress of cross-examination. I tell them about the little things as well, like how you sneak out for a cigarette. Sometimes I go to court with them to support them. Some survivors have virtually no support."* Claudia

# Drawing from women's stories

- This presentation documented the number of ways participant survivors dealt with the legal system
- Outlining risk- and systemic factors that caused psychological detriment to survivors during the legal process
- Identifying women's resilience and inner strengths, which assisted them during the legal journey
- Currently incorporating results of focus groups with police, witness assistants, counselors and legal support services
- Findings indicate that service providers' concerns mirrored the difficulties participant survivors experienced



# Intervention

- Intervention aimed at improving the health outcomes of future survivors taking legal action; this intervention is unique and draws on survivors' lived experience, understanding and counsel allowing an intervention that is relevant, accessible and meaningful
- Group interventions offer a cost-effective alternative for survivors to overcome isolation and learn new skills through psycho-education and mutual support
- Empirical support exists for the use of group interventions for trauma survivors who frequently suffer feelings of shame, alienation and isolation (Clemens, 2008; Foy et al. 2001; McWhirter, 2006)
- The opportunity to connect with similar others in a safe, respectful environment may be an important step towards recovery, gaining confidence, rebuilding trust and learning important skills for dealing with the legal process



# Intervention contd.

Intervention includes:

- Advice on self-care during the legal journey
- Emotion regulation and stress reduction strategies
- Practice materials for self-advocacy and cross examination
- Relevant, practical advice from women who have survived the journey, including guest visits and presentations from survivors who have navigated the legal journey

A pilot program will be conducted and evaluated at Newcastle Sexual Assault Service in 2014

# Heartfelt thanks

- To the courageous women who participated in this research, thus assisting their sister survivors
- A/Professor Deb Loxton and Dr. Tamara Blakemore (PhD supervisors)
- Jane Rich, for expert advice and support