Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review

Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review

This report was produced by Dr Denise Lievore of the Australian Institute of Criminology for the Commonwealth Office of the Status of Women

Acknowledgments

The author gratefully acknowledges the support of the staff at the Australian Institute of Criminology. In particular, Jenny Mouzos and Pat Mayhew have offered insightful and constructive comments that have enriched this work. The staff of the J.V. Barry Library have been unstinting in their efforts to locate resource material.

Many people were consulted during this research, including academics, prisoner advocates, sexual assault workers and representatives of various criminal justice agencies. A number of sexual assault centres also supplied annual reports and anecdotal evidence derived from working in the field. Their assistance was most appreciated.

This report was funded by the Commonwealth Office of the Status of Women, as part of a broader project on sexual assault and the criminal justice system.

DISCLAIMER
This research paper does not necessarily reflect the policy position of the Commonwealth Government.

Copyright © Commonwealth of Australia 2003
ISBN 1-877042-41-2

This work is copyright. Apart from use permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission from the Commonwealth Office of the Status of Women. Requests and inquiries about reproduction rights should be directed to the Commonwealth Office of the Status of Women, Department of the Prime Minister and Cabinet, 3-5 National Circuit, BARTON ACT 2600

http://www.osw.dpmc.gov.au

Printed by:
Designed and Typeset by: Roar Creative

Contents

Acknowledgments **2**

List of Tables and Figures **5**

Executive Summary **7**

1 Introduction **10**
Objectives of the Literature Review 10
Parameters of the Literature Review 10
Key Terms 11

2 Sources of Data and their Limitations **13**
Limitations of the Data Sources 15
Extent and Risk of Sexual Assault in Australia 17
The Extent of Sexual Assault 17
Risks For and Common Characteristics of Sexual Assault 18

3 Factors Affecting the Decision to Report Sexual Assault **25**
Barriers to Reporting Sexual Assault 27
When is Sex Perceived as a Crime? 28
The Mythology of Rape 29
Victim Responses to Sexual Assault 31
Perceptions of the Justice System 31
Incentives to Report Sexual Assault 34
Victim-Offender Relationships: Contradictory Evidence 35
Non-Reporting as a Rational Response 37

4 Attrition and Hidden Recording **40**
The Attrition Triangle 40
Summary: Hidden Recording and Attrition 52

5 Sexual Assault of Indigenous Women **53**
Family Violence 53
Sexual Assault in Other Post-Colonial Countries 55
The Extent and Nature of Sexual Assault in Indigenous Communities 55
Under-reporting by Indigenous Women 59
Mistrust of Police and the Legal System 59
Lack of Awareness of the Law and Legal Process 61
Personal, Family and Community Factors 61
Aboriginal Women and the Legal Process 62

6 Sexual Assault of Women from Non-English-speaking Backgrounds 64
The Extent and Nature of Sexual Assault in NESB Communities 64
Barriers to Justice for NESB Women 66
Asian Women and Non-reporting 69
Overview of Non-reporting by NESB Women 70

7 Sexual Assault in Rural Australia 71
Defining Rurality 71
Estimating Sexual Violence in Regional Areas 73
Police Recorded Sexual Assault in Rural Areas 73
Regional Variations in Recorded Sexual Assaults 79
Non-Reporting in Rural Localities 79
Rural Issues in Overview 83

8 Sexual assault and Women Prisoners 85
Profile of Female Inmates 85
Sexual Violence Prior to Incarceration 87
Violent Victimisation and Female Criminality 91
Sexual Assault in Custody 91
The Extent of Custodial Sexual Assault 92
The Nature of Sexual Assault in Prison 94
Non-reporting of Custodial Sexual Assault 98
Recording Sexual Assault in Prisons 99
The Implications of Custodial Sexual Assault 101

9 Recording in Other Systems 102
Suicide 102
Femicide 104
Morbidity Data 105
Homelessness 110
Mental Health 111
Substance Abuse 112
Department of Defence 114

10 Conclusion 116
Implications of the Findings 117
References 120

List of Tables and Figures

Table 1:	National surveys with information on sexual assault	14
Table 2:	Sexual violence in the previous 12 months by age group (Women's Safety Survey)	19
Table 3:	Sexual violence in the past 12 months by marital status (Women's Safety Survey)	21
Table 4:	Barriers to reporting sexual assault	28
Table 5:	Fear and mistrust as barriers to reporting	32
Table 6:	Reasons for reporting and not reporting sexual assault	35
Table 7.	Variables predicting increased (+) or decreased (-) reporting rates of sexual assault	36
Table 8:	30-day finalisations for sexual assault, non-sexual violence and property offences in 2001	48
Table 9:	Conviction rates for rape and other charges in Queensland 1994-1998 (%)	51
Table 10:	Multiple sexual assaults charged from offences 1-4	51
Table 11:	US women raped in lifetime by race	55
Table 12:	Sexual assault rates in New South Wales regions, 1999-2001	76
Table 13:	Sexual offences per 100,000 population, Victoria Police regions 2000-01	76
Table 14:	Offences against the person recorded by Statistical Division, South Australia	77
Table 15:	Reported sexual assaults in Western Australia by region, number and rate per 100,000 population	78
Table 16:	Sexual assaults in the Northern Territory, 1999-2000 and 2000-01	79
Table 17:	Australian imprisonment rates for 2001	86
Table 18:	Childhood and adult victimisation among New South Wales female inmates	87
Table 19:	Abuse reported by Western Australian female inmates	88
Table 20:	Proportion of US women inmates sexually and physically victimised, nationwide and in Oklahoma	89
Table 21:	Percentage of Oklahoma female inmates reporting prior abuse	90
Table 22:	Association of childhood and adult victimisation	90
Table 23:	Inmate awareness of sexual assaults in jail	94
Table 24:	Indigenous suicides in New South Wales, January 1996 to June 1998	103
Table 25:	Hospital separations for female sexual assault victims 1993-94 to 2000-01	108
Table 26:	Statistical Divisions ranked by number of separations 1997-98 to 2000-01	109

Figure 1:	Sexual assaults recorded by police 1993-2001, per 100,000	17
Figure 2.	Recorded sexual assault against women (per 100,000) by age group, Australia 2001	18
Figure 3:	Distribution of victim-offender relationships in Australia	20
Figure 4:	Probability of experiencing sexual violence given combined risk factors (Women's Safety Survey)	21
Figure 5:	Flow chart of the criminal justice system	25
Figure 6:	Iceberg of rape and sexual coercion	26
Figure 7:	Attrition of sexual assault cases	41
Figure 8:	The dynamics of family violence	53
Figure 9:	Remote and accessible areas	72
Figure 10:	Queensland Police regions and districts 2000-01	74
Figure 11:	Queensland regional sexual assault rates 1999-00 and 2000-01	74
Figure 12:	New South Wales Statistical Division boundaries	75
Figure 13:	Victoria Police regions	76
Figure 14:	Northern Territory metropolitan and regional centres	78
Figure 15:	Substantiated incidents of sexual misconduct involving female and male inmates 1998	92
Figure 16:	Proportion of separations for sexual assault by state, 1997-98 to 2000-01	109
Figure 17:	Main reason for seeking SAAP assistance 2000-2001 (per cent support periods)	110

Executive Summary

As part of the Commonwealth Government's *National Initiative to Combat Sexual Assault,* the Commonwealth Office of the Status of Women commissioned the Australian Institute of Criminology to undertake research on sexual assault and the criminal justice system. The initial phase of the project comprises an international literature review on the non-reporting and hidden recording of sexual assaults perpetrated against females aged 16 years and older. The particular objectives of the literature review are to:

- analyse victims' decisions not to report sexual offences to police;
- examine the extent of hidden recording; that is, the degree to which sexual assault is recorded as a secondary charge versus primary charge;
- cover differences in the reporting and recording of sexual assaults in remote, rural and urban areas;
- identify issues particular to prisoners, Indigenous women and women from non-English-speaking backgrounds (NESB);
- examine differences in the recording of sexual assault offences across the jurisdictions.

The review focuses on research conducted in Australia, England and Wales, Canada, New Zealand and the United States since 1992, and includes the 2000 sweep of the International Crime Victims Survey.
While the review is not exhaustive in terms of the literature available, it provides a comprehensive overview of the most important issues. Some of the salient points to emerge from the literature are summarised below.

Data Sources and their Limitations

Knowledge about sexual assault can be advanced by cautious comparison of different data sources. The primary sources of sexual assault statistics are:

- official police statistics, which do not provide a comprehensive overview of the extent or nature of sexual victimisation, as they count only incidents reported to and recorded by police;
- crime victimisation surveys, which offer a more complete count of sexual victimisation than police statistics, as they include both reported and unreported crimes;
- "bespoke" surveys, which are the preferred tool for investigating the sexual victimisation of women and usually yield higher estimates of sexual violence than general victimisation surveys.

Prevalence, Incidence and Risk of Sexual Assault

Sexual assault is facilitated by privacy, which belies the myth of the home as a safe place. Vulnerability to sexual assault is correlated with:

- gender-in Australia in 2001, 81 per cent of sexual assault victims who came to police attention were females. One Australian survey found that 99 per cent of offenders were men;
- age-Australian women in the 15-19 age group report the highest rates of sexual assault, at 498 per 100,000 population, compared to the total rate for all females of 139 per 100,000;
- victim-offender relationship-of all sexual offences recorded by Australian police in 2001, only 17 per cent were perpetrated by strangers. Most offenders were friends or acquaintances (37 per cent), or family members (25 per cent);

- partner status-a 1996 Australian survey found that women who were married or cohabiting were five times less likely to report sexual victimisation to interviewers than separated women and three times less likely than never-married women;
- victims who have existing relationships with offenders are at risk of repeat sexual victimisation and multiple forms of interpersonal violence. In a 1998 Australian survey, a minority of women accounted for more than half of all sexual incidents in the previous year.

In concordance with these findings, as many as two-thirds of all sexual assaults take place in residential locations, weapons are rarely used to force compliance, and a small proportion (23 per cent) of victims sustain injuries. These are likely to be cuts and bruises.

The extent and nature of sexual violence against women in Aboriginal communities, ethnic groups, rural areas, or prisons often differ from the picture given by survey results. Few quantitative data are available for these groups.

Factors Affecting Decisions to Report Sexual Assault

Personal barriers and perceptions of the criminal justice system are the major deterrents to reporting sexual assault. Cultural myths about "real" rape may also impact on reporting decisions.

- Personal factors, such as the closeness of the victim-offender relationship and the victim's perceptions of the seriousness of the incident, are the primary reasons for non-reporting.
- The level of under-reporting indicates that many women may have little confidence in the ability of the criminal justice system to provide redress.
- Some factors, such as fear, both deter and encourage victims to report sexual offences, contingent upon a range of countervailing circumstances.

A number of barriers, such as fear of retaliation, concerns for privacy or stigma, and mistrust of police are common to women in all social groups, but the significance of particular variables for women in minority groups is mediated by cultural and social specificities. For example:

- many Aboriginal and NESB women lack awareness of the law, legal processes and basic human rights;
- in both groups, the centrality of family relationships results in a preference for community-driven approaches to dealing with offenders;
- both NESB and Aboriginal women face institutional and structural barriers, such as racism and sexism.

Historically poor relations between Aboriginal peoples and authorities engender a profound mistrust of the criminal justice system and this may constitute a larger barrier to reporting for Aboriginal women than for NESB women. At the same time, NESB women's experiences of sexual victimisation may be distinct from the Aboriginal cycle of family violence, or from sexual offences perpetrated against Australian-born women. NESB women's vulnerability to sexual assault may be impacted by various factors associated with immigration, but knowledge is limited because they are reluctant to speak about the issue.

Similarly, many Indigenous women live in rural and remote areas, but rural women are not a homogeneous group and recorded sexual assault rates are not uniform within states and territories. Aside from the barriers faced by Indigenous women, non-reporting in rural and remote areas is likely to be the result of:

- geographical and social isolation;
- conservative social norms;
- informal methods of social control;
- a “rape folklore” that fosters denial of sexual assault;
- a “Boys’ Club” mentality, as police officers, lawyers and doctors may be part of the offender’s informal social network.

Violent victimisation is associated with the development of female criminality. Sexual assault of women prisoners can occur prior to and during custodial sentences. While Indigenous women are over-represented in prison populations, they are often incarcerated for short periods. Therefore, their experiences of custodial sexual assault may differ from that of other women offenders. Female inmates are unlikely to report sexual assault as a result of:

- fear instilled by the subcultural prohibition on disclosing misconduct or displaying personal weakness;
- lack of trust in authority figures, who may also be the offenders;
- resistance from prison administrators.

Attrition and Hidden Recording

Victim complaints of sexual assault may be hidden within official records.

- This is most likely to occur at the level of police recording practices and counting methodologies.
- It is unclear whether, or how much, police counting and recording practices artificially inflate the apparent rate of non-reporting and contribute to the hidden recording of sexual assaults.
- In general, evidence for the concept of hidden recording is scant.

Recording in Other Systems

Violence against women results in significant morbidity and sometimes mortality. Information on sexual assault is found in records from other sectors, relating to suicide, femicide, morbidity, mental health, homelessness, drug and alcohol abuse and the Defence Forces. These records indicate that marginalisation is both a key risk factor for sexual abuse and an important barrier to reporting.

1 Introduction

Sexual violence against women is a global problem and available data indicate that it is endemic in some communities. However, sexual assault is a largely hidden crime that occurs within families and private contexts. As most victims do not report their experiences to police, there is much that remains unknown about its nature and extent. In addition, while women from all societies and social groups are sexually victimised, there may be important differences in sexual violence against women from different racial and ethnic backgrounds, living in different geographic locations, and in institutional and non-institutional settings.

To inform policy and community awareness about sexual assault, Australia's Commonwealth Government has launched a range of strategies under the aegis of the *National Initiative to Combat Sexual Assault*. As part of the Initiative, the Commonwealth Office of the Status of Women (OSW) commissioned the Australian Institute of Criminology (AIC) to investigate sexual assault and the criminal justice system. The work will inform the evidence base around sexual assault and ensure a sound policy platform for the Initiative. The first stage of the project is an international literature review on the non-reporting and hidden recording of sexual assault of females aged 16 years and older.

Objectives of the Literature Review

The primary objective of the literature review is to analyse published and unpublished crime and justice sources on the non-reporting of sexual assault to police by victims and the hidden recording of sexual assault complaints within the criminal justice system. This involves:

- analysing victims' decisions not to report sexual offences to police;
- examining the extent of hidden recording; that is, the degree to which sexual assault is recorded as a secondary charge versus primary charge;
- covering differences in the reporting and recording of sexual assaults in remote, rural and urban areas;
- identifying issues particular to prisoners, Indigenous women and women from non-English-speaking backgrounds (NESB);
- examining differences in the recording of sexual assault offences across the jurisdictions.

Parameters of the Literature Review

A broad and inclusive search strategy identified relevant literature from Australia and overseas. This was achieved through searches of bibliographic databases and Internet sites and consultation with academics, researchers, victim support agencies and representatives of criminal justice and government agencies. Given the breadth of the material available, the search was restricted mainly to literature published or produced since 1992. The majority of the international literature derives from England and Wales, Canada, New Zealand and the United States. The 2000 International Crime Victims Survey, which was conducted in 17 industrialised and developing countries, was also included for comparative purposes.

The literature review does not deal with sexual violence as a cult or ritual practice, a punishment for transgressing moral codes, an aspect of people trafficking or forced prostitution, rape in war, female genital mutilation, or the sexual abuse of children, the elderly, or men. It also touches only briefly on specific contexts within which sexual violence occurs, such as date rape, drug-facilitated sexual assault, the homeless and the mentally ill.

Key Terms

Sexual Assault

The absence of a standard definition of "sexual assault", "rape" and "sexual violence" is a major problem. Different jurisdictions, agencies and surveys use a wide range of terms, classificatory systems, definitions, counting procedures and behavioural descriptions. They may also cover different age groups and reference periods, so that some acts may be offences under the law at certain ages and historical periods but not at others. For the most part, this report adopts the definition outlined in the 1996 Australian Women's Safety Survey, which says that sexual assault encompasses:

> *acts of a sexual nature carried out against a woman's will through the use of physical force, intimidation or coercion. It includes attempts to force a woman into sexual activity. However, attempts are not separately identified. It includes rape, attempted rape, aggravated sexual assault (assault with a weapon), indecent assault, penetration by objects and forced sexual activity that did not end in penetration. It excludes unwanted sexual touching and incidents which occurred before the age of 15. Incidents so defined would be an offence under state and territory criminal law.* (Australian Bureau of Statistics [ABS] 1996, p. 82)

This report examines sexual assaults against females aged 16 years and over and uses the terms "sexual assault", "sexual abuse" and "sexual violence" interchangeably, to refer to the full range of assaultive sexual offences. Any use of the term "rape" is in concordance with the source material and refers specifically to penetrative offences. The central features of sexual assault include the non-consensual nature of a sexual act and the use of physical and/or psychological tactics to force compliance, which victims experience as sexual violence. In this report, sexual assault does not include non-assaultive threats or non-contact offences such as obscene phone calls, stalking or sexual harassment. This is not entirely unproblematic, as some surveys include acts such as unwanted sexual touching in the definition of sexual assault. Furthermore, although sexual violence is often conceptualised as a continuum bounded by rape at one end and sexual harassment at the other, this operates on a tacit assumption that penile penetration or physical injury is more harmful than other physical or emotional types of violence or threat. Yet,

> *the degree of physical harm is neither predictive of its short nor longer-term impact. Non-physical violence, threats of physical violence, and sexual abuse, harassment and unwanted attention are all serious crimes that may have highly negative consequences for women who experience them. Every form of sexual violence perpetrated against women is a violation of our fundamental human rights and can restrain women's autonomy, whether it be our mobility, social, sexual or financial autonomy, or our sense of personal safety.* (Bennett, Manderson & Astbury 2000, p. 3)

While it is recognised that a spectrum of behaviours, including non-physical acts, contribute to women's feelings of vulnerability, they are outside the scope and objectives of this report. This is particularly so given the report's focus on the criminal justice system, as not all of these behaviours are categorised as crimes.

Hidden Recording

The description supplied by OSW referred to hidden recording as instances in which sexual assault is subsumed in another crime. As the analysis proceeded, however, it became apparent that this is a relatively rare occurrence in Australian jurisdictions.

As a result, the definition was broadened to include cases in which reports of sexual assault are "hidden" through police recording practices; that is, to occurrences in which allegations of sexual assault are recorded in such a way that they are not counted in official statistics. The discussion is framed within the context of under-recording, under-counting and the attrition of sexual offence cases.

Prevalence

Prevalence estimates refer to the proportion of women who have been sexually victimised once or more in a fixed period of time. Many surveys provide prevalence estimates for the proportion of women who were sexually victimised in the year preceding the survey, as well as estimates for those who have ever been sexually victimised in their lifetime. Some reports define "ever" as from age 15 or 16, as child abuse is often considered too sensitive an issue to ask about within the context of crime surveys.

Incidence

Some surveys also give the number of occurrences or incidents of sexual assault for each person in the population over a given period of time. The incidence rate of sexual assault may be calculated with varying bases, such as per 100, per 1,000, or per 100,000 population, and is generally in concordance with the base for the prevalence figures. However, the incidence rate is usually higher than the prevalence rate for sexual assault, as some victims experience more than one incident.

Criminal Incident

A criminal incident consists of one or more offences, and their related victims and offenders, which are grouped into the same unique occurrence if they are committed by the same person or group of persons; and if

- they are part of actions committed simultaneously or in sequence over a short period of time at the same place; or
- they are part of interrelated actions; that is, where one action leads to the other or where one is the consequence of the other(s); or
- they involve the same action(s) repeated over a long period of time against the same victim(s) and come to the attention of the police at one point in time (ABS 2002c, p. 35).

Offence

An offence is an act that is considered prima facie to be in breach of the criminal law.

Victim

The terms "victim", "survivor", or "victim/survivor" are used in the literature. "Victim" helps to rebut the myth that women are responsible for sexual violence against them. "Survivor" denotes emotional and physical resilience and the ability to overcome the trauma of victimisation and to regain control. The compound term recognises both of these factors. Given the focus on the criminal justice system, this review uses "victim" to denote the status of a person who might seek justice for harm inflicted by another. Once criminal proceedings have been instigated the term "complainant" is used in recognition of the principle that the accused is assumed innocent until guilt is proven beyond reasonable doubt (Standing Committee on Social Issues 1996; Victorian Law Reform Commission 2001).

2 Sources of Data and their Limitations

While there is a substantial international literature on sexual violence, much about the extent and nature of sexual assault remains unclear. The *World Report on Violence and Health,* compiled by the World Health Organization, notes that, in some countries, one in four women is sexually victimised by an intimate partner, while as many as one-third of adolescent girls in African countries report that their first sexual experience was forced (Krug et al. 2002). A major problem in interpreting and comparing these figures to findings from other countries is that researchers use different definitions of sexual violence and may therefore be measuring different kinds of behaviour. The *World Report on Violence and Health* defines sexual violence more broadly than the Women's Safety Survey (ABS, 1996), and includes unwanted sexual comments or advances. Therefore, the figures deriving from different studies are not directly comparable.

Despite this, it is possible to estimate the magnitude of sexual assault and under-reporting. Doing so requires an understanding of the three main sources of statistical data on sexual assault and the criminal justice system. These are:

- offences recorded by police-in Australia these are published annually by the Australian Bureau of Statistics (ABS) in the *Recorded Crime* publication;
- generic crime victimisation surveys, which utilise nationally representative samples-in Australia, the ABS periodically conducts the Crime and Safety Survey. The most recent results were for 1998, but findings of the latest survey will be available in 2003. In relation to sexual assault, the Crime and Safety Survey asks women aged 18 years and over if they have experienced sexual assault in the past 12 months and whether or not they reported it to police. It therefore provides a fuller count than police statistics. Other generic surveys are listed in Table 1. New Zealand conducted a second sweep of the National Survey of Crime Victims in 2001, but the results were not available when this report was written;
- surveys that take a more "bespoke" approach-such as the one-off Australian Women's Safety Survey, conducted by the ABS in 1996. This measured experiences of interpersonal violence among a nationally representative sample of women aged 18 and over. It asked about women's experiences of sexual assault during the past 12 months and since the age of 15. Other bespoke or dedicated surveys have also been conducted once only, as outlined in Table 1.[1]

Comparison of results from different surveys is complicated by varying operational definitions of sexual offences, methodological differences in sampling strategies, questionnaire design and administration, and variations in reference periods, which lead to lifetime, five-year and 12-month estimates. These factors contribute in no small way to the difficulty of reconciling different findings and reliably and accurately estimating the prevalence and incidence of sexual assault. Thus, while this review takes a comparative approach, locally as well as internationally, the comparisons are broadly indicative only.

Table 1: National surveys with information on sexual assault

Country	Survey/year conducted	Sample and method
BESPOKE SURVEYS		
Australia	Women's Safety Survey, ABS, 1996	Representative sample of 6,300 women aged 18+. Personal or telephone interview about interpersonal violence in previous 12 months and lifetime (since age 15).
Canada	Canadian Violence Against Women Survey, Statistics Canada, 1993	Stratified probability sample of 12,300 women aged 18+, conducted by computer-assisted telephone interviewing (CATI).
New Zealand	Women's Safety Survey, Victimisation Survey Committee, 1996	500 women aged 17+, randomly selected from NZ National Survey of Crime Victims respondents (see below) who had current male partners or had cohabited with a male partner in the previous two years.
United States	National Violence Against Women Survey, National Institute of Justice and the Centers for Disease Control and Prevention, 1995-96	National telephone survey of a representative sample of 8,000 women and 8,005 men aged 18+.
GENERIC SURVEYS		
Australia	Crime and Safety Survey, ABS, 1998	42,200 respondents aged 15+ completed self-completion questionnaires delivered or mailed to households. Information on sexual assaults during the previous 12 months collected from females aged 18+.
England and Wales	The British Crime Survey, Home Office, 2000	Special module on sexual assault. Computerised self-completion questionnaires completed by 6,944 women aged 16-59.
Canada	General Social Survey, Statistics Canada, 1999	Representative sample of 7,827 men and 9,178 women aged 15+ interviewed by telephone.
New Zealand	National Survey of Crime Victims, Victimisation Survey Committee, 1996	National random sample of 4,500 households with a booster of 500 Mâori households. Face-to-face interviews conducted with one person aged 15+ per household.
United States	National Crime Victimisation Survey, Bureau of Justice Statistics, 2001	Household-based survey; interviews conducted with a nationally representative sample of 77,750 persons aged 12+.
International	International Crime Victims Survey, 17 industrialised and developing countries, 2000	One respondent aged 16+ selected from random household samples. Sample sizes ranged from 1,000 to over 5,000. Telephone or face-to-face interviews.

Limitations of the Data Sources

Each source of data has its limitations, but knowledge on sexual assault can be advanced by cautiously comparing and analysing statistical information from different sources.

Police Statistics

Official police statistics do not provide a comprehensive overview of the extent or nature of sexual victimisation, as they count only incidents reported to and recorded by police. The variables recorded are often limited to gender, age, type of weapon used and the relationship between the victim and offender. Victims' willingness to report sex crimes impacts on recorded crime trends, as increased reporting affords more opportunity for police to record sexual offences. However, the number of incidents recorded by police is dependent upon a variety of factors, including police discretion in deciding how to define, classify and enter an allegation into the police recording system, or even whether to file a report on an incident. Changed societal attitudes to sexual violence and concern about attrition of sexual assault cases have placed police under more pressure to record sexual assault allegations. Therefore, an increase in recorded sexual assaults may point to changed recording practices on the part of police, not necessarily an increase in the occurrence of sexual violence. Technological advances may also improve the comprehensiveness and accuracy of police data, as officers may now have online access to computers at the crime scene.

Crime Victim Surveys

Crime victimisation surveys based on nationally representative samples offer a more complete count of sexual victimisation than police statistics, as they include both reported and unreported crimes. However, methodological differences result in wide variations in survey estimates of sexual assault. Victim surveys are often criticised for over-counting crime on the basis that survey interviewers count incidents that come within the nominal definition of a crime but would not necessarily be regarded as such by police or the respondents. This charge is probably overstated, but it is acknowledged that generic surveys tend not to cover sexual offences well because:

- given the "crime" context of general victimisation surveys, respondents may not regard their experiences of sexual violence as relevant to the survey, particularly when the offender is known to or an intimate partner of the victim;
- violent crimes of an intimate nature may be undercounted because of women's reluctance to give honest answers about sexual victimisation.

"Bespoke" Surveys

Dedicated or bespoke surveys, such as the Women's Safety Survey, are the preferred tool for investigating the sexual victimisation of women and usually yield higher estimates of sexual violence than general victimisation surveys. Their advantages include:

- The "crime" context is removed and the focus is solely on the issue of violence against women. This encourages disclosure of incidents that respondents may not consider crimes and also reduces time constraints on questions about sexual assault.
- A more refined measurement approach, often utilising multiple behaviourally specific questions as cues. These questions use a variety of terms to describe a victimisation incident, covering the elements of a criminal offence.
- They now tend to utilise the best methodologies. One is computer-assisted telephone interviewing (CATI), which allows interviewers to enter data

as questions are answered and to proceed with appropriate lines of questioning. The other is computer-assisted self-interview (CASI) modules, where respondents themselves use the interviewer's computer to answer questions on sexual victimisation. These methods are believed to increase anonymity and confidentiality and yield more reliable information.

- As victims are more likely to reveal a sexual assault to a woman, only female interviewers are employed. They receive special training in sensitive interviewing, are better equipped to detect the presence of someone else in the room with the respondent, to establish rapport, encourage disclosure and respond appropriately to distressed interviewees.

A number of methodological problems can confound the findings of both generic and bespoke surveys. In relation to sexual assault, criticisms centre on:

- the unwillingness of victims to disclose sexual offences;
- the fact that surveys focus on sexual offences as discrete events, while in victims' experience sexual assault may be part of an ongoing process that involves other types of abuse;
- the representativeness of the sample, which can be affected by response rates and the failure of surveys to capture populations at heightened risk of sexual assault, such as the homeless or those in institutions;
- sampling error-because the distribution of sexual assault is heavily skewed, the potential for error may be great when the risks for particular groups are considered;
- problems of recall-respondents may forget about an incident, fail to recognise that an incident fits the frame of the question, or misremember when an incident occurred and whether it comes within the survey period;
- there may also be differences in recall and reporting behaviour between various groups-for example, middle-class respondents may be more comfortable with survey questions;
- the way that sexual assault is defined and operationalised. Some definitions include incidents that go beyond legal criteria for sexual offences. Even when researchers adopt the criteria of a criminal offence, respondents' answers are premised on their own perceptions of sexual assault and are not limited to strict legal definitions of offences;
- the findings are influenced by the questions asked and how they are worded;
- the data are limited by the infrequency of the surveys;
- surveys that cover a spectrum of crimes are restricted in the amount of time that can be given to asking about sexual victimisation. They may therefore capture an unrepresentative sample of sexual offences, possibly those that are easiest for respondents to talk about and therefore less serious in nature than those reported to police;
- the one-year reference period adopted by many surveys undercounts the level of victimisation in the population, as many women who have been sexually assaulted outside this period are misclassified as non-victims.

Nonetheless, crime victim surveys offer an important means of independently validating police recorded data, more precisely identifying levels of and risks for sexual victimisation across groups, and serving as an index of public attitudes towards various crimes (for discussions about victimisation surveys see Fisher & Cullen 2000; Gelles 2000; Koss 1996; Percy & Mayhew 1997; Walby & Myhill 2001).

Extent and Risk of Sexual Assault in Australia

The most recent Australian survey data are now several years old and the results of two new surveys will be published in 2003. One is the generic Crime and Safety Survey, conducted in 2002 by ABS; the other is the International Violence Against Women Survey, commissioned by OSW and conducted by the AIC. In light of some of the comparability issues associated with crime surveys and the imminence of new Australian data, the following discussion focuses more closely on observed patterns and risks for sexual assault than on prevalence or incidence rates. While illustrative survey estimates are included, all comparisons should be interpreted cautiously and read as indicators of broad patterns across countries.

The Extent of Sexual Assault

Estimates of the extent of sexual assault in Australia vary according to the source.

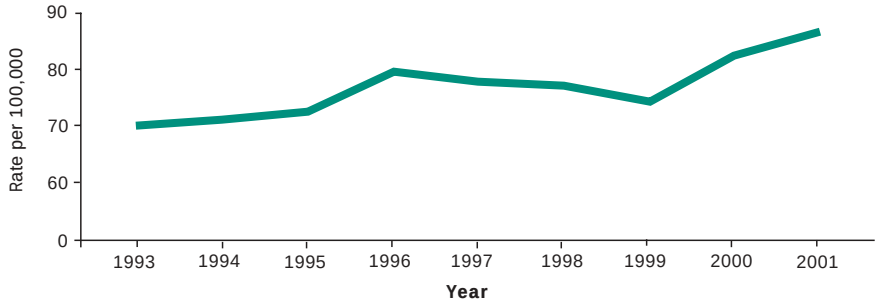
Approximately 13,500 females of all ages reported sexual assaults to Australian police in 2001. The overall victimisation rate for sexual assault recorded by the police between 1993 and 2001 increased by 37 per cent, from 69 to 86 victims per 100,000 population (see Figure 1). In 2001, the recorded rate for women was 139 per 100,000 population, compared to 29 per 100,000 for men.

The Crime and Safety Survey estimated that 30,100 Australian women aged 18 years and over were sexually victimised in 1997-98. This represents a prevalence rate of 0.4 per cent, approximately one-sixth of the Women's Safety Survey rate (ABS 1999).

The prevalence rate derived from the Women' Safety Survey is higher than either the Crime and Safety Survey or police statistics. Based on the 1.5 per cent of survey respondents who said they had been sexually assaulted at least once during the previous year, the Women's Safety Survey estimated that 100,000 women across Australia were victims of sexual violence in 1995. Approximately 1,064,900 women had been sexually assaulted since age 15 (ABS 1996).

For all countries participating in the International Crime Victims Survey, more women reported offensive sexual behaviour than sexual assault. Women in Australia, England and Wales, Sweden and Finland had the highest risk for sexual assault (approximately one per cent), while women in Japan, Northern Ireland, Poland and Portugal reported the lowest risk. However, differences in sexual assault levels across countries were small and not statistically significant (van Kesteren, Mayhew & Nieuwbeerta 2000).

Figure 1: Sexual assaults recorded by police 1993–2001, per 100,000



Source: ABS 2002c

Risks For and Common Characteristics of Sexual Assault

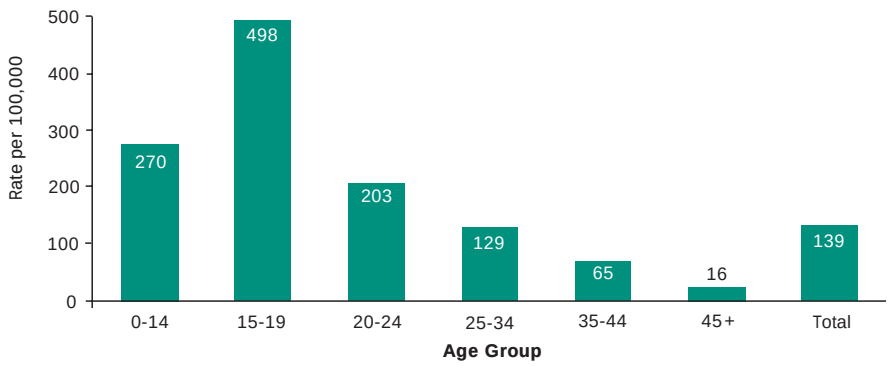
Analysis of police and survey data from Australia and elsewhere indicates that the risk for sexual assault varies according to a relatively predictable range of personal circumstances and sociodemographic variables, including gender, age and marital status. Risks associated with race/ethnicity, geographical location and incarceration will be examined in subsequent sections. The characteristics of sexual incidents often have a number of commonalities, including the victim-offender relationship and location of attacks.

Gender

While both men and women can be victims and perpetrators of sexual assault, women face a disproportionately high risk of sexual victimisation. Men are the perpetrators in an overwhelming majority of cases. In terms of the short- and long-term physical and mental health risks, sexual attacks are one of the most potentially injurious forms of violence committed against women by men (Johnson & Bunge 2001).

- Responses to the Women's Safety Survey indicated that 99 per cent of offenders were men.
- 93 per cent of women reporting rape and/or physical assault in the 12 months prior to the United States' National Violence Against Women Survey were victimised by a male (Tjaden & Thoennes 2000b).
- In Australia in 2001, 81 per cent of sexual assault victims who came to police attention were females (ABS 2002c).
- British police data for 2001-02 indicate that 92 per cent of reported rapes were perpetrated against women (Simmons 2002).
- Female respondents to the Canadian General Social Survey were significantly more likely than males (1.7 per cent compared to 0.2 per cent) to report sexual assault by a current or previous partner over a five-year period (Johnson & Bunge 2001).
- Twenty-six per cent of women compared to 16 per cent of men responding to the NZ National Survey of Crime Victims had been sexually victimised (Young et al. 1997).

Figure 2: Recorded sexual assault against women (per 100,000) by age group, Australia 2001



Source: ABS 2002c

Age

Aside from gender, age is the most robust predictor of sexual victimisation, prompting the description of sexual assault, and rape in particular, as "a crime against youth" (Tjaden & Thoennes 1998, p. 6). Women under the age of 24 are at the highest risk of sexual victimisation. Findings are:

- *Recorded Crime 2001* shows that women in the 15-19 age group recorded the highest rate of sexual assault (see Figure 2).
- The Women's Safety Survey found that the odds of being sexually victimised for each age group were about 70 per cent of the next youngest age group (see Table 2).
- The highest prevalence rates in the Crime and Safety Survey were for 18-19-year-olds: 2.5 per cent of this age group reported being sexually victimised compared to less than one per cent for all other age groups.
- A similar pattern is observed for New Zealand women, with prevalence rates of just over two per cent for the 15-24 age group and less than one per cent for age cohorts over 40 years. Younger women were also at greater risk of experiencing multiple forms of sexual violence (Young et al. 1997).
- The United States National Violence Against Women Survey found that more than half of all female respondents who had been raped were younger than 18 years of age at the time of the first incident. Women who were raped before age 18 were twice as likely to have been raped after age 18 (Tjaden & Thoennes 2000b).

A number of interacting factors may account for younger women's increased risk of sexual victimisation:

- they may be less experienced than older women at identifying and avoiding potentially violent situations;
- they may be more willing than older women to report sexual assault to survey interviewers;
- young women's lifestyles place them at risk. Their routine activities-going out socially, to work, or to school and university, and possibly unaccompanied-make them targets for motivated offenders;
- young women tend to socialise with men from similar age cohorts, who are more likely to perpetrate sexual offences than other age groups.

The key sociodemographic characteristics to be considered in relation to age may therefore be those of young men.

Table 2: Sexual violence in the previous 12 months by age group (Women's Safety Survey)

Age (years)		18-24		25-34		35-44		45-54		55 or over	
Sexual violence in past 12 months		%	N	%	N	%	N	%	N	%	N
Yes	4.3	30	2.6	39	2.1	31	1.0	11	0.2	4	
No	95.7	665	97.4	1,437	97.9	1,436	99.0	1,063	99.8	1,617	
Total	100	695	100	1,476	100	1,467	100	1,074	100	1,621	

Source: Coumarelos & Allen 1998

Victim-Offender Relationship and Location of Attacks

Women are most often sexually assaulted by men they know. In concordance with victim-offender relationships, attacks usually take place in residential locations.

- The Crime and Safety Survey found that more than 80 per cent of victims knew the offender in the most recent incident (See Figure 3). Figures for known offenders were slightly lower for the Women's Safety Survey.
- Over half (58 per cent) of all incidents reported to the Crime and Safety Survey took place in the home.
- Of all sexual offences against women recorded by Australian police in 2001, only 17 per cent of incidents were perpetrated by strangers. Non-family members, such as friends or neighbours, committed more offences (37 per cent) than family members (25 per cent). Almost two-thirds (64 per cent) were committed in residential settings.
- The 2000 International Crime Victims Survey found that in the most recent incident of sexual assault, one in five perpetrators was a partner, ex-partner, boyfriend, relative or friend. Women knew the offender(s) in about half of all sexual incidents.
- In the United Kingdom, the British Crime Survey found that approximately 90 per cent of sexual victimisations involving partners occurred in the victim's or offender's home. Sexual assaults by dates were most likely to occur in the assailant's home, while rapes tended to take place in victims' homes (Myhill & Allen 2002).

Weapon Use and Injury

Offenders often use threats and psychological tactics rather than physical violence or weapons to force compliance. As a result, physical injury is relatively rare.

- Weapons were used in seven per cent of incidents and physical injuries occurred in 23 per cent of cases reported to the Crime and Safety Survey.
- Weapons were rarely involved in sexual incidents reported to the International Crime Victims Survey.
- Weapons were used in approximately two per cent of cases reported to Australian police in 2001.

Figure 3: Distribution of victim–offender relationships in Australia

Source: ABS 1999
Note: Figures exceed 100 per cent due to rounding

Table 3: Sexual violence in the past 12 months by marital status (Women's Safety Survey)

Sexual violence in the past 12 months	Marital status: De facto %	De facto N	Separated %	Separated N	Divorced %	Divorced N	Widowed %	Widowed N	Never married %	Never married N	Married %	Married N
Yes	2.0	8	5.8	14	3.4	13	0.7	4	4.6	44	0.9	32
No	98.0	395	94.2	226	96.6	367	99.3	566	95.4	911	99.2	3,753
Total	100	403	100	240	100	380	100	570	100	955	100.	3,785

Source: Coumarelos & Allen 1998

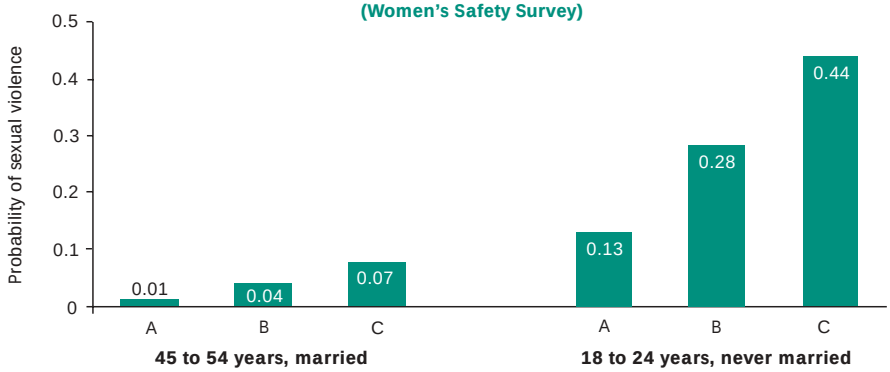
- The British Crime Survey found that physical force or violence was more likely to be used in rapes than sexual assaults. As a result, rape victims sustained more physical injuries than victims of sexual assaults, but over 80 per cent of injuries were classified as slight to moderate (for example, black eyes or extensive bruising). Women were more than twice as likely to sustain physical injuries from attacks by partners and ex-partners than by strangers.

Partner Status

Women who are either married or living in de facto relationships are less likely to report sexual victimisation than unmarried women. In some surveys the "unmarried" category includes women who have never married or are divorced or separated, while in others it refers only to women who have never married.

- The Women's Safety Survey found that, compared to married women, women who were separated were almost five times more likely to be sexually victimised, while the odds were approximately three times greater for never married women (see Table 3).

Figure 4: Probability of experiencing sexual violence given combined risk factors (Women's Safety Survey)



Characteristics in addition to age and marital status
A: No prior adult violence = No CSA
B: Prior adult violence = No CSA C: Prior adult violence = CSA

Source: Coumarelos & Allen 1998

A large proportion of sex offenders are intimate partners; that is, current or former spouses, cohabiting partners, boyfriends, girlfriends and dates. Cohabiting women are more likely to be sexually assaulted by a partner than by any other male. Unmarried women are at greater risk than cohabiting women of being sexually victimised by previous partners, strangers, or other known men, possibly because marital status overlaps with age to some extent, so that women who are unmarried are more likely to be young.. The Women's Safety Survey found that the probability of sexual violence varied according to a combination of risk factors. The highest probability was for young, unmarried women who had experienced childhood sexual abuse (CSA) and prior adult violence (see Figure 4).

In addition, separation from a partner substantially increases women's risk of sexual assault.

- Women who were separated and divorced reported higher than average victimisation rates to the Crime and Safety Survey (over one per cent each), compared to never married, cohabiting and widowed women (around 0.5 per cent).
- The British Crime Survey and US National Crime Victimization Survey also found higher 12-month sexual victimisation rates for single, divorced and separated women.
- Lifetime prevalence rates may be higher for women who experience relationship breakdowns. Up to 16 per cent of New Zealand women who had lived with a partner in the past two years, but were no longer living with him, had experienced forcible sexual activity at some time in their lives, compared with one per cent of women with current partners (Morris 1997). The sexual victimisation was not necessarily perpetrated by the most recent partner, which may suggest that sexual victimisation is associated with relationship difficulties (Cook, David & Grant 2001).

Lifetime prevalence figures are not necessarily the most useful basis for policy development, especially as patterns of violence may change over the course of a relationship. Higher levels of sexual victimisation among divorced and separated women may point to women's increased vulnerability to sexual assault by ex-partners at the time of separation. However, as some surveys record marital status at the time of the interview rather than the time of the incident, it is possible that sexual victimisation precipitated the breakdown of some relationships, rather than occurring after separation. Moreover, the higher rate among separated and divorced women may be artefactual to some extent. Women who leave relationships because of the abuse may be more willing to report the victimisation than women who are living with abusive partners. The latter may desire to protect their partners or themselves, or feel a need to justify to themselves and the interviewer that the relationship is not now violent.

Repeat Victimisation

Victims who have existing relationships with offenders are at risk of repeat sexual victimisation. They may also be subject to multiple forms of abuse, which commonly come under the rubric of domestic violence. The components of domestic violence include:

- emotional/psychological/verbal violence-name calling, undermining self-esteem, verbal denigration;
- social abuse-isolation from family and friends, humiliation in public, not allowing the victim time away from the perpetrator;
- physical abuse-punching, kicking, hair pulling, strangulation, harming pets, weapon use, damaging treasured personal objects;
- sexual abuse-rape, forced participation in unwanted or degrading sexual acts;

- economic abuse-insufficient money to manage the household, no access to or control over money (Lovell 1996, pp. 14-15).

In particular, emotional violence often builds up over time and precedes the onset of other types of violence (Easteal 1996).

- The Crime and Safety Survey found that 54 per cent of all sexual incidents in the previous year were accounted for by less than one-third (27 per cent) of respondents who were sexually victimised. These women experienced two or more incidents of sexual victimisation and in general were aged 35 years and over (49 per cent), and were married/cohabiting (47 per cent), or separated/divorced (27 per cent).
- The British Crime Survey found that 41 per cent of women were subject to multiple incidents of sexual victimisation. Repeat victimisation was highest among women whose last incident involved a partner, an ex-partner, or another intimate. Forty-two per cent of women whose last sexual victimisation involved a current partner reported experiencing three or more incidents.
- The US National Violence Against Women Survey found that just over half of all women raped by an intimate partner were multiply victimised by the same partner (an average of 4.5 rapes).
- Sexual violence may also represent the greatest risk of repeat victimisation for women outside marriage. Among Women's Safety Survey respondents, 45 per cent of women who had been sexually victimised since the age of 15 experienced more than one incident, compared to one-third of victims of physical violence.
- Among Canadian Violence Against Women Survey respondents who reported being sexually assaulted by a man other than a spouse, more than half (57 per cent) were subjected to more than one incident (Johnson & Sacco 1995).
- As previously shown in Figure 4, the Women's Safety Survey found that sexual abuse was more prevalent among women who had experienced childhood sexual abuse or prior adult abuse. Survey results provide evidence for the existence of a cycle of violence in which people who are sexually victimised as children may be at greater risk of abusing their own children and may also be more vulnerable to sexual violence as adults. Women who are sexually victimised during childhood may grow up with feelings of shame and responsibility for the abuse, which impacts on their ability to see sexual violence for what it is, or to leave abusive situations (Easteal 1996).

Taken together, findings about victim-offender relationships and repeat and multiple victimisations indicate that sexual assault is facilitated by the privacy of the home and the family. They also indicate that some, but not all, sexual assaults occur within the cycle of domestic violence (Tjaden & Thoennes 2000a). The pattern of multiple victimisation has important implications for policy. If a minority of women are victims of a sizeable proportion of incidents, the problem can be substantially dealt with by targeting this group.

Education, Employment and Income

Evidence relating to the influence of education, employment, birthplace and income on vulnerability to sexual assault is inconclusive. The British Crime Survey and the US National Crime Victimization Survey found that women from households with lower incomes are more at risk of sexual victimisation, while the International Crime Victims Survey found that sexual incidents are markedly higher in households with higher incomes. The counter-intuitive findings of the

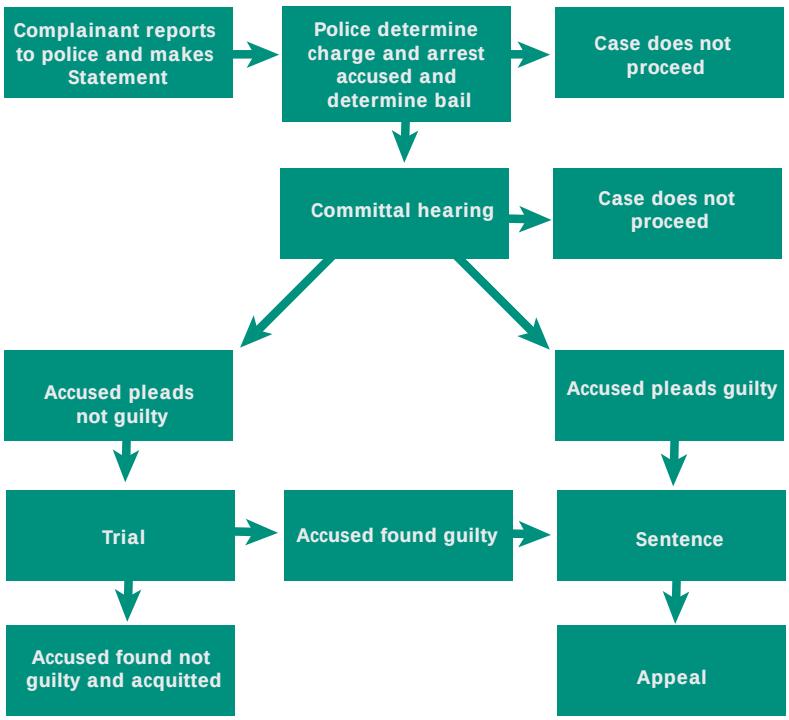
International Crime Victims Survey may indicate that although households in poorer areas generally have a higher risk of victimisation, individual households with higher incomes may be more susceptible to criminal activity, regardless of the area. The wealthy in poor areas are targets of property crime and may be more vulnerable to opportunistic sexual attacks or offensive sexual behaviours (van Kesteren, Mayhew & Nieuwbeerta 2000).

The Crime and Safety Survey, Women's Safety Survey, British Crime Survey and the NZ National Survey of Crime Victims point to an association between risk for sexual assault, unemployment and advanced educational attainment. However, a multivariate analysis of Women's Safety Survey results revealed that, when other variables were taken into account, only age, marital status, childhood sexual abuse and prior adult violence were significant predictors of sexual assault. While the results are inconclusive, it is likely that education, employment and income interact with other risk factors, such as age and an active social lifestyle.

3 Factors Affecting the Decision to Report Sexual Assault

Under-reporting of sexual assault to police impacts negatively on the potential of the criminal justice system to apprehend, convict, sentence and treat sex offenders. At the same time, there is a substantial shrinkage or attrition of cases that enter the criminal justice system, as police do not record all sexual assault complaints, and relatively few cases proceed to trial and conviction. To understand the flow of processes that will be considered in this report, Figure 5 sets out a generic model of the legal process once a complainant has reported an incident of sexual assault to police. Some differences may exist between the jurisdictions. Additional points of attrition not shown in this model are discussed in the next section of the report.

Figure 5: Flow chart of the criminal justice system

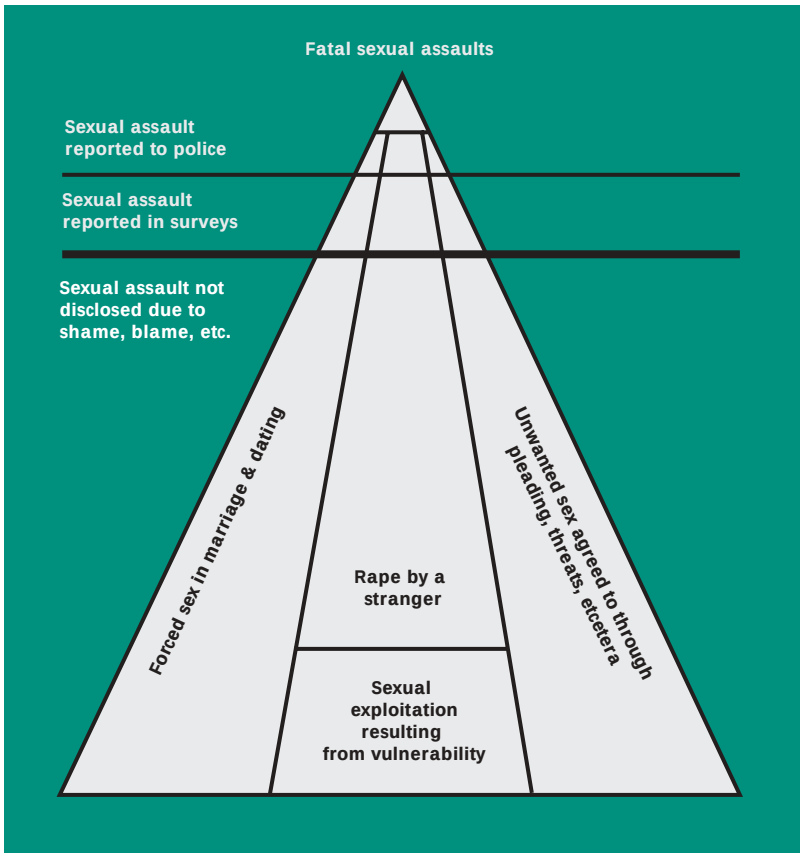


Source: Department For Women 1996

The majority of cases of sexual assault do not make the first step of this process and most surveys attempt to ascertain the level of under-reporting and victims' reasons for not informing police. However, the theorisation of post-sexual assault reporting behaviours is inadequate, as relatively few studies have focused on variables that influence victims' decisions to report. It has been hypothesised that, in order *to* report sexual offences to police, a woman must firstly identify herself as a victim of a crime and then be reasonably confident that others will also view her in this way (Ruch et al. 2000). This section considers evidence in relation to both decisions.

Jewkes and Abrahams (2002) describe the unknown dimensions of sexual assault in terms of the "iceberg of rape and sexual coercion" (see Figure 6). This model suggests that visible sex crimes, such as fatal sexual assaults and rapes that are reported to police or survey interviewers, constitute only a small proportion of all sexual violence perpetrated against women-the tip of the iceberg. The lower or submerged levels of the iceberg represent the invisible crimes that occur within relationships and families, and are never brought to the attention of law enforcement or other agencies. These incidents constitute what is known as the "dark figure" of sex crime; that is, sexual assaults that are not captured in police statistics because they are not reported or recorded.

Figure 6: Iceberg of rape and sexual coercion



Source: Jewkes & Abrahams 2002; Krug et al. 2002

Figure 6 points towards a range of situations in which reporting decisions are made, from sexual homicides where the crime is reported by a third party, through intimate partner abuse, coerced sex and child sexual assaults. Ruch et al. (2000) summarise a number of variables that have been investigated in relation to reporting behaviour. In terms of socio-demographic characteristics, lower levels of reporting to police have been found among women who are:

- young;
- unmarried;
- more highly educated
- of a higher socioeconomic status; and
- white women assaulted by black men.

These characteristics must be considered in relation to the nature of the incident, which has a sizeable impact on reporting decisions. The likelihood of reporting is positively correlated with the use or threat of physical force and weapons, physical injury and a completed assault. Results relating to victims' psychological characteristics are contradictory as, for example, both non-reporting and reporting victims have shown higher levels of shame in different studies. In some studies, rape victims who reported to police were higher on measures of anxiety, anger and humiliation, while non-reporting victims showed higher levels of disrupted personal lifestyle, denial and rationalisation of the incident, searching for meanings of the assault, self-blame and social isolation. No differences were found between the groups in terms of fear, embarrassment, guilt, stigma or degradation. Other studies indicate that the strength of fear following the attack is the most influential variable and that fear interacts with attitudes towards police, so that victims who are most fearful and hold positive attitudes towards police are most likely to report (Ruch et al. 2000).

Barriers to Reporting Sexual Assault

As surveys differ in relation to the nature of what is counted as a sexual offence, the proportion of incidents that respondents say they have reported to police can vary, as can the relative weight given to different reasons for not reporting. Thus, the Australian results from the 2000 International Crime Victims Survey showed a reporting rate of 15 per cent for sexual assaults and offensive sexual behaviour, while the Crime and Safety Survey showed that a higher proportion of victims (33 per cent) had told police about the most recent incident of sexual assault. The Women's Safety Survey was more in line with the International Crime Victims Survey, finding that only 15 per cent of victims reported the most recent incident of sexual violence within the past 12 months, although most disclosed the incident to a family member (32 per cent), friend or neighbour (59 per cent).

Nevertheless, there are many commonalities across surveys in relation to reasons for not going to the police. In the Women's Safety Survey, over half of the respondents who had been sexually victimised (55 per cent) said the main reason for not informing police was that they had dealt with it themselves, while a further 16 per cent did not regard the assault as a serious offence (ABS 1996). In the International Crime Victims Survey, 38 per cent of victims of sexual offences regarded the incidents as not serious enough to report, although this figure reflects the inclusion of offensive sexual behaviour in the survey (van Kesteren, Mayhew & Nieuwbeerta 2000). While a variety of situational and personal factors influence a victim's decision to report an incident to police, survey results have shown that there are two broad categories of barriers to reporting: personal barriers and barriers related to the criminal justice system. The most common reasons for non-reporting, compiled from national and international surveys, are listed in Table 4. Additional barriers to reporting are encountered by minority population groups such as Indigenous or rural women.

The first three points in the "personal barriers" column in Table 4 relate to victims' perceptions of the incident and one of the most influential determinants of reporting behaviour may be the victim's assessment of the seriousness of an incident. Even though women tell survey interviewers about incidents that meet the legal definition of sexual assault, they may perceive these acts as relatively unimportant and not as criminal victimisations. Other personal factors that deter reporting include shame, self-blame, low self-esteem, a wish to avoid thinking about the assault, and lack of encouragement from support networks. All of these factors may be amplified if the offender is the victim's partner. The following sections examine factors that may influence women's perceptions of the seriousness of an offence, as well as other personal barriers.

Table 4: Barriers to reporting sexual assault

Personal barriers
• Too trivial or inappropriate to report to police
• Not a "real" crime
• Not clear that harm was intended
• Dealt with it themselves
• Regard it as a private matter
• Shame, embarrassment
• Did not want family or others to know
• Fear of reprisal by assailant
• Self-blame or blamed by others for the attack
• Desire to protect offender, relationship, or children
Justice system
• Police would not or could not do anything
• Police would not think it was serious enough, or would not want to be bothered with the incident
• Fear of not being believed by police
• Fear of being treated hostilely by police or other parts of justice system
• Fear/dislike of police
• Fear of the legal process
• Lack of proof that the incident happened
• Did not know how to report

When is Sex Perceived as a Crime?

The issue of consent is central to the definition of sexual assault, as consent differentiates between what is a legal and private act under some circumstances and a crime under others. One way of distinguishing between sexual acts that may be regarded as "real" crimes and those that may be viewed as less serious is to examine their physical and psychological consequences. Acts that may be viewed as serious are those that deprive victims of liberty, threaten their lives or physical integrity, or produce psychological harm. Thus, penetrative offences such as rape are regarded as more serious and are more often reported to police than indecent assault or other forms of unwanted sexual touching, as are attacks involving the use of a weapon, or resulting in physical injury or emotional trauma. Public reaction to recent gang rape trials in Sydney suggests that the perceived severity of sexual assault escalates when there are multiple assailants, especially if the attacks are premeditated or orchestrated. Drug-facilitated sexual assault may also be regarded as serious, as the extreme physical and cognitive incapacitation prevents victims from either refusing consent or resisting the attack. The ongoing effects of the drugs, which among other things may cause uncertainty as to whether a sexual assault has occurred, may also prevent victims from contacting police (Abarbanel 2001).

One of the most robust findings in sexual assault research is that the odds of a victim reporting to police decreases when the victim is known to the offender, despite the level and type of violence (Gartner & Macmillan 1995). Police are most likely to be notified of sexual assaults perpetrated by strangers, followed by estranged partners or known non-intimate offenders.. Assaults by intimate partners are least likely to be reported. Clearly, women can have difficulty in reconciling intimate partner sex with criminality. Survey results show that substantial numbers of women whose

experiences can be categorised as rape according to legal parameters do not classify themselves as rape victims. Even those who describe an incident as sexual assault hesitate to define it as a crime (Fisher, Cullen & Turner 2000; Myhill & Allen 2002). This finding is difficult to interpret. On the one hand, it may signify that some women have difficulty in admitting to the stigma of sexual victimisation, for themselves or their partners. On the other hand, it may indicate that some women who are subject to experiences that are technically criminal simply take it in their stride.

This is consistent with the view that violence between people known to each other is less serious than stranger violence, as evidenced by the traditional reluctance of legal and state officials to become involved in private matters. Police have often adopted a conciliatory or mediatory approach to intra-familial violence and, while there has been a shift in societal perceptions of sexual abuse and in political and legal responses to it, victims do not necessarily regard police intervention as an appropriate option. The NZ Women's Safety Survey found that neither police action nor court action featured in respondent's "top five" list of influences that might change their partners' behaviour (Morris 1997). This indicates that some women simply want the offending behaviour to cease, but notifying police may result in undesired outcomes, such as the offender being arrested, jailed, or labelled as a criminal.

Victims who have a prior relationship with the offender may also wish to avoid the potential repercussions of reporting, which include incurring the ire of family and friends, or reprisal by the assailant. Women who are emotionally or financially dependent on the perpetrator may also feel that they have more to lose than to gain if he is taken into custody. Choosing not to report sexual victimisation may therefore be perceived as an adaptive and rational response in some circumstances. This issue will be dealt with in more detail in a later section.

The Mythology of Rape

Many authors view violence against women as inextricably tied to gendered power relations, which influence laws and legal process and are reflected in cultural myths (for example, see Bargen & Fishwick 1995; Breckenridge 1999; Easteal 2001; Temkin 1995). These factors are viewed as major contributors to women's reluctance to disclose sexual abuse to authorities and, in some cases, their inability to identify that they have been criminally victimised.

Popular understandings of sexual assault and rape are often based on misperceptions. In particular, myths about "real" rape portray victims as women who brought the assault on themselves, and perpetrators as mentally deranged strangers. One of the potential consequences of such myths is that women who are sexually assaulted by men known to them may find it difficult to identify the experience as sexual victimisation, while stranger rapes may be perceived as more serious (Myhill & Allen 2002). Other women whose experience does not fit the classic rape scenario may also be uncertain as to whether they have criminally victimised.

While the legal issue of sexual assault centres on the victim's consent, a range of other moral and social issues interfere with the judgments of victims and others as to whether a sexual assault has taken place. Most terms for severe forms of sexual attack are highly stigmatised, while cultural attitudes that blame women for their own victimisation contribute to victims' shame. Rape victims in particular are often viewed as "damaged goods" and for this reason women may be unprepared to label attacks as rape or sexual assault, either at the time of the incident or later.

The mythology of rape is a significant barrier not only to reporting, but also to changing societal responses to sexual assaults (Kelly & Regan 2001). The most common current rape myths include:

- rapists are strangers and somehow deviant;
- some sex offenders are normal men who err because of inadequate wives or because they are seduced by precocious children;
- men are entitled to unlimited sexual access, particularly with their partners, but sometimes with any woman;
- it is a woman's duty to acquiesce to unwanted sex with her husband;
- "real" rape takes place at night, outside and involves a weapon;
- there are always injuries;
- it is only rape if women resist;
- women lie about rape; they "ask for it" by the way they dress and behave; they fantasise about it; they say yes then cry rape; "no" often means "yes";
- all women react to sexual assault in the same way, with distress and hysteria;
- rape is worse than death.

Previous sections of this report have demonstrated that the reality of sexual assault runs counter to these myths, as:

- most perpetrators are known to their victims;
- most sexual offences take place in the home of the victim or the assailant;
- weapons are rarely used;
- force often takes a psychological rather than physical form; and
- only a minority of victims sustain injuries, and these are often minor.

Other myths may be rebutted on various premises:

- all women have a basic human right to bodily integrity and control over their sexuality;
- forced sex in marriage is a crime;
- victim-blaming silences discussion about the responsibility of perpetrators for their own actions;
- women's reactions to sexual assault range from highly controlled and quiet to extremely distressed;
- the assertion that rape is worse than death overlooks the high prevalence of sexual assault and the fact that most women survive;
- women who want to survive may not physically resist the attacker.

Rape myths impose a silence on victims' experiences of abuse and impact on the way that others respond to them. At the court level, the patriarchal values served by rape myths are often encoded in laws or evidentiary rules that highlight the behaviour of the victim rather than the actions of the offender and they are sometimes used by lawyers and judges to absolve perpetrators (see Bennett, Manderson & Astbury 2000; Breckenridge 1999; DuMont & Myhr 2000; Kelly & Regan 2001; Koss 1996; OSW 1995; Rathus 1994). As the following letter to a women's magazine makes clear, victim-blaming exacts costs on all women.

> *Someone I know was gang-raped not that long ago, and those who attacked her got away with it. No-one close to her knew what to say and nothing anyone tried to say could make her feel better. What can you say in that situation? I know what you definitely don't say: "You were asking for it." It shouldn't matter if we women strut down the street half naked-it still doesn't give men the right to touch us...How can we, as a society that prides itself on justice, democracy and freedom, allow women who have been raped to be trapped in such a gross lose-lose situation?*
> (marie claire, January 2002, p. 14)

Feminism assisted women to break their silence on sexual assault and led to reforms in service provision, social policy and legislation. However, the integrity of these reforms has been eroded by a public backlash that threatens to silence women once again. This backlash is often expressed in the media as suspicion about and derision of sexual abuse claims, as well as questions about the efficacy of the legal system for establishing the veracity of such claims. Intensifying public discussion of sexual violence, particularly through dialogue between political and service agencies, constitutes a strategy for encouraging victims to speak out and for establishing a sound platform upon which to build public policy (Breckenridge 1999).

Victim Responses to Sexual Assault

The expectation that women will promptly report sexual assaults to police is based on the notion of how a rational person would act following criminal victimisation. Kelly and Regan (2001) argue that women should not be expected to respond to sexual assaults as they might to similar crimes, as no other crimes have comparable effects. Sex crimes are unique because:

- they involve a violation of intimate physical and psychological boundaries;
- their emotional impacts and meanings are often linked to cultural contexts, including religion and notions of reputation and honour;
- they are linked with pervasive cultural myths and stereotypes;
- they are predominantly gendered crimes;
- they involve a betrayal of trust, as the perpetrator is usually known to the victim;
- victims often have to cope with debilitating self-blame;
- they carry specific health and reproductive risks;
- reporting the crime and pursuing justice often lead to feelings of revictimisation.

Carcach (1997) believes that levels of reported crime are an indicator of the public's level of confidence in the criminal justice system. Certainly the level of under-reporting suggests that women find sex crimes extremely difficult to report. In the 2000 sweep of the International Crime Victims Survey only four per cent of respondents cited dislike or fear of police as a reason for non-reporting. However, the meaning of some responses was ambiguous; for example, the statement that the "police could do nothing" might indicate that there was insufficient proof of what happened or that the harm could not be rectified (van Kesteren, Mayhew & Nieuwbeerta 2000).

Perceptions of the Justice System

An overview of the wider literature on the non-reporting of sexual assault indicates that fear (of reprisal, stigma and so on) and negative perceptions of the legal system play bigger roles in non-reporting than many victimisation surveys suggest. Kelly and Regan (2001) conducted a study of European and United Kingdom justice departments and non-government organisations (NGOs) that deal with sexual assault victims and issues. The justice departments cited fear, stigma, publicity and lack of trust in the criminal justice system as recurring deterrents to reporting. While the NGOs broadly agreed with this analysis, they gave greater weight to perceptions of police and criminal justice system and women's understandings of what constitutes sexual assault.

Canadian researchers interviewed 102 women who were victims of child and adult sexual abuse and were attending sexual assault centres. While there was a high level of reporting in this sample (75 per cent), the most frequent barrier to reporting was negative perceptions of or past experiences with the criminal justice system. Based on their own or

other women's experiences, respondents feared that they would not be taken seriously or believed by police or the courts (Hattem 2000).

Anecdotal evidence from counsellors at sexual assault centres suggests that fear, negative perceptions of the criminal justice system, and a lack of knowledge about the justice process play a large part in non-reporting. Table 5 groups fear and justice-related barriers from a list provided by a sexual assault centre in Tasmania. This list is not the result of research, but the product of experience in the field and does not constitute empirical evidence against survey findings.

Table 5: Fear and mistrust as barriers to reporting

Fear
• Fear of disbelief and being disbelieved
• Fear of being blamed
• Fear for family and friends
• Fear of retribution by offender, offender's family or friends
• Fear of having to give evidence, cross-examination, not being familiar with the process
• Fear of men that often results from sexual abuse-justice/legal system dominated by men in positions of power and authority (similar dynamics as the abuse situation)
• Fear they will be identified in the media, that many details will be identified in the media, knowledge of how media portrays sexual assault cases from previous coverage as a deterrent to reporting, traumatic impact
• Shame, which is often reinforced by police investigation, police questioning, cross-examination, media, etc.
Criminal Justice System
• Little probability that offender will be charged, found guilty and appropriately sentenced
• Judge's comments in sentencing
• Mistrust of the legal system
• Victims made to feel as though they are on trial
• Self-care strategies used against them-for example, holding hands with offender after the assault construed by police or defence lawyers to imply consent/enjoyment of the attack
• Perpetrator a member of the justice system
• Not realising they do not need a private lawyer
• Forensic procedure is invasive

Source: Laurel House Northern Sexual Assault Support Group Inc. 2001

The discrepancy between survey results and responses from agencies that deal with victims may be due to the differing contexts in which victims' reasons for non-reporting are elicited. Survey respondents may give answers that are easy to articulate in the interview context and those who do not perceive themselves to be victims of crime are unlikely to have considered reasons for not reporting to police. By contrast, women attending victim support agencies are likely to have discussed criminal justice options with support workers. The supportive environment may encourage more thoughtful explorations of possible courses of action, including a weighing up of reasons for and against reporting. Hattem (2000) suggests that high levels of reporting among research participants who were clients of victim agencies may be attributable to the information and support provided by staff and other clients of the centres. Women attending sexual assault centres may also differ from survey respondents in important ways, as may the nature and severity of their sexual victimisation.

There is also the problem that crime victim surveys attempt to capture violence as isolated, discrete events, whereas in most cases violence is an ongoing process (Indermauer et al. 2002). In particular, the pattern of victim and offender profiles indicates that:

> *the experiences of women raped by their partners are liable to be different to those of women raped by strangers and that the sexual victimisation of these women could often be within the context of wider physical and emotional abuse.*
> (Myhill & Allen 2002, p. 61)

As surveys often ask victims to list the main reasons that they did not report the last incident to police, responses may fail to reflect the broader spectrum of contingencies that enter into the decisions of repeat victims not to report.

Thus, while survey data are broader-based than police statistics, they may be biased towards less serious incidents. If it is the case that they tap into incidents that are simply easier for respondents to disclose, and it is not clear that it is, then knowledge about the nature of sexual assault may be distorted. At the same time, reported sexual assaults are not representative of all incidents, especially for offences that go to trial, as they may have different characteristics from other sexual offences.

The extent to which reporting decisions are influenced by perceptions of the justice system may also vary according to the context and characteristics of the incident.

Known Offenders

Survey findings suggest that the justice system is considered neither an appropriate nor effective avenue for resolving conflicts between intimates (Tjaden & Thoennes 2000a). Due to the belief that the law exists to control stranger violence, women assaulted by men known to them may refrain from seeking legal help because they perceive that institutional reactions to sexual violence perpetrated by male partners or relatives will be less than sympathetic. They are aware that they may be blamed for their own victimisation and may not be taken seriously by police. They may also believe that the chances of a successful prosecution are slight, while high rates of attrition and the perception of police leniency towards offenders may also deter reporting. For example, while many New Zealand jurisdictions have now adopted a mandatory pro-arrest policy for domestic violence, respondents to the NZ Women's Safety Survey reported that partners were arrested in less than two-fifths of cases in which police were called (Morris 1997). Findings from the U.S. National Violence Against Women Survey indicate that around eight per cent of cases of intimate partner rape proceeded to trial and less than half were convicted of a crime (Tjaden & Thoennes 2000b).

Revictimisation During the Legal Process

Women's fears about being treated poorly by police are sometimes borne out; while many reporting victims are satisfied with the police response, other victims experience the legal process as a second victimisation (Jordan 2001; Myhill & Allen 2002). Previous experience with police may also influence the decision not to report if police were unhelpful when a prior victimisation occurred, or if the victim has herself been arrested in the past (Coulter et al. 1999). Moreover, the trauma of being involved in a rape case has become common cultural knowledge through images promulgated in the popular media. Sexual assault victims enter the legal system with some knowledge about the process, based on what they have heard from other women or on the radio, seen on television or in movies, or read in magazines and books (Konradi 1996). That women are indeed aware of, and take revictimisation into account in their reporting decisions, is indicated by 77 per cent of respondents in an Australian study agreeing that the criminal justice system treats rape victims badly (OSW 1995).

The experience of revictimisation may occur during reporting, investigation or the trial process, but tension between victims' needs and police requirements during reporting may be a contributing factor. Victims may prioritise the need to deal with the trauma and establish feelings of control and safety, while police are required to establish the veracity of the account, the details of the incident, the identity of the offender and collect evidence (Bargen & Fishwick 1995). Through insensitivity or lack of training, police (and later, prosecutors) may not understand the issues raised by sexual assault cases. Victims' sense of vulnerability may be compounded by having to disclose sensitive details of the incident and respond to intimate questions posed by male police officers. However, gender does not guarantee the quality of an officer's response.

Jordan's (2001) study of sexual assault victims in New Zealand found that female officers have also shown disbelieving and hostile attitudes towards victims. In particular, criminal justice personnel may disbelieve complainants on the basis of stereotypes and prejudices relating to:

- delayed reporting of offences;
- failure to recall apparently important details of the incident;
- lack of cooperation with the investigation;
- factors such as social class, personal characteristics, or behaviour that contravenes conservative female sex roles (Criminal Justice Commission 1999; Kingsnorth, MacIntosh & Wentworth 1999).

Research has shown that victims' responses to the physical and psychological violation of sexual assault range from quiet and controlled to extremely distressed. Many victims are too confused to report in the hours, days or even weeks after the attack and victims of childhood sexual assault may not report the abuse for years or decades (Easteal 2001; Ruch et al. 2000; Taylor 2000).

Medical Examination

Medical examinations are crucial for obtaining forensic evidence and assessing a woman's physical and emotional wellbeing following a sexual assault. A lack of medical evidence means there is no proof of the crime, especially as most assaults occur in private. However, the medical examination is a highly invasive and lengthy procedure that may be conducted by a male doctor. Victims need to be guaranteed safety and privacy and to be treated with respect and sensitivity (Jordan 2001).

Court Processes

Heroines of Fortitude is a study of sexual assault trials coming before the New South Wales District Court over a one-year period. It provides a comprehensive analysis of the experiences of sexual assault victims. The issue of consent is central to sexual assault trials where the defendant pleads not guilty, but the evidence often comes down to one person's word against another. Complainants' credibility and morality are regularly undermined during the court process. Little provision is made for distress, disability or language difficulties, which may impact on the quality of evidence. Complainants are usually the primary witnesses and although they may not clearly recall the events, or recall them with distress, they are required to give clear, factual evidence devoid of emotion, are subject to rigorous cross-examination and are accused of lying, being responsible for the attack, or simply seeking financial compensation (Department for Women 1996).

In addition, the legal process often constrains victims to speaking about what the law sees as relevant, such as whether the victim disclosed the assaults to anyone else. The question and answer format for giving evidence means that complainants are unable to express their feelings about the sexual assault and that their stories are confined to the narrow limits set by the judge's discretionary decisions and the substantive and procedural rules of law. This may result in relevant evidence being omitted, or the wrong emphasis being placed on other evidence (Breckenridge 1999; Department for Women 1996).

Incentives to Report Sexual Assault

Crime surveys are an important tool in the analysis of reporting behaviour, but they tend to focus on victims' reasons for not reporting sexual violence. Neither the Women's Safety Survey nor the Crime and Safety Survey asked about reasons that motivated victims to report sexual assault to police. It is possible to infer some reasons for reporting by analysing the barriers to reporting,

but without an evidential basis, analysis of victims' decisions to report sexual assault is limited. Evidence from the few surveys that ask about willingness to report crime indicates that the underlying motivations may simultaneously overlap with and differ from the motives for non-reporting. The most commonly cited reasons for reporting sexual assault are listed in Table 6, together with a recap of reasons for non-reporting.

Over half (53 per cent) of the International Crime Victims Survey respondents who reported sexual incidents did so to stop the crime from being repeated, while a further 43 per cent cited retributive motives, hoping that the offender would be caught and punished. A Canadian survey of sexual assault victims also found that almost 40 per cent of those who reported to the police wanted to prevent further abuse to themselves or others (Hattem 2000). Thus, reasons for reporting focus on justice, protection and, to a lesser extent, a desire to restore a sense of control or to heal. Importantly, women who report sexual assault also regard the incident as serious enough to report and, although some turn to the criminal justice system after other options have failed, reporting may signify confidence in the ability of the criminal justice system to provide redress.

Victim-Offender Relationships: Contradictory Evidence

While most survey results indicate that women who know their assailants are less likely to report sexual offences, other studies have found that this is not always the case.

Many women who report sexual assault are motivated by a desire for self-protection and to protect others. They may believe that they have a personal or civic duty to ensure that the offender is prevented from inflicting further harm. They may also be motivated by a sense of retribution or justice, as people who criminally victimise others deserve to be punished. The perceived seriousness of the assault increases the desire for protection and retribution and acts as an added incentive for involvement in the legal process, as redress may be more likely for serious offences (Felson et al. 2002). This finding accounts for higher levels of reporting by victims of stranger assault, as the more closely an incident approximates the "classic" rape scenario, the more likely victims are to regard it as a serious crime.

Table 6: Reasons for reporting and not reporting sexual assault

Reasons for reporting	Reasons for non-reporting	
	Personal barriers	Legal system
Should be reported/a serious offence	Too trivial or inappropriate to report to police	Police would not or could not do anything
To ensure personal safety and future protection from the offender	Dealt with it themselves/ a private matter	Police would not think the incident was serious enough
To stop the offence being repeated or the offender harming others	Not a "real" crime	Fear of not being believed by police
To make the offender responsible for his or her actions	Not clear that harm was intended	Fear of being treated hostilely by justice system
Retribution	Shame, embarrassment	Fear/dislike of police
To get help	Did not want family or others to know	Lack of proof that the incident happened
To regain a sense of control	Fear of reprisal by assailant	Did not know how to report
To gain compensation	Self-blame or blamed by others for the attack	Fear of the legal process
	Desire to protect offender, relationship, or children	

In addition, women who are assaulted by strangers may be less fearful of victim-blaming, disbelief and particularly retribution, as future contact with the assailant is unlikely. From this perspective, personal protection is less likely to be a salient issue.

This hypothesis is supported by a Hawaiian study that investigated the reporting decisions of 709 females aged 14 or over who sought assistance from a sexual abuse treatment centre. Victims who sought treatment within 72 hours of the attack (immediate treatment seekers, or the "ITS" group) were significantly more likely to report the offence to police (78 per cent) than the 48 per cent who sought treatment from 72 hours to 244 days after the assault (delayed treatment seekers, or the "DTS" group). Table 7 shows variables predictive of increased or decreased reporting to police among all victims, victims who sought immediate treatment, and victims who delayed seeking treatment.

Table 7. Variables predicting increased (+) or decreased (-) reporting rates of sexual assault

	All victims	ITS	DTS
Assailant variables			
Threatened to harm or kill the victim	+	+	+
Used a weapon		+	
Was a stranger			+
Victim variables			
Attempted to escape	+	+	
Yelled or screamed for help	+	+	
Tried to trick or fool the assailant	+		+
High self-blame	-	-	-
Asian ancestry	-	-	
Additional (non-sexual) injury	-		
Pleaded or tried to talk the assailant out of it	-		

Source: Ruch et al. 2000

In general, victim characteristics such as resistance, low self-blame and ethnicity were more predictive of the decision to report the assault to police than variables relating to the attack. The victim-offender relationship was only predictive of increased reporting for delayed treatment seekers who were assaulted by a stranger. However, the study found that more victims of rape than sexual assault reported to police and that they blamed themselves less for the attack than victims who were assaulted by a known offender. Thus, victims of assaults that resemble "real" rapes may be more likely to contact police because they perceive themselves as victims and believe that others would also do so (Ruch et al. 2000).

In an analysis of the United States National Crime Victimization Survey results, Felson et al. (2002) found that victims of partner violence were as likely as victims of stranger violence to notify police. This finding can be explained as the result of a number of countervailing influences, as decision-making processes for involving police are mediated by the costs and benefits of reporting, but incentives and costs interact with the gender of victims and offenders and their relationship to each other.

Women who are sexually assaulted by men with whom they have an ongoing or close relationship have to weigh up factors such as the embarrassment and stigma of having a violent partner against the need for self-protection and fear of retribution. On the one hand, self-protection may be more important as relational distance decreases and the possibility of repeat victimisation increases. Thus, female victims of sexual violence perpetrated by partners or family members may call police as a result of the desire for self-protection, the perception that the incident is serious and the belief that police would also view it this way.

On the other hand, fear of reprisal is an important inhibitory factor when the offender is an intimate male partner and the victim has concerns for privacy and for protecting the offender. The role of fear in reporting behaviour may be contingent on prior

victimisation. In a study of women coming to police attention for domestic violence, Apsler, Cummins and Carl (2002) found that 46 per cent of victims were not afraid of the offenders and did not anticipate future abuse. Differences in fear and expectations of future violence were associated with previous abuse. Compared to women who regarded the abuse as an isolated incident, women who had been subjected to repeat victimisation were more likely to expect violence to occur in the future, to expect to be seriously injured, and expressed greater fear of and desire to permanently separate from the offender.

At the same time, the role of gender differences in coercive power and violence should not be overlooked, especially as the majority of sexual offenders are males and victims are females. Felson et al. (2002) found that when the offender was a male, women were more likely to desire protection and less likely to view the incident as trivial or as a private matter.. The fact that they reported the incident also suggests that they expected police to take action. These results must be interpreted cautiously, as they run counter to the prevailing view that intra-familial violence is seen as less serious than stranger violence. The decision-making processes described may not apply to those who could be objectively classified as victims but do not regard themselves as such.

This analysis demonstrates the complexity of decision-making processes and shows that the effects of relationship and gender are additive. Fear of reprisal inhibits reporting in some situations, but under other circumstances fear of the offender, which prompts a desire for self-protection, is more likely to lead to reporting. Consideration of social psychological factors, situational variables, and structural relationships are required to understand reporting behaviour. In particular, this analysis sheds a different light on women's decisions not to report.

Non-Reporting as a Rational Response

Dussich (2001) notes that the reporting and non-reporting of sexual offences are driven by different motivations and controlled by different conditions. Reporting involves taking action to make public what most women consider a private matter, regardless of the circumstances of the assault. As reporting a sexual incident may exacerbate the problems ensuing from the assault, Dussich contends that non-reporting is a passive response, which ensures the matter is kept private and is easier for the victim in terms of energy expended. However, the complexity of reporting decisions also allows room for consideration of agency on the part of victims-that is, the ability to exercise and act on rational choices. The following discussion is based on Gaarder and Belknap's (2002) analysis of victimisation and agency among young female offenders.

Social and legal images of who is a victim and what constitutes victimisation are subject to cultural notions of worth or deservedness. Women's behaviour, motives and attempts at self-protection are scrutinised to establish whether or not they are "real" victims. Women who do not report sexual violence to authorities, particularly when they are at risk of repeat victimisation by a known offender, are likely to be viewed either as passive and lacking agency or as colluding in and responsible for their own victimisation. However, these women are neither completely victims of circumstance, nor blameworthy for the offences committed against them.

In Western understandings, agency is central to personhood and to adulthood. Agency is equated with freedom, which exists when one has the option of choosing among alternatives or acting in a variety of ways. It is therefore linked with autonomy, rationality, and control (Fisher 1995; Williams 1992). This ideal of personhood is culturally masculine and

consigns women "to invisibility, subservient passivity, and self-sacrificial altruism" (Meyers 1999). However, the conception of agency as the exercise of unmitigated free choice fails to consider that choices and actions are both constrained and facilitated by the intersection of social, political and personal variables, such as the way that gender, race and class permeate social structures, personal relationships and legal practices.

The expectation that women who are sexually victimised will report the abuse to police runs counter to cultural constructions of femininity as passivity, but also fails to take into account the crippling effects of sexual violence on victims' self-esteem, confidence and will. At the same time, victims in ongoing relationships who fail to report sexual assault are at risk of being perceived as "getting what they deserve", because "real" victims or rational persons would take steps to end the abuse. It is not easy, conceptually or otherwise, to come to terms with the way that the seemingly dichotomous states of victimisation and agency could co-exist. However, if agency is understood as an ongoing, negotiated process that is facilitated by social structures, practices, relationships and contexts, it becomes easier to understand that women's silence around sexual victimisation is produced both by the effects of oppression and through their attempts to balance the varying and often conflicting demands of their personal and social situations.

At the psychological level, sexual victimisation can paralyse victims' ability to act and instil reluctance to expose painful personal secrets to police or others who may not believe the allegations or blame the victim. Victims may also be influenced by individual life contexts and values, which often reflect social, cultural and religious precepts. Incentives and barriers to reporting are mediated by a range of factors, such as access to resources, the values of the community, knowledge about options and legal processes, geographical and social isolation, and so on. Apprehension of an offender who is a family member or intimate partner may deprive victims who are emotionally or socially dependent on the perpetrator of the minimal social and emotional resources already available. Those who are economically dependent on offenders may have grave concerns about providing materially for children or other family members should reporting lead to the offender's imprisonment. Victims who value the family unit and particular gender roles, or who believe in the sanctity of marriage, may desire to fulfil the role of "good" woman and wife, to maintain the marital relationship and to keep the family intact.

Therefore, women who believe that they have more to lose than to gain by reporting sexual assault may be viewed as exercising agency and making a rational choice in not doing so. This does not mean that victims undertake a calculated analysis of the situation, because reporting decisions are likely to be made in stressful conditions and under the influence of strong emotions. However, non-reporting may be considered rational in the sense that the decision is oriented towards maintaining particular values and achieving desired outcomes.

This is not to suggest that women should not be encouraged to report sexual victimisation. In recognition of the threat that reporting represents to victims, some United States jurisdictions have introduced an anonymous reporting system, known as "blind reporting", that allows victims to gain legal information and experience with the criminal justice system, without having to immediately commit to an investigation. The benefits for victims include:

- the ability to re-establish a sense of control;
- avoiding breaches of confidentiality or revictimisation;

- allowing trust to build with the investigating officer; and
- having access to information about victim services.

Victims who ascertain that a crime has indeed been committed and who feel safe within the criminal justice system may feel more confident about filing charges and are more likely to cooperate if a formal investigation is launched.

Law enforcement agencies benefit through a more complete picture of sexual violence in the community, particularly as they gain knowledge about the behavioural patterns of repeat offenders. This information may help prevent some instances of sexual victimisation by educating the public on high-risk locations and scenarios (Garcia & Henderson 1999).

However, blind reports are not official police reports and are maintained in separate files. They are not available to the records division until the victim files an official report. As a result, blind reporting constitutes an instance of hidden recording and does not address the problem of the dark figure of sex crime. In some instances, however, blind reports do become official reports and lead to full investigations and successful prosecutions. In other cases, victims who have filed blind reports but do not take further action have come forward with information that has assisted in other investigations. Therefore the potential benefits of blind reporting need to be weighed against the problem of hidden recording.

4 Attrition and Hidden Recording

One of the major objectives of this literature review was to examine the hidden recording of sexual assault, including differences in the recording of sexual assault offences across the jurisdictions and the degree to which sexual assault is recorded as a secondary versus primary charge. The concept of hidden recording was not mentioned in any of the literature analysed, nor was it immediately understood by law enforcement and legal personnel with whom the topic was discussed. However, analysis of the literature on the attrition of sexual assault cases suggests that, theoretically at least, victim complaints may be hidden within official records. This is most likely to occur at the level of police recording practices and counting methodologies. As police files form the basis of the case for the prosecution, it is unlikely that hidden recording would occur in court records.

In many countries, reports of sexual assault are increasing, while conviction rates are falling. Concern about the successive shrinkage between the number of sexual assaults that occur and those that are reported to police, recorded by them, and proceed to trial and conviction, has resulted in a number of reviews of the criminal justice response to sexual assault complaints in Australia and elsewhere (for example see, Crime and Misconduct Commission 2002; Gregory & Lees 1999; HM Crown Prosecution Service Inspectorate & HM Inspectorate of Constabulary 2002; Kelly & Regan 2001; Northern Territory Law Reform Commission 1999; Stewart 1999; Victorian Law Reform Commission 2001).

A complex range of procedural, evidential and non-legal considerations influence the attrition process. While under-reporting contributes to attrition, high attrition rates are also believed to discourage reporting, as victims are aware that conviction is unlikely and that they may be treated with disbelief and disrespect (Kelly & Regan 2001). Three key points of attrition have been identified once a case has entered the criminal justice system:

- during the investigation, as a result of police discretion and recording practices;
- when prosecutors decide not to proceed to trial;
- acquittal after trial.

The Attrition Triangle

The attrition process can be depicted in terms of the "attrition triangle" shown in Figure 7.[2] The results of the Women's Safety Survey are used to illustrate the process. The figure shows that most charges reported to authorities are filtered out, either by police, or after referral for prosecution.

Section A: The Actual Incidence of Sexual Assault

The actual incidence of sexual assault will probably always remain unknown, since most are not reported to police and some incidents are not disclosed to survey interviewers.

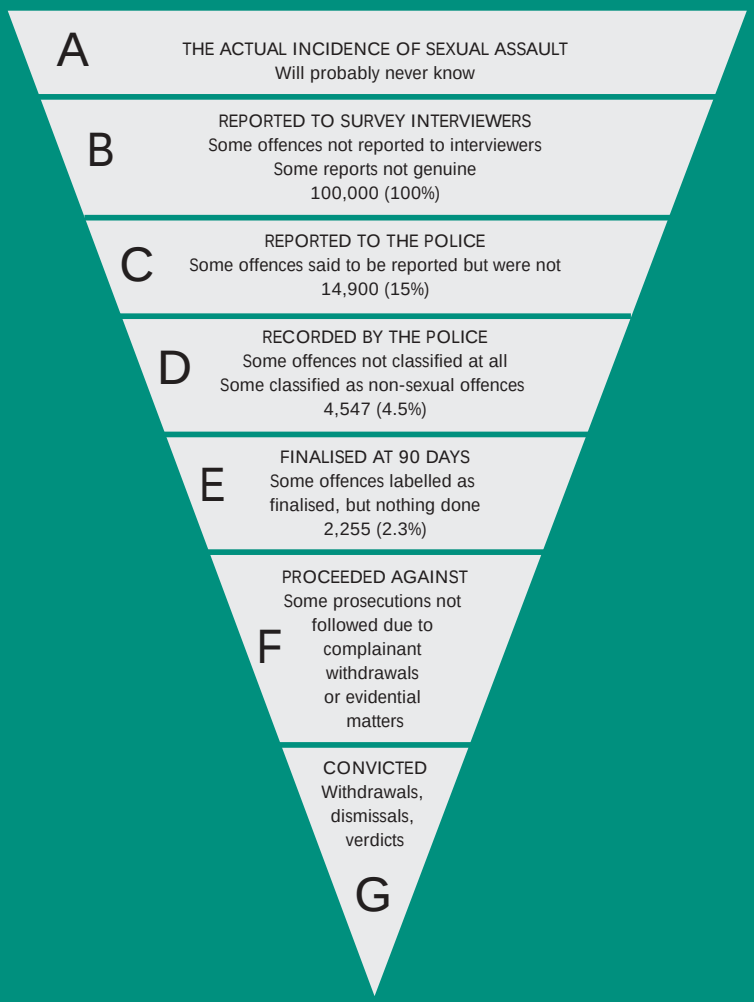
Section B: Incidents Reported to the Women's Safety Survey

An estimated 100,000 women were sexually assaulted in Australia in 1995. However, it is likely that not all respondents who were sexually abused disclosed the experience to interviewers and that some reports did not constitute genuine offences.

Section C: Incidents Reported to Police

Less than one in five sexual offences disclosed to interviewers in the Women's Safety Survey were reported to the police.

Figure 7: Attrition of sexual assault cases



Box 1. Calculations for the attrition triangle for sexual assault

B. Based on respondents to the 1996 Women's Safety Survey who reported experiencing sexual assault in the previous year.

C. This applies the percentage of incidents said to have been reported to police to the number of offences in B.

D. Based on Recorded Crime figures for the number of sexual assaults recorded by the police in 1995, adjusted to cover only women aged 18 or more.

E/F. The finalisation and prosecution rates are from sexual assaults recorded by the police in 1997 (no data were available for 1995).
The percentage finalised at 90 days and the percentage proceeded against are applied to the adjusted number of sexual assaults recorded by the police in 1995

Section D: Incidents Recorded by Police

There is a considerable degree of attrition between the number of crimes that survey respondents say they have reported to police and the total number of offences recorded by police. Researchers routinely find similar recording shortfalls. While the discrepancy may be partially inflated by survey respondents saying that they reported incidents when they did not, there are a number of other factors that impact on recorded crime rates, including differences in counting methodologies across jurisdictions, the exercise of police discretion, police recording practices and evidential and classificatory matters.

Counting Methodologies and Undercounting

The two main methods of recording crime are victim-based and incident-based recording systems. Both systems have the potential for hidden recording, primarily through undercounting the prevalence or incidence of sexual assault. The Australian Bureau of Statistics sets forward the national standards used to compile statistics for *Recorded Crime Australia*, but crime counts in the various jurisdictions are impacted by differing local definitions of sexual offences, as well as legislative and procedural differences, which result in varying numbers of offences and victims being counted. To overcome jurisdictional differences in laws and offence categories, the Australian Standard Offence Classification (ASOC) provides a uniform framework for classifying and comparing offences that are included in annual national crime statistics (ABS 1997). However, the national offence classifications may not correspond with definitions in all jurisdictions and do not contain all offences included in state and territory police statistics. In addition, *Recorded Crime* statistics differ from some statistics compiled by police in the jurisdictions because ABS figures are based on a calendar year, while state and territory police statistics are compiled on a financial year basis. As a result of these differences, caution should be exercised in making comparisons between some police and ABS statistics.

The Australian National Counting Rule

The national counting rule for recording crime follows a victim-based recording system, in which the basic counting unit is the victim. For each victim within a distinct criminal incident, the most serious offence per national offence category is counted once. If a victim is subjected to multiple offences that are classified within different national offence subdivisions, a number of offences may be recorded. Thus, if an incident involves homicide and sexual assault, which comprise different offence categories, one victim will be counted for each offence category. However, if a person is gang raped, repeatedly sexually victimised over a long period of time, or indecently assaulted and then raped (different forms of sexual assault), only one victim is recorded.

The main limitation of this recording system is that it does not record the number of distinct victims reported to police. Victims subjected to different types of offences during one incident may be counted on several occasions. However, only one offence will be recorded for multiple victimisations within the same offence category. National statistics may therefore over-count victims in comparison to state rules that count each victim and each offence, but undercount the incidence of sexual assault in repeat victimisations or when multiple categories of sexual offences co-occur (ABS 2002c; Mouzos n.d; Victoria Police 2002).

While most jurisdictions within Australia follow a victim-based counting system, jurisdictional rules are not always the same as the national standard. In addition, New South Wales follows an incident-based system, Victoria uses different methods for

counting crimes against the person, statute and infrequent crimes, and Queensland does not fully apply the national counting rules to sexual assaults and offences.

New South Wales, Australian Capital Territory, Northern Territory

In general, these jurisdictions apply an incident-based counting rule.[3] The counting units are incidents, which are defined as activities involving the same offender(s) and victim(s), occurring at one location during an uninterrupted period of time and falling into one offence category and one incident type (for example, attempted or actual rape).
An incident in which two offenders sexually assault one victim would be recorded as one sexual assault incident. Two incidents would be recorded if two distinct offences occurred (for example, a victim is sexually assaulted and robbed by one offender), even though the same people were involved at the same time and place (Allen et al. 2002).

Victoria

Victoria Police statistics represent the number of sub-incidents, which correspond to the most serious offence in a distinct course of criminal conduct. For crimes against the person, the number of principal victims for each sub-incident is recorded, unless there is a break in time and/or location.
However, offenders may be charged with other offences occurring in the same incident. Thus, when two persons are sexually assaulted by three offenders, two sexual assault offences are recorded. In the case of a person who is raped on three occasions over a week, three offences of rape are recorded, while the ABS counts one (Victoria Police 2002).

Queensland

The Queensland Police Service records most offences on a victim basis, but does not fully apply the national counting rule to sexual offences. For each victim, the most serious offence per national offence category is counted on the basis of time and place..
If a victim is subject to repeated sexual offences by one offender over a long period and these offences come to police attention at one point, the most serious offence for each separate incident, based on time and place, is counted. This system identifies the number of sexual offences, but not the number of victims. A count of 10 offences could indicate that there were 10 victims, or that one victim was sexually assaulted on 10 occasions over a period of time by one or more offenders (Criminal Justice Commission 1999).

South Australia

In South Australia, offences are recorded on a victim basis and the most serious offence rule is applied when counting offences. Generally, one offence is recorded for each victim of a particular type of crime. Thus, a number of offences may be counted in relation to any one incident. If an offender breaks and enters a house and a rape is committed, one offence would be counted for rape and another for break and enter.
If a person is repeatedly victimised by the same perpetrator over a short period of time, this could be recorded as one offence with multiple counts. However, for sexual offences since 1993, one offence is recorded for each victim of a sexual offence regardless of the number of counts listed in the incident report. This rule applies because sexual abuse may be unreported for many years and multiple counts for each offence led to inordinately high numbers of offences being recorded for each victim (Office of Crime Statistics 2001).

Western Australia

While the national rule counts victims of sexual assault, counting methods in Western Australia distinguish between prevalence (number of distinct victims) and incidence

(number of offences). As the total number of sexual assault offences is counted for each victim, the number of reported sexual assaults in Western Australia exceeds national estimates. Under national counting rules, three victims will be counted for an incident involving murder, rape and kidnap, whereas Western Australia police will count one victim and three offences (Ferrante, Fernandez & Loh 2001).

Tasmania

The basic counting unit in Tasmania is the victim, but the counting rules differ from the national standards in that one unique offence per victim per incident is counted. The victim-based rule is applied despite the number of criminal acts perpetrated when a series of acts are committed against the same victim. The number of offenders is irrelevant (Tasmania Police 2002).

Overseas Counting Methodologies

New Zealand recorded crime data count all offences arising from a single incident or in relation to a single victim. Every offence by every offender is recorded, which is likely to inflate New Zealand sexual assault rates in comparison to Australia. For example, New Zealand's counting rule would record two sexual assault offences when:

- a victim was indecently assaulted and then raped;
- a victim was sexually assaulted by two offenders; or
- a victim was assaulted twice by the same offender.

Australian rules would specify one count of sexual assault for each of these scenarios (Segessenmann 2002).

The general rule for England and Wales is that one crime is counted per victim. The rule applies when the victim is sexually assaulted by multiple offenders and when repeat victimisation over a period of time is reported for the first time. However, in the case of a rape that occurs within the context of a homicide or attempted murder, only the most serious crime is recorded (Home Office 2000, 2002).

Canada and the United States have adopted an incident-based recording system, which counts the number of criminal incidents, as well as the number of distinct offences, victims and offenders within each incident. An incident involving the rape and murder of one victim would be recorded once, because it constitutes one distinct incident, despite the occurrence of multiple offences within the incident. The United States Federal Bureau of Investigation has redesigned its Uniform Crime Reporting Program, implementing the National Incident-Based Reporting System, because it:

> *better reflects the fundamental nature of police record-keeping practices, and has important implications for police information management and operations. Incident-based reporting promises significantly richer data regarding the nature of crime and our response, and this should greatly expand our analytic capabilities at the local, State and Federal levels.*
> (National Incident-Based Reporting System 2002)

One of the limitations of this recording system is that counting is complicated by the possibility of multiple offences, victims, offenders and arrests within one incident. At the same time, incident-based recording systems tend to under-count less serious offences because incidents are classified according to the most serious offence occurring within the incident, which generally means the offence incurring the longest maximum sentence (Statistics Canada 1999). According to the United States Uniform

Crime Reporting Program, an estimated 63 women in 100,000 were raped in 2000. Supplemental homicide data provided for 12,943 incidents classified under the "murder and non-negligent manslaughter" category indicate that rape was a circumstance surrounding the murders of a further 56 women (FBI 2001). Although these rapes are recorded, they would not appear in the Uniform Crime Reporting category of "forcible rape", as murder is the most serious offence, but they would not alter the incidence rate appreciably, if at all.

Police Discretion and Under-Recording

Regardless of the counting rule applied, crime counts reflect only what has been entered into a police service's administrative database. Section D of the attrition triangle indicates that police recording practices may result in sexual assault cases disappearing from or being hidden within a police department's statistics. Under-recording can occur for a variety of reasons.

The processing of cases through the criminal justice system involves a series of selective steps. When a matter comes to the attention of police, a range of administrative, procedural and legal or evidential matters influence whether it will be recorded as an incident. Such factors include the recording rules, whether the matter is defined as a crime under criminal statutes, evidence to support the claim and the discretion of the officer investigating the matter. Research from Britain, Canada and the United States has demonstrated that exercise of police discretion is a major factor in deciding which incidents are recorded and which are screened out (see for example, Burrows et al. 2000; DuMont & Mhyr 2000; HM Crown Prosecution Service Inspectorate & HM Inspectorate of Constabulary 2002; West & Farrington 1973).

Police discretion contributes to attrition through under-recording. While national counting rules are intended to guide officers in recording crime, there are many grey areas in the law and uncertainty sometimes exists as to whether an allegation should be recorded as a crime and how it should be classified. Methods for recording crime are generally classified as either "prima facie" or "evidential". The threshold for recording crime fluctuates between these two opposing standards.

- Under the prima facie model, all matters that come to the attention of police are recorded, regardless of whether there is sufficient evidence to ascertain whether a crime has been committed. Following further investigation, allegations are classified as crimes or non-crimes.
- Under the evidential method, a matter is recorded only if there is sufficient evidence to identify that a crime has taken place. The investigating officer decides on the classifications under which the crimes are recorded.

Police discretion can be exercised in both systems, but is more important in the evidential model (Carcach & Makkai 2002). Unless an agreed standard is implemented across a police service, comparisons on recorded crimes, finalisations and relative performances between forces are subject to conjecture (HM Crown Prosecution Service Inspectorate & HM Inspectorate of Constabulary 2002).

No national studies of police recording practices have been conducted in Australia. However, a Western Australian study that compared call dispatch data (based on emergency calls to police) with police recorded domestic violence incidents, suggested that as many as one in every two calls made to police never qualify as reported offences (Ferrante et al. 1996). A recent study of Victoria Police recording practices found that while an evidential

model was in operation, officers could exercise discretion to record crime prima facie. This resulted in some inconsistencies in the way that particular categories of crimes were recorded, as well as minor discrepancies between the number of crimes that occurred and the number recorded by police. As the study covered particular categories of crime, it was not possible to conclude the full extent of discrepancies (Carcach & Makkai 2002).

A Home Office study also found that British police tend to adopt an evidential model of recording crime (Burrows et al. 2000). The researchers found that this resulted in two different outcomes. Some cases were classified as what they referred to as "definite" crimes because there was clear evidence of a crime having been committed, while others were assessed as what they called "possible" crimes. Officers sometimes chose not to record "possible" complaints of sexual assault, or they may have recorded them, but later "no-crimed" them. As many as 56 per cent of allegations of sexual assault that were initially assessed by police as "definite" crimes were no-crimed following further investigation, whereas all "possible" crimes were no-crimed. This does not mean that all "possible" crimes are unable to be substantiated and it is likely that an undefined proportion of sexual assault complaints are not fully investigated before being no-crimed. Harris and Grace (1999) found that sexual assault cases involving acquaintances were most likely to be no-crimed and that crimed cases involving intimates were likely to have no further action taken or to be discontinued by the prosecution. Other studies have found major differences in the methods used to record and classify information, which leads to disparities across forces, such as no-crime classifications ranging from one per cent to 24 per cent in different police services (HM Crown Prosecution Service Inspectorate & HM Inspectorate of Constabulary 2002). Literature from the United States also indicates that an undefined proportion of sexual assault complaints are not fully investigated before being shelved (Lonsway 2002; Ruback & Ménard 2001).

Police may filter cases in various ways:

- by deciding that they are not serious enough to record;
- categorising them as disturbances rather than offences; and
- referring victims to other emergency or welfare services.

Evidential matters are particularly important in sexual assault cases, as there are often no witnesses to corroborate the complaint and delayed reporting impedes the collection of forensic evidence and/or makes it difficult for victims to provide sufficient details to ensure successful prosecution. In some cases complainants refuse to cooperate with police, while doubts about the truthfulness of the allegation may also result in the allegation not being recorded.

Decisions not to record allegations of sexual assault may be acceptable if they are based on genuine assessments of the seriousness of the incident and its effects on the victim. However, public confidence could be undermined if police responses reflect agendas or priorities that are not based on public agreement. Systematic failure to record or investigate offences below a certain threshold of seriousness may result in the public ceasing to report these or other more serious incidents (Koffman 1996).

Classificatory Practices and Hidden Recording

Classificatory practices may contribute to the hidden recording of sexual assault cases. Classification of sexual assault allegations in Australian jurisdictions is guided by local offence codes, while national data are compiled in accordance with ASOC categories. Despite these classificatory schemes, rules

are open to interpretation and uncertainty sometimes exists as to how allegations should be classified.

No Australian studies have investigated the likelihood or extent of hidden recording. However, reports from the United States indicate that large numbers of complaints have been filed without formal reports, recorded in such a way that they were not treated as active criminal cases, or classified as non-sexual crimes or under non-criminal codes (Lonsway 2002). Research from the United Kingdom has also uncovered instances in which allegations of sexual assault were improperly classified as no-crimes when the victim declined to pursue the allegation but insisted that the offence took place.
These allegations should have been classified as sexual offences. While inappropriate recording practices may result from inadequate understanding of the counting rules, they cast doubt on the veracity of recorded statistics (Harris & Grace 1999; HM Crown Prosecution Service Inspectorate & HM Inspectorate of Constabulary 2002).

The effect of improper classification or under-recording of sexual assault complaints is to reduce the workload by closing cases, avoid investigation of difficult cases and make the incidence of sex crimes appear low and the rate of police clearance high (Lonsway 2002). While this may not be done wilfully, some police departments may be systematically undercounting sexual assaults, and in some United States police departments, as many as half of all rape complaints may have been categorised as unfounded, while large numbers of other cases have been assigned to categories that cast doubt on complainants' credibility (Ruback & Ménard 2001). However, it is difficult to assess the impact of such practices on sexual assault rates, as there is no simple way of tracking cases from their entry into the police system through to the final outcome (see discussions in Burrows et al. 2000; Harris & Grace 1999).

Sexual Homicide

The potential for the hidden recording of sexual assault is greatest in relation to sexual homicides, in which the initial crime of sexual assault is followed by the death of the victim. The homicide may be a "side effect" of sexual assault, as the offender may panic if the victim resists the attack. Alternatively, she may be killed because she is the sole witness to the incident, or when sexual assault and homicide were the primary objectives of the attack. Sexual homicides are among the most brutal of all homicides and while they typically attract a great deal of media attention, they differ from the majority of homicides in that they often do not involve a prior relationship between victim and offender.

Sexual homicides occur at a rate of approximately 10 to 12 per year in Australia (Jenny Mouzos, AIC, personal communication, 15/11/02). Between 1989 and 1999, approximately 13 per cent of homicide incidents in Australia occurred within the context of another crime, with around four per cent (117) of all homicides taking place in the course of sexual assault.
However, determining the exact number of sexual homicides in a given year could be complicated if conclusive evidence of the sexual assault is lacking, or if the crime is recorded as a homicide only, even when it is clear that a sexual assault and a homicide have taken place (Mouzos 2000).
As previously discussed, sexual assaults will be hidden under incident-based counting methodologies that apply the most serious offence rule, such as those used in Canada and the United States. However, Australian counting rules usually result in both offences being recorded, as they belong to different offence categories. As sexual homicides are relatively rare in Australia, the impact of under-counting or under-recording on official statistics will be negligible.

Section E: Finalisations

The attrition triangle shows that approximately half the number of sexual assaults recorded by police were finalised or cleared within 90 days of being brought to police attention. However as previously noted, not all finalised offences are adequately investigated. Moreover, the 30-day finalisation figures for 2001 in Table 8 demonstrate that sexual assault has one of the highest proportions of finalisations in which no offender is proceeded against.

Table 8: 30-day finalisations for sexual assault, non-sexual violence and property offences in 2001

Offence	Finalised(%)	Finalised but not proceeded against (%)
Sexual assault	36.0	48.0
Non-sexual violence	52.0	22.0
Property offences	9.0	17.0

Source: ABS 2002c, supplementary statistics

The Women's Safety Survey found that less than 30 per cent of perpetrators reported to police were charged with a criminal offence, but the reasons for this low figure are not explored. In general, crimes are finalised when:

- one or more offenders are charged for the offence;
- investigation determines that no offence has occurred;
- the perpetrator is known but cannot be charged for legal or other reasons (for example, the complainant or offender is deceased);
- the complaint is withdrawn.

The issue of complainant withdrawal is particularly vexing, as it is sometimes assumed that women who withdraw sexual assault charges are malicious, lying, or wasting police time and resources. While some complainants withdraw charges as a result of intimidation by, reconciliation with, or dependency on the offender, others do so after police tacitly or overtly prompt victims to withdraw the complaint. Victims see no point in pursuing the matter following intimations by police that the allegations are false or that the victims were somehow responsible for the assaults. This may be particularly the case when there is a prior relationship between the assailant and the victim, as women may question their role in the attack.

The impact of complainant withdrawals on national attrition rates in Australia is unclear. Queensland data indicate that from 1994 to 1998, six per cent of cases, on average, were withdrawn by complainants before charges could be laid (Criminal Justice Commission 1999). By contrast, a British study found that complainant withdrawal was the most common reason that no further action was taken on "crimed rape" (that is, where police have determined that a crime has taken place), accounting for 50 per cent of cases lost at this stage (Harris & Grace 1996).

Hidden recording is theoretically possible when no further action is taken on a complaint of sexual assault. In practice, however, it appears that this is unlikely in most Australian jurisdictions. For example, in South Australia, complaints that are not followed through to charging and prosecution are classified as "No Action PIR (Police Incident Report)", but these reports are recorded and counted as sexual assaults (Theo Sarantaugas, South Australia Police, personal communication, 06/11/02).

Section F: Prosecutions

While Table 8 shows more finalisations for sexual assaults than for property offences, attrition at the proceedings stage is typically much higher for sexual assault cases than for other crimes. Victims of sexual assault face a number of personal and legal barriers to

going to trial, which result in additional cases being filtered out at the prosecutorial and court levels of processing.

- Victim withdrawal-*Heroines of Fortitude* found that complainants who gave evidence at committal hearings likened the experience to "a trial before the trial" (Department for Women 1996, p. 84). Some women were so distressed following this experience that they were unwilling or unable to cope with the trial and either failed to appear or chose not to follow through with the complaint.
- Evidential sufficiency-Evidentiary matters, including whether the evidence is admissible and reliable, are pivotal in the decision to forward a case to prosecution. Prompt documentation of injuries and collection of forensic evidence and evidence from corroborating witnesses strengthens the case. However, many sexual assaults take place without witnesses and delayed disclosure is a common feature of sexual abuse. A large number of cases are screened out of the hearing and sentencing process due to concern over evidential sufficiency (Crime and Misconduct Commission 2002).
- Police response-Victims sometimes perceive a lack of commitment to prosecution on the part of police. However, police sometimes feel that it is important to warn a complainant about potential difficulties with the case, particularly if the evidence is weak. This action may inadvertently deter some complainants, while others feel that they are actively being encouraged to withdraw their allegations. However, even when police treat allegations of sexual assault as crimes, they may decide not to institute proceedings if the chances of a successful prosecution are slight.
- Police charging decisions-In many jurisdictions police bring charges without consulting the Director of Public Prosecutions (DPP) and the investigating officer determines the selection of charges (Crime and Misconduct Commission 2002). Police may sometimes downgrade classifications:
  - in anticipation of a lesser charge being pursued in the courts;
  - out of concern that they might be unable to clear a more serious offence; or
  - because of their perceptions of the way in which a jury might view the case.

  Thus, hidden recording in the form of sexual assault being recorded as a secondary crime is possible at this stage, but is said to be unlikely, as discussed below.
- Prosecutorial discretion in charging decisions. The DPP must determine the appropriateness of the charges for which the accused is to stand trial. Prosecutorial charging decisions may be influenced by a variety of factors, including the burden of proof and the likelihood of acquittal. Some cases do not proceed based on:
  - precedence;
  - where new evidence exculpates the accused; or
  - where the defendant is terminally ill.

  Plea-bargaining for a lesser charge is a common practice, based on relative certainty of conviction and attempts to spare the complainant form giving evidence. A British study found that a number of defendants in rape cases involving acquaintances were convicted of non-sexual charges (Harris & Grace 1999).

- Discontinuation by the DPP. The criteria for determining whether to proceed to trial tend to centre on the sufficiency of the evidence and whether it is in the public interest to prosecute. Given the seriousness of sexual assault, there is rarely doubt that prosecution is in the public interest. Therefore, decisions to go to trial are strongly influenced by the likelihood of conviction. Cases that are likely to result in acquittal by a jury on evidential grounds tend to be rejected by prosecutors. However, deficiencies in investigations, such as inadequate police briefs and interviewing techniques, may also lead to discontinuation (Crime and Misconduct Commission 2002; Stewart 1999).

It is possible that police charging decisions and practices such as plea-bargaining could result in sexual assault being charged as an ancillary offence. However, given the seriousness of sexual assault and the fact that police records exist for all alleged offences proceeding to court, the impact on official statistics is unlikely to be substantial.

Section G: Convictions

Court charges are finalised through a plea, a verdict of the jury (or in some cases by a judge), or when the charge is determined not appropriate at arraignment or by the judge during the trial (Department for Women 1996). Conviction rates for sexual assault, and for rape trials in particular, are low in Australia and elsewhere.

In most western European countries, between one in eight and one in 10 reported rape cases result in a conviction (Kelly & Regan 2001). In England and Wales, convictions for rape have decreased from 33 per cent in 1977 to around eight per cent in 1999, despite initiatives to improve the response of the criminal justice system. Only 20 per cent of reported cases reach the trial stage (HM Crown Prosecution Service Inspectorate & HM Inspectorate of Constabulary).
Various research projects on the attrition of rape cases in the United Kingdom have found that between six per cent and 19 per cent of cases proceeding to trial result in convictions (ESRC Violence Research Programme 2002). A Home Office study found that only six per cent of a sample of rape cases resulted in convictions. From the initial sample:

- 25 per cent were no-crimed by police;
- no suspect was identified in 11 per cent of cases;
- no further action against the suspect was taken by police in 31 per cent of cases;
- eight per cent were discontinued by the Chief Crown Prosecutor;
- seven per cent resulted in acquittal or the case to lie on file;
- seven per cent resulted in a conviction for offences other than rape (Harris & Grace 1999).

Conviction rates for sexual assault cases across Australia in 1995 are not available. However, Queensland and New South Wales court data illustrate the low rates of conviction. Between 1994 and 1998 in Queensland, charges for sexual offences increased steadily, while conviction rates were relatively stable. The court data in Table 9 show that rape charges resulted in convictions for a minority of appearances, while charges for other sexual offences, offences against the person and other types of offences resulted in higher conviction rates. The figures are slightly higher when translated into the number of appearances that result in convictions, but the general pattern remains the same.

Table 9: Conviction rates for rape and other charges in Queensland 1994-1998 (%)

Offence	Charges resulting in convictions	Appearances resulting in convictions
Rape	35.0	45.0
Other sexual assaults	57.0	67.0
Offences against person	59.0	73.0
Other offences	73.0	75.0

Source: Criminal Justice Commission 1999

The *Heroines of Fortitude* study covered all sound-recorded sexual assault hearings in the District Court of New South Wales between 1994 and 1995 in which the victim was an adult female. The guilty plea rate was 26 per cent, which is consistent with earlier studies. Guilty pleas were regarded favourably and usually resulted in sentence reduction for the offender, while drug use or intoxication often mitigated sentences. The conviction rate following a plea of not guilty was 31 per cent. Analysis of principal offences (the charge that received the highest penalty), the total number of offences and the outcomes of the hearings, showed that almost half (49 per cent) of the total number of sexual assault offences resulted in a not guilty verdict (Department for Women 1996).

Further examination of Australian court data is required to determine whether there are systematic variations in the numbers of cases in which "no conviction" findings are the result of a "not guilty" verdict by jury, a dismissal of the charge by the court, or a withdrawal by the prosecution and, in the latter case, the reasons for decisions to terminate legal action (Criminal Justice Commission 1999). It does appear, however, that judges and prosecutors may regard sexual assaults by strangers as more serious than those committed by non-strangers, not because the trauma suffered by the victim is assumed to differ in either case, but because the randomness of stranger attacks represents a heightened danger to the community (Kingsnorth et al. 1999). Moreover, jurors find particular types of evidence or arguments persuasive and some of these may tap into community myths about "real rapes" (Heenan 1997).

Convictions and Hidden Recording

Data from the New South Wales Lower Courts for 1990 to 1996 illustrate that sexual assault charges are unlikely to be hidden by other charges, as defendants are often charged with multiple offences.

During this period, 1,637 cases of sexual assault came before the New South Wales Local Courts. As the court records code information for up to four different offences per person, this resulted in a total of 1,816 sexual assault offences.[4] Some cases involved multiple sexual offences, while other cases of sexual assault were committed within incidents involving crimes as diverse as assault, property charges and driving offences. The data show that when the primary charge relates to a sexual offence, the ancillary charges are more likely to be for other types of assaults than for sexual assaults (237 "other assaults" for offence 2, and 47 for offence 3). When sexual assault was an ancillary charge (offence 2 to offence 4), the primary charge (offence 1) was more often coded as "other assaults" (n=100) than any other type of offence. There were few cases in which more than four sexual assault offences were coded. Table 10 shows the number of cases in which multiple sexual offences were charged, from the first offence to the fourth offence.

Table 10: Multiple sexual assaults charged from offences 1-4

	Offence 1	Offence 2	Offence 3
Offence 2	99		
Offence 3	37	44	
Offence 4	14	15	21

Principal offences were recorded for 819 cases. The principal offence is the offence that receives the severest penalty, and no principal offence is recorded when a person is not convicted. Convictions for sexual assault were therefore handed down for 50 per cent of all cases, with 82 per cent (674) of all principal offences relating to sexual offences. Each offence can attract up to three penalties. If a person is charged with more than four offences the information about the additional charges is lost. In spite of this, it is unlikely that sexual assault can be hidden in court records.

The topic of hidden recording was discussed with members of a working group for an Australian Capital Territory sexual assault data pilot study. The group included representatives of the Women's Legal Centre, the Australian Federal Police, the Courts, and the DPP. The minutes for the meeting note that "there was a general consensus among the members of the working group that this could not occur because of the serious nature of sexual assault offences" (Lil Hays, ACT Department of Justice and Community Safety, personal communication, 3/10/02). The potential for hidden recording is greatest in the pre-trial stages and particularly at the stage of classifying crime allegations.

Summary: Hidden Recording and Attrition

The number of sexual assault cases that proceed to trial and sentencing constitutes a small proportion of those brought to police attention. The attrition triangle strongly suggests that official police statistics systematically undercount the magnitude of sexual assault. This occurs because police data reflect only incidents that victims are either willing to report or consider serious enough to report. They also cover only those reported incidents that officers consider serious enough to record or choose to record.

Issues to do with classification, discretion and satisfactory evidence further explain the undercount of sex crimes. However, counting and recording practices may also afford invisibility to incidents of sexual assault that have been reported by victims but misclassified by police. The extent to which hidden recording is implicated in the attrition of sex crimes and inflates apparent rates of "non-reporting" is unclear. In theory, the potential for hidden recording of sex crimes exists at various stages of the legal process. In practice, it appears that hidden recording may be less problematical for sexual assault figures than under-recording and undercounting. Representatives of criminal justice agencies suggest that the severity of the crime is such that sexual assault is rarely recorded as a secondary versus a primary charge.

5 Sexual Assault of Indigenous Women[5]

Indigenous communities in Australia have only recently begun discussing sexual assault and other forms of violence openly. The international literature indicates that Indigenous women's risk for sexual assault is dramatically heightened in comparison to the general population. However, it is difficult to determine the extent of the problem, as sexual violence is one of a number of forms of violence that are endemic in Aboriginal communities in Australia and overseas.

International usage of terms referring to pre-colonial peoples varies. In Australia, the histories, problems and sociocultural specificities of Aboriginal and Torres Strait Islander groups are diverse. This report uses the terms "Aboriginal" and "Indigenous" interchangeably to refer to the traditional inhabitants of Australia and other colonised lands, while recognising their heterogeneity. References to Aboriginal "communities" cover three types of locales:

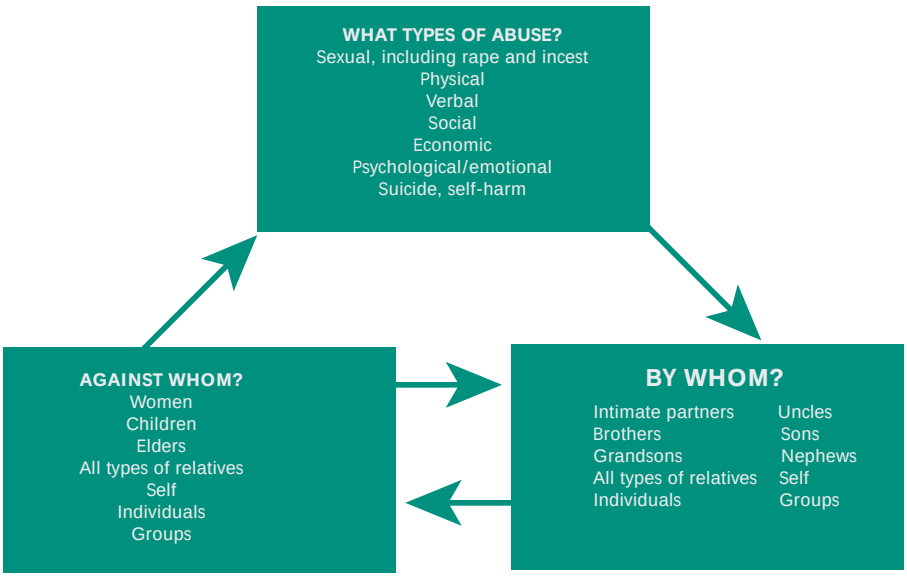
- discrete communities, which are often located in remote areas;
- rural or lesser urban communities found on the outskirts of small country towns; and
- urban communities located within metropolitan areas or regional towns.

The residents of a community may live in one location or be more widely dispersed, but they interact as a social network. While different communities have different problems, needs and ways of responding to sexual violence, this report necessarily takes a broad overview of the issue.

Family Violence

Many Indigenous women in Australia, Canada, New Zealand and the United States believe that the term "family violence" is a more adequate descriptor than "domestic violence" of the matrix of interpersonal abuse that occurs in their communities. Domestic violence describes the abuse of a woman by a man in a relationship that is marked by gendered inequities of power.

Figure 8: The dynamics of family violence



Family violence is a more inclusive concept, which emphasises the powerlessness engendered in Indigenous men and women by colonialism and racial oppression and is implicated in family dysfunction and violence. As shown in Figure 8, family violence covers a broad spectrum of abusive behaviours. These include domestic violence, sexual violence and self-harm, and are perpetrated within and across generations, by and against a range of extended family members, who may be biological or social kin.
While the family violence model stresses the effects of violence on the family as a whole, a disproportionate amount of violence is perpetrated against women and children by men. Moreover, children are affected not only as victims and witnesses, but also as perpetrators (see discussions in Bachman 1992; Cram et al. 2002; Gordon, Hallan & Henry 2002; McGillivray & Comaskey 1999; Memmot et al. 2001; Partnerships Against Domestic Violence 2001).

Family violence both stems from and contributes to the destruction of Aboriginal cultures. While there is no single causal factor, family violence is inextricably linked with Indigenous peoples' experiences of marginalisation, disempowerment and racist violence following colonisation. They were profoundly affected by the rapid erosion of cultural and spiritual identity and of family and community structures, which maintained social order by sustaining relationships and obligations. Pre-colonial Indigenous women were respected and equal members of society, but they became subject to widespread sexual abuse by white colonial settlers and, increasingly, by their own men.
Under customary law, sexual assaults were serious offences that were punishable by death in some circumstances (Cattalini 1992; Northern Territory Police Force 1993; LaRocque 1994; Thomas 1993).

The level, nature and severity of sexual assault against Indigenous women by Indigenous men appear to have escalated in recent years. They are now subject to types of violence, such as gang rape, that would not have been tolerated in pre-contact society. This is sometimes attributed to men's sense of powerlessness and cultural exclusion following the breakdown of traditional gender relations. It may also represent a continuation of the sexual, physical and mental abuse commonly experienced by Indigenous children who were removed from their families as recently as the 1970s (Atkinson 1998; Mow 1992; Tatz 2001).

Not all Indigenous women accept that patterns of gendered violence should be ignored in favour of racial violence. Melissa Lucashenko (1997) notes it is acceptable for Aboriginal women to speak out about men's oppression and state-perpetrated violence, but that drawing attention to the actions of Aboriginal men who commit rape and other acts of violence leaves women open to verbal censure. Aboriginal men hide their violence behind the rhetoric of disempowerment, although they generally hold more power than women. Sharon Payne (1992) also questions the tendency of lawyers and judges to justify or pardon rape on the grounds of ostensible cultural norms or the loss of lands and culture. These defences deny justice to victims, whose loss of cultural heritage affords no protection against sexual victimisation. From Canada, Emma LaRocque (1994, pp. 5-6) mounts a similar argument.

> *Men assault; cultures do not...*
> *As long as offenders are defended in the name of culture, they will continue to avoid taking any personal responsibility for their actions. And this will only perpetuate the problem...*
> *Sexual violence is global and universal. Men of all backgrounds, cultures, classes and economic status assault women...*

> *...[Violence against women] is a conscious and deliberate form of power, not one that is necessarily caused by "abuse" or other traumas.*

Sexual Assault in Other Post-Colonial Countries

Statistical data on the prevalence and incidence of sexual assault against Aboriginal women in post-colonial countries are difficult to find. No national studies have been carried out among Canadian Aboriginal communities, but a regional study conducted in 1989 found that eight out of 10 Aboriginal women in Ontario had experienced family violence and that 57 per cent had been sexually abused (Green 1996). This study is believed to be statistically representative of other communities across Canada (LaRocque 1994). Localised studies indicate that the rate of family violence against Canadian Aboriginal women is three times higher than the rate established by the Canadian Violence Against Women Survey (McGillivray & Comaskey 1999).

The NZ National Survey of Crime Victims did not find statistically significant ethnic differences in sexual victimisation rates, although trends indicated that Mâori and Pacific Island women were at higher risk of sexual violence than *pakeha* (European) women (Young et al. 2002). The NZ Women's Safety Survey found that Mâori women were twice as likely as *pakeha* women to report at least one incident of physical or sexual assault by a current partner (44 per cent compared to 22 per cent). They also reported higher rates of repeat victimisation, 12-month and lifetime prevalence rates, more serious types of abuse, and higher levels of abuse by ex-partners. These estimates should be interpreted with caution, as there have been no methodologically comparable studies conducted among ethnic and racial minorities in other countries. It is not clear whether ethnic differences in victimisation rates reflect real differences in abuse, differences in willingness to disclose victimisation, or an interaction between the two (Morris 1997, 1998).

The National Violence Against Women Survey found statistically significant differences in rape reported to survey interviewers between white and Indigenous women (American Indian/Alaska Native); African-American and Indigenous women; and white and mixed-race women (see Table 11). Asian/Pacific Islander women were significantly less likely than all other women to report rape.

Table 11: US women raped in lifetime by race

Victim race	Victimisation rate (%)	N
American Indian/Alaska Native	34.1	88
Mixed race	24.4	397
African-American	7.4	780
White	17.7	6,542
Asian/Pacific Islander	6.8	133

Source: Tjaden & Thoennes 2000b

Cautious interpretation of the results is warranted by the small number of women in each group and uncertainty as to whether variance in victimisation rates can be explained by actual differences in victimisation. Further studies are needed to determine how much variance may be explained by cultural, social, demographic and environmental factors, as well as their intersection with race and ethnicity. However, evidence suggests that the risk of sexual victimisation is higher for Native American women than for other ethnic and racial groups.

The Extent and Nature of Sexual Assault in Indigenous Communities

Quantitative data on sexual assault are scarce. An adequate assessment of the problem is hindered by under-reporting, strained relationships between Indigenous and non-Indigenous peoples and a lack of culturally appropriate support services and research methods. The number of

Indigenous women included in the Women's Safety Survey was too small to provide reliable estimates. National surveys that utilise telephone interviews exclude many Aboriginal women who do not have phones or permanent residential addresses. The results of local studies are often neither directly comparable nor generalisable to other contexts, as they focus on particular places or specific communities over specified periods and utilise different methodologies. As many studies deal with the broad topic of family violence rather than focusing on sexual violence alone, assessing the extent of sex crimes as a discrete occurrence within family violence is also difficult.

However, evidence suggests that sexual assault of Indigenous women by both Aboriginal and non-Aboriginal men is endemic. Various task forces and inquiries commissioned by state, territory and federal governments have yielded qualitative information about sexual and family violence through consultation with Indigenous women and organisations involved in their welfare. Anecdotal evidence, case studies and submissions to inquiries support the assumption that sexual violence in Indigenous communities occurs at rates that far exceed those for non-Indigenous Australians. They also suggest that the problem is escalating as traditional Aboriginal culture erodes and drug and alcohol abuse spirals (see Blagg 2000; Department of Aboriginal and Torres Strait Islander Policy and Development 2000; Fitzgerald 2001; Gordon, Hallahan & Henry 2002; Law 1996). Sexual assault counsellors in South Australia have estimated that few Indigenous girls reach the age of 14 without being raped or assaulted (Mow 1992).

Police statistics may offer the best estimates of sexual violence against Aboriginal women, despite the problems of under-reporting and under-recording. Western Australian data indicate that:

- Aborigines were over five times more likely than non-Aborigines to be victims of violent crime;
- 72 per cent of Aboriginal victims were women, compared with 45 per cent of non-Aboriginal victims;
- the incidence of sexual offences was 1,070 per 100,000 persons for Aboriginal women, compared to 290 per 100,000 for non-Aboriginal women (Loh & Ferrante 2000);
- Aboriginal women living in rural and remote areas were 45 times more likely to be victims of domestic violence than non-Aboriginal women and one and a half times more likely to be victimised than Aboriginal women in metropolitan areas (Ferrante et al. 1996).

This extremely high incidence rate is likely to be due to a combination of the counting methodology used by Western Australian police and higher recording rates due to the seriousness of injuries sustained by Aboriginal women.

In Queensland in 2000-01, recorded sexual offences rose by five per cent from the previous year (Queensland Police Service 2001). Findings were that:

- the overall rate of sexual offences for the state was 160 per 100,000 persons;
- the Far Northern Region had the highest rate, at 235 per 100,000 and the largest increase in recorded sex offences (16 per cent);
- high rates of sexual assault in this region are perpetrated against Indigenous women.

These figures are part of an historical trend. Queensland police statistics for 1996-97 indicate that the highest incidences of sexual assault were reported in four Indigenous communities in the Far Northern and

Northern police regions. The data show that women in these communities were between 16 and 25 times more likely to be sexually assaulted than women in the rest of the state. Police recorded statistics on rape show that:

- the state average was 17 rapes or attempted rapes per 100,000 population;
- the rates in the four Aboriginal communities were 233, 470, 335 and 82 attempted or completed rapes per 100,000(Memmot et al. 2001).

While Indigenous women are over-represented in police data as victims, the level of sexual assault against them is likely to be grossly underestimated. Other sources also point to the high incidence of sex crimes against Indigenous women.

Aboriginal women are disproportionately represented in sexual assault trials. Complaints of domestic violence reported to Western Australian police by Aboriginal women had a slightly higher clearance rate due to the laying of criminal charges than those involving non-Aboriginal women (Ferrante et al. 1996). This may reflect the more serious nature of domestic victimisation among Aborigines. A Queensland review of Indigenous women's involvement in the criminal justice system found that most sexual assault cases heard in North Queensland courts involved Aboriginal women (Law 1996). The New South Wales study, *Heroines of Fortitude*, found that women from Aboriginal communities were 10 times more likely than non-Aboriginal women to come before the District Court of New South Wales as complainants in sexual assault cases. Low conviction rates (25 per cent) led Aboriginal women to believe that Aboriginal offenders received lenient sentences, possibly because judges take into account the history of Aboriginal deaths in custody. Aboriginal women believe that this sends a message that sexual assaults against them are less serious than sexual violence against non-Aboriginal women (Department for Women 1996).

Data from domestic violence service agencies in the Northern Territory show that the majority of victims of domestic violence identified as Caucasian (47 per cent). Aboriginal and Torres Strait Islander women comprised the second largest group (37 per cent) and were over-represented in relation to the proportion of Indigenous peoples in the Northern Territory population (26 per cent) (Hunter 1996). However, many Indigenous women do not utilise support agencies, as they are often culturally inappropriate and are difficult to access for women who live in remote communities. Similarly, while Aboriginal women comprise approximately nine per cent of clients seen at a metropolitan Perth sexual assault centre and are over-represented in relation to their numbers in the population, this figure under-represents the number of women being assaulted (Gordon, Hallahan & Henry 2002).

At the same time, police data and anecdotal evidence indicate that levels of sexual violence are highest in remote communities, although many sexual offences are reported in rural and urban areas. Aboriginal peoples' perceptions support this view. The National Aboriginal and Torres Strait Islander Survey (ABS 1998) found that family violence is more widely perceived as a common problem in regional urban centres (51 per cent) and rural areas (49 per cent) than in capital cities (32 per cent). Cape York women also report that sexual assault is becoming a serious problem in their communities (Department of Aboriginal and Torres Strait Islander Policy and Development 2000). Western Australian data also suggest that the risk of victimisation is higher for Aborigines living in rural or regional centres than for those living in urban areas. This may also reflect the large number of Aboriginals who live in country areas (Ferrante et al. 1996; Loh & Ferrante 2000).

Statistical data are essential for monitoring increases and decreases in incidence and prevalence, but many data collections fail to elicit disclosures of sexual assault from Indigenous women because they are devised, administered and analysed by non-Indigenous people. Surveys, for example, fail to take into account the oral tradition of Aboriginal culture and the trauma that can be experienced by recalling incidents of sexual assault. Atkinson (1998, p. 6) notes that sometimes "the story is so painful it cannot be acknowledged until there is a place of safety for the telling".. Community-based data collections or qualitative approaches that take into account Indigenous ways of relating may give a more accurate view of the nature and dynamics of sexual violence (Laing & Greer 2001).

Pam Greer, an Aboriginal woman who provides education and information about violence to Indigenous communities in Australia, suggests that there may be more similarities than differences between Indigenous and non-Indigenous victims of sexual assault (Laing & Greer 2001). Carter's (1987) survey of Indigenous sexual assault victims in Adelaide highlights some similarities in the risk profile for Indigenous and non-Indigenous victims, including:

- 90 per cent of victims were female;
- 50 per cent were aged between 21 and 28 years;
- seven per cent experienced repeat victimisation by intimate partners over a period of two to five years;
- most rapes occurred in the home (51 per cent);
- levels of gang rape were relatively high-17 per cent were gang raped by between three and 27 offenders;
- Indigenous perpetrators were more likely to be known to the victim than non-Indigenous offenders, as were the majority of pack rapists (80 per cent);
- most victims (75 per cent) did not report sexual assaults to police, for reasons that included fear of not being believed, fear of repercussions in the community and fear of retaliation.

At the same time, the particularities of Indigenous women's experiences should not be ignored.

The Cape York Justice Study focused on alcohol and substance abuse and the causes, nature and extent of breaches of the law among Indigenous communities of Cape York (Fitzgerald 2001). Alcohol abuse is the single most prevalent proximal feature of self-inflicted injury and sexual violence in the Cape communities and in other Indigenous communities in Australia and overseas (LaRocque 1994; Northern Territory Police 1993). However, many Indigenous women do not find it acceptable to justify violence on the grounds that the offender was drunk because:

- violence against women is not always connected with alcohol. Not all Aboriginals drink and there are a number of "dry" communities;
- not all men who drink beat their wives;
- sober men take advantage of intoxicated women's inability to refuse consent or resist unwanted sexual advances.

While there is a clear association between alcohol consumption and violence, alcohol is less a causal agent than an exacerbating and facilitating factor. Women in Cape York communities areparticularly reluctant to talk about sexual assault, perhaps because sexual abuse in violent relationships is the most difficult form of violence to discuss. Yet many Aboriginal women are subject to multiple and repeated violent victimisation, as the following quote indicates.

> *A young woman was beaten to death by her boyfriend. There was a history of ongoing violence between the two for*

> *two years prior to her death. Damage included knife wounds, broken limbs, cuts and bruises around the head and face and damage to the genital area from being raped time and time again.* (Atkinson 1989, cited in Mow 1992, p. 11)

This excerpt reflects current knowledge on the nature of sexual assault in Indigenous communities. It is acknowledged that:

- Aboriginal women and children are the most victimised groups in Australian society;
- violence against Indigenous women is more serious than in non-Indigenous communities;
- they report significantly more incidents that were preceded by alcohol or drug use;
- they are more likely to be subject to repeated and multiple types of violence;
- they are more likely to be assaulted with weapons (Bolger 1991; Ferrante et al. 1996).

In addition to sexual and family violence, the lives of Indigenous populations are marked by poverty, unemployment and social disadvantage, poor health, inadequate housing and education, high mortality and morbidity rates, decreased life expectancies, suicide, self-harm, lack of access to basic services, and high rates of crime, arrest and incarceration. Many Indigenous people view the criminal justice system as part of the problem.

Under-reporting by Indigenous Women

Criminal justice data from Australia, Canada, New Zealand and the United States show that Aboriginal peoples are unlikely to report crime or access legal services. It has been estimated that 88 per cent of rapes and assaults of Aboriginal women in Queensland are never reported to police (Atkinson 1990, cited in Greer & Breckenridge 1992). Consultations with Aboriginal women across Australia confirm that, although they consider sexual violence a serious matter, sex crimes are considerably under-reported.

Law and justice are not synonymous for Indigenous peoples, because of discrepancies between customary law and statute law and as a result of the discriminatory application of criminal law to Indigenous Australians (ABS 1998). Reasons for non-reporting are grouped here under three categories:

- mistrust of police and the legal system;
- lack of awareness of the law and legal process; and
- personal, family and community factors.

However, these categories are not discrete.

Mistrust of Police and the Legal System

Aboriginal girls comprised the majority of children removed from their families and subjected to sexual and other abuses under the policies of protection, assimilation and integration. Therefore, Aboriginal women respond to sexual and family violence by turning first to the community, attempting to deal with the problem within traditional structures. Often, police are called only when the community is unable to deal with the problem, or when the situation is life-threatening or extreme, as in gang rapes (Cunneen 2001a, 2001b; Domestic Violence Legal Help 1995).

- State agencies are perceived as racist and sexist. It is easier not to report sexual assault than to be subjected to a legal system that has no empathy or respect for Aboriginal women (Cook, David & Grant 2001). At the individual level, racist and sexist stereotypes manifest in discriminatory and irrelevant remarks made by judges and defence counsels about complainants' sexual histories, moral standing and fitness as mothers.

At the institutional level, police forces fail to protect Indigenous women or to adequately investigate their complaints of violence.

- Aboriginal women fear brutality, interrogation and revictimisation at the hands of police. Historical and anecdotal evidence, as well as first-hand accounts submitted to government inquiries, tell of the sexual assault of Aboriginal women by police or while in police custody. Aboriginal women reporting sexual assault have been arrested and held in police cells for drunkenness or outstanding warrants, even though they were suffering emotional and physical distress.
- Indigenous women may be met with indifference, disbelief or judgment by non-Aboriginal authorities. If the case goes to the courts, the victim is faced with the rigours of the trial, low conviction rates and lenient sentencing of offenders. Indigenous women appearing in court may also be shy of white people, come from a background in which sexual matters are not discussed in mixed company or in public, and may be intimidated by authority figures.
- Many representatives of the criminal justice system accept that violence against women is "the Aboriginal way". Aboriginal men's cultural rights have been distorted and sexual assault has been legitimated through the mistaken belief that customary law sanctions violence against women (Lloyd & Rogers 1993). This view may be fuelled by many women's refusal to lay charges or by withdrawal of complaints.
  Aboriginal women tend to relinquish further contact with the legal system and encourage others to do so when they hear judges, lawyers and police comment that violence against Indigenous women is commonplace and therefore not to be taken seriously.
- The criminal justice system is perceived as not promoting fairness or equity and as lacking compassion. Indigenous women are suspicious of police involvement in domestic disputes, as the courts have historically been used against them. Court procedures often result in the removal of children from their families and incarceration of adults.
- Concern for offenders deters reporting. The prison system is viewed as an aspect of the violence cycle that brutalises, desocialises and deskills Indigenous men, but also carries the risk of death in custody. The secrecy that attaches to sexual assault is compounded by fear that reporting sexual violence could result in the offender's death in custody. This protects offenders and perpetuates the cycle. The irony is that more Indigenous women may be dying in their communities as a result of family violence than are offenders dying in custody (Memmot et al. 2001).
- Remote communities are often under-policed and lack appropriate services. Many do not have a police presence, let alone female community liaison officers or access to Aboriginal and Torres Strait Islander legal services. Police are often slow to respond to calls of sexual assault and their own attitudes determine how much importance they place on calls. There is a feeling that police will not take action following reports of sexual assault, especially if the perpetrator is non-Aboriginal. Failure to respond permits violence to continue and fosters the perception that police are uninterested in violence against Aboriginal women.

Lack of Awareness of the Law and Legal Process

Many Aboriginal women experience a pronounced lack of self-esteem and a profound sense of disempowerment. They often lack awareness of basic human rights or, if they are aware of their rights, display a marked lack of confidence in asserting them. Some have little contact with the wider community, which limits their understandings of and responses to criminal victimisation.

- Indigenous women who have little understanding of the concept of relationship rape and the unlawfulness of sexual violence rarely identify these acts as crimes.
- Many have limited knowledge of their legal rights and those who do are reluctant to seek legal intervention, because they fear victim-blaming.
- Aboriginal women often lack knowledge about formal ways of complaining and steps to be taken following a sexual assault, such as not taking a shower to enable evidence to be collected.
- Limited levels of education preclude the ability to make informed decisions about accessing the legal system and other mainstream services.
- They may be unaware that the criminal justice system extends beyond the police-to DPP programs and services, for example-as contact with legal staff such as prosecutors is often limited to a short talk in the hallway prior to entering court.

Personal, Family and Community Factors

The family plays a central role in the lives of Aboriginal women and the boundary between self, family and community is not as clearly defined in Aboriginal culture as in Western societies. The structure of Indigenous families involves a densely interconnected network of reciprocal ties and obligations. Breaking these ties is inconceivable and Indigenous women who are the victims of family violence prefer strategies that change the offender's behaviour and maintain family relations.

- The "shame" factor is a key barrier to reporting. Few women are willing to talk about or report sexual assault as a result of personal shame and reluctance to bring shame on the family or community. Approaching male police officers on women's issues can be too shameful to contemplate.
- Pressure for women to fulfil extended family responsibilities leaves them unable to fulfil personal needs; they are expected to simply deal with what has happened. Feelings of distress and hopelessness are suppressed or denied: "The pain becomes internalised within the family. To focus on the abuse so it can be dealt with feels like betrayal of other family members who, it is understood, also carry this pain" (Atkinson 1998, p. 3). Many victims turn to drugs or alcohol to forget the abuse and shame.
- Reporting a partner or family member to police is antithetical to the familistic cultural tradition, so women put up with violence at great personal cost. Secrecy is expected and censorship enforced through family denial, betrayal, anger and disbelief.
- Women fear disbelief and being blamed for the attack. Some see little option but to resign themselves to victimisation, especially when the perpetrators are their own kin or powerful members of the community. This does not mean that sexual assault is condoned.
- Reporting of sexual violence is often seen as a betrayal by other community members.
- A lack of guaranteed confidentiality discourages reporting. Police and legal workers who are members of the

community have been known to discuss intimate details of cases outside their offices.

- Lack of privacy often coexists with fear of humiliation through gossip and fear of ostracism, intimidation and retribution by the offender's family. Under the "payback" system, physical and verbal confrontations may be so intensive as to discourage the victim from reporting the rape or from proceeding with a complaint.
- Police cannot guarantee to protect the victim against retaliation by the accused and other members of his family. Although some sex offenders are convicted and imprisoned, they eventually return to the community, which can result in the offence being repeated or in persistent psychological abuse.

Aboriginal Women and the Legal Process

Heroines of Fortitude found that Aboriginal women had particular needs in the trial process but were treated differently from non-Aboriginal complainants. Complainants' credibility was regularly challenged, sometimes directly-when they were asked whether they were lying-or indirectly-when it was implied that the victim made a false report in order to gain compensation. Defence lawyers also used cultural stereotypes against complainants; these construct Aboriginal women as amoral, unsophisticated and vengeful. Language barriers posed particular problems and they appeared to experience a greater amount of emotional and physical distress and shame in giving evidence than non-Indigenous women, especially when compelled to talk about aspects of the offence that related to their genitalia (Department for Women 1996).

The case of Robyn Kina, an Aboriginal woman who was the defendant, rather than victim, in a criminal case, illustrates the difficulties faced in court by Indigenous women, particularly if their experiences of sexual assault have been hidden for years and are discounted during the court process. Kina pleaded not guilty to the murder of her de facto husband, Anthony Black, on grounds of provocation and lack of intent. She had been sexually assaulted by various men since the age of seven and, during her relationship with Black, was constantly subjected to beatings, rape and humiliation, including being forced to have sex with his workmates. He raped her at least twice in the week preceding his death. On the day of his death, Black threatened to rape Kina's 14-year-old niece after Kina refused to have anal sex.

On the advice of Kina's lawyers, who found her an uncommunicative and "difficult" client, neither she nor other possible witnesses was called to give evidence of Black's brutality. The trial lasted a matter of hours, although trials analysed in *Heroines of Fortitude* lasted an average of four days. Kina was found guilty of murder and sentenced to life imprisonment. The Queensland Court of Criminal Appeal eventually quashed Kina's conviction and declared a miscarriage of justice. It found that extraordinary difficulties in communication resulted in Kina being denied adequate legal representation and unable to make informed decisions. These difficulties arose as a result of cultural, psychological and personal variables, including her Aboriginality, her sense of shame and guilt and the battered woman syndrome (see discussions in Cunneen 2001a; Easteal 2001; Hancock 1997).

The Kina case highlights important aspects of Aboriginal women's experiences in the criminal justice system, especially because lawyers may lack cultural sensitivity and understanding of the effects of sexual violence. Despite repeated sexual victimisation, often beginning in childhood,

Aboriginal women have little recourse to legal protection, because the offences are rarely brought to police attention. When they do seek protection, police may fail to take action or to provide them with information about their legal options. In extreme cases such as Kina's, sexual brutality may continue to be hidden if defendants are not enabled to present evidence of the abuses they have suffered.

For Aboriginal women, testifying in a court of law causes enormous mental and emotional distress, not least because they do not speak openly about sexual matters and other "women's business".. Inability to understand the language and proceedings of court situations contributes to Indigenous women making inappropriate and sometimes damaging remarks about their case.
The adversarial style of cross-examination exacerbates the problem, because it conflicts with Aboriginal styles of communicating and may result in women answering incorrectly or not at all. Finally, the reality of having lived in a violent relationship also impacts on a woman's ability to respond to a style of cross-examination that is abusive, humiliating and victimising (Department for Women 1996).

Overview of Non-reporting by Indigenous Women

Many Indigenous women will continue not to report sexual assault, given their pervasive distrust of and alienation from the criminal justice system. The barriers to reporting are exacerbated by a lack of culturally acceptable resources and staff within police and legal services. At the same time, LaRocque (1994) notes that while the principle behind the call for "culturally appropriate" services is admirable, it seems to suggest that Indigenous women tolerate sexual violence on the "cultural" basis of preserving the "family" or "tradition".. This practice obscures the impact of colonisation upon Indigenous people and distorts and stereotypes the notion of culture and cultural differences.

Aboriginal peoples in Australia, Canada and New Zealand view the Western criminal justice system as an inappropriate response to sexual and family violence-as part of the problem, rather than a solution to it.
They reject the criminalisation of violence within intimate relationships as the main strategy for dealing with sexual assault and are exploring civil legislative responses.
These are usually community driven, as the diversity of Indigenous communities renders generic models inappropriate. They are aimed at maintaining family relationships and connectedness, promoting individual and community healing within extended family structures, and ending the violence without offenders being jailed. They are based on customary law and the principles of restorative justice and reconciliation. Interventions may include traditional forms of justice, which offer swift retribution in the form of payback or family fighting. The criminal justice system is involved only in serious cases.

6 Sexual Assault of Women from Non-English-speaking Backgrounds

The literature on ethnic minority responses to intra-familial violence overlaps somewhat with the family violence approach of Indigenous communities. This is especially the case in relation to the importance of family, unease about criminalising acts that occur within families, victims' experiences of racism within the criminal justice system and the cultural appropriateness of victim services.

Given the cultural and linguistic diversity of migrant groups in Australia, generalising about the sexual victimisation of NESB women runs the risk of reinforcing ethnic stereotypes. Moreover, not all overseas-born women have a strong sense of ethnic identity or cultural ties, and their experiences vary according to the nexus of variables such as age, socioeconomic status, political beliefs, religion and their category of immigration. As relatively little empirical research has been published in relation to this topic, this review takes an overarching perspective, with the suggestion that future empirical research should be oriented towards the specificities of the cultural groups studied. Debates about the terms "culture", "ethnicity/race", migrant/refugee and NESB/CALD (culturally and linguistically diverse) are not entered into. The terms are used more or less interchangeably to facilitate a broad view of the salient issues.

The Extent and Nature of Sexual Assault in NESB Communities

Attempting to determine the extent of sexual assault among NESB women is fraught with difficulty, not least because there are over 100 ethnic groups in Australia, speaking more than 80 languages (Standing Committee on Social Issues 1996). Much research in this area takes the form of local qualitative studies, due to the sensitivity of the topic, taboos against discussing private matters, and the difficulty of accessing NESB women through surveys and phone-ins. However, the value of attempting to determine the incidence of sexual abuse in NESB communities may also be questionable without firstly establishing a community's definition and perception of the issue and because comparable statistics for the general community are often inadequate (Seitz & Kaufman 1993).
As with Indigenous communities, researchers more often focus on domestic violence, so information relating specifically to sexual assault is rare.

Several types of data can be considered as indicators of sexual assault in ethnic groups, including survey and phone-in data, court records, and statistics from sexual assault centres. The Women's Safety Survey collected information about victims' country of birth, but the small sample of respondents from NESB groups precluded analysis of the experiences of women born in specific countries. Although the estimates for women born outside Australia are less reliable than for Australian-born women, the results indicate that women born in Australia are more than twice as likely to experience sexual violence than women from non-English-speaking countries (around two per cent versus one per cent, respectively, disclosed an incident of sexual victimisation in the previous 12 months).

Other attempts to capture the extent of sexual assault in NESB communities have also encountered small samples; for example, only six per cent of callers to a New South Wales sexual assault phone-in were of NESB origin (Standing Committee on Social Issues 1996). In the United States, the National Violence Against Women Survey found that Asian/Pacific Islander women were less likely than Indigenous, mixed race, and white

women to report being raped in their lifetime (seven per cent compared to 34 per cent, 24 per cent and 18 per cent respectively). It is possible that lower victimisation rates for Asian women may be at least partially an artefact of under-reporting, as traditional Asian values emphasise family harmony and solidarity and may discourage disclosure of sexual abuse, especially by intimates (Tjaden & Thoennes 2000a).

NESB women are also under-represented in court as victims of sexual assault. Of 150 hearings analysed in the *Heroines of Fortitude* study, only eight matters involved complainants from ethnic communities. In all cases the accused was a partner, ex-partner, relative or family associate (Department for Women 1996).

In 1994-95, only three per cent of adult victims of sexual assault presenting for the first time at sexual assault services in New South Wales spoke a language other than English at home. The proportion for 1997-98 was four per cent (NSW Health 2001). These numbers are similar to figures recorded in 1989 and 1990, although the proportion rose to around 14 per cent between 1992 and 1994 (Standing Committee on Social Issues 1996). A Northern Territory study of domestic violence agencies found that six per cent of clients identified with a cultural identity other than Caucasian or Aboriginal and Torres Strait Islander (Hunter 1996).

A small sample of annual reports was obtained from sexual assault centres around Australia for this literature review. Although they are not representative of all victim agencies in Australia, ethnicity was rarely reported. This may indicate that sexual assault workers do not routinely record this particular variable and/or that numbers of ethnic women seeking help are low. The proportion of NESB women presenting for the first time at the Canberra Rape Crisis Centre over a five-year period ranged from 12 per cent in 1995-96, to a low of eight per cent in 1997-98, and a peak of 26 per cent in 2000-01 (Canberra Rape Crisis Centre 2001).

It is generally accepted that existing figures are likely to be gross underestimates of the extent of the problem, but it is not clear whether sexual violence against migrant and refugee women is more or less prevalent than in the Australian-born population. Few women participating in a survey of overseas-born victims of domestic violence believed that the level of abuse in Australia was higher in their homeland than in Australia. However, the majority believed that domestic violence was more tolerated and hidden in their countries of origin, less likely to be discussed, or to be viewed as a crime by police or the courts, with less support given to victims (Easteal 1996). Evidence suggests that NESB women are more vulnerable to sexual violence but less able to seek redress (Department for Women 1996). Therefore, sexual assault in ethnic communities may be more likely to remain hidden.

The nature of sexual violence in migrant communities is also unclear. NESB women may be vulnerable to sexual assault in ways that differ from the experience of English-speaking women. The risk for sexual assault may also vary across ethnic groups and at different times following arrival in Australia. Perpetrators of sexual violence are often family members and NESB women's vulnerability to sexual violence in the period immediately following migration may increase temporarily as a result of the stresses of resettling, which often include unemployment, lack of support, language difficulties and isolation. Sexual violence may intensify as extended family members join the household, either because of increased tension due to the arrival of others, or because these family members are the perpetrators (OSW 2001; Partnerships Against Domestic Violence 2000).

Beyond temporary increases in rates of sexual assault, migrant women might be at risk of sexual violence in exploitative work situations, as unscrupulous employers take advantage of their fears about deportation and economic hardship, or their lack of awareness of their rights. They may also be more vulnerable in general to sexual violence because their cultures of origin often contribute to values that tolerate violence against women and girls, sometimes as a part of women's traditional role within the family, but also through practices such as female genital mutilation. The potential for increased empowerment of women in Australia may therefore cause resentment and a backlash among men. Initiatives to tackle sexual violence may require an approach that involves the whole family, including perpetrators, rather than focusing solely on women (OSW 2001)

Barriers to Justice for NESB Women

The Women's Safety Survey found that 96 per cent of NESB women who were sexually victimised did not report the most recent incident to police, compared to 83 per cent of women born in Australia.
Qualitative studies conducted among NESB women have identified shame and fear as the primary barriers to reporting sexual assault-but a number of secondary barriers have been identified by researchers in Britain (Kapur 1997), Canada (Godin 1994, Roboubi & Bowles 1995) and Australia (see Alwashewa 1996;Cunneen & Stubbs 1997; Easteal 1996; Many Voices, Different Stories 1996; Not The Same 1996; OSW 2001; Partnerships Against Domestic Violence 2000; Women's Legal Resources Centre 1994; Victims Referral & Assistance Service 1999). As the issues were largely the same in each country, this discussion considers the literature as a whole. Reasons for non-reporting are organised into four categories:

- personal;
- cultural and religious;
- informational/language; and
- institutional/structural.

Again, the categories are not discrete. In addition, many of these factors not only prevent women from reporting, but also comprise barriers to justice for women who do seek legal recourse.

Personal Barriers

Many NESB women are socially, culturally and linguistically isolated. Isolation increases vulnerability to sexual assault and inhibits reporting.

- Women whose lives are centred on the home may be isolated from family and friends who could offer advice and assistance. However, they may be misinformed about the options available.
- Disclosure of sexual assault causes personal shame and may bring dishonour to the family. Victims may believe that disclosure will be viewed as evidence of their failure as wives. Alwashewa (1996) found that NESB women blamed victims of sexual assault for their own victimisation. They were characterised as attractive women who do not listen to others, dress provocatively, socialise and talk a lot, do not believe in God and are neither bright nor careful. On the other hand, they did not always hold perpetrators responsible for their actions. Offenders were often characterised as mentally ill, poor, uneducated, or married men who do not find sexual satisfaction with their wives and are therefore unable to exercise control with other women.
- Reporting is inhibited by fear, which has a number of aspects: fear of reprisal and escalating violence; fear of deportation and loneliness; fear of inadequate social and financial support; fear of victim-blaming and disbelief; fear of losing

custody of children. As public identification may lead to alienation and stigmatisation, reporting is also deterred through fear of being identified in the media and fears about the confidentiality of information disclosed to bilingual interpreters or others in small communities.

- Lack of self-esteem and confidence, feeling trapped due to family and financial responsibilities, and economic dependence upon abusers also inhibit reporting (Partnerships Against Domestic Violence 2000).

Cultural and Religious Barriers

The values adopted by ethnic communities and by individuals within them are neither universal nor synonymous with nationality, as culture is subject to personal interpretation and values and practices may alter in different contexts. However, cultural traditions and values dictate how migrant women are treated in their communities. At the same time, sexual assault is viewed differently by cultural groups and by different members of these groups. Most societies have clearly defined rules about acceptable sexual behaviours and sanctions against transgressing sexual mores (Garrett 1992). Therefore, the following barriers do not apply to all immigrant groups.

- Some ethnic communities are small and male-dominated. Community leaders may deny that sexual assault is a problem. Minimisation or denial of the problem makes it difficult for women to ask for help and they may face intense pressure not to disclose sexual violence.
- Men often hold undisputed authority over household members. The notion of marital rape does not exist in cultures in which women "belong" to their husbands. Sexual assault is sometimes understood as entailing vaginal penetration and/or physical violence. A woman may not regard herself as having been sexually assaulted if neither of these has occurred, or if the aftermath does not fit the perception that the damage is primarily physical.
- The primacy of the family, the permanence of marriage and the privacy of family matters are fundamental cultural and religious values in many ethnic groups. Family issues may be even more private than they are in the wider Australian society. As in Indigenous communities, informal resolution mechanisms within the extended family, the church, or the community are often the preferred way of dealing with sexual assault. However, women may be advised to stay in the relationship and keep the family together.
- Sexual violence is often not disclosed to family or friends, let alone to police or other outsiders. Leonard (1996) found that NESB women were less likely than Anglo women to favour reporting sexual assault to police. They believed that women could avoid sexual victimisation by not putting themselves in situations where they are at risk and that women should always acquiesce to sex with their husbands, as the marital relationship was paramount.
- In strongly patriarchal societies women's sexual reputations are highly prized. Married women who reveal that they have been sexually assaulted may be viewed as criticising their husbands or betraying community values. Unmarried women may jeopardise their chances of a good marriage.

Informational/Language Barriers

Immigrant women have important legal informational needs, but may find it more difficult than other women to access information about sexual assault, family law, their immigration status, their eligibility for assistance or their sponsor relationship (Godin 1994).

- Men are often the gatekeepers of knowledge. Women who are sponsored as spouses or fiancées are usually dependent on their sponsors for residency. Asian women who are sponsored by white Australian men are particularly vulnerable to specific forms of racial and sexual abuse, and violence is often a feature of serial sponsorship. Perpetrators may deny women access to knowledge about Australian legislation, legal rights and options, resources and services, or misinform victims about their rights and the likelihood of deportation if the relationship breaks down.
- Language barriers and lack of knowledge about the interventionist role of the police feature prominently in under-reporting. Issues in relation to various branches of the criminal justice system include lack of interpreter usage, lack of access to information about criminal justice procedures, and insensitivity to language and culture.
- Police and lawyers may fail to fully inform victims of their rights, the legal process, and its outcome. Migrant and refugee women therefore perceive the criminal justice system as discriminatory and insensitive to their needs. The belief that the odds are stacked against them causes some to abandon further action.
- Cultural sensitivities mean that many women are reluctant to disclose the details of the offence to a male, but female bilingual police liaison officers are scarce.
- Some concepts are culturally specific or denote different meanings to different communities. Even women who have some proficiency with English may have difficulty in understanding some terms, causing confusion and frustration for themselves, interpreters and representatives of the justice system (Roboubi & Bowles 1995).

Institutional/Structural Barriers

Structural and institutional barriers to reporting include migrant women's prior experiences with authorities, the monocultural nature of the criminal justice system and the racism, sexism and lack of respect that often permeate the responses of service providers to NESB women (Assafiri & Dimopolous 1995; Bird 1995).

- The unconscious acceptance of ethnic stereotypes by representatives of the criminal justice system disempowers and marginalises NESB women who are seeking redress. Racialised and sexualised stereotypes commonly construct Asian women, and Filipino women in particular, as passive, loyal, obedient and sexually compliant, but also as manipulative and promiscuous. Other stereotypes legitimate violence against women as the expected and natural consequences of cultural values, with the result that perpetrators are sometimes treated leniently in the courts. Bird (1995, p. 5) cites cases in which men's "ethnically linked hot-bloodedness" and "ethnically linked beliefs" reduced the crime of murder to manslaughter. The naturalisation of such representations obscures the way that stereotyping impacts on migrant women's reporting behaviour and their treatment within the legal system (Cunneen & Stubbs 1997).
- Police, lawyers and judges often question the intelligence and credibility of NESB women with poor language skills. Women who fear that their allegations of sexual assault will not be believed are unwilling to subject themselves to racist legal agencies and processes. A Canadian study noted that a woman of Indonesian descent did not report her sexual assault because she felt that institutionalised racism would preclude "anyone believing the story of a dirty Indian over that of a nice white boy" (Hattem 2000, p. 15).

- The perception of racial discrimination by police also deters reporting due to the fear that victims' spouses, if they are the offenders, will be dealt with harshly.
- NESB women often fear and lack trust in police and other authorities. Suchting (1999) reports that over 80 per cent of Sydney's refugee community has experienced sexual torture. Because many women were traumatised and tortured by police and other authority figures in their country of origin, they associate police in Australia with repression and brutality, not with support or protection of victims.
- NESB women are disadvantaged in the court system. While there is an awareness of the need to train court staff in gender and cross-cultural issues, the situation is far from ideal. For example, some cultures have prohibitions against eye contact between men and women, but the complainant's respect for the court and the credibility of her evidence may be questioned if she fails to meet the eyes of prosecutors and judges.
- The adverse impact of institutional barriers on ethnic women's access to redress is not confined to the criminal justice system. For many ethnic women, a general practitioner is their only contact outside the family and community. However, doctors often fail to make appropriate referrals to support services for women showing signs of or disclosing sexual abuse. This may be a result of judgments based on misinformed cultural perceptions, such as the belief that the abuse of Muslim women by their husbands is more widespread or tolerated than in the general community. Many victims feel that doctors are not on their side as a result of culturally insensitive attitudes and a lack of respect shown by general practitioners (OSW 2001).
- Equity in service provision has not been achieved. While the role of support agencies such as refuges is unfamiliar to some NESB women, others are reluctant to use them because staff are racist, have different values or beliefs from victims, or because agencies are unable to respond to their needs in culturally sensitive ways (Victims Referral & Assistance Service 1999).

Asian Women and Non-reporting

Studies conducted in Hawaii and Japan demonstrate the deterrent effect of cultural values on reporting decisions. In Honolulu, Ruch et al. (2000) investigated variables that influenced reporting of sexual assault in a multi-ethnic sample of 709 female victims presenting at a sexual abuse treatment centre. The ethnic population of Honolulu comprises 33 per cent Caucasian, 25 per cent Japanese, 13 per cent Filipino, 10 per cent Hawaiian or mixed Hawaiian, seven per cent Chinese and small proportions of other groups. Women of Asian background (both state residents and tourists) were significantly less likely than women of other ethnic groups to report the assault to police and were over-represented among victims who delayed seeking treatment for more than 72 hours after the attack. The researchers attribute under-reporting by Asian women to the loss of face or shame that may follow public disclosure of sexual victimisation.

A study of reporting behaviour among Japanese, Chinese, Korean and English-speaking women living in Japan found that Western trends in reporting behaviour were only partially reflected (Dussich 2001). While 29 per cent of survey respondents said that they had been victims of sexual assault, only 14 per cent of all incidents were reported to police, including 20 per cent of rapes, 24 per cent of attempted rapes, 23 per cent of incidents involving sexual contact with force and eight per cent of incidents involving sexual contact without force. The most common reasons for not reporting were that

the victim did not consider the incident serious enough to report (22 per cent); that she thought reporting would be troublesome (15 per cent); or that the police would ask unpleasant questions (14 per cent).
The degree of violence and the relationship of the victim to the offender did not significantly influence reporting behaviour. While the low numbers of non-Japanese women did not permit comparisons across the groups, the trends suggested that they might be even less likely to report sexual assault than Japanese women, possibly because they are greatly inhibited by the conservative values of the dominant culture.

The results also indicate that the dark figure of sex crime in Japan is much larger than previously thought. Dussich (2001) notes that sexual assault had not previously been studied in Japan and that he had difficulty in obtaining the cooperation of academics and organisations when conducting the research. He looks towards cultural beliefs and values to explain this phenomenon, as well as under-reporting.

In common with other Asian cultures, the Japanese prioritise values such as honour and the family. Reporting sexual assault opens up the potential for public disclosure of the incident and loss of face for both the victim and the family. In addition, Japanese culture places a high value on endurance in the face of adversity, suffering in silence, sharing responsibility for unpleasant events and defusing a situation to restore harmony.
In contrast to Western women, who may have a greater sense of being legally offended against, Japanese women's sense of being violated may be less severe than self-blame, generated through the belief that they have failed in their responsibility to protect themselves. Confrontational and litigious actions, promoted as effective ways of gaining redress in the West, run counter to Japanese cultural values. Given the concern with avoiding loss of face and the unpleasantness of discussing sexual assault, many Japanese women who are sexually victimised suffer in silence or even commit suicide, rather than risk public disclosure of their association with taboo or shameful behaviour.

Overview of Non-reporting by NESB Women

Australia's humanitarian and immigration programs contribute to a culturally diverse and vibrant social fabric, which requires service providers and policy-makers to embrace diversity in their responses. All too often, service responses, including those of the criminal justice system, are predicated on the notion that people from particular regions or countries form a homogeneous group. Representatives of the criminal justice system may also unconsciously accept racist and sexist stereotypes. Prejudice, ethnocentricity and failure to provide adequately trained interpreters or to explain Australian laws, legal processes and services, mean that ethnic women's access to justice is negatively impacted.

Beyond structural inequalities, a range of personal, cultural, religious and informational variables impact NESB women's recognition of sexual violence as a crime and their willingness to report it to authorities. Therefore, some ethnic communities believe that strategies other than a criminal justice approach are more appropriate for dealing with sexual violence. These include:

- addressing victims' informational needs;
- maximising conditions that encourage disclosure;
- decreasing stigma; and
- educating communities on the negative impact of sexual violence on family relationships (Partnerships Against Domestic Violence 2000).

7 Sexual Assault in Rural Australia

Information on sexual offences in rural areas is fragmented in Australia and elsewhere. Research has primarily concentrated on urban settings; national statistics often do not distinguish between urban and rural regions; and the complexity of regional variations in crime have been overlooked until relatively recently (Jobes et al. 2001). Sexual assault in rural areas is usually included as a component of domestic violence in the small body of literature available. Studies of rural women's experiences also tend to be small and localised and no large-scale studies have been undertaken to date. This situation may reflect implicit assumptions that crime is an urban problem, or that there is no difference in the extent and nature of sexual assault between rural and urban areas. Alternatively, it may reflect the fact that victimisation surveys often fail to reach rural populations and are confounded by problems of sensitivity in regions where anonymity and confidentiality could be problematic. Despite the paucity of literature, a number of themes were consistently raised in the available literature. The first issue to be addressed is how to distinguish between rural and urban areas.

Defining Rurality

While there is no standard definition of what comprises a rural area, the term is often treated as though it refers to a single concept or experience. However, rurality is a multi-dimensional concept that encompasses at least four spheres of meaning:

- demographic dimensions, such as low population densities and geographical isolation;
- occupational/economic dimensions-"rural" is often treated as a synonym for farming, implying restricted occupational opportunities and a low degree of differentiation in the social structure;
- social structural dimensions relating to small populations, which are seen as homogeneous, intimate and informal due to kinship ties, as well as more reliant on informal mechanisms of social control;
- cultural dimensions relating to attitudes, beliefs, values and behaviours, through which rural areas are characterised as traditional, slow to change, intolerant of diversity and outsiders, parochial and fatalistic (Weisheit, Wells & Falcone 1995).

While population size is an important consideration in defining rurality, a focus on population density results in a simplistic rural/urban dichotomy. Viewing rural and urban areas as a continuum allows factors other than population size to be considered in analyses of sexual assault (Baxter 1992). The ABS uses two separate classifications. The first distinguishes between:

- major urban centres, with 100,000 or more people;
- other urban areas, with population clusters of 1,000 to 99,999 people;
- rural localities, which have populations between 200 and 999 people; and
- rural balance areas, which comprise the remainder.

The second classification is based on accessibility to, or geographical/temporal remoteness by road from service centres, which are urban centres with populations greater than 5,000. Under this classification, more remote localities have less access to service centres (ABS 2002a). As Figure 9 shows, aside from the coastal fringe, vast areas of Australia are classified as remote or very remote, although service centres are only moderately accessible by road to large parts of some states and territories.

Figure 9: Remote and accessible areas

Source: ABS 2002a

Using ABS classifications, some centres can be categorised as both urban and remote. Carcach (2000b) distinguishes between metropolitan and regional (or non-metropolitan) areas. He notes that the features of rural areas in Australia tend to be both diverse and complex. Metropolitan areas largely correspond with capital cities and the major urban areas surrounding them. Regional areas may include urban centres of various sizes and are commonly understood to refer to rural localities. "Regional" carries specific connotations that disguise the diversity of rural areas. Thus, regional areas may encompass:

- country towns that show some degree of urbanisation but are geographically remote from major population centres, lack access to services, or have economies based on primary industry;
- small towns and surrounding farms;
- stations;
- alternative communities and communes;
- Aboriginal communities and outstations in remote areas; and
- mining communities which are urbanised to some extent but are isolated and lack cohesiveness and support networks.

In general, crime rates increase with population density, but because patterns of crime vary within and between regions, it is misleading to treat a state or territory, or rural regions within them, as homogenous. In addition, metropolitan areas are not uniformly more prone to crime relative to regional areas (Carcach 2000a; Harding et al. 1997).

Nor are rural women a homogeneous group facing one set of problems in relation to sexual assault. The diversity of rural areas means that some rural women may have more options than others. While women in large regional cities often have access to a range of services and can maintain anonymity, to their benefit or detriment, women in more isolated rural and remote areas rarely have the same degree of choice. Aboriginal and NESB women living in rural or remote areas experience additional barriers that include cultural isolation, language barriers and low social status (Lovell 1996). As issues specific to Aboriginal and NESB women are dealt with in detail elsewhere, this section discusses the most salient issues for rural women in general. Inevitably, it will draw on the literature on domestic violence.

Estimating Sexual Violence in Regional Areas

The Women's Safety Survey was unable to provide reliable estimates for sexual violence at the state or territory levels or for rural and remote areas. The Crime and Safety Survey found little difference in levels of sexual victimisation in metropolitan (0.5 per cent) and non-metropolitan areas (0.4 per cent). An Australian study conducted in the late 1980s found that when crime in the centre of Sydney was controlled for, recorded crime rates per head of population were similar in rural and metropolitan areas. In particular, there was little difference in rates for assault, rape and murder (O'Connor & Gray 1989). In the United Kingdom, the British Crime Survey found that while women living in urban or inner-city areas were slightly more likely than women in rural areas to report sexual victimisation, the difference was not statistically significant. The Canadian Violence Against Women Survey also found very little difference in rates of assault between large urban (30 per cent) and small urban and rural areas (around 28 per cent each) (Canadian Centre for Justice Statistics 1994).

Other sources point to higher rates of sexual victimisation in urban areas. Survey data from Finland and the United States show that women living in large cities are at much higher risk of sexual assault than women in suburban areas, which in turn have higher rates than rural areas (Heiskanen 2002; Rennison 2000; Ruback & Ménard 2001). The Uniform Crime Reports in the United States also indicate that recorded sexual assault rates are much higher in urban areas (Weisheit, Wells & Falcone 1995). However, Uniform Crime Report results may be at least partially an artefact of under-reporting by victims and under-recording by police (Ruback & Ménard 2001). Only 89 per cent of rural police forces, compared to 97 per cent of metropolitan agencies, report to the Uniform Crime Report and many small police departments do not contribute at all (Jobes, Barclay & Donnermeyer 2002).

While Australian data are patchy, they suggest that domestic violence is a major problem in country areas. The recorded incidence of domestic violence is often higher in rural areas than in metropolitan areas, with higher rates again in remote areas. In all likelihood this reflects the very high rates of interpersonal violence against Aboriginal women in remote and rural regions (Women's Services Network 2000). Sexual assault is likely to follow a similar pattern, as victims of domestic violence are often subject to two or more forms of persistent abuse. Overseas research supports this view. For example, a study of 19 victims of domestic violence in Canada found that most had experienced multiple types of abuse in their intimate relationships. One-third reported being sexually assaulted by their partners, other family members and family friends, when they were children, teenagers and adults (Forsdick Martz & Sarauer 2000).

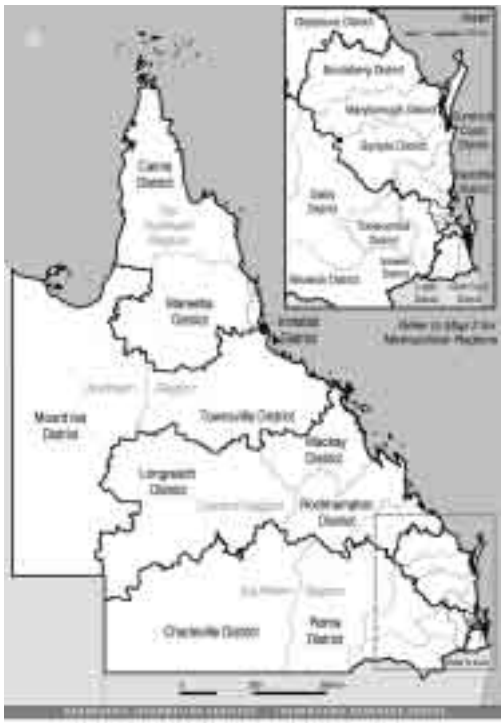
Police Recorded Sexual Assault in Rural Areas

Police data are often the only statistical measures of regional variations in sexual assault. This section reports on regional breakdowns and trends in sexual assault for most Australian jurisdictions.[6] Population densities will be considered as an indicator of whether particular regions can be considered rural or urban.

Queensland

Queensland police regions vary from the densely populated Metropolitan Regions in the southeast corner, to remote areas that are sparsely populated and have few urbanised centres, as seen in the Far Northern Region (see Figure 10).

Figure 10: Queensland Police regions and districts 2000–01



Source: Queensland Police Service 2001

Sexual offences recorded by Queensland police increased by five per cent from 1999-2000 to 2000-01, but the rate of increase could be inflated by changes to the Criminal Code in 2000, which expanded the definition of rape and attempted rape. Figure 11 details recorded rates of sexual assault per 100,000 population for each of the police regions during 1999-2000 and 2000-01.

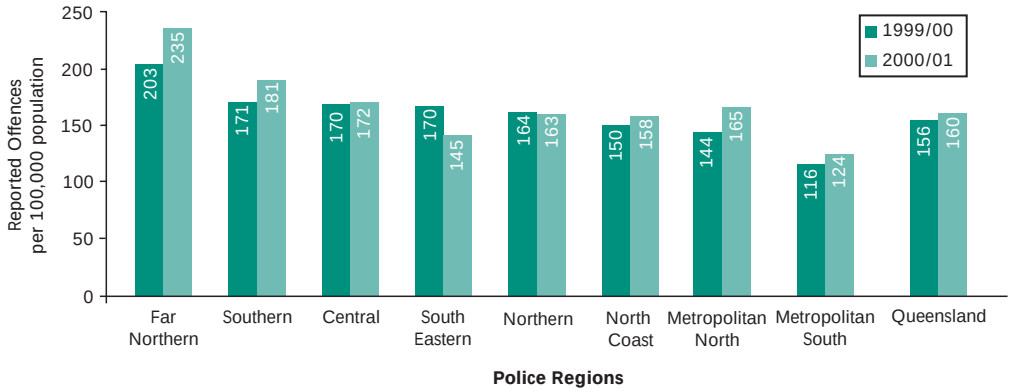
The largest increase and the highest recorded rates were observed in the Far Northern Region, a remote area with a large Indigenous population. High rates were also recorded in the Southern, Central and Northern regions, which have relatively low population densities and other characteristics associated with rurality. In general, rates in the urbanised southeast corner were lower than the state total.

New South Wales

Between 1999 and 2001 sex offence rates in New South Wales reflected the urban/rural differential seen in Queensland. Figure 12 shows the boundaries of New South Wales Statistical Divisions (SDs) used to determine the rate of regional sex crimes.[7]

The highest rates of sexual assault occurred in three regional SDs and far exceeded the rate of 56 per 100,000 population for the state, while the lowest rates, in three metropolitan SDs, were well below. Table 12 details the number and incidence of sexual assaults over three years for each of these SDs and for the state. Although there are some fluctuations in the recorded crime rates, changes were not statistically significant.

Figure 11: Queensland regional sexual assault rates 1999–00 and 2000–01



Source: Queensland Police Service 2001

Figure 12: New South Wales Statistical Division boundaries

Source: Allen et al. 2002

A study of rural crime in New South Wales also found that higher rates of sexual assault were recorded in rural areas from 1995 to 1998. Social variables that were predictive of higher rates were:

- proportionately larger Aboriginal populations;
- lower rates of home ownership; and
- low average growth.

Together these indicate a degree of social disorganisation and instability, such as migration in and out of the area, and low levels of commitment to and investment in the community (Jobes et al. 2000). The Far West health region, which corresponds substantially but not entirely to the Far West SD, has the smallest population of all health regions in the state and the highest proportion of Aboriginal residents (Broken Hill and Menindee Rural Crisis Intervention Projects 2001).

Victoria

Victoria's five police regions are also quite distinct in terms of population densities and associated socio-demographic characteristics (see Figure 13). Region 1 includes the Melbourne metropolitan area. The other regions contain a small number of major regional centres, such as Ballarat or Bendigo, smaller cities like Horsham and Benalla, country towns and farming localities.

Recorded rates of sexual offences for 2000-01 are detailed in Table 13.

Table 12: Sexual assault rates in New South Wales regions, 1999-2001

Statistical Division where offence occurred	Recorded criminal incidents 1999 N	1999 Rate per 100,000	2000 N	2000 Rate per 100,000	2001 N	2001 Rate per 100,000
Regional Statistical Divisions						
Far West	34	140.6	25	106.0	26	112.1
North Western	112	95.5	149	127.5	128	109.9
Murray	79	71.5	108	98.2	116	105.3
Metropolitan Statistical Divisions						
Central Northern Sydney	83	21.3	87	22.0	81	20.0
Lower Northern Sydney	77	26.6	68	23.3	77	26.0
St George - Sutherland	104	24.5	127	29.5	120	27.5
New South Wales	3,201	50.0	3,615	55.9	3,674	56.2

Source: Allen et al. 2002

Figure 13: Victoria Police regions

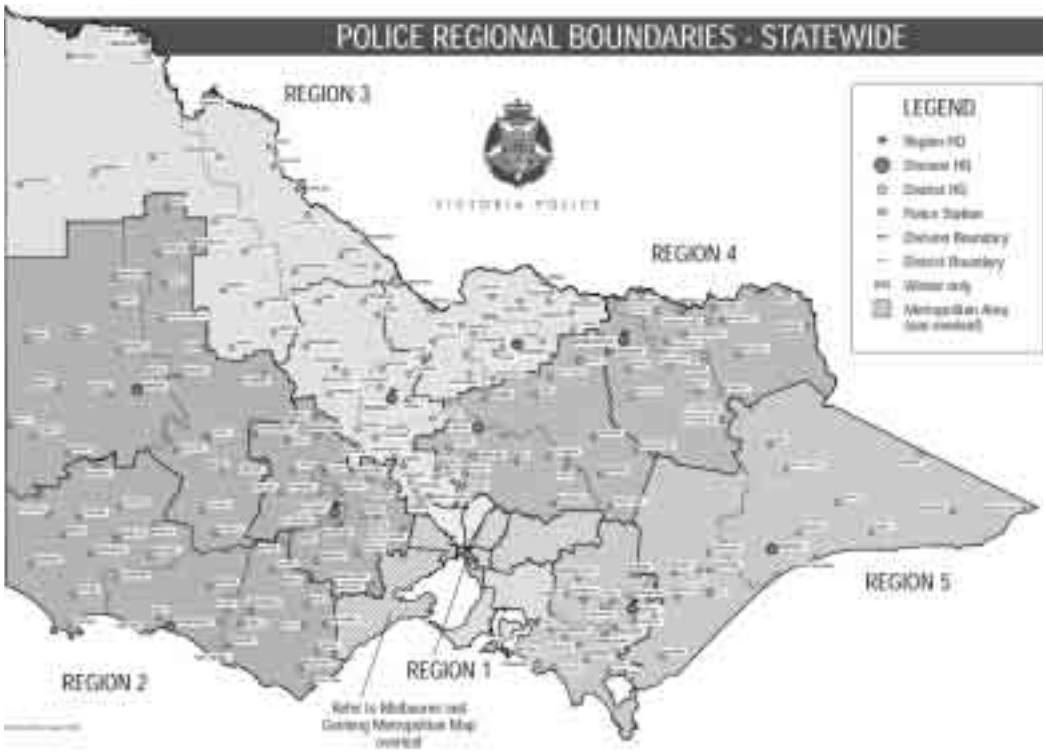


Table 13: Sexual offences per 100,000 population, Victoria Police regions 2000-01

	Regions 1	2	3	4	5	Total Victoria
Rape 47	26	24	17	26	26	
Sex (non-rape)	138	152	106	95	197	132

Source: Victoria Police 2002

Table 14: Offences against the person recorded by Statistical Division, South Australia

Statistical Division	Population	Dwellings	Offences against the person N	Offences against the person Rate per 100,000
Adelaide	1,072,585	458,002	17,626	1643
Outer Adelaide	109,696	51,411	922	840
Yorke and Lower North	42,688	24,657	415	972
Murray Lands	67,159	31,869	1,150	1712
South East	60,260	27,541	724	1201
Eyre	33,137	15,591	522	1575
Northern	80,972	36,869	2,133	2634
Total	1,466,497	645,940	23,492	1603

Note: The SD was unknown for 11 offences.
Source: Office of Crime Statistics 2002

The urban/rural differential in sexual assault rates in Victoria is less distinct than in Queensland or New South Wales. While the rate for rape was higher in the Melbourne metropolitan area, rates for the less serious category of non-rape sex offences were higher in two non-metropolitan regions. Only in Region 4 were rates for both categories below the state total. These variations may reflect an actual increased risk of serious sexual victimisation in urban areas, a difference in willingness to report sex crimes, differences in police recording practices across the regions, or a marked difference in population groups across the states in relation to race, socioeconomic status and so on.

South Australia

The number of sexual offences recorded in South Australia has declined overall since the early 1990s, from 2,166 in 1993 to 1,786 in 1999, with an 8.5 per cent increase in 2000 and a further 3.7 per cent increase in 2001 to 2,010 offences (Office of Crime Statistics 2002). A 1999 health survey on interpersonal violence and abuse found that rates of sexual assault in both domestic violence and non-domestic violence situations were lower overall in country areas than in metropolitan regions (Dal Grande et al. 2001). It is not possible to support or refute that finding here, as rates of sexual assault in rural and metropolitan areas are not available. However, Table 14 shows rates of offences against the person in 2001, recorded by Statistical Division.

Offence rates do not vary systematically with populations and numbers of dwellings. For example, rates for the metropolitan SD of Adelaide are not appreciably different from those for the Eyre SD, which has the smallest population. By contrast, there is a large difference between the highest offence rates in the Northern SD and those in the SD of Outer Adelaide, which has the lowest offence rates but a larger population. While these rates provide a rough basis for comparing crime rates in areas that have different populations, the personal risk of victimisation may vary according to the activity engaged in within a particular location (Office of Crime Statistics 2001, 2002).

Western Australia

The Western Australian police service covers three regions-Metropolitan, North-Eastern and Southern-and a number of districts with populations ranging from over 1,000,000 to less than 200,000. The regions encompass geographical areas from 5,386 square kilometres to 2,333,100 square kilometres and range from urban, semi-rural, mining and agricultural areas, to a large and

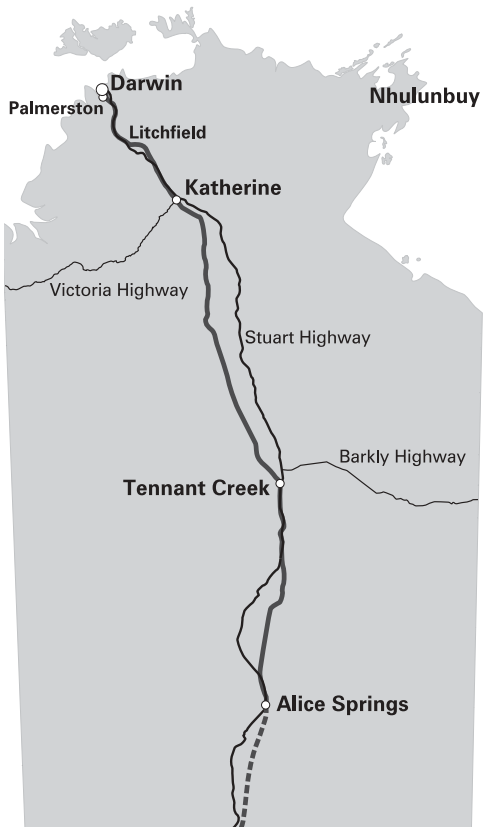
Table 15: Reported sexual assaults in Western Australia by region, number and rate per 100,000 population

	Perth (metro.)	Non-metropolitan regions								State total
		Mid	Cen	Pil	Kim	SE	LGS	UGS	SW	
Number	2,072	111	143	118	116	81	64	46	452	3,207
Rate	150	210	240	290	380	140	120	230	240	170

Mid = Midlands, Cen = Central, Pil = Pilbara, Kim = Kimberley, SE = South Eastern, LGS = Lower Great Southern, UGS = Upper Great Southern, Unk = unknown
Source: Ferrante, Fernandez & Loh 2001

diverse rural area and bordering station country. While approximately three-quarters of all recorded crime in 2000 occurred in the Perth Metropolitan area, the distribution of different types of crime varied among regions (Ferrante, Fernandez & Loh 2001). Sexual assault rates were also variable between regions (see Table 15).

Figure 14:
Northern Territory metropolitan and regional centres



Source: http://www.nt.gov.au/dcm/otd/otd/Territory_publications/ at_a_glance.pdf

The highest rates of sexual assault in the Kimberley region reflect the large Aboriginal population and the high levels of victimisation of Aboriginal women in rural and remote areas.

The Northern Territory is divided into three vast police regions, which include urban, rural and remote communities. Figure 14 illustrates distances between towns in the Territory. Alice Springs Police Station is the headquarters for the Southern Region, which covers around 1,000,000 square kilometres. This region includes towns and far-flung communities around the desert region of Central Australia and the Barkly Tablelands to the Gulf of Carpentaria. The Northern Region centres on the capital city of Darwin, but includes surrounding mainland rural areas and the Tiwi Islands, as well as the major regional centres of Palmerston and Litchfield, which have populations between 15,000 and 23,000. The Central Region covers around 33 per cent of the landmass of the Northern Territory and is serviced by a remote policing service from 15 police stations and six Aboriginal community stations. It encompasses rural centres such as Katherine and Nhulunbuy, which have populations between 4,000 and 10,000, as well as remote communities. Approximately one-quarter of the Northern Territory population is Aboriginal.

From 1999 to 2001, the number of recorded sexual assaults was highest in the Northern Region, which has the most urbanised centres in the Territory (see Table 16).

Table 16: Sexual assaults in the Northern Territory, 1999-2000 and 2000-01

Region Financial year	Central	Northern	Southern	Total
1999-2000	34	105	48	187
2000-2001	56	166	62	284

Source: Northern Territory Police, Fire and Emergency Services 2001

Although incidence rates are not available, police data show that the number of sexual assaults fluctuates between the regions. This is congruent with a study conducted in the late 1980s, which found that while more incidents on average were recorded in urban areas, the number varied widely in different urban and rural localities, as a result of factors related to the Aboriginal population. Different recorded rates often reflect differences in reporting behaviour, which is impacted by intervening variables such as proximity to a police station or a tendency to uphold customary law on outstations (Bolger 1991).

Regional Variations in Recorded Sexual Assaults

Analysis of police data demonstrates that recorded sexual assault rates are not uniform within states and territories, although *Recorded Crime* presents a single rate per jurisdiction. Rather, regional crime patterns and trends reflect the heterogeneity of urban, rural and remote communities. While overall crime rates in rural areas are generally lower than in major metropolitan centres, regional variations often result in higher rates of sexual assault in specific rural localities. To a large extent it seems that variations in sexual offence rates reflect the cultural and demographic features of communities in the regions. Sexual assault statistics are known to be problematic because of under-reporting and under-recording and this examination of police statistics suggests that:

- the incidence of sexual offences in some rural and remote areas is alarmingly high;
- the nature or severity of sexual assault varies regionally;
- there are race differences in reporting;
- offences in rural and urban areas are reported and recorded at differential rates.

These explanations may interact. Thus, the actual incidence of sexual assault is likely to be very high in some Aboriginal communities. Incidents brought to police attention in these areas also tend to be more serious than those reported to metropolitan police departments or by non-Aboriginal victims. Severity of injury results in higher recorded rates, as incontrovertible evidence of sexual assault exists when Aboriginal women require medical treatment or hospitalisation. However, while Indigenous women are over-represented as victims, their reluctance to report sexual offences means that the level of sexual assault is probably underestimated (Ferrante et al. 1996). It is not possible to speculate whether a similar pattern exists in non-Aboriginal rural and remote populations, due to the absence of statistical data, or even a substantial body of qualitative data.

Non-Reporting in Rural Localities

While the factors that influence reporting decisions are not unique to rural areas, a complex interplay of personal circumstances, social values, attitudes and geography may simultaneously increase rural women's vulnerability to sexual violence and pressure them into silence about abusive situations. Abuse in rural families has been linked to the particular financial, physical and mental stressors related to the "lonely high-pressure job" of farming (Scott & VanDine 1995, p. 29). However, it is not known whether there are types of abuses that are specific to rural areas.

Recorded sexual victimisation rates may be impacted by an interaction between the data source and location. A United States study

compared Uniform Crime Report statistics with data from all rape crisis centres in Pennsylvania over a four-year period. The rape crisis data pointed to higher rates of sexual victimisation but lower rates of reporting in rural counties (Ruback & Ménard 2001). The following discussion takes up this analysis by synthesising information from three countries:

- local studies and literature from Australia (Bagshaw et al. 2000; Baxter, 1992; Ermacora 1998; L'Huillier & Flanagan 1998; Lovell 1996; Nicholson 1998; Women's Services Network 2000);
- qualitative studies of Canadian rural women's experiences of domestic violence (Forsdick Martz & Sarauer 2000; Jiwani, Moore & Kachuk 1998; Scott & VanDine 1995);
- analyses of crime trends and reporting behaviour from the United States (Ruback & Ménard 2001; Weisheit, Wells & Falcone 1995).

Each of these sources indicates that geography mediates both the risk for sexual assault and the likelihood of non-reporting in a number of ways.

Isolation

Geographical isolation increases the risk of sexual assault, as there are more isolated places for assaults to occur and a reduced chance that they will be witnessed. Fewer telephones, greater distances and lack of transportation result in women being financially and physically unable to report sexual assaults to law enforcement agencies. Victims often consult with others when determining what course of action to take, but social and geographical isolation inhibit disclosure. Inadequate social support can deter reporting, especially if the offence occurs within the family. Family members may not want to hear about the abuse; may be unwilling to become involved; may not believe that their male relative was violent; or may pressure the woman to fulfil her "duty" to care for her husband, or to avoid breaking up family properties through divorce.

Results from a South Australian phone-in on domestic violence provide evidence of the effect on reporting behaviour of inadequate social support. The phone-in received calls from 102 female victims, with 23 per cent from rural areas. While 92 per cent of city callers had told someone of the abuse, only 82 per cent of rural women had done so. Even then, disclosure often met with silence and being shunned, which acted as a disincentive for seeking further help within the community (Bagshaw et al. 2000).

Remoteness also leads to greater acquaintance density, a social climate that fosters more informal control and a propensity to conceal personal problems. Perceptions of and responses by the justice system are also implicated in non-reporting.

Acquaintance Density

In rural areas, population dispersions are high and most social interactions occur among acquaintances. Having more acquaintances in the community increases the presence of potential sex offenders, but victims of known offenders are less likely to label the assault a crime or report it to police. As non-reporting reduces the consequences for offenders, the assaultive behaviour may become normalised, thereby increasing victimisation rates (Ruback & Ménard 2001; Weisheit, Wells & Falcone 1995).

Social Norms and Informal Control

Offenders may also be shielded from authorities as a result of the more conservative social mores and attitudes of rural people. Silence about sexual assault is reinforced by the masculine ethos and parochial tendencies of rural culture. These

factors promote stoicism, adherence to traditional gender roles, and male control of the family and finances.[8] Rural traditions also emphasise the maintenance of the family unit, women's responsibility for ensuring the family's wellbeing and the privacy of personal matters. This does not mean that women in rural areas find sexual violence acceptable. Rather, women who report sexual assault risk being condemned or ostracised, due to the value placed on keeping the family together at all costs. Those who have lived in a rural area all their lives may also be too ashamed or fearful to jeopardise the extended family's standing in the community.

Women in rural areas are unable to leave abusive partners for a number of reasons.

- Many are economically dependent on their partners, some as a result of economic abuse. They are unable to gather the resources to leave or to ensure financial security for themselves and their children.
- Some women are deliberately socially isolated as part of the pattern of male control and are unable to contact family, friends or other sources of assistance. Rural respondents to a South Australian phone-in stated that they "were controlled to the point of feeling imprisoned" (Bagshaw et al. 2000, p. 87).
- Fear may also prevent them from leaving or seeking help. Leaving the offender but staying in the region can cause justified fears of escalating violence or reprisal, as the "bush telegraph" may inform offenders of victims' whereabouts. The potential for serious harm is exacerbated by widespread ownership of firearms in rural areas. Some victims have been threatened at gunpoint by ex-partners and others report ongoing harassment and intimidation after leaving the offender (Jiwani, Moore & Kachuk 1998).

These factors lead to women's silence about sexual assault. This silence can produce a "rape folklore" (Baxter 1992, p. 174) that fosters denial of sexual assault in the community or minimises belief in its occurrence. Police in a rural Victorian town have said: "We don't have fair-dinkum rape here" (Dietrich & Mason 1998, p. 9), meaning that stranger rape does not occur in their town. As it may be too painful for small communities to confront the private violence occurring in the same street or neighbourhood, the legitimacy of victims' experience is negated. Even in cases where sexual assault is suspected, or is the subject of local gossip, neighbours and family members may fail to help the victim until they are in some way forced to face the reality that a criminal offence has occurred.

This occurs despite the fact that violence against women in rural families is often intergenerational. There are no national statistics that indicate the extent of the problem in relation to sexual or domestic violence. A small local Canadian study of rural victims of domestic violence found that 90 per cent of interviewees reported intergenerational abuse. Seventeen of the husbands (who were now abusers) and several of the women had grown up in abusive homes, witnessing the abuse of their mothers and, in some cases, being abused by their mothers (Forsdick Matz & Sarauer 2000).

Concealing Personal Problems

Whoever the offender, rural women may fail to report them out of a wish to avoid their sexual victimisation becoming public knowledge, particularly if they take on a sense of responsibility for having "allowed" the attack to happen. While privacy and anonymity are valued in rural communities and are important given the stigma attached to sexual violence, they are not guaranteed to women who report sexual assault to police. Local media coverage of sexual assault cases that go to court may

fail to disguise the victim's identity, while informal communication networks may promote inaccurate accounts of the assault. If both victim and offender are known in the community, opinion can be split in favour of one or the other, especially if many people socialise with the perpetrator. The victim's behaviour may be reinterpreted in such a way that she is held responsible for the attack, or the veracity of her story may be questioned, with the result that the offender is viewed as a wrongfully accused innocent party. In some cases victims have been forced to move from the area as a result of ostracism following disclosure of their identities. Denying the existence of victims or discounting their experiences allows the community to avoid confronting the existence of perpetrators and may be the easiest and safest way of dealing with the issue.

Access to Services

Rural geography may influence victims' reporting behaviour in other ways. First, as many rural areas lack victim support agencies, the courses of action open to women following an attack may be limited to either reporting the incident to police and/or seeing a doctor. Medico-legal responses are focused on treating injuries and collecting forensic evidence. While this is necessary for the successful prosecution of offenders, it does not address victims' overriding psychological or social needs. Victims may need to deal with feelings of shame or fear, or the imperative of removing themselves from harm and finding a place of safety, before they feel able to report the offence to authorities. However, given the urban bias and centralised locations of many support services and government agencies, small communities are unlikely to have specialised victim services and the most accessible agencies may be hours away (Baxter 1992). Women in rural and remote areas may also be unaware of available services, especially if they are socially isolated.

The Justice System

Victims' willingness to report sexual assaults may be influenced by their perceptions of the support offered by criminal justice agencies and by the helpfulness of individual police officers. Police stations in small towns are often under-resourced, leading to long delays following callouts. Some communities have only a part-time police presence or none at all. Police and legal organisations in rural areas tend to be male dominated, which both deters rural women from reporting sex crimes and disadvantages them if they do. Police reluctance to intervene in domestic situations continues to be common in rural areas and male police may fail to understand the complex nature of domestic violence, its genesis in gendered power differentials and its consequences for victims. These factors, combined with previous experiences that may have led to feelings of revictimisation, cause victims to lose faith in the police and judicial process.

Victims may feel shame at exposing family problems to police officers, who are integral members of rural communities and are likely to have social connections with offenders and victims. Australian research indicates that a "Boys' Club" mentality exists in many country towns. Police officers, lawyers and doctors may be part of the offender's informal social network and may trivialise abusive behaviours as "relationship problems".. Officers may face a conflict of interest and be reluctant to act if they are friends of the perpetrator, or if the offender is a prominent member of the community. In some instances, offenders with close ties to police and doctors perform valuable volunteer work and victims feel that their allegations would not be heeded, as neither group would want to risk losing his voluntary services. Women become reluctant to call for assistance and feel that they are not taken seriously (Bagshaw et al. 2000; Lovell 1996).

Research has found that rural police responded in a more appropriate and sensitive manner to women who were sexually assaulted by strangers. In addition there appeared to be less victim-blaming than when the assailant was a partner or ex-partner and victims' needs were more likely to be met. Some police expressed the view that women can be at fault or provoke an attack. While no officers believed that women deserved to be assaulted, some (including female officers) were less sympathetic towards women who did not leave violent relationships, seeing them as weak, at fault and failing to help themselves (Nicholson 1998).

Reporting sexual assault may also be inhibited if women do not understand how the legal system works, or their rights regarding child custody, access to their properties and protection from their partners. Victims with informational needs may also feel disadvantaged and experience distress when dealing with lawyers and police who fail to comprehend the psychological impact of abuse.. In addition, options for legal representation are limited in rural areas, private lawyers are expensive, and social relationships can jeopardise confidentiality. Victims who have taken legal action in domestic violence cases have criticised the paternalistic attitudes and limited knowledge and abilities of rural lawyers.

Factors relating to court cases may also deter reporting. These include the length of time between charges and court appearances, trivialisation of victims' experiences by the courts, and small courts that enable offenders to further intimidate victims. Rural judges may find it difficult to separate their personal and professional lives and rural juries may be less likely to hand down guilty verdicts, as the issue is more personal and confronting. Jurists in country towns must face the fact that sexual assault occurs in their community and is possibly perpetrated by and upon people they know (Ermacora 1998).

Thus, rural women who have had dealings with the courts often feel that the sentences are too lenient or inappropriate, resulting in inadequate protection for victims.

Rural Issues in Overview

Sexual assault workers in Victoria have noted that issues around sexual assault for rural and remote women overlap to some extent with the urban context, but also differ according to the particular characteristics of the region in which the victim lives.

> *We have tried to define for ourselves what the differences really are for regional and rural women and have found it difficult to clearly isolate issues as exclusive to the rural context. The non-urban experience is different for women living in large regional cities as opposed to women living on remote properties. It is different again for women living in the myriad of small towns that make up rural Australia...[B]ecause so often the rural experience is constructed by those not living in regional/rural areas...there is a tendency to homogenise the experience.*
> (L'Huillier & Flanagan 1998, p. 2)

Aside from the incidence and severity of sexual assault against Aboriginal women, it is not possible in this report to make conclusive comments on either the extent or the nature of sexual violence against women in regional areas. Given the sensitivity of research into sexual assault and problems involved in attempting to interview rural women in national studies, it may be useful to look to Canadian initiatives that study violence against women through community-based research. This time- and labour-intensive research methodology seeks to obtain a better understanding of the unique challenges faced by rural victims of violence and to identify appropriate interventions and supports. Community-based methods are

premised on the recognition that people within a community may hold a different perspective on an issue from outsiders. Therefore, the research process involves a collaborative effort between researchers and members of the community, who are actively involved in designing the study and in collecting, analysing and interpreting the data (see Nelder & Snelling 2000).

8 Sexual Assault and Women Prisoners

As prisoners are not included in general population surveys, research on their experiences of interpersonal victimisation has been neglected, but it is known that there is a strong connection between being a female offender and being a victim of crime.
In addition, as the prison population is predominantly male, little empirical research has been conducted on the level and nature of sexual violence in women's correctional centres. It is acknowledged, however, that male and female offenders tend to have different types of personal backgrounds, criminal histories and experiences while imprisoned.

This section reviews literature on the sexual victimisation and non-reporting of female prisoners prior to and during imprisonment. While it is recognised that there are differences between prisons and other correctional facilities such as jails, the terms "prison" and "correctional facility/institution" are used interchangeably in this report. In addition, distinctions are not made between remand and convicted prisoners, or between provincial, state, county and federal facilities in countries such as Canada and the United States.

Profile of Female Inmates

While female inmates constitute a small proportion of the prison population in developed countries, they are the fastest growing segment of the prison population, with disproportionate numbers of Indigenous women or women of racial minorities.
The increase in female inmates is likely to be the result of a confluence of factors including:

- changes in offence patterns, policing strategies and legislation;
- a trend towards longer sentences;
- more women on remand;
- increased unemployment and poverty;
- limited availability of services for the intellectually disabled and mentally ill;
- a greater likelihood that women will be jailed for their first offence; and
- a decline in community service orders due to a lack of childcare (Easteal 2001; NSW Legislative Council 2000).

The "war on drugs" is also likely to have contributed, as many women are sentenced on drugs charges (Devlin 1998).

The most recent figures for the proportion of female inmates in the countries covered in this report range from:

- three per cent in Canada in 2001 (Correctional Service Canada 2002);
- four per cent in New Zealand in 1999 (Rich 2000);
- four per cent in Scotland in 2000 (Scottish Executive 2001);
- five per cent in England and Wales in 2000 (Home Office 2001);
- seven per cent in the United States in 2001 (Harrison & Beck 2002).

In Australia, female prisoners comprised seven per cent of the total prison population on 30 June 2001, a five per cent increase from 1991. These statistics refer to the number of women held in correctional facilities on the particular day of the count, but the number of women going through the system in a year is far higher.

In common with Canada and New Zealand, Indigenous women were over-represented in the female inmate population, although the proportion of incarcerated Australian Indigenous women varies between states and territories. Imprisonment rates for Australian inmates are listed in Table 17. In the United States, black and Hispanic women form a disproportionately large segment of the female inmate population.

Table 17: Australian imprisonment rates for 2001

	National	Male	Female	Indigenous male	Indigenous female
Number	22,458	20,960	1,498	4,075	370
Rate*	151	285	20	3,479	294

* Rate per 100,000 relevant population.
Source: ABS 2002b

The demographic profile of female inmates in developed countries highlights that women who are most marginalised are most vulnerable to abuse and most at risk of criminal activity (Richie 2000). The general profile outlined below is similar in most developed countries (see Amnesty International 1999; Dell, Sinclair & Boe 2001; Marcus-Mendoza & Briody 1996).

In general, female inmates tend to be young, with just over half of the 2001 Australian female inmate population (51 per cent) aged 29 years or younger. A further 30 per cent were aged between 30 and 39 years. Indigenous women were more strongly represented in the younger age groups, with 62 per cent aged less than 29 years.

Many women offenders are single mothers of dependent children, although some lose custody of their children prior to sentencing.

Most have low literacy and educational levels. Non-Aboriginal Australian women have better educational opportunities than female inmates in Canada or the US, but Australian Aboriginal inmates have substantially poorer literacy skills than non-Aboriginal women (WA Department of Justice 2002b).

Many female inmates are unemployed and/or have never been employed before being taken into custody; if employed, they tended to work at unskilled jobs. A high proportion are welfare recipients, which reflects the number of women who are sole parents or receiving disability support.

Women prisoners report high rates of physical health issues, substance abuse, mental health problems and self-harm, including self-mutilation, previous suicide attempts and current suicide ideation. Some of these problems, such as mental health issues and suicidal behaviours, are more prevalent among females than males in both the general and prison populations. Over half (55 per cent) of all prisoners in the Brisbane Women's Correctional Centre in October 1999 were taking prescribed medications and they were four times more likely than males to report current emotional problems (35 per cent versus 8 per cent) (Women's Policy Unit 2000).

Women are predominantly jailed for non-violent crimes such as drug offences or property crime. From 1996 to 2001, between 42 per cent and 49 per cent of Australian women inmates were imprisoned for property offences, between 19 per cent and 23 per cent for violent offences and between 11 per cent and 17 per cent for drug offences (ABS 2002b). More Aboriginal women in Queensland are incarcerated for violent offences (45 per cent) than in the general female inmate population (Women's Policy Unit 2000). As women who commit violent crimes often do so in self-defence, the data may reflect high levels of violence in the personal relationships of women prisoners. However, Indigenous women are mostly imprisoned for short sentences, often for minor offences such as fine defaults, but also for assault and property offences. Therefore, their experiences of sexual assault in prison may differ from those of female offenders who are incarcerated for longer periods or more serious offences.

The central similarity between female inmates in industrialised countries-and one of their major differences from male prisoners-is their experience of victimisation. The family histories of women in prison often include discord; their adult relationships tend to be abusive; and the majority have experienced sexual, physical, emotional and systems abuse (that is, abuse when living in institutions). In particular, female inmates are distinguished from male inmates by their experience of multiple victimisation, the level of childhood incest and sexual assault, and revictimisation, including rape, in violent adult relationships. This history of abuse leaves them with poor coping skills for adult life and vulnerable to destructive and antisocial behaviour. All of these problems are compounded for Indigenous women, whose sexual victimisation intersects with racism and profound levels of poverty, alienation, alcoholism and family violence. Aboriginal women also tend to come into contact with the criminal justice system at younger ages than non-Aboriginal women, but insufficient research has documented the specificities of their experience (Baldry 1997; NSW Legislative Council 2000).

Sexual Violence Prior to Incarceration

There is mounting evidence that lifetime violence against women prisoners is pervasive and severe. A considerable proportion of women in prison have been sexually, physically or emotionally victimised at levels that exceed those of women in the wider community, and many inmates report experiencing multiple types of abuse. Although estimates of prevalence and incidence vary, patterns of abuse are similar. Victimisation often begins in childhood and continues into adult life, but relatively few victims receive help. As forms of violence often co-exist, it may be difficult to identify the specific effects of sexual violence or to determine whether they differ according to the age at which victimisation began.

To facilitate understanding of the complexity of the problem, this section compares, where possible, rates of sexual, physical and emotional abuse among different age groups.

Australia

Taken together, the results of Australian studies indicate that rates of sexual abuse are higher among female inmates than in the general female population.. Estimates are as high as 85 per cent in South Australia (Byrne & Howells 2000), and southeast Queensland (Sisters Inside 2000), although they are generally lower in other surveys. A New South Wales survey of 203 women prisoners found that physical and emotional abuse during childhood and adulthood were more prevalent than sexual assault (see Table 18). More than half of those who had been victimised (52 per cent) perceived a link between their abuse and incarceration (NSW Legislative Council 2000).

Table 18: Childhood and adult victimisation among New South Wales female inmates

Type of abuse	Childhood (%)	Adult (%)
Sexual abuse	34.0	29.0
Physical abuse	42.0	70.0
Emotional abuse	52.0	70.0

Source: NSW Legislative Council 2000

A recent survey of 140 women in Western Australian prisons found that three-quarters of respondents (77 per cent) reported experiencing some type of abuse in their lives, usually at the hands of a caregiver during childhood or an intimate partner as an adult. Table 19 presents the various types of abuse experienced by Aboriginal and non-Aboriginal female inmates as children and adults (WA Department of Justice 2002b).

Table 19: Abuse reported by Western Australian female inmates

	Non-Aboriginal		Aboriginal		Total	
	N	%	N	%	N	%
Adults					95	75.0
Physical abuse	55	71.0	30	61.0	85	67.0
Emotional abuse	55	71.0	24	49.0	79	62.0
Sexual abuse	31	38.0	19	39.0	50	39.0
Social abuse	29	37.0	18	37.0	47	37.0
Economic abuse	21	27.0	12	24.0	33	26.0
Children					73	57.0
Emotional abuse	40	51.0	12	24.0	51	40.0
Physical abuse	36	46.0	14	29.0	49	38.0
Sexual abuse	32	41.0	15	31.0	47	37.0
Neglect	12	15.0	13	27.0	25	20.0

Source: Western Australian Department of Justice 2002b

The proportion of women who were sexually victimised as adults was similar regardless of race, although reported levels of physical and emotional abuse were higher for non-Aboriginal women. Reported rates of childhood sexual, emotional and physical abuse were lower for Aboriginal women. Given that sexual violence is thought to be endemic among Indigenous communities and that the response rate was much lower among Aboriginal inmates than non-Aboriginal women (59 per cent versus 81 per cent), it is difficult to know whether the disparity between Aboriginal and non-Aboriginal women reflects real differences in rates of sexual violence within this particular sample, or differences in willingness to report it.

Other research suggests that these figures may understate the extent of prior sexual violence against Aboriginal inmates. Atkinson (1990 cited in Cunneen 2001a and Mow 1992) suggests that up to 80 per cent of Aboriginal females who become involved in the criminal justice system, and as many as 90 per cent in Queensland jails, have been sexually victimised from childhood. Atkinson's (1998) interviews with incarcerated Indigenous men and women in Queensland revealed that 85 per cent of those with diagnosed mental illnesses experienced childhood sexual violence in both family settings and in institutions to which they were removed for their own protection. The histories of Aboriginal women who die in police custody or in prison in Australia are often marked by ongoing violence and sexual assault. It is claimed that "almost all" of the Aboriginal women detained in the New South Wales Mulawa Training and Detention Centre for women have been sexually and/or physically abused (Kerley & Cunneen 1995).

England and Wales

The Chief Inspector's Thematic Review Women in Prison found that 49 per cent of women prisoners had a history of past abuse. A third had been sexually abused; a third reported both physical and sexual abuse; the remainder reported physical abuse. Of women who had been abused, 40 per cent were under 18 at the time and a further 22 per cent were abused both as children and as adults. In the majority of cases the offender was a male who was well known to the woman, such as a father or partner (Ramsbotham 1997). Another survey of 200 female prisoners also found that a third reported being sexually abused and half had been physically abused (Carlen 1998).

Canada

In 1989, 68 per cent of federally sentenced women in Canada said they had been physically abused and 53 per cent had been sexually assaulted. The rates were much higher among Aboriginal women, who also experienced more prolonged and extensive abuse: 90 per cent reported physical abuse and 61 per cent reported sexual abuse (Shaw 1994).

Scotland

A study conducted at the Scottish prison Cornton Vale found that 82 per cent of women prisoners had experienced some form of violence in their lives, with emotional abuse being the most common (71 per cent), followed by physical abuse (60 per cent) and sexual violence (47 per cent). Sexual abuse was a frequent event, often occurring on a daily or weekly basis, but was more common in childhood, when the perpetrator was likely to be a father, male relative or guardian (Loucks & Spencer 1997).

New Zealand

A small study found that 70 per cent of female offenders reported being sexually, physically or emotionally abused as children (Moth & Hudson 1999, cited in Byrne & Howells 2000).

United States

Prevalence estimates vary widely, with some studies finding that as many as 88 per cent of all female prisoners have been sexually victimised prior to incarceration (Human Rights Watch 1996). Both national and local studies indicate that lifetime rates of sexual and physical abuse are high. A national study conducted by the Bureau of Justice Statistics found that 44 per cent of women under correctional authority in 1998 were physically or sexually assaulted during their lives. Over two-thirds (69 per cent) reported that it occurred before age 18. Just over one-third were abused by an intimate and slightly less than a quarter by a family member (Greenfeld & Snell 1999).

Oklahoma incarcerates more women than any other state: women comprised nine per cent of Oklahoma's prison population in 1994, compared with six per cent nationally. Table 20 compares national rates of prior physical and sexual abuse, compiled by the American Correctional Association, with victimisation rates among 549 female inmates in Oklahoma.

Rates of physical abuse are higher than the national prisoner average, especially for adults. While sexual assaults against juveniles were higher than the national figure, overall the prevalence of sexual assault for the state sample was similar to the national female prisoner rate. This study also found that American Indian women in Oklahoma facilities reported lower rates of sexual and physical violence than the national and Caucasian figures. This contradicts National Violence Against Women Survey findings. As with the Western Australian study previously discussed (WA Department of Justice 2002b), it is possible that Indigenous women may be unwilling to disclose violent victimisation to researchers.

Table 20: Proportion of US women inmates sexually and physically victimised, nationwide and in Oklahoma

	National	Oklahoma
Sexual assault	36.0	36.8
As juveniles	22.0	42.5
As adults	n/a	39.1
	National	Oklahoma
Physical assault	53.0	66.3
As juveniles	37.0	38.4
As adults	23.0	70.0

Source: Fletcher, Rolison & Moon 1994

In the same year, a study of 557 women prisoners in Oklahoma found that 80 per cent of the sample reported sexual, physical and/or emotional abuse (see Table 21). The discrepancy in rates between the two studies is at least partially due to methodological differences.

Table 21: Percentage of Oklahoma female inmates reporting prior abuse

	Sexual abuse	Physical abuse	Emotional abuse
Before age 18	51.4	46.4	55.0
After age 18	46.8	84.0	82.0

Source: Marcus-Mendoza, Sargent & Chong Ho 1994

The researchers in the second study found a high degree of overlap between profiles of abuse victims and the profile of the "typical" inmate. Women in both groups tended to engage in substance abuse and have emotional, relationship and financial problems. Inmates with histories of violence were more likely than other inmates to have been convicted of at least two crimes and to cite drug-related activities, emotional and financial problems, and abuse by family or spouse, as contributing to their ongoing problems with the law.

While the role of abuse in the development of female criminality is unclear, a cross-sectional study of 150 women entering a maximum-security prison in New York provides further evidence that early experiences of sexual and physical victimisation are associated with drug abuse, criminal activity and adult victimisation. Over half of the sample (59 per cent) reported some type of sexual molestation during childhood, perpetrated primarily by non-relatives (56 per cent), male relatives excluding father figures (42 per cent), biological or adoptive fathers or stepfathers (27 per cent), and female relatives (two per cent). The molestation began before the age of nine for over half of the victims (51 per cent), between 10 and 14 years for a further 42 per cent, and from 15 to 17 years for eight per cent. One-quarter reported that the molestation had come to the attention of authorities, but few cases went to the juvenile (six per cent) or adult (nine per cent) courts. Over two-thirds (70 per cent) had experienced severe physical violence by caretakers during childhood and adolescence (Browne, Miller & Maguin 1999). Table 22 details the association of childhood victimisation to adult victimisation.

Childhood victimisation strongly predicted revictimisation in later life. Victims of sexual molestation during childhood were significantly more likely to be sexually assaulted by non-intimates as adults, while severe violence by caretakers was associated with significantly higher rates of adult partner violence. Victims of childhood sexual assault were also at significantly higher risk for substance abuse and addiction as teenagers and adults and were more vulnerable to involvement with violent intimate partners.

Table 22: Association of childhood and adult victimisation

	Childhood victimisation			
	Severe violence by caretakers		Child sexual molestation	
Adult victimisation	Yes (%)	No (%)	Yes (%)	No (%)
Severe partner violence (75%)	80.0*	62.2*	80.9	65.6
Sexual assaults-non-intimates (33%)	35.0	28.9	40.2*	23.0*
Physical assaults-non-intimates (72%)	75.0	64.4	76.1	65.6

*Chi-square test $p < .05$
Source: Browne, Miller & Maguin 1999

Violent Victimisation and Female Criminality

There is a clear correlation between violence against girls and women and their involvement in crime. A United States study found that girls who were sexually abused had an increased risk of being arrested for prostitution as adults, compared to girls who had experienced other types of victimisation and to the control group, who were not abused (Browne, Miller & Maguin 1999). A longitudinal study also found that the likelihood of contact with the criminal justice system increases when girls grow up in homes with multiple problems or are socially, economically and personally disadvantaged as adults. In comparison with the control group, girls who were victims of childhood abuse were approximately twice as likely to commit violent crimes and to be arrested as juveniles and adults. Unlike the control sample, a subset of abused girls (eight per cent) became chronic offenders or career criminals, engaging in a variety of violent and other criminal behaviours that persisted into adulthood (Widom 2000).

Childhood abuse is often a precursor to abuse as an adult and the extent of sexual, physical and emotional violence against female offenders far exceeds crime survey estimates of sexual assault in the general community. While it is difficult to isolate the effects of sexual assault from other types of abuse, it is thought that victims of sexual assault suffer the most severe and persistent psychological effects of victimisation. These range from guilt, fear, anxiety and depression, to difficulties with future sexual relationships and post-traumatic stress disorder.

Research findings also indicate that the experience of sexual and other violent victimisations is correlated with mental illness and alcohol and drug abuse, which comprise forms of self-medication for many victims. Over one-third (37 per cent) of a sample of Western Australian female inmates had experienced abuse at some stage in their lives, had been diagnosed with at least one mental illness and had used alcohol or drugs at least four times a month in the six months prior to arrest. Only four per cent had not been diagnosed with a mental health issue, had not used alcohol or drugs regularly in the six months prior to arrest, or had not been abused (WA Department of Justice 2002b).

Direct links between victimisation and criminal behaviour have not been established, but the association is likely to be complex. At least some women who are cross-addicted to drugs and alcohol have been victims of multiple types and sources of abuse (Loucks & Spencer 1997). While substance misuse may be a way of dealing with or escaping abuse, drug use is often an offence in itself and drugs and alcohol are major components of women's involvement with the criminal justice system. At the same time, drug use increases the likelihood of relationships with intimates who are both violent and involved in crime. These relationships increase the probability of self-defensive violence by women and the likelihood of involvement in or knowledge of their intimates' criminal activities (Browne, Miller & Maguin 1999). In addition to the more general reasons for not reporting sexual assault, these women are likely to mistrust police and the criminal justice system, rather than view them as potential protectors against further abuse, and have a heightened risk of arrest for their own involvement in criminal activities.

Sexual Assault in Custody

This section draws primarily on United States studies, as there are virtually no figures on custodial sexual assault in Australia. It is not possible to generalise the results to Australia without further research.

Prison sexual assault has been studied for over 30 years in the United States, but the extent of the problem remains unknown.

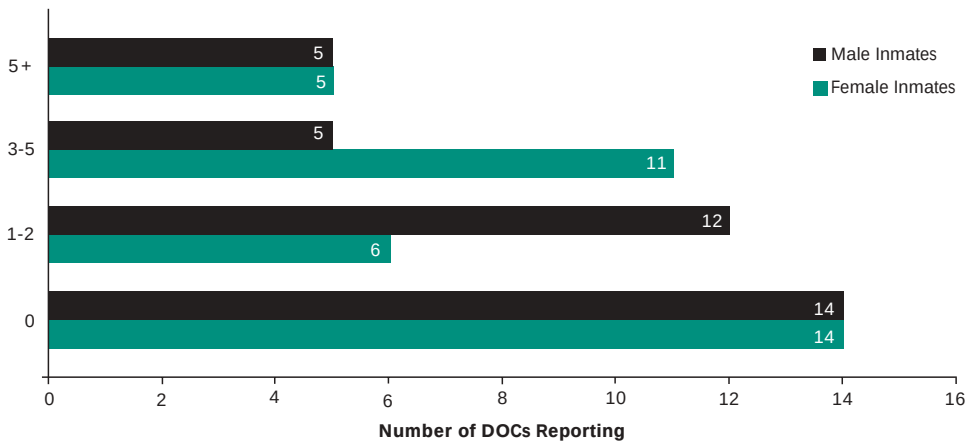
Inquiries into prison conditions in various developed countries often touch on inmate sexual assault only indirectly. It is only in the past 10 to 15 years that the sexual victimisation of female prisoners has attracted attention. The lack of action taken to identify differences in the experiences of women within correctional contexts is because women constitute a minority in a male-dominated system.

While male inmate rape is usually perpetrated by other prisoners, women inmates are thought to be at greater risk of sexual assault by prison staff-mainly male guards-although other non-security correctional employees, such as chaplains, medical staff, administrative workers and contractors have been involved. Sexual assault of women prisoners by female officers is not unknown, but is believed to be relatively rare. The evidence in relation to sexual assault by other female inmates is unclear. In the United States at least, sexual misconduct by prison staff is thought to be pervasive. It is referred to as an "open secret" that is often overlooked by prison administrators (Amnesty International 1999; Bell et al. 1999; Devlin 1998; Dumond 2000; Human Rights Watch 1996; Siegal 2002).

The Extent of Custodial Sexual Assault

The difficulty of obtaining prevalence or incidence estimates reflects the under-reporting of custodial sexual assault by inmates to authorities and researchers, as well as the limited amount of research to date. At the same time, cautious interpretation of existing data is warranted, as they are often limited by doubts about their reliability or the failure of researchers to supply crucial information, such as the size of prison populations.
As government investigations of correctional systems are often initiated in response to allegations of abuses taking place within particular institutions, reports are usually limited to those institutions, rather than assessing the situation across the state or nation. Qualitative studies by human rights groups indicate that custodial sexual assault is widespread, but they do not provide statistical data. Information collected by United States law firms involved in individual or class action suits against particular facilities or departments of corrections, are more concerned with establishing a satisfactory evidential basis for the case than determining the extent of the problem.

Figure 15: Substantiated incidents of sexual misconduct involving female and male inmates 1998



DOCS = Departments of Corrections Source: National Institute of Corrections 2000

A Human Rights Watch (1996) investigation in the United States found evidence of sexual misconduct by male prison staff in all 11 states investigated. Another report on four United States jurisdictions found that, between 1995 and 1998, female inmates in three jurisdictions made 506 allegations of staff sexual misconduct, 92 of which were sustained and typically resulted in staff firings or resignations. The actual extent of sexual misconduct is unknown, because the size of the prison populations was not given and two of the three jurisdictions failed to provide complete information (House of Representatives 2000). A National Institute of Corrections survey found that 24 of 53 state and federal departments of corrections had been involved in litigation over sexual misconduct allegations in the previous five years. A further 19 jurisdictions were currently involved in sexual misconduct litigation and five of these had also been involved in the previous five years (National Institute of Corrections 1996).

A follow-up study revealed that the situation had changed little, despite revised policies, staff training, investigation processes and information provided to women prisoners in many jurisdictions. The number of departments of corrections responding to sexual misconduct litigation (22) was almost the same as in 1996 and some departments were facing more than one suit. Since 1996, damages ranging from $US80,000 to $US3.35 million were awarded to three inmate plaintiffs, while departments of corrections in several other jurisdictions settled cases of staff sexual misconduct out of court, for amounts ranging between $US73,000 to $US335,500 (National Institute of Corrections 2000). Figure 15 summarises the incidence of substantiated misconduct claims by female and male inmates in 1998, as reported by 15 departments of corrections. For departments reporting five or more cases, the maximum number of incidents was not disclosed.

Assessment of the data is limited by the lack of information on prison populations. Although far fewer women than men are incarcerated, there is little difference in the number of incidents involving male and female inmates, or in the number of institutions in which they occur. The National Institute of Corrections report suggested that while the disproportionate number of incidents involving women may reflect higher levels of sexual misconduct in women's institutions, it may also be explained by the greater attention that is currently given to sexual incidents involving female inmates. The latter argument would be more plausible if it were not the case that women in the wider community are also overwhelmingly the victims of sexual assault.

Responses to the second National Institute of Corrections survey indicate that attention to prison sexual misconduct has led to more cases being investigated in the United States. In the 12-month reporting period, at least 164 staff were dismissed or resigned as a result of sexual misconduct investigations. Resignation is often considered to be an admission of the truth of the allegation unless alternative evidence is available. Other outcomes included nine staff being dealt with through internal disciplinary measures, prosecution of at least 20 Department of Corrections staff involved in substantiated cases and 16 staff members at the Federal Bureau of Prisons being convicted of criminal charges for sexual misconduct.

However, rates of sexual violence vary between institutions. Eight agencies responding to the 1999 National Institute of Corrections survey reported that incidents of sexual misconduct were rare or non-existent in their institutions, while other studies have found that between seven per cent and 27 per cent of women in other facilities reported forced sexual incidents by staff or other inmates (Bell et al. 1999; Stop Prisoner Rape 2002). It is common for research reports to state

that "many" or "numerous" female inmates are sexually victimised by a small number of correctional staff, but there is sometimes cause to doubt the reliability and validity of the data. Few surveys have included women prisoners and when they do the sample sizes are often small. A Nebraskan study that included 42 women in a sample of 516 prisoners found that three female inmates (seven per cent) reported attempted or forced sexual contact by staff or inmates. Extrapolation from the data suggests that 3,600 women prisoners in Nebraska in 1995 were in danger of sexual victimisation (Donaldson 1995), but given the small sample size, this estimate should be regarded with caution.

In other instances, inmate survey respondents, prison guards, or other inmates supply contradictory information. Heilpern's (1998) study of New South Wales prisons included 10 women inmates at Mulawa Prison. Three of the women reported being sexually assaulted and their comments suggested that sexual victimisation by other inmates is common. However, the welfare officer overseeing the survey stated that she had heard only unofficial complaints about sexual assaults and that the alleged perpetrators were police and prison officers. A New South Wales survey of inmate health found that only two per cent of female (n=2) and male inmates (n=15) reported engaging in non-consensual sex in jail. At the same time, 17 per cent of females (n=22) and 30 per cent of males (n=195) reported being aware of sexual assaults occurring in the previous 12 months (see Table 23).

Table 23: Inmate awareness of sexual assaults in jail

	Females		Males	
Sexual assault	N	%	N	%
Last week	2	9.1	11	5.6
1-4 weeks	2	9.1	17	8.7
1-3 months	6	27.3	34	17.4
3-6 months	3	13.6	44	22.6
Over 6 months	9	40.9	89	45.6
Total	22	100.0	195	100.0

Source: Corrections Health Service 1997

At the very least, inconsistent results from different institutions suggest that inmate sexual assault is not necessarily inevitable, but variability in the samples and settings of different studies complicates comparison. Moreover, prison culture in some institutions is so coercive that experts are sceptical of the reliability of inmate self-reports. Many inmates are prevented from reporting honestly in surveys due to the stigma of being sexually victimised and the fear of violent retaliation for naming or informing on offenders (Bell et al. 1999, Dumond 2000).

The Nature of Sexual Assault in Prison

Australian information on the nature of custodial sexual assault is scarce. Once again, this section draws largely on the overseas literature and it is not clear whether studies from other countries are applicable to the Australian context.

Sexual Misconduct by Prison Staff

The improprieties encompassed by the term "sexual misconduct" include the seemingly "mild" act of "contact" between staff and inmates, supposedly consensual acts of intercourse, and sexual assault and rape. In some countries sexual misconduct by public employees has been criminalised and defined as a form of sexual assault (National Institute of Corrections 1996).[9] In others it may be defined as either a misdemeanour or

felony offence, contingent on the nature of the specific behaviour involved. Consent of an inmate is often excluded as a defence to charges of sexual misconduct, for reasons that will be explained more fully.

Coercion and Intimidation

Under national and international law, states are required to protect inmates from custodial sexual assault and to punish offenders. The United Nations' Standard Minimum Rules for the Treatment of Prisoners state that only female guards should supervise women inmates, but anti-discrimination legislation means that these standards are not met in all countries. When large numbers of prison guards are men, correctional institutions for women can be highly sexualised and hostile environments. In Devlin's (1998) study of English women prisoners, more than half of those who objected to male officers had been victims of prior sexual abuse and regarded the presence of men as a constant threat.

The complexity of the correctional setting and institutional relationships causes further difficulties in determining the magnitude of the problem, as sexual abuse takes many forms. Female inmates are subjected to a range of acts, which at the very least cause humiliation and, in some instances, violate criminal laws and institutional rules prohibiting sexual contact between staff and inmates. These behaviours include:

- sexualised verbal degradation and harassment;
- sexually offensive gestures;
- being left naked in a cell while observed by male staff;
- inappropriate visual surveillance, such as watching women using the toilet, bathing or dressing;
- inappropriate touching and search techniques that go beyond security needs, such as aggressively touching or squeezing breasts and genitals during pat-frisks;
- vaginal, oral and anal rape.

While much of the viewing and touching is lawful, the United States Justice Department has concluded that frequent, prolonged or unnecessary viewing and touching constitute sexual misconduct (Human Rights Watch 1996). The United Nations regards inmate rape as torture. Federal and state courts in the United States have found that sexual harassment, sexual assault and rape violate the prohibition against cruel and unusual punishment (Bell et al. 1999). One United States court has ruled that excluding men from positions of power in women's correctional centres is not discriminatory, in light of the incidence of prior sexual abuse and in the interests of providing a living space that is conducive to rehabilitation (Kilroy 2002).

Staff have not only abused their custodial authority to gain sexual gratification, but also to benefit financially. Guards in Hawaii ran a prostitution ring at a hotel near a women's correctional centre, using the inmates as prostitutes (Bell et al. 1999). Guards in another United States prison accepted payment from male inmates, admitting them to the cells of female prisoners whom they sexually assaulted (Human Rights Watch 1996). The conduct of staff in some facilities is such that women's prisons have been described as being characterised by a "climate of sexual terror" (Siegal 2002, p. 137), as inmates are routinely sexually coerced and intimidated through emotional and verbal abuse, racial slurs and repeat victimisation.

Sex for Favours

Prison staff do not always force sexual compliance, as inmates may be enticed into or rewarded for having sex. Inmates trade

sex for protection, drugs, food, money, cosmetics and other privileges that staff are in a position to confer or deny. Fifteen per cent of female respondents to the New South Wales Inmate Health Survey reported engaging in "consensual" sex (Corrections Health Service 1997). Given many inmates' personal histories of sexual assault, they may see nothing abusive about exchanging sex for care and attention, or out of loneliness. While there may be no overt coercion involved, the near-total authority of prison staff over inmates obviates the possibility of freely given consent and some experts define any sex between staff and inmates as rape (Bell et al. 1999).

Strip Searches

Advocates for women prisoners argue that the pre-imprisonment experiences of most inmates make arbitrary strip-searching an abusive act. In Australia, strip searches are conducted whenever prisoners are visited by family and friends and even after professional visits from lawyers and welfare workers. Although strip-searching without specific and reasonable suspicion violates the Convention Against Torture and interferes with the prisoner's privacy, prisoners can be forcibly searched, without evidence of possessing contraband. Refusal to comply can result in a prisoner being handcuffed, charged with an offence and having her clothes torn off.

Strip-searching contravenes United Nations standards and international covenants ratified by Australia, particularly the Convention on Elimination of All Forms of Discrimination Against Women and the Convention Against Torture. The United Nations Human Rights Committee has stated that only persons of the same sex should conduct body searches and that inmates' privacy should not be compromised by male officers intentionally observing them in a state of undress. However, not all jurisdictions in Australia or elsewhere require that guards are female (George 1993). Even in jurisdictions where male officers are legally prohibited from conducting strip searches of female inmates, the protection that this affords is meaningless when inmates are strip searched by female guards in the presence of male employees who make lewd comments during the search (Human Rights Watch 1996).

Following a Commission of Inquiry into an incident in the Canadian Prison for Women, the Arbour Report found correctional practices to be dehumanising, degrading and intended to terrorise. Madam Justice Arbour found the practices to be in contravention of international human rights treaties, correctional law and the Canadian Charter of Rights and Freedoms, because they revictimised women who had previously experienced violence at the hands of men (Jackson 2002). The United States Supreme Court has found that intrusive body searches of female prisoners by men in positions of authority constitute gender subordination (Kilroy 2002).

The effect on prisoners can be far-reaching, especially for those who have been sexually victimised prior to imprisonment by a person in a position of authority or trust.
These inmates are likely to experience touching, invasions of privacy, forced nakedness and strip searches as sexual violations and they may relive the trauma or suffer flashbacks. Their narratives often liken strip searches to rape and pack rape because in essence there is no choice but to submit-as is the case with sexual assault. Even those who have not been sexually abused face degradation and a loss of dignity in these situations. Some inmates request loved ones not to visit, so that they need not be subjected to the humiliation and powerlessness experienced during the strip search (Carlen 1998; Devlin 1998; Diamond 1995; George 1993; Kilroy 2002).

Sexual Assault by Female Inmates

The evidence relating to the sexual assault of female prisoners by other female inmates is contradictory. Official rates of sexual assault by inmates are low and some researchers have been told that while forced sex does happen, it is not the norm. Same-sex relationships in prisons are commonplace and usually consensual, which is presumed to reduce the incidence of sexual assault (Easteal 1992; Girschick 1997-98). However, other researchers have found that sexual assault among female inmates is common but is not reported (Alarid 2000; George 1999; Heilpern 1998; Morgan 1999).

A 1998 survey in Nebraska found that eight per cent of female prisoners in three women's prison units reported at least one incident of sexual coercion (ranging from unwanted sexual touching to rape). The rates reported by female inmates varied among the three facilities, from six per cent and eight per cent to 19 per cent. Sexual coercion was more likely to be perpetrated by other female offenders than by correctional staff.
The majority of incidents involved inmates touching, seducing or pressuring victims into sex, with rape rates varying from nil to five per cent across the three populations. Rates of sexual coercion varied according to the institution, with higher rates in facilities that were larger, had dormitory-style housing, and housed violent offenders (Struckman-Johnson & Struckman-Johnson 1999, cited in Alarid 2000).

In Australia, Bennett (2000) notes that inmates who resist "predatory" sexual advances may be physically assaulted. As women who are intimidated by and fear reprisal from the predator are unlikely to speak out, it is difficult to distinguish between coercive and consenting relationships. Alarid's (2000) qualitative case study of inmate sexual coercion, based on written observations from a United States inmate over five years, indicates that pressure on women who refuse approaches for sex eventually subsides. Still, up to 80 per cent of relationships in female prisons may include sexual favours. Women who enter these relationships may be subject to repeated incidents of sexual coercion and gang rape for rejecting sexual overtures. Low rates of reported sexual assault may be a result of women capitulating to sexual coercion through intimidation or loneliness. Thus, the incidence of rape may be much lower than other forms of sexual assault. It is also possible that women whose personal histories include sexual assault are desensitised to behaviours that could be classified as sexual assaults; they may accept these incidents as "normal".

On the other hand, Devlin (1998) suggests that the "predatory lesbian" is a myth, as imprisoned lesbians usually have no shortage of partners and no need to resort to force, although sexual rivalries may result in violence. She also suggests that while sexual abuse by other inmates is not unknown, many rapes are vicious searches for drugs smuggled into the prison vaginally. This contention is supported by anecdotal evidence in a recent Australian radio interview with ex-prisoners. In the following narrative, ex-inmate Jane explains how prisoners rape women who are believed to be in possession of drugs.

> *Jane* *They'll call two people or three girls. First they'll try and make you vomit. If nothing comes up, you'll be held down, you'll be checked anally, your vagina-yeah it's pretty degrading.*
> *Yeah that happens a lot. Because they don't know who to trust in there. Like God help you if they check you out and they pull out balloons or anything. Oh look. You can get the end of a mop. I've heard of girls being raped anally with toilet brushes...you're really going to cop it if they find anything. It doesn't matter how big you are or how staunch you*

are. They can get fifteen girls in one cell to hold you down...

Radio Eye *Were you part of it?*

Jane *Yeah I was. Yeah, I helped to hold the girl down. Yeah, there was a lot of carrying on and blood and...I actually was the one holding the pillow so that she stopped screaming. But not too much pressure that...you just got to make sure that she's still kicking...*

Radio Eye *What was she raped with?*

Jane *A toilet brush. Yeah. She didn't talk, she didn't say anything. And the worst thing was to sit around and see the person that actually done the rape and things like that...that in a couple of days everyone was sitting around, we were all drinking coffee, arranging for the next drop to come in. Like nothing had even happened. Yeah, it's pretty nasty.*
(Radio National, Radio Eye, 12 October 2002).

Sexual assault by inmates may be exacerbated by the inaction of correctional staff, who may ignore inmates' complaints of sexual assault, verbally stigmatise victims in the presence of other inmates, or even encourage sexual acts among prisoners.

Non-reporting of Custodial Sexual Assault

Sexual assault in women's prisons is rarely reported to authorities, either by prisoners or correctional staff, although there is some evidence linking inmate suicides with sexual offences. Not all prison workers tolerate inmate sexual assault, but given the closed nature of correctional facilities, they may be reluctant to testify against their colleagues. Some officers report being threatened and harassed by co-workers for doing so or for attempting to protect inmates.

Prisoners are unable to escape from their abusers and face a number of barriers to stopping the unlawful behaviour or having the perpetrator brought to justice.

- Fear, instilled by the subculture prohibition on disclosing misconduct, prevents victims from informing on their assailants, whether they are staff or prisoners. Human Rights Watch (1998) found that most inmates who complained of sexual misconduct experienced retaliation by the officer, his colleagues and other prisoners, or punishment by correctional officials. In 1995, 30 women plaintiffs in two correctional centres sued the Michigan Department of Corrections for sexual assaults, harassment and inappropriate visual surveillance, naming 20 corrections officers as defendants.[10] Retribution against these prisoners took a number of forms, including verbal harassment, denial of visitation rights, intimidation, disciplinary action, a loss of "good time" accrued towards early release, threats of transfer, or further sexual or physical abuse. The most articulate women were singled out for revenge and some experienced such distress that they attempted suicide. The guards' tactics have been effective in silencing other prisoners, as many are now too intimidated to speak out.

- The stigma and shame of admitting sexual victimisation is a major deterrent, as the dominant prison code does not tolerate expressions of personal weakness.

- In some instances, correctional officers may be the most immediate level of authority for reporting sexual abuses within the institution, but lack of

sensitivity on their part and lack of trust by prisoners precludes this option.

- Resistance from prison administrators can sabotage prisoners' complaints. If the prison management delays reporting criminal complaints to police, crucial medical evidence is compromised. This allows correctional officials to wipe their hands of the matter. Employees continue to abuse inmates with impunity because there is little chance of being held accountable either within the institution or in a criminal court.
- Victims are often denied access to the grievance process. Some institutions have instigated investigatory procedures, but these are often ineffectual. Prisoners are often not informed about what constitutes sexual misconduct by staff, are unaware that grievance procedures exist, or have little confidence in them.
- Internal investigatory procedures are often biased against inmate testimony and fraught with conflicting interests. Correctional officials often assume that inmates lie; they are treated with hostility by investigators and pressure during the investigative process causes some to withdraw complaints. Thus, investigations often do not move beyond a decision to accept the guard's defence as more credible than the prisoner's accusations. An ombudsman's report on Mulawa prison found evidence that investigatory methods differed according to the nature of the complaint. Allegations about unwanted sexual advances and sexual assault were treated less seriously than those pertaining to consensual sexual relationships between inmates and guards (Moss 1997).
- In some cases, officers have been assigned to investigate allegations of sexual assault against themselves. Some grievance procedures require that the officer be informed that a complaint is being filed while he still has daily contact with the complainant, or that the inmate informally confront the alleged offender before filing a formal complaint.

Recording Sexual Assault in Prisons

Custodial sexual assault is often denied by prison administrators and is invisible outside the confines of the correctional system. Canadian criminologists have noted that the secrecy surrounding correctional institutions "is another factor that protects those regimes from the public eye. Secrecy presents real barriers to investigation and research" (Hannah-Moffat & Shaw 2000, p. 15). Even when custodial sexual misconduct is admitted, it is often viewed as a victimless crime, as evidenced by the failure of corrections management to enforce laws prohibiting inmate-staff sexual contact and the light penalties handed down in cases that proceed to trial (Devlin 1998; Human Rights Watch 1996).

Australian corrective services fare well when their legislative and policy frameworks are compared with other countries. A Canadian inquiry found that Australian jurisdictions provided for the protection of prisoners' human rights by employing parallel mechanisms that included a grievance system and an external monitoring system that makes or reviews decisions impacting on prisoners' human rights (Jackson 2002). Various people external to the corrections system are empowered to inspect and report on prisons and to receive complaints from prisoners.[11] Complaints made to custodial officers or to external persons must be promptly transmitted to the recipient and must be recorded in all jurisdictions except the Northern Territory and the Australian Capital Territory. Prisoners are also entitled to consult lawyers on legal matters arising during detention. Codes of conduct to guide correctional staff note the power differential between staff and inmates and forbid

inappropriate relationships. Failure to comply is subject to disciplinary action (see, for example, NSW Department of Corrective Services 2002; Queensland Department of Corrective Services 2002).

As custodial sexual misconduct impacts on prison staff at all levels, there is sufficient motivation for records to be lost or hidden. However, attempting to document abuses of custodial power, or determine the extent of hidden recording, is difficult. In addition to the gaps in knowledge caused by under-reporting, guards who have been reported for sexually abusing inmates retaliate against informants by enlisting the help of other officers in handing out punishment. As guards exercise a great deal of discretion in relation to rewards and punishments, establishing a causal link between a complaint against one guard and punitive action by another can be difficult. Women making the reports are both discredited and intimidated (Human Rights Watch 1998).

The New South Wales ombudsman's report on the investigation of the Mulawa Correctional Centre in the mid-1990s highlights further difficulties for investigators (Moss 1997). The investigation was prompted by media allegations that included a "sex for favours" network between guards and prisoners. These allegations were not substantiated, but evidence was found of "consensual" inmate-officer relationships, instances of sexual harassment and sexual misconduct by male prison officers. All clearly identifiable cases of sexual misconduct appeared to have been reported to and investigated by the Internal Investigations Unit. They frequently resulted in the officer's dismissal if found guilty, or resignation prior to interviewing (which, as previously noted, is often taken as a tacit admission of guilt). As the inquiry uncovered no further instances of sexual misconduct, the ombudsman speculated that either the Internal Investigations Unit kept a reasonably comprehensive list of major sexual misconduct incidents, or there were more instances occurring, but that they were not being reported to the inquiry.

A lack of reporting by prisoners to the ombudsman may have been the result of inmates' reluctance to give evidence due to fear, the passage of time since the attack, or the prison code against informing. In addition, while a sex for favours network is exploitative, it is not one-sided and current inmates who are acquiring goods in this way are unlikely to come forward. Past inmates may also be loath to cooperate, as they may have friends inside with an interest in seeing the current system continue, or may believe that they could be incarcerated again at some stage.

Unable to establish the existence, let alone extent, of such a network, the ombudsman focused on the efficiency and effectiveness of the investigation of prisoner complaints. Records of allegations against officers were often unable to be supplied due to poor data management methods. The ombudsman concluded that the standard of internal investigation was not uniform and, although some cases were investigated thoroughly, others were not. Rather, the quality of many investigations was found to be "poor and patchy...and of grave concern" (Moss 1997, p. vii). As allegations or investigations of sexual assault are not always recorded or monitored by a centralised authority, little evidence may exist about the histories of repeat offenders and existing records can become "lost" or irretrievable in the administrative database. This points to the possibility of under-recording or hidden recording within correctional systems, but gives no indication as to its extent. In addition, investigators of individual allegations generally fail to determine whether the incidents are symptomatic of a systemic problem. Matters are put out of mind after the individual in question has been dealt with, although it is often clear

that other officers have been complicit in misconduct by either failing to report or ignoring sexual misconduct. These officers are equally culpable of unprofessional conduct and should have been investigated.

The Implications of Custodial Sexual Assault

Sexual violence is likely to be one of multiple types of victimisation experienced by female inmates prior to incarceration, either during childhood or as adults. Childhood sexual abuse is particularly troubling because of its potential long-term impacts on behavioural and psychological outcomes. This does not mean that abuse or its sequelae cause crime, but there is evidence that treating the consequences of abuse can reduce reoffending (Byrne & Howells 2000). At the same time, young female inmates do not necessarily view themselves and their actions as totally determined by their experiences of victimisation. Gaarder & Belknap (2002, p. 483) note that from childhood to adulthood the lives of women who are imprisoned are often marked by a

> *fluidity of victimization/offending experiences...Legalistic categories of "victim" and "offender" cannot adequately describe the meaning or interconnections of such experiences in young women's lives.*

Viewing female prisoners entirely as victims of circumstance leaves them little room to take responsibility for their own actions.

The punitive setting of correctional facilities reproduces the dynamics of abusive relationships, in which the victim/prisoner lacks dignity and power. Rather than benefiting from rehabilitative programs, women who have been sexually abused may be retraumatised and their unhealthy coping strategies and problems with authority figures reinforced. Added to the effects of the prison regime, sexual assault in prison, whether perpetrated by inmates or by corrections staff, may exacerbate victims' propensity towards violence, as even non-violent prisoners have become aggressive following sexual assault. The effects are even more pronounced for those who were victims of violence prior to incarceration (Bell et al. 1999). Given that women in the general community find it so difficult to report sexual victimisation to police, female inmates-subject to harsh prison regimes and fearing and mistrusting authorities-are unlikely to report their experiences. Sexual assault in custody means that many female prisoners pay penalties far exceeding their court sentences.

9 Recording in Other Systems

Criminal justice records are not the only source of official records on sexual violence against women. Sexual assault results in significant morbidity and sometimes mortality and has been linked with suicide, drug and alcohol problems, homelessness and mental illness. At the same time, examining the records of non-police agencies that provide services to sexual assault victims can be problematic if the data are not analysed in conjunction with police records because, while they reflect the extent of sexual assault to some extent, many victims do not require hospitalisation, seek shelter in a refuge, or consult a rape crisis centre. In addition, these records may not always be hidden, as some instances may be brought to police attention and others may be reported to authorities within institutions, but not recorded. Without further research it is not possible to determine the extent to which recording practices in other systems might reduce the dark figure of police sexual assault statistics.

Suicide

Little research has been conducted on the implication of sexual assault in suicide or parasuicide (suicide attempts), although it is suspected that there is a substantial link (Doyle 1996). A New Zealand study found that childhood sexual abuse was a stronger predictor of suicidality than depression (Agar & Read 2002). Anecdotal evidence based on client records from the South Western Centre for Sexual Assault in Victoria indicates that around 17 per cent of the total client group had attempted suicide and that 45 per cent had suicidal ideation (unpublished annual report 2000-2001). More information is available in relation to Aboriginal youth suicides, although this is still scant.

Family violence, self-inflicted injury and suicide are linked in Aboriginal societies, as the boundary between self and community is not as distinct as in Western cultures (Partnerships Against Domestic Violence 2001). The Aboriginal and Torres Strait Islander Women's Task Force on Violence was told that "youth suicide is largely due to a history of sexual abuse" (Department of Aboriginal and Torres Strait Islander Policy and Development 2000, p. 15). A recent Western Australian inquiry into family violence and child sexual abuse was prompted by a coroner's report on the suicide of a 15-year-old girl in an Aboriginal community. The report included allegations of widespread sexual and physical abuse in the community and revealed that rates for some sexually transmissible diseases among 10-14-year-olds are as high as 186:1 for Aboriginals compared to non-Aboriginals (Gordon, Hallahan & Henry 2002).

A study of Aboriginal suicide in New South Wales, although limited in scope, illustrates ways in which sexual assault can be under-counted, under-recorded or hidden, if official records do not accurately reflect the facts of the case (Tatz 2001). In 1990-91, the suicide rate among male and female Aboriginal youths was the fourth highest in the world (27 per 100,000 for males and six per 100,000 for females in the 15-24 age group). In New South Wales in 1997, suicides in the15-24 age group were in excess of 48 per 100,000 Aboriginal population, which is double the national rate. Suicide in the 5-14 age cohort occurred at a rate of more than 15 per 100,000. In other countries, the highest rate for this age group is 1.3 per 100,000 persons, in Canada.

Tatz (2001) investigated suicides among a sample of just over one-third (38 per cent) of the total New South Wales Aboriginal population. Between January 1996 and June 1998, there were 43 suicides (38 males) in which Aboriginality was known (see Table 24). This equates to an annual rate of 40

suicides per 100,000. There were a further 31 suicides (27 males) in which Aboriginality was possible but undetermined and it is estimated that at least 16 of these were Aboriginals. For this sample, suicides in the 0-14 and 15-24 age cohorts produced a male suicide rate of 128 per 100,000 for 1997. Rates were not calculated for females.

Table 24: Indigenous suicides in New South Wales, January 1996 to June 1998

	Aboriginal suicides		Possible Aboriginal suicides	
Age group	N	% of total	N	% of total
0-14	2	4.7	1	3.2
15-24	17	39.5	13	42
25-34	19	44.2	10	32.2
35-50	5	11.6	7	22.6
Total	43	100	31	100

Source: Tatz 2001

The majority of Aboriginal youth suicides occur in non-custodial settings, but they are under-reported and under-recorded for several reasons.

- Suicidal intention is not always certain. A strongly adhered to model states that suicide cannot be presumed if it is not proven by evidence.
- Coroners may choose not to record a verdict of suicide so as to spare families from shame or stigma, or for religious or other reasons.
- Community and family members may deny the occurrence of suicide and parasuicides for the same reasons.
- Aboriginality can be difficult to determine.
- Police and coronial records often fail to specify Aboriginality.

While the official rate of Aboriginal youth suicide is double the non-Aboriginal rate, the raw figures may be at least two or three times higher than those officially recorded. In addition, the convention that "youth" lies between 15 and 24 years of age is not entirely appropriate for the Indigenous population, whose life expectancy is up to 20 years less than non-Indigenous groups. The actual number of suicides is obscured by the growing number of suicides and parasuicides who are younger than 15, because officially these are not youth suicides.

It is impossible to quantify or provide direct evidence of the correlation between suicides and parasuicides of Indigenous women and sexual assault. Female suicide is a relatively neglected area of study and, while the rates are much lower than among males, attempted suicide is far more frequent among Australian Aboriginal, Mâori and North American Indian females. The difference is probably due to the choice of method rather than intent, as males use techniques that succeed, while females tend to use less lethal means, such as prescription drugs. Nor is it suggested that sexual victimisation is the only factor that results in a propensity to suicidal ideation. The motivation to self-annihilate is extremely complex and must be considered in relation to cultural, social, political and personal contexts. However, reactive psychological states such as depression, shame, anger and feelings of worthlessness, can be precipitated by factors such as abuse, negative personal relationships and substance abuse.
Tatz (2001, below) cites anecdotal evidence that sexual assault is a contributing factor in the suicidal behaviours of Aboriginal women and girls.

> *An Aboriginal informant, who worked as a mental health counsellor in Newcastle from 1989 to 1992, claims that as many as three in 10 Aboriginal patients had attempted suicide and that several females were in the 9-, 10- and 11-year-old bracket, pregnant as a result of incest.*
> (Tatz 2001, p. 90)

> *"Slashing up" is common. Several informants contended that it is most common among those who have been sexually abused, and that the slashing begins at an early age. (p. 103)*
>
> *An Aboriginal health education officer in Nowra relates the life of a woman, removed from her parents at age two. She told my informant that, at the age of 25, she wanted to die because she was "old".. She was first raped when she was seven months pregnant with her first child. When the child was little, she was raped again. (p. 105)*

The link between growing up in dysfunctional communities and psychological distress that leads to suicidal behaviour has been noted among the Indigenous peoples of New Zealand, Canada, North America and the Pacific Islands, where the rate of parasuicides is increasing among females who have no history of mental illness. While statistical data are scarce, the female rate of attempted suicide in Alaska is almost eight times the national rate. The New Zealand Ministry of Health notes that the Mâori female rate of nearly seven suicides per 100,000 has overtaken the pakeha (European) rate of five per 100,000 to become the highest rate of female youth suicide in the world (Tatz 2001). A Canadian report on family violence notes that isolation, depression and abuse in its various forms are risk factors for suicide, but that victims of sexual violence are particularly at risk: in one local study almost one in five (19 per cent) sexual assault victims attempted suicide, compared to two per cent of non-victims (Scott & VanDine 1995). In another Canadian study of 19 victims of domestic violence, three participants reported that they had contemplated suicide, either as children in abusive homes or as adults in abusive relationships (Forsdick Martz & Sarauer 2000). Canadian researchers send a strong message that Indigenous female youth suicide requires urgent attention.

> *Little has been documented thus far, but many of the stories of sexual abuse reveal that [Canadian] Aboriginal women are often attacked as teenagers. Teenage girls with little or no sex education in an environment conducive to alcohol abuse and violence are particularly vulnerable to adult male seductions/attacks. Rape can devastate teenagers. There is growing documentation that following sexual assault, teenagers turn to substance abuse, prostitution, self-mutilation and/or suicide...The suicide rate is five times the national average in the 15 to 24 age group among Aboriginal youth. One book analysing the death of an Ojibwa community in northwestern Ontario links female suicide with sexual assaults.* (LaRocque 1994, p. 8)

Femicide

Patterns of homicide reflect the gendered and relational patterns of sexual assault. Females are likely to be killed by a male intimate partner, often with a history of prior violence in the relationship (Morgan 2002). While approximately 13 per cent of homicides in Australia occur within the course of another crime such as sexual assault, Indigenous homicides are significantly less likely to do so (four per cent between 1989 and 2000; Mouzos 2001). However, reports about the way that causes of death are recorded for Aboriginal women suggest that medico-legal recording processes have the potential to obscure sexual assaults associated with fatalities.

Sexual assault of Indigenous women occurs in association with high rates of alcoholism and other types of violent crime, such as spousal or family violence. These in turn are correlated with increased rates of homicide (Memmot et al. 2001). Although Indigenous women comprise only two per cent of the female Australian population, they are over-represented as victims of femicide (15 per

cent). Approximately 36 per cent of Indigenous homicides between 1989 and 2000 involved a male offender and female victim, compared to 29 per cent of non-Indigenous homicides. Just under half (45 per cent) of all Indigenous homicides follow domestic altercations, with the victim-offender relationship involving intimate partners in 38 per cent of cases and other family members in a further 23 per cent of incidents (Mouzos 1999, 2000, 2001).

While hospitals record the number of patients treated for alcohol abuse, they may fail to distinguish illness from injury and, where they record admissions for trauma, there may be no indication of whether the trauma was the result of an accident or was inflicted by another person. Therefore, mortality statistics often exclude some types of Indigenous homicides. For example, the deaths of women following long-term spousal abuse may be attributed to more immediate causes of death, such as liver failure (Memmot et al. 2001; Mow 1992). Thus it is possible that medical or legal personnel may not record sexual assault as a contributing or contextual factor to death, particularly if the abuse and the death are connected with ongoing spousal abuse or alcoholism.

Morbidity Data

While sexual assault victims who sustain injuries are more likely to report the incident to police than those who are not injured, not all victims with bodily injuries contact police. Victims sustaining bodily harm may seek medical attention from a general practitioner or at the accident and emergency centre of a local hospital. Doctors and hospitals may therefore be dealing with a different population from those dealt with by police and their records have the potential to supplement police records and crime victim surveys.

Victims of domestic violence also use health services more frequently than those who are not victimised. The health effects extend beyond acute injuries to short- and long-term physical and psychological impacts and include anxiety and depression, pelvic pain, gynaecological and sexual problems and somatic complaints. However, doctors are not skilled at recognising the indicators of victimisation and it has been estimated that only one victim in 25 is detected by doctors. Treatment for the presenting condition is likely to be inappropriate, as the underlying problem of abuse is not addressed. The lack of prevalence studies exacerbates this situation.

An Australian study suggests that both victims and doctors lack knowledge about the health implications of sexual abuse. More than 2,000 women consulting general practitioners in Melbourne completed a self-administered questionnaire. Thirty per cent had experienced some form of sexual abuse since the age of 16 and just over half of these had experienced more than one form of sexual victimisation. Almost 40 per cent of respondents had been sexually victimised before the age of 16. Up to 28 per cent of respondents reported experiencing physical and emotional abuse perpetrated by partners within the previous year. Only 27 per cent of domestic violence victims and nine per cent of sexual violence victims had discussed the abuse with their doctor. The majority (73 per cent) did not do so because their doctors did not ask them about such matters (Mazza, Dennerstein & Ryan 1996).

It is important to note that the majority of sexual assault victims sustain only minor injuries (Bargen & Fishwick 1995). Perth doctors working with a sexual assault referral centre collected data over a one-year period about physical and genital injuries sustained by sexual assault victims and found that 83 per cent of victims had minor or no physical injuries at all. Only one person sustained injuries serious enough to require hospitalisation, although some did seek treatment at hospital emergency

departments. The majority of women who reported being vaginally penetrated also sustained minor or no genital injuries (90 per cent), while minor or moderate genital injuries were sustained by 11 women who did not report penetration (Lincoln 1996). Clearly, general practitioners may fail to detect cases of sexual assault if they believe that physical or genital injuries are inevitable consequences and indicators of sexual attacks, or if they rely on patients' self-reports to establish whether an attack has occurred.

The few studies that have analysed data from emergency departments have focused on violence in general or on domestic violence, but they emphasise the hidden nature of domestic violence in the hospital setting.[12] United States morbidity data indicate that 37 per cent of all women seeking treatment in hospital emergency rooms in 1994 were victims of domestic violence; 13 per cent required major medical care and 28 per cent required admission (Richie 2000). Other studies have found that one in five women presenting at emergency departments have histories of domestic violence, but that this fact was recorded in the medical files of only five per cent to 16 per cent of those who disclosed domestic violence to hospital staff. Through inappropriate attitudes or lack of training, hospital personnel failed to detect violent victimisation in the home and doctors were treating injuries without addressing the abuse. These studies established strong associations between domestic violence, psychiatric illness, parasuicides, and abuse of drugs and alcohol (Roberts 1995).

A study conducted at St Vincent's Hospital in Sydney during the first six months of 1989 found that single males were more likely to be victims of violence than females, who comprised 14 per cent (n=74) of the sample (n=510). Although the survey made provision for recording sexual assaults, none were reported. Twelve per cent of all cases were victims of domestic violence and women were five times more likely to be victims of domestic assaults than males: 38 per cent of females compared to seven per cent of males were assaulted in their own homes, while street violence accounted for 51 per cent of female victims and 82 per cent of male victims. Slightly more women than men had been assaulted previously and the first attack was likely to have taken place in the past 12 months. Over half of all victims of previous attacks had required hospitalisation or outpatient treatment. Less than half (40 per cent) of the female victims intended to report the attack to police. The authors of the report noted that until this study was conducted, hospital staff were not aware that victims of domestic violence constituted such a large proportion of the hospital population. As a result they may have missed cases and failed to implement protocols for suspected victims of abuse. Where such protocols have been developed, detection of battering in female trauma cases has increased by 25 per cent (Cuthbert, Lovejoy & Fulde 1993).

An epidemiological study conducted at the emergency department of the Royal Brisbane Hospital from 1990 to 1993 screened patients for a history of domestic violence, including sexual assault. The sample for the first of two prevalence studies comprised 1,213 subjects, with 557 females. Fourteen per cent of the overall sample and 23 per cent of females gave self-reports of domestic violence. While most incidents took place more than a year before (60 per cent), almost nine per cent occurred within the previous 24 hours, three per cent within a week and eight per cent within a month. Based on episodes occurring within the past 24 hours, and assuming that victims would attend an emergency department, approximately one in 50 women presenting at an emergency department does so following an incident of domestic violence. The report does not present the rate of sexual abuse among patients, but notes that it was significantly higher among females. In addition, while 18

per cent of sexual assault victims were victimised as adults only, almost twice as many (35 per cent) were victimised as children and adults. The doubly victimised group was over-represented among those requiring an overnight stay and more likely to have been abused within the past week (21 per cent compared to six per cent of adult abuse-only group). Most victims (79 per cent) presented between 5pm and 8am, when social workers or other referral sources were unavailable. Doctors and nurses frequently did not know what community resources were available, or how to address the abuse. Aside from suturing wounds or treating physical injuries, staff did not mention assaults, inform police of domestic incidents involving stab wounds, or refer patients to social workers (Roberts 1995).

Emergency department information is recorded, but not necessarily reported to police by victims or hospital staff. As a result, these incidents are unlikely to be counted in official statistics. However, the limitations of emergency department data include:

- The number of women presenting for treatment can be under-represented if staff miss cases, are too busy to deal with anything but the physical injuries, or do not know how to broach the topic of sexual assault.
- Self-reports can lead to under-counting and misclassification if victims fail to disclose or deny their experiences. Unless sexual assault victims are treated for genital injuries, factors such as shame may cause them not to speak about the incident.
- Emergency department data fail to take into account the context, frequency and severity of violence, as well as its meaning and impact on victims (Roberts 1995).
- Emergency departments are likely to be located in metropolitan hospitals. Hospitals in smaller urban centers or in rural areas may have different structures for dealing with victims of violence and different recording practices.

To gain another perspective on hospital attendances, statistics from the National Hospital Morbidity Database were obtained from the Australian Institute of Health and Welfare (AIHW). The information relates to patients who were admitted to most public and private hospitals between 1993-94 and 2000-2001. The records are for hospital separations; that is, discharges, transfers, deaths or changes in type of episode of care. As a record is included for each separation, rather than each patient, patients who separated more than once in any year may be recorded more than once in the database. The data obtained include details relating to the cause of injury (sexual assault), gender, Indigenous status, age group, country of birth and the rural/remote/metropolitan area of the hospital. There are, however, a number of limitations of the data, including:

- definitions may vary among data providers and from one year to another;
- not all private hospitals are included, so the counts for private hospitals are likely to be slight underestimates;
- different demographic structures (for example, aged and Indigenous populations) in the states and territories can have a substantial impact on service provision amongst the jurisdictions;
- the data are not measures of incidence or prevalence, because not all sexual assault victims are treated in hospital and hospitalisations can be affected by differing practices and patterns of service provision (AIHW 2002).

Table 25: Hospital separations for female sexual assault victims 1993-94 to 2000-01

	93-94		94-95		95-96		96-97		97-98		98-99		99-00		00-01	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Total	12	100	21	100	25	100	89	100	93	100	110	100	125	100	119	100
Indigenous	1	8			2	8	23	25	32	34	35	32	35	28	32	27
Age																
<1-14	1	8	3	14	2	8	14	16	18	19	17	15	11	9	8	7
15-19	4	33	4	19	4	16	21	24	15	16	21	19	20	16	21	18
20-24	2	17	6	29	4	16	18	20	15	16	19	17	26	21	15	13
25-29	1	8	3	14	3	12	12	13	14	15	7	6	16	13	17	14
30-34			4	19	3	12	8	9	8	9	13	12	17	14	16	13
35-39	2	17	1	5	2	8	5	6	5	5	14	13	9	7	7	6
40-44					1	4	5	6	8	9	12	11	14	11	10	8
45+	2	17			6	24	6	7	10	11	7	6	12	10	25	21
Country of birth																
Australia	7	58	18	86	21	84	72	65	81	87	98	89	114	91	60	50
Americas	1	8			1	4	1	1	2	2						
Asia	1	8	1	5	1	4	2	2	2	2	4	4	2	2		
Europe/UK	2	17			1	4	3	3	4	4	3	3	5	5	4	3
New Zealand/ Pacific					3	3			2	2	1	0.8	1	1		
Unknown	1	8	2	10	1	4	8	9	4	4	3	3	3	2	54	45
RRMA*																
Capital city					17	68	37	42	30	32	39	35	51	41	58	49
Other metropolitan					5	6	3	3	7	6	8	6	5	4		
Large rural							6	7	8	9	8	7	8	6	7	6
Small rural					4	16	8	9	7	8	10	9	17	14	9	8
Other rural					2	8	8	9	9	10	14	13	14	11	15	13
Remote							6	7	7	8	8	7	11	9	8	7
Other remote				2	8	17	19	24	26	22	20	14	11	14	12	
Unknown							2	2	5	5	2	2	2	2	3	2

*RRMA = Rural Remote Metropolitan Area
Other metropolitan area = urban centre with population equal to or greater than 100,000
Large rural centre = urban centre with a population between 25,000 and 99,000
Small rural centre = urban centre with population between 10,000 and 24,999
Other rural area = urban centre with population greater than 10,000
Remote centre = urban centre with population greater than 4,999
Other remote area = urban centre with population less than 5,000

Table 25 summarises information on separations for females where the external cause of injury was recorded as sexual assault.

Considering that these are national figures, the numbers of separations are seemingly small. They may underestimate the actual numbers of separations attributable to sexual assault if victims did not or could not (through unconsciousness, for example) inform hospital staff of the real cause of injury. In addition, they may reflect only the most severe injuries caused through sexual assault-that is, those that require hospitalisation and that are obviously sexual in nature. However, the data support other findings presented in this report.

Figure 16: Proportion of separations for sexual assault by state, 1997–98 to 2000–01

- Indigenous women are vastly over-represented in relation to their numbers in the national population.
- Consistent with survey and police data, most victims were in the 15-19 and 20-24 age groups.
- The majority of separations were for Australian-born women.

While most separations occurred in metropolitan areas, this may reflect the fact that most Australians live in urban settings and that hospitals are more accessible in these areas. This is partially confirmed by state data on separations, which were available for New South Wales, Queensland, South Australia and Western Australia from 1997-98 to 2000-01. Figure 16 shows that the proportion of separations due to sexual assault is roughly concordant with the relative size of the states' populations, as New South Wales has the highest percentage of separations and South Australia the lowest.

When the SDs are ranked by the number of separations, Sydney usually has the highest number of separations, in concordance with its population, but regional SDs with markedly smaller populations are often ranked in the top four. Table 26 shows the SDs with the four highest totals for each year, as well as the total number of separations for each year.

Overall, these findings are in accord with police statistics that indicate high levels of sexual assault in areas with large Aboriginal populations, such as in Far North Queensland and the Kimberley.

Table 26: Statistical Divisions ranked by number of separations 1997-98 to 2000-01

1997-98		1998-99		1999-00		2000-01	
SD	N	SD	N	SD	N	SD	N
Far North (Qld)	13	Sydney	20	Sydney	19	Sydney	20
Sydney	12	Far North (Qld)	6	Brisbane	10	Perth	12
Brisbane	6	Hunter (NSW)	5	Kimberley (WA)	7	Brisbane	7
Kimberley (WA)	6	Central (WA)	5	Illawarra (NSW)	5	Northern (NSW)	5
Year total	76		82		96		88

It is not clear whether hospital separation data are likely to include hidden records of sexual assaults and inflate the dark figure of sex crime. Given that injuries requiring hospitalisation are severe, it is likely that police would be notified if a victim of sexual assault were admitted to hospital.

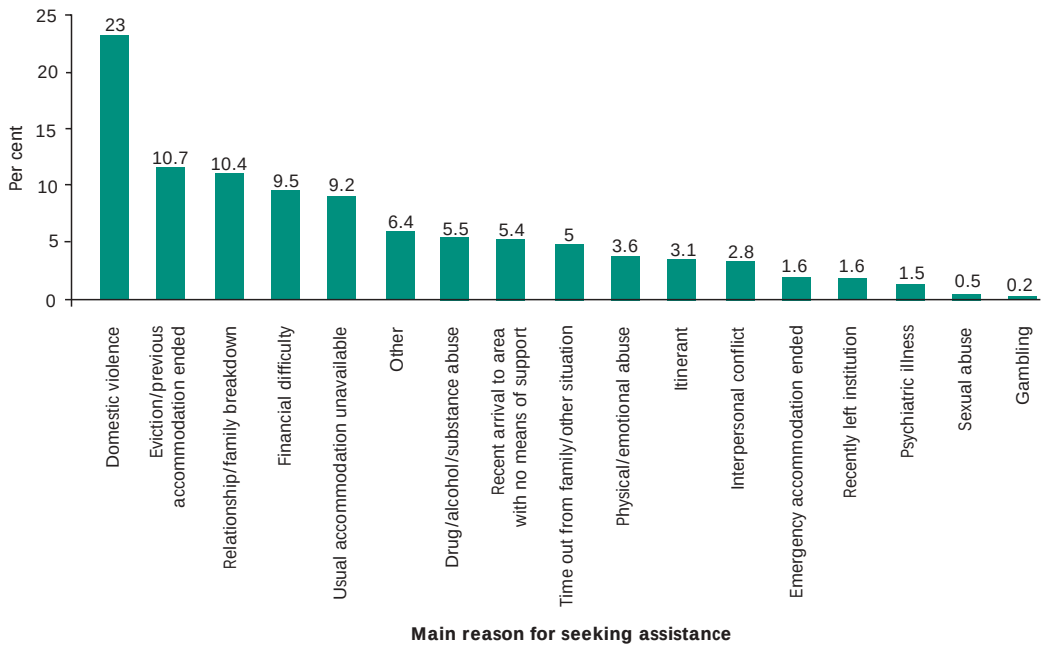
Homelessness

In addition to morbidity data, the AIHW collects information on people who are homeless, or at risk of being homeless, through the Supported Accommodation Assistance Program (SAAP) National Data Collection. SAAP agencies provided 168,200 occasions of support to 91,200 clients during 2000-01. Most clients were women (54 per cent), with an average age of 30 years and were less likely than men to make repeated use of the services. Indigenous Australians were over-represented (16 per cent) relative to their population size (two per cent) and had higher rates of repeat usage.

Over-representation was particularly noticeable in the Northern Territory, where Indigenous women comprised 63 per cent of female clients, compared to 20 per cent nationally. While women with children comprised the second largest proportion of clients seeking support (19 per cent of all support periods, following males aged 25 years and over at 34 per cent), domestic violence was the most common reason for seeking assistance (23 per cent), while sexual abuse was the reason in 0.5 per cent of support periods (see Figure 17).

Women under the age of 25 and unaccompanied by children or a partner were most likely to seek assistance as a result of sexual assault (1.4 per cent), followed by women alone aged 25 years and over (0.8 per cent) and women with children (0.5 per cent). These figures may not reflect the actual extent of sexual abuse among women seeking accommodation support.

Figure 17: Main reason for seeking SAAP assistance 2000–2001 (% support periods)



Source: Australian Institute of Health and Welfare 2001

The pre-specified categories of "reasons for seeking assistance" provide only a partial explanation of women's circumstances and they may interact. For example, women are at greater risk of sexual assault if they are homeless, but the risks for and of an itinerant lifestyle may be compounded by chemical dependency and psychiatric illness, which themselves are associated with heightened vulnerability to sexual victimisation. A woman whose most pressing need is accommodation may not mention sexual assault as a reason for seeking assistance. Sexual assault may also be subsumed within domestic violence or contribute to family or relationship breakdown. Thus, although women may not name sexual assault as the most immediate reason for seeking accommodation support, it may be an underlying factor in agency usage (Gloria Jackson, AIHW, personal communication, 26 July 2002). Undisclosed sexual assaults may also account for some client requests for counselling services. While approximately three per cent of SAAP clients requested services for incest or sexual assault, 36 per cent requested generic counselling services for emotional or other reasons, four per cent requested specialist services, such as psychiatry, and a further seven per cent required culturally appropriate services.

Welfare and housing services are rarely equipped to deal with the issue of sexual assault and rape laws. Workers are reluctant to raise the subject with service users or will not follow up if the issue is raised. Women who have disclosed sexual assault have been disbelieved, belittled, blamed for the attack or had their accounts trivialised and the perpetrator's acts made light of. As homelessness is the immediate priority, sexual assault becomes invisible in the welfare system. The silencing of sexual assault at the service level may then be interpreted as an indicator that the problem is minimal (Doyle 1996).

Mental Health

Research has consistently demonstrated a much higher prevalence of histories of abuse among users of mental health services than in the general population (up to 70 per cent in some studies). The severity of childhood sexual abuse is also positively correlated with adult psychopathology. Therefore it is important that mental health staff inquire about and record current and previous disclosures of sexual abuse, as first disclosures require different responses from situations in which the person has previously disclosed the offence and been given support.

Studies in the United Kingdom, United States and New Zealand have found that most patients do not disclose the abuse to clinicians and most clinicians fail to enquire directly about patients' histories of sexual abuse. As only a minority of patient records document a history of abuse, the iceberg model of sexual coercion is particularly apt for this population (see Wurr & Partridge 1996). Sexual abuse, and particularly childhood sexual abuse, gives a poor prognosis for adult mental health. An American study showed a connection between sexual abuse, suicidal ideation, suicide attempts, self-mutilation, drug abuse, sexual problems, diagnosis of personality disorders and more psychiatric diagnoses than non-abused patients (Briere & Zaidi 1989). A recent New Zealand study found that medical records of patients admitted to a community mental health centre underestimated the prevalence of sexual abuse. Very small proportions of abuse were identified and few disclosures were documented in patient records. Previous disclosure of, or treatment for, sexual abuse was more likely to be recorded than physical abuse and childhood sexual abuse was significantly more likely to be documented than adult sexual abuse or physical abuse during childhood or adulthood. However, staff often failed to arrange abuse-related therapy during or

after hospitalisation and rarely discussed the possibility of legal redress with the client. Reporting of current or recent childhood sexual abuse, but not adult sexual abuse, is mandatory in New Zealand. While mental health staff should not report abuse disclosed by clients without discussion, they have an ethical responsibility to talk about the option with them (Agar & Read 2002).

People with diagnosed mental illnesses, particularly residents of institutions, also have a heightened vulnerability to sexual assault, but the sexual abuse of women in mental health facilities continues to be unrecognised and is denied by health providers. Institutional sexual assault follows the general pattern of sex offences, with known perpetrators having access to potential victims in their place of residence. Perpetrators may be staff members, other residents, or visitors, but they are generally men and they seek victims who are unlikely to resist or report the attack. While few prevalence or incidence studies have been conducted, anecdotal evidence suggests that institutional sexual abuse is a major problem. An Australian study found that experiences of victimisation varied from a single occasion of abuse, to repeat victimisation by multiple perpetrators, abuse by the same perpetrator on different admissions, and ongoing sexual abuse by the same perpetrator. The longest period of abuse continued for 14 years. Of 34 incidents described to the researchers, only five were reported to police, resulting in criminal charges being laid in one case (Davidson & McNamara 1999).

There are few incentives for patients and staff to report sexual assault and patients abused by staff may be the most silenced. As the hierarchical structure of institutions rewards residents for compliant behaviour, patients who are threatened or abused learn that passive and submissive responses are the safest course of action. Some patients are unable to report, others do not identify the experience as abuse or realise that they have a right to safety, while yet others fear retaliation. Victims who do report risk being labelled as liars, attention-seeking and out of touch with reality. Institutions tend to deal with disclosure by disbelieving, denying, minimising or ignoring patients' accounts. Alternatively, experiences of victimisation are left undiscovered, as abuse histories are often not obtained on admission and victims are not taught how to deal with exploitative situations and defend against attacks in the institution.

Reporting by staff members is also low. Management often does not clearly define issues around sexual misconduct or delineate the responsibilities of employees who are aware that sexual abuse is occurring. Staff may fear bad publicity, dismiss allegations in the absence of observable injuries, or fear retaliation. Offenders who are employees may exploit multiple victims, and colleagues who are aware of sexual activity between staff and residents and do not report are complicit in the abuse (Crossmaker 1991).

Substance Abuse

Sexual violence may be both a cause and effect of alcohol and drug problems among women. Stevens' (1998) interviews with 51 women from the Australian Capital Territory who were either using illegal drugs or had been in drug treatment revealed that the interviewees often began drug use as teenagers, because they lacked confidence in themselves as sexually desirable women. Drug and alcohol use increased their vulnerability to sexual assault and coercive sex for various reasons. For example, the interviewees often lacked the confidence to assert their own desires and some men took advantage of their inability to freely consent to sexual activity when intoxicated.
Almost half (45 per cent) of the interviewees reported being pressured into sexual activity

from the early teenage years, a stage at which most girls are unable to resist unwanted sex by voicing refusal. Some were coerced into their first sexual intercourse at the age of 12 or 13.

Stigmatisation of women who drink and use drugs also increases the risk of sexual victimisation, because they are perceived as more sexually available than non-drinking women. Internalised shame is considered to be one cause of addiction and Stevens (1998) found that most drug users who were sexually victimised were shamed into silence, as social condemnation of intoxicated behaviour is not applied evenly. Drunken women are likely to be labelled as sluts and blamed for their own victimisation, while drunken offenders are more likely to be excused on the grounds of impaired control.

Childhood sexual assault is another common factor in the histories of women with drug problems and childhood sexual abuse victims may be more vulnerable to mental health problems, suicidality and self-mutilation. Almost a quarter (23 per cent) of Stevens' interview pool was sexually victimised as children and previous research estimated that 47 per cent of Australian women undergoing drug treatment were victims of childhood sexual abuse. Stevens found that childhood sexual abuse victims were particularly vulnerable to submitting to unwanted sex and tolerating abusive adult relationships.

A New South Wales study that explored the relationship between childhood sexual abuse, adult sexual assault and substance misuse among women in treatment for substance misuse or childhood sexual abuse found variable links to drug abuse.
Childhood sexual abuse victims engaged in substance misuse as a way of coping with their experiences and compensating for the stigmatisation and disempowerment resulting from childhood abuse. While the majority (62 per cent) of interviewees had been sexually assaulted during adulthood, the prevalence of adult sexual abuse was significantly higher among women who were sexually abused as children but did not misuse drugs or alcohol (68 per cent). At the same time, women who misused drugs or alcohol but were not sexually abused during childhood were significantly less likely to be sexually abused as adults (44 per cent). Almost one-fifth (18 per cent) of the sample reported they were repeatedly sexually victimised by their partners. These data support the thesis that sexual abuse during childhood increases women's vulnerability to sexual abuse in adulthood. The results also showed a relationship between suicidality and childhood sexual abuse, particularly among women who misused alcohol and drugs, with some childhood sexual abuse victims recalling suicide attempts during childhood. Levels of self-mutilation were also higher among women with a childhood sexual abuse background. (Jarvis, Copeland & Walton 1995).

Both of these studies indicate that treatment services or other support agencies for drug users may have access to records about child and adult sexual assault. For 80 per cent of Stevens' interviewees, the link between sex and drugs was painful, particularly the secret shame associated with sexual abuse. Some had never spoken about their victimisation prior to participating in the study. Others broke the silence and shame by voicing their experiences in women's groups or feminist services. This is not to suggest that the confidentiality of counselling or other records should be jeopardised, but merely points to a further source of information about the prevalence and incidence of sexual assault (see Cossins 1998 for arguments about the need to protect counselling records during sexual assault trials).

Department of Defence

Survey data indicate that a small number of victims do not report sexual assaults to police because they report to other authorities.
In the 2000 sweep of the International Crime Victims Survey, four per cent of reporting decisions came under this category.
One instance in which this might occur is when the victim is a member of the military forces, which have their own policing staff and disciplinary processes. The annual report of the Australian Defence Forces (ADF) includes data on the reporting and outcome of sexual offences, a category that includes indecent behaviour, indecent assault and sexual assault.

As this report is not usually distributed to other agencies, limited data were available for this literature review. The number of complainants recorded over three financial years was:

- 1998-99-29 complainants;
- 1999-2000-54 complainants;
- 2000-01-65 complainants; 48 female and 17 male (Bronwen Grey, personal communication, 28 August 2002).

Without accessing ADF records, there is no way of assessing the extent of sexual assault in the armed forces. The higher proportion of female victims in the most recent figures is congruent with the wider community, but the rise in numbers, particularly from 1998-99 to 1999-2000, may be the effect of larger numbers of women joining the defence forces, or a real increase in sexual assaults. Alternatively it may be due to increased levels of reporting, a broadening of the policy on unacceptable sexual behaviour to harassment and zero tolerance, or a combination of all of the above.

Over the past few years, media reports have focused attention on brutality and sexual assault in the armed forces, resulting in a number of inquiries into military justice procedures. The particular physical, mental and disciplinary demands of the defence forces result in cultural norms that are distinct from the wider society. Thus, military personnel do not enjoy the same rights as other members of society and the needs of the group are privileged over individual needs.

Offences created under the code of military justice are aimed at enforcing and maintaining service discipline, although military jurisdiction may be limited when offences overlap with or duplicate those created under civil or criminal law.
A 1992 inquiry into reports of sexual incidents resulted in the jurisdiction to deal with sexual offences being removed from the ADF and passed to civil authorities for investigation and prosecution. The ADF may deal with sexual offences only with the consent of the Commonwealth Director of Public Prosecutions. While this arrangement is workable in the case of serious sexual offences, problems arise when victims are reluctant to pursue matters through the civilian criminal justice system, where the chances of conviction are low. While military personnel might identify a serious disciplinary breach, they are unable to take action to address the issue. The shortcomings of this arrangement mean that sexual assaults are not adequately investigated and penalties are minor (Joint Standing Committee on Foreign Affairs, Defence and Trade 1999).

Changing this arrangement is not guaranteed to increase reporting of sexual assault.
A recent inquiry into illegal punishments, such as bashings and bastardisation, found that army personnel were prevented from complaining to authorities by intimidation in the form of threats and bullying, innuendo and character assassination, and destruction of personal property. In some cases, personnel in critical positions of authority were directly or indirectly complicit in such behaviour. Some service tribunals and defence force judiciary have also been found to lack

independence and impartiality. While the inquiry received only three submissions from females in relation to sexual offences, this does not necessarily reflect the prevalence of sexual assault. It seems reasonable to assume that victims of sexual assault who fear retribution may be intimidated into maintaining this “culture of silence”..
In addition, secrecy on the part of the ADF in the past has fuelled speculation about cover-ups, accountability and transparency in the Defence Forces (Joint Standing Committee on Foreign Affairs, Defence and Trade 2001).

10 Conclusion

This report has analysed a range of literature that relates to the under-reporting and hidden recording of sexual assault, including:

- victims' reasons for reporting or not reporting sex crimes to police;
- the hidden recording of sexual assault as an aspect of the attrition of sexual assault cases;
- differences in recording practices across the jurisdictions;
- differences in reporting and recording in rural versus urban areas;
- issues specific to female prisoners, Aboriginal women and migrant women.

While there is a large body of literature on sexual assault, much remains unknown about its incidence, prevalence and nature. In addition, the difficulty of accessing existing databases hampers the progression of knowledge on sexual victimisation.

Taken together, survey findings and police data indicate that sexual assault is facilitated by privacy, a notion that belies the myth of the home as a haven or safe place. Increasing awareness of the privatised and repetitive dimensions of sexual victimisation has prompted some researchers to liken sexual violence to homelessness.

> *Sexual violence against women lies at the heart of inequality between men and women, within which issues of violence and homelessness are interwoven... [S]exual violence against women is commonplace in environments in which women might expect safety, that is, in their own homes and in other familiar settings. If the idea of having a home encompasses the right to physical and psychological safety and security, then a child or woman experiencing violence in the family home is, in a sense, homeless. Such a woman (or child) may have shelter, but she does not have a place where she has personal freedom or security.*
> (Bennett, Manderson & Astbury 2000, p. 1)

The perpetration of sexual assault by known offenders also has a profound effect on decisions to report sex crimes to police. The relationship between the victim and the offender is not only implicated in victims' assessment of the seriousness of an attack, but also mediates reporting through a complex interaction with variables such as gender, race/ethnicity, socioeconomic status, fear of and dependency on the offender, personal and cultural values around family and gender roles, and other social and psychological factors, such as rape myths. In some instances it can be said that non-reporting constitutes an adaptive response to sexual victimisation.

One of the difficulties in attempting to synthesise the literature is how to account for the many differences that impact upon the experiences and reporting behaviour of various groups of women. This report has shown that the barriers to reporting sexual assault are similar for many women: most victims decide not to report because of factors associated with shame, fear, mistrust of police and so on. Yet, while the experiences of women in minority groups overlap to some extent with those of the majority (that is, white, Australian-born, non-institutionalised urban dwellers), the specificities of their lives may have different consequences for the nature and severity of sexual assault and for the particular significance of factors such as shame or concerns about privacy and family.

Marginalisation is a key risk factor for sexual abuse and also an important barrier to reporting. Little quantitative research has been conducted among Aboriginal and

NESB women, female prisoners, or women who live in rural and remote areas. Not having baseline figures obviates the possibility of developing reliable estimates of rates of under-reporting. At the same time, it has been argued that there will always be a dark figure of sex crime. Attempting to determine precise estimates of sexual victimisation diverts resources that may be better spent understanding the nature, history and dynamics of interpersonal violence (Hatty 1988, cited in Bolger 1991).

The level of under-reporting of sexual assault indicates that some women have little confidence in the ability of the criminal justice system to provide redress. In some cases, victims desiring retribution may be deterred from reporting by high attrition rates, a lack of faith that the offender will be punished, or the belief that the criminal justice system will not provide protection from further abuse. In other cases, the desired outcome is for the assaultive behaviour to cease without the offender being criminalised. This is most clearly seen in the preference of Aboriginal and some NESB groups for community-driven approaches that are premised on the view that sexual offending is a problem that extends beyond individuals.

While survey findings indicate that fear or mistrust of the criminal justice system are not major deterrents to reporting, other areas of the literature indicate that negative perceptions of and experiences with the legal system are important barriers for at least some women. This may be particularly the case for women who have histories of poor relations with the criminal justice system or other authorities. Much has been done in recent years to tackle the revictimisation of sexual assault complainants and it is noteworthy that many victims who report to police are satisfied with the way they are treated. As a result, it is difficult to ascertain the extent to which negative perceptions are attributable to actual insensitivity on the part of individual police officers, or to media representations of the experiences of sexual assault victims in the criminal justice system.

It is also unclear whether, or how much, police counting and recording practices artificially inflate the apparent rate of non-reporting and contribute to the hidden recording of sexual assaults. In general, evidence for the concept of hidden recording is scant, particularly in relation to sexual assault recorded as a secondary versus a primary charge. Discussions with representatives of various criminal justice agencies consistently returned the view that the gravity of the crime (second only to murder or attempted murder) is such that it does not occur.

Implications of the Findings

There is no generic solution to preventing sexual violence or encouraging victims to report sexual offences to police. The current knowledge base demonstrates that while there are general patterns in sexual assault, the extent and nature of sexual violence varies within specific contexts. Nevertheless, there are many commonalities between victims in different social groups.

The literature suggests that many women are unaware of the legal definition of sexual assault and that this prevents them from reporting sex crimes to authorities. Given the social and personal costs that arise from sexual victimisation, particularly when it is part of a cycle of violence, victims need to be informed that acts other than penetration constitute sexual offences and of the circumstances under which sexual acts are classified as criminal offences. In particular, targeting victims of repeat and multiple victimisations may go a long way to addressing the problem, if it becomes apparent that this group is contributing substantially to incidence rates. At the same time, addressing sexual violence requires a

multidisciplinary approach, as victims are more likely to come into contact with health professionals than with criminal justice personnel. To overcome the misinformation and stigma that accompany pervasive rape myths, public education efforts should emphasise:

- the erroneous and damaging nature of the "real" rape stereotype;
- the issue of consent, whatever the victim-offender relationship;
- the notion of coercion and violence as psychological means of forcing compliance, rather than force as a solely physical tactic ;
- the assailant's actions, rather than the victim's behaviour. Offenders are criminals and their actions should not be justified or minimised on the basis of culture or uncontrollable sexual urges. In some instances victims' responses to their assailants have been used to attack their credibility. Victims' behaviour can be reframed. For example, not actively resisting the attacker may signify an unconscious choice to survive, rather than acquiescence to the assault;
- the long- and short-term consequences of sexual assault for physical and psychological health. Awareness of the effects of and victim responses to sexual assault on the part of legal and medical/health personnel can help in detecting more cases of sexual violence and dissipating secrecy.

Policy directions should also encourage women to report sexual victimisation to police. This outcome may be more achievable if sexual violence is recognised as a community problem, rather than a woman's problem. Community education and discussion could be oriented towards:

- addressing the shame and stigma of sexual violence;
- overcoming victim-blaming and disbelief;
- helping victims to trust the persons/agencies to whom they disclose the attack;
- ensuring that criminal justice personnel and other victim agencies recognise the diversity of women and deliver appropriate support services for dealing with the aftermath of attacks and the consequences of reporting;
- recognising that diversity in the Australian community requires a range of strategies, disseminated through a variety of media, to reach different groups;
- increasing women's knowledge about their legal options and the legal process.

The forthcoming International Violence Against Women Survey and the Crime and Safety Survey will update statistical information about the prevalence, incidence and reporting of sexual assault in Australia. This will provide an improved basis for formulating policy directions. In addition, this literature review highlights the multi-faceted and complex nature of reporting decisions and suggests a number of directions for future research.

While non-reporting behaviour has been analysed to some extent, less attention has been paid to victims' decisions to contact police. Further analysis of factors that motivate and inhibit reporting behaviour would be useful for determining strategies to encourage more women to report sexual violence.

Encouraging the reporting of sexual assault is futile if victims lack confidence in the ability of the criminal justice system to provide protection and redress. Increased reporting could be progressed through understanding women's perceptions of and attitudes towards the criminal justice system. Future research could analyse differences in the way that victims and non-victims of

sexual assault perceive the criminal justice system. This could include an assessment of the impact on the likelihood of reporting of rape myths and media images of sexual assault trials. Alternatively, the research agenda could be organised around questions such as whether anonymous reporting systems would encourage victims to contact authorities, what women would change about the criminal justice system to encourage reporting, or what outcomes they desire from the legal process.

Minority groups such as prisoners and Aboriginal and NESB women may have difficulty discussing these issues with researchers whom they do not know or trust. Such groups may also have difficulties with survey or telephone methodologies. In these instances, a combined quantitative/qualitative approach, conducted by researchers who have built rapport within these communities, is more likely to produce valid and reliable information. Given the preference of some groups for dealing with sexual offenders through community justice approaches, it may also be worthwhile to explore and evaluate the success and wider applicability of such approaches.

Legal recourse is a difficult path for many victims seeking to recover from sexual victimisation and the *National Initiative to Combat Sexual Assault* is an important and progressive strategy for advancing the wellbeing of all Australian women. The efforts of the Office of the Status of Women to place sexual violence on the public agenda are integral to its success. Encouraging women to speak out about the hidden dimensions of sexual assault, and promoting public discussion of the injustices and harm experienced by victims, has the long-term potential of restoring women's sense of safety in their homes and society.

References

Abarbanel, G. 2001, "The Victim", in M.A. LeBeau & A. Mozayani (eds), *Drug-Facilitated Sexual Assault: A Forensic Handbook*, Academic Press, San Diego, pp. 1-37.

Australian Bureau of Statistics (ABS) 2002a, *Australian Social Trends 2000*, cat. no. 4102.0, Australian Bureau of Statistics Canberra.

— 2002b, *Prisoners in Australia,* March quarter, cat. no. 4517.0, Australian Bureau of Statistics, Canberra.

— 2002c, *Recorded Crime Australia 2001*, cat. no. 4510.0, Australian Bureau of Statistics, Canberra.

— 1999, *Crime and Safety Australia, April 1998,* cat. no. 4509.0, Australian Bureau of Statistics, Canberra.

— 1998, *Law and Justice Issues, Indigenous Australians 1994,* cat. no. 4189.0, Australian Bureau of Statistics, Canberra.

— 1997, *Australian Standard Offence Classification 1997,* cat. no. 1234.0, Australian Bureau of Statistics, Canberra.

— 1996, *Women's Safety Australia 1996*, cat. no. 4128.0, Australian Bureau of Statistics, Canberra.

Agar, K. & Read, J. 2002, "What happens when people disclose sexual or physical abuse to staff at a community mental health centre?" *International Journal of Mental Health Nursing*, vol. 11. pp. 70-79.

Alarid, L.F. 2000, "Sexual assault and coercion among incarcerated women prisoners: Excerpts from prison letters", *The Prison Journal*, vol. 80, no. 4, pp. 391-406.

Allen, J., Chilvers, M., Doak, P., Goh, D., Painting, T. & Ramsay, M. 2002, *New South Wales Recorded Crime Statistics 2001*, NSW Bureau of Crime Statistics and Research, Sydney.

Alwashewa, J. 1996, "Non-English-speaking background (NESB) women's beliefs, understandings and impressions of sexual assault and barriers of accessing sexual assault services", in *Many Voices, Different Stories: A Conference on Speaking Out About Cultural Diversity and Sexual Assault,* Fairfield Multicultural Family Planning, Fairfield, pp. 78-83.

Amnesty International 1999, *Not Part of My Sentence: Violations of the Human Rights of Women in Custody,* Amnesty International, New York, http://www.amnesty-usa.org/rightsforall/women/index.html (viewed 25/09/02)

Apsler, R., Cummins, M.R. & Carl, S. 2002, "Fear and expectations: Differences among female victims of domestic violence who come to the attention of police", *Violence and Victims,* vol. 17, no. 4, pp. 445-53.

Assafiri, H. & Dimopoulos, M. 1995, "The legal system's treatment of NESB women victims of male violence", *Criminology Australia*, vol. 6, no, 4, pp. 20-22.

Atkinson, J. 1998, "Making sense of the senseless feeling bad, being mad, getting charged up!" unpublished paper, Central Queensland University.

Australian Institute of Health and Welfare (AIHW) 2002, *Australian Hospital Statistics 2000-01,* Australian Institute of Health and Welfare, Canberra.

— 2001, *SAAP National Data Collection Annual Report 2000-01 Australia,* Australian Institute of Health and Welfare, Canberra.

Bachman, R. 1992, *Death & Violence on the Reservation: Homicide, Family Violence, and Suicide in American Indian Populations,* Auburn

House, New York.

Bagshaw, D., Chung, D., Couch, M., Lilburn, S. & Wadham, B. 2000, *Reshaping Responses to Domestic Violence,* Commonwealth of Australia, Canberra, http://www.padv.dmpc.gov.au/oswpdf/bagsh (viewed 13/09/02)

Baldry, E. 1997, "Convicted women: Before and after prison", *Current Issues in Criminal Justice,* vol. 8, no. 3, pp. 275-86.

Bargen, J. & Fishwick, E. 1995, *Sexual Assault Law Reform: A National Perspective,* Office of the Status of Women, Canberra.

Baxter, K. 1992, "Starting from scratch: Sexual assault services in rural areas", in J. Breckenridge & M. Carmody (eds), *Crimes of Violence: Australian Responses to Rape and Child Sexual Assault,* Allen & Unwin, Sydney, pp. 174-81.

Bell, C., Coven, M., Cronan, J.P., Garza, C.A., Guggemos, J. & Storto, L. 1999, "Rape and sexual misconduct in the prison system: Analyzing America's most 'open' secret", *Yale Law & Policy Review,* vol. 18, pp. 195-220, http://www/spr.org (viewed 26/06/02).

Bennett, L. 2000, "Managing sexual relationships in a female prison", *Women In Corrections: Staff and Clients Conference,* 31 October-1 November 2000, Australian Institute of Criminology and Department for Correctional Services SA, http://www.aic.gov.au/conferences/womencorrections/index.html (viewed 13/09/02)

Bennett, L.R., Manderson, L. & Astbury, J. 2000, *Mapping a Global Pandemic: Review of Current Literature on Rape, Sexual Assault and Sexual Harassment of Women Consultation on Sexual Violence Against Women,* Global Forum for Health Research, Key Centre for Women's Health in Society, Melbourne, http://www.globalforumhealth.org/Non_compliant_pages/vaw.litrev.htm (viewed 25/07/02).

Bird, G. 1995, "Power, politics and the location of 'the other' in multicultural Australia", presented at *The Criminal Justice System in a Multicultural Society conference*, May 1993, http://www.aic.gov.au/conferences/multiculturalism/ (viewed 24/10/02).

Blagg, H. 2000, *Crisis Intervention in Aboriginal Family Violence,* Commonwealth of Australia, Canberra.

Bolger, A. 1991, *Aboriginal Women and Violence, Australian National University,* North Australia Research Unit, Darwin.

Breckenridge, J. 1999, "Subjugation and silences: The role of the professions in silencing victims of sexual and domestic violence", in J. Breckenridge & L. Laing (eds), *Challenging Silence: Innovative Responses to Sexual and Domestic Violence,* Allen & Unwin, Sydney, pp. 6-30.

Briere, J. & Zaidi, L.Y. 1989, "Sexual abuse histories and sequelae in female psychiatric emergency room patients", *American Journal of Psychiatry,* vol. 146, no. 12, pp. 1602-6.

Broken Hill and Menindee Rural Crisis *Intervention Projects 2001, Community Solutions to Aboriginal Family Violence,* NSW Department for Women, Sydney.

Browne, A., Miller, B. & Maguin, E, 1999, "Prevalence and severity of lifetime physical and sexual victimisation among incarcerated women", *International Journal of Law and Psychiatry,* vol. 22, nos. 3-4, pp. 301-22.

Burrows, J., Tarling, R., Mackie, A., Lewis, R. & Taylor, G. 2000, *Review of Police Forces' Crime Recording Practices,* Home Office Research Study 204, Home Office, London.

Byrne, M. & Howells, K. 2000,

"Key issues in the provision of correctional services of women", *Women In Corrections: Staff and Clients Conference,* Australian Institute of Criminology and Department for Correctional Services SA, http://www.aic.gov.au/conferences/womencorrections/index.html (viewed 13/09/02).

Canadian Centre for Justice Statistics 1994, *Family Violence in Canada,* Statistics Canada, Ottawa.

Canberra Rape Crisis Centre 2001, *Annual Report 2000-2001,* Canberra Rape Crisis Centre, Canberra.

Carcach, C. 2000a, "Regional development and crime". *Trends and Issues in Crime and Criminal Justice,* no. 160, Australian Institute of Criminology, Canberra.

— 2000b, "Size, accessibility and crime in regional Australia", *Trends and Issues in Crime and Criminal Justice,* no. 175, Australian Institute of Criminology, Canberra.

— 1997, "Reporting crime to the police", *Trends and Issues in Crime and Criminal Justice,* no. 68, Australian Institute of Criminology, Canberra.

Carcach, C. & Makkai, T. 2002, Review of Victoria Police Crime Statistics, *Research and Public Policy Series,* no. 45, Australian Institute of Criminology, Canberra.

Carlen, P. 1998, *Sledgehammer: Women's Imprisonment at the Millennium,* Macmillan Press Ltd, Basingstoke, Hampshire.

Carter, E. 1987, *Aboriginal Women Speak Out About Rape and Child Sexual Abuse,* Adelaide Rape Crisis Centre Inc., Adelaide.

Cattalini, H. 1992, *Domestic Violence: Special Needs of Aboriginal Women Living in Aboriginal Communities,* Western Australia Office of the Family, Fremantle.

Cook, B., David, F. & Grant, A. 2001, *Sexual Violence in Australia,* Research and Public Policy Series, no. 36, Australian Institute of Criminology, Canberra.

Correctional Service Canada 2002, *Basic Facts About Federal Corrections,* http://www.csc-scc.gc.ca/text/faits/facts07-content05_e.shtml (viewed 02/10/02).

Corrections Health Service 1997, *Preliminary Findings from the Inmate Health Survey (i.e. Physical and Mental Health Status) of the Inmate Population in the New South Wales Correctional System,* Corrections Health Service, Sydney.

Cossins, A. 1998, "Tipping the scales in her favour: The need to protect counselling records in sexual assault trials", in P. Easteal (ed.), *Balancing the Scales: Rape, Law Reform & Australian Culture,* The Federation Press, Sydney, pp. 94-106.

Coulter, M.L., Kuehnle, K., Byers, R. & Alfonso, M. 1999, "Police-reporting behavior and victim-police interactions as described by women in a domestic violence shelter", *Journal of Interpersonal Violence,* vol. 14, no. 12, pp. 1290-8.

Coumarelos, C. & Allen, J. 1998, "Predicting violence against women: The 1996 Women's Safety Survey", *Crime and Justice Bulletin*, no. 42, NSW Bureau of Crime Statistics and Research, Sydney.

Cram, F., Pihama, L., Jenkins, K. & Karehana, M. 2002, *Evaluations of Programmes for Mâori Adult Protected Persons Under the Domestic Violence Act 1995,* Ministry of Justice, Wellington.

Crime and Misconduct Commission 2002, *The Handling of Sexual Offence Matters by the Criminal Justice System,* discussion paper, Crime and Misconduct Commission, Queensland, http://www/cmc/qld.gov.au/library/CMCWEBSITE/DiscussionPaper.pdf (viewed 14/10/02).

Criminal Justice Commission 1999, *Reported Sexual Offences in Queensland,* Criminal Justice Commission, Brisbane.

Crossmaker, M. 1991, "Behind locked doors: Institutional sexual abuse", *Sexuality and Disability,* vol. 9, no. 3, pp. 201-19.

Cunneen, C. 2001a, *Conflict, Politics and Crime: Aboriginal Communities and the Police,* Allen & Unwin, Sydney.

— 2001b, *The Impact of Crime Prevention on Aboriginal Communities,* NSW Attorney General's Department, Sydney, http://www/agd/nsw/gov/ag/cpd.nsf/pages/alr (viewed 27/06/02).

Cunneen, C. & Stubbs, J. 1997, *Gender, "Race" and International Relations: Violence Against Filipino Women in Australia,* Institute of Criminology, Sydney.

Cuthbert, M., Lovejoy, F. & Fulde, G. 1993, *Investigation of the Incidence and Analysis of Cases of Alleged Violence Reporting to the Accident and Emergency Centre,* St Vincent's Hospital, St. Vincent's Hospital, Sydney.

Dal Grande, E., Woollacott, T., Taylor, A., Starr, G. Anastassiadis, K., Ben Tovim, D., Westhorp, G., Hetzel, D, Sawyer, M., Cripps. D. & Goulding, S. 2001, *Interpersonal Violence and Abuse Survey September 1999,* South Australian Department of Human Services, Adelaide.

Davidson, J. & McNamara, L. 1999, "Systems that silence: Lifting the lid on psychiatric institutional sexual abuse", in J. Breckenridge & M. Carmody (eds), *Crimes of Violence: Australian Responses to Rape and Child Sexual Assault,* Allen & Unwin, Sydney, pp. 86-102.

Dell, C.A., Sinclair, R.L. & Boe, R. 2001, *Canadian Federally Incarcerated Adult Women Profiles: Trends From 1981 to 1998,* Correctional Service of Canada, http://www.csc-scc.gc.ca/text/rsrch/reports/r99_e.pdf (viewed 02/10/02).

Department of Aboriginal and Torres Strait Islander Policy and Development 2000, *The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report,* Queensland Government, Brisbane.

Department for Women 1996, *Heroines of Fortitude: The Experiences of Women in Court as Victims of Sexual Assault, Department for Women,* Woolloomooloo.

Devlin, A. 1998, *Invisible Women: What's Wrong With Women's Prisons?* Waterside Press, Winchester.

Diamond, R. 1995, *The Abuse of the Power To Strip Search and Urine Test People in Custody in Australia (Some Initial Papers),* Coalition Against Police Violence, Melbourne.

Dietrich, L. & Mason, R. 1998, "There's no full-on rape here: Confronting violence against women in a country town", *Women Against Violence: An Australian Feminist Journal,* issue 4, pp. 8-3.

Domestic Violence Legal Help 1995, *Aboriginal Women, Domestic Violence, and the Legal System,* Darwin Community Legal Service, Darwin.

Donaldson, S. 1995, "Rape of incarcerated Americans: A preliminary statistical look", *Stop Prisoner Rape,* seventh edition, http://www.spr.org (viewed 26/06/02).

Doyle, B. 1996, "Denial, division and delusion, ignoring the common denominator: Sexual abuse", *Homelessness in the Lucky Country 1996-2000, How Will We Meet the Challenge?* National Conference on Homelessness, Melbourne.

Dumond, R.W. 2000, "Inmate sexual assault: The plague that persists", *The Prison Journal,* vol. 80, no. 4, pp. 407-14.

DuMont, J. & Myhr, T.L. 2000, "So few convictions: The role of client-related characteristics in the legal processing of sexual assaults", *Violence Against Women,* vol. 6, no. 10, pp. 1109-36.

Dussich, J.P.J. 2001, "Decisions not to report sexual assault: A comparative study among women living in Japan who are Japanese, Korean, Chinese, and English-speaking", *International Journal of Offender Therapy and Comparative Criminology,* vol. 45, no. 3, pp. 278-301.

Easteal, P. 2001, *Less Than Equal: Women and the Australian Legal System,* Butterworths, Sydney.

— 1996, *Shattered Dreams: Marital Violence Against Overseas-born Women in Australia,* Australian Government Publishing Service, Canberra.

— 1992, Women and crime: Imprisonment issues", *Trends and Issues in Crime and Criminal Justice,* no. 35, Australian Institute of Criminology, Canberra.

Ermacora, J. 1998. "It's different in the country", *Women Against Violence: An Australian Feminist Journal,* issue 4, pp. 36-43.

ESRC Violence Research Programme 2002, *Taking Stock: What Do We Know About Interpersonal Violence?* ESRC Violence Research Programme, Middlesex.

Federal Bureau of Investigation (FBI) 2001, Crime in the United States: Uniform Crime *Reports, US Department of Justice,* Washington DC, http://www.fbi.gov/ucr/cius (viewed 12/06/02).

Felson, R.B., Messner, S.F., Hoskin, A.W. & Deane, G. 2002, "Reasons for reporting and not reporting domestic violence to the police", *Criminology,* vol. 40, no. 3, pp. 617-47.

Ferrante, A.M., Fernandez, J.A. & Loh, N.S.N. 2001, *Crime and Justice Statistics For Western Australia: 2000, Crime Research Centre,* The University of Western Australia, Perth.

Ferrante, A., Morgan, F., Indermaur, D. & Harding, R. 1996, *Measuring the Extent of Domestic Violence,* The Hawkins Press, Sydney.

Fisher, H. 1995, "Whose right is it to define the self?" *Theory & Psychology,* vol. 5, no. 3, pp. 323-52.

Fisher, B.S. & Cullen, F.T. 2000, "Measuring the sexual victimization of women: Evolution, current controversies, and future research", *Criminal Justice,* vol. 4, pp. 317-90.

Fisher, B.S., Cullen, F.T. & Turner, M.G. 2000, *The Sexual Victimization of College Women, National Institute of Justice, Bureau of Justice Statistics,* Washington DC.

Fitzgerald, T. 2001, *Cape York Justice Study,* Queensland Department of the Premier and Cabinet, Brisbane.

Fletcher, B.R., Rolison, G.L. & Moon, D.G. 1994, "A profile of women inmates in the state of Oklahoma", *Oklahoma Criminal Justice Research Consortium Journal,* http://www.doc.state.ok.us/DOCS/OCJRC/OCJRC94/9406501.htm (viewed 27/09/02).

Forsdick Martz, D.J. & Sarauer, D.B. 2000, *Domestic Violence and the Experiences of Rural Women in East Central Saskatchewan, The Centre for Rural Studies and Enrichment, Muenster, Saskatchewan,* Canada, http://www.hotpeachpages.org/paths/rural_dv_eastsask.html (viewed 23/09/02).

Gaarder, E. & Belknap, J. 2002, "Tenuous borders: Girls transferred to adult court", *Criminology,* vol. 40, no. 3, pp. 481-517.

Garcia, S. & Henderson, M. 1999, "Blind reporting of sexual violence", *FBI Law Enforcement Bulletin,* vol. 68, no, 6, pp. 12-16.

Garrett, P, 1992, "Monocultural to multicultural: Issues of service equity for immigrants", in J. Breckenridge & M. Carmody (eds), *Crimes of Violence: Australian Responses to Rape and Child Sexual Assault,* Allen & Unwin, Sydney, pp. 196-206.

Gartner, R. & Macmillan, R. 1995, "The effect of victim-offender relationship on reporting crimes of violence against women", *Canadian Journal of Criminology,* vol. 37, no. 3, pp. 393-429.

Gelles, R.J. 2000, "Estimating the incidence and prevalence of violence against women: National data systems and sources", *Violence Against Women*, vol. 6, no. 7, pp. 784-804.

George, A. 1999, "The new prison culture: Making millions from misery", in S. Cook & S. Davies (eds), *Harsh Punishment: International Experiences of Women's Imprisonment,* Northeastern University Press, Boston, pp. 189-210.

— 1993, "Strip searches: Sexual assault by the state", in P.W. Easteal (ed.), *Without Consent: Confronting Adult Sexual Violence,* Australian Institute of Criminology, Canberra, pp. 211-17.

Girschick, L.B. 1997-98, "The importance of using a gendered analysis to understand women in prison", *Journal of the Oklahoma Criminal Justice Research Consortium,* vol. 4, http://www.doc.state.ok.us/DOCS/OCJRC/OCJRC97-98/1997_research.htm (viewed 27/09/02).

Godin, J. 1994, *More Than a Crime: A Report on the Lack of Public Legal Information Materials for Immigrant Women Who Are Subject To Wife Assault,* Department Of Justice, Canada.

Gordon, S., Hallahan, K. & Henry, D. 2002, *Putting the Picture Together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities,* Department of Premier and Cabinet, Western Australia.

Green, K. 1996, *Family Violence in Aboriginal Communities: An Aboriginal Perspective,* Health Canada, National Clearinghouse on Family Violence, Ottawa, http://www.hc-sc.ca/hppb.familyviolence/html.1abor.htm (viewed 18/07/02).

Greenfeld, L.A. & Snell, T.L. 1999, *Bureau of Justice Statistics Special Report: Women Offenders,* US Department of Justice, Washington DC.

Greer, P. & Breckenridge, J. 1992, "'They throw the rule book away': Sexual assault in Aboriginal communities", in J. Breckenridge & M. Carmody (eds), *Crimes of Violence: Australian Responses to Rape and Child Sexual Assault,* Allen & Unwin, Sydney, pp. 189-95.

Gregory, J. & Lees, S. 1999, *Policing Sexual Assault,* Routledge, London.

Hancock, L. 1997, "Aboriginality and lawyering: Problems of justice for Aboriginal defendants in partner homicide cases", in S. Cook & J. Bessant (eds), *Women's Encounters With Violence: Australian Experiences,* Sage Publications, Thousand Oaks, pp. 73-88.

Hannah-Moffat, K. & Shaw, M. 2000, "Introduction: Prisons for women-theory, reform, ideals", in K. Hannah-Moffat & M. Shaw (eds), *An Ideal Prison? Critical Essays on Women's Imprisonment in Canada,* Fernwood Publishing, Halifax, pp. 11-27.

Harding, R., Morgan, F., Ferrante, A., Loh, N. & Fernandez, J. 1997, *Rural Crime and Safety in Western Australia,* Crime Research Centre, Perth.

Harris, J. & Grace, S. 1999, *A Question of Evidence? Investigating and Prosecuting Rape in the 1990s,* Home Office, London.

Harrison, P.M. & Beck, A.J. 2002, *Prisoners in 2001, Bureau of Justice Statistics Bulletin,* US Department of Justice, Washington DC.

Hattem, T. 2000, *Survey of Sexual Assault Survivors, Research and Statistics Division,* Department of Justice, Canada.

Heenan, M. 1997, "Sex crimes and the criminal justice system", *The Australian Feminist Law Review,* vol. 9, pp. 90-95.

Heilpern, D.M. 1998, *Fear or Favour: Sexual Assault of Young Prisoners,* Southern Cross University Press, Lismore.

Heiskanen, M. 2002, "Violence against women and victimization situations according to the International Crime Victims Survey", in P. Nieuweerta (ed.), *Crime Victimization in Comparative Perspective: Results From the International Crime Victims Survey, 1989-2000,* Boom Juridische Uitgevers, Den Haag, pp. 229-47.

HM Crown Prosecution Service Inspectorate & HM Inspectorate of Constabulary 2002, *A Report on the Joint Inspection into the Investigation and Prosecution f Cases Involving Allegations of Rape,* HM Crown Prosecution Service Inspectorate & HM Inspectorate of Constabulary, London.

Home Office 2002, *Home Office Counting Rules for Recorded Crime,* Research, Development and Statistics, Home Office, London, http://www.homeoffice.gov.uk/rds/pdfs/countgeneral.pdf (viewed 27/06/02).

— 2001, *Prison Statistics England and Wales 2000,* Home Office, London.

— 2000, *Review of Crime Statistics: A Discussion Document,* Research, Development and Statistics, Home Office, London http://www.homeoffice.gov.uk/crimprev/crimst3.htm (viewed 18/06/02).

House of Representatives 2000, "Rep. Waters to introduce Protection of Women In Prison Bill", press release, http://www.house.gov/waters/pr000131_wp.htm (viewed 15/10/02).

Human Rights Watch 1998, *Nowhere to Hide: Retaliation Against Women in Michigan State Prisons,* Human Rights Watch, New York, http://www.hrw.org/reports (viewed 08/10/02).

— 1996, All Too Familiar: Sexual Abuse of Women in US State Prisons, Human Rights Watch, New York.

Hunter, S. 1996, *A Report on the Northern Territory Government's Domestic Violence Strategy: Data Collection Project 1996,* Office of Women's Policy, Darwin.

Indermauer, D., Brown, D., Egger, S. & Hogg, R. 2002, "Shadow boxing with an imaginary enemy: A response to 'Law and order blues'", *Australian and New Zealand Journal of Criminology,* vol. 35, no. 2, pp. 145-58.

Jackson, M. 2002, *Justice Behind the Walls: Human Rights in Canadian Prisons,* Douglas & McIntyre, Vancouver, http://www.justicebehindthewalls.net (viewed 14/10/02).

Jarvis, T.J., Copeland, J. & Walton, L. 1995, *Exploring the Nature of the Relationship Between Child Sexual Abuse and Substance Use Among Women,* National Drug and Alcohol Research Centre, Kensington, NSW.

Jewkes, R. & Abrahams, N. 2002, "The epidemiology of rape and sexual coercion in South Africa", unpublished paper, Women's Health Research Unit, Medical Health Research Council, Pretoria, South Africa.

Jiwani, Y. Moore, S. & Kachuk, P. 1998, *Rural Women and Violence: A Study of Two Communities in British Columbia,* Department of Justice Canada, Toronto, http://www.canada.justice.gc.ca/en/ps.rep/tr98-16a-e/html (viewed 16/10/02).

Jobes, P.C., Barclay, E. & Donnermeyer, J.F. 2002, "Preaching to the choir: A comparison of the use of integrated data sets in criminology journals in Australia, England and the United States", *The Australian and New Zealand Journal of Criminology,* vol. 35, no. 1, pp. 79-98.

Jobes, P.C., Barclay, E., Donnermeyer, J.F. & Graycar, A. 2001, "Rural crime in Australia: Contemporary concerns, recent research and future directions", *Australian Journal of Regional Studies,* vol. 7, no. 1, pp. 3-21.

Jobes, P.C., Barclay, E., Donnermeyer, J.F. & Weinand 2000, *A Qualitative and Quantitative Analysis of the Relationship between Community Cohesiveness and Rural Crime, Part 1,* The Institute for Rural Futures, Armidale, NSW.

Johnson, H. 1996, *Dangerous Domains: Violence Against Women In Canada,* Nelson Canada, Ontario.

Johnson, H. & Bunge, V.P. 2001, "Prevalence and consequences of spousal assault in Canada", *Canadian Journal of Criminology,* vol. 43, no. 1, pp. 27-45.

Johnson, H. & Sacco, V.F. 1995, "Researching violence against women: Statistics Canada's national survey", *Canadian Journal of Criminology,* vol. 37, no. 3, pp. 281-304.

Joint Standing Committee on Foreign Affairs, Defence and Trade 2001, *Rough Justice? An Investigation into Allegations of Brutality in the Army's Parachute Battalion,* Commonwealth of Australia, Canberra.

— 1999, *Military Justice Procedures in the Australian Defence Force,* Commonwealth of Australia, Canberra.

Jordan, J. 2001, "Worlds apart? Women, rape and the police reporting process", *British Journal of Criminology,* vol. 41, no. 4, pp. 679-706.

Kapur, R. 1997, *Conference Report, Migrant & Ethnic Minority Women & Domestic Violence,* LBTH Learning Design, London.

Kelly, L. & Regan, L. 2001, *Rape: The Forgotten Issue?* Child and Woman Abuse Studies Unit, University of North London, London.

Kerley, K. & Cunneen, C. 1995, "Deaths in custody in Australia: The untold story of Aboriginal and Torres Strait Islander Women", *Canadian Journal of Women and the Law*, vol. 8, pp. 531-51.

Kilroy, D, 2002, "Stop the state sexually assaulting women in prison: Strip searching", paper presented at *Expanding Our Horizons: Understanding the Complexities of Violence Against Women* conference, 18-22 February 2002, NSW Department for Women, Sydney.

Kingsnorth, R.F., MacIntosh, R.C. & Wentworth, J. 1999, "Sexual assault: The role of prior relationship and victim characteristics in case processing", *Justice Quarterly,* vol. 16, no. 2., http://proquest.umi.com (viewed 08/08/02).

Koffman, L. 1996, *Crime Surveys and Victims of Crime,* University of Wales Press, Cardiff.

Konradi, A. 1996, "Understanding rape survivors' preparations for court: Accounting for the influence of legal knowledge, cultural stereotypes, personal efficacy, and prosecutor contact", *Violence Against Women,* vol. 2, no. 1, pp. 25-62.

Koss, M.P. 1996,
"The measurement of rape victimization in crime surveys", *Criminal Justice and Behavior,* vol. 23, no. 1, pp. 55-69.

Krug, E.G., Dahlberg, L.L. Mercy, J.A. Zwi, A. & Lozano, R. (eds) 2002, *World Report on Violence and Health,* World Health Organization, Geneva.

Laing, L. & Greer, P. 2001,
"Pathways to safety", *Issues Paper 5,* Australian Domestic & Family Violence Clearinghouse, Sydney.

LaRocque, E.D. 1994,
Violence in Aboriginal Communities, Health Canada, National Clearinghouse on Family Violence, Ottawa, http://www.hc-sc.ca/hppb/familyviolence/html/1vabor.html (viewed 22/07/02).

Laurel House Northern Sexual Assault Support Group Inc. 2001,
Annual General Meeting Report 2000-2001, Laurel House Northern Sexual Assault Support Group Inc, Launceston.

Law, S. 1996,
Indigenous Women Within the Justice System, Office of the Director of Public Prosecutions, Queensland.

Leonard, R. 1996,
"Who should a woman tell? A comparison of NESB and Anglo women's responses to stories of sexual assault", in *Many Voices, Different Stories: A Conference on Speaking Out About Cultural Diversity and Sexual Assault,* Fairfield Multicultural Family Planning, Fairfield, pp. 69-73.

L'Huillier, E. & Flanagan, J. 1998,
"Editorial", *Women Against Violence: An Australian Feminist Journal,* issue 4, pp. 2-3.

Lincoln, C. 1996,
"A descriptive study of recent sexual assault cases in Perth 1 November 1994-31 October 1995", *Balancing the Scales, National Conference on Sexual Assault,* Sexual Assault Referral Centre, Freeway Hotel, Perth, 20-21 June.

Lloyd, J. & Rogers, N. 1993,
"Crossing the last frontier: Problems facing Aboriginal women victims of rape in Central Australia" in P.W. Easteal (ed.), *Without Consent: Confronting Adult Sexual Violence, conference proceedings,* Australian Institute of Criminology, Canberra, pp. 149-64.

Loh, N. & Ferrante, N. 2000,
Aboriginal Involvement in the Western Australian Criminal Justice System: A Statistical Review, 1999, University of Western Australia Crime Research Centre, Nedlands, WA.

Lonsway, K.A. 2002,
"Sexual assault cases: Problems seen in the investigation and coding of sexual assault", *Women Police,* vol. 36, no. 1, pp. 3-5.

Loucks, N. & Spencer, E. 1997,
HMPI Cornton Vale: Research into Drugs and Alcohol, Violence and Bullying, Suicides and Self-Injury, and Backgrounds of Abuse, Scottish Prison Service, Edinburgh.

Lovell, J. 1996,
Changing Attitudes: Rural Responses to Women and Domestic Violence, Murray Mallee Women's Health Team & Women's Health Service for the Adelaide Hills and Sourthern Fleurieu, South Australia.

Lucashenko, M. 1997,
"Violence against Indigenous Women: Public and private dimensions", in S. Cook & J. Bessant (eds.), *Women's Encounters with Violence: Australian Experiences"*, Sage Publications Inc., Thousand Oaks, pp. 147-58.

Many Voices, Different Stories 1996,
Many Voices, Different Stories: A Conference on Speaking Out About Cultural Diversity and Sexual Assault, Fairfield Multicultural Family Planning, Fairfield.

Marcus-Mendoza, S. & Briody, R. 1996, "Female inmates in Oklahoma: An updated profile and programming assessment", *Oklahoma Criminal Justice Research Consortium Journal,* http://www.doc.state.ok.us/DOCS/OCJRC/OCJRC96/Ocjrc85.htm (viewed 27/09/02).

Marcus-Mendoza, S., Sargent, E. & Chong Ho, Y. 1994, "Changing perceptions of the etiology of crime: The relationship between abuse and female criminality", *Oklahoma Criminal Justice Research Consortium Journal,* http://www.doc.state.ok.us/DOCS/OCJRC/OCJRC94/940650B.HTM (viewed 27/09/02).

Mazza, D., Dennerstein, L. & Ryan, V. 1996, "Physical, sexual and emotional violence against women: A general practice-based prevalence study", *Medical Journal of Australia*, vol. 164, no. 1, pp. 14-17.

McGillivray, A. & Comaskey, B. 1999, *Black Eyes All of the Time: Intimate Violence, Aboriginal Women, and the Justice System,* University of Toronto Press, Toronto.

Memmot, P., Stacy, R., Chambers, C. & Keys, C. 2001, *Violence in Indigenous Communities,* Attorney-General's Department, Canberra.

Meyers, D. 1999, "Feminist perspectives on the self", *Stanford Encyclopedia of Philosophy,* http://plato.standford.edu/entries/feminism-self/ (viewed 28/05/01).

Morgan, E. 1999, "The violence of women's imprisonment: A view from the inside", in S. Cook & S. Davies (eds), *Harsh Punishment: International Experiences of Women's Imprisonment,* Northeastern University Press, Boston, pp. 32-46.

Morgan, J. 2002, *Who Kills Whom and Why? Looking Beyond Legal Categories,* Victorian Law Reform Commission, Melbourne.

Morris, A. 1997, *Women's Safety Survey 1996,* Ministry of Justice, Wellington.

— 1998, "The prevalence in New Zealand of violence against women by their current male partners", *The Australian and New Zealand Journal of Criminology,* vol. 31, no. 3, pp. 267-86.

Moss, I. 1997, *Mulawa Report,* NSW Ombudsman, Sydney.

Mouzos, J. 2001, "Indigenous and non-Indigenous homicides in Australia: A comparative analysis", *Trends and Issues in Crime and Criminal Justice,* no. 210, Australian Institute of Criminology, Canberra.

— 2000, Homicidal Encounters: A Study of Homicide in Australia 1989-1999, *Research and Public Policy Series,* no. 28, Australian Institute of Criminology, Canberra.

— 1999, "New statistics highlight high homicide rate for Indigenous women", *Indigenous Women & Law,* vol. 4, no. 25, pp. 16-17.

— n.d. "Recording of crime in Australia: A review of police recording practices in Australian jurisdictions", unpublished paper, Australian Institute of Criminology, Canberra.

Mow, K.E. 1992, *Tjunparni: Family Violence In Indigenous Australia. A Report and Literature Review for the Aboriginal and Torres Strait Islander Commission,* Aboriginal and Torres Strait Islander Commission, Canberra.

Myhill, A. & Allen, J. 2002, *Rape and Sexual Assault of Women: The Extent and Nature of the Problem: Findings from the British Crime Survey,* Home Office, London.

National Incident-Based Reporting System Project Overview, http://www.search.org /nibrs/about.asp (viewed 18/06/02).

National Institute of Corrections 2000, *Sexual Misconduct in Prisons: Law, Remedies, and Incidence,* US Department of Justice, National Institute of Corrections Information Center, Longmont Colorado.

— 1996, *Sexual Misconduct in Prisons: Law, Agency Response, and Prevention,* US Department of Justice, National Institute of Corrections Information Center, Longmont Colorado.

Nelder, M. & Snelling, S.J. 2000, *Women Speak: The Value of Community-Based Research on Woman Abuse,* Department of Justice, Canada.

Nicholson, D. 1998, "Only a domestic: A rural perspective on police responses to violence against women", *Women Against Violence: An Australian Feminist Journal,* issue 4, pp. 15-24.

Northern Territory Law Reform Commission 1999, *Report on the Laws Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory,* Attorney General's Department, Darwin, http://www.nt.gov.au/justice/ntag/NTAG/doa ges/publications.htm (viewed 11/10/02).

Northern Territory Police Force 1993, *Violence Against Aboriginal Women Seminar,* Northern Territory Police, Berimah Police Centre.

Northern Territory Police, Fire and Emergency Services 2001, *Annual Report 2000-2001,* Northern Territory Police, Fire and Emergency Services, Darwin.

Not the Same 1996, *Not the Same: Conference Proceedings and a Strategy On Domestic Violence and Sexual Assault for Non-English-speaking Background Women,* DVIRC, Brunswick, Victoria.

NSW Department of Corrective Services 2002, *Code of Conduct and Ethics,* http://www.dcs.nsw.gov.au/Documents/Code per cent20of per cent20Conduct.pdf (viewed 15/10/02).

NSW Health 2001, *Initial Presentations to Sexual Assault Services 1994/95 - 1997/98,* http://www.health.nsw.gov.au/iasd.sas/adult. pdf (viewed 29/10/02).

NSW Legislative Council 2000, *Interim Report: Issues Relating to Women,* Select Committee on the Increase in Prisoner Population, Sydney.

O'Connor, M. & Gray D. 1989, *Crime in a Rural Community,* The Federation Press, Sydney.

Office of Crime Statistics 2002, *Crime and Justice in South Australia 2001-Offences Reported to Police, The Victims and Alleged Perpetrators: A Statistical Report,* Office of Crime Statistics, Attorney-General's Department, Adelaide.

— 2001, *Crime and Justice in South Australia 2000-Offences Reported to Police, The Victims and Alleged Perpetrators: A Statistical Report,* Office of Crime Statistics, Attorney-General's Department, Adelaide.

Office of the Status of Women (OSW) 2001, *State and Territory Consultations With Migrant and Refugee Women: Australian Women Speak,* Department of the Prime Minister and Cabinet, Canberra.

— 1995, *Community Attitudes to Violence Against Women: Detailed Report,* Department of the Prime Minister and Cabinet, Canberra.

Partnerships Against Domestic Violence 2001, *MetaEvaluation Bulletin no. 6: Indigenous Projects,* Commonwealth of Australia, Canberra.

— 2000, *Attitudes to Domestic and Family Violence in the Diverse Australian Community,* Commonwealth of Australia, Canberra.

Payne, S. 1992, "Aboriginal women and the law", in C. Cunneen (ed.), *Aboriginal Perspectives on Criminal Justice,* The Institute of Criminology, Sydney, pp. 31-40.

Percy, A. & Mayhew, P. 1997, "Estimating sexual victimisation in a national crime survey: A new approach", *Studies on Crime and Crime Prevention,* vol. 6, no. 2, pp. 125-50.

Queensland Department of Corrective Services 2002, *Code of Conduct,* http://www.correctiveservices.qld.gov.au/docs/codeconduct/codeconduct.pdf (viewed 15/10/02).

Queensland Police Service 2001, *Annual Statistical Review 2000-2001,* Queensland Police Service, Brisbane.

Ramsbotham, D. 1997, *Women in Prison: A Thematic Review by HM Chief Inspector of Prisons,* Home Office, London.

Rathus, Z. 1994, *Rougher Than Usual Handling: Women and the Criminal Justice System,* second edition, Women's Legal Service, West End, Qld.

Radio National's Radio Eye 12 October 2002, "Insiders: The Making of a Criminal", *Crime & Punishment,* http://www.abc.net.au/re/arts/radioeye/crime/epis2.htm (viewed 14/10/02).

Rennison, C.M. 2002, *Criminal Victimization 2001: Changes 2000-01 with Trends 1993-2001,* National Crime Victimization Survey, Bureau of Justice Statistics, Washington DC.

— 2000, *Criminal Victimization 1999: Changes 1998-99 with Trends 1993-99,* National Crime Victimization Survey, Bureau of Justice Statistics, Washington DC.

Rich, M. 2000, *Census of Prison Inmates 1999,* Department of Corrections, Wellington.

Richie, B.E. 2000, the link between violence against women and women's involvement in illegal activity", *Research on Women and Girls in the Justice System,* National Institute of Justice Research Forum, US Department of Justice, Washington DC, pp. 1-13.

Roberts, G. 1995, "Domestic violence victims in emergency departments", in D. Chappell & S. Egger (eds), *Australian Violence: Contemporary Perspectives II,* Australian Institute of Criminology, Canberra, pp. 86-103.

Roboubi, N. & Bowles, S. 1995, *Barriers To Justice: Ethnocultural Minority Women and Domestic Violence-A Preliminary Discussion Paper,* Department of Justice, Canada.

Ruback, R. B. & Ménard, K.S. 2001, "Rural-urban differences in sexual victimization and reporting: Analyses using UCR and crisis center data", *Criminal Justice and Behavior,* vol. 28, no. 2, pp. 131-55.

Ruch, D.O., Davidson-Coronado, J., Coyne, B.J. & Perrone, P.A. 2000, *Reporting Sexual Assault to the Police in Hawaii,* Department of the Attorney General, State of Hawaii, http://www.cpja.ag.state.hi.us(viewed 08/08/02).

Scott, W. & VanDine, C. 1995, *Family Violence in Rural, Farm and Remote Canada,* A project of the Canadian Farm Women's Network, Department of Justice Canada, Fredericton, http://www.acjnet.org/docs/famviodoj.html (viewed 23/09/02).

Scottish Executive 2001, *Prison Statistics 2000,* Statistical Bulletin r/J/2001/10, Scottish Executive National Statistics, Edinburgh, http://www.scot.gov.uk/stats/bulletins/00121-00.asp (viewed 01/10/02).

Segessenmann, T. 2002, *International Comparisons of Recorded Violent Crime Rates for 2000,* Ministry of Justice, New Zealand, http://www.justice.govt.nz/pubs/reports/2002/intl-comparisons-crime/index.html (viewed 18/10/02).

Seitz, A. & Kaufman, T. 1993, *Too Shameful to Talk About: Ethnic Communities' Perceptions of Family Violence and Child Sexual Abuse-Phase 1: Cambodian, Chinese, Laotian, Vietnamese,* Victorian Health Promotion Foundation, Melbourne.

Shaw, M. 1994, "Women in prison: A literature review", *Forum On Corrections Research,* vol. 6, no. 1., http://www.csc-scc.gc.ca/text/pblct/forum.e06/eo61d.shtml (viewed 01/10/02).

Siegal, N. 2002, "Stopping abuse in prison", in T. Gray (ed.), *Exploring Corrections: A Book of Readings,* Allyn and Bacon, Boston, pp. 135-39.

Sisters Inside 2000, *Substance Abuse in Australian Communities,* submission to the House of Representatives Parliamentary Standing Committee on Family and Community Affairs, http://www.aph.gov.au/house.committee/fca.subabuse/sub30.pdf (viewed 18/09/02).

Simmons, J. 2002, *Crime in England and Wales 2001-2002,* Home Office, London.

South Western Centre Against Sexual Assault 2001, *Annual Report 2000-2001,* South West Health Care, Warrnambool.

Standing Committee on Social Issues 1996, *Sexual Violence: Addressing the Crime-Inquiry into the Incidence of Sexual Offences in New South Wales: Part II,* Standing Committee on Social Issues, Legislative Council, Parliament of New South Wales, Sydney.

Statistics Canada 1999, *Canadian Crime Statistics 1999,* Canadian Centre for Justice Statistics, Statistics Canada, Ottawa.

Stevens, A. 1998, "Gender and illegal drug use", unpublished doctoral thesis, Australian National University, Canberra.

Stewart, J. 1999, *Reporting Sexual Assault: The New South Wales Police Service Response,* paper presented at the Second Australasian Women and Policing Conference, Brisbane, http://www.aic.gov.au/conferences/policwomen2/html (viewed 24/10/02).

Stop Prisoner Rape 2002, http://www.spr.org/en (viewed 26/09/02).

Suchting, M. 1999, "The case of the too hard basket: Investigating the connections between 'ethnicity', 'culture' and access to sexual assault services", in J. Breckenridge & L. Laing (eds), *Challenging Silence: Innovative Responses to Sexual and Domestic Violence,* Allen & Unwin, Sydney, pp. 69-85.

Tasmania Police 2002, *Annual Report 2000-2001,* Department of Police and Public Safety, Hobart, http://www.police.tas.gov.au/police/police2001.nsf/W/Resources/CCAS-57S42C/?Open (viewed 3/9/02).

Tatz, C. 2001, *Aboriginal Suicide is Different: A Portrait of Life and Self Destruction,* Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

Taylor, S.C. 2000, "'And now your Honour, for my next trick...' Yet another defence tactic to construct the mad, bad and colluding mother and daughter in intrafamilial sexual assault trials", *The Australian Feminist Law Journal,* vol. 14, pp. 121-31.

Temkin, J. (ed.) 1995, *Rape and the Criminal Justice System,* Dartmouth, Aldershot.

Thomas, C. 1993, "Sexual assault: Issues for Aboriginal women", in P.W. Easteal (ed.), *Without Consent: Confronting Adult Sexual Violence,* conference proceedings, Australian Institute of Criminology, Canberra, pp. 139-47.

Tjaden, P. & Thoennes, N. 2000a, *Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey,* National Institute of Justice, Washington DC.

— 2000b, *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey,* National Institute of Justice, Washington DC.

— 1998. *Prevalence, Incidence, and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey,* National Institute of Justice, Washington DC.

van Kesteren, J., Mayhew, P. & Nieuwbeerta, P. 2000, *Criminal Victimisation in Seventeen Industralised Countries: Key findings from the 2000 International Crime Victims Survey,* NSCR, The Netherlands.

Victims Referral & Assistance Service 1999, *Responding to the Challenges of Diversity: Different Cultures; Different Needs,* Victims Referral & Assistance Service, Melbourne.

Victoria Police 2002, *Crime Statistics 2000-01,* Victoria Police, Melbourne.

Victorian Law Reform Commission 2001, *Sexual Offences: Law and Procedure: Discussion Paper,* Victorian Law Reform Commission, Melbourne.

West, D.J. & Farrington, D.P. 1973, *Who Becomes Delinquent?* Heinemann, London.

Weisheit, R.A., Wells, L.E. & Falcone, D.N. 1995, *Crime and Policing in Rural and Small-Town America: An Overview of the Issues,* National Institute of Justice, Washington DC.

WA Department of Justice 2002a, Office of the Inspector of Custodial Services http://www.justice.wa.gov.au/displayPage.asp?structureID=736822&resourceID=10441209&division=The per cent20Department (viewed 15/10/02).

— 2002b, *Profile of Women in Prison: A Report by the Western Australian Department of Justice Community and Juvenile Justice Division,* Department of Justice, Perth.

Walby, S. & Myhill, A. 2001, "New survey methodologies in researching violence against women", *British Journal of Criminology,* vol. 41, pp. 502-22.

Widom, C.S. 2000, "Childhood victimization and the derailment of girls and women to the criminal justice system", *Research on Women and Girls in the Justice System,* National Institute of Justice Research Forum, US Department of Justice, Washington DC, pp. 27-36.

Williams, R.N. 1992, "The human context of agency", *American Psychologist,* vol. 47, no. 6, pp. 752-60.

Women's Legal Resources Centre 1994, *Quarter Way to Equal: A Report on Barriers to Access to Legal Services for Migrant Women,* Women's Legal Resources Centre, Sydney.

Women's Policy Unit 2000, *Profile of Female Offenders Under Community and Custodial Supervision in Queensland,* Department of Corrective *Services, Queensland Government, Brisbane.*

Women's Services Network 2000, *Domestic Violence in Regional Australia: A Literature Review,* a report for the Commonwealth Department of Transport and Regional Services under the Partnerships Against Domestic Violence Program, Commonwealth of Australia, Canberra.

Wurr, C.J. & Partridge, I.M. 1996, "The prevalence of a history of childhood sexual abuse in an acute adult inpatient population", *Abuse & Neglect,* vol. 20, no. 9, pp. 867-72.

Young, W., Morris, A., Cameron, N. & Haslett, S. 1997, *New Zealand National Survey of Crime Victims 1996,* Victimisation Survey Committee, Wellington.

1 Author references for generic and bespoke surveys are: ABS 1996, 1999; Johnson 1996; Johnson & Bunge 2001; Johnson & Sacco 1995; Morris 1997; Myhill & Allen 2002; Rennison 2000, 2002; Tjaden & Thoennes 2000a, 2000b; van Kesteren, Mayhew & Nieuwbeerta 2000; Young et al. 1997.

2 The model and calculations in Figure 7 and Table 8 are used with the permission of Pat Mayhew, Consultant Criminologist at the Australian Institute of Criminology, on secondment from the British Home Office. Box 1 details the adjustments that produced the attrition rates. Calculations based on differing data sets will yield different rates of attrition.

3 New South Wales applies a victim-based counting rule for murder and manslaughter.

4 Not all court records are coded in the same way as the NSW lower courts, but all courts allow for multiple charges.

5 A range of sources was consulted for this section. They use such similar arguments that it would be unduly repetitious to cite them in the text. The primary sources were: ABS 1998; Atkinson 1998; Bachman 1992; Blagg 2000; Bolger 1991; Cattalini 1992, Cram et al. 2002; Cunneen 2001a, 2001b; Department of Aboriginal and Torres Strait Islander Policy and Development 2000; Department for Women 1996; Domestic Violence Legal Help 1995; Easteal 2001; Fitzgerald 2001; Gordon, Hallahan & Henry 2002; Greer & Breckenridge 1992; LaRocque 1994; Law 1996; Lloyd & Rogers 1993; Lucashenko 1997; McGillivray & Comaskey 1999; Memmot et al. 2001; Mow 1992; Partnerships Against Domestic Violence 2001; Payne 1992; Thomas 1993; Northern Territory Police Force 1993)

6 Requests for rural and urban incidence rates were made to Tasmanian and Northern Territory police but the data were not supplied. The Australian Capital Territory is not included because it is largely urbanised.

7 Statistical Divisions are spatial units used by the ABS that are defined on the basis of socioeconomic criteria.

8 While this literature review takes a generalised approach to sexual violence in rural families, it is not the intention to reproduce stereotypes that denigrate farming families. Rural families are not unique in adhering to traditional values and the diversity of family forms in contemporary Western culture also extends to rural areas. However, traditional family ideologies continue to deny equality to rural women in a variety of domains (see Scott & VanDine 1995).

9 A search of Halsbury's Laws of Australia found no reference to sexual misconduct in relation to prisons.

10 Nunn v. Michigan Department of Corrections, Civil Action No. 96-CV-71416-DT, United States District Court for the Eastern District of Michigan.

11 Butterworths, Halsbury's Laws of Australia, "Prisons", vol. 21, no. 2. See also WA Department of Justice 2002a.

12 The Australian Institute of Health and Welfare was approached with the aim of obtaining data on sexual assault victims seeking medical assistance at emergency departments (EDs). This line of enquiry was not followed pursuant to advice from Professor James Harrison of the National Injury Surveillance Unit that "ED data collection is very patchy, and there isn't a useful capability to report at national level" (email communication, 05/08/02).