

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

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## **Study Aims:**

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

# Sexual assault and the legal system

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

# Methods

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

- Results from 9 qualitative, in-depth interviews with survivors who have attended court in the past 2 years
- Four focus groups and two interviews with key service providers involved in the legal system, including police, witness assistants, sexual assault counsellors and a non-government legal support service

# Methods

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

# Offenders

*“His most consistent feature is his apparent normality. How much more comforting it would be if the perpetrator were easily recognisable, obviously deviant and disturbed. His demeanor provides an excellent camouflage, for few people believe that extraordinary crimes can be committed by men of such conventional appearance.”* (Herman, 1992)

# Interview questions

Interview questions enquired about participants’:

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

# Thematic analysis

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



# Re-traumatisation

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

- Despite legislative reforms, survivors continue to be re-traumatised by the legal process (Fergus and Keel, 2005; Maier 2008; Parkinson, 2006)
- Similarities between rape and rape prosecution: Survivors experience a loss of control over what happens to them, and survivors’ well-being is of little concern to those who control the situation (Jordan, 2004; Larcombe, 2005; Konradi, 2007)

# Re-traumatisation contd.

- Each of the 9 participants described being re-traumatised by the legal system
- Participants described the constituent parts of re-traumatisation as feeling powerless, losing control, becoming extremely distressed by the legal process and feeling blamed for the violence they had suffered
- Several participants described the legal process as having been as painful as the violence itself

# Women's stories

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

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

# Women's stories

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

# Delays

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

# Women's stories

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

# Cross-examination

- The research has described cross-examination as being one of the most difficult aspects of the legal process (Cowdery, 2003; Lievore, 2007)
- Each participant who attended court nominated cross-examination as having been extremely traumatic

# Women's stories

*“It’s a silent crime because it’s about the most intimate part of someone. It is so personal and private and you are cross-examined in front of a whole audience of men about it. And in court, every person in my case was a man, and it was a man that made me be there. And the defense barrister went on and on, grilling me, humiliating me. My uncle did this terrible thing to me and now I had to prove it. And the defense made out that I was a liar. I felt so dirty! And in court I was bullied into not being allowed to mention certain things that did happen to me and that did reflect on his character and did hurt me and still do.”* **Claudia**



# Women's stories

*“In cross-examination, I could not believe how rude the defense was. He told me I was flirting with my boss, that I wanted to have sex with him, but I said: No way! I am a Christian lady, and I love my husband! The defense asked me the same questions for two days, over and over. He tried to trick me. I was very scared. The questions made me feel really ashamed, and they were all about my body. My ears got very hot. I went to cry in the toilet. I went there to pray for courage. I had chest pains and thought I might have to go to the hospital. I was raped by my boss and now I was abused and blamed in court.”* **Zelda**

# Resilience and inner strength

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

The following protective factors assisted participants during the legal process:

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

# Women's stories

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

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

# Individual coping strategies

Participants described their individual coping strategies:

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

# Women's Stories

*“One of the things that helps me and that counselling has helped me with is that basically, I’ve come to accept that the abuse has happened... I’m lucky that I’m alive and breathing and I can use my arms and legs. Reminding myself of these things helps me cope with the past and put it where it belongs, in the past. Accepting it has helped me start to build a good life. As my counsellor said to me: Living well is the best revenge!”* **Tina**

*“I’ve got my anger, which is a very good motivator and I try to turn it into a positive. It allows me to help others in my work as a GP. Many of my patients are victims of crime. They experience injustice on a daily basis. Anger at injustice and human suffering has kept me motivated and makes me want to come to work and help others.”* **Susan**

# Participant altruism

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

# Women's stories

*“Victims need information before they go to court and I want to be part of giving relevant information and support. I want others to have access to information they can actually understand. In their own language! The language of court is so intimidating!”* **Michelle**

*“...because of what happened to me when I was a kid, I want to be able to make a difference in vulnerable kids' lives. That's why I became a teacher, so I could be a safe adult in children's lives.”* **Trudy**

# Women's stories

*“I decided to tell the police because I did not want this to happen to another woman, especially a young girl. I thought: Who will be next? I must stop this from happening to someone else. That was my job, to stop it from happening again. I also pray that the rapist learnt a lesson, that he can change while he is in jail. He is human too.”* **Zelda**



# Drawing from women's stories

- This presentation documented the number of ways participants dealt with the legal system
- Outlining risk- and systemic factors that caused psychological detriment
- Identifying women's resilience and inner strengths, which assisted them during the legal journey
- Currently incorporating results of focus groups with service providers. Early findings indicate that service providers' concerns mirror the difficulties survivors experienced

# Intervention

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

# Intervention

Group intervention includes:

- Advice on self-care during the legal journey
- Emotion regulation and stress reduction strategies
- Practice materials for self-advocacy and cross examination
- Relevant, practical advice from women who have survived the journey, including guest visits from survivors who have navigated the legal system
- Combines existing court preparation with new information from this study

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

# Heartfelt thanks

- To the courageous women who participated in this research, thus assisting their sister survivors
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